



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, OCTOBER 2, 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** - Chair reads Land Acknowledgement Statement
- 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 provide its advice and consent to the Administrator for the changing of the Site Plan and Subdivision \$225 fee for the posting of the notice in a newspaper to \$0 for posting on the website and the changing of the \$9.00 certified abutter notice fee to \$5.00 cost for verified mail, and placement of said fees in the Town-wide Master Fee Schedule?
 - B. Shall the Town Council schedule a Public Hearing for Monday, October 16, 2023, on Resolution #2023-22 authorizing the issuance of long-term bonds or notes not to exceed one million five hundred and one thousand and eight hundred dollars (\$1,501,800.00) for the purpose of bonding 2019-2023 Capital projects and equipment purchases?

- C. Shall the Town Council Schedule a Public Hearing for Monday, October 16, 2023 on Resolution #2023-23 Authorizing the Acceptance and Expenditure of Funding from the National Oceanic and Atmospheric Administration (NOAA) Community-Based Restoration Program, for the Design of a Fish Passage at the Oyster River Reservoir Dam (located at the UNH/Durham Water Treatment Plant), In the Amount of up to \$290,000, and Authorize the Town Administrator to Sign and Submit Grant Paperwork on Behalf of the Town of Durham?
- D. Shall the Town Council Schedule a Public Hearing for Monday, October 16, 2023 on Resolution #2023-24 Authorizing the Acceptance and Expenditure of Funding from the US Fish and Wildlife Service National Fish Passage Program, for the Mill Pond Dam Removal Project, in the amount of \$100,000, and Authorize the Town Administrator to Sign and Submit Grant Paperwork on Behalf of the Town of Durham?
- E. Shall the Town Council, Upon Recommendation of the Administrator, approve a Special Event Permit Application Submitted by Rachel Gasowski, Parks & Rec Director, to close certain sections of Town Roads for the Annual "Frost Fest" to be held on Saturday, December 2, 2023 from 6:00-8:00 p.m. with a rain date of Sunday, December 3, 2023 from 5:00-7:00 p.m.?
- F. Shall the Town Council, Upon Recommendation of the Administrator, Approve a Special Event Permit Application Submitted by Rachel Gasowski, Parks & Rec Director, to Close Certain Sections of Town Roads for the Downtown Trick-or-Treat and Main Street Monster Bash event to be Held on Sunday, October 22, 2023 from 2:00-4:00 p.m. with a rain date of Saturday, October 28, 2023 from 2:00-4:00 p.m.?
- G. Shall the Town Council approve Resolution #2023-25 recognizing October 2-October 8, 2023 as NH Week Without Driving and inviting residents and staff in learning about and advocating for accessible and environmentally responsible transportation?

IX. Committee Appointments - None

X. Presentation Items

- A. Receive report on Conservation Commission activities and projects - Jake Kritzer, Chair
- B. Presentation on the opening of the Oyster River Cooperative School District 2023/24 school year - Dr. James Morse, Superintendent
- C. Presentation on current Strafford Regional Planning Commission projects by Executive Director, Jen Czysz. Specific projects include the status of the updated Multi-Hazard Mitigation Plan, the issue of housing within the region and steps SRPC is taking relative to this issue, and the CEDS plan completion.
- D. Receive report on Housing Task Force activities - Paul Rasmussen

XI. Unfinished Business

XII. Approval of Minutes - September 11, 2023

XIII. Councilor and Town Administrator Roundtable

XIV. New Business

Request of the Housing Task Force, to extend the Task Force for two years to October 2, 2025 and to modify the Task Force charge.

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.

Durham, New Hampshire Land, Water and Life Acknowledgment

The Town of Durham, New Hampshire wishes to acknowledge the spiritual and physical connection maintained by the Pennacook, Abenaki and Wabanaki peoples to N'dakinna (homeland), aki (land), nibi (water), lolakwikak (flora) and awaasak (fauna). New Hampshire has been home to these Indigenous people for thousands of years. The residents of Durham acknowledge the ongoing hardships endured by our Indigenous neighbors after the loss of their unceded homelands which we now steward and we will work to foster relationships to support the well-being of Indigenous people who carry forward the traditions of their ancestors.



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AGENDA ITEM: **#8A** TS

DATE: October 2, 2023

COUNCIL COMMUNICATION

INITIATED BY: Planning Board and Michael Behrendt, Town Planner

AGENDA ITEM: **SHALL THE TOWN COUNCIL PROVIDE ITS ADVICE AND CONSENT TO THE ADMINISTRATOR FOR THE CHANGING OF THE SITE PLAN AND SUBDIVISION \$225 FEE FOR THE POSTING OF THE NOTICE IN A NEWSPAPER TO \$0 FOR POSTING ON THE WEBSITE AND THE CHANGING OF THE \$9.00 CERTIFIED ABUTTER NOTICE FEE TO \$5.00 COST FOR VERIFIED MAIL, AND PLACEMENT OF SAID FEES IN THE TOWN-WIDE MASTER FEE SCHEDULE?**

CC PREPARED BY: Michael Behrendt, Town Planner

PRESENTED BY: Michael Behrendt, Town Planner

AGENDA DESCRIPTION:

The Planning Board voted to amend the Durham Site Plan Regulations and the Subdivision Regulations at its meeting on September 13, 2023 pertaining to the public notice procedure. In the past, state law required that, for site plan and subdivision applications, a legal notice for each application be published in a local newspaper in general circulation and notices be sent to all abutters by certified mail.

The state law RSA 676:4 I. (d)(1) was amended a number of years ago to allow for the public notice to be placed on a Town's website (instead of in a local newspaper) and to send abutters notices by verified mail (instead of certified mail). Durham regulations had continued to specify that notices be posted in the newspaper and sent by certified mail. The board changed the regulations on September 13, 2023 to include requirements as now specified under state law (posting on the website and mailing by verified mail).

The current fees to applicants are \$225 for the legal notice (roughly the cost for purchasing a notice in Fosters Newspaper) and \$9.00 per abutter (roughly the cost for mailing a letter by

certified mail). With this change in procedure approved by the Planning Board, there is now no cost for posting notices (on the Town's website) and a reduced cost for abutters notices.

Verified mail means simply that the Town receives a receipt for submitting the letter (There will not be any further confirmation of mailing or delivery beyond that for any first-class mailing). The Post Office currently charges \$1.95 for the receipt and the mailing cost. There is time involved for the Planning Department Administrative Assistant to prepare the letters and take them to the Post Office, plus rates continually increase, so a fee per abutter now of \$5.00 makes sense (though the Town Council could specify a lower fee if desired).

With certified mail the party receiving the letter signs a card confirming it has been received (or the Post Office notes that an effort was made to deliver the letter). With *certified mail - return receipt*, the card is mailed back to the Town. With *regular certified mail* the card is not mailed back to the Town (but it is available from the Post Office if a question arises later and we need to confirm delivery). Up until September 13, 2023 the latter procedure was followed, which is less expensive than certified mail return receipt.

Since the actual cost to the Town is now lower, it is appropriate that the fees charged to applicants be adjusted accordingly. Notices for conditional use applications are still posted in the newspaper and mailed by certified mail. That procedure is expressed in the Zoning Ordinance (not the regulations) so a future zoning amendment will be required to change that procedure.

The notice procedure specified by the state is given in RSA 676:4 I. (d)(1). The amendments were made to Sections 1.6.1 and 1.6.2 in the Site Plan Regulations and Sections 5.05 A. and 5.05 B. in the Subdivision Regulations.

LEGAL AUTHORITY:

676:4 Board's Procedures on Plats.

I.(d)(1) Notice to the applicant, holders of conservation, preservation, or agricultural preservation restrictions, abutters, and the public shall be given as follows: The planning board shall notify the abutters, the applicant, holders of conservation, preservation, or agricultural preservation restrictions, and every engineer, architect, land surveyor, or soil scientist whose professional seal appears on any plat submitted to the board by verified mail, as defined in RSA 21:53, of the date upon which the application will be formally submitted to the board. Notice shall be mailed at least 10 days prior to submission. Notice to the general public shall also be given at the same time by posting or publication as required by the subdivision regulations. The notice shall include a general description of the proposal which is the subject of the application and shall identify the applicant and the location of the proposal. For any public hearing on the application, the same notice as required for notice of submission of the application shall be given. If notice of public hearing has been included in the notice of submission or any prior notice, additional notice of that hearing is not required nor shall additional notice be required of an adjourned session of a hearing with proper notice if the date, time, and place of the adjourned session was made known at the prior hearing. All costs of notice, whether mailed, posted, or published, shall be paid in advance by

the applicant. Failure to pay such costs shall constitute valid grounds for the Planning Board to terminate further consideration and to disapprove the plat without a public hearing.

Resolution #2017-16 of the Durham Town Council approved May 1, 2017

1. Rescinding Resolution #1998-04, Dated 1/12/98; Resolution #2007-02, Dated 2/5/07, and Resolution #2007-07, Dated 2/7/07;
2. Updating the Minimum Application Fees for the Planning Board and the Zoning Board Within the Town-wide Master Fee Schedule; and
3. Allowing Any Future Updates to These Fees, as Needed, to be by Recommendation of the Administrator With the Advice and Consent of the Town Council

LEGAL OPINION:

Not applicable.

FINANCIAL DETAILS:

The Town will be charging the actual cost for notices, including the time needed by the Planning Department Administrative Assistant to prepare abutter notices.

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION:

The Town Council hereby provides its advice and consent to the Administrator for the changing of the Site Plan and Subdivision \$225 fee for the posting of the notice in a Newspaper to \$0 for posting on the website and the changing of the \$9.00 certified abutter notice fee to \$5.00 cost for verified mail, and placement of said fees in the Town-wide Master Fee Schedule.

PLANNING BOARD

<u>Permit Type</u>	<u>Fee</u>	<u>Valid For</u>	<u>Authorization</u>	<u>Last Amended</u>
SITE PLAN REVIEW				
Multi-unit Residential Project	\$200 base fee + \$100 per dwelling unit (or \$50 per resident, whichever is greater). Not to exceed a total of \$5,000		Resolution 2017-16	5/1/17
Nonresidential Project	\$200 base fee + \$50 per 1,000 gross square feet (or portion) of building area, total of all floors. Not to exceed \$5,000		Resolution 2017-16	5/1/17
Site work without any building	\$200 for the first 1,000 square feet (or portion) of disturbed land + \$25 for each additional 1,000 square feet (or portion) of disturbed land. Not to exceed \$2,000		Resolution 2017-16	5/1/17
New buildings, additions or alterations affecting less than 1,000 square feet of gross area; change of use without other significant changes	\$200		Resolution 2017-16	5/1/17
Minor Site Plan Review	\$50	Advice and Consent Upon recommendation	Of the Town Council Of the Administrator	8/20/18

<u>Permit Type</u>	<u>Fee</u>	<u>Valid For</u>	<u>Authorization</u>	<u>Last Amended</u>
SUBDIVISION				
Subdivision without a new street	\$200 base fee + \$150 per lot		Resolution 2017-16	5/1/17
Subdivision with a new street (Town or private street)	\$600 base fee + \$100 per lot		Resolution 2017-16	5/1/17
Lot line (or boundary line) adjustment	\$150		Resolution 2017-16	5/1/17
Condominium conversion/creation	\$100		Resolution 2017-16	5/1/17
OTHER PLANNING BOARD FEES				
Conceptual Consultation	\$100		Resolution 2017-16	5/1/17
Design Review	\$100		Resolution 2017-16	5/1/17
Conditional Use Permits (Where no other application fee is involved)	\$150		Resolution 2017-16	5/1/17
• Single Family Residence	\$100		Resolution 2017-16	5/1/17
• Other type of use	\$200		Resolution 2017-16	5/1/17
Modifications, amendments, extensions	No application fees other than notices, when required		Resolution 2017-16	5/1/17
Personal Wireless Service Facility	\$1,000 for a new freestanding structure. \$400 for a new alternative tower structure. \$200 for a co-location		Resolution 2017-16	5/1/17

<u>Permit Type</u>	<u>Fee</u>	<u>Valid For</u>	<u>Authorization</u>	<u>Last Amended</u>
Parking Impact Fee	\$1,500 per space otherwise required (See Zoning Ordinance)		Resolution 2017-16	5/1/17
School Impact Fee	See impact fee ordinance and assessment schedule		Resolution 2017-16	5/1/17
Abutter Notices Site Plan & Subdivision Applications All other Applications as needed	\$5 per abutter \$9 per abutter		Resolution 2017-16 Town Administrator	5/1/17 10/2/23
Legal notice in newspaper Site Plan & Subdivision Applications All other Applications as needed	\$0 \$225		Resolution 2017-16 Town Administrator	5/1/17 10/2/23

Please note that additional fees may be assessed for reviews by outside consultants, legal review of documents, special studies and reports, special inspections, required off-site improvements, utility connections, administrative expenses, and other purposes, when appropriate.



