



TOWN OF DURHAM

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

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

AGENDA

DURHAM TOWN COUNCIL
MONDAY, AUGUST 14, 2023
DURHAM TOWN HALL - COUNCIL CHAMBERS
7:00 PM

NOTE: The Town of Durham requires 48 hours notice if special communication aids are needed.

- I. Call to Order
- II. Town Council grants permission for fewer than a majority of Councilors to participate remotely
- III. Roll Call of Members. Those members participating remotely state why it is not reasonably practical for them to attend the meeting in-person
- IV. Approval of Agenda
- V. Special Announcements - 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 approve on First Reading Ordinance #2023-07 Amending Section 132-1 "Blind Exemption" and Section 132-2 "Disabled Exemption" and Section 132-3 "Elderly Exemption", Chapter 132 "Tax Exemptions and Credits" of the Durham Town Code Relating to Exemption Amounts, Income Thresholds, and Asset Limits and schedule a Public Hearing for Monday, September 11, 2023?
 - B. Shall the Town Council Adopt Resolution #2023-21, authorizing the creation of the Churchill Rink Donor Trust, with private donations for said fund to be used on the Durham-owned ice rink, Churchill Rink at Jackson's Landing, to make improvements and enhancements to ensure longevity of use by future generations?
- IX. Committee Appointments - None

X. Presentation Items

- A. Receive report on Conservation Commission activities and projects – Jake Kritzer, Chair
- B. Presentation by Municipal Resources Inc. (MRI) regarding revised Residential, Commercial and Industrial Property Tax Assessments as a result of the 2023 Full Revaluation.

XI. Unfinished Business

Public Hearing & Action on Resolution #2023-20 to:

1. Authorize the Raising, Appropriating, and Expenditure of an Additional Four Hundred Twenty-Four Thousand, Two Hundred and Fifty Dollars (\$424,250) Within the Approved FY 2023 Capital Fund Budget (With \$424,250 to Come From a Clean Water State Revolving Fund loan, of Which \$42,425 of Loan Principal Forgiveness to be Forgiven) for the Completion of the Littlehale Creek at Edgewood Road Culvert Project;
2. Authorize the Borrowing, Issuance, and Incurrence of Debt of Not More Than \$424,250 in Long-term Bonds or Notes in Accordance With the Provision of the Municipal Finance Act (RSA Chapter 33) for Completion of the Littlehale Brook at Edgewood Road Culvert Project;
3. Authorize the Administrator to Submit a Clean Water State Revolving Fund Loan Amendment Application to the NHDES and Execute all Necessary Documents in Accordance With New Hampshire Code of Administrative Rules Chapter Env-Wq for the Completion of the Littlehale Brook at Edgewood Road Culvert Project.

XII. Approval of Minutes - July 17, 2023

XIII. Councilor and Town Administrator Roundtable

XIV. New Business

Shall the Town Council, upon the recommendation of the Administrator

1. Authorize a change in use of \$35,000 in approved fiscal year 2020 capital Project funds Churchill Rink Renovations from construction to professional services for a capital campaign feasibility study.
2. Authorize the Expenditure of an amount Not To Exceed \$35,000 for a Churchill Rink Capital Campaign Feasibility Study.
3. Authorize the Expenditure of an amount not to Exceed \$50,000 for Churchill Rink Professional Services including Architectural and Design Engineering.

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** *GJ*

DATE: **August 14, 2023**

COUNCIL COMMUNICATION

INITIATED BY: Jim Rice, Assessor

AGENDA ITEM: SHALL THE TOWN COUNCIL APPROVE ON FIRST READING ORDINANCE #2023-07 AMENDING SECTION 132-1 "BLIND EXEMPTION" AND SECTION 132-2 "DISABLED EXEMPTION" AND SECTION 132-3 "ELDERLY EXEMPTION", CHAPTER 132 "TAX EXEMPTIONS AND CREDITS" OF THE DURHAM TOWN CODE RELATING TO EXEMPTION AMOUNTS, INCOME THRESHOLDS, AND ASSET LIMITS AND SCHEDULE A PUBLIC HEARING FOR MONDAY, SEPTEMBER 11, 2023?

CC PREPARED BY: Jim Rice, Assessor

CC PRESENTED BY: Todd Selig, Town Administrator
Jim Rice, Assessor

AGENDA DESCRIPTION:

At the Town Council meeting on July 17, 2023, Assessor Jim Rice gave a presentation regarding the income threshold, asset limits and exemption amounts for the Blind, Disabled and Elderly Exemptions. At the end of the presentation, the Council held a discussion on this matter and asked that Mr. Rice bring back for the Council's review and consideration an ordinance to amend Sections 132-1, 132-2, and 132-3 of the Durham Town Code relating to the blind, disabled and elderly exemptions.

As a result, the Assessor is recommending that amendments be made only for the blind exemption; the disabled income thresholds, asset limit and exemption amount; and the elderly income thresholds and exemption amounts. No amendments are recommended for the elderly asset limits as they are consistent with the overall average when compared to neighboring municipalities.

The Assessor recommends the following amendments:

Ordinance 132-1: Blind Exemption per RSA 72:37 - amend the following:
Exemption amount from \$30,000 to \$37,000.

Ordinance 132-2: Disabled Exemption per RSA 72:37-b - amend the following:
Exemption amount from \$110,000 to \$175,000.

Income Limits:

Single Person from \$38,000 to \$47,000

Married Person from \$52,000 to \$65,000

And net assets not in excess of \$200,000, excluding the value of the person's residence.

Ordinance 132-3: Elderly Exemption per RSA 72:39-a - amend the following:
Exemption Amounts:

Age 65-74 from \$125,000 to \$175,000

Age 75-79 from \$175,000 to \$225,000

Age 80+ from \$225,000 to \$275,000

Income Limits:

Single Person from \$38,000 to \$47,000

Married Person from \$52,000 to \$65,000

LEGAL AUTHORITY:

72:39-b Procedure for Adoption and Modification of Elderly Exemption. -

I. A town or city may adopt or modify elderly exemptions by the procedure in RSA 72:27-a.

II. An elderly exemption, based on assessed value for qualified taxpayers, may be granted for a different dollar amount determined by the town or city, to a person 65 years of age up to 75 years, to a person 75 years of age up to 80 years, and to a person 80 years of age or older. To qualify, the person must have been a New Hampshire resident for at least 3 consecutive years, own the real estate individually or jointly, or if the real estate is owned by such person's spouse, they must have been married to each other for at least 5 consecutive years. In addition, the taxpayer must have a net income in each applicable age group of not more than a dollar amount determined by the town or city of not less than \$13,400 or, if married, a combined net income of not more than a dollar amount determined by the town or city of not less than \$20,400; and own net assets not in excess of a dollar amount determined by the town or city of not less than \$35,000 excluding the value of the person's residence or, if married, combined net assets not in excess of a dollar amount determined by the town or city of not less than \$35,000 excluding the value of the residence. Under no circumstances shall the amounts of the exemption for any age category be less than \$5,000. The combined net asset amount for married persons shall apply to a surviving spouse until the sale or transfer of the property by the surviving spouse or until the remarriage of the surviving spouse.

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

As described in the proposed ordinance.

SUGGESTED ACTION OR RECOMMENDATIONS:

The Durham Town Council hereby approves on First Reading (as proposed) (as amended) Ordinance #2023-07 amending Section 132-1 "Blind Exemption", Section 132-2 "Disabled Exemption" and Section 132-3 "Elderly Exemption", Chapter 132 "Tax Exemptions and Credits" of the Durham Town Code relating to exemption amounts, income thresholds, and asset limits, and schedules a Public Hearing for Monday, September 11, 2023.

ORDINANCE #2023-07 OF DURHAM, NEW HAMPSHIRE

AMENDING SECTION 132-1 BLIND EXEMPTION, SECTION 132-2 “DISABLED EXEMPTION” AND SECTION 132-3 “ELDERLY EXEMPTION”, CHAPTER 132 “TAX EXEMPTIONS AND CREDITS” OF THE DURHAM TOWN CODE RELATING TO EXEMPTION AMOUNTS, INCOME THRESHOLDS, AND ASSET LIMITS.

