



## TOWN OF DURHAM

8 Newmarket Road  
Durham, NH 03824  
Tel: 603-868-5571  
Fax: 603-868-1858  
[www.ci.durham.nh.us](http://www.ci.durham.nh.us)

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

## **AGENDA**

### DURHAM TOWN COUNCIL

MONDAY, JUNE 26, 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 Councilors to participate remotely when a quorum is present in the Council Chambers
- III. Roll Call of Members. Those members participating remotely state why it is not reasonably practical for them to attend the meeting in-person
- IV. Approval of Agenda
- V. Special Announcements - None
- VI. Public Comments (\*) - **Please state your name and address before speaking**
- VII. Report from the UNH Student Senate External Affairs Chair or Designee
- VIII. **Unanimous Consent Agenda** (*Requires unanimous approval. Individual items may be removed by any councilor for separate discussion and vote*)
  - A. Shall the Town Council Adopt Resolution #2023-18 Rescinding the General Assistance (Welfare) Regulations, which were adopted on February 2, 2003 and adopting new General Assistance Guidelines Effective July 1, 2023?
  - B. Shall the Town Council, Upon Recommendation of the Administrator:
    1. Authorize the transfer of \$7,436.67 from revenues and expenditures of the listed Capital Equipment accounts to the 2023 Sidewalk Plow Tractor Replacement Account 07-2325-801?

2. Authorize the Purchase of a New 2023 Model SW50 Prinoth Sidewalk Tractor with Power-Angle Straight Blade Plow, Material Spreader, and Snowblower Attachments from Chadwick-BaRoss, Inc. of Concord, New Hampshire in the Amount of \$202,731 From Account 07-2325-801 and Account 01-4312-825-55-000?

**IX. Committee Appointments – None**

**X. Presentation Items**

- A. Receive report on the Historic District/Heritage Commission activities and projects – Larry Brickner-Wood, Chair
- B. Receive report on Agricultural Commission activities and projects – Theresa Walker, Chair
- C. Presentation from representatives of Vanasse Hangen Brustlin, Inc. on the Mill Pond Dam Removal Project Update.

**XI. Unfinished Business**

- A. **Public Hearing and Action on Resolution #2023-15** Authorizing the Acceptance and Expenditure of a 2023 Watershed Assistance Grant In the Amount of \$150,000 From the New Hampshire Department of Environmental Services for the Mill pond Dam Removal Project and Authorizing the Administrator to Sign and Submit Grant Paperwork on Behalf of the Town of Durham.
- B. **Public Hearing and Action on Ordinance #2023-05** Amending Chapter 153 “Vehicles and Traffic,” Section 153-38 of the Durham Town Code prohibiting turns at the intersections of Bagdad Road at Dennison Road and Dennison Road at Garrison Avenue Extension.
- C. **Public Hearing and Action on Ordinance #2023-06** Amending Chapter 153 “Vehicles and Traffic,” Section 153-43 of the Durham Town Code creating a stop intersection at Dennison Road/Bagdad Road and Garrison Avenue Extension/ Dennison Road.

**XII. Approval of Minutes – June 5, 2023**

**XIII. Councilor and Town Administrator Roundtable**

**XIV. New Business**

**XV. Nonpublic Session (if required)**

**XVI. Extended Councilor and Town Administrator Roundtable (if required)**

**XVII. Adjourn (NLT 10:30 PM)**

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



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**AGENDA ITEM: #8A TS**  
**DATE: June 26, 2023**

### COUNCIL COMMUNICATION

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

**AGENDA ITEM:** **SHALL THE TOWN COUNCIL ADOPT RESOLUTION #2023-18 RESCINDING THE GENERAL ASSISTANCE (WELFARE) REGULATIONS, WHICH WERE ADOPTED ON FEBRUARY 2, 2003 AND ADOPTING NEW GENERAL ASSISTANCE GUIDELINES EFFECTIVE JULY 1, 2023?**

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

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

**AGENDA DESCRIPTION:**

NH RSA 165:1 II states the following:

“The local governing body, as defined by RSA 672:6, of every town and city in the state shall adopt written guidelines relative to general assistance. The guidelines shall include, but not be limited to, the following:

- (a) The process for application for general assistance.
- (b) The criteria for determining eligibility.
- (c) The process for appealing a decision relative to the granting of general assistance.
- (d) The process for the application of rents under RSA 165:4-b, if the municipality uses the offset provisions of RSA 165:4-a.
- (e) A statement that qualified state assistance reductions under RSA 167:82, VIII may be deemed as income, if the local governing body has permitted

the welfare administrator to treat a qualified state assistance reduction as deemed income under RSA 165:1-e. “

The current regulations were adopted by the Town Council on February 3, 2003. In 2021 the New Hampshire Municipal Association and the New Hampshire Local Welfare Administrators Association worked in partnership to develop and update a set of model welfare guidelines that municipalities can use to meet the statutory requirement to have written guidelines for local welfare programs.

I have reviewed the new model guidelines with our 2003 regulations and found there were some changes that could be made. These changes include:

- Changing “regulations” to guidelines” to be consistent with terminology used in the RSA.
- Adding additional definitions.
- Replacing he/she with they/their.
- Clarifying some items such as the Retention of Case Records, Notice of Decisions, Home Visits.
- Adding assistance information for non-citizens.
- Expanding on employment requirements.
- Updating Burials and Cremations assistance.

The application for assistance has been updated as well and now includes the Basic Needs Policy, an updated list of required verifications, and Notice of Rights.

In preparing the revised regulations, I also reviewed RSA 165 to confirm everything required by law was covered.

**LEGAL AUTHORITY:**

NH RSA 165:1 II states that, “The local governing body, as defined in RSA 672:6, of every town and city in the state shall adopt written guidelines relative to general assistance.”

**LEGAL OPINION:**

N/A

**FINANCIAL DETAILS:**

Below is a summary of the number of individuals/families assisted and the total amount expended since 2012.

YEAR	INDIVIDUALS/ FAMILIES ASSISTED	TOTAL EXPENDED
2012	6	\$ 25,900
2013	7	\$ 14,600
2014	7	\$ 36,900
2015	8	\$ 32,500
2016	7	\$ 27,700
2017	3	\$ 20,500
2018	5	\$ 28,300
2019	6	\$ 14,800
2020	9	\$ 27,200
2021	7	\$ 42,800
2022	12	\$ 67,900
2023*	9	\$ 31,900

\*Through May 31, 2023.

**SUGGESTED ACTION OR RECOMMENDATIONS:**

**MOTION:**

*The Durham Town Council hereby adopts Resolution #2023-18 rescinding the current General Assistance Regulations, which were adopted on February 3, 2003, and adopting new General Assistance Regulations for the Town of Durham effective July 1, 2023.*

# **RESOLUTION #2023-18 OF DURHAM, NEW HAMPSHIRE**

## **RESCINDING RESOLUTION 2003-04 ADOPTING THE CURRENT GENERAL ASSISTANCE (WELFARE) REGULATIONS AND ADOPTING NEW GUIDELINES FOR GENERAL ASSISTANCE EFFECTIVE JULY 1, 2023**

**WHEREAS**, the Town of Durham last adopted Regulations for General Assistance in 2003 per Resolution 2003-04; and,

**WHEREAS**, the Town Council recognizes that the laws of the State of New Hampshire have changed since the last Regulations were adopted and believes that new Guidelines are needed to reflect these changes; and,

**WHEREAS**, NH RSA 165:1 II stipulates that the governing body of every city and town has the responsibility to adopt Guidelines for General Assistance.

**NOW, THEREFORE, BE IT RESOLVED**, that the Durham Town Council, the governing body of the Town of Durham, New Hampshire hereby adopts new Guidelines for General Assistance for the Town of Durham effective July 1, 2023, superseding the previous Regulations adopted March 3, 2003 by the Durham Town Council.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_ 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  
Welfare Office  
8 Newmarket Road  
Durham, NH 03824  
Tel: 603-868-8043  
Fax: 603-868-1858**

## APPLICATION FOR ASSISTANCE

DATE OF APPLICATION: \_\_\_\_\_

ASSISTANCE BEING REQUESTED: \_\_\_\_\_

REASONS FOR REQUEST: \_\_\_\_\_

HAVE YOU EVER APPLIED FOR ASSISTANCE FROM DURHAM BEFORE?  Yes  No

IF SO, WHEN: \_\_\_\_\_ UNDER WHAT NAME: \_\_\_\_\_

### 1. GENERAL INFORMATION

APPLICANT NAME: \_\_\_\_\_ DATE OF BIRTH: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

HOW LONG AT THIS ADDRESS? \_\_\_\_\_ DO YOU OWN OR RENT? \_\_\_\_\_

CELL PHONE: \_\_\_\_\_ E-MAIL ADDRESS \_\_\_\_\_

MARITAL STATUS: \_\_\_\_\_ SSN: \_\_\_\_\_

EDUCATION:  High School  Less than High School  GED  Some College  
 2 Year Associate  4 Year Bachelor  Graduate Studies

CURRENT EMPLOYMENT:  Full Time  Part-Time  Self Employed  Unemployed

CURRENTLY SERVING IN THE US MILITARY:  YES  NO U.S. VETERAN:  YES  NO

SPOUSE/CO-APPLICANT'S NAME: \_\_\_\_\_ DATE OF BIRTH: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

CELL PHONE: \_\_\_\_\_ E-MAIL ADDRESS \_\_\_\_\_

MARITAL STATUS: \_\_\_\_\_ SSN: \_\_\_\_\_

EDUCATION:  High School  Less than High School  GED  Some College  
 2 Year Associate  4 Year Bachelor  Graduate Studies

CURRENT EMPLOYMENT:  Full Time  Part-Time  Self Employed  Unemployed

CURRENTLY SERVING IN THE US MILITARY:  YES  NO U.S. VETERAN:  YES  NO

**OTHER HOUSEHOLD MEMBERS: LIST ALL PERSONS LIVING IN YOUR HOUSEHOLD:**

NAME	RELATIONSHIP TO APPLICANT	AGE	SOCIAL SECURITY NUMBER	NAME OF CHILD'S SCHOOL	GRADE
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

**2. EMPLOYMENT HISTORY**

Are you or anyone in the household serving in the National Guard or Reserves?  Yes  No

Name(s): \_\_\_\_\_ Date of last National Guard or Reserves pay: \_\_\_\_\_ Amount: \_\_\_\_\_

**APPLICANT**

Employer: \_\_\_\_\_ Position: \_\_\_\_\_

Date you started work: \_\_\_\_\_ Date and Amount of Last Paycheck: \_\_\_\_\_

Pay Period Frequency:  Daily  Weekly  Bi-Weekly  Monthly  Quarterly

If you are currently unemployed, state reason: \_\_\_\_\_

Former Employer: \_\_\_\_\_ Position \_\_\_\_\_

Date last worked: \_\_\_\_\_ Date and Amount of Last Paycheck: \_\_\_\_\_

Are you able to work now:  Yes  No If NO, why not: \_\_\_\_\_

List two most recent jobs before current:

Employer	Pay	Employment Dates	Reason for Leaving
_____	_____	_____	_____
_____	_____	_____	_____

**SPOUSE/CO-APPLICANT**

Employer: \_\_\_\_\_ Position: \_\_\_\_\_

Date you started work: \_\_\_\_\_ Date and Amount of Last Paycheck: \_\_\_\_\_

Pay Period Frequency:  Daily  Weekly  Bi-Weekly  Monthly  Quarterly

If you are currently unemployed, state reason: \_\_\_\_\_

Former Employer: \_\_\_\_\_ Position \_\_\_\_\_

Date last worked: \_\_\_\_\_ Date and Amount of Last Paycheck: \_\_\_\_\_

Are you able to work now:  Yes  No If NO, why not: \_\_\_\_\_

List two most recent jobs before current:

Employer	Pay	Employment Dates	Reason for Leaving
_____	_____	_____	_____
_____	_____	_____	_____

**WORK HISTORY FOR OTHER HOUSEHOLD MEMBERS OVER 18:**

Household Member's Name	Employer	Weekly Wage & Last Date Paid	Dates of Employment	Reason for Leaving
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

**3. HOUSING INFORMATION**

Amount of Rent: \_\_\_\_\_  Monthly  Weekly Date Last Paid: \_\_\_\_\_ Date Due: \_\_\_\_\_

Currently Have:  Demand for Rent/Notice to Quit  Eviction Notice

Total Rent Owed: \_\_\_\_\_

Do you have a housing subsidy?  Yes  No If YES, how much: \_\_\_\_\_

Utilities Included:  Heat  Electric  Gas  Water/Sewer  Other: \_\_\_\_\_

Landlord Name: \_\_\_\_\_ Telephone: \_\_\_\_\_

Landlord Address: \_\_\_\_\_

Landlord E-Mail \_\_\_\_\_

IF Homeowner, List:

Mortgage Payment: \_\_\_\_\_ Date Last Paid: \_\_\_\_\_ Date Due: \_\_\_\_\_

Bank/Mortgage Company: \_\_\_\_\_ Telephone: \_\_\_\_\_

Address: \_\_\_\_\_

Do you have a foreclosure notice?  Yes  No

List ALL addresses where you have lived for the past two years:

STREET	TOWN	STATE	FROM	TO
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

**4. HOUSEHOLD ASSETS**

Provide information on ALL personal and/or business accounts owned singly or jointly.

HOUSEHOLD MEMBER	BANK OR CREDIT UNION	SAVINGS ACCOUNT #	BALANCE	CHECKING ACCOUNT #	BALANCE
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

**Do you or any other household member have any of the following? If so, write current value; if not, write N/A.**

ASSET	VALUE	HOUSEHOLD MEMBER
Cash on hand (household combined)	_____	_____
Certificate of Deposits	_____	_____
Retirement	_____	_____
401K	_____	_____
Life Insurance (Cash Value)	_____	_____
Investments	_____	_____
Motorcycles/Boats/Snowmobiles/ATV/RV/Dirt Bikes	_____	_____
Real Estate	_____	_____
Location of Real Estate _____		

**Motor Vehicles owned by you and all household members:**

Owner	Year	Make/Model	Current Value	Payment	Insurance
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

**5. CLAIMS/SETTLEMENTS/INCOME DUE TO YOU OR ANY HOUSEHOLD MEMBER**

Income Tax Refund: Member: \_\_\_\_\_ Amount: \_\_\_\_\_ Date Anticipated \_\_\_\_\_

Insurance Claim: Member: \_\_\_\_\_ Amount: \_\_\_\_\_ Date Anticipated \_\_\_\_\_

Retroactive Disability Check: Member: \_\_\_\_\_ Amount: \_\_\_\_\_ Date Anticipated \_\_\_\_\_

Retroactive Unemployment: Member: \_\_\_\_\_ Amount: \_\_\_\_\_ Date Anticipated \_\_\_\_\_

Retroactive Worker's Comp: Member: \_\_\_\_\_ Amount: \_\_\_\_\_ Date Anticipated \_\_\_\_\_

Retroactive Child Support: Member: \_\_\_\_\_ Amount: \_\_\_\_\_ Date Anticipated \_\_\_\_\_

Inheritance: Member: \_\_\_\_\_ Amount: \_\_\_\_\_ Date Anticipated \_\_\_\_\_

Other Lump Sum payment: Member: \_\_\_\_\_ Amount: \_\_\_\_\_ Date Anticipated \_\_\_\_\_

Explanation: \_\_\_\_\_

Do you currently have an attorney pursuing any civil suit, workers compensation claim, a social security denial, etc.?

Yes  No If YES, complete the following and briefly explain the details of the situation:

Attorney Name: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Address: \_\_\_\_\_

Details: \_\_\_\_\_

**6. HOUSEHOLD INCOME/BENEFITS**

Indicate any income or benefits received or applied for by you or any household member:

INCOME	HOUSEHOLD MEMBER'S NAME	DATE APPLIED	DATE LAST RECEIVED	MONTHLY AMOUNT
ANB (Aid to the Needy Blind)	_____	_____	_____	_____
APTD (Aid to Perm/Totally Disabled)	_____	_____	_____	_____
Child Support	_____	_____	_____	_____
Charities/Churches	_____	_____	_____	_____
Disability —(STDA/LTDA – work)	_____	_____	_____	_____
Gifts/Loans	_____	_____	_____	_____
Help from friends or relatives	_____	_____	_____	_____
Maternity Pay/Benefits	_____	_____	_____	_____
OAA (Old Age Assistance)	_____	_____	_____	_____
Retirement Benefit	_____	_____	_____	_____
Severance pay	_____	_____	_____	_____
Social Security (Retirement)	_____	_____	_____	_____
SSDI (Social Security Disability)	_____	_____	_____	_____
SSI (Supplemental Security)	_____	_____	_____	_____
TANF (Family Assistance Program)	_____	_____	_____	_____
Unemployment	_____	_____	_____	_____
Veteran's Pension	_____	_____	_____	_____
Worker's Compensation	_____	_____	_____	_____
Other: _____	_____	_____	_____	_____
Other: _____	_____	_____	_____	_____



**7. HOUSEHOLD EXPENSES**

List actual or estimated regular expenses. (Not all expenses are allowable to be included in your eligibility determination, but all should be listed to show your financial situation.)

Expense	Monthly Expense	Date Last Paid	Past Due Balance	Comments
Auto Fuel	_____	_____	_____	_____
Auto Insurance	_____	_____	_____	_____
Auto Loan	_____	_____	_____	_____
Auto Registration	_____	_____	_____	_____
Auto Inspection	_____	_____	_____	_____
Auto Repairs	_____	_____	_____	_____
Bank Fees	_____	_____	_____	_____
Condo Assoc Fee	_____	_____	_____	_____
Child Care	_____	_____	_____	_____
Child Support Paid	_____	_____	_____	_____
Credit Card	_____	_____	_____	_____
Credit Card	_____	_____	_____	_____
Dental Care	_____	_____	_____	_____
Diapers/Wipes	_____	_____	_____	_____
Driver's License	_____	_____	_____	_____
Electric	_____	_____	_____	_____
Food	_____	_____	_____	_____
Legal Fees/Fines	_____	_____	_____	_____
Loan (Used for _____)	_____	_____	_____	_____
Oil Heat	_____	_____	_____	_____
Propane	_____	_____	_____	_____
Natural Gas	_____	_____	_____	_____
Health Insurance	_____	_____	_____	_____
Home Repairs	_____	_____	_____	_____
Home/Renter Insurance	_____	_____	_____	_____

Laundry	_____	_____	_____	_____
Medical Expenses	_____	_____	_____	_____
Mortgage	_____	_____	_____	_____
Prescriptions	_____	_____	_____	_____
Rent	_____	_____	_____	_____
Rent – Option to Own	_____	_____	_____	_____
Storage Unit	_____	_____	_____	_____
Taxes (income/property)	_____	_____	_____	_____
Telephone (Landline/Cell)	_____	_____	_____	_____
Telephone (Cable/Internet)	_____	_____	_____	_____
Transportation (bus/UBER)	_____	_____	_____	_____
Water/Sewer Bill	_____	_____	_____	_____
Other: _____	_____	_____	_____	_____
Other: _____	_____	_____	_____	_____
Other: _____	_____	_____	_____	_____
Other: _____	_____	_____	_____	_____
Other: _____	_____	_____	_____	_____

Do you or any household members currently have an EXTENDED PAYMENT ARRANGEMENT with an electric or fuel company?  Yes  No      If YES, complete the following:

Utility Company Name	Amount			
_____	_____	<input type="checkbox"/> Weekly	<input type="checkbox"/> Bi-weekly	<input type="checkbox"/> Monthly
_____	_____	<input type="checkbox"/> Weekly	<input type="checkbox"/> Bi-weekly	<input type="checkbox"/> Monthly
_____	_____	<input type="checkbox"/> Weekly	<input type="checkbox"/> Bi-weekly	<input type="checkbox"/> Monthly
_____	_____	<input type="checkbox"/> Weekly	<input type="checkbox"/> Bi-weekly	<input type="checkbox"/> Monthly
_____	_____	<input type="checkbox"/> Weekly	<input type="checkbox"/> Bi-weekly	<input type="checkbox"/> Monthly

**8. CRIMINAL INFORMATION** (This information is used to assist with referrals, including housing and other programs)

Have you or any member of your household ever been convicted of a felony or misdemeanor which has not been annulled?

Yes  No If YES, complete the following:

Name	Date	Town/City/State	Detail of Conviction
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Are you or any other household member presently on parole or probation?