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AGENDA ITEM: **#8B** *TS*

DATE: October 2, 2023

COUNCIL COMMUNICATION

INITIATED BY: Gail Jablonski, Business Manager

AGENDA ITEM: SHALL THE TOWN COUNCIL SCHEDULE A PUBLIC HEARING FOR MONDAY, OCTOBER 16, 2023, ON RESOLUTION #2023-22 AUTHORIZING THE ISSUANCE OF LONG-TERM DEBT NOT TO EXCEED ONE MILLION, FIVE HUNDRED AND ONE THOUSAND, AND EIGHT HUNDRED DOLLARS (\$1,501,800) FOR THE PURPOSE OF BONDING VARIOUS 2019-2023 CAPITAL PROJECTS AND EQUIPMENT PURCHASES?

CC PREPARED BY: Gail Jablonski, Business Manager
Todd Selig, Administrator

PRESENTED BY: Gail Jablonski, Business Manager
Todd I. Selig, Administrator

AGENDA DESCRIPTION:

The Town of Durham will be joining other communities in the Fall 2023 NH Municipal Bond Bank sale. It is anticipated that with the larger total of funds to be bonded interest rates will be more competitive than if the Town went out on its own. The Town will be responsible for fees payable to our Bond Counsel, Devine, Millimet & Branch, in the range of \$5,000-\$7,500.

The following are items requested to be bonded listed by budget year, as well as the status of each project.

2019 Capital Fund Budget – Resolution 2018-23 passed December 12, 2018

Project Description	Project Status	Amount Requested
Wagon Hill Shoreline Protection	Ongoing	\$81,000
Wastewater Facilities Plan	Completed	\$14,800

2020 Capital Fund Budget – Resolution 2019-29 passed December 15, 2019

Project Description	Project Status	Amount Requested
WW Collection System Upgrade	Completed	\$65,000

2021 Capital Fund Budget – Resolution 2020-21 passed December 22, 2020

Project Description	Project Status	Amount Requested
Culverts & Outfalls Program	Completed	\$80,000
Wagon Hill Farmhouse	Ongoing	\$19,000
WW Collection System Upgrade	Completed	\$65,000

2022 Capital Fund Budget – Resolution 2021-15 passed December 20, 2021

Project Description	Project Status	Amount Requested
WW Collection System Upgrade	Ongoing	\$65,000
WW Treatment Plant Rehab	Ongoing	\$210,000

2023 Capital Fund Budget – Resolution 2022-28 passed December 19, 2022

Project Description	Project Status	Amount Requested
Full Revaluation Assessing	Ongoing	\$75,000
Sidewalk Plow Tractor Replacement	Ordered	\$195,000
Sewer Jet/Vac Truck Replacement	Ordered	\$520,000
VenTex Parking Kiosks Replacement	Ordered	\$112,000

Attached for the Council's information and consideration is a draft resolution authorizing the issuance of long-term debt not to exceed One Million, Five Hundred and One Thousand and Eight Hundred Dollars (\$1,501,800).

LEGAL AUTHORITY:

Section 5.12 of the Durham Town Charter enables the Town Council to approve the issuance of bonds or notes for less than \$2,300,000 per issue after holding a duly advertised public hearing and further stipulates that for the purposes of borrowing, the Town of Durham shall have all the powers and duties vested with a city. NH RSA 33:9 authorizes the issuance of bonds by a city, by resolution of the Council, **passed by at least 2/3 of all Council members.**

LEGAL OPINION:

Renelle L'Huillier, Bond Counsel for the Town of Durham, is working with the Business Office on this issue and will be offering a legal opinion to prospective bond buyers as to whether all laws and policies have been followed.

FINANCIAL DETAILS:

The total amount of bonding will be distributed as follows:

General Fund	\$450,000
Wastewater Fund	\$939,800
Parking Fund	\$112,000

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION :

The Durham Town Council does hereby schedule a Public Hearing for Monday, October 16, 2023, on Resolution #2023-22 authorizing the issuance of long-term debt not to exceed One Million, Five Hundred and One Thousand and Eight Hundred Dollars (\$1,501,800) for the purpose of bonding various 2019-2023 capital projects and equipment purchases.

RESOLUTION #2023-22 OF DURHAM, NEW HAMPSHIRE

AUTHORIZING THE ISSUANCE OF LONG-TERM BONDS OR NOTES NOT TO EXCEED ONE MILLION, FIVE HUNDRED AND ONE THOUSAND, AND EIGHT HUNDRED DOLLARS (\$1,501,800) FOR THE PURPOSE OF BONDING 2019-2023 CAPITAL PROJECTS AND EQUIPMENT PURCHASES

WHEREAS, the Durham Town Council approved Resolution 2018-23 on December 12, 2018 approving the Capital Fund Budget for 2019 with \$4,731,818 proposed for bonding or leasing; and

WHEREAS, the Durham Town Council approved Resolution 2019-29 on December 15, 2019 approving the Capital Fund Budget for 2020 with \$1,812,500 proposed for bonding or leasing; and

WHEREAS, the Durham Town Council approved Resolution 2020-21 on December 22, 2020 approving the Capital Fund Budget for 2021 with \$5,147,200 proposed for bonding or leasing; and

WHEREAS, the Durham Town Council approved Resolution 2021-15 on December 20, 2021 approving the Capital Fund Budget for 2022 with \$3,630,500 proposed for bonding or leasing; and

WHEREAS, the Durham Town Council approved Resolution 2022-28 on December 19, 2022 approving the Capital Fund Budget for 2023 with \$9,437,500 proposed for bonding or leasing; and

WHEREAS, on May 9, 2022 the Durham Town Council approved the hiring of Municipal Resources, Inc. to perform a full revaluation of the Town of Durham, the amount of **\$75,000** is requested to be bonded; and

WHEREAS, the Public Works Department has been working on the Wagon Hill Shoreline Protection, the amount of **\$81,000** is requested to be bonded; and

WHEREAS, the Public Works Department has retained Horizons Engineering, Inc. for design work related to the Ross Road culvert replacement and funds will be needed for the actual repair, the amount of **\$80,000** is requested to be bonded; and

WHEREAS, the Public Works Department has been making improvements and repairs to the Wagon Hill Farmhouse, the amount of **\$19,000** is requested to be bonded; and

WHEREAS, on June 26, 2023 the Durham Town Council awarded the purchase of a new Sidewalk Tractor to Chadwick-BaRoss, Inc., the total amount of **\$195,000** is requested to be bonded; and

WHEREAS, in March of 2022 the Public Works Department contracted to upgrade the fire alarm system at the Wastewater Treatment Plant, the amount of **\$14,800** is requested to be bonded; and

WHEREAS, the Public Works Department has contracted for sewer line repairs and upgrades along the Town system, the total amount of **\$195,000** is requested to be bonded; and

WHEREAS, on July 11, 2022 the Durham Town Council authorized a contract with Environmental Partners Group, Inc. for the engineering design phase for the rehabilitation and replacement of major components at the Wastewater Treatment Plant, the amount of **\$210,000** is requested to be bonded; and

WHEREAS, on May 1, 2023, the Durham Town Council awarded the purchase of a combination Vacuum/Jet Rodder Truck for the Wastewater Division, the amount of **\$520,000** is requested to be bonded; and

WHEREAS, on July 17, 2023, the Durham Town Council awarded the purchase and installation of Flowbird CWT Parking Kiosks, the amount of **\$112,000** is requested to be bonded; and

WHEREAS, Section 5.12 of the Durham Town Charter enables the Town Council to approve the issuance of bonds or notes for less than \$2,300,000 after holding a duly advertised public hearing and further stipulates that for the purposes of borrowing, the Town of Durham shall have all the powers and duties vested with a city; and

WHEREAS, on Monday, October 16, 2023, the Town Council held a duly advertised and posted Public Hearing on Resolution #2023-22; and

WHEREAS, NH RSA 33:9 authorizes the issuance of bonds by a city, by resolution of the Council, passed by at least 2/3 of all Council members,

NOW, THEREFORE, BE IT RESOLVED, that the Durham Town Council, the governing and legislative body of the Town of Durham, New Hampshire hereby

approves **Resolution #2023-22** and authorizes the Treasurer to issue bonds or notes pursuant to the Municipal Finance Act, RSA 33, in an amount not to exceed One Million, Five Hundred and One Thousand and Eight Hundred Dollars (\$1,501,800) for the purpose of financing 2019-2023 Capital Projects and Equipment Purchases.

PASSED AND ADOPTED this __ day of October, 2023 by a **Two-Thirds (2/3)** vote of the Durham Town Council with ____ affirmative votes, ____ negative votes , and ____ abstentions.

Sally Needel, Chair
Durham Town Council

ATTEST:

Rachel Deane, Town Clerk-Tax Collector



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AGENDA ITEM: **# 8C TS**

DATE: **October 2, 2023**

COUNCIL COMMUNICATION

INITIATED BY: Public Works Department

AGENDA ITEM: SHALL THE TOWN COUNCIL SCHEDULE A PUBLIC HEARING FOR MONDAY, OCTOBER 16, 2023 ON RESOLUTION #2023-23 AUTHORIZING THE ACCEPTANCE AND EXPENDITURE OF FUNDING FROM THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION (NOAA) COMMUNITY-BASED RESTORATION PROGRAM, FOR THE DESIGN OF A FISH PASSAGE AT THE OYSTER RIVER RESERVOIR DAM (LOCATED AT THE UNH/DURHAM WATER TREATMENT PLANT), IN THE AMOUNT OF UP TO \$290,000, 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:

The purpose of this Council Communication is to request that the Council schedule a public hearing for Monday, October 16, 2023 on Resolution #2023-23 authorizing the acceptance and expenditure of funding from the National Oceanic and Atmospheric Administration (NOAA) Community-Based Restoration Program, for the design of a fish passage at the Oyster River Reservoir Dam, in the amount of up to \$290,000, and authorize the Administrator to sign and submit grant paperwork on behalf of the Town of Durham. This installment of funding is the first to be released to the Town and it is part of the larger project funding award from NOAA. More information about the Mill Pond Dam removal and upstream fish passage project

can be found below, including the total funding requested from NOAA, goals of the project, funding amounts, and timeline.

