



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, NOVEMBER 20, 2023
DURHAM TOWN HALL – COUNCIL
CHAMBERS

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
- 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*)
Shall the Town Council approve on First Reading Ordinance #2023-08 regarding minor updates to the Town Code and schedule a Public Hearing on Monday, December 18, 2023?
- IX. Committee Appointments - None
- X. Presentation Items
 - A. Presentation of the 2022 Audit Report – Plodzik & Sanderson, Concord, NH

- B. Receive Report on Strafford County operations, budget, and tax rate from Commissioner Chair George Maglaras and County Administrator Raymond Bower

XI. Unfinished Business

Continued deliberation on the Administrator's proposed FY 2024 Operating, Capital, and Special Fund Budgets and the 2024-2033 Capital Improvement Plan

XII. Approval of Minutes – November 6, 2023

XIII. Councilor and Town Administrator Roundtable

XIV. New Business

XV. Nonpublic Session (if required)

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

XVII. Adjourn (NLT 10:30 PM)

() The public comment portion of the Council meeting is to allow members of the public to address matters of public concern regarding town government for up to 5 minutes.*

Obscene, violent, disruptive, disorderly comments, or those likely to induce violence, disruption or disorder, are not permitted and will not be tolerated. Complaints regarding Town staff should be directed to the Administrator.



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

DATE: November 20, 2023

COUNCIL COMMUNICATION

INITIATED BY: Karen Edwards, Administrative Assistant

AGENDA ITEM: SHALL THE TOWN COUNCIL APPROVE ON FIRST READING ORDINANCE #2023-08 REGARDING MINOR UPDATES TO THE TOWN CODE AND SCHEDULE A PUBLIC HEARING FOR MONDAY, JANUARY 8, 2024?

CC PREPARED BY: Karen Edwards, Administrative Assistant

CC PRESENTED BY: Todd Selig, Town Administrator

AGENDA DESCRIPTION:

Administrative Assistant Karen Edwards did a thorough reading of the Code this year and found a few miscellaneous changes that should be made. None of the amendments entail policy changes that are not already in effect.

The amendments were presented to the Town Council on November 6, 2023. There were several additional changes that the Councilors suggested so the first reading was postponed until November 20. Those additional changes include:

- Matching the language to the numeric acreage in the Packers Falls Bridge Site chapter.
- Deleting "Chapter 160 Water and Sewer Rates"
- Changing the stop sign Direction of Travel for Faculty Road to "Both"
- Adding the stop sign currently at Fox Hill Road and Deer Meadow Road

A Public Hearing will be held on Monday, January 8, 2024, instead of Monday, December 4, due to the fact that the Thanksgiving Holiday creates an issue with publishing an ad in the Fosters newspaper within the required time.

LEGAL AUTHORITY:

N/A

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

The Durham Town Council hereby approves on First Reading (as proposed) (as amended) Ordinance #2023-08 regarding minor updates to the Town Code and schedules a Public Hearing for Monday, January 8, 2023.

ORDINANCE #2023-08 OF DURHAM, NEW HAMPSHIRE

MISCELLANEOUS AMENDMENTS TO THE FOLLOWING CHAPTERS OF THE TOWN CODE AS LISTED BELOW:

- CHAPTER 1, ARTICLE 1, ADOPTION OF CODE AND SECTION 1-16, VIOLATIONS & PENALTIES
- CHAPTER 23, ALCOHOLIC BEVERAGES, SECTION 23-3, VIOLATIONS AND PENALTIES
- CHAPTER 33, BICYCLES, HISTORY
- CHAPTER 38, BUILDING CONSTRUCTION, SECTION 38-7, PERMIT REQUIREMENTS
- CHAPTER 54, ELECTRICAL CODE, TABLE OF CONTENTS AND SECTION 54-24, FEES FOR ELECTRICAL PERMIT
- CHAPTER 91, PACKERS FALLS BRIDGE SITE, SECTION 91-1 DESCRIPTION OF LAND
- CHAPTER 97, PLUMBING CODE AND REGULATIONS, SECTION 97-24, FEES FOR PLUMBING PERMIT
- CHAPTER 153, VEHICLES & TRAFFIC, SECTION 153-32, PENALTIES FOR OFFENSES AND SECTION 153-43, SCHEDULE XI: STOP INTERSECTIONS
- CHAPTER 160, WATER AND SEWER RATES