WHEREAS, the Town of Durham has reviewed, per RSA 72:37, the total exemption amount pertaining to **Section 132-1 Blind Exemption** of the Durham Town Code and determined that this section should be amended. The Ordinance was last amended on 10/8/03; and

WHEREAS, the Town of Durham has reviewed, per RSA 72:37-b, the total exemption amount, the income threshold, and asset limits pertaining to **Section 132-2 Disabled Exemption** of the Durham Town Code and determined that this section *should* be amended. The Ordinance was last amended on 04/03/2017; and

WHEREAS, the Town of Durham has reviewed, per RSA 72:39-a, the total exemption amount and the income threshold pertaining to **Section 132-3 Elderly Exemption** of the Durham Town Code and determined that this section *should* be amended. The asset limits pertaining to **Section 132-3 Elderly Exemption** *should not* be amended. The Ordinance was last amended on 04/03/2017; and

NOW, THEREFORE BE IT RESOLVED that the Durham Town Council, the governing and legislative body of the Town of Durham, New Hampshire does hereby adopt Ordinance #2023-07 and does hereby amend Sections 132-1 “Blind Exemption” and 132-2 “Disabled Exemption” and 132-3 “Elderly Exemption” of the Durham Town Code relating to amounts, income thresholds, and asset limits. Wording to be deleted is annotated with **strikeout** type. New wording is annotated with underscoring.

132-1. Blind Exemption

Every inhabitant who is legally blind as determined by the Blind Services Program, Bureau of Vocational Rehabilitation, Department of Education shall be exempt each year on the assessed value, for property tax purposes, of his or her residential real estate to the value of ~~\$30,000.00.~~ \$37,000.00

132-2. Disabled Exemption

- A. Any person who is eligible under Title II or Title XVI of the Federal Social Security Act for benefits to the disabled shall receive a yearly exemption

in the amount of ~~\$110,000.00.~~ \$175,000.00

B. The exemption in paragraph A may be applied only to property which is occupied as the principal place of abode by the disabled person. The exemption may be applied to any land or buildings appurtenant to the residence or to manufactured housing if that is the principal place of abode.

C. To qualify for this exemption, the person must have been a New Hampshire resident for at least 5 years and own and occupy the real estate individually or jointly, or if the real estate is owned by a spouse, they must have been married for at least 5 years. In addition, the taxpayer must have a net income of not more than ~~\$38,000.00~~ \$47,000.00 or, if married, a combined net income of not more than ~~\$52,000.00~~ \$65,000.00; and own net assets not in excess of ~~\$155,000.00~~ \$200,000.00, excluding the value of the person’s residence.

132-3. Elderly Exemption

A. Any person who is eligible under this section shall receive a yearly exemption as follows: For a person 65 years of age up to 75 years, the exemption shall be ~~\$125,000.00~~ \$175,000.00 for a person 75 years of age up to 80 years, the exemption shall be ~~\$175,000.00~~ \$225,000.00; for a person 80 years of age or older, the exemption shall be ~~\$225,000.00.~~ \$275,000.00

B. No exemption shall be allowed unless the person applying therefore:

- (1) Has resided in New Hampshire for at least 3 years preceding April 1 in the year in which the exemption is claimed.
- (2) Has a net income of not more than ~~\$38,000.00~~ \$47,000.00 or, if married, a combined net income of less than ~~\$52,000.00.~~ \$65,000.00
The net income shall be determined by deducting from all moneys received, from any source including social security or pension payments, the amount of any of the following or the sum thereof:
 - (a) Life insurance paid on the death of an insured;
 - (b) Expenses and costs incurred in the course of conducting a business enterprise;
 - (c) Proceeds from the sale of assets.
- (3) Owns net assets not in excess of \$200,000.00, excluding the value of the person’s actual residence and the land upon which it is located up to the greater of 2 acres or the minimum single family residential lot size specified in Chapter 175 of this Code. “Net assets” means the value of all assets, tangible and intangible, minus the value of any good faith encumbrances. “Residence” means the housing unit, and related structures such as an unattached garage or woodshed, which is the person’s principal home, and which the person in good faith regards as home to the exclusion of any other

places where the person may temporarily live. "Residence" shall exclude attached dwelling units and unattached structures used or intended for commercial or other nonresidential purposes.

- C. Additional requirements for an exemption shall be that the property is:
- (1) Owned by the resident; or
 - (2) Owned by a resident jointly or in common with the resident's spouse, either of whom meets the age requirement for the exemption claimed; or
 - (3) Owned by a resident jointly or in common with a person not the resident's spouse, if the resident meets the applicable age requirement for the exemption claimed; or
 - (4) Owned by a resident, or the resident's spouse, either of whom meets the age requirement for the exemption claimed, and when they have been married to each other for at least 5 years.

PASSED AND ADOPTED by the Town Council of the Town of Durham this XX day of XXXXXX, by _____ affirmative votes, _____ negative votes, and _____ abstentions.

Sally Needell, Chair
Durham Town Council

ATTEST:

Rachel Deane, Town Clerk

Social Security Cost-Of-Living Adjustments

<u>Year</u>	<u>COLA</u>	<u>Year</u>	<u>COLA</u>	<u>Year</u>	<u>COLA</u>
1975	8.0	1995	2.6	2015	0.0
1976	6.4	1996	2.9	2016	0.3
1977	5.9	1997	2.1	2017	2.0
1978	6.5	1998	1.3	2018	2.8
1979	9.9	1999 ^a	2.5	2019	1.6
1980	14.3	2000	3.5	2020	1.3
1981	11.2	2001	2.6	2021	5.9
1982	7.4	2002	1.4	2022	8.7
1983	3.5	2003	2.1		
1984	3.5	2004	2.7		
1985	3.1	2005	4.1		
1986	1.3	2006	3.3		
1987	4.2	2007	2.3		
1988	4.0	2008	5.8		
1989	4.7	2009	0.0		
1990	5.4	2010	0.0		
1991	3.7	2011	3.6		
1992	3.0	2012	1.7		
1993	2.6	2013	1.5		
1994	2.8	2014	1.7		



Social Security COLA	
2017	2.00%
2018	2.80%
2019	1.60%
2020	1.30%
2021	5.90%
2022	8.70%
Cumulative Total: No Compounding	22.30%

Incc
Year
2017
2018
2019
2020
2021
2022

Income Limit For Single Person	
\$38,000	
COLA	Compounded
2.00%	\$38,760
2.80%	\$39,845
1.60%	\$40,483
1.30%	\$41,009
5.90%	\$43,429
8.70%	\$47,207
	24.23%

Income Limit For Married Person		
\$52,000		
Year	COLA	Compounded
2017	2.00%	\$53,040
2018	2.80%	\$54,525
2019	1.60%	\$55,398
2020	1.30%	\$56,118
2021	5.90%	\$59,429
2022	8.70%	\$64,599
		24.23%

Exemption Amount for Blind Person		
\$30,000		
Year	COLA	Compounded
2017	2.00%	\$30,600
2018	2.80%	\$31,457
2019	1.60%	\$31,960
2020	1.30%	\$32,376
2021	5.90%	\$34,286
2022	8.70%	\$37,269
		24.23%



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AGENDA ITEM: **#8B** *GJ*

DATE: August 14, 2023

COUNCIL COMMUNICATION

INITIATED BY: Bill Page, Ice Rink Manager

AGENDA ITEM: SHALL THE TOWN COUNCIL ADOPT RESOLUTION #2023-21, AUTHORIZING THE CREATION OF THE CHURCHILL RINK DONOR TRUST, WITH PRIVATE DONATIONS FOR SAID FUND TO BE USED ON THE DURHAM-OWNED ICE RINK, CHURCHILL RINK AT JACKSON'S LANDING, TO MAKE IMPROVEMENTS AND ENHANCEMENTS TO ENSURE LONGEVITY OF USE BY FUTURE GENERATIONS?

CC PREPARED BY: Bill Page, Ice Rink Manager

CC PRESENTED BY: Bill Page, Ice Rink Manager

AGENDA DESCRIPTION:

In 2023 a group of Durham and other local area residents met to form a Working Group under the Durham Parks and Recreation Committee to be known as the "Jump-Start Jackson's Group" (JSJG). The purpose of JSJG is to develop plans, generate funding from private sources, and provide leadership and support for needed enhancement improvement projects thereby ensuring continued and expanded use of the town's ice rink facility. Goals of The JSJG include:

- Make the facility safer.
- Ensure functionality for future generations.
- Eliminate the negative impact weather has on operations, programming, and the structure.
- Make the facility as energy efficient as possible, if not net zero.
- Create functionality for year-round use as a sports venue and multi-purpose recreational facility during the off-season.