Following the March 7, 2022 referendum vote, Durham Public Works began investigating potential grant programs with the overall goal of securing funding to pay for a majority of the project costs.

In November 2022, Durham Public Works and the Town's consultant VHB Engineers, submitted an extensive \$3,537,201 grant application package 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," to NOAA as part of their funding opportunity titled Restoring Fish Passage through Barrier Removal under the Infrastructure and Jobs Act (IIJA).

Major goals of the project include 1) Advance restoration efforts for diadromous fish populations by eliminating a barrier to upstream fish passage, 2) Improve the Oyster River's declining water quality and strengthen the Oyster River's natural ecosystem, 3) Increase the Oyster River's flood resilience and reduce Durham's vulnerability to the growing risk of coastal storms, 4) Increase public safety by eliminating unsafe dam infrastructure.

A head-of-tide dam, the Mill Pond Dam is the lowest barrier in the Oyster River watershed, located approximately 2.9 miles from the river's discharge into the Great Bay. Historically, the river herring returns to the Oyster River have been one of the highest yearly returns among all coastal rivers monitored by New Hampshire Fish and Game Department (NHFGD). However, the numbers of returning river herring have been declining since 1990 and are now less than 5% percent of those seen at the peak from 1990-1992. This decline is largely attributed to a decrease in water quality and water levels along the river and throughout Mill Pond, as well as impediments to downstream migration. Removing the Mill Pond Dam and installing a new fish passage at the Oyster Reservoir Dam, the next upstream barrier, would substantially contribute to the restoration of this important fish run. Other sea-run species that could benefit from unobstructed passage include the Oyster River's declining American eel population and brook trout. Rainbow smelt, as head of tide-spawners, would also likely reap significant benefits from dam removal.

In the spring of 2023, the Town was formally notified that NOAA accepted the Town's full proposal for \$3,537,201. This grant program does not require a match commitment. NOAA has indicated that the remaining construction funding of approximately \$3.2M for FY24 (Mill Pond Dam Removal and River Restoration) and FY25 (Oyster Reservoir Dam fish passage) will be released when the final designs and cost estimates have been further developed.

Data collection, final design, environmental permitting, and Section 106 consultation efforts began in May 2022 and are expected to be completed by early 2024. The Implementation Start Date (i.e., removal of the dam and restoration of the river channel) would be spring/summer 2024, with removal of the dam and restoration of the river expected to be completed by October 2024. Installation of the fishway at the Oyster Reservoir Dam is expected to occur in 2025.

LEGAL AUTHORITY:

N/A

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

\$290,000 in FY23 monies to be received from NOAA Community Based Restoration Program for the design of Fish Passage at the Oyster Reservoir Dam (Located at the UNH/Durham Water Treatment Plant)

NOAA has indicated that the remaining construction funding of approximately \$3.2M for FY24 (Mill Pond Dam Removal and River Restoration) and FY25 (Oyster Reservoir Dam fish passage construction) will be released when final designs and cost estimates have been further developed.

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION:

The Durham Town Council does hereby schedule a public hearing for Monday, October 16, 2023 on Resolution #2023-23 Authorizing the Acceptance and Expenditure of Funding from the National Oceanic and Atmospheric Administration Community-Based Restoration Program, for the Design of a Fish Passage at the Oyster River Reservoir Dam (located at the UNH/Durham Water Treatment Plant), In the Amount of up to \$290,000, and Authorize the Administrator to Sign and Submit Grant Paperwork on Behalf of the Town of Durham.

RESOLUTION #2023-23 OF DURHAM, NEW HAMPSHIRE

AUTHORIZING THE ACCEPTANCE AND EXPENDITURE OF FUNDING FROM THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION (NOAA) COMMUNITY-BASED RESTORATION PROGRAM, FOR THE DESIGN OF A FISH PASSAGE AT THE OYSTER RESERVOIR DAM (LOCATED AT THE UNH/DURHAM WATER TREATMENT PLANT), IN THE AMOUNT OF \$290,000, AND AUTHORIZE THE ADMINISTRATOR TO SIGN AND SUBMIT GRANT PAPERWORK ON BEHALF OF THE TOWN OF DURHAM?

WHEREAS, the Town of Durham submitted an extensive \$3,537,201 grant application package 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," to NOAA as part of their funding opportunity titled Restoring Fish Passage through Barrier Removal under the Infrastructure and Jobs Act (IIJA); and

WHEREAS, in the Spring of 2023, the Town was formally notified that NOAA accepted the Town's full project proposal; and

WHEREAS, NOAA has indicated that the remaining construction funding of approximately \$3.2M for FY24 (Mill Pond Dam Removal and River Restoration) and FY25 (Oyster Reservoir Dam fish passage) will be released when the final designs and cost estimates have been further developed; 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, October 16, 2023, a duly posted and published Public Hearing was held by the Durham Town Council on the \$290,000 NOAA 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 #2023-23 authorizing the acceptance and expenditure of funding from the National Oceanic and Atmospheric Administration (NOAA) Community-Based Restoration Program, for the design of a fish passage at the Oyster Reservoir Dam (located at the UNH/Durham Water Treatment Plant), in the amount of \$290,000, and authorize the Administrator to sign and submit grant paperwork on behalf of the Town of Durham.

PASSED AND ADOPTED this 16th day of October, 2023, by a majority vote of the Durham Town Council with _____ affirmative votes, _____ negative votes, and _____ abstentions.

Sally Needell, Chair
Durham Town Council

ATTEST:

Rachel Deane, Town Clerk-Tax Collector



TOWN OF DURHAM

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

AGENDA ITEM: **# 8D TS**

DATE: **October 2, 2023**

COUNCIL COMMUNICATION

INITIATED BY: Public Works Department

AGENDA ITEM: SHALL THE TOWN COUNCIL SCHEDULE A PUBLIC HEARING FOR MONDAY, OCTOBER 16, 2023 ON RESOLUTION #2023-24 AUTHORIZING THE ACCEPTANCE AND EXPENDITURE OF FUNDING FROM THE US FISH AND WILDLIFE SERVICE NATIONAL FISH PASSAGE PROGRAM, FOR THE MILL POND DAM REMOVAL PROJECT, IN THE AMOUNT OF \$100,000, 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:

The purpose of this Council Communication is to request that the Council schedule a public hearing for Monday, October 16, 2023 on Resolution #2023-24 Authorizing the Acceptance and Expenditure of Funding from the US Fish and Wildlife Service National Fish Passage Program, for the Mill Pond Dam Removal Project, in the amount of up to \$100,000, and authorize the Administrator to sign and submit grant paperwork on behalf of the Town of Durham.

The National Fish Passage Program improves community infrastructure resilience, rebuilds fish populations, improves recreational and commercial fisheries, and restores the beauty of free-flowing waters. They provide financial and technical assistance to support projects that improve fish passage.

(See <https://www.fws.gov/program/national-fish-passage/what-we-do>)

The Bipartisan Infrastructure Law, signed in November 2021, includes \$200 million for restoring fish and wildlife passage by removing in-stream barriers and providing technical assistance under the National Fish Passage Program. The funding is distributed over five years and delivers \$38 million to 40 projects in 23 states and Puerto Rico in 2022 alone, providing a once-in-a-generation opportunity to invest in our nation's rivers, streams, and communities.

(See <https://www.fws.gov/story/find-national-fish-passage-program-project-your-neighborhood>)

Since 1999, the National Fish Passage Program has:

- Worked with over 2,000 local communities, Tribes, and private landowners across the country.
- Removed or bypassed over 3,400 barriers to fish passage.
- Reopened access to over 61,000 miles of upstream habitat for fish and other wildlife.

Durham Public Works submitted a grant application titled, "Restoration of the Oyster River through Removal of the Mill Pond Dam," to USFWS as part of their project solicitation funding opportunity.

On April 6, 2023, DPW was notified that the Town was selected for funding in the amount of \$100,000 from the USFWS National Fish Passage Program towards the removal of the Mill Pond Dam project. This grant program does not require a match commitment and funding must be used for the Mill Pond Dam removal construction contract.

LEGAL AUTHORITY:

N/A

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

\$100,000 in monies to be received from the US Fish and Wildlife Service National Fish Passage Grant Program.

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION:

The Durham Town Council does hereby schedule a public hearing for Monday, October 16, 2023 on Resolution #2023-24 Authorizing the Acceptance and Expenditure of Funding from the US Fish and Wildlife Service National Fish Passage Program, for the Mill Pond Dam Removal Project, In the Amount of up to \$100,000, and authorize the Administrator to sign and submit grant paperwork on behalf of the Town of Durham.

RESOLUTION #2023-24 OF DURHAM, NEW HAMPSHIRE

AUTHORIZING THE ACCEPTANCE AND EXPENDITURE OF A US FISH AND WILDLIFE SERVICE (USFWS) NATIONAL FISH PASSAGE PROGRAM FUNDING IN THE AMOUNT OF \$100,000 AND AUTHORIZE 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 USFWS as part of their project solicitation funding opportunity; and

WHEREAS, in April 2023, the Town was notified that the Town was selected for funding in the amount of \$100,000 from the USFWS National Fish Passage Program towards the removal of the Mill Pond Dam project. 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, October 16, 2023, a duly posted and published Public Hearing was held by the Durham Town Council on the \$100,000 USFWS 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 #2023-24 authorizing the acceptance and expenditure of funding from the US Fish and Wildlife Service National Fish Passage Program, for the Mill Pond Dam Removal Project, In the Amount of up to \$100,000, and authorize the Administrator to sign and submit grant paperwork on behalf of the Town of Durham.

PASSED AND ADOPTED this 16th day of October, 2023, by a majority vote of the Durham Town Council with _____ affirmative votes, _____ negative votes , and _____ abstentions.

Sally Needell, Chair
Durham Town Council

ATTEST:

Rachel Deane, Town Clerk-Tax Collector



TOWN OF DURHAM

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

AGENDA ITEM: **# 8E TS**

DATE: **October 2, 2023**

COUNCIL COMMUNICATION

INITIATED BY: Rachel Gasowski, Parks & Rec Director

AGENDA ITEM: SHALL THE TOWN COUNCIL, UPON RECOMMENDATION OF THE ADMINISTRATOR, APPROVE A SPECIAL EVENT PERMIT APPLICATION SUBMITTED BY RACHEL GASOWSKI, PARKS & REC DIRECTOR, TO CLOSE CERTAIN SECTIONS OF TOWN ROADS FOR THE ANNUAL "FROST FEST" TO BE HELD ON SATURDAY, DECEMBER 2, 2023 FROM 6:00-8:00 P.M. WITH A RAIN DATE OF SUNDAY, DECEMBER 3, 2023 FROM 5:00-7:00 P.M.?

CC PREPARED BY: Karen Edwards, Administrative Assistant

PRESENTED BY: Todd I. Selig, Administrator

AGENDA DESCRIPTION:

Attached is a special event/road closure permit application submitted by Rachel Gasowski, Parks & Rec Director, requesting that certain portions of town roads be closed from 6:00-8:00 p.m. on Saturday, December 2, 2023 to hold the annual Frost Fest. A Rain Date has been set for Sunday, December 3, 2023 from 5:00-7:00 p.m.

The application has been reviewed by the appropriate town departments and has been a successful event in past years. The Administrator therefore recommends approval of this special event and road closure permit.

LEGAL AUTHORITY:

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

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION:

The Durham Town Council does hereby, upon recommendation of the Administrator, approve a Special Event Permit Application Submitted by Rachel Gasowski, Parks & Rec Director, to close certain sections of Town Roads for the Annual "Frost Fest" to be held on Saturday, December 2, 2023 from 6:00-8:00 p.m. with a rain date of Sunday, December 3, 2023 from 5:00-7:00 p.m.



