



# TOWN OF DURHAM

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

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

## **AGENDA** **REVISED**

**DURHAM TOWN COUNCIL**  
**MONDAY, DECEMBER 4, 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** - Recognizing Durham citizen Richard Belshaw for his 16 Years of Dedicated Community Service to the Town of Durham as a DCAT Control Room Technician.
- VI. **Public Comments (\*)** - **Please state your name and address before speaking**
- VII. Report from the UNH Student Senate External Affairs Chair or Designee
- VIII. **Unanimous Consent Agenda** (*Requires unanimous approval. Individual items may be removed by any councilor for separate discussion and vote*)
  - A. Shall the Town Council Approve and Sign the Warrant for the Town Election to be held on March 12, 2024?
  - B. Shall the Town Council Approve and Sign the Warrant for the Primary Election to be held on January 23, 2024?
  - C. Shall the Town Council Adopt Resolution #2023-29, for the authorization of bonds and approval of a loan agreement with the New Hampshire Municipal Bond Bank?
  - D. Shall the Town Council accept the recommendation of the Town Assessor and Administrator relative to FY 2023 Property Tax abatement requests in the total amount of \$4,246.03?

- E. Shall the Town Council, upon recommendation of the Administrator, schedule a Public Hearing for Monday, January 8, 2024 , on Resolution #2024-01 Authorizing the Acceptance and Expenditure of Private Donation Funds from an Anonymous Donor in an Amount up to \$45,119 to be used for the purchase of a new Utility Task Vehicle with Medical Skid Package and authorizing the Administrator to Sign and Submit all Necessary Paperwork on behalf of the Town of Durham?
  - F. Shall the Town Council re-schedule a Public Hearing for Ordinance #2023-08, Minor Updates to the Town Code, from Monday, December 18, 2023 to Monday, January 8, 2024?
  - G. Shall the Town Council cancel the regularly scheduled meeting for Monday, December 18, 2023?
  - H. Shall the Town Council cancel the special meeting designated for Budget Review of December 11, 2023?
- IX. Committee Appointments - None**
- X. Presentation Items**
- A. Presentations on NH Government legislation by Representative Cam E. Kenney, Representative Marjorie Smith, Representative Timothy Horrigan, Representative Loren Selig, Representative Allan Howland and Senator Rebecca Perkins Kwoka
  - B. Report from the Zoning Board of Adjustment – Micah Warnock, Chair
  - C. Report from the Integrated Waste Management Advisory Committee – Nell Neal, Committee Chair
- XI. Unfinished Business**  
Continued discussion and possible adoption of Resolution #2023-30 approving the Administrator’s proposed FY 2024 Operating, Capital, and Special Fund Budgets, and the 2024-2033 Capital Improvement Plan, as amended.
- XII. Approval of Minutes – November 6, 2023  
November 13, 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: **# 5 TS**

DATE: December 4, 2023

### COUNCIL COMMUNICATION

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

**AGENDA ITEM:** ADOPTION OF RESOLUTION #2023-31 RECOGNIZING DURHAM CITIZEN RICHARD BELSHAW FOR HIS 16 YEARS OF DEDICATED COMMUNITY SERVICE TO THE TOWN OF DURHAM AS A DCAT CONTROL ROOM TECHNICIAN.

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

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

**AGENDA DESCRIPTION:**

Richard Belshaw is retiring from his part-time position of DCAT Control Room Technician after 16 years. He began helping DCAT Coordinator, Craig Stevens, in November of 2007 while the Town Hall was still located at 15 Newmarket Road and the technology of recording meetings was just beginning. He has faithfully served over the years, learning new technology and becoming a dedicated employee. The Town of Durham wishes him well in his retirement.

**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 #2023-31 Recognizing Durham Citizen Richard Belshaw for his 16 Years of Dedicated Community Service to the Town of Durham as a DCAT Control Room Technician*

## **RESOLUTION #2023-31 OF DURHAM, NEW HAMPSHIRE**

### **RECOGNIZING DURHAM CITIZEN RICHARD BELSHAW FOR HIS 16 YEARS OF DEDICATED COMMUNITY SERVICE TO THE TOWN OF DURHAM AS A DCAT CONTROL ROOM TECHNICIAN**

**WHEREAS**, the Durham Town Council desires to formally recognize Richard Belshaw for his service to the Durham community over a span of 16 years while serving in the capacity of DCAT Control Room Technician; and

**WHEREAS**, Richard began his service in November of 2007 at a time when the technology for recording Town meetings was still limited; and

**WHEREAS**, he has faithfully made himself available to broadcast and record public meetings on Durham Community Access Television through both clear and inclement weather, and through numerous iterations of complex technological advancement;

**NOW, THEREFORE BE IT RESOLVED** that the Durham Town Council, the legislative and governing body of the Town of Durham, New Hampshire, does hereby adopt **Resolution #2023-31** recognizing Richard Belshaw and expressing its gratitude and appreciation on behalf of the Durham community for his many years of dedicated public service and for the selfless time and efforts he contributed.

**PASSED AND ADOPTED** by the Town Council of the Town of Durham, New Hampshire this 4th day of December, 2023 by \_\_\_ affirmative votes, \_\_\_ negative votes, and \_\_\_ abstentions.

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Sally Needell, Chair  
Durham Town Council

**ATTEST:**

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Rachel Deane, Town Clerk-Tax Collector



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AGENDA ITEM: **#8A** TS  
DATE: December 4, 2023

## COUNCIL COMMUNICATION

**INITIATED BY:** Durham Town Council

**AGENDA ITEM:** SHALL THE TOWN COUNCIL APPROVE AND SIGN THE WARRANT FOR THE TOWN ELECTION TO BE HELD ON MARCH 12, 2024?

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

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

### **AGENDA DESCRIPTION:**

Town elections will be held on Tuesday, March 12, 2024, at the Oyster River High School Multipurpose Room. Polling hours are from 7:00 AM to 7:00 PM.

The Durham Town Council is required to post an Election Warrant for each town election conducted at least fourteen (14) days prior to the election, not including the day of posting and the day of the election. One copy of the Warrant is to be posted at the election site and one copy is to be posted in one other public place.

Attached is a copy of the Warrant for Council's review. An original of the Town Election Warrant will be present at Monday night's meeting for the Council to sign once it is officially approved so that it can be properly posted and published in the 2023 Annual Town Report.

### **LEGAL AUTHORITY:**

RSA 39:5 and RSA 669:2 outline the procedure for the preparation and posting of election warrants.

### **LEGAL OPINION:**

N/A

### **FINANCIAL DETAILS:**

N/A

### **SUGGESTED ACTION OR RECOMMENDATIONS:**

#### **MOTION:**

*The Town Council does hereby approves and signs the Warrant for the Town Election to be held on March 12, 2024; copies of which will be posted at the polling place, the Town Hall, and the Durham Public Library.*

## ELECTION, TUESDAY, MARCH 12, 2024

To the inhabitants of the Town of Durham, the County of Strafford, New Hampshire.

You are hereby notified to meet at the Oyster River High School, Multipurpose Room, located on Coe Drive in said Durham, New Hampshire, on Tuesday, the 12<sup>th</sup> day of March 2024 (the polls will be open between the hours of 7:00 AM and 7:00 PM) to act upon the following subjects:

### ARTICLE 1:

To bring in your votes for three (3) Councilors (3-year terms); one Councilor (1-year term); two (2) Durham Public Library Board of Trustees (3-year terms); one (1) Moderator (2-year term); one (1) Supervisor of the Checklist (6-year term); one (1) Trustee of the Trust Funds (3-year term); and one (1) Trustee of the Trust Fund (1-year term)

Given under our hands and seal this day of DECEMBER 4 in the year of TWO THOUSAND TWENTY THREE (2023).