Yes  No If YES, complete the following:

Name	Court	Parole/Probation Officer's Name & Phone Number
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

**9. LIABILITY FOR SUPPORT INFORMATION**

Parents/Stepparents, spouse or grown children may be called upon to assist in time of need. Provide the following:

**APPLICANT**

	Name	Address	Phone Number
Father	_____	_____	_____
Step-Father	_____	_____	_____
Mother	_____	_____	_____
Step-Mother	_____	_____	_____

**CO-APPLICANT**

	Name	Address	Phone Number
Father	_____	_____	_____
Step-Father	_____	_____	_____
Mother	_____	_____	_____
Step-Mother	_____	_____	_____

**ADULT CHILDREN (not living with you)**

	Name	Address	Phone Number
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____

## **READ CAREFULLY BEFORE SIGNING**

### **CERTIFICATION AND ACKNOWLEDGEMENT OF RIGHTS AND RESPONSIBILITIES**

- I/We understand that if I/we receive assistance from the municipality, I/we may be required to participate in the welfare work (“Workfare”) program (RSA 165:31).
- I/We understand that I/we may be required to repay any assistance provided, after deduction of the value of workfare hours I/we have completed, if I/we am returned to an income status which enables me to reimburse without financial hardship (RSA 165:20-b).
- I/we understand that if I am assisted, the municipality may place a lien against any real property which I own (RSA 165:28).
- I/We hereby certify that if I have a lawsuit, worker’s compensation claim, or aid from any other social service agency now pending, I/we have listed these in this application. I/We further agree to notify the Welfare Official immediately upon receipt of any money from or upon the settlement of such claim. I/we understand that if I/we am/are assisted, the municipality may place a lien against any property settlement or civil judgment for personal injuries which I/we receive within six years of receiving municipal assistance (RSA 165:28a).
- I/We understand that if I/we obtain a job after I/we are assisted by the municipality, and I/we later quit the job without good cause, I/we may be ineligible for local assistance from the municipality and any other New Hampshire municipality for a period of up to ninety days (RSA 165:1-e).
- I/We understand that if I/we are a recipient of Temporary Assistance for Needy Families (TANF) cash benefits and I/we fail to comply with TANF regulations, leading to a sanction and loss of income, the municipality may, under certain circumstances, disregard this decrease in my/our income (RSA 165:1-e).
- I/we understand that my parents/stepparents, spouse or grown children may be called upon to assist me/us when in need of relief if they can do so without financial hardship to themselves (RSA 165:19).
- I/We hereby certify that the information provided on this application is true and complete to the best of my/our knowledge and belief and provides a true summary of my/our income, assets, and needs. All information I/we have provided in response to questions asked by the Welfare Official is also true and complete to the best of my/our knowledge and belief.
- I/We understand I/we may have to provide documents and/or other forms to verify the information requested on this application for assistance. Any change in my/our status must be reported to the Welfare Official within 3 business days and failure to do so may result in termination of assistance.

- I/We understand that the Welfare Official may have to refer me/us, if I/we require emergency assistance, to agencies or resources who have agreed to provide emergency, temporary assistance which will meet my/our needs until an appointment can be arranged.
- I/We understand the requirement that I/we must also apply for or take advantage of other resources, which could reduce the need for or eliminate General Assistance from the Town of Durham.
- I/we understand that investigations will be conducted in order to further substantiate facts and statements as presented by me/us and that such investigation may take place prior to, during and subsequent to my/our receipt of General Assistance. I/we also understand that a Welfare Official may make home visits to verify information at his/her discretion and in the least intrusive manner.
- I/We understand that the Welfare Official may refer me/us to a shelter if I/we are currently without housing and/or income. I/we understand that I/we may need to relocate to more affordable housing based on the my/our anticipated income if deemed necessary by the Welfare Officer. Every effort will be made to maintain me/us in my/our own housing unless it is clear that to do so would probably require a continuing subsidy from the Town.
- I/We also understand I/we have a right to review the Regulations for General Assistance, and the responsibilities as set forth in the Regulations. I/We further understand that the Regulations for General Assistance for Durham provide for emergency assistance for those who lack adequate resources. The determination of need is based on whether my/our allowable expenses exceed my/our available assets and income.
- I/We also understand the requirement to keep appointments to receive assistance and that failure to keep appointments, with or without verifiable good cause could result in a delay in receiving assistance or loss thereof. Loss of assistance can occur when the applicant fails to make contact with the Welfare Official for more than one week without verifiable good cause after having been requested to do so.
- I/We understand that if I/we knowingly give false information or withhold information related to my/our receipt of assistance, now or in the future, said actions may be grounds for suspension or termination of benefits, and may result in court action for recovery of benefits and I/we may be prosecuted for a crime of Unsworn Falsification (RSA 641:3) and/or Theft by Deception (RSA 637).
- I/We understand that if I/we am/are dissatisfied with any action taken on this application, such as denial of benefits or level of benefits provided I have the right to request a fair hearing. Should I/we desire a fair hearing, I/we understand that I/we must request the hearing in writing to the Welfare Official within five (5) business days.

I/We certify I/we have read and understand the Certification and Acknowledgement of rights and responsibilities.

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Co-Applicant Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

Name of person completing form (if not the applicant):

\_\_\_\_\_ (Print Name)

\_\_\_\_\_  
Signature of Person Completing Form

\_\_\_\_\_  
Date

**ATTACHMENT A**

**APPLICANT'S AUTHORIZATION TO RELEASE OR EXCHANGE INFORMATION\***

APPLICANT NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ SS#: \_\_\_\_\_

I hereby request the release by any relative, physician, attorney, banker, employer, insurance company, landlord/shelter staff, mental health professional, school official or any other person(s) or organization(s) having information concerning my circumstances to furnish such information to the Town of Durham's Welfare Office. I also authorize the Internal Revenue Service, Social Security Administration, any State or County Division of Health and Human Services, Division of Children Youth and Families, Division of Adult and Elderly, NH Legal Assistance, any City/Town Welfare Department, shelter, Department of Employment Security, Veteran's Administration and Fuel Assistance, or any non-profit agency to release information from their files to the Town of Durham's Welfare Office.

I further authorize the Town of Durham's Welfare Office to release information as necessary to any State or County Division of Health and Human Services, Division of Children, Youth and Family Services, Social Security Administration, Internal Revenue Service, school administration, physician, Fuel Assistance, mental health professional, Division of Adult and Elderly Services, NH Legal Assistance, any City/Town Welfare Department, shelter, Salvation Army or food pantries or other person, organization or agency in the course of administering General Assistance in accordance with the Town of Durham's Regulations for General Assistance and any other Municipal, State or Federal Laws pertaining to Welfare Administration.

\_\_\_\_\_  
APPLICANT SIGNATURE

\_\_\_\_\_  
DATE

*\*A photocopy of this signed authorization may be used in place of an original, to release or receive information is in effect for as long as the applicant is currently seeking assistance from the Town of Durham Welfare Office or up to six (6) months after assistance has ended.*

**CO-APPLICANT'S AUTHORIZATION TO RELEASE OR EXCHANGE INFORMATION\***

CO-APPLICANT NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ SS#: \_\_\_\_\_

I hereby request the release by any relative, physician, attorney, banker, employer, insurance company, landlord/shelter staff, mental health professional, school official or any other person(s) or organization(s) having information concerning my circumstances to furnish such information to the Town of Durham's Welfare Office. I also authorize the Internal Revenue Service, Social Security Administration, any State or County Division of Health and Human Services, Division of Children Youth and Families, Division of Adult and Elderly, NH Legal Assistance, any City/Town Welfare Department, shelter, Department of Employment Security, Veteran's Administration and Fuel Assistance, or any non-profit agency to release information from their files to the Town of Durham's Welfare Office.

I further authorize the Town of Durham's Welfare Office to release information as necessary to any State or County Division of Health and Human Services, Division of Children, Youth and Family Services, Social Security Administration, Internal Revenue Service, school administration, physician, Fuel Assistance, mental health professional, Division of Adult and Elderly Services, NH Legal Assistance, any City/Town Welfare Department, shelter, Salvation Army or food pantries or other person, organization or agency in the course of administering General Assistance in accordance with the Town of Durham's Regulations for General Assistance and any other Municipal, State or Federal Laws pertaining to Welfare Administration.

\_\_\_\_\_  
CO-APPLICANT SIGNATURE

\_\_\_\_\_  
DATE

*\*A photocopy of this signed authorization may be used in place of an original, to release or receive information is in effect for as long as the applicant is currently seeking assistance from the Town of Durham Welfare Office or up to six (6) months after assistance has ended.*

## ATTACHMENT B

### DURHAM GENERAL ASSISTANCE BASIC NEEDS POLICY

**Applicant Name:** \_\_\_\_\_ **Date:** \_\_\_\_\_

Per Durham's Welfare Regulations, it is the applicant/recipient's responsibility to utilize any available benefits or resources to reduce the need for Municipal General Assistance. The Welfare Department will direct the applicant/recipient to apply for all other resources and will require the applicant/recipient to use current resources to meet basic needs in order to reduce the need for Municipal General Assistance.

**Under continuing Municipal General Assistance or in applying in the future, you will be required to use your earned or unearned resources for allowable basic need expenses only. ALLOWABLE EXPENSES are:**

Rent/Mortgage	Diapers/Wipes
Food	Electric/Heating Bills
Non-food hygiene products	Prescriptions

**These costs are allowed for certain conditions:**

Public Transportation/car payment and gasoline for work, medical or assistance program appointments.  
Telephone and internet basic service to find or keep employment.

**The following are examples of UNALLOWABLE expenses in determining eligibility:**

Telephone beyond basic service	Student Loan Payments
Credit Card Payments	Repayment of personal loans
Loan Payments	Restaurant/Fast Food
Cable Service	Tobacco/Alcohol Products

*As a Condition of Assistance, you will be required to first use all available resources, as directed, to meet your basic needs. Unaltered, dated receipts for these expenses may be required. Should you choose to use your resources for other than basic expense needs as outlined above and/or in your written decision from the Welfare Department, those amounts will be considered available to you and your assistance will be reduced accordingly and a sanction or denial may be issued.*

I/We have read and understand the Basic Needs Policy.

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Co-Applicant Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

## ATTACHMENT C

### DURHAM GENERAL ASSISTANCE REQUIRED VERIFICATIONS

**Applicant Name:** \_\_\_\_\_ **Date:** \_\_\_\_\_

You must provide the following verification/documentation when submitting an application. An application will not be reviewed until all information is received.

- \_\_\_\_\_ Completed Application for Assistance
- \_\_\_\_\_ Copy of Written Lease Agreement
- \_\_\_\_\_ Last four weeks of paystubs or other proof of net wages for ALL adult members of the household
- \_\_\_\_\_ Last two months of savings/checking account, bank/debit card account statement and/or printout
- \_\_\_\_\_ Copies of bills paid or currently due (cable, phone, electricity, etc.) and any utility disconnect notices
- \_\_\_\_\_ Picture ID for all adults in household
- \_\_\_\_\_ Birth Certificates or SS Card for all minors in household
- \_\_\_\_\_ Verification you have applied for/are receiving Fuel Assistance benefits, *if applicable*
- \_\_\_\_\_ Verification you have applied for/are receiving SNAP (food stamps), *if applicable*
- \_\_\_\_\_ Verification of injury or illness if you are unable to work, *if applicable*
- \_\_\_\_\_ Verification you have applied for/are receiving unemployment benefits, *if applicable*

*I/We understand that failure to provide the indicated information may result in delay and/or denial of my request for assistance and understand that if approved for assistance I/we may be required to do a job search and participate in workfare.*

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Co-Applicant Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

## **ATTACHMENT D**

### **NOTICE OF RIGHTS OF ANYONE RECEIVING ASSISTANCE FROM THE TOWN OF DURHAM, NH**

You have the following rights:

1. You have a right to make a written application for assistance, even if the welfare officer tells you that you are not eligible.
2. You have a right to receive a prompt written decision telling you whether or not you will receive assistance each time you apply for assistance.
3. You have a right to have in writing the reason why you have been denied assistance or have been given only some of the assistance you requested.
4. You have a right to appeal any decision you do not agree with. You must appeal within five (5) working days after you receive your decision.
5. You have a right to have a hearing to present your case.
6. You have a right to have your assistance continued if you are already receiving assistance when you request a fair hearing.
7. You have a right to review the information in your file before your hearing.
8. You have a right to see the regulations used by the welfare officer in making decisions on your application.
9. You have a right to be given a written notice of conditions before you are suspended from receiving assistance for failing to obey the guidelines.
10. You have a right to refuse to participate in municipal workfare program if you must care for a child under the age of six (6) and there is no responsible person available to provide care, if you are disabled or ill, or if you must take care of a member of your family who is disabled or ill.

**ATTACHMENT E**

**FAIR HEARING REQUEST**

You have the right to request a Fair Hearing within five (5) business days of receipt of the Notice of Decision of denial or suspension of benefits, or a decision which you do not believe is consistent with the Municipal Welfare Regulations or State Laws. To review this decision the Fair Hearing will be conducted by an impartial hearings officer. You will have an opportunity to review the content of your welfare file prior to your hearing and present your case to the hearing officer, who will render a decision within seven (7) business days from the hearing.

I/We, \_\_\_\_\_ hereby request a Fair Hearing to review the decision dated \_\_\_\_\_ regarding my/our application for general assistance.

I/We  want/  do not want my/our current assistance to continue until my hearing has been decided. I understand that if I lose my hearing, I will be obligated to repay the assistance provided to me during the time the appeal is being decided.

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Co-Applicant Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

\_\_\_\_\_  
Address of Applicant

\_\_\_\_\_  
Email Address of Applicant

Hearings requested by claimants shall be held within seven (7) calendar days of the receipt of the request. At least forty-eight (48) hours in advance, the Welfare Official shall give written notice in person or via e-mail to the claimant setting forth the time and location of the hearing. If written notice in person or via e-mail is not possible, the Welfare Official shall mail the notice to the claimant's last known address at least seventy-two (72) hours prior to the hearing.

# Town of Durham

## GUIDELINES FOR GENERAL ASSISTANCE

The Town of Durham shall provide emergency assistance to individuals and families who lack adequate resources. The Welfare Office acts to facilitate services by directing those in need of assistance to relief agencies at the county, state and federal levels as well as to non-profit organizations who provide assistance to the needy. We strive to promote self-reliance and independence to all we serve so they may be productive members of this community.

The Town of Durham's Welfare Office is located in the Business Office in Town Hall. The Business Manager is designated as the Welfare Officer by action of the Town Council. ~~He/she is~~ **They are** responsible for carrying out the General Assistance Program for the Town. The Welfare Officer is granted the general power to make all decisions regarding the granting of assistance under NH RSA Chapter 165 and these Regulations, subject to the overall fiscal responsibility vested in the Town Administrator and Town Council.

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Guidelines for General Assistance

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## **I. DEFINITIONS:**

As used in these Guidelines, the following terms have the indicated meaning:

**AGENCY:** Any health, social service or other entity that provides services to a client. Any such entity to which a welfare official may refer a client for additional resources and/or assistance.

**APPLICANT:** A person who expresses a desire to receive General Assistance from the Town of Durham or to have his/her **their** eligibility reviewed and whose application has not been terminated **withdrawn**. This desire may be expressed **either in person or by an authorized representative of the applicant**, ~~directly or through a person having knowledge of his/her circumstances (Moultonborough v. Tuftonborough, 43 N.H. 55 1861)~~

**APPLICATION (RE-APPLICATION):** **Written** action by which a person requests assistance from the Town, or the action by which a person's representative indicates to the Welfare Office that an applicant may be found to be without sufficient assets or resources, and for the time being is unable to support himself/herself **themselves** or to supply immediate needs. The completion of a written application form, supplied by the Welfare Office, triggers the applicant's right to a Notice of Decision as described under [Section VI D 1](#) of these Guidelines.

~~**APPLICATION FORM:** Written confirmation that a person has made a request for general assistance. This application shall be made on a form supplied by the Welfare Office. A Welfare Official may assist in completing the form or if the applicant so chooses, he/she may designate a representative to assist in completing the form.~~

**ARREARAGES:** Past due amounts on bills for basic needs or debts that remain after part of an overdue debt has been paid.

**ASSETS:** All cash, real property, personal property and future interests owned by the applicant; including annuities, insurance awards, expectancies and retroactive government and insurance payments, etc.

**AVAILABLE LIQUID ASSETS:** Amount of liquid assets after exclusions enumerated in [SECTION IX D 1](#). Includes cash on hand,

checking accounts, bank deposits, credit union accounts, stocks, bonds, securities and income tax refunds. IRA (Individual Retirement Account), 401K accounts and insurance policies with a loan value and non-essential personal property shall be considered as available liquid assets when they have been converted into cash.

**BASIC NEEDS:** Basic needs include rent, food (minus Food Stamp allotment), cleaning and hygiene items, utilities, internet service and prescriptions. Credit card payments, rent-to-own furniture, cable services, and repayment of personal loans are examples of non-basic needs.

**BUSINESS DAY:** Monday through Friday excluding all legal holidays as adopted from year to year by the Durham Town Council.

**CASE RECORD:** Official files containing forms, correspondence and narrative records pertaining to the application. The record includes documentation to reflect the determination of eligibility, reasons for decisions and action by the Welfare Official and types of assistance provided. Case records are confidential and not subject to disclosure under NH RSA 91-A. Welfare applications and related records must be retained during the active phase of any application plus seven (7) years.

**CLAIMANT:** A recipient or applicant who has requested, either in person or through an authorized representative, a Fair Hearing under [Section XIV](#) of these Guidelines.

**CLIENT:** A person utilizing the services of a social agency. An individual who receives services from the welfare office. May be a single person or encompass a household.

**COMPLIANCE:** Conformity in fulfilling official requirements.

**ELIGIBILITY:** Determination by the Welfare Official, with the assistance of in accordance with these Guidelines, of a person's inability to support himself/herself, and therefore, the an applicant's need for General Assistance from the Town of Durham under the formula appearing in [Section IX-E](#) of these Guidelines.

**FAIR HEARING:** A hearing, in accordance with the standards in [Section XIV](#), which the applicant may request to contest a denial, termination or reduction of assistance.

**FAMILY UNIT:** Includes the applicant/recipient and persons residing with him/her **them** in the relationship of father, mother, stepfather, stepmother, **parent, stepparent**, son, daughter, husband or wife, **partner** and/or any adult (including an unrelated person) who resides with the applicant/recipient "in loco parentis" (in the role of substitute parent) to a minor child. A person "in loco parentis" is one who intentionally accepts the rights and duties of a natural parent with respect to a child not his/her **their** own and who has lived with the child long enough to form a psychological family. The term "Family Unit" is used to signify those persons financially responsible for one another by law as opposed to a "Household" whose residents share living quarters but are not financially liable for each other unless they request to be treated as such. However, when two unrelated, unmarried adults live together with a child or children and are not married, these Guidelines considers them a "family unit" with the adults also being financially responsible for each other unless they can document exceptional circumstances.

**GENERAL ASSISTANCE:** ~~The term used for local welfare programs administered and funded by each city and town in New Hampshire.~~ **Financial assistance provided to applicants in accordance with RSA 165 and these guidelines.**

**HOUSEHOLD:** The total number of persons (related or unrelated) living together who share in or benefit from shelter/food expenses. The individuals share living quarters but are not financially liable for each other unless they request to be treated as such. Shared expenses, such as rent, utilities, etc., are divided pro rata for the purposes of calculating the applicant's need, based on the total number of persons in the household. However, the total shelter cost shall approximate the shelter guideline amounts for the household size. (For example, three unrelated adults share an apartment, one applies for assistance, rental assistance is determined as one-third of the total shelter cost for three people and the total shelter cost for all three shall approximate the guideline amounts for a household of three.)

**HOUSING:**

- **Emergency Shelter:** A temporary or non-permanent and non-tenancy housing which is a temporary housing provider through which an individual or family may seek emergency housing when no other housing is available.
- **Non-Permanent Non-Tenancy Housing:** Applicant(s) pay for room(s) in Rooming or Boarding House, Hotels, Motels, Inns or

Tourist Home or other dwellings which rent for recreational or vacation use. Room(s) in a single-family home with no lease which is the primary and usual residence of the owner. Other occupancies noted as non-tenancy under RSA 540:1, IV.

- Permanent Tenancy Housing: Applicant(s) rent apartment, home or room or real property for the sole purpose of residential and non-transient purposes. Applicant(s) may or may not have lease or contract.
- Transitional Housing: A non-permanent and non-tenancy housing which is usually provided by an Assistance Program which can require rules or policies to stay in their housing and programs.
- Tenant or Tenancy: Permanent housing where occupants shall be deemed to rent at will or have a contract or lease in which they have protections of eviction as noted in NH RSA Chapter 540.

**LIABILITY FOR SUPPORT:** Those persons deemed by New Hampshire Law to have financial responsibility for anyone applying for General Assistance, for example, adult children for parents, parents for adult children and husbands, wives and partners for each other.

**LIQUID ASSETS:** Cash on hand, checking accounts, bank deposits, credit union accounts, stocks, bonds, securities and income tax refunds. IRA (Individual Retirement Account), 401K accounts and insurance policies with a loan value and non-essential personal property shall be considered as liquid assets when they have been converted into cash.

**MINOR:** A person who has not attained the age of 18 years. ~~Note that a minor's residence is always that of the custodial parent.~~

**NEED:** The basic maintenance and support requirements of a person an applicant, as determined by the Welfare Official under the standards of [Section IX E](#) of these Guidelines.

**NON-RESIDENT:** A person temporarily in Durham while his/her their residence is elsewhere. Non-residency does not preclude General Assistance. However, assistance shall be of a temporary and reasonable nature given his/her their temporary status. If the person is a NH resident, the city or town welfare office where the person resides shall be contacted in order to advise if that assistance is being requested in order to avoid duplication of services (except in

emergencies) and to alert it that a request for reimbursement for assistance provided shall be forthcoming.

**NOTICE OF DECISION:** Written grounds for approval or denial of an application detailing the amount and type of assistance issued, and/or the type of assistance pending further verification. Additionally, it contains the date of applicant's next appointment, and a list of all the information to be provided by the applicant at the next appointment.