TOWN OF DURHAM

100 Stone Quarry Drive, Durham, NH 03824

TEL: (603) 868-5578

FAX: (603) 868-8063

Email: publicworks@ci.durham.nh.us

PERMIT APPLICATION

Revised: 2/18/19

TYPE OF PERMIT (Please check one):

Special Event

Road Closure Request

Use of Town Property

LOCATION WHERE EVENT WILL OCCUR: Downtown Main Street

DAY & DATE OF EVENT: Saturday, Dec 2nd 2023 TIME(S) OF EVENT: 6-8pm

*Rain Date Sunday, Dec 3rd 2023 5-7pm

DURATION OF EVENT (Including set up and breakdown time): 4hrs

NAME OF APPLICANT/ORGANIZATION: Durham Parks + Recreation

NAME OF EVENT: Frost Fest - Welcome To Winter Community Celebration

PERSONAL CONTACT FOR THIS EVENT: Rachel + Kellie

ADDRESS: 2 Dover Rd Durham

TELEPHONE NO.: DAY: (603) 817-4174 EVENING: (603) 254-6178

EMAIL: rgasowski@ci.durham.nh.us

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

We would like to close Main St. from Jenkins Crt. to Main St. Barber for the event. Amplified music + activity stations will be set up on the closed section of Main St. A lg. + sm. fire pit will be set up on Main St. during the event. Road Closure @ 5pm + reopen by 8:15pm. *Requesting Road Closure, set-up of fire pit + general trash collection by DPW during event. -Power Source: from Street lights.

*Requesting traffic control by Police

ANTICIPATED NUMBER OF PARTICIPANTS: 500-800

ANTICIPATED NUMBER OF VEHICLES: 200

*Requesting FD to be onsite w/truck.
↳ If the duty shift would like to set up a table/tent w/popcorn + S'mores as done in the past we would love that!
Thank you!!

CERTIFICATE OF INSURANCE INFORMATION

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

Insurance Carrier: Primerx

Policy Number and Expiration Date: _____

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

Rachel Gasowski [Signature] 8/23/23
Printed Name and Signature of Event Coordinator/applicant Date

Printed Name and Signature of Principal/Owner/Authorizing Authority Date

FOR OFFICIAL USE ONLY

Reviewed by DPW [Signature]
Comments: E. 29.23 OK

Reviewed by PD ✓
Comments:

Reviewed by FD ✓ **See attached Fire Department conditions of permit approval**
Comments:

Reviewed by P&R [Signature]
Comments: Approved:
[Signature] Todd I. Selig, Administrator 9/21/23
Date

Karen Reynolds

From: David Holmstock
Sent: Tuesday, August 29, 2023 2:50 PM
To: Karen Reynolds; David Emanuel
Cc: Rachel Gasowski; Aimee Routhier; Kelley Fowler; Shannon Shaw
Subject: RE: Frost Fest Special Permit

I am cold just writing this. Not because of the permit request, it's just cold in my office because the air conditioning has issues. What does that have to do with this request?..Absolutely nothing. Figured I would bring you into my world for a minute as I am shivering. Let's be honest, is anyone welcoming Winter in December? By acting in such an inviting way with so much community spirit, are we not just telling the winter spirits (ie., Jack Frost, Frosty the Snowman, Snow Miser etc...) that we are giving them a written invitation to enter the community and spread their icy grip just willy nilly throughout our neighborhoods? Nay I say!!! Instead, I vote we rename it, "Hot Chocolate Festival – Welcome to the Holiday Season Community Celebration". I know Rachel will veto this inventive title but I figured I would be remiss not to try. All other plans for the event would stay the same.

The PD supports the permit as submitted.

Respectfully,

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

From: Karen Reynolds <kreynolds@ci.durham.nh.us>
Sent: Tuesday, August 29, 2023 2:04 PM
To: David Emanuel <david.emanuel@unh.edu>; David Holmstock <dholmstock@ci.durham.nh.us>
Cc: Rachel Gasowski <rgasowski@ci.durham.nh.us>; Aimee Routhier <Aimee.Routhier@unh.edu>; Kelley Fowler <Kelley.Fowler@unh.edu>; Shannon Shaw <sshaw@ci.durham.nh.us>
Subject: Frost Fest Special Permit

Hello,

Please see special permit for your approval.

Thanks very much.
Karen

Karen Reynolds
Administrative Assistant
Durham Public Works

Karen Reynolds

From: Kelley Fowler <Kelley.Fowler@unh.edu>
Sent: Tuesday, September 19, 2023 10:30 AM
To: Karen Reynolds
Cc: David Emanuel; Aimee Routhier; Shannon Shaw
Subject: FW: Frost Fest Special Permit
Attachments: Frost Fest Special Permit.pdf

Good morning Karen:

Per Chief Emanuel, the fire department supports the application as submitted.

Kelley Fowler
Administrative Assistant
Durham Fire Department
51 College Road, Durham, NH 03824
Kelley.fowler@unh.edu
(603) 862-1426 Office
(603) 862-7746 Direct
(603) 862-1513 Fax
"Our Family Protecting Your Family"



From: Karen Reynolds <kreynolds@ci.durham.nh.us>
Sent: Monday, September 18, 2023 8:20 AM
To: David Emanuel <david.emanuel@unh.edu>
Cc: Kelley Fowler <Kelley.Fowler@unh.edu>; Aimee Routhier <Aimee.Routhier@unh.edu>; Shannon Shaw <sshaw@ci.durham.nh.us>
Subject: FW: Frost Fest Special Permit

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

Chief Emanuel,

Waiting for your approval.

Thank you.
Karen



TOWN OF DURHAM

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

AGENDA ITEM: **# 8F** TS

DATE: October 2, 2023

COUNCIL COMMUNICATION

INITIATED BY: Rachel Gasowski, Parks & Rec Director

AGENDA ITEM: SHALL THE TOWN COUNCIL, UPON RECOMMENDATION OF THE ADMINISTRATOR, APPROVE A SPECIAL EVENT PERMIT APPLICATION SUBMITTED BY RACHEL GASOWSKI, PARKS & REC DIRECTOR, TO CLOSE CERTAIN SECTIONS OF TOWN ROADS FOR THE DOWNTOWN TRICK-OR-TREAT AND MAIN STREET MONSTER BASH EVENT TO BE HELD ON SUNDAY, OCTOBER 22, 2023 FROM 2:00-4:00 P.M. WITH A RAIN DATE OF SATURDAY, OCTOBER 28, 2023 FROM 2:00-4:00 P.M. ?

CC PREPARED BY: Karen Edwards, Administrative Assistant

PRESENTED BY: Todd I. Selig, Administrator

AGENDA DESCRIPTION:

Attached is a special event/road closure permit application submitted by Rachel Gasowski, Parks & Rec Director, requesting that certain portions of town roads be closed from 2:00-4:00 p.m. on Sunday, October 22, 2023 to hold the Downtown Trick-or-Treat and Main Street Monster Bash event. A Rain Date has been set for Saturday, October 28, 2023 from 2:00-4:00 p.m.

The application has been reviewed by the appropriate town departments and has been a successful event in past years. The Administrator therefore recommends approval of this special event and road closure permit.

LEGAL AUTHORITY:

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

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION:

The Durham Town Council does hereby, upon recommendation of the Administrator, Approve a Special Event Permit Application Submitted by Rachel Gasowski, Parks & Rec Director, to Close Certain Sections of Town Roads for the Downtown Trick-or-Treat and Main Street Monster Bash event to be Held on Sunday, October 22, 2023 from 2:00-4:00 p.m. with a rain date of Saturday, October 28, 2023 from 2:00-4:00 p.m.



TOWN OF DURHAM

100 Stone Quarry Drive, Durham, NH 03824

TEL: (603) 868-5578

FAX: (603) 868-8063

Email: publicworks@ci.durham.nh.us

PERMIT APPLICATION

Revised: 2/18/19

TYPE OF PERMIT (Please check one):

Special Event

Road Closure Request

Use of Town Property

LOCATION WHERE EVENT WILL OCCUR: Downtown Main St / 66 Main & Jenkins

Cit.

DAY & DATE OF EVENT: Sunday, Oct. 22nd

& Rain Date: Saturday, Oct. 28th

TIME(S) OF EVENT: 2-4 PM

DURATION OF EVENT (Including set up and breakdown time): 4 hrs: 1pm Set-up (Road Closure)

4:30pm re-open Road

NAME OF APPLICANT/ORGANIZATION: Durham PD

NAME OF EVENT: Downtown Trick or Treat + Main St. Monster Bash

PERSONAL CONTACT FOR THIS EVENT: Rachel + Kellie

ADDRESS: 2 Power Rd - Durham

TELEPHONE NO.:

DAY: (603) 817-1874

EVENING: (603) 254-6178

EMAIL: rgasowki@ci.durham.nh.us

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

Trick or Treat Stations will be set up throughout downtown (Mill Plaza, Main St, Jenkins & 66 Main). Activities & amplified music will be set up on Main St. * Requesting assistance from DPW w/ Road Closure & Trash Control. * Requesting assistance from Police w/Traffic Control. * Requesting FD to be onsite w/Truck.

ANTICIPATED NUMBER OF PARTICIPANTS: 1,000

ANTICIPATED NUMBER OF VEHICLES: 250

Power Source from Street lights

CERTIFICATE OF INSURANCE INFORMATION

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

Insurance Carrier: _____

Policy Number and Expiration Date: _____

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

Printed Name and Signature of Event Coordinator/applicant Date

Printed Name and Signature of Principal/Owner/Authorizing Authority Date

FOR OFFICIAL USE ONLY

Reviewed by DPW
Comments:

Quelch
8-28-23

Reviewed by PD ✓
Comments:

Reviewed by FD ✓
Comments:

See attached Fire Department conditions of permit approval

Reviewed by P&R
Comments:

[Signature]

Approved:

[Signature]

Todd I. Schig, Administrator

9/21/23

Date

Karen Reynolds

From: David Holmstock
Sent: Tuesday, August 29, 2023 2:23 PM
To: Karen Reynolds; David Emanuel
Cc: Rachel Gasowski; Aimee Routhier; Kelley Fowler; Shannon Shaw; David Holmstock
Subject: RE: Special Permit Downtown Trick or Treat

As I read this request, I must contemplate the need for mental health counselors to be on hand for this event. Just the anticipation of participants not knowing if they are about to be tricked or receive a treat is very anxiety provoking, and to allow citizens to bash monsters in such a public forum harkens back to the days of the gladiators in glittering arenas fighting exotic beasts in creative spectacles that surely would have left many with PTSD. Monsters are people too! Really, that is a fact on Wikipedia that I read once while on an airplane while flying coach, seat 21B. Such a long flight.....but I do digress. The police department supports this event and the rights of monsters, particularly those employed by Disney or Pixar Entertainment.

Rachel, we will supply three officers as is standard. Please just let me know what time you would like them to arrive.

Respectfully,

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

From: Karen Reynolds <kreynolds@ci.durham.nh.us>
Sent: Tuesday, August 29, 2023 1:57 PM
To: David Emanuel <david.emmanuel@unh.edu>; David Holmstock <dholmstock@ci.durham.nh.us>
Cc: Rachel Gasowski <rgasowski@ci.durham.nh.us>; Aimee Routhier <Aimee.Routhier@unh.edu>; Kelley Fowler <Kelley.Fowler@unh.edu>; Shannon Shaw <sshaw@ci.durham.nh.us>
Subject: Special Permit Downtown Trick or Treat

Good Afternoon,

Please see attached for your approval.