\_\_\_\_\_  
Sally Needell, Chair

\_\_\_\_\_  
Emily Friedrichs

\_\_\_\_\_  
Jim Lawson, Chair Pro Tem

\_\_\_\_\_  
Charles Hotchkiss

\_\_\_\_\_  
Wayne Burton

\_\_\_\_\_  
Eleanor Lonske

\_\_\_\_\_  
Joe Friedman

\_\_\_\_\_  
Eric Lund

\_\_\_\_\_  
Carden Welsh

*COUNCILORS OF DURHAM*



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

DATE: December 4, 2023

### COUNCIL COMMUNICATION

**INITIATED BY:** Durham Town Council

**AGENDA ITEM:** SHALL THE TOWN COUNCIL APPROVE AND SIGN THE WARRANT FOR THE PRIMARY ELECTION TO BE HELD ON JANUARY 23, 2024?

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

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

**AGENDA DESCRIPTION:**

In accordance with RSA 658:1 the Durham Town Council is required to post an Election Warrant at least fourteen (14) days prior to the General Election. Though not required by State Law, it is good practice to also post an Election Warrant at least fourteen (14) days prior to the Primary Election. The Town Council shall sign the original Warrant; after which one copy of the Warrant will be posted at the election site, one at the Town Hall, and one at the Durham Public Library. Attached for the Council's review is a copy of the Primary Election Warrant to be signed by Council members.

**LEGAL AUTHORITY:**

N/A

**LEGAL OPINION:**

N/A

**FINANCIAL DETAILS:**

N/A

**SUGGESTED ACTION OR RECOMMENDATIONS:**

*The Town Council does hereby approves and signs the Warrant for the Primary Election to be held on January 23, 2024; copies of which will be posted at the polling place, the Town Hall, and the Durham Public Library.*

## **PRIMARY ELECTION, TUESDAY, JANUARY 23, 2024**

To the inhabitants of the Town of Durham, the County of Strafford, New Hampshire.

You are hereby notified to meet at the Oyster River High School Gymnasium, 55 Coe Drive, in said Durham, New Hampshire, on Tuesday, the twenty-third day of January, 2024. The polls will be open between the hours of 7:00 A.M. and 7:00 P.M. to act upon the following subjects:

**To bring your Primary votes for President of the United States**

**NOTE: Absentee ballots will be processed beginning at 9:00 AM.**

Given under our hands and seal this fourth (4th) day of December, in the year of Our Lord two thousand and twenty-three.

\_\_\_\_\_  
Sally Needell, Chair

\_\_\_\_\_  
Emily Friedrichs

\_\_\_\_\_  
Jim Lawson, Chair Pro Tem

\_\_\_\_\_  
Charles Hotchkiss

\_\_\_\_\_  
Wayne Burton

\_\_\_\_\_  
Eleanor Lonske

\_\_\_\_\_  
Joe Friedman

\_\_\_\_\_  
Eric Lund

\_\_\_\_\_  
Carden Welsh

COUNCILORS OF DURHAM



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AGENDA ITEM: **#8C TS**

DATE: **December 4, 2023**

### COUNCIL COMMUNICATION

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

**AGENDA ITEM:** **SHALL THE TOWN COUNCIL ADOPT RESOLUTION #2023-29, FOR THE AUTHORIZATION OF BONDS AND APPROVAL OF A LOAN AGREEMENT WITH THE NEW HAMPSHIRE MUNICIPAL BOND BANK?**

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

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

**AGENDA DESCRIPTION:**

On October 16, 2023, the Town Council held a public hearing on and subsequently approved Resolution #2023-22 authorizing the issuance of long-term debt not to 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.

Renelle L'Huillier, Bond Counsel for the Town of Durham, is currently working with the Business Office on completing the 2023 NH Municipal Bond Bank sale. The Town will be responsible for fees payable to our Bond Counsel, Devine, Millimet & Branch, in the range of \$6,000.

The final step in this process is to approve authorization of bonds and the approval of a Loan Agreement between the New Hampshire Bond Bank and the Town. Attached for the Council's review is a draft resolution which contains specific language required by the Bond Bank in order to finalize this matter.

**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. The public hearing was held on October 16, 2023. 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 ADOPT Resolution #2023-29 (as presented / as amended), for the Authorization of Bonds and Approval of a Loan Agreement with the New Hampshire Municipal Bond Bank by a 2/3 vote.*

# **RESOLUTION #2023-29 OF DURHAM, NEW HAMPSHIRE**

## **AUTHORIZATION OF BONDS AND APPROVAL OF LOAN AGREEMENT WITH THE NEW HAMPSHIRE MUNICIPAL BOND BANK**

**WHEREAS**, that under and pursuant to the Municipal Finance Act, Chapter 33, N.H.R.S.A., as amended, the New Hampshire Municipal Bond Bank Law, Chapter 35-A, N.H.R.S.A., as amended, and other laws in addition thereto, and to votes of the Issuer duly adopted on December 17, 2018 under Resolution No. 2018-23, on December 16, 2019 under Resolution No. 2019-29, on December 22, 2020 under Resolution 2020-21 and on December 20, 2021 under Resolution 2021-15 and on December 19, 2022 under Resolution 2022-28 there be and hereby is authorized the issuance of a \$1,501,800 Bond of the Issuer (the "Bond") which is being issued by the Issuer for the purpose of financing miscellaneous capital expenditures as set forth in such Resolutions.

The Bond shall be dated as of its date of issuance, shall be in such numbers and denominations as the purchaser shall request, shall mature in accordance with the schedule set forth in Exhibit A to a certain Loan Agreement hereinafter described (the "Loan Agreement"), shall bear a net interest cost rate (as defined in the Loan Agreement) of four and one half percent (4.50%) per annum or such lesser amount as may be determined by a majority of the Board. The Bond shall be substantially in the form set forth as Exhibit B to the Loan Agreement and otherwise shall be issued in such manner and form as the signatories shall approve by their execution thereof.

**WHEREAS**, that the Bond shall be sold to the Bond Bank at the par value thereof plus any applicable premium.

**WHEREAS**, that in order to evidence the sale of the Bond, the Treasurer of Issuer and a member of the Board are authorized and directed to execute, attest and deliver, in the name and on behalf of the Issuer, a Loan Agreement in substantially the form submitted to this meeting, which is hereby approved, with such changes therein not inconsistent with this vote and approved by the officers executing the same on behalf of the Issuer. The approval of such changes by said officers shall be conclusively evidenced by the execution of the Loan Agreement by such officers; and

**WHEREAS**, that all things heretofore done, and all action heretofore taken by the Issuer and its officers and agents in its authorization of the project to be financed by the Bond are hereby ratified, approved and confirmed; and

**WHEREAS**, that the Clerk and the signers of the Bond are each hereby authorized to take any and all action necessary and convenient to carry out the provisions of this vote, including delivering the Bond against payment therefor; and

**WHEREAS**, that the useful lives of the project being financed are in excess of five (5) years; and

**WHEREAS**, further certify that said meeting was open to the public; the aforesaid vote was not taken by secret ballot nor in executive session; that notice of the time and place of said meeting was posted in at least two (2) appropriate public places within the territorial limits of the Issuer, or published in a newspaper of general circulation in said areas, at least twenty-four (24) hours, excluding Sundays and legal holidays, before, said meeting; that no deliberations or actions with respect to the vote were taken in executive session; and that the minutes of said meeting have been promptly recorded and have been or will be made open to inspection not more than five (5) business days after the meeting, all in accordance with Chapter 91-A, N.H.R.S.A., as amended;

**WHEREAS**, further certify that the above vote has not been amended or rescinded and remains in full force and effect as of this date.

