



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, JANUARY 8, 2024
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
- 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*)
- IX. Committee Appointments - None
- X. Presentation Items
 - A. Update on the Oyster River Cooperative School District's FY 2024/25 Budget Process - Dr. James Morse, Superintendent
 - B. Report from the Energy Committee - Matthias Dean-Carpentier, Chair
 - C. Short Update by Steve Holmgren Regarding Durham Community Power Roll-Out.

XI. Unfinished Business

- A. **Public Hearing and Action** 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.
- B. **Public Hearing and Action** on Ordinance #2023-08 regarding minor updates to the Town Code.

XII. Approval of Minutes - November 21, 2022 & November 20, 2023

XIII. Councilor and Town Administrator Roundtable

XIV. New Business

- A. Administrator's Progress Report (as of December 31, 2023) on the list of approved 2023/24 Town Council Goals adopted on May 15, 2023.
- B. Begin the Administrator's Annual Performance Evaluation Process for 2023 in accordance with the Employment Agreement between the Administrator and the Town of Durham.
- C. Discussion of Walking Softer Grant YLA Prize with Councilor Emily Friedrichs.

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: **#10A** TS

DATE: **January 8, 2024**

COUNCIL COMMUNICATION

INITIATED BY: Dr. James Morse, Superintendent, ORCSD

AGENDA ITEM: UPDATE ON THE OYSTER RIVER COOPERATIVE SCHOOL DISTRICT'S FY 2024/25 BUDGET PROCESS – DR. JAMES MORSE, SUPERINTENDENT

CC PREPARED BY: Karen Edwards, Administrative Assistant

PRESENTED BY: Dr. James Morse, Superintendent, ORCSD

AGENDA DESCRIPTION:

Dr. Morse has been invited to attend Monday evening's Town Council meeting to provide the Council with an overview of the Oyster River Cooperative School District's proposed FY2024/25 budget process. This will be Dr. Morse's last budget presentation to the Council before his upcoming retirement in June.

LEGAL AUTHORITY:

N/A

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

No formal action required. Receive presentation from Superintendent James Morse regarding the ORCSD's proposed 2024/25 budget process and hold discussion, if desired.



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AGENDA ITEM: **#10B** TS
DATE: **January 8, 2024**

COUNCIL COMMUNICATION

INITIATED BY: Todd Selig, Administrator

AGENDA ITEM: RECEIVE ANNUAL REPORT FROM THE ENERGY COMMITTEE –
MATTHIAS DEAN CARPENTIER, CHAIR

CC PREPARED BY: Karen Edwards, Administrative Assistant

PRESENTED BY: Matthias Dean Carpentier, Chair, Energy Committee

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.*

Matthew Dean Carpentier has been invited to attend Monday night's Town Council meeting to provide brief updates to Council members regarding the Energy 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 Energy Committee Chair, Matthias Dean Carpentier and hold question and answer session if desired.



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AGENDA ITEM: **# 10C** *TS*

DATE: January 8, 2024

COUNCIL COMMUNICATION

INITIATED BY: Todd Selig, Administrator

AGENDA ITEM: SHORT UPDATE BY STEVE HOLMGREN REGARDING DURHAM
COMMUNITY POWER ROLL-OUT

CC PREPARED BY: Karen Edwards, Administrative Assistant

PRESENTED BY: Steve Holmgren

AGENDA DESCRIPTION:

Steve Holmgren has been invited to attend Monday evening's Town Council meeting to provide the Council with an update on the Durham Community Power roll-out scheduled for March 2024.

LEGAL AUTHORITY:

N/A

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

No formal action required. Receive update from Steve Holmgren regarding the Durham Community Power roll-out and ask questions, if desired.

Durham's CPCNH web page

As part of the cutover as a CPCNH customer community, Durham will have a web page to direct our residents for further information and links to the CPCNH Opt-in, Opt-out, Customer Service, and FAQs features. The web page will be managed and edited by CPCNH on their site <https://www.communitypowernh.gov/durham>. The page should be live today (1/2/24) so give it a look and send me any suggestions/ corrections. We can provide custom content for the "Why customers choose Community Power" section, so suggestions are welcome!

New rates available for CPCNH members for Feb 1 – July 31

See the attached rate card with the details; in summary:

- CPCNH rates remain the lowest in NH for 3rd consecutive rate period
- Durham customers will see a rate that is 2% below the Eversource rate
- Our savings are smaller than usual because Eversource's rates are artificially low due to a refund of 1.5 cents/ kWh they are making due to over collection

Critical dates coming up for the CPCNH roll-out

- January 3 – CPCNH Zoom call (5 PM) to kickoff public engagement activities for new communities. Open to all, if you want to see what support they are providing, <https://us06web.zoom.us/j/89566524071?pwd=R2tizmmiAnBfevS6ajiv04hqxp7zXn.1>
- January 10th (tentative) – working group to brainstorm about Durham outreach and activities – currently Nat Balch and Rob Sullivan have volunteered, more are welcome!
- Week of January 22 – Mailing of customer enrollment letters to Wave 2 communities
- January 30th – Public Information session, Town Hall, 7 PM

Opt-up campaign?

Other communities have mounted campaigns as part of their roll-out to encourage residents to consider "opting-up" to a higher level of green energy – 33, 50 or 100%. Would this be something the Energy Committee would like to support?

Attachments: CPCNH rate card and information card.

Thank you,

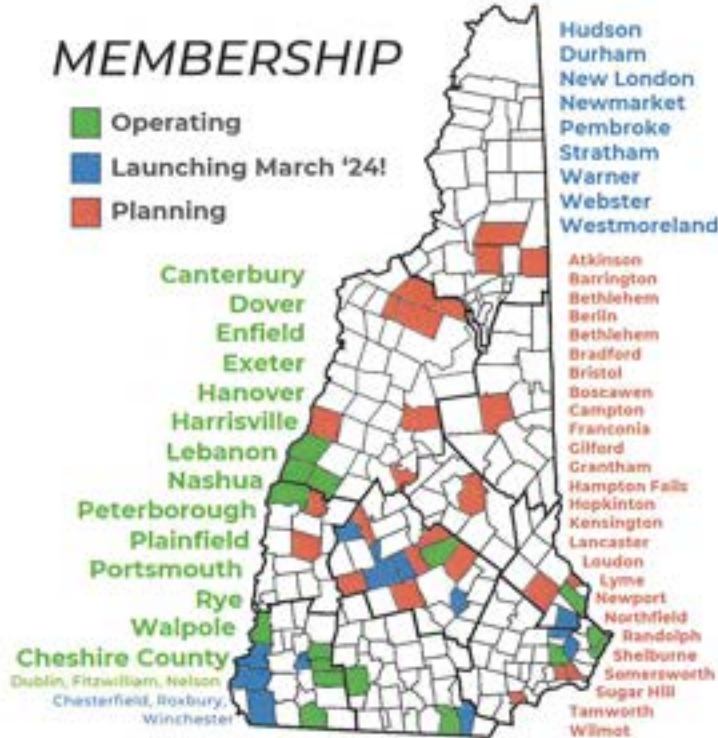
Steve Holmgren



**COMMUNITY
POWER COALITION
OF NEW HAMPSHIRE**
For communities, by communities

MEMBERSHIP

- Operating
- Launching March '24!
- Planning



Learn More

Visit www.cpcnh.org and
CommunityPowerNH.gov/faqs

Or scan the QR code to
learn more:



Background

In 2022, the Durham Town Council approved the
Durham Community Power Plan.

We've joined Community Power Coalition
of New Hampshire, a nonprofit public power company
created to serve the interests of NH communities.

CPCNH is governed "*for communities, by communities*"
and supports towns statewide.



Lower Rates	Local Control
Consumer Choice	Clean Energy

What is Community Power?

Community Power allows customers to save money and expand their energy choices through economy of scale.

The program pools the electricity demand of participating customers across the town to increase buying power and expand local control.

The program will only launch if it can offer a lower rate.

Who will deliver my electricity?

Electric distribution utilities like Eversource will continue to own and operate the electric grid, and bill customers.

How is it funded?

The program is self-funded through electric bill payments.

No taxpayer funds are used to cover program expenses.



What are the goals?



Our goals include:

1. Lowering rates and saving customers money
2. Creating innovative and clean energy choices for customers
3. Support local economic development of beneficial energy upgrades, programs and projects



What does Community Power mean for you?

Prior to launch, all customers will be mailed notification detailing the program and including the initial supply rate and clean energy options as compared to the utility rate.

30 days after the mailing, Community Power becomes the new default energy supply option.

Community Power is voluntary. Customers can opt-in/out/up at: CommunityPowerNH.gov or by calling 1-866-603-7697 (POWR)



Electricity Supply Rates for Residential, General Service, and Outdoor Lighting Customers

<u>Power Options</u>		<u>Renewable Content</u>	<u>Rate (¢/kWh)</u>	<u>Estimated Cost per Month*</u>
Utility Default Energy Service	Unitil[†]	24.3%	10.718 ¢	± \$70
	NH Electric Co-op[†]		10.161 ¢	± \$66
	Liberty Utilities[†]		9.758 ¢	± \$63
	Eversource[†]		8.285 ¢	± \$54
Community Power Coalition of New Hampshire	Clean 100	100%	12.4 ¢	± \$81
	Clean 50	50%	9.4 ¢	± \$61
	Granite Plus	33%	8.4 ¢	± \$55
	Granite Basic[‡]	24.3%	8.1 ¢	± \$53

* Estimated cost per month based on average residential usage of 650 kilowatt-hours (kWh) per month.

† CPCNH's Granite Basic is a savings of 24% off Unitil's residential rate, 20% off NH Electric Co-op's, 17% off Liberty's, and 2% off Eversource's.

‡ Community Power Aggregations (CPAs) may offer either Granite Basic or Granite Plus as their default power option. Check your community's page at www.CommunityPowerNH.gov for details specific to your program.

Electricity Supply Rates for Customers with Monthly Variable Rates

	FEB	MAR	APR	MAY	JUN	JUL	Avg.
Eversource Class GV Rate	18.173 ¢	12.061 ¢	9.495 ¢	9.004 ¢	9.443 ¢	11.602 ¢	11.630 ¢
Community Power (Clean 100)	19.00 ¢	12.60 ¢	9.90 ¢	9.40 ¢	9.90 ¢	12.20 ¢	12.167 ¢
Community Power (Clean 50)	14.40 ¢	9.60 ¢	7.50 ¢	7.20 ¢	7.50 ¢	9.20 ¢	9.233 ¢
Community Power (Granite Plus)	12.90 ¢	8.60 ¢	6.70 ¢	6.40 ¢	6.70 ¢	8.20 ¢	8.250 ¢
Community Power (Granite Basic)	12.40 ¢	8.30 ¢	6.50 ¢	6.20 ¢	6.50 ¢	7.90 ¢	7.967 ¢ *

Granite Basic offers a 32-33% savings off of Eversource's rate.

*Load weighted average = 8.1 ¢/kWh

	FEB	MAR	APR	MAY	JUN	JUL	Avg.
Liberty Utilities Class G1 & G2	14.101 ¢	8.671 ¢	6.629 ¢	5.931 ¢	8.073 ¢	9.854 ¢	8.877 ¢
Community Power (Clean 100)	19.80 ¢	12.20 ¢	9.30 ¢	8.30 ¢	11.40 ¢	13.90 ¢	12.483 ¢
Community Power (Clean 50)	15.00 ¢	9.20 ¢	7.10 ¢	6.30 ¢	8.60 ¢	10.50 ¢	9.450 ¢
Community Power (Granite Plus)	13.40 ¢	8.30 ¢	6.30 ¢	5.70 ¢	7.70 ¢	9.40 ¢	8.467 ¢
Community Power (Granite Basic)	13.00 ¢	8.00 ¢	6.10 ¢	5.40 ¢	7.40 ¢	9.10 ¢	8.167 ¢ *

Granite Basic offers an 8-9% savings off of Liberty Utilities' rate.