Thank you.
Karen

Karen Reynolds
Administrative Assistant
Durham Public Works
DPW/Water/WWTP
100 Stone Quarry Drive

Karen Reynolds

From: Kelley Fowler <Kelley.Fowler@unh.edu>
Sent: Tuesday, September 19, 2023 10:31 AM
To: Karen Reynolds
Cc: David Emanuel; Aimee Routhier; Shannon Shaw
Subject: FW: Special Permit Downtown Trick or Treat
Attachments: Trick or Treat Special Permit.pdf

Per Chief Emanuel, the fire department also supports this application as submitted.

Kelley Fowler
Administrative Assistant
Durham Fire Department
51 College Road, Durham, NH 03824
Kelley.fowler@unh.edu
(603) 862-1426 Office
(603) 862-7746 Direct
(603) 862-1513 Fax
"Our Family Protecting Your Family"



From: Karen Reynolds <kreynolds@ci.durham.nh.us>
Sent: Monday, September 18, 2023 8:18 AM
To: David Emanuel <david.emanuel@unh.edu>
Cc: Kelley Fowler <Kelley.Fowler@unh.edu>; Aimee Routhier <Aimee.Routhier@unh.edu>; Shannon Shaw <sshaw@ci.durham.nh.us>
Subject: FW: Special Permit Downtown Trick or Treat

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

For your approval.

Thank you.
Karen

From: Karen Reynolds
Sent: Tuesday, September 5, 2023 4:12 PM
To: David Emanuel <david.emanuel@unh.edu>
Subject: FW: Special Permit Downtown Trick or Treat

Good Afternoon Chief Emanuel,



TOWN OF DURHAM

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

AGENDA ITEM: **#8G** TS

DATE: October 2, 2023

COUNCIL COMMUNICATION

INITIATED BY: Em Friedrichs, Councilor

AGENDA ITEM: SHALL THE TOWN COUNCIL APPROVE RESOLUTION #2023-25 RECOGNIZING OCTOBER 2–OCTOBER 8, 2023 AS NH WEEK WITHOUT DRIVING AND INVITING RESIDENTS AND STAFF IN LEARNING ABOUT AND ADVOCATING FOR ACCESSIBLE AND ENVIRONMENTALLY RESPONSIBLE TRANSPORTATION?

CC PREPARED BY: Em Friedrichs, Councilor

PRESENTED BY: Em Friedrichs, Councilor

AGENDA DESCRIPTION:

The Strafford Regional Planning Commission (SRPC) and the Southern NH Planning Commission (SNHPC) invite leaders, policy makers, transportation/community planners, engineers, and transit providers in the State of New Hampshire to participate in the Week Without Driving. This coincides with the public comment period for the Department of Transportation's 10-year plan and with [NH's Community Transportation month](#). This is being led by SNHPC (questions can be directed to Tammy Zamoyski, tzamoyski@snhpc.org), and SRPC is participating as part of their campus and workplace challenge [Buses, Bikes, & Brooms](#).

Proclamations are requested to encourage participation from our state's leaders and the challenge has been endorsed by the Franconia Selectboard, and the City of Manchester and Town of Bethlehem have proclaimed the Week Without Driving with a resolution.

Information on the Challenge from SNHPC: [Week Without Driving - OneDrive \(sharepoint.com\)](#)

This is the first year (of hopefully many) that NH is participating. You can see results of the Challenge from Washington state on their [story map](#) to consider how nondrivers in Durham and across NH may experience similar barriers with everyday mobility and what you might learn from participating.

How the challenge works ([sign up here for NH](#)):

- You can get around however you want, but the challenge is not to drive yourself in any car. This applies to all your activities – not just your work commute. If you normally transport other family members or friends, it applies to those trips too.
- You can ask someone else to drive you, but make a note of how much you “owe” this person in their time, and if you felt obligated to support them in other ways (ie, doing all the dishes). You can use taxis or ride hail if they exist where you need to go, but again, think about how the cost could impact your decision to take this trip if this was regularly your only option.
- Once you sign up, SNHPC will share tools to help you prepare for the #WeekWithoutDriving, as well as prompts during the week to reflect on what you’re learning and share with your community and other participants across the country.
- **This isn’t a disability simulation or a test of how easily you can find alternatives.** We know that it is far easier to give up your keys if you can afford to live in a walkable area well served by transit, or can outsource your driving and other transport and delivery needs to other people. *Having to drive during the challenge does not signify failure. The point is to consider how someone without that option would have coped, and what choices they might have made.*
- **Get ready to reflect and share, including on social media.** You can start today by using the #WeekWithoutDriving hashtag to share why you are taking the challenge. When posting, be mindful of our purpose: to learn about the mobility experience and barriers faced by nondrivers - people whose car-free status is grounded in necessity. If you lead a car-free or car-lite lifestyle by choice, be especially mindful when posting of how your perspective might be different if that weren’t a choice. Be sure to link to the Week Without Driving [national webpage](#) so social media followers can learn more.

A couple of other notes:

- Just as the week is not a simulation of how easily you can find alternatives, the week is not a celebration of car-free living or a Bike Everywhere event. If you live car-free or bicycle by choice, take this week to consider how you would get around without those options or if they were less available to you.
- It may be tempting to clear your calendar for the week of the challenge, stock up on groceries, minimize travel to work meetings, and otherwise plan ahead to minimize the need to travel. However, to better understand the on the

ground reality for nondrivers, who do not have the privilege of planning ahead like this, we strongly encourage you to treat the week like any other by not clearing your calendar or otherwise minimizing your typical travel during the week. If you must rearrange a commitment, consider how you would have handled that commitment as a nondriver without the option to reschedule.

LEGAL AUTHORITY:

N/A

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION:

The Durham Town Council does hereby adopt Resolution #2023-25 (as presented) (as amended) recognizing October 2–October 8, 2023 as NH Week Without Driving and inviting residents and staff in learning about and advocating for accessible and environmentally responsible transportation.

RESOLUTION #2023-25 OF DURHAM, NEW HAMPSHIRE

RECOGNIZING OCTOBER 2–OCTOBER 8, 2023 AS NH WEEK WITHOUT DRIVING AND INVITING RESIDENTS AND STAFF IN LEARNING ABOUT AND ADVOCATING FOR ACCESSIBLE AND ENVIRONMENTALLY RESPONSIBLE TRANSPORTATION

WHEREAS, transportation represents the largest source of greenhouse gas emissions in the United States, and to compliment the Town’s commitment to the Global Covenant of Mayors for Climate and Energy Initiative, we must reduce emissions in our transportation sector; and

WHEREAS, in addition to greenhouse gas emissions, cars also generate tire dust and other pollutants that enter watersheds such as those of the Oyster and Lamprey Rivers; have necessitated freeway expansions that have been detrimental to neighborhoods as well as the animal population and natural ecosystems; and require impervious surfaces for parking, with an estimated 3.4 parking spaces for every car in the United States, all of which have contributed to transportation being an important environmental justice concern; and

WHEREAS, mobility choice and active mobility are fundamental parts of community health and connection, allowing all Granite Staters to reach employment and education opportunities, medical services, stores, recreation, and social events, and are one of our state's Long Range Transportation Plan goals; and

WHEREAS, the U.S. Bureau of Labor Statistics estimates that nearly 1 in 3 US residents do not have a driver's license, either because of their age or a condition that does not allow them to drive and that the cost of owning a car is prohibitively expensive for many, averaging \$10,961 a year in 2021; and

WHEREAS, going a week without driving is a powerful way to understand how we can improve our transportation system to better meet the needs of Durham residents and enhance transportation options such as transit, rail, bike paths, and pedestrian pathways as key strategies in our decarbonization efforts;

NOW, THEREFORE, BE IT RESOLVED, that the Durham Town Council, the governing and legislative body of the Town of Durham, New Hampshire, does hereby adopt Resolution #2023-25 recognizing October 2nd–October 8th, 2023 as NH Week

Without Driving and invites Durham residents and staff to participate in learning about and advocating for accessible and environmentally responsible transportation.

PASSED AND ADOPTED this 2 day of October, 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 Dean, 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: **# 10A** *TS*

DATE: October 2, 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.



TOWN OF DURHAM

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AGENDA ITEM: **# 10B** TS

DATE: October 2, 2023

COUNCIL COMMUNICATION

INITIATED BY: Dr. James Morse, Superintendent, ORCSD

AGENDA ITEM: PRESENTATION ON THE OPENING OF THE OYSTER RIVER
COOPERATIVE SCHOOL DISTRICT 2023/24 SCHOOL YEAR – DR.
JAMES MORSE, SUPERINTENDENT

CC PREPARED BY: Karen Edwards, Administrative Assistant

PRESENTED BY: Dr. James Morse, Superintendent, ORCSD

AGENDA DESCRIPTION:

Dr. James Morse, Superintendent of the Oyster River Cooperative School District, has been invited to attend Monday evening's Town Council meeting to provide Councilors with an update on the beginning of the Oyster River Cooperative School District 2023/24 school year to date.

LEGAL AUTHORITY:

N/A

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

No formal action required. Receive progress report from Superintendent Dr. James Morse relative to the Oyster River Cooperative School District and hold discussion, if desired.



TOWN OF DURHAM

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Fax: 603-868-1858
www.ci.durham.nh.us

AGENDA ITEM: **# 10C** TS
DATE: October 2, 2023

COUNCIL COMMUNICATION

INITIATED BY: Jen Czysz, Executive Director, Strafford Regional Planning Commission

AGENDA ITEM: PRESENTATION ON CURRENT STRAFFORD REGIONAL PLANNING COMMISSION BY EXECUTIVE DIRECTOR, JEN CZYSZ. SPECIFIC PROJECTS INCLUDE THE STATUS OF THE UPDATED MULTI-HAZARD MITIGATION PLAN, THE ISSUE OF HOUSING WITHIN THE REGION AND STEPS SRPC IS TAKING RELATIVE TO THIS ISSUE, AND THE CEDS PLAN COMPLETION

CC PREPARED BY: Karen Edwards, Administrative Assistant

PRESENTED BY: Jen Czysz, Executive Director, Strafford Regional Planning Commission

AGENDA DESCRIPTION:

Jen Czysz, Executive Director of the Strafford Regional Planning Commission, has been invited to attend Monday evening's Town Council meeting to provide Councilors with an update on specific projects that the Commission has been involved with. These projects include the status of the updated Multi-Hazard Mitigation Plan, the issue of housing within the region and steps SRPC is taking relative to this issue, and the CEDS plan completion.

LEGAL AUTHORITY:

N/A

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

No formal action required. Receive presentation from Jen Czysz and hold discussion, if desired.



TOWN OF DURHAM

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Fax: 603-868-1858
www.ci.durham.nh.us

AGENDA ITEMS: #10D & 14 TS
DATE: October 2, 2023

COUNCIL COMMUNICATION

INITIATED BY: Durham Housing Task Force

AGENDA ITEM: **PRESENTATION ON UPDATE OF THE HOUSING TASK FORCE, AND REQUEST OF THE HOUSING TASK FORCE TO EXTEND THE TASK FORCE FOR TWO YEARS TO OCTOBER 2, 2025 AND TO MODIFY THE TASK FORCE CHARGE.**

CC PREPARED BY: Michael Behrendt, Town Planner

PRESENTED BY: Paul Rasmussen, member of Housing Task Force and Planning Board chair

AGENDA DESCRIPTION:

Sally Tobias, chair of the Housing Task Force, regrets that she is not available to meet with the Town Council at this meeting. Paul Rasmussen, a member of the task force and the Planning Board chair, will present the update to the Town Council and request that the Town Council approve changes to the task force charge and an extension for the task force to complete its work.