~~**NOTICE OF LIABILITY FOR SUPPORT:** The process by which liable relatives are made aware of their statutory financial responsibility.~~

~~**REAL PROPERTY:** Land, structures and attached fixtures.~~

**RECIPIENT:** A person who is receiving General Assistance from the Town of Durham.

**"RELIEVE AND MAINTAIN":** The sustaining of basic needs necessary to the health and welfare of the household.

**REIMBURSEMENT:** The requirement of every assisted person to reimburse the Town for assistance rendered if he/she they becomes financially able to do so within six (6) years of receiving the assistance. Reimbursement may also be sought from a liable relative, a father, mother, stepfather, stepmother, parent, stepparent, husband, wife, partner or child who is no longer a minor, of sufficient ability to also support the assisted person. In the event the assisted person is a resident of another community in NH, reimbursement may be sought from that community for the assistance rendered.

**RESIDENCE:** Residence or residency shall mean a person's an applicant's place of abode or domicile. The place of abode or domicile is that place designated by a person as his/her an applicant as their principal place of physical presence for the indefinite future to the exclusion of all others. Such residence or residency shall not be interrupted or lost by temporary absence from it if there is intent to return to such residency as the principal place of physical presence.

~~**RESIDENT:** A person who has a residence within the Town of Durham.~~

**RESIDENTIAL UNIT:** ~~All persons physically residing with the applicant, including persons in the applicant's household and those not considered part of the applicant's household.~~

**ROOMMATES:** Persons who are financially responsible for themselves and living with one or more recipients of General Assistance. Persons living together as if married are expected to be responsible for each other to the extent that they are able.

**SUSPENSION:** Cessation of benefits due to non-compliance.

**UTILITY:** Any service such as electric, gas, oil, water or sewer necessary to maintain the health and welfare of the household.

**VENDOR/PROVIDER:** Any landlord, utility company, store or other business which provides goods or services needed by the applicant/recipient.

**VOUCHER SYSTEM:** The system whereby the ~~Welfare Officer~~ **municipality** issues vouchers (authorizations for payment) directly to the recipient's vendors and creditors rather than cash to the recipient (NH RSA 165:1 III). See [Section VIII](#).

**WELFARE OFFICIAL:** The Business Manager for the Town of Durham is designated the Welfare Official and is charged with overseeing **and administering** General Assistance in accordance with these Guidelines as well as other municipal, state and federal regulations. The Welfare Official has the authority to make all decisions regarding the granting of assistance under RSA 165, subject to the overall fiscal responsibility vested in the Town Council and Town Administrator. The Welfare Official may delegate certain duties, responsibilities and authority to others as needed in order to properly administer these Guidelines. The term Welfare Official includes "overseers of public welfare" (NH RSA 165:1) and "Administrator of town or city welfare" (NH RSA 165:2).

**WELFARE OFFICIAL:** ~~Either the Welfare Officer or his/her designee performing the essential duties associated with administering General Assistance for the Town of Durham.~~

**WORK PROGRAM:** ~~The requirement of welfare recipients who are physically and mentally able to work to provide services to the Town in return for assistance received at any job suitable to the person's~~

capacity. This program is instituted at the discretion of the Welfare Officer.

**WORKFARE:** Labor performed by welfare recipients at municipal sites or human service agencies as reimbursement for benefits received. RSA 165:31

## **II. SEVERABILITY**

If any provision of these Guidelines is held at law to be invalid or inapplicable to any person or circumstances, the remaining provisions shall continue in full force and effect.

## **III. CONFIDENTIALITY OF INFORMATION**

Information given by or about an applicant or recipient of General Assistance is confidential and privileged, and is not a public record subject to disclosure under the provisions of NH RSA 91-A. Such information shall not be published, released to or discussed with any individual or agency without written permission of the applicant or recipient except when disclosure is required by law, or when necessary to carry out the purpose of NH RSA 165:2-c relative to Aid to Assisted Persons.

## **IV. ROLES OF TOWN COUNCIL AND WELFARE OFFICIAL**

The responsibility for the day-to-day administration of General Assistance shall be vested in the Welfare Official. He/She They shall administer the General Assistance Program in accordance with these written Guidelines for General Assistance. The Town Council is responsible for adoption of Guidelines relative to General Assistance per NH RSA 165:1 II. These Guidelines for General Assistance are intended to promulgate the Town's Welfare program.

## **V. MAINTENANCE OF RECORDS**

### **A. LEGAL REQUIREMENT**

Each welfare official is required by NH RSA 41:46 to keep complete paper and/or electronic records concerning the number of applicants given assistance and the cost for such support. Separate case records shall be established for each individual or family applying for general assistance. The purposes for keeping such records are:

1. To provide a valid basis of accounting for expenditure of the municipality's funds;
2. To support decisions concerning the applicant's eligibility;
3. To assure availability of information if the applicant or recipient seeks administrative or judicial review of the welfare official's decision;
4. To provide the welfare official with accurate statistical information; and
5. To provide a complete history of an applicant's needs and assistance that might aid the welfare official in ongoing case management and in referring the applicant to appropriate agencies.

## **B. CASE RECORDS**

The welfare official shall maintain case records containing the following information:

1. The complete application including any authorizations signed by the applicant allowing the welfare official to obtain or verify any pertinent information in the course of assisting the recipient.
2. Written grounds for approval or denial of an application, contained in a notice of decision.
3. A narrative history recording need for assistance, the results of investigations of applicants' circumstances, referrals, changes in status, etc.
4. A Client Account Summary which has complete data concerning the type, amount and dates of assistance given which may be kept on paper or electronically.

## **C. CASE RECORD RETENTION**

Records shall be kept based on the Municipal Record Retention requirement. Welfare records must be retained during the active phase of any application plus seven (7) years.

## **OVERVIEW:**

~~The Welfare Officer is required by law to keep complete records of General Assistance. In addition to general statistical records concerning the number of persons given assistance and the cost for such support, a separate case record shall be established for each individual or family applying for General Assistance from~~

~~the Town of Durham. The Welfare Officer shall make a return of the number of persons supported and relieved, with the cost of such support and relief, to the Department of Health and Human Services, on or before July 1 in each year, on blanks furnished by said department (NH RSA 41:46).~~

**PURPOSE:**

The purposes for keeping complete records of General Assistance are:

- ~~1. To provide a valid basis of accounting for the expenditure of Town funds.~~
- ~~2. To support decisions concerning the applicant's eligibility, especially important if the Welfare Officer should be required to prove in court that assistance was granted equitably.~~
- ~~3. To assure availability of information if the applicant or recipient seeks administrative or judicial review of the Welfare Officer's decision.~~
- ~~4. To provide social welfare agencies with accurate statistical information, including the number of persons assisted and the amount of money spent for their support, in order that taxpayers and officials may be aware of the scope of the General Assistance Program. NH RSA 165:2-c requires that an itemized account of all General Assistance furnished (without recipients' names) be released to any citizen requesting it.~~
- ~~5. To provide a complete history of an applicant's assistance that might aid a welfare agency in the effort to rehabilitate the applicant, subject to the Regulations on the confidentiality of such information.~~

**CONTENT:**

The Welfare Officer shall maintain case records containing at least the following information:

- ~~6. The completed application for assistance.~~
- ~~7. Written grounds for approval or denial of an application, contained in a Notice of Decision.~~
- ~~8. A narrative history recording need for relief, the results of home visits, if any, collateral information, referrals, changes in status, etc.~~

- ~~9. A complete tally of the type, amount and dates of assistance rendered.~~
- ~~10. A signed authorization by the applicant allowing a Welfare Official to release, obtain or verify any pertinent information in the course of assisting the recipient, and a completed Welfare Work Program contract, if applicable.~~

## **VI. APPLICATION PROCESS**

### **A. RIGHT TO APPLY:**

1. Anyone may apply for General Assistance by appearing in person or through an authorized representative and by completing an approved written application form. The Welfare Official should determine the process by which eligibility determinations shall be made, either by in-person appointments, via telephone or video or home visits. See Section VI:E on Home Visits. Clients are seen by appointment, except in emergencies. If more than one adult resides in a household, each may be required to appear at the Welfare Office to apply for assistance, unless one is working or otherwise unavailable for good reason. Unrelated adults in the applicant's residential unit may be required to apply separately if they do not meet the definition of household as defined in these Guidelines. Each adult in the household shall sign a "Release of Information" found on the Application form.
2. The Welfare Official shall not be required to accept an application for General Assistance from a person who is subject to a suspension pursuant to NH RSA 165:1b VI, provided that any person who contests a determination of continuing noncompliance with the Guidelines may request a Fair Hearing; and provided further that a recipient who has been suspended for at least six (6) months due to noncompliance may file a new application.

### **B. WELFARE OFFICIAL'S RESPONSIBILITIES:**

When application is made for General Assistance, the Welfare Official shall inform the applicant of those pertinent sections enumerated below, when appropriate.

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1. The requirement that a completed application contains all necessary information including: the applicant's signature agreeing to the reimbursement, the signature allowing a Welfare Official to contact all necessary agencies for investigation and verification, and that they have been given, read and understand all information (or the application has been read to them and they understand it). An uncompleted application may be grounds for denial of assistance.
2. Eligibility requirements, including a general description of the Guideline's amounts and the eligibility formula.
3. Screening applicants based on emergency priorities, such as: no food, no place to stay, no heat (during heating months), no electricity, and no ability to purchase necessary medical care. Screening means that applicants who are not in an emergency situation (whose difficulties, if not addressed today, would not jeopardize the health or safety of any family member) as determined by written application or oral interview or both, would:
  - a) Be asked to return another day.
  - b) Be referred to an agency or resource capable of providing the assistance needed.
  - c) Be given an appointment date and time to return for an interview.
4. Having to refer applicants requiring emergency assistance to agencies or resources that have agreed to provide emergency, temporary assistance which shall meet the needs of the applicant until an appointment can be arranged.
5. The requirement of a recipient to keep appointments to receive assistance and that failure to keep appointments, with or without verifiable good cause could result in a delay in receiving assistance or loss thereof. Loss of assistance can occur when the applicant fails to make contact with the Welfare Official for more than one week without verifiable good cause after having been requested to do so.
6. The responsibility of the applicant to provide documentation of all claims, such as identification for all household members,

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receipts for expenditures, documentation of employment, documentation of application for other programs which would reduce or eliminate the need for General Assistance, documentation of income, loss of employment and any other similar claims materially affecting eligibility.

7. The requirement that applicants shall apply for or take advantage of other resources, which could reduce the need for or eliminate General Assistance from the Town of Durham.
8. The need to relocate to more affordable housing based on the client's anticipated income if deemed necessary by the Welfare Official. Every effort shall be made to maintain clients in their own housing unless it is clear that to do so would probably require a continuing subsidy from the Town.
9. A Welfare Official may make home visits to verify information at his/her **their** discretion and in the least intrusive manner.
10. The necessity of referral to a shelter for families or individuals currently without housing and/or income.
11. The joint responsibility of both the Welfare Official and applicant in exploring the facts concerning eligibility, needs and resources.
12. The applicant's responsibility for accurately and truthfully reporting all facts necessary in determining eligibility.
13. The fact that investigations shall be conducted in order to further substantiate facts and statements as presented by the client and that such investigation may take place prior to, during and subsequent to the applicant's receipt of General Assistance.
14. The applicant's responsibility for notifying the Welfare Official of any change in circumstances which would affect eligibility.
15. The applicant's right to a Fair Hearing, and the manner in which the review may be obtained.
16. The applicant's responsibilities as set forth in [Section VI-C](#) below.

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17. The requirement of working in the Welfare Workfare Program, if work is available and the client is physically and mentally capable of performing the essential functions of the job.
18. The statutory requirement of placing a lien on any real property owned by the recipient, or any settlements, for any assistance given, except for verifiable good cause. The applicant shall be made aware of the lien in that it shall be noted on the Notice of Decision which the applicant signs. Such document shall be recorded at the Strafford County Registry of Deeds per NH RSA 165:28. However, neither the absence of signature of the applicant on the Notice of Decision nor the failure to record such lien document shall diminish the validity of the lien. The Welfare Official also has the right to place liens on civil judgments per NH RSA 165:28-a.
19. The requirement for reimbursement of all assistance when the recipient returns to an income status that is more than what is required to provide a reasonable subsistence compatible with decency and health.
20. The applicant's right to review the Guidelines, and the responsibilities as set forth in the Guidelines.
21. The applicant's responsibility not to voluntarily terminate employment without good cause, as required by RSA 165:1-d.
22. The fact that the Child Protection Act requires the Welfare Official or any person who suspects that a child under age 18 has been abused or neglected must report that suspicion immediately to NH DHHS Division of Children, Youth and Families (DCYF). RSA 169-C:29-31.
23. The fact that the Adult Protection Law requires the Welfare Official or any person who has a reason to believe that a vulnerable adult has been subjected to abuse, neglect, exploitation or self-neglect to make a report immediately to the NH DHHS Bureau of Elderly & Adult Services (BEAS). RSA 161-F:46.

**C. RESPONSIBILITIES OF APPLICANTS/RECIPIENTS:**

At the time of the initial application and at all times thereafter, applicants/recipients have the following responsibilities:

1. To provide accurate, complete and current information concerning needs and resources and the whereabouts and circumstances of relatives who may be responsible for their support and subsequently liable to the Town for restitution under NH RSA 165:19.
2. To provide identification and documentation of income and resources on all household members applying for assistance, including medical records if disability is claimed and any other pertinent information when requested.
3. To apply for and/or take advantage of any benefits and resources, public or private, that shall reduce or eliminate the need for General Assistance within one week of being requested to do so. RSA 165:1-b, I (d).
4. To notify the Welfare Official within 72 hours when a change in needs or resources may affect eligibility for continuing assistance.
5. To keep all appointments as scheduled.
6. To notify the Welfare Official within 72 hours of a change of address and any changes in the members of the household or family unit.
7. To diligently search for employment and provide verification of work search, following the determination of eligibility for assistance.
8. To be available for full-time work.
9. To accept employment when offered.
10. To provide a doctor's statement, if reasonably available, as to the level of work the recipient can perform if the recipient claims an inability to work due to medical problems.

11. To participate in the Welfare Workfare Program if physically and mentally able appropriate once assistance has been granted. RSA 165:1-b, I (b).

An applicant shall be denied assistance or have his/her their assistance suspended or terminated if he/she they fail to fulfill any of these responsibilities without reasonable and verifiable justification.

Disqualification for General Assistance may occur as set forth in NH RSA 165:1-b.

Any applicant may be denied or terminated from General Assistance, in accordance with the Town of Durham's Guidelines for General Assistance or may be prosecuted for a criminal offense if he/she they, by means of intentionally false statements, omissions, intentional misrepresentation, by impersonation, or other willfully fraudulent act or device, obtains or attempts to obtain any assistance to which he/she is they are not entitled.

Any applicant denied assistance or having their assistance terminated may re-apply for assistance after seven (7) days.

**NOTE:** Recipients who claim their money or vouchers were stolen, are required to report the theft to the police in the jurisdiction where the incident occurred and provide proof that the incident has been reported before any relief may be granted.

#### **D. ACTIONS ON APPLICATIONS:**

1. **Decision.**

~~Unless an application is withdrawn, the Welfare Officer shall make a decision concerning the applicant's eligibility as soon as practical, but not more than five (5) business days after completion of the written application. A written Notice of Decision shall be delivered or mailed on the same day or next business day following the decision. The Notice of Decision shall state that assistance of a specific kind and amount has been given and the time period of aid, or that the application has been denied, in whole or in part, with reasons for denial. The Notice of Decision shall contain a First Notice of~~

~~conditions and shall notify the applicant of his/her right to a Fair Hearing if dissatisfied with the Welfare Officer's decision.~~

The Welfare Official utilizes these Guidelines to determine an applicant's or recipient's eligibility, which ensures that each applicant/recipient receives due process. Following the submission of a completed application by an applicant or their representative, the welfare official shall make a decision concerning the applicant's application eligibility within five (5) business days. If the request is determined to be an emergency, Section VI:D(3) Emergency Assistance guidelines shall apply.

NOTE: Business hours are generally considered 5 days per week, Monday through Friday excluding all legal holidays as adopted from year to year by the Durham Town Council during daytime hours of 8:00 AM – 4:30 PM. A written Notice of Decision shall be provided on the same day or the next business day following the making of the decision. The notice of decision shall state that assistance of a specific kind and amount has been given and the time period of aid, or that the application has been denied, in whole or in part, with reasons for denial.

The Notice of Decision shall contain a first notice of conditions for continued assistance and shall notify the applicant of their right to a fair hearing if dissatisfied with the welfare official's decision. RSA 165:1-b, II, III.

## **2. Pending Notice of Decision.**

A decision may also be made to pend an application subject to receipt of specified information, documentation or verification from the applicant within a specific amount of time not to exceed five (5) business days. A Notice of Decision should be provided following the expiration of time on the Pending Notice of Decision.

## **3. Emergency Assistance.**

At the time of initial contact, if the applicant demonstrates and verifies that an immediate emergency need exists in which the applicant may suffer a loss of a basic necessity of living or imminent threat to life or health (such as loss of

shelter, heat sources in winter, lack of food or prescriptions), then temporary assistance aid to fill mitigate such immediate emergency need shall be given immediately if possible, but no longer than 72 hours from the time of demonstration of emergency need. provided to prevent the imminent threat to life or health, pending a decision on the application. Such emergency assistance shall not obligate the Town to provide further assistance after the application process is completed.

4. **Temporary Assistance.**

In circumstances where required records are not available, the Welfare Official may give temporary approval to an applicant pending receipt of required documents. Temporary assistance shall not extend beyond one week two weeks. The Welfare Official shall not insist on documentary verification if such records are unavailable.

5. **Withdrawn Applications.**

An application shall be considered withdrawn if:

- a) The applicant has failed to complete an application or has refused to make a good-faith effort to provide required verifications and sufficient information for the completion of an application. If an application is deemed withdrawn for these reasons, the Welfare Official shall so notify the applicant in a written Notice of Decision.
- b) The applicant dies before assistance is rendered.
- c) The applicant avails himself/herself themselves of other resources in place of assistance from the Town of Durham.
- d) The applicant requests that the application be withdrawn (preferably in writing).
- e) The applicant fails to contact the Welfare Official after the initial interview after a request by the Welfare Official to do so.

**E. HOME VISITS:**

A home visit may be made by a mutually agreed appointment at the request of any applicant, only when it is impossible for the applicant or their authorized representative to apply in person. At the Welfare Official's discretion, a telephone or video interview by appointment may be an alternative to a home visit for the Welfare Official's and applicant's health and safety. The home visit or telephone or video appointment shall be conducted in such a manner as to preserve, to the greatest extent possible, the privacy and dignity of the applicant. The person conducting the visit shall not be in uniform or travel in a law enforcement marked vehicle and shall not knowingly discuss or mention the application within the hearing area of someone who is not a member of the household.

- ~~1. A home visit may be made to any applicant/recipient when it is determined necessary for the Welfare Officer to understand all the services needed to help the applicant, or whenever there is a reasonable basis for such home visit.~~
- ~~2. The home visit shall be conducted in such a manner as to preserve, to the greatest extent possible, the privacy and dignity of the applicants/recipients. The Welfare Official conducting the visit shall be polite and courteous, and shall not knowingly discuss or mention the application within the listening area of someone who is not a member of the household or family unit.~~
- ~~3. All home visits shall be pre-arranged, and shall take place between the hours of 8 am and 6 pm on weekdays, unless the applicant is unavailable and requests otherwise.~~
- ~~4. During the home visit the Welfare Officer may discuss any noticeable applicable housing code violations with the applicant and shall report all violations to proper authorities. The Welfare Official shall follow up on all reported violations and shall insure that reprisal actions taken by the landlord are also reported to proper authorities.~~
- ~~5. A home visit may, with the consent of the applicant/recipient, be used as an alternative form of verification when other forms are unavailable.~~

- ~~6. Refusal to grant a home visit, without reasonable justification, shall be grounds for suspension or denial of benefits for a period of seven days.~~
  - ~~a) The suspension or denial of benefits for not allowing a home visit without reasonable justification is subject to the Fair Hearing procedures outlined in [Section XIV](#).~~
  - ~~b) If the claimant requests a Fair Hearing under these circumstances, there shall be no option to continue benefits during the suspension or denial period. If however, the Hearings Officer rules that the suspension or denial of benefits for refusing to grant a home visit was not reasonable, the claimant shall be entitled to receive the benefits withheld as a result of the suspension or denial.~~

## **VII. VERIFICATION OF INFORMATION**

Any **determination or** investigation of need or eligibility shall be conducted in a professional manner ~~with the intent to verify eligibility while avoiding~~ **that will not** violating the privacy and ~~or~~ **personal dignity of the client. the individual or harass or violate their individual rights.**

### **A. VERIFICATION SHALL NORMALLY BE REQUIRED OF THE FOLLOWING:**

1. Applicant's address.
2. Names of members of applicant's household residential unit or family unit.
3. Picture identification(s), birth certificate(s), and social security card(s). Immigration and Naturalization Service documentation for applicant(s) and household members, where applicable.
4. Proof of physical custody of children.
5. Applicant's and household's/family unit's income and assets.
6. Applicant's and household's/family unit's financial obligations.

7. The physical and mental condition of household/family unit members, only when relevant to the receipt of assistance, such as ability to work, determination of needs or referrals to other forms of assistance.
8. Any special circumstances claimed by applicant.
9. Applicant's employment status and availability in the labor market.
10. Facts relevant to the applicant's residence as set forth in [Section X](#).
11. Names, addresses, and employment status of individuals potentially liable to the Town of Durham for reimbursement of benefits provided (NH RSA 165:19).