*Load weighted average = 8.1 ¢/kWh

	FEB	MAR	APR	MAY	JUN	JUL	Avg.
Unitil Non-G1 General Service	15.668 ¢	10.118 ¢	8.077 ¢	7.760 ¢	7.989 ¢	9.962 ¢	9.929 ¢
Community Power (Clean 100)	19.40 ¢	12.50 ¢	10.00 ¢	9.60 ¢	9.90 ¢	12.30 ¢	12.283 ¢
Community Power (Clean 50)	14.70 ¢	9.50 ¢	7.60 ¢	7.30 ¢	7.50 ¢	9.30 ¢	9.317 ¢
Community Power (Granite Plus)	13.10 ¢	8.50 ¢	6.80 ¢	6.50 ¢	6.70 ¢	8.30 ¢	8.317 ¢
Community Power (Granite Basic)	12.60 ¢	8.20 ¢	6.50 ¢	6.30 ¢	6.40 ¢	8.00 ¢	8.00 ¢ *

Granite Basic offers a 19-20% savings off of Unitil's rate.

*Load weighted average = 8.1 ¢/kWh

	FEB	MAR	APR	MAY	JUN	JUL	Avg.
Unitil Domestic Service	16.165 ¢	10.508 ¢	8.616 ¢	8.303 ¢	8.554 ¢	10.691 ¢	10.473 ¢
Community Power (Clean 100)	18.70 ¢	12.20 ¢	10.00 ¢	9.60 ¢	9.90 ¢	12.40 ¢	12.133 ¢
Community Power (Clean 50)	14.20 ¢	9.20 ¢	7.60 ¢	7.30 ¢	7.50 ¢	9.40 ¢	9.200 ¢
Community Power (Granite Plus)	12.70 ¢	8.20 ¢	6.80 ¢	6.50 ¢	6.70 ¢	8.40 ¢	8.217 ¢
Community Power (Granite Basic)	12.20 ¢	7.90 ¢	6.50 ¢	6.30 ¢	6.50 ¢	8.10 ¢	7.971 ¢ *

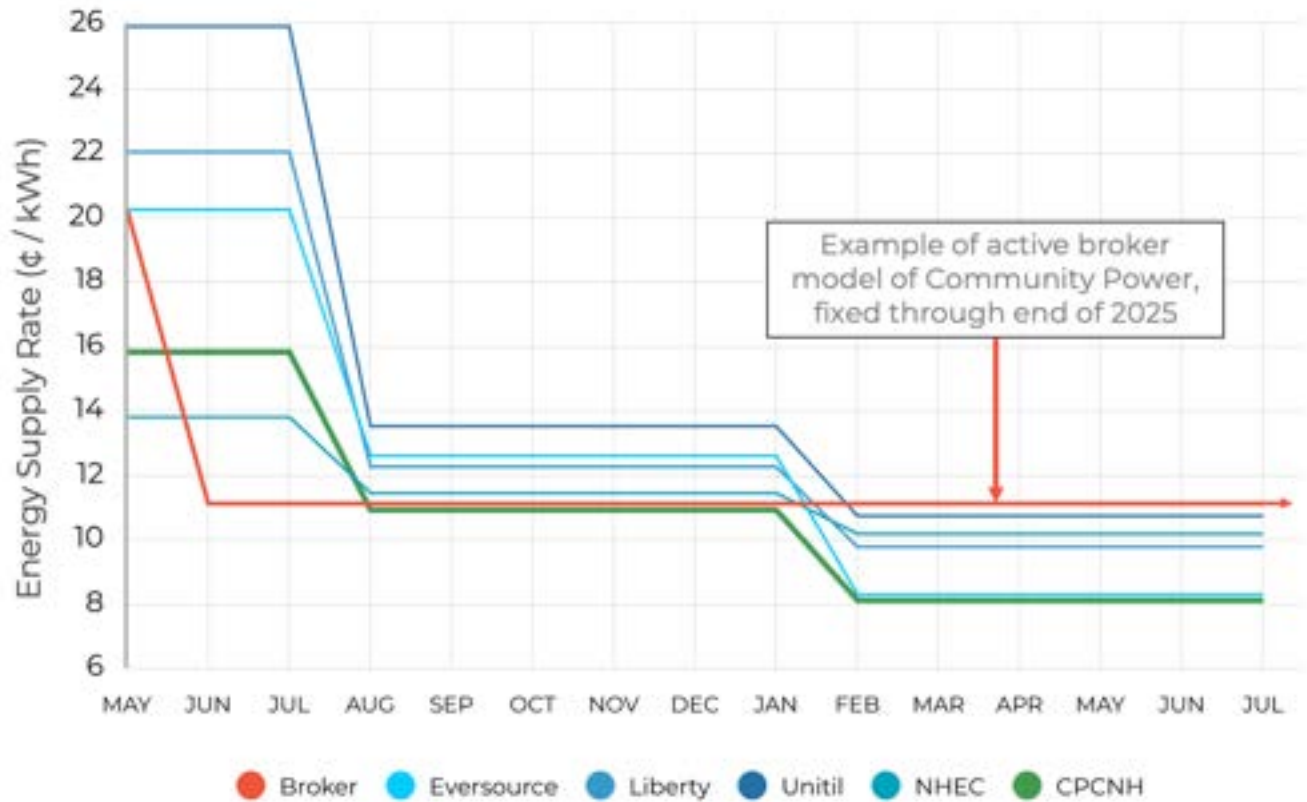
Granite Basic offers a 24-25% savings off of Unitil's rate.

*Load weighted average = 8.1 ¢/kWh

The Coalition continues to offer the lowest residential energy supply rates in New Hampshire and out-compete energy service from investor-owned utilities for three consecutive rate periods.

The present downturn in electricity prices highlights the risk associated with a single multi-year brokered supply contract, which in this case has been undercut by utility rates.

Comparing Utility, Broker, and Coalition Rates Over Time



As market conditions adjust, the Coalition demonstrates several key advantages to competing models from utility- or broker-administered default supply.

- ⚡ The Coalition’s active portfolio management of wholesale power contracts enables the flexibility to respond to changing market conditions.
- ⚡ Our locally controlled and transparent process for setting rates continues to realize savings for customers.
- ⚡ Through our nonprofit structure, net revenues are deposited into financial reserve accounts to ensure long-term stability and benefits for Member communities.

Coalition Member Cities, Towns, and Counties

Community Power Coalition of New Hampshire is a nonprofit power agency established as a governmental instrumentality and formed by over fifty New Hampshire cities, towns, and counties participating as Members. Our rates are set by our Board of Directors which is elected by the Membership.

Canterbury | Dover | Enfield | Exeter | Hanover
Harrisville | Lebanon | Nashua | Peterborough
Plainfield | Portsmouth | Rye | Walpole
Cheshire County (Dublin, Fitzwilliam, Nelson)

Durham | Hudson | New London | Newmarket
Pembroke | Stratham | Warner | Webster | Westmoreland
Cheshire County (Chesterfield, Roxbury, Winchester, Gilsum)
 Atkinson | Barrington | Bethlehem | Boscawen | Campton
 Franconia | Gilford | Hampton Falls | Hopkinton | Lancaster | Loudon
 Lyme | Newport | Tamworth | Somersworth | Wilmot

Berlin | Bradford | Charlestown | Dalton | Grantham
Kensington | Merrimack County | Northfield | Randolph
Shelburne | Springfield | Sugar Hill | Temple

OPERATING SINCE

Spring 2023 ■
 Fall 2023 ■

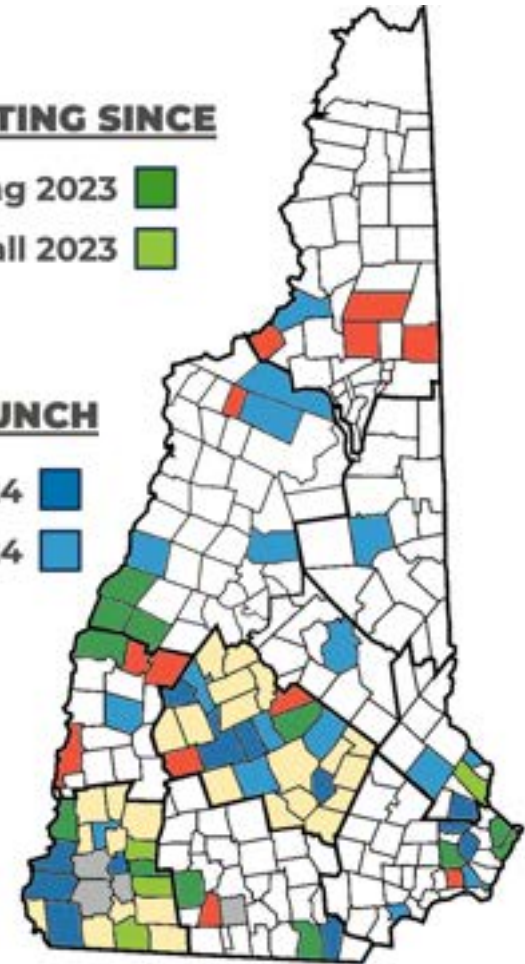
TARGET LAUNCH

March 2024 ■
 ~June 2024 ■

ON DECK

Planning ■
 County-ready ■

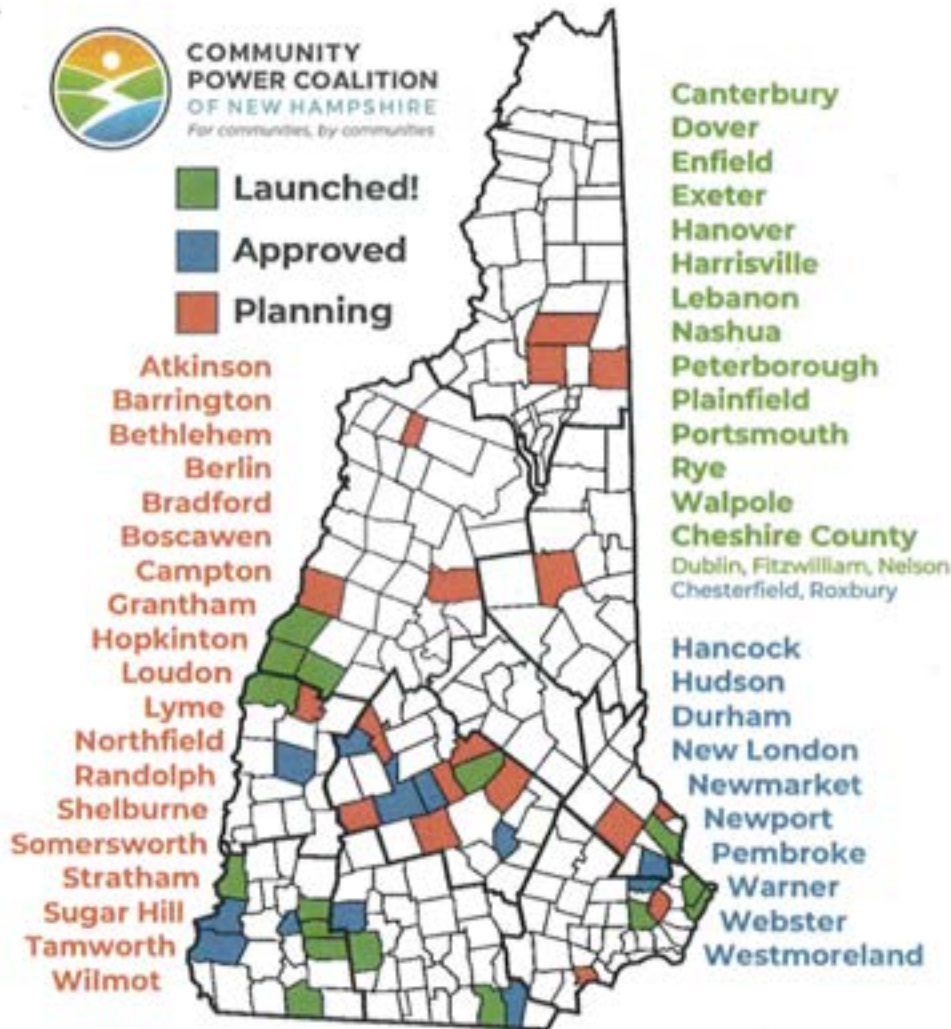
Launched w/ Broker ■



https://www.unionleader.com/news/business/energy/community-power-coalition-rates-to-drop-next-month/article_e2c290fa-aa57-11ee-89f2-b792bacd97cf.html