- Elevate curb appeal leading to increased participation in all programming.
- Increase comfort for spectators & participants.
- Improve community image by developing a class A facility.
- Continue to grow customer appeal by exposing more people to what Durham has to offer.

2023 is the 50th Anniversary of skating at Jackson’s Landing. The JSJG plans to leverage the milestone to generate interest and financial support to cover expenses. As such, attached for the Council’s review and consideration is a resolution authorizing the creation of the “Churchill Rink Donor Trust.” Private donations for said fund will be used for making enhancements and improvements to Durham-owned Churchill Rink at Jackson’s Landing and related property.

All principal and accumulated income in the trust shall be made available for expenditure indefinitely. These funds shall be placed in custody of the Trustees of Trust Funds and Durham Town Council is named as Agents to expend from the fund. The JSJG and Town Council will determine what enhancements & improvements will be made, when, and how they will be paid for.

The wording for the Resolution has been reviewed by Mike Everngam, Chair of the Trustees of the Trust Funds.

LEGAL AUTHORITY:

RSA 31:19-a IV allows for the establishment of such trust funds with private donations.

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

Motion:

The Town Council does hereby ADOPT Resolution #2023-21, authorizing the creation of the Churchill Rink Donor Trust, with private donations for said fund to be used on the Durham-owned ice rink, Churchill Rink at Jackson’s Landing, to make improvements and enhancements to ensure longevity of use by future generations.

RESOLUTION #2023-21 OF DURHAM, NEW HAMPSHIRE

AUTHORIZING THE CREATION OF THE CHURCHILL RINK DONOR TRUST, WITH PRIVATE DONATIONS FOR SAID FUND TO BE USED ON THE DURHAM-OWNED ICE RINK, CHURCHILL RINK AT JACKSON'S LANDING, TO MAKE IMPROVEMENTS AND ENHANCEMENTS TO ENSURE LONGEVITY OF USE BY FUTURE GENERATIONS?

WHEREAS, the Town of Durham owns an ice-skating facility known as Churchill Rink at Jackson's Landing (The Rink) at 10 Old Piscataqua Road in Durham which is currently managed to provide activities for all; and

WHEREAS, The Rink needs regular maintenance and improvements to perform at a level of safety, functionality, comfort, and appearance to be in line with established standards that exist in the ice rink industry. Planned enhancement and improvement efforts will ensure further development of the rink as a popular, year-round recreation destination for locals and guests of Durham; and

WHEREAS, there are citizens & organizations interested in donating funds for enhancements & improvements to the Rink; and

WHEREAS, private donations can augment funds generated by the facility's operations and the anticipated donations can be used as matching funds in grant applications; and

WHEREAS, RSA 31:19-aIV allows for the establishment of such trust funds with private donations;

NOW, THEREFORE BE IT RESOLVED that the Durham Town Council, the legislative body of the Town of Durham, does hereby adopt Resolution #2023-21 authorizing the creation of the "Churchill Rink Donor Trust" with private donations for said trust to be used for the purpose of enhancing and improving the Rink to ensure it remains functional for use by future generations. Donations may be in cash, or other negotiable financial assets. Donors of non-cash financial instruments will be informed that all such instruments will be promptly converted into cash. All cash will be invested in the Trustee's investment account.

BE IT FURTHER RESOLVED that all principal and accumulated interest in the trust shall be made available for expenditure indefinitely and these funds shall be placed in the custody of the Trustees of the Trust Funds; and

BE IT FURTHER RESOLVED that the Durham Town Council is hereby named as the Agents to Expend from this Trust.

PASSED AND ADOPTED this 14th day of August 2023 by a majority vote of the Durham Town Council with _____ voting in favor, _____ voting against, and _____ abstentions.

Sally Needell, Chair
Durham Town Council

ATTEST:

Rachel Deane, Town Clerk-Tax Collector

JUMP-START JACKSON'S

"CHURCHILL RINK AT JACKSON'S LANDING"



Chapter 1 – Humble Beginnings, 1973-1995



Chapter 2 – 1995-2023

1973 – 2023

50 YEARS!

2023 marks **50 YEARS** since skating began at

JACKSON'S LANDING RINK – now named,

CHURCHILL RINK AT JACKSON'S LANDING.

We cordially request your assistance to help us write the next chapter
of ***ICE SKATING IN DURHAM.***

Opportunities for participation in planning, marketing, fundraising,
building, and donating are available to you as a member of...

JUMP-START JACKSON'S





CHURCHILL RINK AT JACKSON'S LANDING

BILL PAGE, MANAGER
10 OLD PISCATAQUA ROAD
DURHAM, NH 03824
603-868-3907 – RINK
BPAGE@CI.DURHAM.NH.US



August 1, 2023

Please accept this letter as formal notification that your assistance is being requested to help

JUMP-START JACKSON'S

My name is Bill Page and I've been the manager here for 5 seasons and at other local rinks for many years before that. For 3 of my years here, I was a seasonal town employee working at the rink just 6 months a year. In 2020, my position was upgraded to year-round full-time with an eye toward a growing list of maintenance items needing frequent attention to keep the facility pleasant and functioning properly. In addition to ongoing maintenance and minor improvements, it's an objective of my position to get the ball rolling toward major upgrades. The impetus for these upgrades is to ensure longevity as an asset to the community, expand use into shoulder and off-seasons, and to make Durham's municipal ice rink one users and spectators are comfortable in and can be proud of.

Through much Yankee ingenuity, frugality, and some difficult decisions to ensure the financial viability of the rink, we have a good track record of operating in the black for many years. Our yearly net operating surplus is held in a "Special Revenue Fund" under the Town of Durham's umbrella and cannot be used for anything but expenditures at the rink. As of December 31, 2022, the rink's Fund Balance was \$311,238.70. This money is for the rink to use should we have a major equipment failure or wish to make a large capital purchase or investment. This money is a great safety net but not enough to put much of a dent in the list of objectives I feel are worth pursuing. Oh, and using taxpayer dollars is not currently an option. As per the agreement made when the town took over operation of the rink from OYRA back in 2006, it must operate on a financially self-sufficient basis, or the agreement could be rescinded, and the



rink would need to close. Similar agreements were in place between municipalities and rinks in Rochester, Dover, and Wolfeboro. Over time, all three began contributing funds for renovations with tax dollars. All three facilities are now exemplary rinks providing year-round activity space to their communities.

Over the past years there have been a couple of false starts on making major improvements to the rink. A lot has been learned including some things that were pointed out to us by members of Durham Town Council. In a nutshell, we've learned that due to the anticipated expense of major improvements, we have 3 options.

1. Continue without making any major changes.
2. Spend what we can afford and do some smaller things.
3. Fund Raise a substantial amount of money and do a lot.

Knowing the storied history of the facility and hockey in Durham, I feel it is my duty as the current manager of Churchill Rink to pursue option #3 and make it happen – but I'm going to need your help!

Over the past few summers, I've worked to make improvements to the rink, but the fact can't be disputed...Churchill Rink is no favorite to many who visit for a variety of reasons. Back Bay Rink in Wolfeboro had a similar reputation but has taken steps to upgrade their facility, which puts us in last place for nicest rink in the state! In other words, Durham is now home to the worst rink in the state.

The following objectives for improving the facility, if completed, would in my opinion make Churchill Rink at Jackson's Landing one of the nicest facilities in New England.

OBJECTIVE – Enclose the facility. The partially outdoor aspect of the facility is at the root of our problematic reputation. When the weather is exactly right, the facility is a wonderful place to skate, and people love it. Unfortunately, there are many days over the course of a season when the weather is not right. Severe cold, warm damp days, rain, snow, and wind can all play a role in creating a very unpleasant experience for skaters and spectators. In addition, the moisture in the building is not good for steel, electrical components, concrete, and wood. For these reasons a primary objective is to fully enclose, insulate, and dehumidify the facility. Views to the outdoors could be retained by windows, opening panels, or a



combination of both. The “outdoor” nature of the facility is an asset we should retain without the negative side effects.