**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 #2023-29** on the authorization of bonds and approval of a Loan Agreement with the New Hampshire Municipal Bond Bank.

**PASSED AND ADOPTED** this 4<sup>th</sup> day of December, 2023 by a two-thirds vote of the Durham Town Council with \_\_\_ affirmative votes, \_\_\_ negative votes, and \_\_\_ abstentions..

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

**ATTEST:**

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





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AGENDA ITEM: **# 8D TS**

DATE: December 4, 2023

### COUNCIL COMMUNICATION

**INITIATED BY:** Jim Rice, Assessor

**AGENDA ITEM:** SHALL THE TOWN COUNCIL ACCEPT THE RECOMMENDATION OF THE TOWN ASSESSOR AND ADMINISTRATOR RELATIVE TO FY 2023 PROPERTY TAX ABATEMENT REQUESTS IN THE TOTAL AMOUNT OF \$4,246.03?

**CC PREPARED BY:** Jim Rice, Assessor

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

**AGENDA DESCRIPTION:**

Attached for the Council's review and information are abatement recommendations for the following properties:

1. **Bean Family Revocable Trust - 5 Valentine Hill Road**  
Recommendation: GRANT (for Tax Years 2022 & 2023). The Assessor recommends granting the abatement request in the amount of \$283.73 including interest. See attached abatement recommendation from the assessor outlining the reasons for granting this request.
2. **Justin & Amber Trudell - 52 Sandy Brook Drive**  
Recommendation: GRANT (for Tax Years 2018 thru 2023). The Assessor recommends granting the abatement request in the amount of \$2,819.30 including interest. See attached abatement recommendation from the assessor outlining the reasons for granting this request.

**3. Nature Conservancy - Durham Point Road**

Recommendation: GRANT (for Tax Year 2023). The Assessor recommends granting the abatement request in the amount of \$120.00 including interest. See attached abatement recommendation from the assessor outlining the reasons for granting this request.

**4. Jay Connor - 3 Bayview Road**

Recommendation: GRANT (for Tax Year 2023). The Assessor recommends granting the abatement request in the amount of \$1,023.00 including interest. See attached abatement recommendation from the assessor outlining the reasons for granting this request.

**LEGAL AUTHORITY:**

RSA 76:16 describes the process for the apportionment, assessment, and abatement of property taxes.

**LEGAL OPINION:**

N/A

**FINANCIAL DETAILS:**

As part of the FY 2023 budget, the Town of Durham has appropriated \$75,000 to be used for tax abatement/appeal purposes. To date, the Town has abated \$33,424.99 to taxpayers who have appealed their assessments with the municipality, to the Board of Tax and Land Appeals or Superior Court.

**SUGGESTED ACTION OR RECOMMENDATIONS:**

**MOTION:**

*The Durham Town Council does hereby accept the recommendation of the Town Assessor and Administrator relative to FY 2023 Property Tax abatement requests in the total amount of \$4,246.03.*

**ABATEMENT OF REAL ESTATE TAX**

**Due to Clerical Error**

**DATE:** December 4, 2023

**TOWN OF:** Durham

**FROM:** Jim Rice, CNHA

**OWNER:** Bean Family Revocable Trust  
5 Valentine Hill Road  
Durham, NH 03824

**PROPERTY LOCATION:** 5 Valentine Hill Road  
Durham, NH 03824

**PID:** 109-26

**REASON FOR ABATEMENT REQUEST:** In 2017 the property owner installed 14 photovoltaic solar panels that were assessed for \$11,200. In 2022, an additional 17 panels were installed for an assessed value of \$13,600. Altogether, the panels are assessed for a total of \$24,800.

Based on the year of installation, the solar panels were itemized on two separate exemption lines on the assessment record card but should have been itemized on one exemption line because the tax collect software (Muni Smart) doesn't recognize the second exemption line. As a result, the preliminary and final tax bills in 2022 and 2023 only exempted the assessed value of \$11,200 for the solar panels and not the total \$24,800. Therefore, an abatement for the additional 17 solar panels with an assessed value of \$13,600 is warranted.

**RECOMMENDATION:** I recommend adjusting for this discrepancy and granting an abatement of \$283.73 (see attached spreadsheet).

Abatement Request: GRANTED/DENIED

Date: \_\_\_\_\_

—

\_\_\_\_\_  
(Durham Town Council/Administrator)

Town of Durham, NH  
Property Tax Bill Calculation

Owner Bean Family Rev Trust  
PID 109-26-0-0-0  
Address 5 Valentine Hill Rd

**THIS IS WHAT DID HAPPEN**

Total Assessed Value	375,400	375,400	375,400	595,300
Exemption (solar,)	24,800.00	11,200.00	11,200.00	11,200.00
Value Tax Applied To:	350,600.00	364,200.00	364,200.00	584,100.00

Credit (veterans,)	-	-	-	-
Tax Bill#:	103271	105789	109358	110862
PropTax Issue 1 <sup>st</sup> or 2 <sup>nd</sup>	1	2	1	2
Due Date:	7/1/2022	12/19/2022	7/3/2023	12/18/2023
Paid Date:	7/1/2022	12/14/2022	6/30/2023	12/18/2023

Tax Rate Applied:

Town	3.930	8.130	4.070	5.750
County	1.400	2.820	1.410	1.760
Local School	7.640	16.560	8.280	11.580
State School	0.990	1.530	0.765	1.390
Total Rate	13.960	29.040	14.525	20.480
<i>tax will be roughly</i>	4,894.38	10,576.37	5,290.01	11,962.37

Resulting in Taxes of:

Town	1,378.00	2,961.00	1,482.00	3,359.00
County	491.00	1,027.00	514.00	1,028.00
Local School	2,679.00	6,031.00	3,016.00	6,764.00
State School	347.00	557.00	279.00	812.00
Tax Calculated	4,895.00	10,576.00	5,291.00	11,963.00

Less Credit & 1st Bill

is the Amount Billed: 4,895.00 5,681.00 5,291.00 6,672.00

**THIS IS WHAT SHOULD HAVE HAPPENED**

Total Assessed Value	375,400	375,400	375,400	595,300
Exemption (solar,)	24,800	24,800	24,800	24,800
Value Tax Applied To:	350,600.00	350,600.00	350,600.00	570,500.00

Credit (veterans,)	-	-	-	-
Tax Bill#:	103271	105789	109358	110862
PropTax Issue 1 <sup>st</sup> or 2 <sup>nd</sup>	1	2	1	2
Due Date:	7/1/2022	12/19/2022	7/3/2023	12/18/2023
Paid Date:	7/1/2022	12/14/2022	6/30/2023	12/18/2023

Tax Rate Applied:

Town	3.930	8.130	4.070	5.750
County	1.400	2.820	1.410	1.760
Local School	7.640	16.560	8.280	11.580
State School	0.990	1.530	0.765	1.390
Total Rate	13.960	29.040	14.525	20.480
<i>tax will be roughly</i>	4,894.38	10,181.42	5,092.47	11,683.84

Resulting in Taxes of:

Town	1,378.00	2,850.00	1,427.00	3,280.00
County	491.00	989.00	494.00	1,004.00
Local School	2,679.00	5,806.00	2,903.00	6,606.00
State School	347.00	536.00	268.00	793.00
Tax Calculated	4,895.00	10,181.00	5,092.00	11,683.00

Less Credit & 1st Bill

is the Amount Billed: 4,895.00 5,286.00 5,092.00 6,591.00

Difference in Billed-SHB = Abate	-	395.00	199.00	81.00
RSA 76:17-a Rate of Interest Pybl	4.00%	4.00%	4.00%	4.00%
Enter Date Town will Payback	12/5/2022	12/5/2022	12/18/2023	12/18/2023
Number of Days of Interest =	157	0	171	0
Interest Payable	-	-	3.73	-
Less Previously Abated Amount of	-	395.00	-	-
<b>Total To Be Paid Back</b>	-	-	202.73	81.00

**280.00 = To Be Abated**

**3.73 = Interest Owed**

283.73

**ABATEMENT OF REAL ESTATE TAX**

**Due to Clerical Error**

**DATE:** December 4, 2023

**TOWN OF:** Durham

**FROM:** Jim Rice, CNHA

**OWNER:** Justin & Amber Trudell  
52 Sandy Brook Drive  
Durham, NH 03824

**PROPERTY LOCATION:** 52 Sandy Brook Drive  
Durham, NH 03824

**PID:** 119-23

**REASON FOR ABATEMENT REQUEST:** In 2018, both Justin and Amber Trudell qualified for a Veteran Tax Credit of \$500 each. However, when entered in the VISION assessment database, one of the tax credits was entered incorrectly and they only received one tax credit from 2018 through 2023. As a result, they are entitled to an abatement of property taxes for those years.

RSA 76:16 describes the process for the apportionment, assessment, and abatement of property taxes.

I. (a) Selectmen or assessors, for good cause shown, may abate any tax, including prior years' taxes, assessed by them or by their predecessors, including any portion of interest accrued on such tax;

**RECOMMENDATION:** Therefore, I recommend adjusting for this discrepancy and granting an abatement of \$2,819.30 including interest (see attached spreadsheet).

Abatement Request: GRANTED/DENIED

Date: \_\_\_\_\_

\_\_\_\_\_  
(Durham Town Council/Administrator)

Town of Durham, NH  
Property Tax Bill Calculation

Owner Trudell, Justin & Amber  
PID 119-23-0-0-0  
Address 52 SandyBrook Drive

**THIS IS WHAT DID HAPPEN**

Total Assessed Value	570,100	570,100	570,100	570,100	570,100	570,100	570,100	570,100	570,100	857,000
Exemption (solar.)	-	-	-	-	-	-	-	-	-	-
Value Tax Applied To:	570,100.00	570,100.00	570,100.00	570,100.00	570,100.00	570,100.00	570,100.00	570,100.00	570,100.00	857,000.00
Credit (veterans.)	250.00	500.00	250.00	500.00	250.00	500.00	500.00	500.00	250.00	500.00
Tax Bill#:	84563	86029	89612	91252	94810	99755	104143	106693	107927	111671
PropTax Issue 1 <sup>st</sup> or 2 <sup>nd</sup>	1	2	1	2	1	2	1	2	1	2
Due Date:	7/1/2019	12/11/2019	7/1/2020	12/14/2020	7/1/2021	12/9/2021	7/1/2022	12/19/2022	7/3/2023	12/18/2023
Paid Date:	6/25/2019	12/2/2019	6/19/2020	12/7/2020	6/22/2021	12/1/2021	6/27/2022	12/8/2022	6/26/2023	12/18/2023
Tax Rate Applied:										
Town	3.685	7.600	3.800	7.790	3.895	7.860	3.930	8.130	4.070	5.750
County	1.245	2.500	1.250	2.570	1.290	2.790	1.400	2.820	1.410	1.760
Local School	7.465	15.320	7.660	15.370	7.685	15.280	7.640	16.560	8.280	11.580
State School	1.005	2.010	1.005	2.000	1.000	1.980	0.990	1.530	0.765	1.390
Total Rate	13.400	27.430	13.715	27.730	13.870	27.910	13.960	29.040	14.525	20.480
<i>tax will be roughly</i>	<i>7,639.34</i>	<i>15,637.84</i>	<i>7,818.92</i>	<i>15,808.87</i>	<i>7,907.29</i>	<i>15,911.49</i>	<i>7,958.60</i>	<i>16,555.70</i>	<i>8,280.70</i>	<i>17,551.36</i>
Resulting in Taxes of:										
Town	2,101.00	4,333.00	2,166.00	4,441.00	2,221.00	4,481.00	2,240.00	4,635.00	2,320.00	4,928.00
County	710.00	1,425.00	713.00	1,465.00	735.00	1,591.00	798.00	1,608.00	804.00	1,508.00
Local School	4,256.00	8,734.00	4,367.00	8,762.00	4,381.00	8,711.00	4,356.00	9,441.00	4,720.00	9,924.00
State School	573.00	1,146.00	573.00	1,140.00	570.00	1,129.00	564.00	872.00	436.00	1,191.00
Tax Calculated	7,640.00	15,638.00	7,819.00	15,808.00	7,907.00	15,912.00	7,958.00	16,556.00	8,280.00	17,551.00
Less Credit & 1st Bill is the Amount Billed:	7,390.00	7,748.00	7,569.00	7,739.00	7,657.00	7,755.00	7,458.00	8,598.00	8,030.00	9,021.00

**THIS IS WHAT SHOULD HAVE HAPPENED**

Total Assessed Value	570,100	570,100	570,100	570,100	570,100	570,100	570,100	570,100	570,100	857,000
Exemption (solar.)	-	-	-	-	-	-	-	-	-	-
Value Tax Applied To:	570,100.00	570,100.00	570,100.00	570,100.00	570,100.00	570,100.00	570,100.00	570,100.00	570,100.00	857,000.00
Credit (veterans.)	500.00	1,000.00	500.00	1,000.00	500.00	1,000.00	500.00	1,000.00	500.00	1,000.00
Tax Bill#:	84563	86029	89612	91252	94810	99755	104143	106693	107927	111671
PropTax Issue 1 <sup>st</sup> or 2 <sup>nd</sup>	1	2	1	2	1	2	1	2	1	2
Due Date:	7/1/2019	12/11/2019	7/1/2020	12/14/2020	7/1/2021	12/9/2021	7/1/2022	12/19/2022	7/3/2023	12/18/2023
Paid Date:	6/25/2019	12/2/2019	6/19/2020	12/7/2020	6/22/2021	12/1/2021	6/27/2022	12/8/2022	6/26/2023	12/18/2023
Tax Rate Applied:										
Town	3.685	7.600	3.800	7.790	3.895	7.860	3.930	8.130	4.070	5.750
County	1.245	2.500	1.250	2.570	1.290	2.790	1.400	2.820	1.410	1.760
Local School	7.465	15.320	7.660	15.370	7.685	15.280	7.640	16.560	8.280	11.580
State School	1.005	2.010	1.005	2.000	1.000	1.980	0.990	1.530	0.765	1.390
Total Rate	13.400	27.430	13.715	27.730	13.870	27.910	13.960	29.040	14.525	20.480
<i>tax will be roughly</i>	<i>7,639.34</i>	<i>15,637.84</i>	<i>7,818.92</i>	<i>15,808.87</i>	<i>7,907.29</i>	<i>15,911.49</i>	<i>7,958.60</i>	<i>16,555.70</i>	<i>8,280.70</i>	<i>17,551.36</i>
Resulting in Taxes of:										
Town	2,101.00	4,333.00	2,166.00	4,441.00	2,221.00	4,481.00	2,240.00	4,635.00	2,320.00	4,928.00
County	710.00	1,425.00	713.00	1,465.00	735.00	1,591.00	798.00	1,608.00	804.00	1,508.00
Local School	4,256.00	8,734.00	4,367.00	8,762.00	4,381.00	8,711.00	4,356.00	9,441.00	4,720.00	9,924.00
State School	573.00	1,146.00	573.00	1,140.00	570.00	1,129.00	564.00	872.00	436.00	1,191.00
Tax Calculated	7,640.00	15,638.00	7,819.00	15,808.00	7,907.00	15,912.00	7,958.00	16,556.00	8,280.00	17,551.00
Less Credit & 1st Bill is the Amount Billed:	7,140.00	7,498.00	7,319.00	7,489.00	7,407.00	7,505.00	7,458.00	8,098.00	7,780.00	8,771.00