Community Power Coalition rates to drop next month

By Paul Feely Union Leader Staff
Jan 3, 2024



Cities, towns and one county that are members of the Community Power Coalition of New Hampshire or are planning to join the coalition as of Oct. 31, 2023.

Provided by Community Power Coalition of NH

Community Power Coalition of New Hampshire, a collective of 50 towns, cities and counties in New Hampshire, has announced a 26% drop in the Community Power base electric rate to 8.1 cents per kilowatt-hour (kWh) starting in February.

The new rates will be in effect from February to July.

"The coalition continues to offer the lowest residential energy supply rates in New Hampshire, out-competing energy service from investor-owned utilities for three consecutive rate periods," Community Power Coalition of New Hampshire (CPCNH) said in a release.

CPCNH provides default energy service for more than 120,000 customers in 28 cities and towns through the first half of 2024, with additional communities preparing to bring programs online.

"We are thrilled to once again offer cost-saving options and millions of dollars in savings to our customers," Brian Callnan, CEO of CPCNH, said in a statement. "We continue to strive toward offering greater community control, customer choice and the best electric rate possible for our growing list of member communities."

The coalition offers customers the choice of 100%, 50%, and 33% renewable power at rates comparable to the Unitil, Eversource and Liberty base rates. The towns of Hanover, Peterborough, and Plainfield are continuing to offer 33% renewable power as their default option.

Twelve more "Wave 2" communities are on track to become fully enrolled in March, making the coalition the second-largest electrical supplier in New Hampshire.

* One of those "Wave 2" communities is Durham, a founding member of CPCNH. ←

"After three years of careful study and development by our Energy Committee, we're very excited to be moving to launch Durham Community Power for the benefit of our residents and businesses," Durham Town Administrator Todd Selig said in a statement. "In this cycle we will provide a savings over Eversource standard rates. In future cycles, we are hopeful to be able to also provide a higher percentage of green renewable energy mix as a default over Eversource, but that will be price dependent."

The week of Jan. 22, customer enrollment letters will be sent out in "Wave 2" communities. A public information session for Durham residents has been scheduled for 7 p.m. Jan. 30 in the Town Council Chambers at Durham Town Hall.

Community power programs enable municipalities to purchase electricity on behalf of their residents rather than rely on the state-regulated utilities — such as Eversource, Unitil and Liberty — to provide power and set rates. Community power programs can offer lower rates because they have more flexibility in buying electricity than the regulated utilities.

CPCNH is a not-for-profit partnership that currently includes more than 50 cities and towns and one county. Of these, 16 municipalities already launched their community power

programs and are providing lower electricity rates to residents and businesses. They include Nashua, Lebanon, Peterborough, Hanover, Portsmouth, Exeter and Rye.

The 16 communities serve about 80,000 customers, with that number expected to grow considerably in 2024 when "Wave 2" municipalities come online.

The coalition model eliminates the broker, who serves as the middleman between the municipality and the private energy supplier, and buys power directly from the wholesale market.

Paul Feely



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AGENDA ITEM: **#11A** TS

DATE: January 8, 2024

COUNCIL COMMUNICATION

INITIATED BY: David F. Emanuel, Fire Chief

AGENDA ITEM: PUBLIC HEARING AND ACTION 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 Kimtek 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.

At its meeting on December 4, 2023, the Town Council scheduled a Public Hearing on this item for its meeting on Monday, January 8, 2024. A public hearing notice was published in *Foster's Daily Democrat* on Friday, December 22, 2023 and notices were 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 #1

The Durham Town Council does hereby OPEN the Public Hearing 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.

MOTION #2

The Durham Town Council does hereby CLOSE the Public Hearing 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.

MOTION #3

The Durham Town Council does hereby ADOPT 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

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 8th day of January, 2024 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



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AGENDA ITEM: **#11B TS**

DATE: **January 8, 2024**

COUNCIL COMMUNICATION

INITIATED BY: Karen Edwards, Administrative Assistant

AGENDA ITEM: PUBLIC HEARING AND ACTION ON ORDINANCE #2023-08,
MINOR UPDATES TO THE TOWN CODE.

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 could not be held on Monday, December 18, due to the fact that the Council cancelled that meeting. Therefore, at its meeting on December 4, 2023, the Town Council scheduled a Public Hearing on this item for its meeting on Monday, January 8, 2024. A Public Hearing notice was published in *Foster's/Seacoast Online* on Friday, December 22, 2023. The notice was also posted on the outside bulletin board at the Town Hall, as well as at the Durham Public Library and Department of Public Works.

LEGAL AUTHORITY:

N/A

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION #1

The Durham Town Council does hereby OPEN the Public Hearing for Ordinance #2023-08, Minor Updates to the Town Code.

MOTION #2

The Durham Town Council does hereby CLOSE the Public Hearing for Ordinance #2023-08, Minor Updates to the Town Code.

MOTION #3

The Durham Town Council does hereby ADOPT Ordinance #2023-08, Minor Updates to the Town Code.

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

WHEREAS, at its meeting on November 20, 2023, the Town Council moved this ordinance on First Reading and scheduled a Public Hearing for its meeting on Monday, January 8, 2024. A Public Hearing notice was published in the *Foster's/Seacoast Online* on Friday, December 22, 2023. The notice was also posted on the outside bulletin board at the Town Hall, as well as at the Durham Public Library and Department of Public Works.

NOW, THEREFORE BE IT RESOLVED that the Durham Town Council, the governing 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.
 - l. 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 ~~threeone~~-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 January 8, 2024 by ___ 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: #12 TS
DATE: January 8, 2024

COUNCIL COMMUNICATION

INITIATED BY: Durham Town Council

AGENDA ITEM: APPROVE THE TOWN COUNCIL MEETING MINUTES FOR NOVEMBER 21, 2022 & NOVEMBER 20, 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 21, 2022 and November 20, 2023. It was recently discovered that the November 21, 2022 minutes had not been done as there had been some issues with the previous minute taker during that time period. That minute taker was let go prior to Jennie Berry's retirement and subsequent move to Council minute taker. Jennie has now done the November 21, 2022 minutes.

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 21, 2022 (as presented/as amended)

MOTION #2:

The Durham Town Council does hereby approve the Town Council meeting minutes for November 20, 2023 (as presented/as amended).



TOWN OF DURHAM

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

AGENDA ITEM: **# 14A**

DATE: January 8, 2024

COUNCIL COMMUNICATION

INITIATED BY: Todd Selig, Administrator

AGENDA ITEM: ADMINISTRATOR'S PROGRESS REPORT, AS OF DECEMBER 31, 2023, ON THE LIST OF APPROVED 2023/24 TOWN COUNCIL GOALS ADOPTED ON MAY 15, 2023

CC PREPARED BY: Karen Edwards, Administrative Assistant

CC PRESENTED BY: Todd Selig, Administrator

AGENDA DESCRIPTION:

On Monday, May 15, 2023, the Council adopted its goals for 2023/24. In order to measure the progress of the goals adopted by Council, the Administrator believes it is important to provide the Council with periodic status reports.

Attached for the Council's information is an updated progress report prepared by the Administrator which outlines the status of each of the goals as of December 31, 2023.

LEGAL AUTHORITY:

N/A

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

No formal action is required. Receive progress report of the 2023/24 Town Council goals updated by the Administrator as of December 31, 2023, and provide direction, if needed.



TOWN OF DURHAM
8 Newmarket Road
Durham, NH 03824-2898
603.868.5571
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2023-2024 Town Council Goals *
(Approved May 15, 2023)
Progress Report as of December 31, 2023

Mission

To provide ongoing stewardship for the Durham community including effective and efficient municipal services.

Core Values

Excellence, Integrity, Justice, Resilience, Respect, Transparency

Goals

Note: These goals are intended to convey a **1- to 5-year** time horizon and assume but do not list all baseline activities.

1. Facilitate continued optimal functioning of Town government through continuous improvement, new efficiencies, waste reduction, and inter-agency collaboration.

- a. Take steps as necessary to ensure Durham's IT infrastructure remains secure from cybersecurity threats, technology obsolescence, and other challenges. [IT, Business Office, Administration]

IT: Pre-plan meetings started with JumpCloud Engineering team. Plan started on teamwork.com with an 11-phase approach to final. SLCGP has shipped 200 Yubikey devices on-route to Durham. **Next Steps:** Continue progress on JumpCloud implementation schedule. Consider MFA options now that keys are inbound.

Admin: IT has pursued several grants to help support this work; to date NH has not had sufficient funding but indicates Durham may have a good chance as part of the next round.

- b. Research whether consistent municipal financial & permitting software across all departments is possible. [Business Office, PZA Office, Fire, Public Works]

DPW: No additional progress for this quarter.

Fire: The fire department is in the process of migrating reporting and permitting software platforms at the time of this report. **Next Steps:** Continue to work with vendor to explore and/or develop the interface.

Business Office: Budgeting Module Software package included as part of 2024 CIP.

- c. Evaluate updating procurement guidelines to determine whether increasing purchasing thresholds due to inflation & establishing exceptions for restoration/repairs of important historic properties to ensure proper historical workmanship would be appropriate. [Business Office, DPW]

Business & Admin: Continuing to review and establish new limits. Likely to recommend updating to reflect CPI changes since the last adoption.