**B. VERIFICATION SOURCES:**

Verification may be made through records provided by the applicant (for example, birth and marriage certificates, divorce decrees and temporary court orders, pay stubs, paychecks, rent receipts, ~~bankbooks~~ bank/debit card account, etc.) as primary sources. The failure of the applicant to bring such records does not affect the Welfare Official's responsibility to process the application promptly. The Welfare Official shall inform the applicant of what records are necessary and the applicant is required to produce records within seven (7) days. The applicant shall be required to fill out and sign the Required Verification Form and to produce the information required by the form. However, the Welfare Official shall not insist on documentary verification if such records are not available but should ask the applicant to suggest alternative means of verification.

**C. OTHER SOURCES OF VERIFICATION:**

Verification may also be made through other sources, such as relatives, employers, former employers, banks, school personnel, and social or government agencies. ~~The cashier of a national bank or a treasurer of a savings and trust company is authorized by law to furnish information regarding amounts deposited to the credit of a recipient (RSA 165:4).~~ Although RSA 165:4 permits the cashier of a national bank or a treasurer of a

savings and trust company to furnish information regarding amounts deposited to the credit of an applicant or recipient, it would be the better practice to have any verification of bank deposits only be obtained through a proper release of information form signed by the applicant.

**D. WRITTEN CONSENT OF APPLICANT:**

When information is sought from such other sources, the Welfare Official shall explain to the applicant or recipient what information is desired, how it is to be used and the necessity of obtaining it in order to establish eligibility. Before contact is made with any other source, the Welfare Official shall obtain written consent of the applicant or recipient, unless the Welfare Official has reasonable grounds to suspect fraud. In the case of suspected fraud, the Welfare Official shall carefully record his/her their reasons and actions and before any accusation or confrontation is made, the applicant/recipient shall be given an opportunity to explain or clarify the suspicious circumstances.

**E. LEGAL LIABLE RELATIVES:**

The welfare official may seek statements from the applicant's legally liable relatives regarding their ability to help support the applicant.

**F. DENIAL OF BENEFITS FOR UNWILLINGNESS TO COOPERATE: REFUSAL TO VERIFY INFORMATION:**

Should the applicant or recipient refuse comment and/or indicate an unwillingness to have the Welfare Official seek further information that is necessary, assistance shall may be denied for lack of eligibility verification.

**VIII. DISBURSEMENTS:**

**A. VOUCHER SYSTEM:**

The Town of Durham pays vouchers directly to vendors or creditors up to the dollar amount designated on the voucher, or for the actual amount listed on an itemized bill or register tape if less than the voucher amount. The Town of Durham shall not pay any amount in excess of the amount listed on the voucher. A recipient shall not change the amount listed on the voucher

and shall sign the voucher to ensure proper usage. It is the responsibility of the applicant to safeguard the voucher(s) from theft, loss or misuse. No replacement voucher shall be issued if the original is lost, stolen, misplaced, or misused unless authorized by the Welfare Official.

- ~~1. All assistance rendered shall be in the form of vouchers or checks directly payable to the vendor providing the service, and in accordance with the general Guidelines below:~~
- ~~2. Rent may only be made payable to the owner of the property unless the Welfare Official is in receipt of a notarized Agent Authorization Form generated by the Welfare Office.~~

**B. PROHIBITED PURCHASES:**

The following food and miscellaneous items may not be purchased using vouchers: alcoholic beverages and mixers; expensive luxury foods such as lobster, shrimp, crabmeat; expensive cuts of meat; gourmet food; cases of soda; expensive bakery and deli items; pet food and pet products; batteries and film; greeting cards, magazines and tabloids; hairspray, mousse and gel; perfume, after shave and cologne; VCR/cassette tapes; tobacco products; lighter fluid and lighters; wrapping paper; toys. All other items, including paper products, are allowed. A maintenance voucher may be used for other than food items. All stores receiving food, maintenance or diaper vouchers shall attach the cash register tape to the voucher in order to be reimbursed. Only the amount used shall be reimbursed.

1. All authorizations are one time only, each authorization requiring individual approval.
2. The vendor has 60 days in which to return the voucher for payment. None shall be honored after that time.
3. No assistance shall be rendered for periods prior to the date of application with the exception of obtaining for the client that which is necessary and cannot be obtained without assistance. Application for rental assistance is generally considered to be for the full week when the applicant applies.

4. The amount of assistance provided shall be negotiated with vendors whenever possible. The Welfare Official shall always attempt to provide what is necessary for the least cost possible. If negotiation is not possible, the least expensive appropriate alternative shall be sought.
5. The Town of Durham shall not pay charges that do not directly represent an actual service or item except when there is no other alternative or as provided by law. Examples include late charges, security deposits, storage charges, key charges, damages, etc.

## **IX. DETERMINATION OF ELIGIBILITY AND AMOUNT**

### **A. ELIGIBILITY FORMULA:**

An applicant is eligible to receive assistance when:

1. The applicant meets the non-financial eligibility factors listed in [Section C](#) below, and,
2. When the applicant's basic maintenance **standard** need\* listed in [Section IX E](#) below, exceed available income ([Section IX F](#)) plus available liquid assets ([Section IX D 1](#)). If available income and available liquid assets exceed the basic maintenance need (as determined by the Guideline amounts), the person **applicant** is not eligible for General Assistance. If the need exceeds the available income/assets, the amount of assistance shall be the difference between the two amounts, in the absence of circumstances justifying an exception.
3. The Town of Durham is authorized pursuant to NH RSA 165:1-e, to deem as income all or any portion of any qualified state assistance reduction resulting from the failure of an applicant for General Assistance to comply with State assistance requirements. The amount of the reduction shall be calculated as if it were income actually received in determination of eligibility, unless, in order to prevent an immediate threat to the health and safety of children in the household, all or a portion of the reduction shall be waived.

**\*NOTE:** Applicants shall first and foremost utilize resources for basic needs: rent, food (minus Food Stamp allotment), cleaning and hygiene items, utilities, internet service and

prescriptions. Applicants shall provide dated and signed receipts. Credit card payments, rent-to-own furniture, cable services, and repayment of personal loans are examples of non-basic needs.

**B. LEGAL STANDARD AND INTERPRETATION:**

"Whenever a person in any town is poor and unable to support himself/herself, ~~he/she~~ **themselves, they** shall be relieved and maintained by the overseers of public welfare of such town, whether or not ~~he/she has~~ **they have** residence there" (NH RSA 165:1).

1. **An applicant** ~~person~~ cannot be denied assistance solely because ~~he/she is~~ **they are** not a resident ([Section X](#)).
2. "Whenever" means at any or whatever time that person is poor and unable to support ~~himself/herself~~ **themselves**.
  - a) The Welfare Official, **or a person authorized to act on their behalf,** shall be available during normal ~~working~~ **business** hours.
  - b) The eligibility of an applicant for General Assistance shall be determined no later than **five (5) business days after the application is submitted.** If the applicant has an **emergency need, then assistance for such emergency need shall be provided in accordance with Section VI (D)(3), (4).** ~~at the time of application if an emergency, or within seven (7) calendar days.~~
  - c) Assistance shall begin as soon as the ~~person~~ **applicant** is determined eligible.
3. "Poor and unable to support" means that an individual lacks income and available liquid assets to adequately provide for the basic maintenance needs for ~~himself/herself~~ **themselves** or family as determined by the Guidelines.
4. "Relieved" means ~~an person~~ **applicant** shall be assisted, as the Welfare Official shall determine, to meet those basic needs.

5. "Maintained" means to be continued on assistance as long as eligible.

**C. NON-FINANCIAL ELIGIBILITY FACTORS:**

1. **Age.** General assistance cannot be denied any applicant because of the applicant's age. ~~age is not a factor in determining whether or not a person applicant may receive general assistance.~~ Minor children are assumed to be the responsibility of their parent(s) or legal guardian(s), unless circumstances warrant otherwise. However, age may make certain persons eligible for other kinds of state or federal assistance. Income from other sources may or may not affect eligibility under these Guidelines.
2. **Minors.** Minor applicants shall be referred to Protective Services of the Division of Children, Youth, and Families for case management. Minors have the residence of their parent(s) or legal guardian(s). Minors are the financial responsibility of their parent(s) or legal guardian(s).
3. **Support Actions.** No applicant or recipient shall be compelled, as a condition of eligibility or continued receipt of assistance, to take any legal action against any other person. The Town of Durham may pursue recovery against legally liable persons or governmental units (See [Section XVI](#)).
4. **Eligibility for Other Categorical Assistance.** Applicants or recipients who are, or may be, eligible for any other form of public assistance, shall apply for such assistance immediately, but no later than seven (7) calendar days after being advised to do so by the Welfare Official. Failure to do so may render the applicant or recipient ineligible for assistance and subject to action pursuant to Section XIII of these Guidelines. ~~Until another form of public assistance is received, anyone otherwise eligible is entitled to receive General Assistance. Only in extraordinary circumstances shall a person receiving other public assistance also be considered as potentially eligible for General Assistance.~~
5. **Employment.** ~~A person~~ An applicant who is gainfully employed, but whose income and assets are not sufficient to meet necessary family household expenses, may be eligible to receive general assistance. However, recipients who,

without verifiable good cause, refuse a job offer or referral to suitable employment, or participation in the Welfare Workfare Program (NH RSA 165:31), or who voluntarily leave a job without good cause (NH RSA 165:1-d) may be ineligible for continuing General Assistance in accordance with the procedures for suspension outlined in the Guidelines ([Section XIII B](#)). The Welfare Official shall first determine whether there is verifiable good cause for such refusal, taking into account the ability and physical and mental capacity of the person applicant, transportation problems, working conditions that might involve risks to health or safety, lack of adequate childcare, ~~lack of workers compensation protection~~, or any other factors that might make refusing a job reasonable. ~~In the absence of such reasonable grounds for job refusal, denial or suspension of General Assistance shall be imposed for seven (7) calendar days.~~ These employment requirements shall extend to all adult members of the household or family unit.

6. **Registration with the New Hampshire Department of Employment Security (NHES) and Work Search Requirements.** Recipients shall provide proof, when required, that they are utilizing the New Hampshire Department of Employment Security's Job and Information Resource Center. All unemployed recipients and adult members of their household, within seven (7) calendar days after having been granted assistance, **must register with NHES to find work and must** ~~shall provide proof that they are~~ utilizing the Job Information Resource (entered to find work and conducted a reasonable verified job search as determined by the Welfare Official). Each recipient shall **must** apply for employment at each employer referred to by the Welfare Official. These work search requirements apply unless the recipient or other adult member(s) of the household is:
  - a) Gainfully employed full-time.
  - b) A dependent 18 years of age or under who is regularly attending primary or secondary school.
  - c) Unable to work due to illness or to a mental or physical disability of himself/herself **themselves** or another member of the household/family unit verified by a doctor's note, if readily available.

- d) Is solely responsible for the care of a child aged three (3) or under. A **person-recipient** responsible for the care of a child aged ~~six (6)~~ **four (4)** through twelve (12) shall not be excused from work search requirements, but shall be deemed to have verifiable good cause to refuse a job requiring work during hours the child is not **actually usually** in school, if there is no responsible person available to provide care and no other care is available **as verified by the welfare official**. ~~A person shall be asked to demonstrate contacts made to locate childcare.~~
- e) The Welfare Official shall give all necessary and reasonable assistance to ensure compliance with **registration and work placement requirements**, including the granting of allowance for transportation **and work clothes**. Failure of a recipient to comply with these requirements without verifiable good cause shall be reason for denial or suspension of assistance.
- ~~8. Applicants/ Recipients subject to the New Hampshire Voluntary Quit Law shall become ineligible for assistance as provided by law (NH RSA 165:1-d).~~
9. **Students.** **Students Applicants who are post-secondary education students and are not shall be employed full time or be available for or refusing to and seeking or full-time employment in order to be are not** eligible for General Assistance.
10. **Non-Citizens.** The welfare official may, in their sole discretion, provide limited assistance to non-citizens not otherwise eligible for general assistance.
- a) A non-citizen who is not:
- 1) A qualified alien under 8 USCA 1641;
  - 2) A non-immigrant under the federal Immigration and Nationality Act; or
  - 3) An alien paroled into the United States for less than one year under 8 USCA 1182(d)(5).
- b) Qualified aliens include aliens who are lawfully admitted for permanent residence under the Immigration and Nationality Act, 8 USCA 1101 et seq., aliens who are

granted asylum under that act, certain refugees, and certain battered aliens. 9 USCA 1641.

c) A non-citizen who is not eligible for general assistance may be eligible for state assistance with health care items and services that are necessary for the treatment of an emergency medical condition, which is defined as a medical condition (including emergency labor and delivery) manifesting itself by acute symptoms of sufficient severity (including severe pain) such that the absence of immediate medical attention could reasonably be expected to result in:

- 1) Placing the patient's health in serious jeopardy;
- 2) Serious impairment to bodily functions; or
- 3) Serious dysfunction of any bodily organ or part. 8 USCA 1621(b) and 42 USCA 1396(v)(3).

d) A non-citizen may also be eligible for general assistance for treatment of an emergency medical condition, pursuant to Section IX(E)(8)(a) of these guidelines.

e) Non-citizen applicants for general assistance may be required to provide proof of eligibility. 8 USCA 1625.

**11. Employment of Household Members.** The employment requirements of these Guidelines, or participation in the workfare program, shall be required for all adults aged 18 to 65 years residing in the same household, except those regularly attending secondary school or employed on a full-time basis, who are:

- a) Members of the recipient's household;
- b) Legally liable to contribute to the support of the recipient and/or children of the household; and
- c) Not prevented from maintaining employment and contributing to the support of the household by reason of physical or mental disability or other justifiable cause as verified by the welfare official.

The welfare official may waive this requirement where failure of the other household members to comply is not the fault of the recipient and the welfare official decides it

would be unreasonable for the recipient to establish a separate household. RSA 165:32.

- 12. Disqualification for Voluntary Termination of Employment.** Any applicant eligible for assistance who voluntarily terminated employment shall be ineligible to receive assistance for 90 days from the date of employment termination, provided the applicant:
- a) Has received local welfare within the past 365 days; and
  - b) Has been given notice that voluntary termination of employment without good cause could result in disqualification; and
  - c) Has terminated employment of at least 20 hours per week without good cause within 60 days of an application for local welfare; and
  - d) Is not responsible for supporting minor children in their household; and
  - e) Did not have a mental or physical impairment which caused them to be unable to work.

Good cause for terminating employment shall include any of the following: discrimination, unreasonable work demands or unsuitable employment, retirement, leaving a job in order to accept a bona-fide job offer, migrant farm labor or seasonal construction, and lack of transportation or childcare. An applicant shall be considered to have voluntarily terminated employment if the applicant fails to report for work without good cause. An applicant who is fired or resigns from a job at the request of the employer due to applicant's inability to maintain the employer's normal work productivity standard shall not be considered to have voluntarily terminated employment. RSA 165:1-d.

- ~~13. All adults aged 18 to 65, who live in the same household/family unit as the recipient and who are related to the recipient or legally liable to contribute to the recipient's support are obligated to comply with the employment requirements of these Regulations or participation in the Welfare Work Program unless they are either regularly attending school or are prevented from maintaining employment and contributing to the support of the person by reason of physical or mental disability which is verifiable.~~

~~The Welfare Official may waive this requirement where failure of the other household or family unit members to comply is not the fault of the recipient and the Welfare Official decides it would be unreasonable for the recipient to establish a separate household. The Welfare Official may suspend the assistance to non-compliant recipients.~~

**D. AVAILABLE ASSETS:**

1. **Available Liquid Assets.** ~~consists of~~ Cash on hand, bank/debit card deposits, credit union accounts, securities, and retirement plans (i.e., IRA's, deferred compensation, Keogh's, etc.) are available liquid assets. Insurance policies with a loan value and nonessential personal property may be considered as available liquid assets when they have been converted to cash. The Welfare Official shall allow a reasonable time for such conversion. However, tools of a trade, livestock and farm equipment, and necessary and ordinary household goods are essential items of personal property, which shall not be considered as available assets.
2. **Automobile Ownership.** The ownership of one automobile by an applicant/recipient or dependent does not affect eligibility if it is essential for medical or rehabilitation services, transportation to and from seek and maintain employment, or for use necessary essential to the maintenance of the individual or family.
  - a) Essential means that there is no other transportation available.
  - b) Car payments shall not be considered justifiable expenses when determining eligibility unless the purchase and maintenance of a vehicle appropriate to the applicant or recipient's income is justified.
  - c) A new or luxury vehicle shall be considered a liquid asset and converted to cash prior to eligibility for anything other than extreme emergencies.
3. **Insurance.** The ownership of insurance policies does not affect eligibility. However, when a policy has cash or loan value, the applicant shall be required to obtain and/or borrow

all available funds, which shall then be considered available **liquid** assets. Premium payment shall not be included as "need" in determining eligibility or amount of aid.

4. **Real Estate.** The type and amount of real estate owned by an applicant does not affect eligibility, although rent or other such income from property should be considered as available to meet need.
  - a) Applicants owning real estate property, other than that occupied as a home, shall be expected to make reasonable efforts to dispose of it at fair market value.
  - b) Applicants shall be informed that a lien covering the amount of any general assistance they receive shall be placed against any real property they own. (NH RSA 165:28).
  - c) The Welfare Official shall not make mortgage payments when the applicant has a co-signer on the note except to avoid eviction.
5. Items such as motorcycles, dirt bikes, boats, personal watercraft, ATV's, RV'S, camping trailers and snow mobiles shall be considered liquid assets and converted to cash prior to eligibility for anything other than extreme emergencies.
6. No person who is otherwise eligible shall receive assistance if ~~he/she has~~ **they have** made an assignment, transfer or conveyance of property or assets for the purpose of rendering himself/herself **themselves** eligible for assistance within three (3) years immediately preceding his/her application (NH RSA 165:2-b).

#### **E. STANDARD OF NEED:**

The basic financial requirement for General Assistance is that a person be poor and unable to support himself/herself **themselves**. A person shall be considered poor when ~~he/she has~~ **they have** insufficient available income/assets to purchase either for himself/herself **themselves** or dependents any of the following:

1. **Housing.** The amount to be included as “need” for housing shelter is the cost of rent or mortgage necessary to actually provide housing shelter in the Town of Durham. Such cost shall be determined in accordance with [Section IX E 10](#) below.
  - a) **Permanent Tenancy Housing Arrearages.** Shelter Housing arrearages may will be included in the “need” formula only if such payment is necessary to prevent eviction or foreclosure or to protect the health and safety of the household/family unit. However, if the amount of such mortgage or rental arrearage substantially exceeds the cost of alternative, available housing which complies with local health and housing code standards, or the payment of arrears shall not prevent eviction or foreclosure, the Welfare Official may instead authorize payment of security deposit, rent, and/or reasonable relocation expenses for such alternative housing if, under the circumstances of the case, it is reasonable to do so and would not cause undue hardship to the applicant household. Alternative housing may include transitional housing as an option. It is not the responsibility of the Municipal Welfare Office to locate permanent housing.
  - b) **Security Deposits.** Security deposits may be included in the “need” formula if, and only if, the applicant is unable to secure alternative housing or shelter for which no security deposit is required or is unable to secure funds, either themselves or from alternative sources, for payment of the deposit. Any security deposit provided by the general assistance program which is returned under RSA 540-A:7 shall be returned to the municipality, not the recipient.
  - c) **Relative Landlords.** Whenever a relative of an applicant is also the landlord for the applicant, that landlord shall be presumed able to assist his/her their relatives pursuant to NH RSA 165:19 and shall prove an inability to assist before any aid payment for shelter housing is made.
  - d) **Emergency Shelter.** In cases in which the Town of Durham has made an appropriate referral for emergency, temporary shelter and the applicant refuses to accept such a referral, or if the applicant does not abide by the rules of the emergency housing/shelter, the Town Welfare

**Official** may suspend the applicant by refusing to pay for alternative emergency shelter, but may not suspend the applicant by denying other forms of assistance to which ~~he/she is~~ they are otherwise entitled. The applicant must accept the least costly alternative for emergency housing assistance that is deemed suitable by the Welfare Official for applicant's household.

2. **Utilities.** When utility costs are not included in the shelter expense, the most recent ~~typical~~ **outstanding** monthly utility bill shall be included as part of "need" by the Welfare Official. Arrearages shall not normally be included in "need" except as set forth below (utilities shall be in the client's name in order to render assistance):

a) **Arrearages.** Utility arrearages shall not be included except when necessary to ensure the health and safety of the applicant household or to prevent termination of utility service where no other resources or referrals can be utilized. In accordance with the rules of the PUC relating to electric utilities, arrearages for electric service need not be paid if the welfare official notifies the electric company that the municipality guarantees payment of average electric bills as long as the recipient remains eligible for general assistance.

~~b) Arrearages for electric service need not be paid if the Welfare Official notifies the electric company that the municipality guarantees payment of current bill, in accordance with the rules of the New Hampshire Public Utilities Commission relating to electric utilities.~~

c) **Restoration of Service.** When utility service has been terminated and the Welfare Official has determined that alternative utility service is not available and alternative shelter is not feasible, arrearages may be included in "need" when restoration of service is necessary to ensure the health and safety of the applicant household/family unit. The Welfare Official may negotiate with the utility for payment of less than the full amount of the arrears and/or may attempt to arrange a repayment plan to obtain restoration of service.