WHEREAS, the Town of Durham created the Code of the Town of Durham, NH in March of 1999; and

WHEREAS, there have been many amendments made to said Code over the years; and

WHEREAS, Administrative Assistant, Karen Edwards, conducted a thorough reading of the Code and found some miscellaneous minor corrections that should be made; and

NOW, THEREFORE BE IT RESOLVED that the Durham Town Council, the governing and legislative body of the Town of Durham, New Hampshire does hereby adopt Ordinance #2023-08 and does hereby amend the following sections of the Code. Wording to be deleted is annotated with ~~strikeout~~ type. New wording is annotated with underscoring.

CHAPTER 1 GENERAL PROVISIONS

[HISTORY: Adopted by the Town Council of the Town of Durham March 1, 1999 as Ord. #99-01: Art. II, at time of adoption of Code (see Chapter 1, General Provisions, Art. I)]

Article I Adoption of Code

~~[An ordinance Ordinance #99-01 adopting the Code of the Town of Durham and making certain substantive changes to existing legislation of the town as of March 1, 1999. is presently proposed before the Town Council. Upon final adoption, it will be included here as Article I of this chapter.]~~

1-1 through 1-15. (Reserved)

Article II GENERAL PENALTY

[Adopted at time of adoption of Code]

1-16. Violations and penalties.

- A. Any person who violates any provision of the Durham Zoning Ordinance (Chapter 175) or any provision of the Durham Subdivision Regulations (~~Chapter 132~~) or any provision or specification of any application, plat or plan approved by or any requirement or condition of a permit or decision issued by any Durham land use board or official shall be guilty of a Chapter 1 misdemeanor if a natural person or guilty of a felony if any other person. In addition, such person shall be subject to a civil penalty not to exceed one hundred dollars (\$100.00) for each day that such violation is found to continue after the conviction date or after the date on which the violator received written notice from the Town of Durham that he is in violation, whichever is earlier.

CHAPTER 23 ALCOHOLIC BEVERAGES

[HISTORY: Adopted by the Board of Selectmen (now Town Council) of the Town of Durham 8-29-1985 as Ordinance No. 85-05. All amendments included at time of adoption of Code].

23-3. Violations and penalties.

If any person shall violate the provisions of this chapter, he/she shall be punished by a fine ~~as set forth in Chapter 1, Article II, of this Code~~ of \$200 with increasing fines for each additional violation.

CHAPTER 33 BICYCLES

[HISTORY: Adopted by the Durham Town Council 7-12-93 by Ord. #93-5. All amendments included at time of adoption of Code].

CHAPTER 38 BUILDING CONSTRUCTION

38-7. Permit requirements.

- A. Application form. Applications shall be filed with the Code Enforcement Officer on a form approved by the Town Administrator. The application shall contain the full name of the owner and/or his agent. It shall contain a certification that the property is not located in an unapproved subdivision. The application shall describe briefly the proposed work and give such other information as may be required to enable the Code Enforcement Officer to determine whether the proposed work complies with the provisions of this chapter.
- B. Plot plan.
 - 1. The plot plan shall accompany the application and shall show the following:
 - a. The lot dimensions and area.
 - b. The names of abutting streets.
 - c. The names of abutting property owners, with the locations of all buildings on the adjoining land within ten (10) feet of the property lines.
 - d. The dimensions of the proposed building(s).
 - e. Dimensions indicating the setbacks: front, side and rear.
 - f. The location of proposed connection(s) to the town sewer and water lines, where available, and the location of any wells on the property, abutters' wells and the proposed location of any new well and/or drainage field. State approval for construction of a septic system must be submitted with the building permit application.
 - g. The location of the proposed driveway(s).
 - h. The proposed use of the building and land.
 - i. Rights-of-way and easements on the property and adjoining lot(s).
 - j. Provision for parking and loading spaces, where applicable.
 - k. Five-foot contour lines, existing and proposed, if the Code Enforcement Officer finds that such information is necessary in order to determine whether the building can be constructed on the lot in accordance with all building and land use regulations of the Town of Durham.
 - 2. Applications for permits shall be accompanied by drawings of the proposed work drawn to scale. These drawings will show, when necessary, floor plans, sections, elevations, structural details and such other information as may be required by the Code Enforcement Officer.