DPW: Business office reviewing proposal and will make recommendations.

d. Complete update to the Fire Department's strategic plan by end of 2023. [Fire]

Fire: The Fire Department's Strategic Plan was completed on December 28, 2023 and has been posted on the department's website. Complete!

e. Complete facility improvements at Fire Department within newly occupied space by end of 2023. [Fire/UNH]

Fire: The fire chief continues to work with UNH facilities to achieve inspections and approvals. **Next Steps:** In process. Obtain occupancy permit for decon room. Demolish legacy laundry area and install SCBA compressor. Install interior and exterior sign packages. Follow up on emergency power for administrative suite.

f. Although unsuccessful in 2022, pursue Federal FEMA Assistance to Firefighters Grant in amount of \$515,480 for replacement of 2011 SCBA equipment in 2023/24. [Fire]

Fire: The Town of Durham was not selected to proceed with the FEMA grant award process for 2022 or 2023. This is disappointing despite the good work of staff at the department. **Next Steps:** Identify next round of grant applications for future opportunities.

g. Evaluate potential opportunities for shared municipal services with surrounding communities and external entities as opportunities arise. [All Depts./Committees]

IT: Have heard nothing back on MCDP or Rochester. **Next Steps:** Follow-up with Andy and perhaps offer to host a MCDP joint class.

Fire: Awaiting MRI report results from Madbury.

DPW: Working with UNH Engineering Department to identify summer interns for stormwater, water, and wastewater projects. **Next Steps:** interviewed a candidate for possible hire during summer to support stormwater and water programs. Decision Pending.

h. Completion of Land and Mobile Radio upgrade for public safety services [12/31/23] and emergency generator installation project for Durham's critical infrastructure [6/30/24]. [IT, Police, Fire, DPW, Administration]

IT: System Acceptance signed. Housekeeping items and TVSS items still need to be closed out. Project functionally complete. Still working on event monitoring and site specific installs. **Next Steps:** Close out remaining items and sign final acceptance.

Fire: Land Mobile Radio (LMR) project has been completed and accepted.

DPW: Project Nearing Substantial completion for Police and Fire.

Police: Nearly complete.

Admin: This has been an all-hands-on-deck effort and we are almost at the finish line. Must find a way to address outdated DPW radios that do not meet standards for new system. 2-Way Radio is evaluating. Great work all around!

i. Ongoing compliance with Commission on Accreditation for Law Enforcement Agencies (CALEA) at Durham Police Department in preparation for 2025 reaccreditation process. [Police]

Police: In process for 2024 compliance review. All staff members are providing proofs to Captain and Administrative Assistants.

j. Complete Comcast/Xfinity cable franchise renewal process. [IT/DCAT/Administration]

IT: Dated Breezeline commitments connecting the DCAT control room with the DPW facility on Stone Quarry Drive are at long last being implemented after intervention by Admin. Selig and the Town's attorney in November 2023.

Admin: Comcast/Xfinity cable franchise negotiations are ongoing. The Town's ascertainment period has been held, compliance survey completed, and following a delay due to some longtime Comcast staff turnover, our attorney, Kate Miller at DTC Lawyers, is working to consolidate the existing franchise & amendments into an updated format to begin to discuss with Comcast. The existing franchise extends to June 2025 so there is plenty of time to work through what is always a very slow and relatively unsatisfying (though important!) process.

k. Ensure optimal working environment for staff members. [Administration/Business Office]

Admin: Completed. Evaluating through collective bargaining process whether modifications are needed within contracts across divisions to attract and retain the modern workforce. Has included a re-visit of vacation accruals based on length of service, reimbursement for bona-fide educational expenses toward advanced degrees or certifications, wages, etc. **Next steps:** Completed collective bargaining including negotiations, tentative agreements, and ratification votes for both Durham Professional Municipal Management Association (6/23) and AFSCME Public Works (3/23). **Note:** We will commence bargaining with the Durham Police Officers Association in 2024 to work toward a successor bargaining agreement there. In addition, the firefighters have flagged a concern regarding wage scales there due to fairly dramatic changes within the labor market in this unusual period of high inflation and a tightening demand amongst municipalities for public safety positions.

l. Annual orientation for new Town Councilors [Administration – Completed 4/3/23]

Admin: Completed 4/3/23.

m. Annual orientation for new board/committee officers in fall 2023 (if needed) [Administration]

Admin: Completed. Determined not needed as most officers are continuing from last year. To the extent useful, will provide one-on-one guidance to new chairpersons.

n. Annual forum on Right-to-Know Law for committee members and Durham community scheduled for May 25, 2023. [Administration]

Admin: Completed - May 25, 2023.

o. Replacement of 2011 aerial bucket truck totaling \$135,000 in 2023. [DPW]

DPW: In the process of bidding now (Winter 2023/24) that dealers have updated pricing - pricing was not available in 2023 when DPW initially attempted to bid.

p. Replacement of 1998 Landini sidewalk snow tractor totaling \$195,000 in 2023. [DPW]

DPW: Purchase and Delivery of New Prinoth Complete - Unit now ready for service. **Next Steps:** Install of New Radio in unit.

q. Replacement of 2008 International combination vacuum/jet rodder truck totaling \$520,000 in 2023. [DPW]

DPW: Purchase and Delivery of New Vactor Complete - Unit now ready for service. **Next Steps:** Install of New Radio in unit.

2. Conduct planning and take steps as necessary to protect public health and safety and provide ongoing service continuity given the anticipated impacts of climate change, the post-pandemic era, and general operational challenges.

- a. Continue to monitor and evaluate the reliability, capacity, and functionality of public water, wastewater, and stormwater services, and move ahead with associated capital initiatives as appropriate and work with the EPA and NHDES on swift enforcement for any violations that impact Durham/UNH infrastructure or resources. [DPW/Administration]

DPW: Ross Road Wetland Permit comments from NHDES received. Submitting responses to comments prior to 1/15/24 Littlehale culvert award to Severino complete - project scheduled to begin in February/March subject to weather. Bennett Road Culvert Phase 2 Pending Award to CMA with RFQ under development for full design of improvements. Madbury Road Phase 1 utility reconstruction (water and sewer) planned for bidding in early 2024 with construction scheduled for spring/summer 2024. Roadway, Drainage, traffic calming and streetscape Main Street to Garrison bid early 2024 for summer construction.

- b. Make changes to land use and other regulations as necessary to ensure local resilience associated with climate change in accordance with the recommendations of the Climate Action Plan. [Planning Board, Energy Committee, Conservation Commission, Ag. Commission, Council, Administration]

Admin: Complete. Evaluation of wetland conservation overlay district changes completed by DCC and adopted by Council in June 2023. 2022 Multi-Hazard Mitigation Plan still under review by FEMA (as are all NH plans) as of December 31, 2023. We don't expect any changes.

- c. Adopt the draft Climate Adaptation Chapter as an Administrative document if not adopted as part of the Master Plan by end of 2023. [Planning Board/Administration]

Planning: Complete. Adoption by the Planning Board on June 14, 2023.

- d. As time allows, evaluate the cost/benefit of buying out the 2016 Power Purchase Agreement (PPA) relative to the 640 kW Oyster River Solar Array located at the Town's Packers Falls Road gravel pit. Estimated purchase price is \$850,000. [Energy Committee/Administration]

Admin: In November the Energy Committee met with the COO of Clean Capital, which owns the array. We will continue to study whether a buyout makes sense but a working group including Mr. Selig, Councilor Joe Friedman, and Energy Committee Chair Matthias Dean Caprentier are currently working on the premise that it does not make sense for Durham to pursue a buyout further. However, we await an analysis from Clean Capital. **Note:** We plan to work with Clean Capital on whether they would have an interest in other renewable energy partnerships with Durham.

- e. Continue developing plans and commencing work for the rehabilitation of both the Old Town Hall/Courthouse and the Bickford-Chesley House at Wagon Hill Farm (new roof in 2023). [DPW, Working Group, Administration]

DPW: Awarded LCHIP grant for Bickford Chesley House Historic Rehabilitation Phase 1. **Next Steps:** Project Team Coordination Meeting scheduled for 1/5/2024.

- f. Complete annual \$490,000 road resurfacing program (with an additional \$131,250 funded by UNH for University roadways) and \$84,500 sidewalk program focusing on Emerson Road, Durham Point Road, DPW Facility lot, Misc. locations during 2023 paving season. The 2023 sidewalk program focuses on the southern side of Main Street from approx. Smith Park Lane to Mill Pond Road including ADA tip downs, relocation of crosswalk in front of Town Hall, etc. [DPW, Historic District/Heritage Commission, Planning, Administration, Council]

DPW: FY 2023 Road Program substantially complete - Final course paving on Emerson Road planned for spring 2024. Planning for 2024 Road Program underway. Coordinated geotech, survey and design work for Dennison Road as part of 2024 Road Program. **Next Steps:** Scheduled Kick off meeting for Dennison Design and follow up with Sprucewoods to determine if they are moving forward with paving of private roads using advantageous pricing from Durham.

3. Pursue long-term economic strength and resiliency, anticipating the community's, the region's, and the nation's economic characteristics and opportunities.

- a. Task the Administrator with meeting the following: a) Holding the updated (post-revaluation) municipal tax rate at the 2023 level or less. b) Continue to make an effort to control spending, enhance revenues, broaden the tax base, and explore innovative ways to stabilize or reduce the municipal tax rate. [Note, this item is part and parcel of adopted Council goal.]

Admin: The FY 2024 proposed General Fund budget, which was unanimously approved unchanged by the Town Council on December 4th, is projected to maintain the 2024 municipal portion of the tax rate with a 0% increase. The budget was consistent with Council goals.

- b. Work to secure meaningful external grant funding opportunities and successfully manage a rigorous web of required Federal, state, and third party financial and programmatic reporting.

Admin: Underway across all departments as opportunities present themselves. To date, we have been very successful in this area.

- c. Support as appropriate the efforts of local businesses, the Durham Business Association, and Celebrate Durham as they plan and host events and activities intended to maintain and enhance a vibrant downtown Durham. [Administration/Parks & Rec. Dept./DPW]

DPW: Coordinate with other Department as needed and provide support in redevelopment technical evaluations.

Admin: We continue to be on the lookout for opportunities for the Town to support local groups and organizations that are themselves providing programming that helps to support the Town's overall mission. Our DPD POP Officer meets with the Durham Landlords Association monthly. The Durham Business Association has not been active over the last year.

- d. Continue planning for the re-development of 66 Main Street beginning in spring 2024 or as circumstances dictate and consider adding the Town's Pettee Brook Parking Areas to the project. [Administration/Planning]

Planning: We hope to bring this project up for active consideration in the next year or so. There was a consensus to place it on hold for the time being when the parties met in spring 2023 to discuss next steps.

Admin: We will revisit once both the UNH and Durham housing studies are complete, likely in 2024, dependent upon the Housing Task Force process.

- e. Consider working with the General Services Administration for the possible redevelopment of U.S. Government properties in Durham. [Administration/Planning/Council]

Planning: Town Planner recommends removing this item. From a planning perspective, he believes the Town would not want the Post Office to move nor to have the site redeveloped, even with the Post Office. It is a good, historic building worthy of preservation. The Town Planner met with the Postmaster recently. The Postmaster indicated there are no plans to make changes at the site. There is likely not an opportunity in the near future to add a building at the rear as long as the delivery trucks use the back area. If the delivery trucks move then the Post Office would then likely move as well, which would not be good for Durham.

- f. Continue to work toward understanding, defining, and addressing downtown parking challenges in the post-Covid era to support local businesses, the diversification of downtown housing opportunities, and the expansion of the tax base. [Administration, Police, Code Office, Council, Planning Board]

Police: First phase of kiosk replacement is complete. Funding for the remaining kiosks has been approved by the Town Council and will be ordered early 2024. We implemented the pay and display system in summer/fall 2023, which appears to be working well. We also have pilot programs on Dennison Road and Garrison Avenue.

Planning: It would be helpful for staff to get together to discuss this matter further, including investigating suggestions made by one business owner.