OBJECTIVE - Eliminate the problem of inadequate changing room space and no shower rooms. We have just 4 small changing rooms and a referee’s room. Players & skaters who change here literally cram themselves into the space to make it work and it’s far from ideal. We also do not have a dedicated space for female players other than a small area in the rear of the lady’s restroom.

OBJECTIVE – Add new lobby / warming room. Spectators are treated to some of the most uncomfortable viewing at Churchill Rink. There is literally no place to warm up or get out of the elements. On the worst of worst days sub-zero temperatures can lead to children coming off the ice crying because their toes are cold and hurting. I’ve seen it more than a few times. Having a warmer facility with a lobby where people can wait for their players is standard in all rinks and we’ve never had one here.

OBJECTIVE – Relocate and upgrade the Zamboni room. I’ve always been enamored by the ice-resurfacers. Zamboni is my brand of choice and the room it gets parked in between ice makes is appropriately known as The Zamboni Room. The room here is barely adequate, at best, and its physical location in the facility is completely wrong. Curious spectators surround the door we must drive through to enter the ice while making sure we don’t run over any little toes! We do use extreme caution when going on or off the ice but a new Zamboni storage room away from people would be a major improvement that’s long overdue.



OBJECTIVE – Add bleachers or stands. We have none whatsoever. Churchill Rink is 100% “Standing Room Only.” Space within the footprint of the existing building is limited as is open exterior space on the property for expansion. With some creative thinking, we may be able to create more space for viewing. More on that later.

OBJECTIVE – Add Fire Alarm/Sprinkler System. A new facility of this type would require such a system if it were built today. For years, we’ve been restricted to the types of events we’re able to host during the off-season without special permission. Without such a system, safety code limits us to holding “participant sports” or similar activities.

OBJECTIVE – Remove and replace the concrete refrigeration slab with new. Potentially reducing the surface by up to 15 feet in length, creating space for the addition of needed features. The ice is kept frozen by a chiller system in the back room that pumps a super cooled

brine solution through plastic pipes embedded in 6-inch-thick concrete slab 200 feet long and 85 feet wide. The pipes were laid, and slab poured in the mid 90's around the time the roof was put on the rink. At almost 30 years old, the work was done by volunteers in the beginning, and it is tired, uneven, and cracked in many places. Yes, it works – but a new slab is part 1 of what I call “shrinking the rink.” (Part 2 being new boards) 185' x 85" is an allowable size for a playing surface. Although most surfaces these days are 200 x 90, in NH there are a handful of rinks at only 185 in length including Rochester Arena, Champion Rink in West Lebanon, and JFK in Manchester. Shrinking the rink would give us 15 extra feet to work with under our existing roof. Extension of a gable end could also be an option rather than shrinking the rink.

OBJECTIVE – New dasher board system. The current system is a hand me down that came from UNH's Snively Arena. I love nostalgia, but this system is old, outdated, originally designed for another facility, hard to work on, and the glass breaks often. In addition, with an eye toward shrinking the rink, a set of boards designed for a new layout would be a necessity. A new dasherboard system could not be installed on our existing concrete slab due to its poor overall condition.

OBJECTIVE – A “LOW E” or Low Emissivity Ceiling. This type of ceiling is the norm in rinks these days, but we've never had one. Available in shiny silver or white material, it can reduce the energy cost to refrigerate the ice by up to 25%. It will also “mask” what has become an eyesore of a ceiling here caused by years of exposure to moisture, wind, squirrels, birds, and pucks.

OBJECTIVE – Replace fluorescent lights with LED. Above the playing surface and in all areas of the facility upgraded to long lasting, energy saving LED type. Our fixtures are fluorescent now and light levels on the playing surface are low – and very low when it's very cold!

OBJECTIVE – Party/Meeting Rooms. Adding or renovating existing space to serve as party, meeting, or additional changing room space would be a welcome and useful improvement.

OBJECTIVE – Upgraded Sound System. For years – I've scrounged around to keep our vintage system functioning to provide fun music for public skating, warm-ups during games, and announcements. The speaker we're currently using is a “Sound Sphere” brand speaker that looks like a sputnik satellite. Like the boards, it came out of Snively Arena when it closed. A professionally designed and built system would be a welcome improvement, especially at our very popular Fun Skate sessions where we play music geared toward youth complete with disco-type lights!



OBJECTIVE – Expand office. About 4 years ago we purchased 100 pairs of rental skates, and our public skating business has increased dramatically since. We have, however, maxed out our space for storage of skates and could easily use more in certain popular sizes. Our rental skates, snack bar, skate sharpener, and office are all located in the same small room and expanding would be a welcome upgrade and good for business.



OBJECTIVE – Exhaust and Cooling Fans. If we enclose the rink, we will need to add an exhaust fan system to circulate outside air in as needed and maybe some large ceiling fans to cool participants during off-season use when there would be no ice.

OBJECTIVE – Sport Court. For use during the off-season - with Pickle Ball lines on it!

OBJECTIVE – New Zamboni. This would be the “icing on the cake” if we are successful at meeting all other objectives. Having a completely renovated facility will mean we’ve worked hard, been successful, and should upgrade our vintage 1992 propane powered Zamboni ice-resurfacer to a new state of the art battery powered machine.

IT'S TIME. IT IS TIME. IT IS TIME TO,
JUMP-START JACKSON'S
WON'T YOU PLEASE JOIN US TO MAKE IT HAPPEN?



IN CLOSING,

Churchill Rink at Jackson's Landing is a diamond in the rough that in my opinion, needs some polishing to ensure it remains viable for future generations.

Prior efforts to provide ice skating for the people of Durham and surrounding communities were all made by civic minded volunteers. Citizens like Bob Barth, Bill Davison, Doug Churchill, and many others wanted a community facility for people to skate and play hockey in a town with a rich tradition for winter sports.

Yes, Snively arena existed but it was not their own and not always accessible when needed. To a large degree, this situation still exists today because without walls, bleachers, adequate changing rooms and other amenities, Oyster River High School hockey teams cannot play home games at their hometown rink and still rely on UNH to make ice available. This arrangement could end at any time with use of the



ice at The Whit becoming more heavily utilized by UNH Athletics and Recreational Sports. Or, as was the case during the Pandemic, UNH could decide outside users will no longer be allowed to use the facility. (High school teams were forced to play some games here during the pandemic and it was exciting!)

I welcome the opportunity to discuss how you may be able to help in this important, necessary, and worthwhile endeavor. With Back Bay Rink in Wolfeboro completing major improvements last winter, Churchill Rink at Jackson's Landing here in Durham is now known as New Hampshire's "least favorite". With your help, we can steer clear of owning that less than desirable distinction for long!

"Excuse me, could you please help me to, ***Jump-Start Jackson's?***"

The community members listed on the following page have joined the ***Jump-Start Jackson's Group*** to move this important and worthwhile initiative forward and hope you'll join us!

Respectfully Yours,

Bill

Bill Page
bpage@ci.durham.nh.us
603-966-6505 - cell

JUMP-START JACKSON'S GROUP (JSJG) MEMBERS:

- Dan Eckerson, Durham
- Amanda Anderson, Durham
- Peter Harwood, Madbury (ORHS Boys Hockey Coach)
- Matt Swiescz, Durham (Alternate – Parks & Recreation Committee)
- Scott Nemet, Durham
- Kristin Talcott, Durham
- Jamie Long, Lee (ORHS Girls Hockey Coach)
- Jim Chambers, Gonic (P/T Rink employee)
- Bryan Rinko, Madbury
- Joe Friedman, Durham (Council Representative - Parks & Recreation Committee)
- Andrew Gault, Madbury
- Derel Swenson, Madbury (P/T Rink employee)
- Sam Raynor, Lee
- Doug Bullen, Rollinsford (P/T Rink employee, past Assistant Director Durham PW)
- Sadie Wright-Ward, Eliot (York HS Girls Coach)
- Ashley Champion Lamb, Durham
- Bill Page, South Berwick (Rink Manager)
- Rachel Gasowski, Durham (Recreation Director)

PUBLIC SESSION ATTENDANCE STATISTICS:

- 2022-2023 – PS Child–6409, Adult–2635, Stick & Puck-1227, Pond Hockey-240, Adult Pick Up-571, Skate Rentals-3510. TOTAL PUBLIC SESSION VISITS = 11,082.
- 2021-2022 – PS Child–6235, Adult–2784, Stick & Puck-1138, Pond Hockey-262, Adult Pick Up-412, Skate Rentals-2367. TOTAL PUBLIC SESSION VISITS = 10,831.
- 2020-2021* – PS All Ages–1861, Skate Rentals-0. Total Public Session Visits = 1861.
- 2019-2020 – PS Child –3589, Adult –1765, Stick & Puck -1561, Pond Hockey -526, Adult Pick Up -1104, Skate Rentals -2012. Total Public Session Visits = 8545.
- 2018-2019 – PS Child –2512, Adult –1302, Stick & Puck -850, Pond Hockey -472, Adult Pick Up -1540, Skate Rentals -1351. Total Public Session Visits = 8027.
- 2017-2018 – PS Child –1675, Adult –1186, Stick & Puck -1020, Pond Hockey -381, Adult Pick Up -1498, Skate Rentals -704. Total Public Session Visits = 6463.
- 2016-2017 – PS Child –1632, Adult –1279, Stick & Puck -1329, Pond Hockey -400, Adult Pick Up -1702, Skate Rentals -737. Total Public Session Visits = 7078.