The following items are attached:

- An update from Sally Tobias
- The executed contract from RKG Associates for a Housing Needs Assessment
- Two interview forms being used now by the Task Force for businesses/organizations and individuals
- Recommended changes to the charge of the Housing Task Force

a) **Update on the Housing Task Force**

Please see the attached update provided by Sally Tobias, chair of the Housing Task Force. The executed contract with RKG Associates is also attached. The Town hired RKG to perform a housing needs assessment. We obtained a Housing Opportunity Grant for \$25,000 to cover the \$20,000 cost of the housing needs assessment and the \$5,000 cost of a Community Forum about housing that the task force plans to hold next spring. Two interview forms that members of the task force are using now are attached. The Task Force plans to conduct a detailed general survey later.

b) Request for Changes to the Charge of the Housing Task Force

Please see attached document showing changes to the charge of the task force recommended by the task force.

The impetus for the changes was a request from Janet Perkins-Howland, member of the Durham Human Rights Commission. Ms. Perkins-Howland suggested changing the mission statement to be more inclusive and cover future residents as well as current residents and to include those of varying financial resources. She also suggested including language about equitable housing approaches.

The Housing Task Force discussed the changes proposed by Ms. Perkins-Howland along with other possible changes at its meeting on September 13, 2023. The attached document shows the changes that the task force voted to recommend to the Town Council.

c) Request for Extension to Complete the Work of the Housing Task Force

The Housing Task Force requests an extension to October 2, 2025 to complete its work. The task force would sunset on that date. The update from Sally Tobias provides a timeframe for the task force work.

On September 27, 2021, the Town Council voted to discontinue the Economic Development Committee. The Town Council then established the Housing Task Force, as there had formerly been a task force created by and overseen by the Economic Development Committee. The task force was to be discontinued (“sunsetting”) October 2, 2022. The Town Council then extended the timeframe for the Housing Task Force to complete its work to October 2, 2023.

LEGAL AUTHORITY:

The Charter of the Town of Durham Section 11.1(G) gives authority to the Town Council to establish advisory boards and task forces as it sees fit to help carry out the work of the Town.

LEGAL OPINION:

Not applicable

FINANCIAL DETAILS:

Not applicable

SUGGESTED ACTION OR RECOMMENDATIONS:

Motion #1:

The Town Council hereby extends the duration of the Housing Task Force by two (2) years to October 2, 2025, to provide additional time to complete its work.

Motion #2:

The Town Council hereby adopts the charge for the Housing Task Force as presented and amended until October 2, 2025, or the Town Council chooses to extend the existing charge unchanged to October 2, 2025.

Report to date Durham Housing Task Force
Sally Tobias Chair
10/2/2023

The following is a brief overview of the actions to date of the Durham Housing Task Force and an estimated timing of various future developments.

May 1, 2023 we contracted with RKG Associates to conduct a Housing Needs Assessment of the town of Durham. The executed contract is available to you to review.

July 10, 2023 we welcomed Robin LeBlanc, a consultant with RHL Strategies. The focus of her presentation was community outreach and how best to proceed with it. It is our intention to begin a community outreach program after the Task Force receives the Housing Needs Assessment. We expect this to begin in Spring of 2024

August 14, 2023 we welcomed Marty Chapman, Executive Director of the Housing Partnership which is a non profit provider of workforce housing that serves the Seacoast. This was a very educational conversation about the logistics necessary for a successful workforce housing project and the challenges that will be faced.

In August we began our first community outreach focusing on Durham businesses and organizations. Each member of the committee volunteered to reach out to various businesses and organizations in Durham to gain an understanding of how housing oriented issues may affect their business/organization. In addition, we will be interviewing various employees about their housing challenges/successes. We expect this to continue into the holiday season as it will take some time to gather information and create a report. Task Force member Eileen Murphy has created a google doc to gather the information. I have provided a copy of the two interview formats with this report.

In summary, we expect to receive the Needs Assessment in October. This will take us some time to digest and will lead us into the Spring of 2024 to begin our community outreach activities, which are required as per the grant we received. This will take varied forms as yet to be determined and could logically continue into the summer and fall before any report could be made. Once this is done it will be our focus to present all we have learned to Durham's committees/commissions and council. I can see that discussion continuing well into 2025. After all this, the group discussion about options to consider for any zoning modifications could then begin which would most likely lead us into summer and early fall 2025.



**HOUSING NEEDS ASSESSMENT
PROFESSIONAL SERVICES CONTRACT
BETWEEN
TOWN OF DURHAM, NEW HAMPSHIRE
AND
RKG ASSOCIATES, INC**

This agreement for professional services ("Agreement") is made this 1st day of May 2023 ("Effective Date") by and between the Town of Durham, New Hampshire, 8 Newmarket Road, Durham, NH 03824 (Client) and RKG Associates, Inc., 2121 Eisenhower Avenue, Suite 402, Alexandria, VA 22314 (Consultant) (collectively the "Parties").

Recitals

WHEREAS, Town of Durham would like to analyze the housing needs of the town in relationship to its fair share housing requirements;

WHEREAS, Town is seeking a technical analysis of its current and future housing supply and demand factors shaping its housing market;

WHEREAS, the Town has requested the preparation of a housing analysis that documents the need for future workforce and other housing based on the Town's projected population and employment growth and is described in Exhibit A – scope of services, which will be completed under this agreement;

NOW, THEREFORE, in consideration of the forgoing, the payments set forth herein, and the mutual promises contained herein, the Town of Durham and the Consultant agree as follows:

**SECTION 1.
SCOPE OF SERVICES**

1.1 **General.** By execution of this agreement, Consultant is hereby retained to perform such services as are described in this agreement. Consultant's services shall be performed with the degree of skill and judgment exercised by professional real estate research firms performing services of similar nature and in accordance with the requirements of the final scope of services contained in Exhibit A and in accordance with the laws of the State of New Hampshire.

1.2 **Types of Services.** The contract services to be provided hereunder are further described in the Scope of Services attached hereto as Exhibit A.

1.3 **Schedule.** The services required by this contract shall be completed upon the following time schedule:

The project will take approximately six months to complete, after receiving a notice-to-proceed or upon receipt of a signed contract.

1.4 **Changes.** The Client reserves the right to request the Consultant to perform work beyond that originally specified and agreed to in the Scope of Services. In such event, the Client shall notify Consultant of the required change and request a proposal for a Change Order covering such work from Consultant. Unless a change in work is authorized by a Change Order, Consultant will not proceed to carry out the changed work. Any change or adjustment in the compensation or time extension due to a Change Order shall be specified in each Change Order and agreed upon by both parties.

**SECTION 2.
GENERAL CONDITIONS OF PERFORMANCE**

2.1 Authority to Proceed. Execution of this agreement shall constitute the notice-to-proceed with respect to the services. Approval of a Contract Amendment by Client shall constitute the notice-to-proceed with respect to changed services authorized by such Contract Amendment.

2.2 Qualified Employees. All services under this agreement shall be performed by or under the direction of professional employees employed by the Consultant who have the requisite knowledge and experience to undertake, or supervise those persons undertaking, the services authorized under this agreement.

2.3 Licenses and Permits. Consultant shall be qualified to do business in the State of New Hampshire. Consultant shall obtain any required licenses, permits, or other authorization required by federal, state, or local statutes, regulations or ordinances necessary for the performance of services authorized under this agreement.

**SECTION 3.
PROFESSIONAL SERVICES FEES**

3.1 In consideration of the performance of the services required by this Agreement, Client agrees to pay Consultant a lump sum fee of **\$20,000.00**, including reimbursable expenses. Monthly invoices will be submitted for the percentage of work completed in a given month.

Any changes to the scope of services could change the final price. Payment for services provided pursuant to a Contract Amendment shall be as specified in the Contract Amendment.

**SECTION 4.
DEFAULT AND REMEDIES**

4.1 Events of Default. Consultant shall be in default of this agreement upon the occurrence of any of the following events:

- A. Consultant fails to observe or perform any of the covenants or agreements to be observed or performed by it hereunder within the time provided herein.
- B. Consultant files a petition in bankruptcy or insolvency or for reorganization or arrangement under the bankruptcy laws of the United States or under any similar act of any state; or voluntarily makes an assignment for the benefit of creditors, or admits in writing the inability to pay debts as they become due; or dissolution is instituted by or against Consultant; or a receiver is appointed for all or substantially all of the property of Consultant and such proceedings are not dismissed or such receivership vacated within sixty (60) days after such institution or appointment; or
- C. Consultant abandons or discontinues its services to Client for more than ten (10) days.

4.2 Rights and Remedies. Upon the happening of any one or more of the events set forth in 4.1, or upon any other default or breach of this agreement, Client may, at its option, exercise concurrently or successively any one or more of the following rights and remedies:

- A. Terminate this agreement by giving notice to Consultant in writing;

- B. Sue or bring an action to enjoin any breach or threatened breach by Consultant; and/or
- C. Sue for the performance of any obligation, promise or agreement or for damages for the nonperformance thereof together with reasonable attorney's fees and costs of suit, including expert witness fees.

4.3 Rights and Remedies Cumulative. All rights and remedies granted to Client herein, and any other rights and remedies which Client may have at law and in equity, are hereby declared to be cumulative and not exclusive. The fact that Client may exercise any remedy without terminating this agreement shall not impair Client's rights thereafter to terminate or to exercise any other remedy to which it may otherwise be entitled.

4.4 Force Majeure. Neither party shall be responsible for any loss, damages, delay or failure in performing hereunder arising or resulting from circumstances or occurrences outside such party's control including act of war, strike or lockout, or stoppage or restraint of labor from whatever cause; riot; act of civil or military authority; actions by the city, county, state or federal governments and their officers, agents, invitees and employees; fire; or other natural disaster.

SECTION 5. TERMINATION

5.1 Termination. Client may terminate this agreement with or without cause upon thirty (30) days written notice to Consultant of such intent. Consultant may terminate this agreement for nonpayment of amounts due hereunder upon thirty (30) days written notice to Client except as to matters in dispute that are the subject of the dispute resolution provisions of this agreement.

5.2 Payment of Amounts Due upon Termination. Upon any termination of this agreement, Consultant shall submit a certified final report of the amounts owed to Consultant by Client for services completed by the date of termination.

5.3 Termination for Convenience. In the event Client terminates this agreement for reasons that are not the fault of Consultant, Consultant shall be compensated for the cost of service performed and cost incurred prior to the effective date of termination. Consultant shall also be entitled to be paid reasonable costs associated with its demobilization from the project as a result of the early termination for convenience.

5.4 Termination for Cause. In the event Client terminates the agreement for cause, as a result of a breach of the agreement by Consultant, Client may offset against the amount claimed by Consultant to be due, any claims for damages or other costs incurred by Client against Consultant including the cost of attorney's fees, as a result of such breach. Consultant shall not be entitled to be paid its costs associated with its early demobilization from the project if this agreement has been terminated for cause.

5.5 Ownership of Records and Documents. All records, documents, materials and working papers prepared as part of the services provided under this agreement by Consultant or its subconsultants, where permitted, shall become and remain the property of Client, and upon termination of this agreement or completion of the agreement, or request by Client, Consultant shall turn over to Client all such records, documents, working papers and materials generated or used by Consultant or any of its permitted subconsultants in the performance of the task and activities required by this agreement. Consultant shall require each permitted subconsultant to maintain and provide to Consultant, consistent with this section, all such records, documents, working papers and materials in its possession, custody, or control.