- g. Complete the 2023 full revaluation of the Town of Durham including public engagement, mailings, and the abatement process as necessary. [Assessing Department]

Assessing: 2023 Full revaluation has been completed and the USPAP report regarding the revaluation was determined to be compliant by the NH Department of Revenue Administration. Let the abatement process begin!

- h. Navigate planned retirement transition of Assessor position scheduled to occur in early 2024. [Assessing/Administration]

Admin: A hiring process was held in late-2023 to fill the Assessor position at the end of February 2024 upon the planned retirement of our long-time assessor, Jim Rice. A qualified candidate has been secured and provided an employment office to begin service with us in mid-January 2024.

4. Pursue long-term environmental sustainability and resiliency, taking into account existing and predicted impacts of climate change in multiple areas including drinking water, agriculture, food, society, transportation, ecology, and economy.

- a. Take steps that reflect the implementation and, when appropriate, revisions to Durham's Climate Action Plan (CAP) toward a reduction in GHG emissions of 2019 levels by 42.8% by 2030, and achieving zero emissions by 2050. [Energy Committee/Administration/UNH Sustainability Fellow]

Admin: The Town will report on progress and update the action strategies every two years. Our UNH Sustainability Fellow is now reviewing progress toward goals within Durham's adopted 2022 Climate Action Plan. This will also be a work item for our 2024/25 Sustainability Fellow in terms of developing a new plan for the next cycle beyond 2024. The process for hiring Durham's next UNH Sustainability Fellow will commence within the next two months.

- b. Evaluate whether Durham’s commitment to the Global Covenant of Mayors for Climate and Energy (GCoM) has been effective and whether that commitment going forward is the best framework for achieving Durham’s CO2 reduction goals. [Energy Committee/Administration/UNH Sustainability Fellow]

Admin: Durham’s UNH Sustainability Fellow is working on this and we believe the effort is manageable and is a workable add-on to the work of future fellows.

- c. Work with the Town Clerk, Town Assessor, Code Officer, and Admin. Asst. to Administrator to implement a method for tracking EV adoption and building electrification in Durham and create a plan for promoting and educating residents on both. [Administration/Energy Committee]

Admin: Complete. Town Clerk and Admin. Office have set up a mechanism to track number of EV/Hybrid vehicles registered in Durham, as well as building permits issued for efficiency/weatherization/electrification work at private properties.

- d. Complete an updated greenhouse gas inventory using previous modeling methodologies and evaluate the feasibility of using a consumption-based model for the inventory by May 2024. [UNH Sustainability Fellow]

Admin: In 2023, our UNH Sustainability Fellow has been updating a Greenhouse Gas Inventory for Durham utilizing 2021 and 2022 data. In addition, some data sets from 2019 are being revised to ensure consistency across the years.

- e. Monitor and continue evaluating opportunities to move forward with Durham Community Power with the goal that the default rate is less than Eversource and the renewable content is greater. [Administration/Energy Committee]

Admin: The Energy Committee and staff have made numerous strides in our local sustainability efforts, in particular shepherding an initiative for the Town to join the Community Power Coalition of New Hampshire (CPCNH) to work toward providing wider accessibility of green energy for our community’s residential and business electric utility customers, at a price equal to or less than Eversource, and working to assist Durham residents and business owners make the built environment more energy efficient, thereby reducing overall emissions. **Next Steps:** As part of this work we are right now poised to launch Durham Community Power, offered through CPCNH, in February/March 2024. Special thanks to Steve Holmgren for his work on this endeavor as Durham’s primary representative to CPCNH.

- f. Support efforts of the Integrated Waste Management Advisory Committee, Agricultural Commission, and Public Works to reduce municipal solid waste landfill use through a volume-based approach and increase composting. [DPW/Integrated Waste Management Advisory Committee]

DPW: Automated collection and Transfer Station upgrades included in 2024 CIP. Coordination of Procurement underway. Meeting with various vendors including EV vehicle and charging providers to evaluate incorporation of EV solid waste trucks into fleet. **Next Steps:** Evaluate equipment and develop procurement documents. Develop CC for acceptance and expenditure of DERA grant as required for up to 2 EV truck purchases. Continuing to evaluate efficacy of procuring two EV trash trucks and related necessary infrastructure (correctly sized power conduits at the sites, chargers, backup power during power outages, etc. to ensure they can handle the entire Town on a reliable bases with this relatively new all-electric technology.

Admin: Upon the recommendation of the IWMAC, the Town Council approved the elimination of the annual spring curbside bulky waste pickup commencing in 2024.

- g. Complete the regulatory requirements for dam removal, secure grant funding and finalize the Mill Pond dam removal plan and river restoration design, including the possibility of adding a fish ladder to the upstream UNH dam, such that permitting and contractor bids can be secured in 2024. [DPW/Administration]

DPW: Project Design and permitting continues. **Next Steps:** Regulatory Meeting Planned for 1/11/24 to discuss permitting submittal requirements. The Section 106 historic mitigation process continues.

- h. Move forward with Phases II and III of the Wagon Hill Farm Shoreline Restoration project. [DPW, UNH, NHDES Coastal Program, Administration]

DPW: Notified by NFWF that the Town was successful in its grant application and will receive \$1.9 Million in grant funds for Phase 2 restoration. Currently working with NFWF to finalize grant materials and will develop Grant agreement and CC for acceptance. **Next Steps:** Develop RFQ for bidding and construction period services for TC award approval. Bid construction and award for 2024 construction start.

- i. Work with City of Portsmouth to mitigate impacts to Wagon Hill Farm as part of waterline replacement project under Little Bay. [DPW/Administration]

DPW: Portsmouth pursuing 2-phase approach to include immediate contract for construction of insertion valves. Will require access agreement for construction activities. **Next Steps:** Review and Admin. Selig signoff of access agreement - ongoing monitoring and feedback to Portsmouth Water during construction.

- j. Support local and regional efforts to promote and improve the long-term health of the Great Bay Watershed, including its tributaries and surrounding catchment areas. [DPW/Administration/Conservation Commission/Planning Board/Council]

DPW: Major Component Rehab and Replacement Project at WWTP is advertised for bid with Bid Opening planned for 1/11/24. **Next Steps:** Review Bids and Develop CC for contract award by TC. Construction planned for 2024 and 2025 calendar years.

- k. Continue to support the proactive stewardship of Town-owned lands and other lands in Durham held in conservation or under easement with nonprofit organizations while improving appropriate and sustainable public access and use of those lands. [Land Stewardship Subcommittee, Land Stewardship Coordinator, DPW, Administration]

DPW: Worked with UNH Proves, Liberty Mutual, service palooza and other groups over the summer to improve town lands. **Next Steps:** Ongoing coordination.

Admin: The Lands Stewardship Coordinator is doing yeoman work in this area in conjunction with the Land Stewardship Subcommittee.

- l. In 2023, review and possibly update renewable energy exemptions now available to property owners under NH laws in order to support community transition to renewable energy alternatives versus fossil fuels. [Assessing Office/Energy Committee/Administration]

Assessing: No new changes. We appear to be up to date.

- m. Support and preserve a potential and/or working landscape of farms, gardens, and forests. [Agricultural Commission, Land Stewardship Subcommittee, Conservation Commission]

Admin: The Land Stewardship Subcommittee, our part-time Land Stewardship Coordinator, DPW, and the Administrator are working diligently to ensure the sustainable management of lands under the Town's control/oversight.

5. Pursue long-term social resiliency and quality of life in Durham intended to strengthen the community in a welcoming and inclusive manner by supporting the needs of residents, families, and other identified stakeholders by offering a wide array of active and passive parks & recreation and library opportunities, programming, events, facilities, and publicly facing educational information celebrating the rich tapestry of Durham history.

- a. Continue to work to preserve the health and vitality of Durham’s neighborhoods by addressing noise, trash, and zoning violations. [Code Office, Police, DPW, Planning Board, Administration, Council]

DPW: Continue to work with code enforcement and develop outreach program for new solid waste initiatives including working with IWMAC on alternative bulky waste program with elimination of curbside bulky waste collection program.

Planning: Nothing new for Planning.

Police: The department continues to meet monthly with Durham Landlords. We also meet in person with occupants of apartments and neighborhood rentals after a noise or disturbance call. We continue to send notification emails or letters to property owners whose tenants were involved in noise violations or disorderly behavior. **Note:** Long-time (Problem Oriented Policing) POP Officer Emily Festa has taken on a detective assignment at DPW. Erik Burke will take on the POP role beginning in January 2024.

- b. Work with the NH Division of Historic Resources to develop updated wording on the State Historic Marker commemorating the July 18, 1694 attack on the Oyster River settlement by Native American forces under French command during King William’s War consistent with the above stated goal. [Durham Historic Association, Historic District/Heritage Commission, Human Rights Commission, Administration, Council]

Admin: Ongoing discussion by the HDC/HC and to a lesser extent the Human Rights Commission. The Durham Historic Association is also an active party as part of these discussions as is the NH Commission for Native American Affairs. The HDC/HC has organized a forum to try to find a solution to this issue in conjunction with the NH Division of Historic Resources. The first scheduled session of three will be held on January 18th.

Planning: The Historic District Commission is hosting three roundtable discussions in January, February, and March 2024 about the Oyster River Massacre sign and related issues.

- c. Support efforts to investigate opportunities, challenges, and options to ensure the availability of a full range of housing types in Durham. [Housing Task Force, Energy Committee, Human Rights Commission, Conservation Commission, Agricultural Commission]

Planning: Durham’s Housing Task Force is very actively working on this issue. In the next year or so, after surveys, forums, and review of the housing assessment we hope to have a range of proposed zoning amendments to present.

- d. Support ongoing improvement of pedestrian and bicycle connectivity and access to public transportation. [Administration, UNH, DPW, Planning]

Planning: This goal informs much of what we do including the work of the Traffic Safety Committee. The Madbury Road project is the big project now.

DPW: Phase 1 Pedestrian and crosswalk safety study with UNH presented to Traffic Safety Committee with findings and recommendations from Tighe and Bond Engineers. Incorporated improvements into FY24 CIP with 4 RRFB’s for Town installation and traffic calming improvements for Madbury Road. **Next**

Steps: Development of Bid Document for RRFB installations and Madbury Road Project. Continue to work with Tighe and Bond and UNH to complete Phase 2 study.

- e. Move forward with multi-phased Madbury Road Complete Streets and water/sewer initiative over the next four to five years. [DPW, Administration, Council]

DPW: FY 24 funding approved in CIP. Design continuing to be advanced for phase 1 water and sewer and roadway improvements in 2024. **Next Steps:** Finalize design, permitting and bid documents for recommendation of award to CC.

- f. Support initiatives that welcome diversity, equity, and inclusion within our community. [All]

Fire: Department-wide training with a focus on developing an organizational safety culture is in process.

IT: Moving ahead with Castus hardware and service purchase to add closed captioning to DCAT broadcasts/recordings. Install date TBD in the near future. **Next Steps:** Lock down a date for install. Implement storage upgrades A.S.A.P.

Planning: The Historic District Commission is hosting three roundtable discussions in January, February, and March 2024 about the Oyster River Massacre sign and related issues.

- g. Edit Town forms to include a nonbinary option by the end of 2023. [Business Office/Administration]

Business: Ongoing - Forms revised as they are used.

- h. Update 2003 General Public Assistance/Welfare Regulations for readoption in 2023. [Business Office]

Business: Completed.