* Public sessions were greatly impacted by the pandemic.

SEASON PASS HOLDER RESIDENCE STATISTICS:

- 2022-2023, Durham-55, Other-29, Newmarket-16, Madbury-9, Lee-15, Total Members-334.
- 2021-2022, Durham-44, Other-26, Newmarket-12, Madbury-8, Lee-7, Total Members-276.

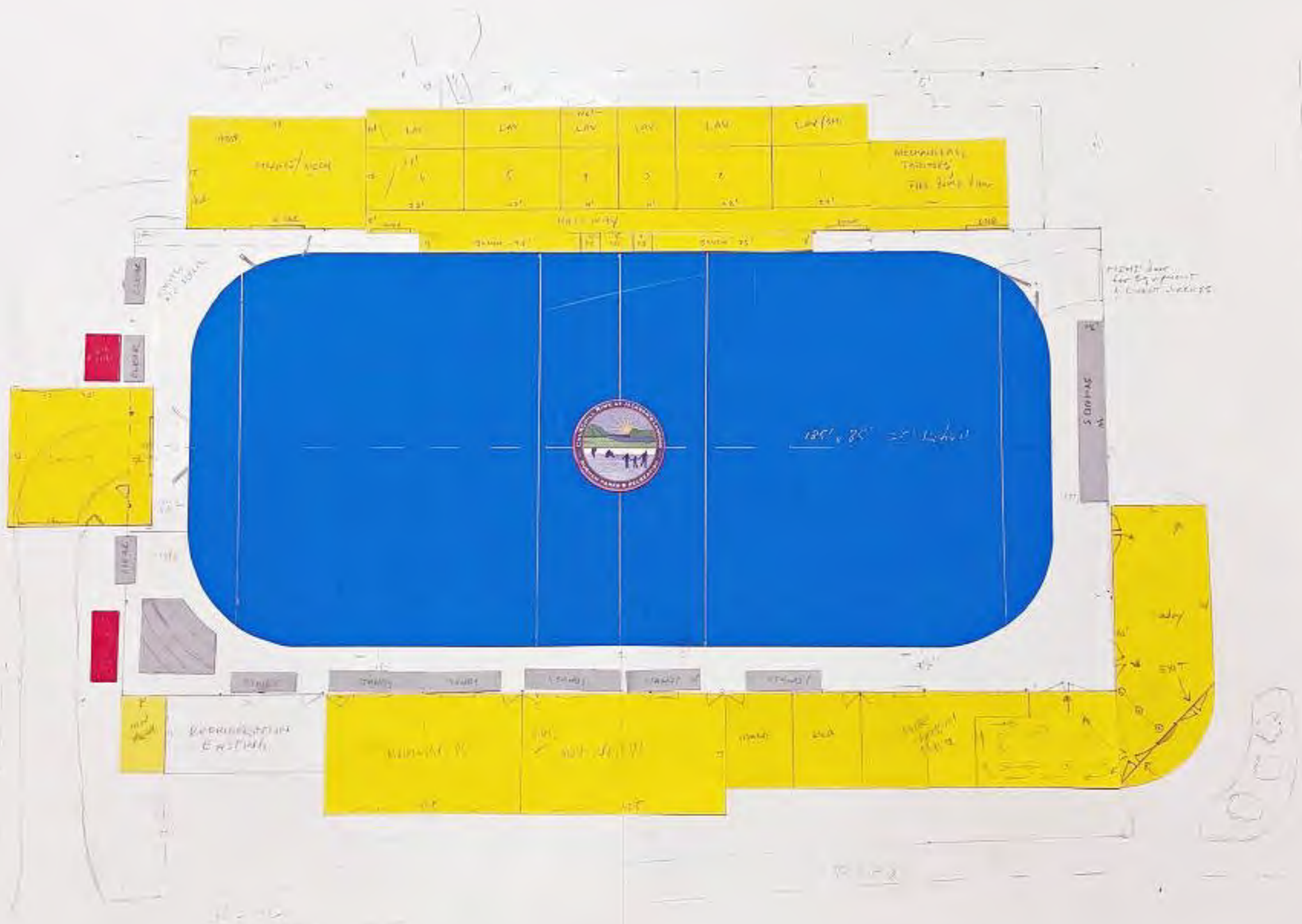
FINANCIAL RECAP BY FISCAL YEAR:

- 2022*** – Rev-\$326,136, Exp-\$320,726, Net Rev-\$5,410, Ending Fund Balance-\$311,238
- 2021 – Rev-\$301,826, Exp-\$235,392, Net Rev-\$66,433, Ending Fund Balance-\$306,315
- 2020* – Rev -\$206,960, Exp -\$243,663, Net Rev -(\$36,702), Ending Fund Bal-\$240,949
- 2019 – Rev -\$256,316, Exp -\$176,224, Net Rev -\$80,091, Ending Fund Bal-\$277,652
- 2018** – Rev -\$242,252, Exp -\$190,265, Net Rev -\$51,987, Ending Fund Bal-\$196,674
- 2017 – Rev -\$232,276, Exp -\$197,908, Net Rev -\$34,367, Ending Fund Bal-\$145,573
- 2016 – Rev -\$237,501, Exp -\$205,423, Net Rev -\$32,077, Ending Fund Bal-\$111,205

*FY 2020 Revenue was greatly impacted by the pandemic.

**FY 2018 Includes an accounting adjustment of \$886.45.

***FY 2022 Expense includes unanticipated repair to refrigeration system for \$68,000.





TOWN OF DURHAM

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

AGENDA ITEM: **# 10A** *GJ*

DATE: August 14, 2023

COUNCIL COMMUNICATION

INITIATED BY: Todd Selig, Administrator

AGENDA ITEM: RECEIVE ANNUAL REPORT FROM THE CONSERVATION COMMISSION – JAKE KRITZER, CHAIR

CC PREPARED BY: Karen Edwards, Administrative Assistant

PRESENTED BY: Jake Kritzer, Chair, Conservation 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.*

Jake Kritzer has been invited to attend Monday night's Town Council meeting to provide a brief update to Council members regarding the Conservation 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 Conservation Commission Chair, Jake Kritzer, and hold question and answer session if desired.



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AGENDA ITEM: **#10B** *GJ*

DATE: August 14, 2023

COUNCIL COMMUNICATION

INITIATED BY: Todd Selig, Town Administration
Jim Rice, Assessor

AGENDA ITEM: **PRESENTATION BY MUNICIPAL RESOURCES INC. (MRI)
REGARDING REVISED RESIDENTIAL, COMMERCIAL AND
INDUSTRIAL PROPERTY TAX ASSESSMENTS AS A RESULT
OF THE 2023 FULL REVALUATION.**

CC PREPARED BY: Jim Rice, Assessor

PRESENTED BY: Ed Tinker, CNHA
MRI Assessor Supervisor

AGENDA DESCRIPTION:

In 2022, the Town of Durham engaged the services of two companies to perform the 2023 revaluation of all property assessments in Durham. Municipal Resources, Inc. (MRI) was contracted to update the assessments of residential, commercial, and industrial properties. George Sansoucy, PE, LLC was contracted to update the assessments of utility properties. The University property assessments were revised in-house by assessor Jim Rice, CNHA. Both MRI and George Sansoucy have been working in conjunction with the Durham Assessor's Office.