SECTION 6. INSURANCE

Consultant shall carry and maintain insurance coverage set forth below all in accordance with the terms, stipulations and specifications contained herein.

6.1 Coverage. Consultant shall provide insurance coverage and certificates of insurance for the following:

- A. Workers compensation in amounts required by state statutes.
- B. Comprehensive business/automobile liability insurance to include uninsured/underinsured and medical payment protection covering any automobile, including owned, leased, hired, and non-owned automobiles, with a combined single limit for bodily injury and property damage of not less than \$1,000,000 per accident.
- C. Commercial general liability insurance with coverage of not less than \$1,000,000 per occurrence.

6.2 Certificates. Consultant shall provide to Client valid duplicate original certificates of insurance evidencing compliance with all requirements contained in this agreement all in form and substance satisfactory to the Client.

6.3 General. All insurance required by this agreement shall be obtained at the sole cost and expense of Consultant. All insurance shall be provided by financially sound insurance companies authorized to do business in the State of New Hampshire. Provision of the insurance required herein does not and shall not be construed to relieve Consultant from any obligation, responsibilities, or liabilities under the agreement.

SECTION 7. GENERAL PROVISIONS

7.1 Relationship of the Parties. Consultant shall perform its services under this agreement as an independent Consultant.

7.2 Staffing. Consultant shall make available qualified staff to perform the services authorized under this agreement within the time provided in this agreement.

7.3 Subconsultants and Consultants. Consultant shall not subcontract or hire outside consultants to prepare the services required by this agreement without the prior written consent of Client.

7.4 Rights in Results of Services. No articles, papers, treatises, or presentations related to, or in any way based upon, or associated with, the services performed pursuant to this agreement (including subcontracts where permitted), shall be presented or submitted for publication by Consultant or any of its subconsultants or their respective directors, officers, employees, partners or agents without the prior written consent of Client.

7.5 Document Retention. Consultant shall maintain any and all documents, records, working papers, data and information, including without limitation, computer files, relating to the services performed by Consultant, or its permitted subconsultants, for a period of three (3) years following completion of work performed in accordance with this agreement and after the conclusion of such time period, notify Client at least 120 days before any such materials are scheduled to be destroyed.

7.6 Indemnification. Consultant shall, at its sole cost and expense, defend, release, indemnify and hold harmless Client, its officers, agents and employees and outside legal counsel from claims, costs, damages, demands, suits, actions or proceedings of any kind or nature whatsoever in any way arising out of the services provided by Consultant or its permitted subconsultants under this agreement or with respect to a breach of this agreement by Consultant including, but not limited to, claims, costs, damages, demands, suits, actions or proceedings of any kind or nature whatsoever in any way arising out of their acts or omissions on the project. The provisions of this paragraph shall survive the completion of the services hereunder or the expiration, cancellation, or termination of this agreement. The Consultant shall not indemnify and hold harmless Client, its officers, agents and employees and outside legal counsel from third party claims related to potential future growth impacts associated with the Consultants' findings and recommendations and corresponding changes in real property values, either real or perceived.

7.7 Assignment. Consultant shall not assign, sublet or transfer any rights under or interest in this agreement without first obtaining the prior written consent of Client.

7.8 Notice. Whenever any provision of this agreement requires the giving of written notice, notice will be deemed to have been validly given at the time:

- A. Such notice is delivered in person (with signed receipt confirmation) to the individual identified below;
- B. Such notice is received by registered or certified mail, postage prepaid, by the individual, or his or her agent, identified below; or
- C. Such notice is transmitted by facsimile (with machine-generated confirmation) to the individual identified below.

If to Client:

Mr. Michael Behrendt, Town Planner
Durham Town Hall
8 Newmarket Road
Durham, NH 03824
Telephone: 603-868-8064
E-mail: mbehrendt@ci.durham.nh.us

If to Consultant:

Mr. Russell A. Archambault, VP & Principal
RKG Associates, Inc.
2121 Eisenhower Avenue, Suite 402
Alexandria, VA 22314
Telephone: 703-739-0965
Cell: 703-585-3944
E-mail: arch@rkgassociates.com

7.9 Party/Successors Bound. The Parties are hereby bound and successors to the parties are hereby bound to the other party to this agreement and to the successors of each other party in respect of all covenants, agreements, and obligations of this agreement.

7.10 Entire Agreement. This agreement constitutes the entire agreement between Client and Consultant and supersedes all prior written or oral understandings. This agreement may be amended, supplemented, modified or cancelled only by a written instrument duly executed by the parties.

7.11 Severability. In the event any provision of this agreement is held invalid, unenforceable, or illegal, all other provisions of this agreement shall remain in full force and effect.

7.12 Governing Law and Jurisdiction. This agreement and any and all claims hereunder shall be construed and interpreted in accordance with the laws of the Commonwealth of Virginia. Jurisdiction and venue for any action between the parties or their successors or assigns arising out of, or in connection with, this agreement shall be the U.S. District Court located within the Commonwealth of Virginia.

7.13 Dispute Resolution. If a dispute arises out of or relates to this agreement or is breached, the parties shall endeavor to settle the dispute first through direct discussions. If the dispute cannot be resolved through direct discussions, the parties shall participate in mediation of the dispute before recourse to any other form of dispute resolution. The location of the mediation shall be Alexandria, VA. The parties shall each pay one-half of the mediator's expense and shall each pay their own attorney's fees. Unless otherwise agreed in writing, Consultant shall continue to perform under the contract during any dispute resolution proceeding and Client shall continue to make payments in accordance with this agreement, other than disputed amounts subject to the dispute resolution.

IN WITNESS WHEREOF, the parties hereto have made and executed this agreement as of the day and year first written above.

TOWN OF DURHAM, NH

By: _____

Name: Todd Selig
Title: Town Manager

Date: 5/1/23

RKG ASSOCIATES, INC.

By: _____

Name: Russell A. Archambault
Title: Vice President and Prindpal

Date: April 25, 2023

I. SCOPE OF SERVICES

A. Project Understanding

Several years ago, the Town of Durham established a Housing Task Force. The mission of the task force is to “identify, analyze, and advocate for a balanced and diverse supply of housing that meets the economic, social, and physical needs of the Durham community and its residents in order to maintain a vibrant community.” Town Planner Michael Behrendt serves as staff to the task force.

The task force spent many months developing extensive amendments to the zoning ordinance wherever it could be pushed, poked, and prodded to accommodate more development. The amendments were presented to the Planning Board which held public hearings in November and December. There was a firestorm. Numerous residents spoke and sent emails and letters voicing their opposition to the proposal. The proposal was returned to the task force for more study.

One key criticism is that the changes were drafted without our having significant background information supporting the changes:

- We want to know if Durham is in compliance with the state requirements for workforce housing [I will give you the background information for this]
- What is the current housing situation in Durham?
- How much new housing is needed?
- What kind of housing is needed?
- Where can we develop this housing?
- How much housing can Durham accommodate?
- What would a build out of Durham look like?
- What are the structural (not political) constraints to expanding housing?

The Needs Analysis and Planning Grant will allow us to hire a consultant to craft an analysis that will answer these questions. Another key element was the wariness of many residents to having more housing, more dense housing, different housing types, and additional housing in rural areas. **See the attached Appendix 1 showing the charge of the task force.* This charge was updated by the

Durham Town Council on February 6. Many of the tasks listed in the charge will help to define the goals of the needs analysis.

B. Scope of Services

Task 1: Data Collection and Review Relevant Documents and Information

Before beginning any formal work tasks, RKG Associates will review relevant materials, planning documents, databases, maps, and any other information relevant to the project. A thorough review of such information will establish a research context from which to begin the project and will provide RKG Associates with a background perspective on the Town and its past and present housing market climate.

Documents and data to be reviewed include:

- Town of Durham, NH Master Plan (2015) including Future Land Use Chapter (2017),
- Local Zoning Ordinance and draft zoning revisions prepared by the Durham Housing Task Force,
- Town housing development pipeline projects or recent past projects to understand the level of development occurring in Durham,
- The town's property assessment database linked to its GIS mapping system,
- The graduate housing analysis currently being conducted by UNH, as made available by UNH,
- The study of the impact of UNH's requirements for sophomores to live on campus,
- UNH long range planning and housing studies,
- The Strafford Regional Planning Commission's Regional Housing Needs Analysis,
- The housing stock that Durham has already added to alleviate housing challenges in surrounding communities, including well over 2,000 beds of student housing over the past ten years; and
- Other documents and data resources.

Task 2: Project Kick-off Meeting with the Client and Project Team

An initial kick-off meeting will be held with the Client and the project team. The kick-off meeting is an important opportunity for RKG Associates to better understand the relevant issues surrounding the project, and for the Client and the Consultants to come to common agreement regarding the project's objectives

and to fully understand the client's expectations for the analysis and the final deliverables. By the kickoff or shortly thereafter the Consultant will provide a tentative timeframe for the various tasks.

Task 3: Stakeholder Interviews

Members of the RKG Team will conduct interviews with various members of the community to better understand the local need for new housing. Possible stakeholder interviews will be conducted with the following:

- Real estate professionals, developers, builders, etc.,
- Rental property managers,
- Local planning, zoning, and economic development officials,
- Housing advocates and opposition organizations and/or no growth advocates, and
- University administrators and housing services professionals.

Task 4: Housing, Demographic and Economic Analysis

RKG Associates will prepare a housing, demographic and economic analysis to examine the supply and demand factors that will drive future housing growth. Those data indicators and trends include:

Population and Household Demographics

- Change in population and households,
- Change in households and size,
- Change in household composition (i.e., married, single, parents with children, owner occupied vs. investor-owned property, as can be determined from property assessment records),
- Median household incomes and ranges,
- Migration patterns,
- Commuting patterns to and from places of employment, and
- Change in employment and wages as well as projections going forward.

Housing Stock Characteristics

- Housing by type, age, value, and tenure,
- Vacancy status,
- Changes in year-round units,
- Units in structure,
- Units under construction, recently built, and permitted (type and location).

Economic Characteristics

- Employment Trends.

- Establishment Trends.
- Occupational Employment Trends.
- Regional Commuting Trends in the Hampton Roads Region.
- Identification of Regional Employment Clusters by Location.
- Cost of housing and taxes in Durham, proximity of jobs for workers within the community, and
- Industry Wage Trends.

RKG will use these data points, and more, to tell the story of the Town of Durham's households and their current ability to pay for housing. We will use a mixture of tables, graphs and charts, infographics, and maps to visually represent key data points along with written descriptions.

Task 5: Housing Supply & Demand Gap Analysis

Task 5 is designed to address the major questions put forth in the RFP as shown below.

- What is the current housing situation in Durham?
 - Is additional housing in Durham needed and if so, how much?
 - What kind of housing is needed and for what demographic?
 - Where can we develop this housing?
 - How much housing can Durham accommodate?
 - Does Durham meet the state requirements for workforce housing stock?
- The town will provide background information for this assessment.

In RKG's opinion, the following tasks go beyond the town's budgeted resources for this project.

- What would a build out of Durham look like?

A build-out analysis typically examines a town's future development pattern and capacity for growth based on existing infrastructure systems, future capital improvements, land availability under various land use and zoning assumptions. While interesting on many levels, the exercise may not advance the town's understanding of its future housing needs. It would be more beneficial for the housing task force to determine its future housing needs through this analysis and then examine how those needs can be accommodated within the town's current land capacity based on current or future zoning decisions.