- i. Update Elderly Exemptions qualification thresholds for income and assets (last updated around 2017) to coincide with 2023 revaluation. [Assessing]

Assessing: Complete. Council approved revisions to elderly, blind and disabled income, asset and exemption limits on 9/11/2023.

6. Continue cooperative and collaborative efforts with UNH to enhance mutual intellectual, cultural, environmental, social, and economic benefits associated with hosting New Hampshire's flagship state university.

- a. Work collaboratively with UNH to develop The Edge at West End in ways that support both Town and Gown. [Planning/Administration/Council]

Planning: Staff coordinates closely with Ken Weston, UNH Campus Architect. We hope to initiate the PUD amendment soon.

Admin: Representatives from Durham are participating as part of the ongoing UNH Master Plan update there.

7. Leverage town committees and subcommittees to develop tactical plans to align with the broader goals of the Council and encourage them to collaborate with each other and communicate as necessary with the community at large.

- a. Town committees are encouraged to outline 3-5 goals with the Council & Administrator that support initiatives outlined herein as well as plans for working to achieve them.

Admin: Work being undertaken by the various boards/committees of the Town.

** Note that the order of the goals does not imply priority.*



TOWN OF DURHAM

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AGENDA ITEM: **#14B** TS

DATE: January 8, 2024

COUNCIL COMMUNICATION

INITIATED BY: Durham Town Council

AGENDA ITEM: BEGIN THE ADMINISTRATOR'S ANNUAL PERFORMANCE EVALUATION PROCESS FOR 2023 IN ACCORDANCE WITH THE EMPLOYMENT AGREEMENT BETWEEN THE ADMINISTRATOR AND THE TOWN OF DURHAM

CC PREPARED BY: Todd I. Selig, Administrator

PRESENTED BY: Todd I. Selig, Administrator

AGENDA DESCRIPTION:

Pursuant to Section 17 of Administrator Selig's Employment Agreement dated April 3, 2017 (**attached**) [*which was specifically requested to be included in the Employment Agreement by Mr. Selig*] with the Town:

"Commencing in April of 2017, and each succeeding April thereafter, the Town Council and Selig shall mutually establish goals and objectives [*these are the approved 2023/2024 Town Council goals*] which they deem necessary and appropriate for the proper management of the Town during the succeeding twelve (12) months. Such goals and objectives shall be committed to writing and formally adopted by the Town Council. . . Commencing in January 2018, and for each January thereafter, the Town Council shall review/evaluate Selig's performance in accord with the criteria provided to Selig by the Town the preceding April. The Town Council shall provide Selig with a written summary of this Annual Performance Evaluation and shall provide Selig with an opportunity to discuss this evaluation with the Town Council."

Over each of the last many years of Mr. Selig's service, the Council has utilized varying approaches to fulfilling this contractual requirement. In 2012 the Council began utilizing a one-page evaluation form/matrix (**attached**) outlining key elements of importance and ranking the administrator's performance (on a scale of 1 to 5) for each

of these elements, which included five categories: Ability to maintain or improve strong relationships, Financial oversight, Leadership, Initiative, and Other. Rankings included: 5=Excellent, 4=Very Good, 3=Good, 2=Acceptable, 1=Unacceptable.

Unless during its discussion on Monday evening the Council decides to use another evaluation process, Administrator Selig recommends using the same format as last year with the objective being to develop a consensus of the Council regarding the performance of the Administrator over the course of the previous year and to offer collective guidance (one voice to the extent possible) for the upcoming year.

Using this process, Council members will be provided with the matrix via email in Microsoft Word format by January 9, 2024. Councilors will then have until **Wednesday, January 17th** to return their responses electronically to Council Chair Sally Needell. Chair Needell will then compile the responses for distribution to Councilors electronically in advance of the February 5th Council meeting at which time the Council and Mr. Selig will discuss the results.

Attached for the Council's information is a **timeline** developed initially by Councilor Wayne Burton and approved by the Council in 2014, which illustrates the process that will be followed throughout the year relating to Administrator Selig's annual evaluation. Also **attached is a "year-end wrap up"** prepared by Mr. Selig. A quarterly goal progress report as of December 31, 2023, is included as a separate item in the Council packet.

In accordance with Mr. Selig's Employment Agreement, the term of his employment "*shall be for a period of nine (9) years (except as it may be modified as explained herein) commencing January 1, 2017, and ending December 31, 2025.*" Mr. Selig's compensation is outlined in the Employment Agreement.

LEGAL AUTHORITY:

Article 4 "Administration of Government", Section 4.1 of the Durham Town Charter:
"The chief administrative officer of the town shall be the Town Administrator (hereinafter called the "Administrator"), who shall be a full-time regular employee of the Town. The Council shall appoint a person especially qualified by experience and training, who receives the votes of at least five (5) members of the Council, to be Administrator. The Administrator shall serve at the pleasure of the Council, which will fix the Administrator's salary and terms of employment."

Article 4 "Administration of Government", Section 4.3 of the Durham Town Charter:
"The Administrator may be reprimanded or removed for cause by the affirmative vote of at least six (6) members of the Council as herein provided. At least thirty (30) days before the proposed reprimand or removal of the Administrator, the Council shall adopt a resolution stating its intention to reprimand or remove him, the reasons therefor and an effective date. A copy of the resolution shall be served forthwith on the Administrator, who may, within ten (10) days, demand a public hearing, in which event the

Administrator shall not be reprimanded or removed until such public hearing has been held. Upon or after passage of a resolution of intent to remove, the Council may suspend the Administrator from duty, but his pay shall continue until removal. In case of such suspension, the Council shall, by the affirmative vote of the Council, appoint an Acting Administrator to serve at the pleasure of the Council for not more than ninety (90) days. The action of the Council in removing the Administrator shall be final.”

In addition to the above Charter provision, Section 14 of the Employment Agreement also addresses termination of the Administrator, as follows:

14. Termination.

A. By the Town with Cause. This Agreement may be terminated by the Town for cause, in accord with the provisions of Section 4.3 of the Town Charter, if Selig willfully breaches or habitually neglects the duties to be performed under Paragraph 2 of this Agreement; engages in dishonest conduct; or for the conviction of any crime for which the punishment involves incarceration.

B. In the event Selig's employment is terminated pursuant to subparagraph A, Selig shall be entitled to his base salary compensation earned prior to the date of termination (minus all appropriate federal, state and authorized withholdings), as provided for in Paragraph 4 of this Agreement, computed pro rata up to and including the date of termination, as well as any other benefits to which he may be entitled as a matter of law.

C. By Selig. This Agreement may be terminated by Selig, without cause, by giving eight (8) months' notice to the Town.

D. By the Town without Cause. In the event that this Agreement is terminated by the Town for reasons other than those outlined in subparagraph A above, the Town shall be responsible for the payment to Selig of one (1) full year's base salary (minus all appropriate federal, state and authorized withholdings) plus all benefits (or their monetary equivalent) accrued during that one (1) year period regardless of the length of the remaining term of this Agreement.

Article II, “Administrative Organization”, Section 4-4 of the Administrative Code”:
“The chief administrative officer of the town shall be the Town Administrator (“Administrator”), who shall be appointed by the Council based upon his training and experience. The Administrator shall serve at the pleasure of the Council, who will also establish his compensation and terms of employment.”

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

Begin discussion concerning Administrator Selig’s 2023 annual performance evaluation.

**Town of Durham
Year End Wrap Up for 2023**

Todd Selig, Administrator

12/31/23

2023 was a solid year for the Town of Durham. Town staff, elected, and appointed officials worked hard to address the community's needs and maintain transparency, integrity, respect for one another, a welcoming atmosphere, a high quality of life for residents, outstanding service delivery, and improvement in sustainable practices across the organization. Despite competing pressures, we also managed to maintain the municipality's fiscal position and ensure long-term resilience for the community.

Our Independent Auditor's most recent year-end audit (FY 2022) prepared by Plodzick and Sanderson indicates strong financial health with no adverse findings. In addition, Moody's Investors Services continues to indicate that the credit position for Durham is very high quality. Our Aa2 bond rating is a little stronger than the US cities median of Aa3. The Town's unassigned fund balance of the General Fund has increased to \$6,253,954, which is, at long last, in line with Town goals and best practices. These metrics are all indicative of measured success in realizing the Town's fiscal goals.

The FY 2024 proposed General Fund budget, which was unanimously approved unchanged by the Town Council on December 4 2023, is projected to maintain the 2024 municipal portion of the tax rate with a 0% increase. For comparative purposes, the municipal tax rate had remained at \$7.37 (formerly \$8.48 but adjusted due to 2018 statistical revaluation update) for 2015, 2016, 2017 and 2018. The budget was consistent with Council goals. It included the elimination of the annual spring curbside bulky waste pickup commencing in 2024.

The Town Council approved moving forward with Phase I of the Madbury Road Complete Streets Project as part of the FY 2024 CIP, which at full buildout over an anticipated four years, will reconstruct the approximately 8,200 lineal foot Madbury Road corridor, connecting Main Street to Route 4 utilizing a Complete Streets framework. Complete Streets is an approach to planning, designing, building, and maintaining streets that enables safe access for all people who need to use them, including pedestrians, bicyclists, motorists, and transit riders (think Wildcat Transit) of all ages and abilities. The Town was successful in obtaining substantial American Rescue Plan Act (ARPA) funding totaling over \$608,000 to address culvert and drainage improvements associated with the project and continues to pursue external funding for project components, including water

distribution system replacement, sewer collection system rehabilitation, and stormwater system improvements.

The Town Council adopted several notable resolutions in 2023. Resolution #2023-05 recognized resident Craig Seymour for his many years of dedicated community service dating to 1984. Resolution #2023-02 increased the membership of the Human Rights Commission from five to seven. Resolution #2023-09 recognized Administrative Assistant Jennie Berry for her dedicated service upon her retirement after serving 33 years with the Town. Resolution #2023-13 established a policy, proposed by the Trustees of the Trust Funds, for the addition of veterans' names on the memorial at Memorial Park. Resolution #2023-17 recognized June 19th as Juneteenth Independence Day and reaffirmed Durham's opposition to any form of oppression. Resolution #2023-18 culminated a year-long effort to rewrite our public assistance guidelines, replacing an older draft that had been adopted more than twenty years earlier. Resolution #2023-19, recommended by the Conservation Commission, recognized traditional indigenous foraging rights on Town lands.

Durham's weekly "Friday Updates" continue to keep the Town Council and members of the community informed of news and happenings in Durham. Nearly 3,600 individuals subscribe to this weekly publication, which doubles as a part of our local emergency broadcast system. Our goal is to keep residents informed of local affairs so they may become engaged when issues are of interest/importance to them. Durham also continues to utilize its web site, Twitter (now X), and Facebook presence in order to meet the demands of residents' varying preferences for information distribution.

The State requires all real estate within a municipality to be reappraised (revaluated) at least every five years (per RSA 75:8-a) for property tax purposes, so assessments are at their full and true value. To keep in compliance with this law, we contracted with Municipal Resources, Inc. (MRI) to reappraise all residential and commercial properties in Durham for tax year 2023. The project was completed over a two-year period. We greatly appreciate the cooperation of Durham property owners as part of the process. Kudos are extended to the Assessing Office for coordinating the effort.

Durham again received the top-ranking score in NH by the Human Rights Campaign's Municipal Equity Index (MEI) in 2023 relative to addressing LGBTQ inclusive practices – 96 out of 100 points. Durham had sought to be the top scoring NH community twelve years ago when the MEI was launched, and we have to date succeeded; endeavoring to incrementally improve our openness and inclusiveness over time as appropriate. Durham's score is up 2 points over last year.