- d) When electric service has been terminated and restoration is required, arrearages may either be included as set forth in ~~sub-paragraph c)~~ above or may be paid in accordance with a reasonable payment plan entered into by the applicant and the electric company, if the ~~Welfare Official notifies the electric company that the municipality agrees to pay current bill.~~ The welfare official may hold the recipient accountable for the payment arrangement for as long as the recipient continues to request general assistance on a regular basis. Payment of a payment plan may be a required element of a notice of decision or case plan.
3. Food. The amount included as "need" for food purchases shall be in accordance with the most recent standard Supplemental Nutrition Assistance Program (SNAP) (formerly known as food stamps) allotment, as determined under the ~~food stamp program~~ SNAP administered by the New Hampshire Department of Health and Human Services. ~~More than the An~~ amount in excess of the standard food stamp allotment may be granted if a ~~physician has stated in writing that one or more members of the household needs a special diet, verified by the welfare official,~~ the documented cost of which is greater than can be purchased with the family's allotment of ~~food stamps~~ SNAP. Food vouchers may not be used for alcohol, tobacco or pet food.
  4. Household Maintenance Allowance. Applicants may include, in calculating "need," the cost of providing personal and household necessities in an amount not to exceed these guidelines. Need allowance for diapers shall be calculated based on usage. ~~Supplementary orders may be issued under extenuating circumstances to provide maintenance necessities for personal or household supplies where need is demonstrated in amounts as follows:~~
    - a) ~~Single person household, \$10.00 per week.~~
    - b) ~~Additional household members, \$5.00 each per week.~~
    - c) ~~Dependant children still in diapers, additional \$5.00 per week in addition to the allotment in b) above.~~

5. **Telephone.** Generally, a telephone is not considered a basic need. However, if the absence of a telephone would create an unreasonable risk to the recipient's applicant's health or safety (verifiable in writing by a physician as verified by the welfare official) or for other verifiable good cause as determined by the Welfare Official, the lowest available basic monthly rate shall be budgeted as "need." While payments will not be made for telephone bills, under exceptional circumstances where no other source of assistance is available payments may be made to maintain basic telephone service.
6. **Transportation.** If the Welfare Official determines that transportation is necessary (e.g., for health or medical reasons, to maintain employment, or to comply with conditions of assistance), "need" should include the costs of public transportation, where available. If, and only if, the transportation need cannot be reasonably provided by alternative means, such as public transportation or volunteer drivers, a reasonable amount for car payments and gasoline should be included as part of "need" when determining eligibility or amount of aid.
7. **Maintenance of insurance.** In the event that the Welfare Official determines that the maintenance of medical insurance is essential, an applicant may include as "need" the reasonable cost of such premiums.
8. **Emergency and other expenses.** In the event that the applicant has the following current ~~allowed~~ expenses, the actual cost shall be included as emergency and other expenses to determine eligibility and amount of assistance:
  - a) **Medical Expenses.** The Welfare Official shall not consider including amounts for medical, dental or eye services unless the recipient or applicant can verify that all other potential sources have been investigated and that there is no source of assistance other than local welfare. Other sources to be considered shall include state and federal programs, local and area clinics, area service organizations and area hospital programs designed for such needs. When an applicant requests person applies for medical service, prescriptions, dental service or eye service to the local Welfare Official, he/she shall provide

~~written documentation~~ **may require verification** from a doctor, dentist or person licensed to practice optometry in the area, indicating that these services are absolutely necessary and cannot be postponed without creating a significant risk that the applicant's ~~or recipient's~~ well-being shall be placed in serious jeopardy. ~~The Welfare Official may accept oral verification from the provider, but shall seek written confirmation. Whenever possible, the applicant shall seek service from a Medicaid provider physician. If advance payment is required for such medical services, the Welfare Official may approve payment of the fee up to the reimbursable amount set for the procedure by the New Hampshire Medicaid Program. Whenever possible, generic medications should be used unless specified differently by the physician.~~

- b) **Legal expenses.** Except for those specifically required by statute, no legal expenses shall be included.
- c) ~~Moving expenses shall be included in accordance with [Section IX E 1a](#) above and for the expense of returning a person to his/her residence at his/her request pursuant to NH RSA 165:1 c, unless alternative arrangements are made by the Welfare Official at no cost to the Town of Durham.~~
- d) **Clothing.** If the applicant has an emergency clothing need which cannot be met in a timely fashion by other community resources (i.e., Salvation Army, Red Cross, church groups), the expense of reasonably meeting that emergency clothing need shall be included.
- e) **Automobiles.** No costs associated with the prevention of any repossession, automobile payments, or any registration or licensing costs shall be included unless reasonably justifiable as a need for the client's household.
- f) ~~Where the applicant owns a home and is otherwise eligible for assistance, payment for property taxes, fire insurance, sewer and water bills and essential repairs may be made as deemed necessary by the Welfare Officer to prevent foreclosure, preserve the home, and promote the health and safety of the applicant. A lien shall be placed on the property according to NH RSA 165:28.~~

9. **Unusual Needs Not Otherwise Provided for in These Guidelines.** If the Welfare Official determines that the applicant's needs have substantially changed, or that strict application of the Standard of Need criteria would result in unnecessary or undue hardship (e.g., needed services are inaccessible to the person-applicant), such official may make minor adjustments in the criteria, or may make allowances using the emergency need standards stated in [Section VI D 3](#) and [Section XIX](#) of these Guidelines. Any such determination, and the reasons, therefore, shall be stated in writing in the applicant's case record.
10. **Shared Expenses.** If the applicant(s)/recipient(s) household/family unit shares shelter, utility, or other expenses with a non-applicant/recipient (i.e., is part of a residential unit), then "need" should be determined on a pro-rata share, based on the total number of persons adults in the residential unit and that all pro-rata expenses have been verified to be current (e.g., three persons adults in a residential unit, but only one applies for assistance - shelter need is 1/3 of shelter allowance for a household of 3 persons three adults).
11. The maximum payment level for any particular allowable expense shall be based on actual local market conditions and costs. The payment levels shall be reviewed by the Welfare Official, and if needed, updated to current market conditions.

#### **F. INCOME:**

In determining eligibility and the amount of assistance, the applicant(s)' standard of need, as determined under [Section IX E](#) above, shall be compared to the available income/assets. Computation of income and expenses shall be by the week or month. The following items shall be considered in the computation of income:

1. Earned income. **Income** includes cash, tips, or in-kind compensation earned by the applicant(s) or any household member through wages, salary, commissions, or profit, whether self-employed or as an employee. Rental income and profits from produce or products items sold are included in this category **considered earned income.** **Self-employment net**

income is calculated by subtracting business expenses from total profit in accordance with standard accounting principles. When income consists of wages, the amount computed should be that available after income taxes, social security and other payroll deductions required by state, federal, or local law, childcare costs, court ordered support payments and work-related clothing costs have been deducted from income. Wages that are in trust, or income similarly unavailable to the applicant or applicant's dependents should not be included.

2. **Income or Support from Other Persons.** Contributions from relatives or other household members shall be considered as income only if actually available and received by the applicant or recipient. The income of non-household members of the applicant's residential unit shall not be counted as income. (Expenses shared with non-household members may affect the level of need, however. See [Section IX E 10](#) re: determination of need in cases of non-household residential units.)
3. Income from other assistance or social insurance programs.
  - a) ~~including, but not limited to,~~ State categorical assistance benefits, OASDI payments, Social Security payments, VA benefits, unemployment insurance benefits, and payments from other government sources shall be considered income.
  - b) ~~provided, however,~~ Supplement Nutrition Assistance Program (SNAP) (also known as Food Stamps) cannot be counted as income pursuant to federal law. 7 USC 2017(b).
  - c) Low Income Heating and Energy Assistance Program (LHEAP) (also known as Fuel Assistance ~~shall not~~ cannot be counted as income. ~~See, respectively Federal Law, 7 U.S.C. 2017 (b) and~~ pursuant to federal law 42 U.S.C. 8624 (f) (1).
4. **Court-Ordered Support Payments.** Alimony and Child Support payments shall be considered income only if actually received by the applicant/recipient.
5. **Income from Other Sources.** Payments from pension and trust funds. ~~Any income actually available to the applicant(s) or members of his/her household~~ and similar programs shall be

~~considered as income. Persons in the relationship of father, mother, stepfather, stepmother, son, daughter, husband or wife, are legally liable to support the applicant (NH RSA 165:19), and therefore may be required to apply jointly with him/her if they are in the same household/family unit. Any adult (even an unrelated person or roommate) who resides in the same household "in loco parentis" (in the role of substitute parent) to a minor child is liable for contributing to that child's support (NH RSA 165:32), and thus is required to apply jointly with that household. For purposes of determining eligibility under these Regulations, the income of a member of the household may be considered available to the applicant/recipient if he/she lives together with the applicant/recipient in a single housekeeping unit and shares the facilities.~~

6. **Earnings of a Child.** However, No inquiry shall be made into the earnings of a child 14 years of age or under unless that child makes a regular and substantial contribution to the family.

7. **Option to Treat a Qualified State Assistance Reduction as Deemed Income.**

~~Any portion of any qualified reduction of state assistance pursuant to NH RSA 167:82 VIII, as set forth in NH RSA 165:1-e. When an applicant/recipient receiving benefits through the State of NH Division of Human Services is sanctioned with a reduction in State benefits for non-compliance, the level of income from State benefits shall be considered as though no reduction occurred.~~

The welfare official may deem as income all or any portion of any qualified state assistance reduction pursuant to RSA 167:82, VIII. The following criteria shall apply to any action to deem income under this section. RSA 165:1-e.

a) The authority to deem income under this section shall terminate when the Qualified State Assistance Reduction no longer is in effect.

b) Applicants for general assistance may be required to cooperate in obtaining information from the Department of Health and Human Services as to the existence and amount of any Qualified State Assistance Reduction. No

applicant for general assistance may be considered to be subject to a Qualified State Assistance Reduction unless the existence and amount has been confirmed by the Department of Health and Human Services.

- c) The welfare official shall provide the applicant with a written decision which sets forth the amount of any deemed income used to determine eligibility for general assistance.
- d) Whenever necessary to prevent an immediate threat to the health and safety of children in the household, the welfare official shall waive that portion, if any, of the Qualified State Assistance Reduction as necessary.

**G. RESIDENTS OF SHELTERS FOR BATTERED WOMEN VICTIMS OF DOMESTIC VIOLENCE AND THEIR CHILDREN:**

An applicant/~~recipient~~ residing in a shelter for ~~battered women~~ victims of domestic violence and their children who has income and ~~other~~ owns resources jointly with abusive member(s) of the applicant's/~~recipient's~~ household or ~~family unit~~ shall be required to cooperate with the normal procedure for the purposes of verification. ~~, but may have these~~ Such resources and income may be excluded from eligibility determinations unless an agreement exists with a member of the abusive household/family unit to give the shelter household/family unit the applicant has safe access to joint resources at the time of application. The verification process may be completed through an authorized representative of the shelter of residence. The normal procedure taken in accordance with these guidelines to recover assistance granted shall not delay assistance.

**X. NON-RESIDENTS.**

**A. ELIGIBILITY:**

Applicants who are temporarily in a municipality which is not their municipality of residence and who do not intend to make a residence there are nonetheless eligible to receive general assistance, provided they are poor and unable to support themselves. No person shall be refused assistance solely on the basis of residence. RSA 165:1-c.

**B. STANDARDS:**

The application procedure, eligibility standards and standard of need shall be the same for non-residents as for residents.

**C. VERIFICATION:**

Verification records shall not be considered unavailable, nor is the applicant's responsibility for providing such records relaxed solely because they are located in the applicant(s)' community of residence.

**D. TEMPORARY OR EMERGENCY AID:**

The standards for the fulfilling of immediate or emergency needs of non-residents and for temporary assistance pending final decision shall be the same as for residents.

**E. DETERMINATION OF RESIDENCE:**

1. No determination of residence shall be made unless the applicant(s) request(s) return home transportation (See [Section X F](#) below), or unless the Welfare Official has some reason to believe the applicant is a resident of another New Hampshire municipality from which recovery can be made under NH RSA 165:20.
2. The residence of a minor shall be presumed to be the residence of his/her **their** custodial parent/guardian.
3. For competent adults, the standard for determining residence shall be the overall intent of the applicant(s), as set forth in [Section I definition of "Residence."](#) The following criteria shall aid the Welfare Official in determining the applicant's residence status:
  - a) Does the applicant have or immediately intend to establish a dwelling place within the municipality?
  - b) Does the applicant have property, an established dwelling place or employment in any other municipality, to which he/she **they** intend to return?

- c) Has the applicant evidenced his/her **their** domiciliary intent in some manner, such as registering a vehicle, paying residence tax, registering to vote, opening local bank accounts, etc. or does he/she **they** intend to do so in the immediate future?

None of the above factors is conclusive. A statement by an applicant 18 or over as to his/her **their** place of residence or intent to establish residence shall be accepted in absence of otherwise strongly inconsistent evidence or behavior.

**F. RETURN HOME TRANSPORTATION:**

At the request of a non-resident applicant(s), **any aid**, temporary or otherwise, for assistance to which he/she **they** would be otherwise entitled under the standards set forth in these guidelines, **may be used by** the Welfare Official ~~may have the person to~~ **cause the applicant to be** returned to his/her **their** community of residence per NH RSA 165:1-c.

**G. RECOVERY:**

Any aid given to a non-resident, including the costs of return home transportation, may be recovered from his/her **their** community of residence in NH **as provided by law.** NH RSA 165:20.

**XI. WELFARE MUNICIPAL WORKFARE PROGRAM**

**A. LAWS GOVERNING PARTICIPATION**

According to New Hampshire NH RSA 165:31, anyone found eligible for work while receiving General Assistance **who is able and not gainfully employed** may be required to work for the municipality or other appropriate local human service agencies at any available bona fide jobs that are within his/her **their** capacity as for the purpose of reimbursement for benefits received. Participants in the Welfare-Workfare Program are not considered employees of the Town of Durham, and any work performed by Welfare Workfare Program participants does not give rise to any employee-employer relationship between the recipient/welfare worker **workfare participant** and the Town of Durham.

**B. HOURS BASED ON ASSISTANCE PROVIDED:  
REIMBURSEMENT RATE**

The workfare participant shall be allotted the prevailing wage for work performed, but in no case less than the minimum wage. No cash compensation shall be paid for workfare participation; the wage value of all hours worked shall be used to reimburse the Town of Durham for assistance given. No workfare participant shall be required to work more hours than necessary to reimburse aid rendered.

~~Required recipient/welfare workers hours are based on the amount of aid rendered and are calculated at the prevailing wage. All hours attributable to Welfare Work participation shall be used to reimburse the Town of Durham for assistance given. No recipient shall work more hours than necessary to reimburse the Town of Durham for aid rendered.~~

**C. INSUFFICIENT WORK: CONTINUING FINANCIAL  
LIABILITY**

If, due to lack of available work or other verifiable good cause, a recipient does not work a sufficient number of hours to fully compensate ~~reimburse~~ the Town of Durham for the amount of his/her ~~their~~ aid, the full amount of aid for which he/she is eligible under these standards shall still be paid less any credit for any work performed. ~~received less the value of workfare hours completed shall still be owed to the Town of Durham.~~

**D. TIME OFF ALLOWED TO SEEK AND SECURE WORK:  
ALLOWANCE FOR WORK SEARCH**

The Town shall provide reasonable time during workingfare hours for the recipient to seek and secure work in the labor market. ~~participant to conduct a documented employment search.~~

**E. EXCUSED ABSENCES FROM WORK PROGRAM: WORKFARE  
PROGRAM ATTENDANCE**

~~Refusal to work does not include failure to appear for or to perform under the circumstances listed below. The recipient should, however attempt to schedule appointments so as not to conflict with the Welfare Work Program and shall notify his/her~~

~~Welfare Official in advance of the appointment. The Welfare Official may require recipients to provide documentation of the attendance at a conflicting interview or appointment. The circumstances include when the recipient:~~

The workfare participant should attempt to schedule appointments so as not to conflict with the workfare program and must notify their supervisor in advance of an appointment. The welfare official may require participants to provide documentation of their attendance at a conflicting interview or appointment. With prior notice to the welfare official, a recipient may be excused from workfare participation if they:

1. Have a conflicting interview for a job possibility.
2. Have a conflicting interview at a social service or welfare agency.
3. Have a medical appointment or illness.
4. As a parent or person "in loco parentis," must care for children under the age of six (6). A person recipient responsible for a child over six (6), but under twelve (12) years of age, shall be deemed to have verifiable good cause to refuse not be required to work during the hours the child is not in school, if there is no responsible person available to provide care, and no other care is available.
5. Are unable to work due to a mental or physical disability, as verified by the welfare official.
6. Must remain at home because of illness or disability to another member of the household, as verified by the welfare official. (verified in writing by a physician when such verification is reasonably attainable).
7. Does not possess the materials or tools required to perform the task and the Town of Durham fails to provide for them.

#### **F. HOURS OF WORK REQUIREMENTS: WORKFARE HOURS**

Workingfare hours are subject to approval by the Work Program site supervisor and the recipient. supervisor and the welfare official. Failure of the participant to adhere to agreed upon

workingfare hours (except for the reasons listed above) shall prompt review of the recipient's eligibility for general assistance and/or possible suspension may result in a suspension or termination of assistance. Section XII (C)(2)(b).

**G. PARTICIPANTS COVERED BY WORKER'S COMPENSATION:**

The Town of Durham shall provide worker's compensation coverage to participants in the Welfare workfare program in the same manner as such coverage is provided to Town employees, unless the local governing body of the municipality has voted to adopt guidelines making the provisions of the workers' compensation laws not applicable to workfare program participants. RSA 281-A:2, VII(b).

**XII. BURIALS AND CREMATIONS**

**A. TOWN SHALL PROVIDE BURIALS FOR INDIGENTS:**

~~The Welfare Official shall provide for proper burial, at the Town's expense, for any indigent person found in the community at the time of death. The expense may be recovered from:~~

- ~~1. The decedent's municipality of residence if a non-resident.~~
- ~~2. A liable relative.~~
- ~~3. Social Security death benefits.~~
- ~~4. NH Department of Health and Human Services.~~
- ~~5. Other sources as may be discovered.~~

**B. ASSISTED RESIDENTS WHO DIE IN COUNTY NURSING HOMES:**

~~If an assisted resident of Durham dies in a county nursing home, the Welfare Official shall provide for proper burial, at the Town of Durham's expense (RSA 165:3)~~

**C. LIMITATION OF EXPENDITURE FOR BURIALS:**

~~The Town of Durham shall pay up to \$750.00 for burial service.~~

The welfare official shall provide for required burial or cremation, at municipal expense, of persons found in the municipality at the time of death, regardless of whether the deceased person ever applied for or received general assistance from any municipality. In such cases, assistance may be applied for on behalf of the deceased person. The application should be made immediately following the time of death or before expenses are incurred. The municipality will not pay for expenses like special rites and other expenses beyond the municipal maximum allowance for charges required for burial or cremation.

The expense may be recovered from the deceased person's municipality of residence, or from a liable relative pursuant to RSA 165:3 II. If there are liquid assets at death from the deceased person's bank accounts, there shall be an automatic assignment to the funeral director or the person who paid for the funeral and burial or cremation of the deceased to the extent of funeral and burial or cremation costs up to \$2,000 pursuant to RSA 165:27-a, if relatives, other private persons, the state, or other sources are unable to cover the entire burial/cremation expense.

Unclaimed Body. Per RSA 611-B:25 the medical examiner shall release a dead body if unclaimed for a period of not less than 48 hours following completion of the death investigation to the overseer of public welfare in the town or, in the case of an unincorporated place, to a county commissioner, who shall decently bury or cremate the body, or with the consent of the commissioners or the overseer, it may be sent to the medical department of a medical school or university, to be used for the advancement of the science of anatomy and surgery.

### **XIII. RIGHT TO NOTICE OF ADVERSE ACTION**

#### **A. RIGHT TO A WRITTEN DECISION**

All persons have a constitutional right to be free of unfair, arbitrary or unreasonable action taken by local government. This includes applicants for and recipients of general assistance whose aid has been denied, terminated or reduced. Every applicant and recipient shall be given written notice of every decision regarding assistance (See Section VI(D) for notice where application is granted.) The welfare official will make every in-an effort to ensure that the applicant understands the decision.

**B. ACTION TAKEN FOR REASONS OTHER THAN NON-COMPLIANCE WITH THESE GUIDELINES FOR GENERAL ASSISTANCE:**

1. Whenever a decision is made to deny assistance, to refuse to grant the full amount of assistance requested, or to terminate assistance, a written notice of the decision shall be given to the applicant immediately or within one (1) business day from the time the decision is made or within five (5) business days from the time the application is filled out and submitted, whichever occurs first.
2. In any case where the Welfare Official decides to terminate or reduce assistance under the standards for eligibility or for reasons other than noncompliance with the Guidelines, ~~on the next anticipated date of assistance,~~ the Welfare Official shall send notice, at least (7) calendar days in advance of the effective date of the decision, to the recipient stating the intended action.
3. The notice required by Paragraph 1 and Paragraph 2 above shall contain:
  - a) A clear statement of the reasons for the denial or proposed termination or reduction.
  - b) A statement advising the ~~individual of his/her~~ recipient of their right to a Fair Hearing, and that any request for a Fair Hearing shall be made in writing within five (5) business days of the individual's receipt of the notice of adverse action.
  - c) A statement advising the individual recipient of the time limits which shall be met in order to receive a Fair Hearing.
  - d) A statement that assistance may continue, if there was initial eligibility, until the date of the hearing, if requested by the claimant(s) and that any continued aid shall be repaid if the claimant(s) fails to prevail at the hearing.