Difference in Billed-SHB = Abate	250.00	250.00	250.00	250.00	250.00	250.00	-	500.00	250.00	250.00	<b>2,500.00 = To Be Abated</b>
RSA 76:17-a Rate of Interest Pybl	6.00%	6.00%	6.00%	6.00%	6.00%	6.00%	4.00%	4.00%	4.00%	4.00%	
Enter Date Town will Payback	12/18/2023	12/18/2023	12/18/2023	12/18/2023	12/18/2023	12/18/2023	12/18/2023	12/18/2023	12/18/2023	12/18/2023	
Number of Days of Interest =	1637	1477	1277	1106	909	747	539	375	175	0	
Interest Payable	67.27	60.70	52.48	45.45	37.36	30.70	-	20.55	4.79	-	<b>319.30 = Interest Owed</b>
Less Previously Abated Amount of											
<b>Total To Be Paid Back</b>	317.27	310.70	302.48	295.45	287.36	280.70	-	520.55	254.79	250.00	2,819.30

**ABATEMENT OF REAL ESTATE TAX  
Due to Clerical Error**

**DATE:** December 4, 2023

**TOWN OF:** Durham

**FROM:** Jim Rice, CNHA

**OWNER:** Nature Conservancy  
22 Bridge Street, 4<sup>th</sup> Floor  
Concord, NH 03301-4987

**PROPERTY LOCATION:** Durham Point Road  
Durham, NH 03824

**PID:** 218-77

**REASON FOR ABATEMENT REQUEST:** The property is comprised of 78.3 acres and under a conservation easement that is assessed at Current Use values. Of the 78.3 acres, 6.5 acres were assessed at ad-valorem (market) value and should have been assessed at Current Use values but was not. As a result, an abatement is warranted.

**RECOMMENDATION:** I recommend adjusting for this discrepancy and granting an abatement of \$120.00 (see attached spreadsheet).

Abatement Request: GRANTED/DENIED

Date: \_\_\_\_\_

—

\_\_\_\_\_  
(Durham Town Council/Administrator)

Town of Durham, NH  
Property Tax Bill Calculation

Owner Nature Conservancy  
PID 218-77-0-0-0  
Address Durham Point Road

**THIS IS WHAT DID HAPPEN**

Total Assessed Value	2,216	8,932
Exemption (solar,)	-	-
Value Tax Applied To:	<u>2,216.00</u>	<u>8,932.00</u>

Credit (veterans,)	-	-
Tax Bill#:	108394	112115
PropTax Issue 1 <sup>st</sup> or 2 <sup>nd</sup>	1	2
Due Date:	7/3/2023	12/18/2023
Paid Date:	5/26/2023	

Tax Rate Applied:		
Town	4.070	5.750
County	1.410	1.760
Local School	8.280	11.580
State School	0.765	1.390
Total Rate	<u>14.525</u>	<u>20.480</u>
<i>tax will be roughly</i>	<i>32.19</i>	<i>182.93</i>

Resulting in Taxes of:		
Town	9.00	51.00
County	3.00	16.00
Local School	18.00	103.00
State School	2.00	12.00
Tax Calculated	<u>32.00</u>	<u>182.00</u>
Less Credit & 1st Bill		
is the Amount Billed:	32.00	150.00

**THIS IS WHAT SHOULD HAVE HAPPENED**

Total Assessed Value	2,216	3,057
Exemption (solar,)	-	-
Value Tax Applied To:	<u>2,216.00</u>	<u>3,057.00</u>

Credit (veterans,)	-	-
Tax Bill#:	108394	112115
PropTax Issue 1 <sup>st</sup> or 2 <sup>nd</sup>	1	2
Due Date:	7/3/2023	12/18/2023
Paid Date:	5/26/2023	12/18/2023

Tax Rate Applied:		
Town	4.070	5.750
County	1.410	1.760
Local School	8.280	11.580
State School	0.765	1.390
Total Rate	<u>14.525</u>	<u>20.480</u>
<i>tax will be roughly</i>	<i>32.19</i>	<i>62.61</i>

Resulting in Taxes of:		
Town	9.00	18.00
County	3.00	5.00
Local School	18.00	35.00
State School	2.00	4.00
Tax Calculated	<u>32.00</u>	<u>62.00</u>
Less Credit & 1st Bill		
is the Amount Billed:	32.00	30.00

Difference in Billed-SHB = Abate	-	120.00	<b>120.00 = To Be Abated</b>
RSA 76:17-a Rate of Interest Pybl	4.00%	4.00%	
Enter Date Town will Payback	12/18/2023	12/18/2023	
Number of Days of Interest =	206	0	
Interest Payable	-	-	<b>= Interest Owed</b>
Less Previously Abated Amount of			
<b>Total To Be Paid Back</b>	-	120.00	120.00

**ABATEMENT OF REAL ESTATE TAX**

**Due to Clerical Error**

**DATE:** December 4, 2023

**TOWN OF:** Durham

**FROM:** Jim Rice, CNHA

**OWNER:** Jay Connor  
3 Bayview Road  
Durham, NH 03824

**PROPERTY LOCATION:** 3 Bayview Road  
Durham, NH 03824

**PID:** 108-40

**REASON FOR ABATEMENT REQUEST:** Due to the change in exemption amounts approved by the Durham Town Council on 9/11/2023, the property owner's exemption amount should have been changed in the assessing from \$175,000 to \$225,000 but was not. As a result, an abatement is warranted.

**RECOMMENDATION:** I recommend adjusting for this discrepancy and granting an abatement of \$1,023.00 (see attached spreadsheet).