Three years ago, Durham approved a project to replace the Town's public safety Land and Mobile Radio (LMR) communication infrastructure because it exceeded its scheduled end of life. The 2021 CIP allotted \$1,385,000 (Police - \$665,000 and Fire - \$720,000). The project was initially conceived as a direct replacement for the core infrastructure the Town purchased as part of transitioning dispatching service to the Strafford County Dispatch Center over a decade ago, but ultimately evolved to become a fully redesigned system to better suit the Town's needs. We were notified by the US Department of Justice in 2022 that an application submitted by Durham was approved, and funds were awarded under the COPS Technology and Equipment Program for Durham's LMR project in the amount of \$900,000. This Federal funding ultimately offset a significant portion of the \$1.3M overall project budget. The LMR project is now in service with only punch list items outstanding. It has been a major lift for our IT, police, and fire staff in 2023.

We have a fire department in Durham filled with dedicated, committed, and talented individuals. People who come to work, day after day, year after year, performing important and dangerous tasks, and provide assistance and support to the Durham and UNH combined community with compassion and care. Chief Emanuel has worked with staff over the last two years to develop a strategic plan that will help to guide the department into the future. However, headwinds are impacting the department. Several staff members, after many years of dedicated service, have chosen to move on, some through retirement and others in pursuit of different job opportunities or vocations, and we have struggled to attract new prospects. We have had some long-term medical issues/injuries to work through. An increased competition for personnel between fire departments across NH has emerged providing alternatives for staff in terms of where to work for increasingly competitive pay. And fewer people across society appear to be moving into emergency service professions, making it harder to fill vacancies that do occur across the board. This will demand additional focus in 2024.

The Durham Police Department has long been certified by a professional external accreditation process through CALEA (www.calea.org) because it provides the Town with assurances that our department is engaged in providing best practices to Durham citizens as evidenced by ongoing inspections by an outside independent entity. We recognize locally that the delivery of policing services to the community must involve transparency and open opportunities for input and feedback. CALEA provides a comprehensive accreditation review providing a wide array of topical evaluations concerning the department's use of force, police discipline, bias, community engagement, and more. I'm proud of the DPD staff for their ongoing commitment to professional accreditation.

This was a busy year for Durham Parks & Rec. where the department carefully balanced the goal of offering a regular line-up of high-quality events and community programs while continuously working within the limited resources allotted to provide such programming. Despite challenges faced, Parks & Rec. once again had a successful year both financially and through program participation. The presence of our new assistant director has put the department on a path to long-term sustainability.

Through the efforts of Sara Callaghan, our part-time contract Land Stewardship Coordinator, and the Land Stewardship Subcommittee of the Conservation Commission, the Town continues to make significant inroads in sustainably managing the numerous lands and easements under the Town's stewardship.

Oyster River School District School Superintendent James Morse and I remain in regular communication with one another regarding issues of mutual interest and have developed a strong and positive mutual working relationship between the Town and the District. Dr. Morse will be retiring from the district after twelve years of service in June 2024. As part of the hiring process for his successor this fall, the School Board included me as part of its screening subcommittee for prospective candidates.

We completed our first Climate Action Plan (CAP) in 2022, a requirement of the Town's membership with the Global Covenant of Mayors for Climate and Energy. This plan outlines mitigation and adaptation actions, measures how much each action will contribute to Durham meeting its mitigation and adaptation goals, and includes a plan for implementing the identified tasks. It establishes a clear course of action for local efforts toward a reduction in GHG emissions of 2019 levels by 42.8% by 2030, and achieving zero emissions by 2050. The Town will report on progress and update the action strategies every two years. In 2023, our UNH Sustainability Fellow has been updating a Greenhouse Gas Inventory for Durham utilizing 2021 and 2022 data.

The Energy Committee and staff have made numerous strides in our local sustainability efforts, in particular shepherding an initiative for the Town to join the Community Power Coalition of New Hampshire (CPCNH) to work toward providing wider accessibility of green energy for our community's residential and business electric utility customers, at a price equal to or less than Eversource, and working to assist Durham residents and business owners make the built environment more energy efficient, thereby reducing overall emissions. As part of this work, we are right now poised to launch Durham Community Power, offered through CPCNH, in February 2024.

The Integrated Waste Management Advisory Committee (IWMAC) and our DPW staff are working on a variety of initiatives associated with reducing solid waste generation, increasing recycling participation, and supporting composting. As part of our upcoming planned DPW solid waste collection vehicle replacement program in 2024/25, we are moving forward with a volume-based collection system in which each household will be issued a standard size solid waste collection container for trash and another for recycling. DPW will then accept solid waste, limiting trash materials collected curbside to what can fit within the issued standard-size receptacles, utilizing new collection vehicles equipped with hydraulic arms to grab and dump each container, thereby encouraging less solid waste per household generation, enhancing recycling, and reducing employee exposure to potential lift, poke, and strain injuries. A new "Sustainable Durham" branding campaign spearheaded by the IWMAC but available for use for other sustainability-related initiatives was also launched in 2023. Finally, DPW was able to secure external state grant funds to offset 45% of the purchase price of two electric (EV) collection vehicles, which if secured, we understand would be the first two EV collection trucks in NH.

Much work has been undertaken by the Energy Committee, the Town Council, and the Planning Board on a revamp of our zoning ordinance with respect to the topic of solar energy systems. After literally years of review, public hearings, and revisions, the Town Council adopted a comprehensive ordinance framework in 2023.

A number of high profile applications were concluded by the Planning Board in 2022/2023: a new project at 74 Main Street was approved and appealed (still pending in Superior Court); a new subdivision off Gerrish/ Ambler was approved, appealed, remanded back to the board, approved by the board, and appealed again to Superior Court, denied, and appealed by the abutter to the NH Supreme Court (still pending); the long-standing application for redevelopment of the Mill Plaza was denied, appealed, and ultimately withdrawn by the owner prior to selling the property outright to Torrington Properties; and a parking lot proposal on Church Hill at 19-21 Main Street was denied, appealed, and ultimately withdrawn. Each of these projects demanded significant time and energy from the Planning Board, citizens coming to express their perspectives, applicants, and staff. The Planning Board also spent a good deal of time in 2023 working to methodically review and provide recommended updates to definitions as needed within the Zoning Ordinance.

The Housing Task Force has been working to analyze the Seacoast NH regional housing inventory and to advocate for a balanced housing mix within the Durham community, providing a variety of choices that meet the economic, environmental, social, and physical needs of the community's current and future

residents, including those of varying financial resources. An initial set of recommendations was sent by the Task Force to the Planning Board in 2022 for initial review, which generated some spirited community engagement this year. The Town Council extended the charge for the Housing Task Force in 2023 to enable the committee to continue its important work.

Following the breaking of ties with Elliott Sidewalk Communities concerning the redevelopment of 66 Main Street in 2022, a working group of Town and UNH officials met in early 2023 to think anew about how the Town might want to move forward with a redevelopment at this strategically placed downtown Durham parcel. It was mutually decided to wait until both Durham and UNH had completed separate housing needs assessments and circle back to touch base and discuss further in early 2024. The parties are also interested in observing over time implications stemming from the Covid-19 pandemic for downtown Durham including commerce, housing, parking, and traffic patterns.

The Durham Town Council voted 7-2 on September 13, 2021, to award a Final Design Contract to Vanasse Hagen Brustlin, Inc. (VHB) for removal of the Mill Pond Dam. Subsequently, the Town Clerk on October 18, 2021, certified a referendum petition to put the approval of the VHB final design contract to a vote of the residents of the Town of Durham. On November 1, 2021, following receipt of the referendum petition, the Council rescinded the initial September 13, 2021 contract approval that triggered the petition, and then awarded the project again but this time contingent upon the outcome of a referendum vote at the annual Town election on Tuesday, March 8, 2022. The question (Question 2) put before the voters of Durham was: *"Shall the Town reverse the action of the Town Council taken on November 1, 2021 to remove the Mill Pond Dam?"* The final referendum vote was: Yes - 596 (26%); No- 1706 (74%). The total number of votes cast on March 8, 2022 was 2365. The average turnout for a Town annual election over the last 10 years has been 1081. Subsequent to the vote, Town staff began pursuing external grant funding opportunities to support the cost of dam removal, working with the US Army Corps of Engineers and the NH Division of Historic Resources, as part of a Section 106 historic mitigation review, and planning engineering for the project. The historic mitigation, design, wetland permitting, and contract development have all been in process in 2023 with permit applications anticipated to be submitted in early 2024 and dam removal commencing in 2024 or possibly 2025, depending upon timing of the various detailed steps involved.

Years of planning paid off this fall when Durham representatives went to the State House to receive a Land and Community Heritage Investment Program (LCHIP) award from Gov. Chris Sununu. The \$286,000 grant will help pay for rehabilitation of the historic Bickford-Chesley House at Wagon Hill Farm. Local

resident historians Nancy Sandberg, Janet Mackie, Charlotte Hitchcock, and Carolyn Singer worked with Public Works Director Rich Reine to prepare the LCHIP grant application for funding to support much needed improvements to the building. Exterior and interior restoration, and renovation are needed to return the building to a fully usable condition including ADA accessibility. The improvements will accommodate the building's adaptive reuse, which will ultimately create a caretaker's apartment on the second floor and public uses including an exhibit gallery and meeting rooms on the first floor. The Bickford-Chesley House Gallery will house temporary exhibits on Durham's history as well as the work of local artists. Wagon Hill Farm is on land originally occupied by the Indigenous Abenaki, and it became one of the first farms in the area to be settled by English colonists. It remained in continuous agricultural use for nearly 300 years. In addition to the LCHIP grant of \$286,600, the Town received a Moose Plate Grant in the amount of \$20,000 for a total of \$306,600 capital funding. Work on the Bickford-Chesley House is expected to begin in late Spring 2024.

The National Fish and Wildlife Foundation and the National Oceanic and Atmospheric Administration announced a November 2023 round of funding for National Coastal Resilience Fund projects. \$1.9 million in funding has been earmarked to create a living shoreline to stabilize an additional 1,835 linear feet of tidal shoreline and restore both 4,060 square feet of salt marsh habitat and 2,810 square feet of tidal buffer at Wagon Hill Farm. The project will stabilize severe erosion while protecting and increasing the adaptive capacity of critical conservation and community spaces. This is a continuation of our living shoreline project dating back to 2019.

Durham continues to work closely with the City of Portsmouth to ensure Portsmouth's access across Wagon Hill Farm to their water line crossing Little Bay is undertaken with as little disruption as possible to the property and the quiet enjoyment thereof by our residents.

We have painstakingly worked over many years to create a municipal water system that is inherently resilient in order to reliably provide approximately 1.2 million gals/day of water to both Town and the UNH campus. Together, Durham/UNH operate four water sources, one of which utilizes an artificial recharge system pumping raw water from the Lamprey River to our Spruce Hole Aquifer in Lee during times of plentiful flow, increasing our reserves for drought conditions. This, combined with a new state of the art \$20 million Water Treatment Plant on the UNH campus (funded 100% by UNH), places the combined Durham/UNH community in a very sustainable position in the face of anticipated climate change.