**C. SUSPENSION OF BENEFITS FOR NON-COMPLIANCE WITH THESE GUIDELINES:**

1. **Due Process.** Recipients shall comply with these Guidelines and reasonable requests of the Welfare Official. Welfare Officials shall enforce the Guidelines while ensuring that all recipients and applicants receive due process. Recipients shall be given reasonable notice of the conditions and requirements of eligibility and continuing eligibility and notice that non-compliance may result in termination or suspension.
2. **Conditions.** Any person **applicant/recipient** otherwise eligible for assistance shall become ineligible under RSA 165:1-b I, if ~~he/she~~ **they** willfully fails to comply with the requirements of these guidelines relating to the obligation to:
  - a) Disclose and provide verification of income, resources, or other financial material data, including any changes in this information.
  - b) Participate in the ~~Welfare Work~~ **fare** Program as assigned by the Welfare Official.
  - c) Comply with the work search requirements imposed by the Welfare Official.
  - d) Apply for other public assistance, which would alleviate the need for General Assistance, as requested by the Welfare Official.
  - e) Keep all appointments absent good, verifiable justification for failing to appear when directed.
3. **First Notice.** No recipient otherwise eligible shall be suspended for non-compliance with these Guidelines unless ~~he/she has~~ **they have** been given written notice of the actions required in order to remain eligible and a seven (7) calendar day period within which to comply. The first notice shall be given at the time of the Notice of Decision and thereafter as the conditions change. Additional notice of actions required should also be given as eligibility is redetermined but without an additional seven (7) calendar day period unless new actions are required.

4. **Noncompliance.**

- a) If a recipient willfully **and without good cause** fails to come into compliance during the seven (7) calendar day period, or willfully falls into noncompliance **within 30 days from receipt of a first notice**, the Welfare Official shall give the recipient a suspension notice.
- b) If a recipient falls into noncompliance for the first time more than 30 days after receipt of a first notice, the welfare official shall give the recipient a new first notice with a seven (7) calendar day period to comply before giving he recipient the suspension notice.

5. **Suspension Notice.** Written notice to a recipient that he/she is **they are** suspended from assistance due to failure to comply with the conditions required in a Notice of Decision (first notice) shall include:

- a) The requirement(s) with which the recipient is not in compliance and a description of those actions necessary for compliance;
- b) The period of suspension (see [Section XIII B 6](#) below);
- c) Notice of the right to a Fair Hearing on the issue of willful non-compliance and that such request shall be made in writing to the Welfare Official within five (5) business days of receipt of the suspension notice;
- d) A statement that assistance may continue in accordance **with the prior eligibility determination** until the Fair Hearing decision is made if the recipient so requests. However, if the recipient fails to prevail at the hearing, the suspension shall start after the decision is rendered and the recipient shall repay such continued aid.

6. **Suspension Period.** The suspension period for failure to comply with the Guidelines' requirements shall last:

- a) **Either seven** (7) days, or **14 days** if the recipient has had a prior suspension which ended within the past six (6) months ~~14 days~~, and;

- b) Until the recipient complies with the guidelines if the recipient, upon the expiration of the 7 or 14-day suspension period, continues to fail to carry out the specific actions set forth in this notice.
- c) Notwithstanding paragraph b, above, a recipient who has been suspended for non-compliance for at least six (6) months may file a new application for assistance without coming back into compliance.

7. **Fair Hearing on Continuing Noncompliance.** A recipient who has been suspended until he/she complies they comply with the guidelines may request a Fair Hearing to resolve a dispute over whether or not he/she has they have satisfactorily complied with these guidelines. The burden of proof lies with the claimant to show that the Welfare Official was incorrect in his/her assessment as to the claimant's compliance with these guidelines, however no assistance shall be available under paragraph C(5)(d) above.

~~8. Under this section, claimants are ineligible to receive continued assistance until their Fair Hearing date (NH RSA 165:1-b VI).~~

9. **Compliance After Suspension.** A recipient who has been subject to a suspension and who has come back into compliance shall have his/her their assistance resumed, provided he/she is they are still otherwise eligible. The Notice of Decision stating that assistance has been resumed should again set forth the actions required to remain eligible for assistance but need not provide a seven (7) calendar day period for compliance unless new conditions have been imposed.

#### **XIV. FAIR HEARINGS.**

##### **A. REQUESTS:**

A request for a Fair Hearing is a written expression by the applicant(s) or recipient(s) or any person acting on his/her their behalf that he/she wants they want an opportunity to present his/her their case to a higher authority. When a request for assistance is denied or when an applicant desires to challenge a

decision made by the welfare official relative to the receipt of assistance, the applicant/recipient must present a written request for a fair hearing to the welfare official within five (5) business days of receipt of the notice of decision at issue. RSA 165:1-b, III.

**B. TIME LIMITS FOR REQUEST AND HEARING:**

- ~~1. When a recipient desires to challenge a decision made by the Welfare Official relative to the application for or receipt of assistance, a request for a Fair Hearing shall be received within five (5) business days of receipt of the Notice of Decision at issue.~~
2. Hearings requested by claimants shall be held within seven (7) calendar days of the receipt of the request. At least forty-eight (48) hours in advance, the Welfare Official shall give written notice in person or via e-mail to the claimant setting forth the time and location of the hearing. If written notice in person or via e-mail is not possible, the Welfare Official shall mail the notice to the claimant's last known address at least seventy-two (72) hours prior to the hearing.

**C. THE FAIR HEARING OFFICER:**

The Town Administrator shall assign the Fair Hearing Officer. The Fair Hearing Officer presiding over the Fair Hearing request shall:

1. Not have participated in the decision causing dissatisfaction.
2. Be impartial.
3. Be sufficiently skilled in interviewing to be able to obtain evidence and facts necessary for a fair determination.
4. Be capable of evaluating all evidence fairly and realistically, to explain to the claimant the laws and Guidelines under which the Welfare Official operated and to interpret to Welfare Officials any evidence of unsound, unclear or inequitable policies, practices, or actions.

**NOTE:** The Welfare Official **Town Administrator** shall make every effort to engage other experienced welfare administrators or

qualified welfare professionals from New Hampshire to preside over Fair Hearing cases in Durham. They bring valuable experience in dealing with welfare matters to the Fair Hearing process. These welfare professionals are cognizant of the statutes regulating welfare and capable of making judicious, impartial decisions. ~~Using these qualified individuals as Hearings Officers serves the purpose of finding qualified individuals who meet all the criteria contained in [XIV-B](#) above in the time frame established for Fair Hearings in the next section.~~

**D. FAIR HEARING PROCEDURES:**

1. ~~Prior to a Fair Hearing,~~ a claimant or his/her their duly authorized representative has the right to examine, **prior to a fair hearing**, all records, papers and documents from the claimant's case file as well as **any** available documents not contained in the case file, that are relevant to the actions of the Welfare Official that is the basis for the claimant's request for a Fair Hearing. The claimant may introduce any such documents, papers or records into evidence. No record, paper or document, which the claimant has not been allowed to examine prior to the hearing, shall be introduced at the hearing or become part of the record.
2. **The Welfare Official, or a duly authorized representative, shall have the right to examine at the Fair Hearing all documents on which the claimant plans to rely at the Fair Hearing and may request a twenty-four (24) hour continuance if such documents contain evidence not previously provided or disclosed by the claimant. Should the applicant have new documentation relevant to the disputed decision, they may reapply for assistance and file a written withdrawal for the fair hearing request.**
3. The following procedures shall govern Fair Hearings:
  - a) All Fair Hearings shall be conducted in such a manner as to ensure due process of law.
  - b) Fair Hearings shall not be conducted according to strict rules of evidence. However, the Fair Hearing Official shall not rely solely upon any hearsay evidence in making a decision if any party objects to its introduction.

Town of Durham  
Guidelines for General Assistance

- c) The burden of proof shall be on the claimant who shall be required to establish ~~his/her~~ **their** case by a preponderance of the evidence.
- d) The Welfare Official **responsible for the disputed decision** shall attend the hearing and testify about ~~his/her~~ **their** actions and the reasons therefore.
- e) ~~The~~ **Both** parties or their representatives shall be given the opportunity to offer oral or written evidence, **and explain their positions as fully and completely as they wish. The claimant shall have the opportunity to present their own case, or at the claimant's option, with the aid of others, and to bring witnesses, to establish all pertinent facts, to advance any arguments without undue interference, to question or refute testimony or evidence, including the opportunity to confront and cross examine any person who testifies and make arguments in furtherance of their case. adverse witnesses.**
- f) The parties may stipulate to any facts.
- g) **All fair hearings may be tape-recorded and retained for six (6) months.**
- h) Any claimant may withdraw in writing ~~his/her~~ **their** request for a Fair Hearing at any time up to the time of the hearing. A claimant who fails to appear for any scheduled Fair Hearing shall be deemed to have withdrawn ~~his~~ **their** request for such a hearing.
- i) A claimant who believes ~~he has~~ **they have** verifiable good cause to request a continuance or postponement of a scheduled Fair Hearing shall contact the Welfare Official at the earliest possible time prior to the hearing. Upon verifiable good cause shown, the Welfare Official may reschedule such hearing. However, the claimant is entitled to only one (1) such postponement or continuance per Fair Hearing request. Verifiable good cause shall include, but not necessarily be limited to, demonstrated medical emergency, or other demonstrated unforeseen circumstances, which reasonably prevents the claimant from attending such scheduled hearing. A claimant shall provide documentation of such circumstances to the

satisfaction of the Welfare Official no later than 72 hours after the request for postponement is made. If the claimant does not provide documentation of such circumstances to the Welfare Official within 72 hours, then the request for a Fair Hearing shall be deemed withdrawn by the claimant.

4. ~~Decisions:~~

**E. DECISIONS**

1. Fair Hearing decisions shall be rendered within ~~five (5)~~ **seven (7)** business days of the hearing. Decisions shall be in writing, setting forth the reasons for decisions and the facts on which the Fair Hearing Officer relied in reaching his/her **their** decision. A copy of the decision shall be mailed or delivered to the claimant and to the Welfare Official.
2. The decision of the Fair Hearing Officer shall be ~~based solely on the hearing record, these Regulations and other relevant law. The hearing record shall consist solely of evidence introduced at the hearing.~~ **rendered on the basis of the officer's findings of fact, these Guidelines and state and federal law.** The Fair Hearing decision shall set forth appropriate relief.
3. **The decision shall be dated.** In the case of a hearing to review a denial of aid, the decision is retroactive to the date of the action being appealed. If a claimant fails to prevail at the hearing, the assistance given pending the hearing shall be treated as a debt owed by the individual to the Town of Durham.
4. The Welfare Official shall keep all Fair Hearing decisions on file in chronological order.
5. None of the procedures specified herein shall limit any right of the claimant to subsequent court action to review or challenge the adverse decision.

**XV. LIENS:**

**A. REAL ESTATE – RSA 165:28:**

The law requires the Town to place a notice lien for welfare aid received on any real estate owned by an assisted person in all cases except for verifiable just cause as determined by the Welfare Official and approved by the Town Council (NH RSA 165:28). This section does not authorize the placement of a lien on the real estate of legally liable relatives, as defined by NH RSA 165:19. The Welfare Official shall file a Notice of Lien with the County Registry of Deeds, complete with the owner's name and description of the property sufficient to identify it. Interest at the rate of 6% per year shall be charged on the amount of money constituting the lien commencing one year after the date the lien is filed, unless waived by a majority vote of the Town Council.

The lien remains in effect until enforced or released or until the amount of the lien is repaid to the Town. The lien shall not be enforced so long as the real estate is occupied as the sole residence of the assisted person, his/her **their** surviving spouse, or his/her **their** surviving children who are under age 18 or blind or permanently and totally disabled.

~~According to NH RSA 165:28, the Registrar of Deeds shall keep a suitable record of such notices without charging any fee shall enter an acknowledgment of satisfaction of the lien upon written request of the Town Council. At such time as the lien may become enforceable, the Welfare Official shall attempt to contact the attorney handling the real estate or estate before enforcing the lien. Upon repayment of a lien, the Town shall file written notice to discharge the lien with the County Registry of Deeds.~~

**B. CIVIL JUDGMENTS (NH RSA 165:28-a):**

The Town of Durham shall be entitled to a lien upon property passing under the terms of a will or an intestate succession, a property settlement, or civil judgment of personal injuries (except workers' compensation) awarded any person granted assistance by the Town for the amount of assistance granted by the Town.

The Town of Durham shall be entitled to the lien only if the assistance was granted no more than six (6) years before the receipt of the inheritance or award of the property settlement or civil judgment. When the Welfare Official becomes aware of such a claim against a civil judgment he/she **they** shall contact the attorney representing the recipient. The lien shall take precedence over all other claims (NH RSA 165:28-a III).

**XVI. ~~RECOVERING FUNDS FOR ASSISTANCE PROVIDED~~  
RECOVERY OF ASSISTANCE:**

**A. ~~RECOVERY FROM OTHER~~ THE MUNICIPALITY OF RESIDENCE:**

~~A municipality may The welfare official may seek to recover the amount of money spent to support a person, who has a residence in another municipality, from the municipality of residence (NH RSA 165:20). A civil action for recovery may be brought forward. However, NH RSA 165:20-a provides for arbitration of such disputes between communities.~~

The Welfare Official may seek to recover from the municipality of residence the amount of money spent by the municipality to assist a recipient who has a residence in another municipality. Written notice of money spent in support of a recipient must be given to the welfare official of the municipality of residence. In any civil action for recovery brought under RSA 165:20, the court shall award costs to the prevailing party. RSA 165:19 and 20.

If the Welfare Official for the Town of Durham arranges to relocate a client to another municipality, the Town of Durham shall be responsible for the client's first thirty (30) days in the other community. Conversely, if another municipality moves a client into the Town of Durham, the Welfare Official shall contact said municipality to seek recovery of assistance provided for the first thirty (30) days in accordance with the ethics policy established by the New Hampshire Local Welfare Administrator's Association.

**B. ~~RECOVERY FROM ASSISTED PERSON'S~~ RESPONSIBLE RELATIVES:**

~~The Town may recover the amount of support from a liable relative. A liable relative may be~~ The amount of money spent by the town to assist a recipient who has a father, mother, stepfather, stepmother, parent, stepparent, husband, wife, partner or child (who is no longer a minor) of sufficient ability to also support the assisted person recipient, may be recovered from the liable relative. (NH RSA 165:19). Sufficient ability shall be deemed to exist when the relative's weekly income is more than sufficient to provide a reasonable subsistence compatible

with decency and health. The welfare official may determine that "in kind" assistance or the provision of products/services to the client is acceptable as a relative's response to liability of support. Written notice of money spent in support of an assisted person a recipient shall be given to the liable relative. The Welfare Official shall make reasonable efforts to give such written notice prior to the giving of aid, but aid to which an applicant is entitled under these Guidelines shall not be delayed due to inability to contact liable relatives.

**C. RECOVERY FROM FORMER RECIPIENT'S INCOME AT LATER DATE:**

~~Each recipient who becomes financially able shall reimburse the Town of Durham for assistance rendered when asked to do so (NH RSA 165:20-b). The Welfare Officer, taking into consideration all necessary current and future obligations, shall determine reimbursement. Each recipient shall understand that General Assistance reimbursement takes priority over all other expenses of a less than necessary nature as determined by the Welfare Officer. The Welfare Officer may also take a lien on real estate or civil judgments in the amount of assistance rendered (NH RSA 165:28, 28-a).~~

A former recipient who is returned to an income status after receiving assistance may be required to reimburse the municipality for the assistance provided, if such reimbursement can be made without financial hardship. RSA 165:20-b.

**D. TIME LIMITATION FOR FILING FOR RECOVERY IN COURT:**

Any legal action to recover shall be filed in a court within six (6) years after the expenditure.

**E. RECOVERY FROM STATE AND FEDERAL SOURCES OF INTERIM ASSISTANCE FROM SSA & HHS:**

The amount of money spent by a municipality to support a person recipient who has made initial application for SSI and has signed an Interim Assistance Program Reimbursement Form, HHS Form 151 "AUTHORIZATION FOR REIMBURSEMENT OF INTERIM ASSISTANCE" shall be recovered through the SSA and the New Hampshire Department of Health and Human Services. Prescription expenses paid by the town for applicants who have

applied for Medicaid shall be recovered through the New Hampshire Department of Health and Human Services if and when the applicant is approved for medical coverage. There shall be no delay, refusal or termination of assistance while the Welfare Official is pursuing the statutory remedies to secure reimbursement from responsible relatives or from the municipality of residence.

**XVII. APPLICATION OF RENTS PAID BY THE TOWN OF DURHAM.**

**A. APPLICATION OF PAYMENTS TO LANDLORD'S DELINQUENT BALANCES:**

Whenever the owner of property rented to a person receiving assistance from the Town of Durham is in arrears in sewer, water, tax payments or other debts owed to the Town, the Town may apply the assistance which the property owner would have received in payment of rent on behalf of such assisted person to the property owner's delinquent balances, regardless of whether such delinquent balances are in respect of property occupied by the assisted person (NH RSA 165:4-a).

**B. PAYMENT ARREARS DETERMINATION OF DELINQUENT BALANCES:**

A payment shall be considered in arrears if more than thirty (30) days have elapsed since the mailing of the bill, or in the case of real estate taxes, if interest has begun to accrue pursuant to NH RSA 76:13 (NH RSA 165:4-a).

**C. PRIORITY OF PAYMENTS FOR DELINQUENT BALANCES:**

Delinquent property tax balances shall be first priority, followed by delinquent sewer/water balances and other Town-owned debts.

**D. PROCEDURE:**

1. The Welfare Official shall issue a voucher on behalf of the tenant to the landlord for allowed amount of rent. The voucher shall indicate any amount to be applied to a delinquent balance owed by the landlord, specifying which delinquency and referring to the authority of NH RSA 165:4-a.

2. The Welfare Official shall issue a duplicate voucher to the Tax Collector, which shall issue a receipt of payment to the delinquent landlord.

**XVIII. AUTHORITY TO SUPERSEDE GUIDELINES:**

The Welfare Official is authorized to provide assistance that does not conform to the Guidelines as a result of emergency, necessity or unusual circumstances.

Adopted by majority vote of the Town Council of the Town of Durham, on a vote of \_\_\_\_\_ in favor, \_\_\_\_\_ opposing, and \_\_\_\_\_ abstentions, hereby adopts these Guidelines for general assistance.

DATE: February 3, 2003

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~~Malcolm Sandberg, Chair~~  
**Sally Needell, Chair**  
Durham Town Council

*ATTEST:*

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**Rachel Deane, Town Clerk**  
~~Linda L. Ekdahl, Town Clerk~~  
February 3, 2003



## TOWN OF DURHAM

8 Newmarket Road  
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AGENDA ITEM: **#8B TS**  
DATE: **June 26, 2023**

### COUNCIL COMMUNICATION

**INITIATED BY:** Richard Reine, Public Works Director

**AGENDA ITEM:** SHALL THE TOWN COUNCIL, UPON RECOMMENDATION OF THE ADMINISTRATOR:

1. AUTHORIZE THE TRANSFER OF \$7,436.67 FROM REVENUES AND EXPENDITURES OF THE BELOW LISTED CAPITAL EQUIPMENT ACCOUNTS TO THE 2023 SIDEWALK PLOW TRACTOR REPLACEMENT ACCOUNT 07-2325-801?
2. AUTHORIZE THE PURCHASE OF A NEW 2023 MODEL SW50 PRINOTH SIDEWALK TRACTOR WITH POWER-ANGLE STRAIGHT BLADE PLOW, MATERIAL SPREADER, AND SNOWBLOWER ATTACHMENTS FROM CHADWICK-BAROSS, INC. OF CONCORD, NEW HAMPSHIRE IN THE AMOUNT OF \$202,731 FROM ACCOUNT 07-2325-801 AND ACCOUNT 01-4312-825-55-000?

**CC PREPARED BY:** Richard Reine, Public Works Director  
Samuel Hewitt, Assistant Public Works Director

**PRESENTED BY:** Richard Reine, Public Works Director

**AGENDA DESCRIPTION:**

The 2023 Fiscal Year Capital Improvements Budget includes the purchase of a New Sidewalk Plow Tractor in the amount of \$195,000 for use as a front-line piece of snow fighting equipment in the Durham Public Works Highway Division during winter weather events. This new 2023 Prinoth SW50 Sidewalk Tractor with Snow Removal Attachments will replace the existing 1998 Colpron Landini Sidewalk Tractor, for a total cost of \$202,731.

Durham Public Works is responsible for the comprehensive winter maintenance activities on its transportation network including roadways, parking lots, pedestrian access ways, and over 15 miles of sidewalks. During winter emergency responses,

snow and ice accumulations on sidewalks can quickly create impassable conditions putting pedestrians at risk of slips, falls, and injuries. Clearing snow and ice from sidewalks promptly and efficiently is key to ensuring the safety and accessibility of Durham’s roadways, sidewalks, parking lots and pathways. Durham Public Works prides itself in its commitment to the safety and well-being of Durham’s residents, visitors, and other stakeholders. The large student population and high pedestrian activity rely heavily on the accessibility and functionality of the sidewalk network.