In accordance with standards set forth by the State of NH Department of Revenue Administration and the NH Assessing Standards Board, Municipal Resources, Inc. has completed the reassessment of the residential, commercial, and industrial properties and to equalize the assessments at fair market value as of April 1, 2023.

In addition to updating these assessments, Municipal Resources, Inc. also updated all the tables in the Vision CAMA system. This included all building tables (base rates, subarea code adjustments, size adjustments, etc), land tables (land curve, neighborhood adjustments, site index adjustments, etc) and depreciation tables. Municipal Resources, Inc. also updated the cost modeling tables to ensure that all the adjustments within the Vision CAMA system were calculating properly. Paul McKenney and Ed Tinker from MRI were requested to be the acting Supervisors for Durham’s 2023 full revaluation and they have extensive knowledge of the Vision CAMA system.

In addition to his regular duties, the Assessor’s responsibilities throughout this project was to manage the full revaluation; update the assessments of the University properties; finalize the Current Use update per RSA 79-A-5; review all Elderly exemptions per RSA 72:39-a&b; review Veteran’s Credit applications per RSA 72:28; review Total Disabled Veteran applications per RSA 72:35; review Blind exemptions per RSA 72:37; review disabled exemptions per RSA 72:37-b; review Religious, Educational and Charitable exemptions per RSA 72:23-c; assist each contractor as required.

The full revaluation was comprised of the following:

- Hold a “start-up” meeting with municipality, DRA monitor to review contracts.
- Measure the exterior of residential and commercial buildings and if permitted by the taxpayers, inspect the interior of said properties. This phase of the project was completed in 2022.
- Review and analyze all qualified sales within past 2 years, prior to 4/1/23.
- Update all land and building tables as dictated by sales analysis.
- Review all properties in Durham for consistency purposes.
- Mail preliminary revised assessments to taxpayers.
- Conduct informal hearings with taxpayers.
- Implement a public relations program designed to educate the Town Council and taxpayers on all phases of the statistical update.
- Update the Town Council regarding the 2023 revaluation.
- Submit a Uniform Standards of Appraisal Practice (USPAP) compliant report detailing the results from the full revaluation.

LEGAL AUTHORITY:

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

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

The estimated cost for this project was \$150,000. Because the project was completed over a 2-year period, \$75,000 was appropriated in tax year 2022, and an additional \$75,000 was appropriated in tax year 2023. The Town also incurred costs for the printing and mailing of requested information, preliminary and final value notifications.

SUGGESTED ACTION OR RECOMMENDATIONS:

No formal action required. Receive presentation from MRI, and hold question and answer session if desired.



TOWN OF DURHAM

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AGENDA ITEM: **# 11** *GJ*

DATE: **August 14, 2023**

COUNCIL COMMUNICATION

INITIATED BY: Public Works Department

AGENDA ITEM: PUBLIC HEARING AND ACTION ON RESOLUTION #2023-20 TO:

1. AUTHORIZE THE RAISING, APPROPRIATING, AND EXPENDITURE OF AN ADDITIONAL FOUR HUNDRED TWENTY-FOUR THOUSAND, TWO HUNDRED AND FIFTY DOLLARS (\$424,250) WITHIN THE APPROVED FY 2023 CAPITAL FUND BUDGET (WITH \$424,250 TO COME FROM A CLEAN WATER STATE REVOLVING FUND LOAN , OF WHICH \$42,425 OF LOAN PRINCIPAL FORGIVENESS TO BE FORGIVEN) FOR THE COMPLETION OF THE LITTLEHALE CREEK AT EDGEWOOD ROAD CULVERT PROJECT?
2. AUTHORIZE THE BORROWING, ISSUANCE, AND INCURRENCE OF DEBT OF NOT MORE THAN \$424,250 IN LONG-TERM BONDS OR NOTES IN ACCORDANCE WITH THE PROVISION OF THE MUNICIPAL FINANCE ACT (RSA CHAPTER 33) FOR COMPLETION OF THE LITTLEHALE BROOK AT EDGEWOOD ROAD CULVERT PROJECT?
3. AUTHORIZE THE ADMINISTRATOR TO SUBMIT A CLEAN WATER STATE REVOLVING FUND LOAN AMENDMENT APPLICATION TO THE NHDES AND EXECUTE ALL NECESSARY DOCUMENTS IN ACCORDANCE WITH NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES CHAPTER ENV-WQ FOR THE COMPLETION OF THE LITTLEHALE BROOK AT EDGEWOOD ROAD CULVERT PROJECT?

CC PREPARED BY: April Talon, Town Engineer
Sam Hewitt, Assistant Director of Public Works

PRESENTED BY: April Talon, Town Engineer
Sam Hewitt, Assistant Director of Public Works

AGENDA DESCRIPTION:

The purpose of this Council Communication is to request that an additional \$424,250 be appropriated within the approved FY 2023 Capital Fund Budget and to request that the Town Council authorize the submission of a Clean Water SRF Loan Application Amendment for the same amount, for the construction of the Littlehale Creek at Edgewood Road Culvert Project.

The FY22 Capital Improvements Program includes \$822,500 for the construction of the Edgewood Road over Littlehale Culvert (Account #07-2264-801-36-000). This capital account is funded by a Clean Water SRF Loan in the amount of \$575,750 with 10% principal forgiveness and an American Rescue Plan Act (ARPA) Grant in the amount of \$246,75 (Resolution #2022-09).

Construction bids for this project were opened at the public bid opening on July 6, 2023. The Town received bids from Severino Trucking Co., Inc. (Severino), Sargent, and Northeast Earth Mechanics, LLC (Northeast Earth). The apparent low bidder for the Littlehale Creek over Edgewood Road Culvert is Severino with a base bid price of \$1,072,454 which exceeds the available funding of \$822,500 (Capital Account # noted above), therefore we are requesting an increase in the SRF Loan amount to cover the additional needed for construction contract and construction inspection contract with the VHB team as well. Other bids received for the construction of this culvert were \$1,177,012.50 from Sargent and \$1,923,718 from Northeast Earth.

The construction bid also included the Littlehale Creek and Madbury Road Culvert, and bids came in lower than the available funding therefore there will be a cost savings on that portion of the project. The construction award request for this culvert will be on the August 14, 2023 Town Council Meeting.

This culvert is an integral part of the overall Madbury Road Complete Streets Project which is currently in design phase. The design contract for this work was awarded to VHB Engineers by the Town Council in September 2021. More detail on the existing culvert and the proposed improvements can be found in the project background section below.

Project Background:

In July 2021, Durham Public Works and VHB conducted a conditions assessment of five culverts as part of the drainage master plan development and identified the need for extensive construction improvements at the following locations; Littlehale Creek passing under Madbury Road, Littlehale Creek passing under Edgewood Road, Pettee Brook passing under Edgewood Road, Pettee Brook under Madbury Road, and Ellison Brook under Ross Road (*included within a future separate contract*

and scope). The design of these improvements to four of these stormwater culverts is included within the scope of design services by VHB Engineers. (See Agenda Item VIII.C from the September 13, 2021 Town Council meeting here

https://www.ci.durham.nh.us/sites/default/files/fileattachments/town_council/meeting/packets/64481/september_13_2021_council_packet.pdf).



Culvert Locations Map

The Edgewood Road culvert is a stacked stone box culvert that is approximately 32 inches wide by 32 inches tall and roughly 72 feet long. The inlet is heavily obstructed by soil and debris, the height of which is approximately 4 feet above bottom of culvert to top of soil. The outlet end of the culvert is largely clear of debris, however there is a fractured top stone over the outlet headwall. The side slopes on both the inlet and outlet ends are between 1.5H:1V and 1H:1V, with light stone armoring over the outlet end.



*Snapped Stone at Outlet headwall – (Left) and Fallen Stones from Sidewall and Ceiling (Right)
Littlehale Brook at Edgewood Road Stone Box Culvert*

The video inspection showed fallen and shifted stones from both the wall and ceiling of the culvert approximately 59 feet from the inlet. The history of this deficiency is unknown since there are no prior inspection photos or reports available at this location. However, it is assumed the stones have shifted recently since the exposed granite surfaces of the breaks in the stones appear clean and not stained with age.