- What are the structural (not political) constraints to expanding housing?

The issue of structural constraints can hinge on site and development feasibility matters. It seeks to determine if housing and/or workforce housing can be developed in a financially feasible way to attract private or nonprofit development interest through conventional investment returns. It also pertains to the questions related to land availability in areas with proper zoning and site infrastructure to support new development. This type of analysis typically focuses on a specific parcel of land, from which a development concept can be analyzed to determine if financial feasibility is possible. Understanding development costs, including infrastructure, construction, unit density and the project's financing structure is required to complete this task. While this can aid the town's understanding of how workforce housing can be developed in Durham, it will require a higher level of analysis than the budget will allow. If the town desires to prioritize this task, then other adjustment in the scope may be necessary.

Housing Supply Analysis

RKG will conduct a local housing analysis to document the supply of owner- and renter-occupied housing priced at levels considered affordable to the local households at varying income levels. Under the task, the Consultants will document existing local housing supply in the Town.

This analysis will include calculations and comparisons of household incomes to monthly mortgage (i.e., principal, interest, taxes, and insurance) and local rental costs. The resulting gap analysis will inform strategies and recommendations which will fill those gaps and recommend housing to meet the needs of local households.

RKG will talk to real estate developers/builders to understand the demand for market rate and workforce housing (80% to 100% of area median income). RKG will conduct this analysis at the Town based on future changes in population and households that are projected by the NH Office of Planning and Development.

RKG will request information from the Town regarding the current housing development "pipeline" of new residential development that could be competitive with the subject property over the next five to ten years. Some of these projects may be under construction or going through site plan review and not yet received their approvals.

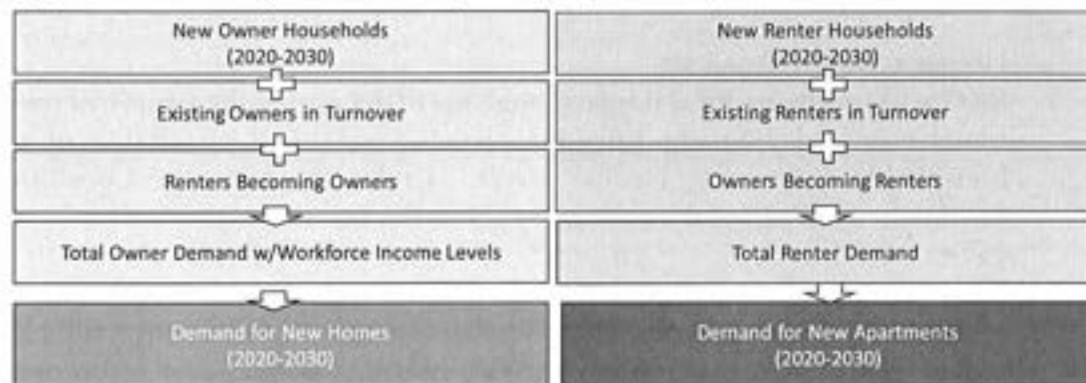
Housing Demand Analysis

Because Durham is a university town, it's important that RKG meet with UNH officials, and campus planners to discuss the universities long range enrollment forecasts and current policies impacting the provision of student housing. Like many universities, not all enrolled students are housed in university-sponsored

housing (e.g., dormitories, off-campus apartments, graduate student housing, etc.). As such, many students must find local private housing or travel outside the community for housing in adjacent communities. The demand for student housing in the future, both on- and off-campus, will impact the town, because student households will compete directly for the same housing supply with working households. While student households typically have limited financial resources, their parents do not in many cases. In addition, student housing is often rented by the bed and households with multiple students can effectively out-bid the average working households and drive up the cost of housing.

In order to project future housing demand, RKG will undertake the following demand-side analysis.

Figure 1: Housing Demand Projections (2020-2030)



Housing Sales Analysis

RKG will conduct an analysis of housing sales over the past three years to identify changes in sales volumes, asking prices and locations. The analysis will include:

- Geographic Dispersion of Sales by Price Point
- Payment Delinquency/Foreclosure
- Homeownership Rates and Vacancy Rates
- Home Prices, Values, Sales, and Inventory

Rental Housing Analysis

Rental housing market assessment will include secondary data from REIS/Moody's Analytics to evaluate the local demand for multi-family housing. The analysis will include:

- Geographic Dispersion of Rents by Price Point
- Payment Delinquency/Eviction
- Rental Tenancy Rates, Vacancy Rates, and Median Rent

Task 6 Housing Affordability Gap Analysis

A townwide housing affordability analysis will be prepared to calculate the supply and demand characteristics of the Town of Durham housing supply at the following Area Median Income levels.

- Less than 30% AMI
- 31% to 50% AMI
- 51% to 60% AMI
- 61% to 80% AMI
- 81% to 100% AMI (workforce housing)
- 101% to 120% AMI

To project future demand, RKG will apply similar household income distributions as they exist today but adjusted for inflation and reflecting population and household projections over the next 10 years. These household income projections will be compared against future adjusted housing values and rental values to estimate the current and future gaps in workforce housing.

Doing this analysis at the census tract level would be more beneficial because it would recognize the distribution of housing and housing values by census tract. For example, a single-family home in one tract might range from \$600,000 to \$750,000, whereas a similar sized home in another census tract might fall into the \$500,000 to \$600,000 range. Understanding where the workforce housing supply exists and where the need is greatest would seem to be an important consideration for long-range planning purposes.

RKG will identify the price range of housing (both rental and ownership) that coincides with area household incomes as shown above. We will then identify how many local homes and rental units are priced affordable at different household income levels.

Task 7 Housing Needs Assessment

The results of the analysis will produce a series of housing surpluses and gaps that the Town should consider in the future. Through our market research RKG will make a series of development program recommendations that will address the following:

- Does Durham meet the state requirements for workforce housing?
- Recommended housing typologies (type of unit),
- Unit price points,
- Unit sizes,

- Target household locations,
- Target household incomes and housing preferences, and
- Target household ages

RKG will also project annual absorption in terms of new housing sales and rental leasing activities at different price points and housing types.

Draft and Final Report Submittal

Upon completion of the analysis, RKG Associates will submit a draft report for review by the Client. The Consultant and the Client will hold an on-line web conference to review and discuss the results of the report. Any points of interest and/or concerns on findings will be addressed during this meeting. Once all issues are satisfactorily addressed, RKG will revise the document for final submission.

The report shall include an Executive Summary at the beginning clearly indicating the key conclusions from the report.

C. COST PROPOSAL

RKG estimates that project tasks 1-7 can be completed for roughly \$20,000 plus expenses. We have not estimated the cost of the optional tasks but can prepare a cost estimate if desired by the Client.

D. PROJECT SCHEDULE

The above scope of service can be completed within six months upon receipt of a notice-to-proceed and/or a signed contract. This assumes that RKG will be able access all relevant data from the Town to complete the analysis and the Client will provide timely reviews of the Consultant's work.



TOWN OF DURHAM

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

Durham Housing Task Force Charge **Adopted by the Durham Town Council on April 17, 2023**

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

Membership. Members of the committee include:

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

Members of the Housing Task Force (other than the ex-officio Planning Board member) shall be appointed by the Durham Town Council. Members shall be residents of the town of Durham. Members shall serve continuously until such time as the Task Force is sunsetted by the Durham Town Council or three years, whichever is sooner.

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

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

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

- Assess the type, availability and cost of existing housing in Durham and in the Seacoast region;
- Assess and advise on whether the Town of Durham is in compliance with NH state statutes in providing a requisite number of workforce housing units and how potential or adopted legislation impacts housing in Durham;
- Assess available buildable lots in Durham under different Zoning scenarios;
- Track new housing starts including type and number of units;
- Analyze community demographics and trends;
- Assess the environmental, economic, and tax impacts of recommended zoning changes impacting housing;

- Conduct a housing needs assessment, including price point, type, and supply;
- Develop long-term strategies regarding housing;
 - Encourage housing that is consistent with our existing commitment to the Global Covenant of Mayors for Climate and Energy – “evaluate zoning changes that allow for a broader variety of modestly sized, affordably priced energy efficient housing.”
 - Encourage housing to accommodate households at all stages of the life-cycle.
 - Encourage housing designed to accommodate currently under-served household types.
- Contribute to the update of the housing chapter of the Master Plan;
- Advise Town boards and committees regarding available housing and potential future housing needs for the Town of Durham;
- Inform relevant Town boards and committees on housing issues in the community;
- Review regional housing patterns in comparison to Durham and assess the contributions of Durham and other communities to regional housing needs over the past 15 years;
- Communicate with members of the community about housing in Durham;
- Focus on changes that serve to retain and enhance the character, ethos, and vibe of Durham as a small quintessentially New England academic community that places a high value on:
 - education,
 - the environment,
 - history,
 - agricultural roots,
 - unusual closeness to nature, and
 - the principles of smart growth.
- Publish an annual report on the state of housing in Durham to be included in the Town Report



DURHAM HOUSING TASK FORCE

8 Newmarket Road
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Phone (603) 868-8064
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Interview Form for Housing Outreach
For Individuals

What is your name (optional)? _____

What is(are) your connection(s) with Durham (live here, work here, own property here, etc.)?

What town do you live in (if not Durham)? _____

What is your current living situation? _____

How does the cost of your housing, or housing in general, impact you (in terms of economics, family, transportation, location, schools, services, etc.)?

What, if anything, would you change about your housing situation?

Is there anything else related to housing that you would like to share?

Can we follow up with you if needed? Yes ___ No ___ Phone/Email _____

Name of interviewer: _____; Date of interview: _____

Any additional notes: _____



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Interview Form for Housing Outreach

For Businesses and Organizations

What is your name (optional)? _____

What is the name of your business/organization? _____

What is your position with the business/organization? _____

Generally, where do your employees/members live? _____

How has housing impacted your employees/members? Who else should we talk with?

Has this been a challenge for hiring and retaining employees? If so, how?

What stories do you hear from your employees/members related to housing?

Is there anything else related to housing that you would like to share?

Can we follow up with you if needed? Yes ___ No ___ Phone/Email _____

Name of interviewer: _____; Date of interview: _____

Any additional notes: _____



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Durham Housing Task Force Charge

Adopted by the Durham Town Council on April 17, 2023

Changes Recommended by the Housing Task Force on September 11, 2023

Proposed additions are shown like this

~~Proposed deletions are shown like this~~

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

Mission. The mission of the Durham Housing Task Force is to analyze the local housing inventory and to advocate for a balanced housing mix with a variety of choices that meet the economic, social, and physical needs of current and future residents of varying financial resources.

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 - *Encourage Advocate for* housing to accommodate households at all stages of the life-cycle.
 - *Encourage Advocate for* housing designed to accommodate ~~currently underserved household types~~ *underserved households including identifying and incorporating state and federal incentives that enable its development.*
- Contribute to the update of the housing chapter of the Master Plan;
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 - *unusual* closeness to nature, *and*
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 - *diversity and equity*
- Publish an annual report on the state of housing in Durham to be included in the Town Report



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AGENDA ITEM: **#12** TS
DATE: October 2, 2023

COUNCIL COMMUNICATION

INITIATED BY: Durham Town Council

AGENDA ITEM: APPROVE THE TOWN COUNCIL MEETING MINUTES FOR SEPTEMBER 11, 2023

CC PREPARED BY: Karen Edwards, Administrative Assistant

PRESENTED BY: Todd Selig, Administrator

AGENDA DESCRIPTION:

Attached for the Council's review and approval are the minutes for the meeting held on September 11, 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 September 11, 2023 (as presented /as amended).