Durham Public Works makes it a priority to begin sidewalk clearing and treating at the same time we begin roadway and parking lot winter maintenance operations, thus placing an equal priority on pedestrians as we do vehicles. However, as the demand for services increases, it’s essential to ensure the Department has the appropriate resources and equipment to meet these high expectations.



2023 Prinoth SW50 Sidewalk Tractor

This 2023 Prinoth Sidewalk Tractor will play a key role in the Department’s efforts to maintain its commitment to safe and accessible pedestrian pathways. The SW50 is highly regarded in the industry due to its compact design and robust snow clearing capabilities. This machine is outfitted with steel wire reinforced rubber tracks which provide exceptional traction on various surfaces, including those with accumulated snow and ice. The flexibility and grip of the rubber tracks allow for improved traction control, ensuring better maneuverability and stability on slippery terrains. This feature enables the SW50 to efficiently clear snow from sidewalks, even in the most challenging of weather conditions. Furthermore, the flexibility of the rubber tracks allows the machine to navigate through tight spaces and around obstacles on sidewalks with greater ease. This increased maneuverability enables comprehensive coverage of the sidewalks.

The existing 1998 Colpron Landini has served the community well for the past 25 years. However, its age and condition have rendered it unsafe for operation, plagued by significant mechanical problems and a rust weakened frame, cab, and attachments.



The 1998 Colpron Landini is experiencing significant rusting and pitting on the frame and plow attachment and severe mechanical problems.

The development of specifications for this new equipment involved a thorough and collaborative process to ensure that the chosen machine would meet the specific needs and requirements of the Department and the community. This included an assessment of current and future needs, use of demonstration equipment, internal discussions and input, benchmarking and research, and engaging with external experts and suppliers. Considerations were given to anticipated changes in the community, such as population growth, increased pedestrian traffic, sidewalk design, or changes in infrastructure, which may impact snow removal requirements. This research helped in identifying the latest technological advancements, safety features,

efficiency improvements, and environmental considerations that could be incorporated into the new tractor. Equipment representatives also shared their knowledge and expertise on factors such as maintenance requirements, durability, and the availability of spare parts and service support.

In accordance with the Town's procurement policy, the Department followed the formal bidding requirements as outlined in section 6 and advertised for public bids. The request for proposal (RFP) outlined the specific requirements and specifications for the new sidewalk tractor. In addition to the requirements in section 6, the Department mailed RFP's to eight different qualified vendors to encourage fair and competitive bidding. Although proposals were received from four manufacturers, Chadwick-BaRoss, Inc. of Concord, NH was the only manufacturer that met the specified requirements. The evaluation of Chadwick-BaRoss Inc.'s proposal not only involved a review of compliance with the specifications outlined in the RFP, but also an evaluation of the manufacturer's track record and experience in producing similar equipment. Considerations were also given for the quality and durability of their product and an assessment of their ability to provide the necessary after-sales support, such as maintenance and spare parts availability.

As previously communicated to the Council, the procurement of equipment and materials has posed significant challenges over the last two years. Durham Public Works has encountered unpredictable and unstable pricing, unavailability of certain models, extended lead times, and shipping delays. Many of the bids received for this procurement that did not meet the outlined specifications indicated lead times of six months or more. The bid from Chadwick-BaRoss, Inc. stands out as it offers a relatively shorter lead time of 1-2 months. This presents an opportunity to expedite the procurement process for this equipment.

As stated earlier, the 2023 Capital Fund Budget allocated \$195,000 for the intended purchase. However, due to continued price escalation, the bid price exceeded the allocated budget amount, by \$7,731.00. Fortunately, to bridge this budget shortfall, the Department has an opportunity to allocate funding from within its existing capital equipment appropriation, resulting from savings on previously budgeted equipment that was procured slightly under budget. In order to implement this funding plan, it will be necessary for the Town Council to approve the transfer of \$7,436.67 from the revenue and expenditure lines of the capital equipment plan as outlined in the Financial Details below. Additionally, a total of \$294.33 will be utilized from the Snow and Ice Control operating budget, as outlined in the Financial Details, to further supplement the funding authorized for this purchase. Leveraging these remaining funds will ensure that the necessary resources are available to acquire this equipment while adapting to the current market and economic challenges.

Durham Public Works conducted a comprehensive evaluation of equipment leasing alternatives, exploring both 5-year and 7-year lease terms featuring a \$1.00 buyout

option upon termination. Under the 5-year term, an annual payment of \$47,972.40 is required, while the 7-year term necessitates an annual payment of \$36,322.34. The prevailing lease interest rates stand at 5.81%, and it is important to note that an early termination of the lease would incur a service fee. Selecting the 5-year lease term would result in a total payment of \$239,862.00, whereas the 7-year term would amount to \$254,256, or an increase of \$37,131 and \$51,525.38, respectively, in comparison to the recommended funding plan. It is worth highlighting that the Town of Durham's bond rates, as assessed in the January 2023 bond sale through the New Hampshire Municipal Bond Bank, stood at a competitive rate of 2.85% for a 5-year term. Consequently, considering this favorable bond rate, the lease-to-purchase arrangement appears less financially advantageous in comparison.

Durham Public Works respectfully requests the approval of this recommendation.

**LEGAL AUTHORITY:**

Section 5 and 6 of the Town’s Purchasing Policy states “Every Town purchase or contract of greater than twenty-five thousand (\$25,000.00) dollars in amount, with the exception of the valid exceptions noted in Section 7 of these Policies, shall be made only after the receipt of publicly invited sealed competitive bids on uniform specifications”. The Policy also states “Purchases made through existing State of New Hampshire or other State/Government Contracts, Strafford County or Oyster River School District contracts shall be deemed to meet the competitive pricing requirements of the preceding purchasing procedures. Nothing herein shall be construed to prevent joint bidding and contracting by the Town and other public jurisdictions, and in fact, such joint procurement programs are encouraged”.

**LEGAL OPINION:**

N/A

**FINANCIAL DETAILS:**

First Motion Transferring Funds to bring budgeted amount to \$202,436.67.

PROJECT	ACCOUNT	BUDGETED	EXPENDED (ENCUMBERED) TO DATE	BALANCE REQUESTED TO BE TRANSFERRED
Roadway Sweeper Replacement	07-2205-801	\$242,760.00 (to be bonded)	\$237,630.00	\$5,130.00
Automotive Vehicle Lift Replacement	07-2323-801	\$20,000.00 (Operating Budget Transfer)	\$19,883.55	\$116.45

Vegetation Mulching Head	07-2326-801	\$25,000.00 (Operating Budget Transfer)	(\$22,809.78)	\$2,190.22
TOTAL TO BE TRANSFERRED TO 07-2325-801				\$7,436.67

Second Motion Authorizing Purchase of Sidewalk Tractor:

PROJECT	ACCOUNT	BUDGETED	EXPENDED/ ENCUMBERED TO DATE	REQUESTED	BALANCE
2023 Prinoth SW50 Sidewalk Tractor w/ Snow Removal Attachments					
Sidewalk Plow Tractor Replacement	07-2325-801-36-000	\$202,436.67	\$0.00	\$202,436.67	\$0.00

Equip / Vehicle Rental – Snow & Ice	01-4312-825-55-000	\$20,000.00	\$0.00	\$294.33
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**SUGGESTED ACTION OR RECOMMENDATIONS:**

**MOTION ONE - Transfer of Funds:**

The Durham Town Council does hereby, upon recommendation of the Administrator, authorize the transfer of \$7,436.67 from revenues and expenditures of the above listed Capital Equipment accounts to the 2023 Sidewalk Plow Tractor Replacement Account 07-2325-801.

**MOTION TWO - 2023 PRINOTH SW50 w/ SNOW REMOVAL ATTACHMENTS**

The Durham Town Council does hereby, upon recommendation of the Administrator, authorize the purchase of a new 2023 Prinoth SW50 Sidewalk Plow Tractor with Snow Removal Attachments from Chadwick-BaRoss, Inc. of Concord, NH in the amount of \$202,731.00 from account 07-2325-801 and 01-4312-825-55-000.



# TOWN OF DURHAM

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AGENDA ITEM: **# 10A TS**  
DATE: **June 26, 2023**

## COUNCIL COMMUNICATION

**INITIATED BY:** Todd I. Selig, Administrator

**AGENDA ITEM:** RECEIVE ANNUAL REPORT FROM THE HISTORIC DISTRICT COMMISSION/HERITAGE COMMISSION –LARRY BRICKNER-WOOD, CHAIR

**CC PREPARED BY:** Karen Edwards, Administrative Assistant

**PRESENTED BY:** Larry Brickner-Wood, Chair, HDC / HC

**AGENDA DESCRIPTION:**

Section 11.1 (I) of the Durham Town Charter used to require that the Town Council meet annually with all Chairpersons of standing Town committees to review significant actions taken by the committees, projects currently under discussion, and anticipated activities for the coming year. At the March 10, 2020 Town Election, Charter amendment (Article 16 on the ballot) was adopted which amended the language within this section to now read:

- I. On an annual basis, Chairs of the Town of Durham committees will be provided the opportunity to present to the Town Council any significant actions or projects taken by their respective committee. This report can be in the form of a written summary or a formal presentation. No action is required if there is nothing of significance to report, although the Town Council can ask for a presentation if there is interest.*

Larry Brickner-Wood has been invited to attend Monday night's Town Council meeting to provide a brief update to Council members regarding the commission's current activities.

**LEGAL AUTHORITY:**

Section 11.1 (I) of the Durham Town Charter.

**LEGAL OPINION:**

N/A

**FINANCIAL DETAILS:**

N/A

**SUGGESTED ACTION OR RECOMMENDATIONS:**

No formal action required. Receive presentation from HDC /HC Chair, Larry Brickner-Wood, and hold question and answer session if desired.



# TOWN OF DURHAM

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AGENDA ITEM: **# 10B** *TS*

DATE: June 26, 2023

## COUNCIL COMMUNICATION

**INITIATED BY:** Todd Selig, Administrator

**AGENDA ITEM:** RECEIVE ANNUAL REPORT FROM THE AGRICULTURAL COMMISSION –  
THERESA WALKER, CHAIR

**CC PREPARED BY:** Karen Edwards, Administrative Assistant

**PRESENTED BY:** Theresa Walker, Chair, Agricultural Commission

**AGENDA DESCRIPTION:**

Section 11.1 (I) of the Durham Town Charter used to require that the Town Council meet annually with all Chairpersons of standing Town committees to review significant actions taken by the committees, projects currently under discussion, and anticipated activities for the coming year. At the March 10, 2020 Town Election, Charter amendment (Article 16 on the ballot) was adopted which amended the language within this section to now read:

- I. *On an annual basis, Chairs of the Town of Durham committees will be provided the opportunity to present to the Town Council any significant actions or projects taken by their respective committee. This report can be in the form of a written summary or a formal presentation. No action is required if there is nothing of significance to report, although the Town Council can ask for a presentation if there is interest.*

Theresa Walker has been invited to attend Monday night's Town Council meeting to provide a brief update to Council members regarding the Agricultural Commission's current activities.

**LEGAL AUTHORITY:**

Section 11.1 (I) of the Durham Town Charter.

**LEGAL OPINION:** N/A

**FINANCIAL DETAILS:** N/A

**SUGGESTED ACTION OR RECOMMENDATIONS:**

No formal action required. Receive presentation from Agricultural Commission Chair, Theresa Walker, and hold question and answer session if desired.



## TOWN OF DURHAM

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Durham, NH 03824  
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[www.ci.durham.nh.us](http://www.ci.durham.nh.us)

AGENDA ITEM: **# 10C TS**

DATE: **June 26, 2023**

### COUNCIL COMMUNICATION

**INITIATED BY:** Durham Public Works

**AGENDA ITEM:** PRESENTATION FROM REPRESENTATIVES OF VANASSE HANGEN BRUSTLIN, INC. ON THE MILL POND DAM REMOVAL PROJECT UPDATE

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

**PRESENTED BY:** Representatives from Vanasse Hangen Brustlin, Inc.

**AGENDA DESCRIPTION:**

Representatives from Vanasse Hangen Brustlin, Inc. have been invited to Monday night's Council meeting to provide an update to Council members and the public regarding the Mill Pond Dam Removal Project.

Following a referendum vote of the Town on March 8th, 2022, where 74% of voters ultimately supported the Town Council decision to move forward with removal of the historic, head of tide Mill Pond Dam on the Oyster River, the major focus has been to secure funding for a majority of this project. Below is a summary of the funding picture to date.

In February 2023 the town received \$284,226 in American Rescue Plan Act (ARPA) grant monies for the design and permitting of the Mill Pond Dam Removal/River Restoration project through the New Hampshire Department of Environmental Services (NHDES) Critical Flood Infrastructure Grant (CFRING).

The town applied for and is expecting to receive FY23 Watershed Assistance Grant Funding from NHDES in the amount of \$150,000. NHDES reported that the town's project was rated the highest out of the 15 that they received for this funding.

The majority of the funding that has been secured for this project will be provided through the Bipartisan Infrastructure Law by the National Oceanic and Atmospheric Administration (NOAA) Office of Habitat Conservation. Specifically, the funding opportunity is titled, Restoring Fish Passage through Barrier Removal. More information can be found at the following link:

<https://www.fisheries.noaa.gov/feature-story/nearly-105-million-fish-passage-funding-recommended-under-bipartisan-infrastructure>

Throughout the course of taking part in and listening to the public meetings, one of the thoughts that was expressed from residents was that while the town was planning to remove the Mill Pond Dam and restore that section of the Oyster River for fish migration spawning and habitat, there was simply another dam located upstream, and therefore, removing the Mill Pond Dam made very little difference in improving fish passage.

The state agencies have expressed that removal of the Mill Pond Dam and restoring that section of river alone would certainly have a tangible impact on improving fish habitat. However, when the Department of Public Works became aware of the potential historic level funding available to the community for this type of critical habitat restoration work, and in consideration of the feedback received as mentioned above, it made sense to include a funding request of \$1.6 Million for the feasibility/design and construction of a fish ladder at the Oyster River Reservoir Dam. As a matter of fact, the installation of a fish ladder at this particular dam has been discussed many times with regulatory agencies as well as Fish and Game.

In conjunction with the town's consultant VHB, a full application for both the construction of the Mill Pond Dam removal/river restoration and design/permitting/construction of a fish ladder at the upper dam was submitted to NOAA in August 2022 for a total amount of \$3.5 Million. This NOAA grant is a three-year phased award, FY23 through FY25. The town was recently notified of the direct award of \$290,000 for FY23 for the design and permitting of an upper dam fish ladder. The FY24 grant the town is expecting to receive is for the removal of the Mill Pond Dam on the Oyster River including river restoration in the amount of \$1.9 Million. The FY25 grant the town is expecting to receive is for the construction of the Oyster Reservoir Dam Fish Passage in the amount of \$1.3 Million. NOAA has indicated that these funding amounts are expected to be released once cost estimates have been further refined, likely later this summer as the design advances.

In addition to all of the above funding, the town was just notified that it was selected to receive an additional \$100,000 from the National Fish Passage Program through the U.S. Fish & Wildlife Service.

The Department of Public Works is very aware of escalating costs of materials and labor and takes this factor into consideration when writing applications and speaking with regulatory agencies to advocate for funding. As the designs continue to develop and are further refined, the cost estimates will also be re-evaluated to ensure that 1) the town has accurate cost estimates that reflect current dollars, and 2) that the town will seek out additional funding if required or can justify additional requests from current grants if available.

**LEGAL AUTHORITY:**

N/A

**LEGAL OPINION:**

N/A

**FINANCIAL DETAILS:**

N/A

**SUGGESTED ACTION OR RECOMMENDATIONS:**

No formal action required. Receive an update regarding the removal of the Oyster River Dam at the Mill Pond from representatives of Vanasse Hangen Brustlin, Inc. and hold a discussion if desired.



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AGENDA ITEM: **# 11A TS**

DATE: **June 26, 2023**

### COUNCIL COMMUNICATION

**INITIATED BY:** Durham Public Works

**AGENDA ITEM:** PUBLIC HEARING AND ACTION ON RESOLUTION #2023-15  
AUTHORIZING THE ACCEPTANCE AND EXPENDITURE OF A 2023  
WATERSHED ASSISTANCE GRANT IN THE AMOUNT OF \$150,000  
FROM THE NEW HAMPSHIRE DEPARTMENT OF ENVIRONMENTAL  
SERVICES FOR THE MILL POND DAM REMOVAL PROJECT AND  
AUTHORIZE THE ADMINISTRATOR TO SIGN AND SUBMIT GRANT  
PAPERWORK 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:**

On May 12, 2023, Durham Public Works was notified that the Town was selected for 2023 Watershed Assistance Grant funding in the amount of \$150,000 from the program towards the removal of the Mill Pond Dam project. This grant program does require a match commitment, which can be satisfied with cash match or in kind match of staff time.

The following is the current approved Scope of Work:

The Town of Durham will perform the following tasks as described in the proposal titled *Restoration of the Oyster River Herring Run through Removal of the Mill Pond Head-of-Tide Dam and Installation of Fish Passage on the Oyster Reservoir Dam, Durham NH:*

**Objective 1:** Contractor selected through a public bidding process and contract awarded by the Town Council, will mobilize to the project site to begin construction; temporary stream diversion will be built and stabilized, removal of the existing dam structure, followed by stream restoration efforts. All work will be done according to plans and permits.

*Measure of Success:* Mill Pond Dam is removed, and the river is restored.

**Deliverable 1:** Photo documentation of dam removal by construction engineer and as-built plans are prepared and submitted to NHDES.

Task 1. Mobilize equipment and materials and deploy on site for construction.

Task 2. Conduct dewatering activities.

Task 3. Deconstruct dam according to plans and permits.

Task 4. Stabilize the construction site, including channel restoration according to plans and permits; complete post-construction evaluation according to plans and permits.

Task 5. Develop and submit press releases, social media updates, and hold commemorative events.

**Objective 2:** Conduct project management and submit all required reports to NHDES.

*Measures of Success:* Project management activities are conducted, and reports are submitted to NHDES.

**Deliverable 2:** Financial documentation, semi-annual progress reports, pollutants controlled reports, and final report are submitted to NHDES.

Task 6. Conduct project management including submittal of financial documents such as payment requests, match and procurement documentation; communicate with NHDES and other project partners as needed; conduct other activities required for grant management.

Task 7: Submit electronic semi-annual reports documenting all work performed during the project periods as follows:

- Work completed April 1 – September 30, 2024, report is due by October 31, 2024
- Work completed October 1, 2024 – March 31, 2025, report is due by April 30, 2025.

The semi-annual reports shall include a Pollutants Controlled Report when structural BMPs have been implemented during the reporting period. If the grantee has not completed a timely submittal of the progress reports or PCR, all further

payments will be suspended until the overdue reports are submitted and approved by NHDES.

Task 8: Submit a comprehensive final report to NHDES on or before the project completion date. The final report shall include documentation for procurement of construction services, photo-documentation of constructed project components, proof that the project was constructed according to permits and conditions (photos, as-built plans, and other documentation required by the permit and grant agreement) additionally, the final report will comply with NHDES and U.S. EPA requirements found in the final report guidance document, including ADA compliance on the NHDES Watershed Assistance Section webpage.

At its meeting on June 5, 2023, the Town Council scheduled a Public Hearing for this Resolution for its meeting on Monday, June 26, 2023. A Public Hearing notice was published in the *Foster's/Seacoast Online* on Friday, June 9, 2023. The notice was also posted on the outside bulletin board at the Town Hall, as well as at the Durham Public Library and Department of Public Works.

**LEGAL AUTHORITY:**

N/A

**LEGAL OPINION:**

N/A

**FINANCIAL DETAILS:**

\$150,000 in 2023 Watershed Assistance Grant monies to be received from the New Hampshire Department of Environmental Services (NHDES).

**Funding Sources - Mill Pond Dam Removal, River Restoration and Installation of upper dam fish ladder**

Funding Source	Amount	Cash/In-Kind	Federal/Non Federal	Pending/Committed
ARPA CFRING Grant	\$284,226	Cash	Federal	Committed
NOAA Habitat Restoration Funds	\$3,537,201	Cash	Federal	\$290,000 has been committed
Town CIP Funds FY22*	\$1,600,000	Cash	Non Federal	Committed
Town CIP Funds FY23*	\$1,400,000	Cash	Non Federal	Committed

\*While the Town has approved CIP funds, it is expected that a majority of the project would be funded by outside partners.

The required match amount will be partly made up with in-kind committed staff time and the remaining from Town CIP funds.