Abatement Request: GRANTED/DENIED

Date: \_\_\_\_\_

—

\_\_\_\_\_  
(Durham Town Council/Administrator)

Town of Durham, NH  
Property Tax Bill Calculation

Owner Jay Connor  
PID 108-40-0-0-0  
Address 3 Bayview Road

**THIS IS WHAT DID HAPPEN**

Total Assessed Value	176,200	320,600
Exemption (solar.)	175,000.00	175,000.00
Value Tax Applied To:	1,200.00	145,600.00

Credit (veterans.)	-	-
Tax Bill#:	109402	110974
PropTax Issue 1 <sup>st</sup> or 2 <sup>nd</sup>	1	2
Due Date:	7/3/2023	12/18/2023
Paid Date:	7/18/2023	

Tax Rate Applied:		
Town	4.070	5.750
County	1.410	1.760
Local School	8.280	11.580
State School	0.765	1.390
Total Rate	14.525	20.480
<i>see bill for roughly</i>	<i>17.43</i>	<i>2,981.89</i>

Resulting in Taxes of:		
Town	5.00	837.00
County	2.00	256.00
Local School	10.00	1,686.00
State School	1.00	202.00
Tax Calculated	18.00	2,981.00

Less Credit & 1st Bill		
is the Amount Billed:	18.00	2,963.00

**THIS IS WHAT SHOULD HAVE HAPPENED**

Total Assessed Value	176,200	320,600
Exemption (solar.)	175,000.00	225,000.00
Value Tax Applied To:	1,200.00	95,600.00

Credit (veterans.)	-	-
Tax Bill#:	109402	110974
PropTax Issue 1 <sup>st</sup> or 2 <sup>nd</sup>	1	2
Due Date:	7/3/2023	12/18/2023
Paid Date:	7/18/2023	12/18/2023

Tax Rate Applied:		
Town	4.070	5.750
County	1.410	1.760
Local School	8.280	11.580
State School	0.765	1.390
Total Rate	14.525	20.480
<i>see bill for roughly</i>	<i>17.43</i>	<i>1,958.89</i>

Resulting in Taxes of:		
Town	5.00	550.00
County	2.00	168.00
Local School	10.00	1,107.00
State School	1.00	133.00
Tax Calculated	18.00	1,958.00

Less Credit & 1st Bill		
is the Amount Billed:	18.00	1,940.00

Difference in Billed-SHB = Abate	-	1,023.00	<b>1,023.00 = To Be Abated</b>
RSA 76:17-a Rate of Interest Pybl	4.00%	4.00%	
Enter Date Town will Payback	12/18/2023	12/18/2023	
Number of Days of Interest =	153	0	
Interest Payable	-	-	<b>= Interest Owed</b>
Less Previously Abated Amount of			
<b>Total To Be Paid Back</b>	-	1,023.00	1,023.00



## TOWN OF DURHAM

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

AGENDA ITEM: **#8E** TS

DATE: December 4, 2023

### COUNCIL COMMUNICATION

**INITIATED BY:** David F. Emanuel, Fire Chief

**AGENDA ITEM:** SHALL THE TOWN COUNCIL, UPON RECOMMENDATION OF THE ADMINISTRATOR, SCHEDULE A PUBLIC HEARING FOR MONDAY, JANUARY 8, 2024, ON RESOLUTION #2024-01 AUTHORIZING THE ACCEPTANCE AND EXPENDITURE OF PRIVATE DONATION FUNDS FROM AN ANONYMOUS DONOR IN AN AMOUNT UP TO \$45,119 TO BE USED FOR THE PURCHASE OF A NEW UTILITY TASK VEHICLE WITH MEDICAL SKID PACKAGE AND AUTHORIZING THE ADMINISTRATOR TO SIGN AND SUBMIT ALL NECESSARY PAPERWORK ON BEHALF OF THE TOWN OF DURHAM?

**CC PREPARED BY:** Kelley Fowler, Fire Department Administrative Assistant

**PRESENTED BY:** David F. Emanuel, Fire Chief

**AGENDA DESCRIPTION:**

The fire department currently maintains a 2013 Can-Am utility task vehicle (UTV) which is most often utilized to perform wood's rescues in remote areas, support search and rescue operations, assist with brush fires, and serve as a small agile support rescue vehicle for large events in town.

The fire department identified a need to purchase a second UTV to complement and enhance the department's emergency response capabilities and to have the UTV outfitted with radio communications, utility lights, emergency warning system, and a medical skid package suitable for transporting medical personnel, EMS equipment, and a patient in a rescue basket.

A quote was obtained from HK Powersports of Hooksett, NH in the amount of \$41,269 for the purchase of a new Northstar Ultimate Ride Command UTV with bumper, wiring harnesses, and track mounts. A quote was also obtained from Kintek Corporation for the

purchase of a Medlite Transport Deluxe medical skid package in the amount of \$3,850. The total cost of the UTV including the medical skid package is \$45,119.

On November 27, 2023, the fire department received a check from an anonymous donor in the amount of \$45,119.

It is recommended that the Town Council schedule a Public Hearing for January 8, 2024, to accept and authorize the expenditure of private donation funds from an anonymous donor to purchase a new UTV with a medical skid package.

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

**LEGAL AUTHORITY:**

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

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

**LEGAL OPINION:**

N/A

**FINANCIAL DETAILS:**

\$45,119 in private donation funds received from an anonymous donor.

**SUGGESTED ACTION OR RECOMMENDATIONS:**

**MOTION**

*The Durham Town Council does hereby, upon recommendation of the Administrator, schedule a Public Hearing for Monday, January 8, 2024, on Resolution #2024-01 Authorizing the Acceptance and Expenditure of Private Donation Funds from an Anonymous Donor in an Amount up to \$45,119 to be used for the purchase of a new Utility Task Vehicle with Medical Skid Package and Authorizing the Administrator to Sign and Submit all Necessary Paperwork on Behalf of the Town of Durham.*

## **RESOLUTION #2024-01 OF DURHAM, NEW HAMPSHIRE**

**UPON RECOMMENDATION OF THE ADMINISTRATOR, AUTHORIZING THE ACCEPTANCE AND EXPENDITURE OF PRIVATE DONATION FUNDS FROM AN ANONYMOUS DONOR IN AN AMOUNT UP TO \$45,119 TO BE USED FOR THE PURCHASE OF A NEW UTILITY TASK VEHICLE WITH MEDICAL SKID PACKAGE AND AUTHORIZING THE ADMINISTRATOR TO SIGN AND SUBMIT ALL NECESSARY PAPERWORK ON BEHALF OF THE TOWN OF DURHAM**

**WHEREAS**, The Durham Town Council, on July 1, 1999, passed Resolution #99-19 authorizing the Town Council, in accordance with RSA 31:95-b, to apply for, accept, and expend unanticipated funds from a Federal, State or other governmental unit or a private source which becomes available during a fiscal year; and

**WHEREAS**, a Public Hearing is required to be held for unanticipated funds in excess of \$10,000, and Town Council approval is required for the acceptance and expenditure of these funds; and

**WHEREAS**, on January 8, 2024, a duly posted and published Public Hearing was held by the Durham Town Council on the \$45,119 donation/grant funds in accordance with RSA 31:95-b

**NOW, THEREFORE, BE IT RESOLVED**, that the Durham Town Council, the governing and legislative body of the Town of Durham, New Hampshire does hereby adopt **Resolution #2024-01** authorizing the acceptance and expenditure in fiscal year 2023 of the funds totaling \$45,119 and authorizes the Administrator to sign and submit appropriate paperwork on behalf of the Town of Durham.

**PASSED AND ADOPTED** this \_\_\_ day of , 2024 by a majority vote of the Durham Town Council with \_\_\_ affirmative votes, \_\_\_ negative votes, and \_\_\_ abstentions.

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Sally Needell, Chair  
Durham Town Council

**ATTEST:**

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Rachel Deane, Town Clerk-Tax Collector



## TOWN OF DURHAM

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AGENDA ITEM: **#8F TS**

DATE: December 4, 2023

### COUNCIL COMMUNICATION

**INITIATED BY:** Karen Edwards, Administrative Assistant

**AGENDA ITEM:** SHALL THE TOWN COUNCIL RE-SCHEDULE A PUBLIC HEARING FOR ORDINANCE #2023-08, MINOR UPDATES TO THE TOWN CODE, FROM MONDAY, DECEMBER 18, 2023 TO 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.