Given the age of the structure, the potential signs of shifting and/or settling, and evidence that the culvert cannot pass fines efficiently (given the 4' of built-up sediment at the inlet), this culvert is proposed to be entirely replaced with a new box culvert. The culvert size is currently being determined. While the culvert is very deep (approximately 30 ft below Edgewood Road), there is significantly less impact to traffic to close this section of Edgewood Road than there would be for Madbury Road. There is a water line crossing at this culvert however there is not a sewer crossing. We expect Edgewood Road from Madbury Road to Emerson Road to be closed for the duration of the construction project however local traffic would be permitted.

An important part of this culvert project and as a condition of the SRF loan and ARPA grant, the project will make various water quality improvements and stormwater treatment systems, such as deep sump catch basins that will be required with the construction of the roadway.

At its meeting on July 17, 2023, the Town Council moved this resolution on First Reading and scheduled a Public Hearing for its meeting on Monday, August 14, 2023. A Public Hearing notice was published in the *Foster's/Seacoast Online* on Friday, July 28, 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:

Article 5 Section 5.5 of the Durham Town Charter states that no appropriation shall be made for any purpose not included in the annual budget as adopted unless approved by a **two-thirds (2/3) majority of the Council after a public hearing**. The Council shall, **by resolution**, designate the source of any money so appropriated. This provision shall not apply, however, to emergency appropriations adopted pursuant to 3.10 of this Charter.

Article 5, Section 5.12 of the Durham Town Charter states that no bonds shall be issued by the Town Council in excess of \$500,000.00 per issue except by a **two-thirds (2/3) vote** of the Council. In addition, 5.12 states that the Council shall hold a **public hearing** on such bond issue in excess of five hundred thousand dollars (\$500,000.00) preceding its vote on the issue.

NH RSA 33:9 authorizes the issuance of bonds by a city, by **resolution** of the Council, passed by at least **two-thirds (2/3) vote** of all Council members.

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

An additional \$424,250 requested will be appropriated within the approved FY 2023 Capital Fund Budget for the project. Funds will come from a Clean Water State Revolving Fund Loan and partial principal forgiveness.

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION #1:

The Durham Town Council does hereby OPEN the Public Hearing on Resolution #2023-20 to:

- 1. Authorize the Raising, Appropriating, and Expenditure of an Additional Four Hundred Twenty-Four Thousand, Two Hundred and Fifty Dollars (\$424,250) Within the Approved FY 2023 Capital Fund Budget (With \$424,250 to Come From a Clean Water State Revolving Fund loan, of Which \$42,425 of Loan Principal Forgiveness to be Forgiven); and*
- 2. Authorize the Borrowing, Issuance, and Incurrence of Debt of Not More Than \$424,250 in Long-term Bonds or Notes in Accordance With the Provision of the Municipal Finance Act (RSA Chapter 33) for Completion of the Littlehale Creek at Edgewood Road Culvert Project; and*

3. *Authorize the Administrator to Submit a Clean Water State Revolving Fund Loan Amendment Application to the NHDES and Execute all Necessary Documents in Accordance With New Hampshire Code of Administrative Rules Chapter Env-Wq for the Completion of the Littlehale Creek at Edgewood Road Culvert Project.*

MOTION #2:

The Durham Town Council does hereby CLOSE the Public Hearing on Resolution #2023-20 to:

1. *Authorize the Raising, Appropriating, and Expenditure of an Additional Four Hundred Twenty-Four Thousand, Two Hundred and Fifty Dollars (\$424,250) Within the Approved FY 2023 Capital Fund Budget (With \$424,250 to Come From a Clean Water State Revolving Fund loan, of Which \$42,425 of Loan Principal Forgiveness to be Forgiven); and*
2. *Authorize the Borrowing, Issuance, and Incurrence of Debt of Not More Than \$424,250 in Long-term Bonds or Notes in Accordance With the Provision of the Municipal Finance Act (RSA Chapter 33) for Completion of the Littlehale Creek at Edgewood Road Culvert Project; and*
3. *Authorize the Administrator to Submit a Clean Water State Revolving Fund Loan Amendment Application to the NHDES and Execute all Necessary Documents in Accordance With New Hampshire Code of Administrative Rules Chapter Env-Wq for the Completion of the Littlehale Creek at Edgewood Road Culvert Project.*

MOTION #3:

The Durham Town Council does hereby ADOPT Resolution #2023-20 to:

1. *Authorize the Raising, Appropriating, and Expenditure of an Additional Four Hundred Twenty-Four Thousand, Two Hundred and Fifty Dollars (\$424,250) Within the Approved FY 2023 Capital Fund Budget (With \$424,250 to Come From a Clean Water State Revolving Fund loan, of Which \$42,425 of Loan Principal Forgiveness to be Forgiven); and*
2. *Authorize the Borrowing, Issuance, and Incurrence of Debt of Not More Than \$424,250 in Long-term Bonds or Notes in Accordance With the Provision of the Municipal Finance Act (RSA Chapter 33) for Completion of the Littlehale Creek at Edgewood Road Culvert Project; and*
3. *Authorize the Administrator to Submit a Clean Water State Revolving Fund Loan Amendment Application to the NHDES and Execute all Necessary Documents in Accordance With New Hampshire Code of Administrative Rules Chapter Env-Wq for the Completion of the Littlehale Creek at Edgewood Road Culvert Project.*

RESOLUTION #2023-20 OF DURHAM, NEW HAMPSHIRE

- 1. AUTHORIZE THE RAISING, APPROPRIATING, AND EXPENDITURE OF AN ADDITIONAL FOUR HUNDRED TWENTY-FOUR THOUSAND, TWO HUNDRED AND FIFTY DOLLARS (\$424,250) WITHIN THE APPROVED FY 2023 CAPITAL FUND BUDGET (WITH \$424,250 TO COME FROM A CLEAN WATER STATE REVOLVING FUND LOAN , OF WHICH \$42,425 OF LOAN PRINCIPAL FORGIVENESS TO BE FORGIVEN) FOR THE COMPLETION OF THE LITTLEHALE CREEK AT EDGEWOOD ROAD CULVERT PROJECT;**
- 2. AUTHORIZE THE BORROWING, ISSUANCE, AND INCURRENCE OF DEBT OF NOT MORE THAN \$424,250 IN LONG-TERM BONDS OR NOTES IN ACCORDANCE WITH THE PROVISION OF THE MUNICIPAL FINANCE ACT (RSA CHAPTER 33) FOR COMPLETION OF THE LITTLEHALE BROOK AT EDGEWOOD ROAD CULVERT PROJECT;**
- 3. AUTHORIZE THE ADMINISTRATOR TO SUBMIT A CLEAN WATER STATE REVOLVING FUND LOAN AMENDMENT APPLICATION TO THE NHDES AND EXECUTE ALL NECESSARY DOCUMENTS IN ACCORDANCE WITH NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES CHAPTER ENV-WQ FOR THE COMPLETION OF THE LITTLEHALE BROOK AT EDGEWOOD ROAD CULVERT PROJECT**

WHEREAS, the Town of Durham, after thorough consideration, decided that the completion of the Littlehale Creek at Edgewood Road Project is critical infrastructure and an integral piece to the overall Madbury Road Complete Streets Project, and to that end it is necessary to apply for assistance from the State Revolving Fund (SRF); and

WHEREAS, the Town of Durham expects to receive principal forgiveness on the SRF loan in the amount of ten percent (10%) or \$42,425; and,

WHEREAS, the Town of Durham has examined and duly considered the provisions of RSA 486:14 and the New Hampshire Code of Administrative Rules Chapter Env-Wq 500, which relate to loans from the Clean Water State Revolving Fund and deems it to be in the public interest to file a loan application and to authorize other actions in connection therewith;

WHEREAS, the Durham Town Council voted to approve the original loan application for the Littlehale Brook at Edgewood Road Culvert Project on June 6, 2022 ; and

WHEREAS, Section 5.5 of the Durham Town Charter states that no appropriation shall be made for any purpose not included in the annual budget as adopted unless approved by a two-thirds (2/3) majority of the Council after a public hearing. The Council shall, by resolution, designate the source of any money so appropriated; and

WHEREAS, a duly posted Public Hearing on the additional appropriation of \$424,250 within the approved FY 2023 Capital Fund Budget was held on Monday, August 14, 2023; and