- C. Driveway permit. Applications shall include an appropriate driveway permit from the state or town.
- D. Sewage/septic systems.
 1. Plans for the provision of sewage disposal facilities for business and industrial buildings in all districts and for residences and buildings not employing town facilities shall be provided. Test pits will be witnessed by the Code Enforcement Officer, and the septic plan must be approved by the Code Enforcement Officer. State approval for construction is required prior to granting the building permit.
 2. Septic systems.
 - a. No building permit shall be issued unless the applicant has first obtained approval from the Water Supply and Pollution Control Division of the New Hampshire Department of Environmental Services.
 - b. In the case of an existing system, no building addition or replacement or conversion from seasonal to year-round shall be approved in excess of the limits, as shown on the approved plans, of the in-ground disposal system. If no approved plans are on file, it will be the responsibility of the applicant to provide acceptable proof of existing system size and condition.
 - c. Permits must be obtained from the Code Enforcement Officer for any new system or for the replacement or enlargement of any existing system. New systems and replacement systems, or improved or modified systems, shall be inspected in accordance with the schedule set forth below.
 3. Application. An application for septic system approval shall be filed with the Code Enforcement Officer of the Town of Durham. This completed application shall be submitted ~~in four (4) copies~~ with one large copy of the septic plan with the following information:
 - a. The date of application.
 - b. The installation location, including the Tax Map number.
 - c. A plan showing the details of the design.
 - d. A site plan of the lot, including all dimensions, the location of the wetlands and existing structures.
 - e. The tank size.
 - f. The name and address of the contractor.
 - g. The location of the test pit within the leaching area.
 - h. Test pit inspection by the Town Code Enforcement Officer.
 - i. The applicant's name and address.
 - j. The location of any wells [also abutters within seventy-five (75) feet of the lot line] or any planned new wells.
 - k. The location of abutters' leach beds within seventy-five (75) feet of the lot line.

- I. Any other information required in WS 1002.4 and WS 1002.05.
- E. Amendments to application. Any amendments to a plan, application or other records accompanying the same may be filed at any time before completion of the work for which the permit sought is issued, upon approval by the Code Enforcement Officer. Such amendments shall be deemed part of the original application and shall be filed herewith.
- F. By whom application is made. Application for a permit shall be made by the owner or lessee of the building or structure or agent of either or by the licensed engineer or architect employed in connection with the proposed work. If the application is made by a person other than the owner in fee, it shall be accompanied by an affidavit of the owner or the qualified applicant or a signed statement of the qualified applicant witnessed by the Building Official or his designee to the effect that the proposed work is authorized by the owner in fee and that the applicant is authorized to make such application. The full names and addresses of the owner, the lessee, the applicant and the responsible officer, if the owner or lessee is a corporate body, shall be stated in the application.

CHAPTER 54

ELECTRICAL CODE

Article I

- 54-1. Purpose
- 54-2. Title
- 54-3. Authority
- 54-4. Electrical Code
- 54-5. Additional Requirements

Article II

- 54-6. Permit Required
- 54-7. Permit Requirements
- 54-8. Permit Applicant
- 54-9. Wiring Diagram
- 54-10. Permit Fee
- 54-11. Commencement of Work
- 54-12. Issuance of Permit
- 54-13. Time Limit of Permits
- 54-14. Assignability of Electrical Permit
- 54-15. Revocation or Lapse of Electrical Permits
- 54-16. Electrical Permit Action
- 54-17. Construction Safety Clause

Article III

- 54-18. Code Enforcement Officer Responsibilities
- 54-19. Duties of the Code Enforcement Officer

Article IV

- 54-20. Violations
- 54-21. Stop Work Order
- 54-22. Penalties
- 54-23. Validity
- 54-24. ~~Permit~~ Fees for Electrical Permit

~~54-24. Fees for electrical permit.~~

- ~~A. Electrical work as part of a building permit which includes other work: All cost is included in the building permit fee.~~
- ~~B. Electrical work as stand-alone electrical project (\$10.00 minimum fee): \$10.00 plus \$15.00/\$1,000 of electrical contract price.~~

54-24. Fees for electrical permit.