A Public Hearing could not be held on Monday, December 4, due to the fact that the Thanksgiving Holiday created an issue with publishing an ad in the Fosters newspaper within the required time. A Public Hearing cannot be held on Monday, December 18, due to the fact that the Council is seeking to cancel that meeting. However, the agenda for the November 20 meeting stated that the Public Hearing was to be scheduled on December 18. Therefore, this agenda item requests that the Public Hearing be postponed from December 18, 2023 to January 8, 2024.

**LEGAL AUTHORITY:**

N/A

**LEGAL OPINION:**

N/A

**FINANCIAL DETAILS:**

N/A

**SUGGESTED ACTION OR RECOMMENDATIONS:**

*The Durham Town Council does hereby re-schedule a Public Hearing for Ordinance #2023-08, Minor Updates to the Town Code, from Monday, December 18, 2023 to Monday, January 8, 2024.*



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AGENDA ITEM: **#8G TS**

DATE: December 4, 2023

### COUNCIL COMMUNICATION

**INITIATED BY:** Town Council

**AGENDA ITEM:** SHALL THE TOWN COUNCIL CANCEL THE REGULARLY SCHEDULED MEETING FOR DECEMBER 18, 2023?

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

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

**AGENDA DESCRIPTION:**

On April 3, 2023, the Town Council, through the adoption of Resolution #2023-06, established its regular meetings for the period April 2023 – March 2024. The meetings currently scheduled in December are December 4 and December 18, 2023. Due to holiday schedules and lack of business, it is suggested that the Council cancel the December 18, 2023 meeting and hold only one meeting in December.

**LEGAL AUTHORITY:**

N/A

**LEGAL OPINION:**

N/A

**FINANCIAL DETAILS:**

N/A

**SUGGESTED ACTION OR RECOMMENDATIONS:**

**MOTION:**

*The Town Council does hereby cancel the regularly scheduled meeting for December 18, 2023.*



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AGENDA ITEM: **#8H**

DATE: December 4, 2023

### COUNCIL COMMUNICATION

**INITIATED BY:** Town Council

**AGENDA ITEM:** SHALL THE TOWN COUNCIL CANCEL THE SPECIAL MEETING DESIGNATED FOR BUDGET REVIEW OF DECEMBER 11, 2023?

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

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

**AGENDA DESCRIPTION:**

On September 11, 2023, the Town Council established two special meetings on November 13 and December 11 for the purpose of deliberating on the FY24 Budgets and 2024-2033 Capital Improvement Plan. The Council has determined that the meeting of December 11, 2023 is not needed.

**LEGAL AUTHORITY:**

N/A

**LEGAL OPINION:**

N/A

**FINANCIAL DETAILS:**

N/A

**SUGGESTED ACTION OR RECOMMENDATIONS:**

**MOTION:**

*The Town Council does hereby cancel the special meeting designated for budget review of December 11, 2023.*



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

DATE: December 4, 2023

### COUNCIL COMMUNICATION

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

**AGENDA ITEM:** PRESENTATIONS ON NH GOVERNMENT LEGISLATION BY REPRESENTATIVE CAM E. KENNEY, REPRESENTATIVE MARJORIE SMITH, REPRESENTATIVE TIMOTHY HORRIGAN, REPRESENTATIVE LOREN SELIG, REPRESENTATIVE ALLAN HOWLAND AND SENATOR REBECCA PERKINS KWOKA

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

**PRESENTED BY:** Representatives Kenney, Smith, Horrigan, Selig, Howland and Senator Perkins Kwoka

**AGENDA DESCRIPTION:**

Representative Cam E. Kenney, Representative Marjorie Smith, Representative Timothy Horrigan, Representative Loren Selig, Representative Allan Howland and Senator Rebecca Perkins Kwoka have been invited to attend Monday night's Town Council meeting to provide updates on current New Hampshire legislation.

**LEGAL AUTHORITY:**

N/A

**LEGAL OPINION:**

N/A

**FINANCIAL DETAILS:**

N/A

**SUGGESTED ACTION OR RECOMMENDATIONS:**

No formal action required. Receive presentations from Representatives Kenney, Smith, Horrigan, Selig, Howland and Senator Perkins Kwoka, and hold a question-and-answer session if desired.



# TOWN OF DURHAM

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

AGENDA ITEM: **#10B** TS  
DATE: **December 4, 2023**

## COUNCIL COMMUNICATION

**INITIATED BY:** Todd Selig, Administrator

**AGENDA ITEM:** RECEIVE ANNUAL REPORT FROM THE ZONING BOARD OF ADJUSTMENT – MICAH WARNOCK, CHAIR

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

**PRESENTED BY:** Micah Warnock, Chair, Zoning Board of Adjustment

### **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.*

Micah Warnock has been invited to attend Monday night's Town Council meeting to provide brief updates to Council members regarding the Zoning Board of Adjustment'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 Zoning Board of Adjustment Chair, Micah Warnock and hold question and answer session if desired.



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AGENDA ITEM: **#10C** TS  
DATE: **December 4, 2023**

## COUNCIL COMMUNICATION

**INITIATED BY:** Todd Selig, Administrator

**AGENDA ITEM:** RECEIVE ANNUAL REPORT FROM THE INTEGRATED WASTE MANAGEMENT ADVISORY COMMITTEE (IWMAC) – NELL NEAL, CHAIR

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

**PRESENTED BY:** Nell Neal, Chair, IWMAC

### **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.*

Nell Neal has been invited to attend Monday night's Town Council meeting to provide brief updates to Council members regarding the Integrated Waste Management Advisory Committee'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 IWMAC Chair, Nell Neal and hold question and answer session if desired.

## **Integrated Waste Management Advisory Committee**

By Nell Neal, Chair

**Members:** Heather Grant, *Planning Board representative*, Julie Kelley, Naomi Kornhauser, Nell Neal, Chair, Sally Needell, Mike Pazdon, Susan Richman, *Alternate*, Carden Welsh, *Council representative*

The IWMAC continues to make progress in community outreach and education on efficient ways to handle household waste that further the goals of sustainability and lower cost. Our efforts this year were focused on educational materials that could be distributed and displayed. These materials were paid for in part by a grant the committee received from Community Action Works.

### **2023 Achievements:**

- We published two brochures that explain and encourage effective recycling and composting, as well as a bookmark highlighting the principles of Reduce-Reuse-Recycle.
- We commissioned the design of a logo which has been incorporated into digital and print communications for Town-wide sustainability efforts as well as into a popular sticker.
- We created four signs and a banner displaying the themes "Recycle Right," "Got Compost?", "Reduce Reuse Repair," and "Say No to Single Use Plastic," to be displayed at different times at strategic locations around Town.
- We had information tables at Durham Day, the Community Dinner at ORHS, and Emery Farm. We are working with the Town Clerk to include a brochure to be given with car registration materials, both by mail and at the Town Clerk's office.

We have been assisted with our outreach messages this year by the Library and are hoping this will help to win over some more of the hold-outs to recycling and reuse. The Library highlighted September as "Sustainable September" and have followed up through the fall with movies, presentations and activities to deliver the message of Reduce, Reuse, Recycle.

Member Julie Kelly has been writing ongoing weekly education and reinforcement in the "Did You Know?" column of Friday updates.

We continue to work closely with the Department of Public Works. The department has provided us with collection metrics which help give guidance to our initiatives. They have also welcomed our feedback in discussions about their waste management initiatives. We value this relationship.