**SUGGESTED ACTION OR RECOMMENDATIONS:**

**MOTION 1:**

*The Durham Town Council OPENS the public hearing on Resolution #2023-15 Authorizing the Acceptance and Expenditure of a 2023 Watershed Assistance Grant In the Amount of \$150,000 From the New Hampshire Department of Environmental Services for the Mill pond Dam Removal Project and Authorizes the Administrator to Sign and Submit Grant Paperwork on Behalf of the Town of Durham.*

**MOTION 2:**

*The Durham Town Council CLOSES the public hearing on Resolution #2023-15 Authorizing the Acceptance and Expenditure of a 2023 Watershed Assistance Grant In the Amount of \$150,000 From the New Hampshire Department of Environmental Services for the Mill pond Dam Removal Project and Authorizes the Administrator to Sign and Submit Grant Paperwork on Behalf of the Town of Durham.*

**MOTION 3:**

*The Durham Town Council hereby ADOPTS Resolution #2023-15 Authorizing the Acceptance and Expenditure of a 2023 Watershed Assistance Grant In the Amount of \$150,000 From the New Hampshire Department of Environmental Services for the Mill pond Dam Removal Project and Authorizes the Administrator to Sign and Submit Grant Paperwork on Behalf of the Town of Durham.*

## **RESOLUTION #2023-15 OF DURHAM, NEW HAMPSHIRE**

**AUTHORIZING THE ACCEPTANCE AND EXPENDITURE OF AN 2023 WATERSHED ASSISTANCE GRANT IN THE AMOUNT OF \$150,000 FROM THE NEW HAMPSHIRE DEPARTMENT OF ENVIRONMENTAL SERVICES FOR THE MILL POND DAM REMOVAL PROJECT AND AUTHORIZING THE ADMINISTRATOR TO SIGN AND SUBMIT GRANT PAPERWORK ON BEHALF OF THE TOWN OF DURHAM**

**WHEREAS**, the Town of Durham submitted a grant application titled, "Restoration of the Oyster River through Removal of the Mill Pond Dam," to the New Hampshire Department of Environmental Services (NHDES) as part of their project solicitation on January 13, 2023; and

**WHEREAS**, in May 2023, the Town was notified that the Town was selected to receive a 2023 Watershed Assistance Grant for this project in the amount of \$150,000; and

**WHEREAS**, New Hampshire Revised Statutes Annotated (RSA) 31:95-b permits municipalities to authorize acceptance and expenditure of funds 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; and

**WHEREAS**, 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, June 26<sup>th</sup> 2023, a duly posted and published Public Hearing was held by the Durham Town Council on the \$150,000 Watershed Assistance Grant monies 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 approve **Resolution #2023-15** authorizing the acceptance and expenditure of a 2023 Watershed Assistance Grant in the amount of \$150,000 and authorizes the Administrator to sign and submit appropriate paperwork on behalf of the Town of Durham.

**PASSED AND ADOPTED** this 26th day of June, 2023, by a majority vote of the Durham Town Council with \_\_\_\_\_ affirmative votes, \_\_\_\_\_ negative votes, and \_\_\_\_\_ abstentions.

\_\_\_\_\_  
Sally Needell, Chair  
Durham Town Council

**ATTEST:**

\_\_\_\_\_  
Rachael Deane, Town Clerk-Tax Collector



## TOWN OF DURHAM

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AGENDA ITEM: **#11B TS**

DATE: June 26, 2023

### COUNCIL COMMUNICATION

**INITIATED BY:** Rene Kelley, Police Chief

**AGENDA ITEM:** **PUBLIC HEARING AND ACTION ON ORDINANCE #2023-05 AMENDING CHAPTER 153 "VEHICLES AND TRAFFIC," SECTION 153-38 OF THE DURHAM TOWN CODE PROHIBITING TURNS AT THE INTERSECTIONS OF BAGDAD ROAD AT DENNISON ROAD AND DENNISON ROAD AT GARRISON AVE EXTENSION.**

**CC PREPARED BY:** Rene Kelley, Police Chief

**PRESENTED BY:** Rene Kelley, Police Chief

**AGENDA DESCRIPTION:**

In 2021, Construction of the new Oyster River Middle School began. In order to safely facilitate traffic in the immediate area of the construction zone, the Town approved the temporary reconfiguration of the traffic pattern around the Oyster River Middle School. Prohibiting turns at the intersections of Bagdad Road at Dennison Road and Dennison Road at Garrison Avenue Extension allowed for traffic to flow a safe manner. Once construction was completed, the reconfigured traffic pattern remained in place per plan. This Ordinance change will memorialize what has already been installed.

On Monday, June 5, 2023, the Town Council reviewed and discussed the attached proposed Ordinance and scheduled a Public Hearing on the Ordinance for Monday, June 26, 2023. A Public Hearing notice was published in the *Foster's/Seacoast Online* on Friday, June 9, 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:**

The Town Council may enact Ordinances pursuant to Section 3.8 of the Durham Town Charter.

**LEGAL OPINION:**

No legal opinion was sought, as this is the standard format for ordinances of this type to be issued.

**SUGGESTED ACTION OR RECOMMENDATIONS:**

**MOTION #1:**

*The Durham Town Council OPENS the public hearing on Ordinance #2023-05 amending Chapter 153 "Vehicles and Traffic", Section 153-38 of the Durham Town Code by designation a section of Dennison Road as one-way traffic.*

**MOTION #2:**

*The Durham Town Council CLOSES the public hearing on Ordinance #2023-05 amending Chapter 153 "Vehicles and Traffic", Section 153-38 of the Durham Town Code by designation a section of Dennison Road as one-way traffic.*

**MOTION #3:**

*The Durham Town Council hereby ADOPTS Ordinance #2023-05 amending Chapter 153 "Vehicles and Traffic", Section 153-38 of the Durham Town Code by designation a section of Dennison Road as one-way traffic.*

# ORDINANCE #2023-05 OF DURHAM, NEW HAMPSHIRE

AMENDING CHAPTER 153 “VEHICLES AND TRAFFIC,” SECTION 153-38 OF THE DURHAM TOWN CODE BY PROHIBITING TURNS AT THE INTERSECTIONS OF: BAGDAD ROAD AT DENNISON ROAD AND DENNISON ROAD AT GARRISON AVE EXTENSION

WHEREAS, in 2021 construction of the new Oyster River Middle School began; and

WHEREAS, in order to safely facilitate traffic in the immediate are of the construction zone, the traffic pattern at the Oyster River Middle School was reconfigured, and

WHEREAS, the Durham Traffic Safety Committee recommends the transition to one-way traffic and the permanent establishment of the reconfigurations;

WHEREAS, at its meeting on June 5, 2023, the Town Council moved this ordinance on First Reading and scheduled a Public Hearing for its meeting on Monday, June 26, 2023. A Public Hearing notice was published in the *Foster’s/Seacoast Online* on Friday, June 9, 2023. The notice was also posted on the outside bulletin board at the Town Hall, as well as at the Durham Public Library and Department of Public Works

NOW, THEREFORE BE IT RESOLVED that the Durham Town Council, the governing body of the Town of Durham, New Hampshire hereby adopts Ordinance #2023-05 and does hereby amend Chapter 153 “Vehicles and Traffic,” Section 153-38 “Prohibited turns at intersections” of the Code of the Town of Durham by prohibiting turns at the intersections of: Bagdad Road at Dennison Road and Dennison Road at Garrison Ave Extension. Wording to be omitted is annotated with **strikeout** type. New wording is annotated with underscoring.

## 153-38. Schedule VI: Prohibited turns at intersections.

In accordance with the provisions of 153-8, no person shall make a turn of the kind designated below at any of the following locations:

Name of street	Direction of travel	Prohibited turn	Hours	At intersection of:
<u>Bagdad Road</u>	<u>East</u>	<u>Right</u>	<u>All</u>	<u>Dennison Road</u>
<u>Bagdad Road</u>	<u>West</u>	<u>Left</u>	<u>All</u>	<u>Dennison Road</u>
Bank/Tin Palace	North	Right	All	Pettee Brook Lane
Cowell Drive	West	Left	All	Madbury Road
<u>Dennison Road</u>	<u>North</u>	<u>Left</u>	<u>All</u>	<u>Garrison Ave. Extension</u>
<del>Dennison Road</del>	<del>South</del>	<del>Right</del>	<del>All</del>	<del>Garrison Ave. Extension</del>

Jenkins Court	North	Right	All	Pettee Brook Lane
<del>Madbury Road</del>	<del>Both</del>	<del>Both</del>	<del>All</del>	<del>Garrison Avenue</del>
Main Street	East	Left	All	West end/Pettee Brook Lane
Main Street	East	Right	All	East intersection of Mill Road
Mast Rd. Extension	East	Left	All	From Main Street into Mast Road Ext. opposite Field House
Metered Lots	Both	Right/Left (east)	All	Pettee Brook Lane
Mill Road	North	Left	All	Main Street
Pettee Brook Lane	West	Left	All	Jenkins Court
Pettee Brook Lane	West	Right	All	Rosemary Lane
Pettee Brook parking lot	North	Right	All	Pettee Brook Lane
Rosemary Lane	South	Left	All	Pettee Brook Lane

**PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_ by the Durham Town Council, the governing body of the Town of Durham, New Hampshire, with \_\_\_\_\_ voting in favor, voting against, and \_\_\_\_\_ abstaining.

\_\_\_\_\_  
Sally Needell, Chair  
Durham Town Council

**ATTEST:**

\_\_\_\_\_  
Rachel Deane, Town Clerk-Tax Collector



## TOWN OF DURHAM

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AGENDA ITEM:      **#11C** *TS*     

DATE:     June 26, 2023    

### COUNCIL COMMUNICATION

**INITIATED BY:** Rene Kelley, Police Chief

**AGENDA ITEM:** PUBLIC HEARING AND ACTION ON ORDINANCE #2023-06  
AMENDING CHAPTER 153 "VEHICLES AND TRAFFIC,"  
SECTION 153-43 OF THE DURHAM TOWN CODE CREATING A  
STOP INTERSECTION AT DENNISON ROAD/BAGDAD ROAD AND  
GARRISON AVE. EXTENSION/DENNISON ROAD.

Rene Kelley, Police Chief

**CC PREPARED BY:**

Rene Kelley, Police Chief

**PRESENTED BY:**

**AGENDA DESCRIPTION:**

In 2021, construction of the new Oyster River Middle School began. In order to safely facilitate traffic in the immediate area of the construction zone, the Town approved the temporary reconfiguration of the traffic pattern around the Oyster River Middle School. Adding stop signs at Dennison Road/Bagdad Road and Garrison Avenue Extension/ Dennison Road allowed for traffic to flow a safe manner. Once construction was completed, the reconfigured traffic pattern remained in place per plan. This Ordinance change will memorialize what has already been installed.

At its meeting on June 5, 2023, the Town Council moved this ordinance on First Reading and scheduled a Public Hearing for its meeting on Monday, June 26, 2023. A Public Hearing notice was published in the *Foster's/Seacoast Online* on Friday, June 9, 2023. The notice was also posted on the outside bulletin board at the Town Hall, as well as at the Durham Public Library and Department of Public Works.

**LEGAL AUTHORITY:**

The Town Council may enact Ordinances pursuant to Section 3.8 of the Durham Town Charter.

**LEGAL OPINION:**

No legal opinion was sought, as this is the standard format for ordinances of this type to be issued.

**SUGGESTED ACTION OR RECOMMENDATIONS:**

**MOTION #1:**

*The Durham Town Council OPENS the public hearing on Ordinance #2023-06 amending Chapter 153 "Vehicles and Traffic", Section 153-43 of the Durham Town Code by creating stop intersections at Dennison Road/Bagdad Road and Garrison Ave Extension/Dennison Road.*

**MOTION #2:**

*The Durham Town Council CLOSES the public hearing on Ordinance #2023-06 amending Chapter 153 "Vehicles and Traffic", Section 153-43 of the Durham Town Code by creating stop intersections at Dennison Road/Bagdad Road and Garrison Ave Extension/Dennison Road.*

**MOTION #3:**

*The Durham Town Council hereby ADOPTS Ordinance #2023-06 amending Chapter 153 "Vehicles and Traffic", Section 153-43 of the Durham Town Code by creating stop intersections at Dennison Road/Bagdad Road and Garrison Ave Extension/Dennison Road.*

**ORDINANCE #2023-06 OF DURHAM, NEW HAMPSHIRE**

**AMENDING CHAPTER 153 “VEHICLES AND TRAFFIC,” SECTION 153-43 OF THE DURHAM TOWN CODE BY CREATING A STOP INTERSECTION AT DENNISON ROAD/BAGDAD ROAD AND GARRISON AVE EXTENSION/DENNISON ROAD**

**WHEREAS**, in 2021 construction of the new Oyster River Middle School began; and

**WHEREAS**, in order to safely facilitate traffic in the immediate are of the construction zone, the traffic pattern at the Oyster River Middle School was reconfigured, and

**WHEREAS**, the Durham Traffic Safety Committee recommends the creation and the permanent establishment of these stop intersections;

**WHEREAS**, at its meeting on June 5, 2023, the Town Council moved this ordinance on First Reading and scheduled a Public Hearing for its meeting on Monday, June 26, 2023. A Public Hearing notice was published in the *Foster’s/Seacoast Online* on Friday, June 9, 2023. The notice was also posted on the outside bulletin board at the Town Hall, as well as at the Durham Public Library and Department of Public Works.

**NOW, THEREFORE BE IT RESOLVED** that the Durham Town Council, the governing body of the Town of Durham, New Hampshire hereby adopts Ordinance #2023-06 and does hereby amend Chapter 153 “Vehicles and Traffic,” Section 153-43 “Stop Intersections” of the Code of the Town of Durham by designating a stop intersection at Dennison Road/Bagdad Road and Garrison Ave Extension/Dennison Road. Wording to be omitted is annotated with **strikeout** type. New wording is annotated with underscoring.

**153-43. Schedule XI: Stop intersections.**

In accordance with the provisions of 153-13, the following described intersections are hereby designated as stop intersections, and stop signs shall be installed as follows:

<b>Stop sign on</b>	<b>Direction of travel</b>	<b>At intersection of:</b>
Adams Circle	West	Davis Avenue
Adams Point Road	West	Durham Point Road
Ambler Way	West	Canney Road
Bagdad Road	Both	Canney Road
Bagdad Road	East	Dover Road

<b>Stop sign on</b>	<b>Direction of travel</b>	<b>At intersection of:</b>
Bagdad Road	North	Emerson Road
Bagdad Road	West	Madbury Road
Bartlett Road	East	Woodridge Road
Bartlett Road	North	Mill Road
Bayview Road	South	Dover Road
Beards Landing	North	Coe Drive
Bennett Road	North	Newmarket Road
Bennett Road	West	Packers Falls Road
Bucks Hill Road	South	Bagdad Road
Bucks Hill Road	South	Partridge Berry Lane
Bucks Hill Road	North	Partridge Berry Lane
Bunker Lane	South	Route 4
Burnham Avenue	North	Faculty Road
Burnham Avenue	South	Oyster River Road
Canney Road	Both	Bagdad Road
Canney Road	South	Dover Road
Carriage Way	North	Packers Falls Road
Chesley Drive	South	Mill Pond Road
Cedar Point Road	North	Route 4
Church Hill Road	South	Mill Pond Road
Coe Drive	West	Dennison Road
Coe Drive	West	Bagdad Road
Cold Springs Road	North	Bennett Road
Colony Cove Road	West	Durham Point Road
Constable Way	West	Packers Falls Road
Cormorant Circle	West	Shearwater Road
Cowell Drive	West	Madbury Road
Croghan Lane	East	McGrath Road
Croghan Lane	West	Oyster River Road
Cutts Road	East	Longmarsh Road
Dame Road	East	Durham Point Road
Daisy Drive	East	Sumac Lane
Daisy Drive	West	Bucks Hill Road
Davis Avenue	East	Edgewood Road
Davis Court	West	Madbury Road
Deer Meadow Road	East	Fox Hill Road

<b>Stop sign on</b>	<b>Direction of travel</b>	<b>At intersection of:</b>
Deer Meadow Road	South	Durham Point Road
Denbow Road (both)	West	Pinecrest Lane
Dennison Road	South	Woodman Road
<a href="#">Dennison Road</a>	<a href="#">North</a>	<a href="#">Bagdad Road</a>
Durham Point Road	South	Newmarket Road
Durham Trust Lot	West	Main Street
Durham Wastewater Treatment Plant	North	Piscataqua Road
Edgewood Road	Both	Davis Avenue
Edgewood Road	Both	Emerson Road
Edgewood Road	Both	Madbury Road
Edgewood Road	South	Main Street
Edgewood Road Ext.	Both	Emerson Road
Emerson Road	West	Madbury Road
Emerson Road	East	Bagdad Road
Emerson Road	West	Bagdad Road
Emerson Road	Both	Edgewood Road
Faculty Road	Southeast	Mill Pond Road
Faculty Road	West	Mill Road
Falls Way	West	Packers Falls Road
Ffrost Drive	East	Longmarsh Road
Ffrost Drive	North	Denbow Road
Fogg Lane	North	Mill Road
Foss Farm Road	North	Mill Road
Garden Lane	North	Faculty Road
Garden Lane	South	Oyster River Road
Garrison Avenue	Both	Madbury Road
Garrison Avenue	South	Main Street
<a href="#">Garrison Ave Ext</a>	<a href="#">East</a>	<a href="#">Dennison Road</a>
Gerrish Drive	West	Canney Road
Glassford Lane	South	Cowell Drive
Griffiths Drive	East	Packers Falls Road
Griffiths Drive	South	Wednesday Hill Road
Hampshire Avenue	East	Madbury Road
Hampshire Avenue	North	Lundy Lane
Hampshire Avenue	South	Lundy Lane

<b>Stop sign on</b>	<b>Direction of travel</b>	<b>At intersection of:</b>
Hemlock Way	North	Mill Road
Henry Bailey Stevens Way	East	Orchard Drive
Hetzel Way	West	Fairchild Drive
Hoitt Drive	East	Garden Lane
Hoitt Drive	West	Oyster River Road
Jenkins Court	North	Pettee Brook Lane
Johnson Creek	North	Piscataqua Road
Langley Road	West	Durham Point Road
Laurel Lane (both)	East	Newmarket Road
Littlehale Road (both)	West	Emerson Road
Longmarsh Road	East	Durham Point Road
Longmarsh Road	South	Newmarket Road
Lundy Lane	East	Madbury Road
Lundy Lane	West	Hampshire Avenue
Madbury Road	Both	Garrison Avenue
Main Street	North	Madbury Road
Maple Street	East	Madbury Road
Maple Street	West	Meadow Road
Mast Road Extension	Both	Concord Road
Mathes Cove Road	South	Durham Point Road
McGrath Road	North	Garden Lane
McGrath Road	South	Thompson Lane
Meadow Road	North	Edgewood Road
Meserve Road	North	Mill Road
Mill Pond Road	Both	Faculty Road
Mill Pond Road	East	Newmarket Road
Mill Road	South/North	McDaniel Drive
Mill Road	South	Packers Falls Road
Mill Road	North	Main Street
Mill Road Plaza	West	Mill Road
Moharimet Way	East	Woodridge Road
Morgan Way	South	Piscataqua Road
Newmarket Road	North	Dover Road
Old Bagdad Road	West	Bagdad Road
Old Landing Road	North	Newmarket Road

<b>Stop sign on</b>	<b>Direction of travel</b>	<b>At intersection of:</b>
Orchard Drive	West	Foss Farm Road
Oyster River Road	West	Thompson Lane
Oyster River Road	East	Thompson Lane
Packers Falls Road	East/West	Wiswall and Packers Falls Road
Palmer Drive	East	Sunnyside Road
Park Court	South	Main Street
Park Court	North	Park Court
Park Court	West	Park Court
Partridge Berry Lane	East	Bucks Hill Road
Pendexter Road	East	Madbury Road
Pinecrest Lane	West	Sunnyside Drive
Quad Way (right turn only)	East	Main Street
Riverview East (both)	North	Piscataqua Road
Rosemary Lane	South	Pettee Brook Lane
Ross Road	South	Stagecoach Road
Sauer Terrace	South	Cowell Drive
Schoolhouse Lane	North	Dover Road
Schoolhouse Lane	South	Newmarket Road
Simmons Lane (both)	West	Newmarket Road
Spinney Road	East	Mast Road
Stagecoach Road	West	Newmarket Road
Stagecoach Road	West	Ross Road
Strafford Avenue	South	Garrison Avenue
Strafford Avenue	West	Edgewood Road
Strafford Avenue	East	Edgewood Road Extension
Sullivan Falls Road	West	Packers Falls Road
Sumac Lane	East	Canney Road
Sumac Lane	South	Daisy Drive
Sumac Lane	North	Daisy Drive
Tall Pines Road	South	Lee Hook Road
Technology Drive	South	Old Concord Road
Thompson Lane	South	Oyster River Road
Wiswall Road	North	Wiswall and Packers Falls Road
Woodman Road	West	Dennison Road

<b>Stop sign on</b>	<b>Direction of travel</b>	<b>At intersection of:</b>
Williams Way	East	Morgan Way
Winecellar Road	West	Longmarsh Road
Wiswall Road	North	Wiswall and Packers Falls Road
Woodman Road	West	Dennison Road
Woodman Road	East	Dennison Road
Woodridge Road	North	Mill Road
Wood Road	East	Madbury Road
Woodside Road	West	Madbury Road
Young Drive	South	Dover Road

**PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_ by the Durham Town Council, the governing body of the Town of Durham, New Hampshire, with \_\_\_\_\_ voting in favor, voting against, and \_\_\_\_\_ abstaining.

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Sally Needell, Chair  
Durham Town Council

***ATTEST:***

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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: **# 12 TS**  
DATE: **June 26, 2023**

### COUNCIL COMMUNICATION

**INITIATED BY:** Durham Town Council

**AGENDA ITEM:** APPROVE THE TOWN COUNCIL REVISED MEETING MINUTES FOR JUNE 5, 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 June 5, 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 June 5, 2023 (as presented/as amended).*