WHEREAS, the Town of Durham will need to borrow and incur the debt of not more than \$424,250 in accordance with the provision of the Municipal Finance Act (RSA Chapter 33) and outlined in Section 5.12 of the Durham Town Charter which states that no bonds shall be issued by the Town Council in excess of \$500,000.00 per issue except by a two-thirds (2/3) vote of the Council. In addition, 5.12 states that the Council shall hold a public hearing on such bond issue in excess of five hundred thousand dollars (\$500,000.00) preceding its vote on the issue; and

WHEREAS, NH RSA 33:9 authorizes the issuance of bonds by a city, by resolution of the Council, passed by at least two-thirds (2/3) vote of all Council members.; and

NOW, THEREFORE BE IT RESOLVED by the Durham Town Council, the governing body of the Town of Durham, New Hampshire, does hereby approve Resolution #2023-20 to:

1. Authorize the Raising, Appropriating, and Expenditure of an Additional Four Hundred Twenty-Four Thousand, Two Hundred and Fifty Dollars (\$424,250) Within the Approved FY 2023 Capital Fund Budget (With \$424,250 to Come From a Clean Water State Revolving Fund loan , of Which \$42,425 of Loan Principal Forgiveness to be Forgiven) for the Completion of the Littlehale Creek at Edgewood Road Culvert Project;
2. Authorize the Borrowing, Issuance, and Incurrence of Debt of Not More Than \$424,250 in Long-term Bonds or Notes in Accordance With the Provision of the Municipal Finance Act (RSA Chapter 33) for Completion of the Littlehale Brook at Edgewood Road Culvert Project;
3. Authorize the Administrator to Submit a Clean Water State Revolving Fund Loan Amendment Application to the NHDES and Execute all Necessary Documents in Accordance With New Hampshire Code of Administrative

Rules Chapter Env-Wq for the Completion of the Littlehale Brook at Edgewood Road Culvert Project.

PASSED AND ADOPTED this ____ day of __, **2023** by a **two-thirds (2/3) majority vote** of the Durham Town Council with __ voting in favor, __ voting against, and __ abstaining.

Sally Needell, Chair
Durham Town Council

ATTEST:

Rachel Deane, Town Clerk-Tax Collector



TOWN OF DURHAM

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

AGENDA ITEM: **# 12**
DATE: August 14, 2023

COUNCIL COMMUNICATION

INITIATED BY: Durham Town Council

AGENDA ITEM: APPROVE THE TOWN COUNCIL MEETING MINUTES FOR JULY 17, 2023

CC PREPARED BY: Karen Edwards, Administrative Assistant

PRESENTED BY: Gail Jablonski, Acting Administrator

AGENDA DESCRIPTION:

Attached for the Council's review and approval are the minutes for the meeting held on July 17, 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 July 17, 2023 (as presented/as amended).



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AGENDA ITEM: **#14** GJ

DATE: August 14, 2023

COUNCIL COMMUNICATION

INITIATED BY:

Bill Page, Ice Rink Manager

AGENDA ITEM:

SHALL THE TOWN COUNCIL, UPON THE RECOMMENDATION OF THE ADMINISTRATOR

1. AUTHORIZE A CHANGE IN USE OF \$35,000 IN APPROVED FISCAL YEAR 2020 CAPITAL PROJECT FUNDS CHURCHILL RINK RENOVATIONS FROM CONSTRUCTION TO PROFESSIONAL SERVICES FOR A CAPITAL CAMPAIGN FEASIBILITY STUDY.
2. AUTHORIZE THE EXPENDITURE OF AN AMOUNT NOT TO EXCEED \$35,000 FOR A CHURCHILL RINK CAPITAL CAMPAIGN FEASIBILITY STUDY.
3. AUTHORIZE THE EXPENDITURE OF AN AMOUNT NOT TO EXCEED \$50,000 FOR CHURCHILL RINK PROFESSIONAL SERVICES INCLUDING ARCHITECTURAL AND DESIGN ENGINEERING.

CC PREPARED BY:

Bill Page, Ice Rink Manager

CC PRESENTED BY:

Bill Page, Ice Rink Manager

AGENDA DESCRIPTION:

The 2020 Capital Fund budget includes \$650,000 for Churchill Rink Renovations. In 2021 the Churchill Rink Renovations project was updated and a new project cost of \$713,200 was arrived at. The 2021 Capital Fund budget approved an additional \$63,200 to bring the total budgeted for the project in years 2020 and 2021 to \$713,200.

Resolution #2020-21 "Approving the FY 2021 General Operating Budgets, the Capital Fund Budget and the 2021-2030 Capital Improvements Plan" included language stating: "WHEREAS, the Administrator would provide additional cost and financial analysis data for the 2021 Churchill Rink upgrades, and obtain the consent of the Council, before proceeding with the Churchill Rink Capital Improvements."

This Council Communication is requesting the consent of the council to “Change Use” of previously budgeted and approved 2020 Capital funds for the Churchill Rink Renovation Project in the amount of \$35,000 from CONSTRUCTION to PROFESSIONAL SERVICES and the approval to expend said funds for a CAPITAL CAMPAIGN FEASIBILITY STUDY to be performed in advance of finalizing plans for a renovation project at the rink. We are also asking for approval to expend \$50,000 for ARCHITECTURAL and DESIGN ENGINEERING SERVICES.

All funds will come from the Rink Fund Balance, which is currently \$311,238.00.

The 16-member, (8 Durham residents) Jump-Start Jackson’s Working Group (JSJG), recently discussed a path forward for making significant renovations to Churchill Rink at Jackson’s Landing. Next steps are determining exactly what is feasible for making improvements to the current facility, and how to fund a project or project(s) once a feasible scope for improvements has been determined. The group knows and understands the facilities’ shortcomings and has for some time. A one-dimensional mock-up design was recently created by the Rink Manager with new features & amenities to eliminate all identified shortcomings. The model has provided a vision the JSJG feels is worthy of taking to the next level and they wish to retain an architectural firm to take the mock-up and turn it into preliminary single line drawings, renderings, and cost estimates. The rink manager is currently pursuing appropriate architectural firms and will seek JSJG support for final selection of such a firm before submitting a request to the Town Administrator with a request for engagement.

The JSJG also wishes to retain a professional firm in the field of fundraising to perform a CAPITAL CAMPAIGN FEASIBILITY STUDY (CCFS), and subsequent FUNDRAISING CAMPAIGN. A CCFS of the kind the group wishes to have performed, also serves as a foundation for a fundraising campaign to follow, should the study indicate potential for success, a solid foundation will be established and the JSJG will be ready to launch a campaign. The Rink Manager is pursuing appropriate firms and will seek JSJG support for final selection of such a firm before submitting a request to the Town Administrator with a request for engagement.

The JSJG wishes to pursue ARCHITECTURAL and DESIGN ENGINEERING SERVICES and a CAPITAL CAMPAIGN FEASIBILITY STUDY simultaneously. as to move forward with a formal and realistic plan, they will need to know answers to questions that will be answered by both endeavors.

LEGAL AUTHORITY:

Town of Durham Administrative Regulation Number 2023-01, effective July 1, 2023, Section C. USE OF BUDGETED FUNDS, states: “If a department wishes to substitute one project for another project during the year, a switch can only be done if the funding is not greater than the approved budget and with recommendation of the Administrator and approval of Town Council.”

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

Estimated expenses are as follows:

ARCHITECTURAL and DESIGN ENGINEERING SERVICES – NTE \$50,000

CAPITAL CAMPAIGN FEASIBILITY STUDY – NTE \$35,000

All anticipated costs are to be paid from Rink Fund Balance.

Current fund balance as of 8/1/2023 is \$311,238.

SUGGESTED ACTION OR RECOMMENDATIONS:

Motion:

The Durham Town Council does hereby, upon the recommendation of the Administrator:

- 1. Authorize a change in use of \$35,000 in approved fiscal year 2020 capital Project funds Churchill Rink Renovations from construction to professional services for a capital campaign feasibility study.*
- 2. Authorize the Expenditure of an amount Not To Exceed \$35,000 for a Churchill Rink Capital Campaign Feasibility Study.*
- 3. Authorize the Expenditure of an amount not to Exceed \$50,000 for Churchill Rink Professional Services including Architectural and Design Engineering.*