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AGENDA ITEM: **#11** TS

DATE: December 4, 2023

## COUNCIL COMMUNICATION

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

**AGENDA ITEM:** CONTINUED DISCUSSION AND POSSIBLE ADOPTION OF RESOLUTION #2023-30 APPROVING THE ADMINISTRATOR'S PROPOSED FY 2024 OPERATING, CAPITAL, AND SPECIAL FUND BUDGETS, AND THE 2024-2033 CAPITAL IMPROVEMENT PLAN, AS AMENDED.

**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. Since the public hearing was closed, the Council has deliberated on specific department requests, and on November 20, appeared ready to move forward with adoption.

**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:**

**MOTION:**

*The Town Council hereby ADOPTS Resolution #2023-30 approving the Administrator's proposed FY 2024 Operating, Capital, and Special Fund Budgets, and the 2024-2033 Capital Improvement Plan, as amended.*

## **RESOLUTION #2023-30 OF DURHAM, NEW HAMPSHIRE**

### **TOWN COUNCIL APPROVAL OF THE FY 2024 GENERAL OPERATING BUDGETS, THE CAPITAL FUND BUDGET AND THE 2024-2033 CAPITAL IMPROVEMENT PLAN**

**WHEREAS**, the Town Council of Durham, New Hampshire, in accordance with Article 5 of the Durham Town Charter, has reviewed the proposed FY 2024 budgets and Capital Improvements Plan and conducted a public hearing on November 13, 2023 on the proposed FY 2024 Town Budgets and Capital Improvement Plan; and

**WHEREAS**, the Town Council hereby approves the **General Fund Budget** in the amount of **\$19,315,015** with an estimated property tax rate of **\$5.75** per thousand of assessed valuation; and

**WHEREAS**, the 2024 budgets include funds to be allocated by the Administrator to be used for compensation of union and non-union employees; and

**WHEREAS**, upon recommendation from the Administrator and the Integrated Waste Management Advisory Committee, effective with the 2024 budget, the Council will discontinue Curbside Spring Bulky Waste Cleanup in 2024, previously performed annually by the Public Works Department; and

**WHEREAS**, the Parks and Recreation Committee has been asked to review its fee structure to enhance revenues where appropriate; and

**WHEREAS**, the Town Council hereby approves the **Water Fund Budget** in the amount of **\$1,545,482** hereby sets the water rate at **\$10.61** per hundred cubic feet of metered water billed effective 01/01/24 for Durham water users and at **\$12.20** per hundred cubic feet of metered water billed for the Lee Traffic Circle Water Line Extension users effective 01/01/24; and

**WHEREAS**, the Town Council hereby approves the **Sewer Fund Budget** in the amount of **\$3,344,030** hereby sets the sewer rate at **\$10.31** per hundred cubic feet of metered water billed effective 01/01/24; and

**WHEREAS**, the Water and Wastewater System Agreement between the Town of Durham and University System of New Hampshire reads “the jointly funded capital reserve fund for the **water system**, in the custody of the Town of Durham’s Trustees of the Trust Funds, ... should not exceed \$800,000.”; and also reads “the jointly funded capital reserve fund for the **wastewater system**, in the custody of the Town of Durham’s Trustees of the Trust Funds, ... should not exceed \$800,000.”; and

**WHEREAS**, it further states “The parties agree to contribute, on a prorated basis, \$40,000 annually to each fund to be comprised of all connection fees received by the Town and the balance to be funded at the cost share ratio outlined...”; the Council after reviewing the FY 2024 Water and Sewer Fund Budgets agree to the transfer of funds to the Water Capital Reserve and Sewer Capital Reserve Funds with the condition that the amount to be transferred will not exceed the surplus available at the end of the year;

**WHEREAS**, the Town Council hereby approves the **Parking Fund Budget** in the amount of **\$448,000**; and

**WHEREAS**, The Town Council hereby approves the **Capital Fund Budget** in the amount of **\$11,973,100** with \$946,500 to be raised through property taxes, user fees and general revenues; \$123,200 to be funded from the University System of New Hampshire; \$8,010,169 to be raised in revenues from bonds, notes, and other forms of long-term debt;; \$175,000 to be funded from the Joint Town/UNH Wastewater Capital Reserve Account; and \$2,718,231 to be received through state and federal grants; and

**WHEREAS**, the Town Council hereby approves the **Depot Road Parking Lot Fund Budget** in the amount of **\$139,000**; and

**WHEREAS**, the Town Council hereby approves the **Churchill Rink Fund Budget** in the amount of **\$342,500**; and

**WHEREAS**, the Town Council hereby approves the **Library Fund Budget** in the amount of **\$653,515** with \$633,515 being funded through a transfer from the general fund and \$20,000 funded by the Library Board of Trustees; and

**WHEREAS**, the Town Council hereby approves the **Downtown Tax Increment Financing District Budget** in the amount of **\$185,000**; and

**WHEREAS**, any transfer of unspent balance or portion thereof from one department to another will occur with the approval of the Town Council in accordance with Section 5.7 of the Town of Durham Charter, except that the Town Council does hereby authorize the Administrator to transfer any balance or portion thereof from the Town Council Contingency fund to any department during 2024; and

**WHEREAS**, the Administrator will not hire additional regular full-time employees during 2024 without the advice and consent of the Town Council except for those regular full-time positions provided for in the approved 2024 Budget;

**NOW, THEREFORE BE IT RESOLVED** by the Durham Town Council that an estimated amount of **\$10,980,215** (\$10,795,215 of general tax revenue and \$185,000 of Tax Increment Financing District tax revenue) shall be raised by taxation which together with estimated operating revenues of **\$26,965,427** for the aggregate amount of **\$37,945,642** is hereby raised and appropriated for the use of the various departments of the town government for the fiscal year beginning January 1, 2024.

**BE IT FURTHER RESOLVED** that the Town Council of the Town of Durham, New Hampshire hereby adopts **RESOLUTION #2023-30 APPROVING** the FY 2024 General Operating Budgets, Capital Fund Budget, and 2024-2033 Capital Improvement Plan by a majority vote of the Durham Town Council. **(A Summary of Budgets by Funds accompanies this Resolution, which is attached.)**

**PASSED AND ADOPTED** this 4<sup>th</sup> day of December, 2023 by a majority vote of the Durham Town Council with \_\_\_ affirmative votes, \_\_\_ negative votes, and \_\_\_ abstentions.

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Sally Needell, Chair  
Durham Town Council

**ATTEST:**

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Rachel Deane, Town Clerk-Tax Collector

## SUMMARY OF BUDGETS BY FUND

General Fund	\$19,315,015
Water Fund	\$ 1,545,482
Wastewater (Sewer) Fund	\$ 3,344,030
Parking Fund	\$ 448,000
Capital Fund	\$11,973,100
Depot Road Fund	\$ 139,000
Churchill Rink Fund	\$ 342,500
Library Fund	\$ 653,515
TIF District Fund	<u>\$ 185,000</u>
TOTAL ALL FUNDS	\$37,945,642



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**AGENDA ITEM: #12 *TS***  
**DATE: December 4, 2023**

### COUNCIL COMMUNICATION

**INITIATED BY:** Durham Town Council

**AGENDA ITEM:** APPROVE THE TOWN COUNCIL MEETING MINUTES FOR NOVEMBER 6, 2023 & NOVEMBER 13, 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 and November 13, 2023. November 6<sup>th</sup>'s minutes were not approved at the November 20, 2023 meeting. 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 #1:**

*The Durham Town Council does hereby approve the Town Council meeting minutes for November 6, 2023 (as presented/as amended)*

**MOTION #2:**

*The Durham Town Council does hereby approve the Town Council meeting minutes for November 13, 2023 (as presented/as amended).*