The Town Administrator, with the advice and consent of the Town Council, shall establish the electrical permit fee schedule and it shall be included within the Town-wide Master Fee Schedule.

CHAPTER 91

PACKERS FALLS BRIDGE SITE

91-1. Description of land.

The Packers Falls Bridge Site consists of two and ~~three~~^{one}-tenths (2.~~3~~¹) acres of land situated on the southerly side of Bennett Road and the easterly side of Packers Falls Road, on the northerly and southerly sides of the Lamprey River. The land was formerly a part of Parcels ~~17-54-0 and 17-55-0~~ 224-20, which ~~together were~~ ^{was} known as the "Lord Property."

CHAPTER 97

PLUMBING CODE AND REGULATIONS

97-24. Fees for plumbing permit. *(This section was removed by Ord. #2013-04 dated. 4/1/13)*

The Town Administrator, with the advice and consent of the Town Council, shall establish the plumbing permit fee schedule and it shall be included within the Town-wide Master Fee Schedule.

CHAPTER 153

VEHICLES AND TRAFFIC

153-32. Penalties for offenses.

- A. The penalty for violations of this chapter, other than parking provisions, shall not exceed one hundred fifty dollars (\$150).
- B. The penalties for violation of parking provisions are as follows:
 - 1. A fine no less than ~~thirty~~^{twenty-five} dollars (~~\$30~~ ^{\$25.00}) nor more than one hundred fifty dollars (\$150) for each violation of the Parking Prohibited at All Times (153-17), No

Stopping (153-18), No Standing (153-19), Parking Prohibited at Certain Hours (153-20), No Stopping Certain Hours (153-21), No Standing Certain Hours (153-22), Time Limited Parking (153-23) Angle Parking (153-24), Loading Zones (153-25), Taxi Stands (153-26) and Bus Stops (153-27) ordinances and Metered Parking (153-29), Business Permit Parking Areas (153-30) ordinances.

153-43. Schedule XI: Stop intersections.

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

Stop sign on	Direction of travel	At intersection of:
Faculty Road	Both	Thompson Lane
Fox Hill Road	East	Deer Meadow Road
Oyster River Road	West	Mill Road
Thompson Lane	North	Faculty Road
Valentine Hill Road	West	Garden Lane
Valentine Hill Road	East	Thompson Lane

CHAPTER 160

~~WATER AND SEWER RATES~~

~~[HISTORY: Adopted as Ordinance #91-06 on June 3, 1991 by the Durham Town Council. Assessed higher water and sewer rates to Town residents on the water and sewer systems.]~~

~~160-1. Purpose and Intent.~~

~~It is the purpose of this chapter to balance the 2002 Water and Sewer budgets by increasing the water and sewer rates of users.~~

~~160-2. Authorization.~~

~~The water and sewer rates assessed on Town residents on the water and sewer systems will be adjusted as follows:~~

~~— A. The water assessment will increase to \$2.73 per 100 cubic feet effective January 1, 2002; and~~

~~— B. The sewer assessment will increase to \$3.50 per 100 cubic feet effective January 1, 2002.~~

~~(Amended by Ordinance #2002-02 dated 2/18/02)~~

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

Sally Needell, Chair
Durham Town Council

ATTEST:

Rachel Deane, Town Clerk/Tax Collector



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AGENDA ITEM: **# 10A** *TS*

DATE: **November 20, 2023**

COUNCIL COMMUNICATION

INITIATED BY: Plodzik & Sanderson
Gail Jablonski, Business Manager

AGENDA ITEM: PRESENTATION OF THE 2022 AUDIT REPORT – PLODZIK & SANDERSON, CONCORD, NH

CC PREPARED BY: Karen Edwards, Administrative Assistant

PRESENTED BY: Plodzik & Sanderson
Gail Jablonski, Business Manager

AGENDA DESCRIPTION:

Council members have been provided with copies of the Independent Auditor's Report for the Fiscal Year ending December 31, 2022, prepared by Plodzik & Sanderson from Concord, NH. A representative from this company will attend Monday evening's meeting to provide a brief presentation and to answer any questions Councilors may have relative to the audit report.

LEGAL AUTHORITY:

Section 4.10(D) of the Town Charter states: *"The Town Council, after inviting requests for proposals and appropriate verification of qualifications, experience and integrity, shall select a certified public accountant or firm of the same who shall perform an annual audit of all town financial transactions after the close of each fiscal year. Said audit shall include all revenues, expenditures and accounts maintained by any officer, elected or appointed, agency, board, commission or recipient of town funds; may include a compliance audit to ensure conformity with any state or federal laws and regulations and town work programs and policies; and shall include a management letter setting forth recommendations for changes and improvements in finance management systems as are deemed necessary".*

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

Please refer to the 2022 Audit Report.

SUGGESTED ACTION OR RECOMMENDATIONS:

No formal action is required. Receive audit report presentation from Plodzik & Sanderson, Concord, NH and hold a question-and-answer session if desired.



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

DATE: November 20, 2023

COUNCIL COMMUNICATION

INITIATED BY: Todd I. Selig, Administrator

AGENDA ITEM: RECEIVE REPORT ON STRAFFORD COUNTY OPERATIONS,
BUDGET AND TAX RATE FROM COMMISSIONER CHAIR
GEORGE MAGLARAS AND COUNTY ADMINISTRATOR
RAYMOND BOWER

CC PREPARED BY: Karen Edwards, Administrative Assistant

PRESENTED BY: George Maglaras, Commission Chair
Raymond Bower, County Administrator

AGENDA DESCRIPTION:

George Maglaras, Commission Chair, and Raymond Bower, County Administrator, have been invited to attend Monday night's Town Council meeting to provide a report on the Strafford County's Operations, Budget, and Tax Rate.

LEGAL AUTHORITY:

N/A

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

No formal action required. Receive presentation from the Strafford County Commission Chair and County Administrator and hold a question-and-answer session if desired.



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AGENDA ITEM: **#11** TS

DATE: **November 20, 2023**

COUNCIL COMMUNICATION

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

AGENDA ITEM: CONTINUED DELIBERATION ON THE ADMINISTRATOR'S PROPOSED FY 2024 OPERATING, CAPITAL, AND SPECIAL FUND BUDGETS AND THE 2024-2033 CAPITAL IMPROVEMENT PLAN

CC PREPARED BY: Karen Edwards, Administrative Assistant

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

AGENDA DESCRIPTION:

In accordance with Section 5.2 of the Durham Town Charter, the Administrator is required to submit to the Town Council their recommended budget for the upcoming Fiscal Year "...no later than the last workday prior to November 1 of the current year." The proposed 2024 Operating, Capital, and Special Fund Budgets, and the 2024-2033 Capital Improvement Plan were available to Council members on October 31, 2023.

The initial presentation of the proposed Budgets and Capital Improvement Plan was at the Council meeting of November 6, 2023. A public hearing was held during the Council meeting of November 13, 2023. After the public hearing was closed, the Council deliberated on specific department requests. The meeting on November 20 allows for continued deliberation on department budgets; specifically the Business Department, Police Department and Fire Department which were not addressed at the November 13 meeting.

LEGAL AUTHORITY:

Durham Town Charter, Article 5 "Finance", Sections 5.1 – 5.12.

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

No formal action required. Continue deliberation on the proposed FY 2024 Operating, Capital and Special Fund Budgets, and the 2024-2033 Capital Improvement Plan received from the Administrator and Business Manager and hold question and answer session if desired.



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AGENDA ITEM: **#12 TS**
DATE: November 20, 2023

COUNCIL COMMUNICATION

INITIATED BY: Durham Town Council

AGENDA ITEM: APPROVE THE TOWN COUNCIL MEETING MINUTES FOR NOVEMBER 6, 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 November 6, 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 November 6, 2023 (as presented /as amended).