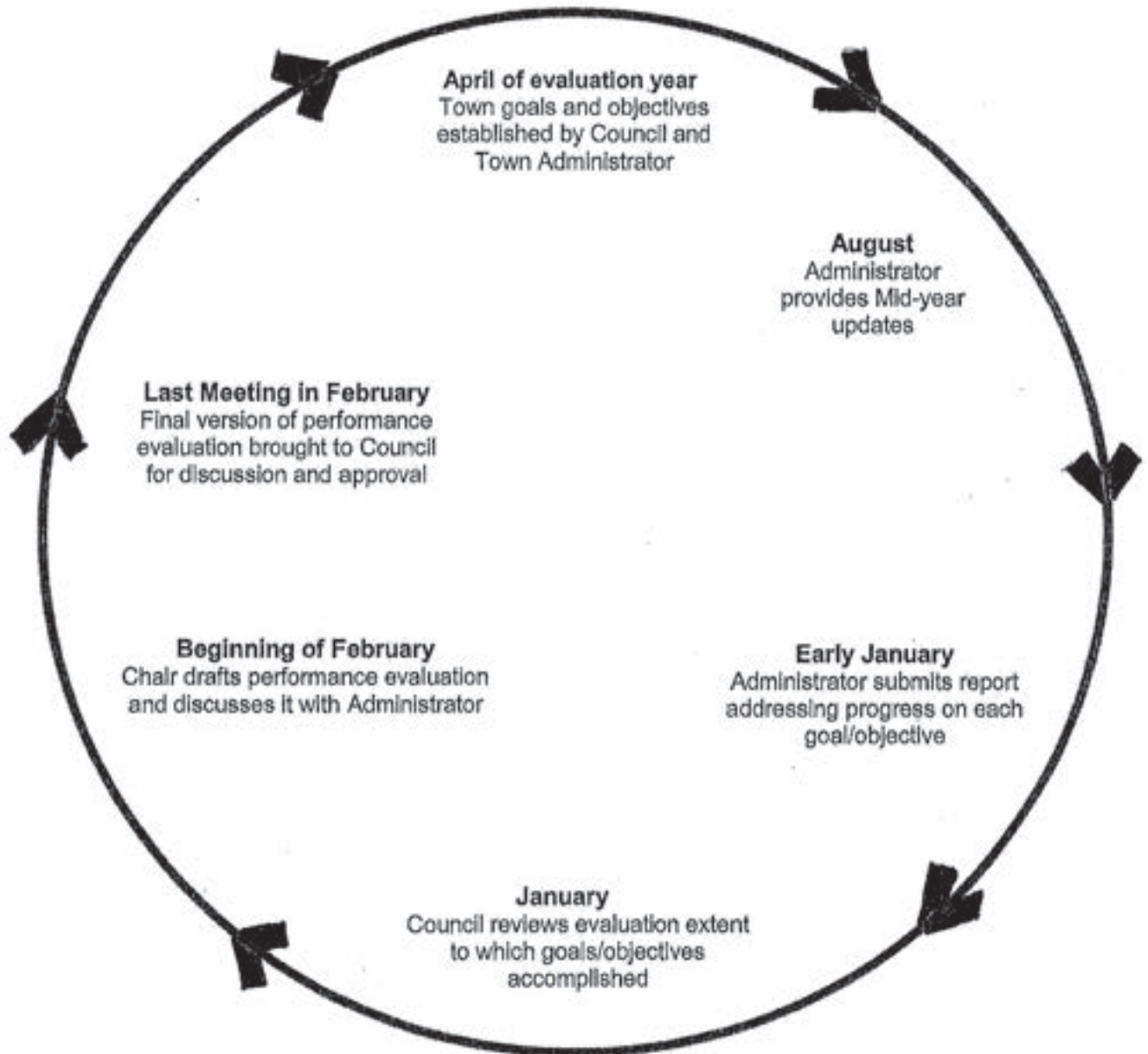
Durham and UNH, through the joint administrative Water, Wastewater, Stormwater, and Roads Committee, continue to cooperatively address a multitude of Town/Gown items to include efficient operation of our combined water system as described above, focusing attention on water quality deficiencies within the Great Bay Estuary as identified by the NHDES and the EPA, meeting EPA wastewater and stormwater MS-4 mandates under our EPA Total Nitrogen General Permit, maintaining a required NHDES backflow prevention program, general water/sewer infrastructure, our Lee water line to address MBTE contamination at the Lee Traffic Circle, and more. I hope residents understand that on the front lines of our utility infrastructure both on and off campus, the Town and the University are joined at the hip and work seamlessly together.

I'd like to once again acknowledge our modest but mighty Team of Town employees within public works, police, fire, planning, zoning, town clerk/tax collector's office, informational technology, DCAT, and more – all outstanding people, working hard with finite resources to meet the needs of a demanding citizenry with high expectations for exceptional service delivery. Our Town Council is comprised of thoughtful, hard-working, and dedicated individuals with varied backgrounds and perspectives. The Council, along with the benefit of ongoing public feedback and active involvement by dedicated citizens on local boards, committees, and commissions, all contribute to ensuring Durham remains a strong, vibrant, and welcoming community. Thank you, one and all.



Town of Durham

Town Administrator Performance Evaluation Process



Employment Agreement – Town Administrator

AGREEMENT made this 3rd day of April, 2017, between The Town of Durham, a municipal Town located in the County of Strafford and the State of New Hampshire, (hereinafter "Town")

and Todd I. Selig of Durham, New Hampshire (hereinafter "Selig").

WHEREAS, Selig and the Town desire to set forth in writing their Contract with respect to Selig's employment by the Town as its Town Administrator;

NOW, THEREFORE, in consideration of their mutual promises set forth herein, the parties hereby agree as follows:

1. **Employment.** The Town hereby employs Selig as its Town Administrator, and Selig hereby accepts such employment, upon the terms and conditions set forth in this Agreement.
2. **Duties and Authority.**
 - A. Selig will hold the position of Town Administrator.
 - B. As Town Administrator, Selig will have the powers granted to that position by the Charter and Administrative Code of the Town and pertinent State statutes including RSA 49-D:2(c) and RSA 37, subject to the control of the Town Council to the extent permitted by the Charter and statute. He shall have general supervision, direction and control over the business and affairs of the Town and its employees. Selig will be primarily responsible in addition to his Statutory and Charter duties, for carrying out all orders and resolutions of the Town Council and such duties as may from time to time be assigned to Selig by the Town Council.
 - C. Selig agrees to devote his full time, attention and best efforts to the performance of his responsibilities as Town Administrator.
 - D. Selig shall not, during the term of this Agreement, directly or indirectly engage in any business, either as an employee, corporation, principal, corporate officer, or in any other capacity, whether or not compensated, without the prior written consent of the Town.
 - E. Notwithstanding anything to the contrary contained in paragraph 2.D above, Selig may engage in teaching in an adjunct position, writing or consulting during his normal time off provided that he first inform the Town Council of his activities and provided, further, that those activities

do not unreasonably interfere with his duties and responsibilities to the Town.

F. It is recognized that Selig must devote a great deal of time outside the normal office hours on business for the Town, and to that end Selig shall be allowed to establish an appropriate work schedule.

3. **Term of Employment.** The term of employment shall be for a period of nine (9) years (except as it may be modified as explained herein) commencing on January 01, 2017 and ending December 31, 2025.
4. **Compensation.** Selig shall receive compensation during the term of this Agreement as follows: A base annual salary of \$137,500 for 2017 which shall increase by 2% annually thereafter during the contract term, effective each January 1st. Notwithstanding the above, as of 1/1/18, 1/1/20, 1/1/22, and 1/1/24, Selig's base annual salary shall be reset at the greater of 2% above his prior year's base annual salary or the average of the actual base annual salaries of the full time town/city managers within the following NH communities as of January 1st of said year: Bedford, Concord, Derry, Dover, Hanover, Keene, Merrimack, Portsmouth, and Rochester.
5. **Medical and Group Insurance.** The Town agrees to provide Selig with all of the benefits offered to non union employees in the Town's Personnel Plan including participation in the Town group medical, hospital and dental plan(s) of the Town, as well as all other insurance plans which the Town offers to its employees on the same terms and conditions as that of the Town's other non-unionized employees. Notwithstanding the above, Selig shall pay twenty percent (20%) of the monthly health and dental premiums. The Town shall pay eighty percent (80%) of the appropriate monthly premiums.
6. **Vacation.** Selig shall be entitled to thirty (30) days of paid vacation during each year of employment; the time for the vacation shall be mutually agreed upon by Selig and the Town Council. If vacation is not taken Selig shall be reimbursed at his base salary rate for time not taken in excess of 240 hours of accrual by December 31st of the succeeding year.

In addition to the vacation listed in the first paragraph, in recognition of Selig's completion of 21 years of service with the Town of Durham in 2022, and every six years thereafter, Selig shall be afforded a six (6) week paid sabbatical for personal and professional rejuvenation. The sabbatical shall not be used to fulfill the notice requirement outlined in Section 14.C of this contract.

7. Automobile.

A. The Town shall provide to Selig, during the term of his employment, the use of a Town automobile of Selig's choice, for business use, to be selected from the Town's inventory. The Town shall pay all automobile operating expenses incurred by Selig in the performance of Selig's business duties. In the event that Selig utilizes his personal automobile for Town business, he shall be reimbursed for the mileage at the then prevailing Internal Revenue Service reimbursement rate.

B. The Town shall provide to Selig, during the term of his employment, an annual stipend in the amount of \$7,500.00 in lieu of unlimited personal use of a Town vehicle.

8. Dues and Subscriptions. The Town shall budget and pay the dues, expenses and subscriptions of Selig for his continuation and participation in local, city, county, state, national, and international associations that he deems prudent and fiscally responsible for his continued effective management of the Town.

9. Professional Development. The Town shall budget and pay for the registration, travel and subsistence expenses of Selig to attend the annual conferences of the New Hampshire Municipal Association and the International City/County Management Association, and such other conferences, short courses, and seminars that Selig deems prudent and fiscally responsible for his professional development and for the continued, effective management of the Town. The Town recognizes that Selig is a Board member of the New Hampshire Center for Public Policy Studies, and the Town encourages such activities and other similar activities as part of Selig's professional development.

In addition, during the term of this contract the Town shall support Selig's attendance with pay at three specialized advanced training courses such as those offered at the Harvard Kennedy School of Government or equivalent experiences that Selig deems prudent and fiscally responsible for his professional development and for the continued, effective management of the Town.

10. Expense Reimbursement. Selig shall be entitled to reimbursement for all reasonable expenses, including travel and entertainment, incurred by him in the performance of his duties. Selig shall maintain records and written receipts and shall submit vouchers for expenses for which reimbursement is made.

11. **General Expenses.** The Town recognizes that certain expenses of a personal nature are or may be incurred by Selig in the performance of his business duties, and the Town agrees that it shall reimburse Selig for all such reasonable expenses upon receipt of expense vouchers, receipts, statements or personal affidavits detailing the expenses related to the performance of Selig's business duties.

Selig shall be responsible for obtaining a mobile data telephone device that meets the specifications of the Town's IT infrastructure such that he is reasonably accessible to the Town during times of emergency. Upon the execution of this Agreement, Selig's Town-issued iPhone shall become the personal property of Selig, and Selig shall bear the cost of the device (as well as future devices) and the associated telephone/data plan thereafter.

12. **Permanent Disability.** In the event Selig becomes permanently disabled (herein defined as a disability which substantially impairs or limits Selig from performing the essential duties of his position) as determined by a licensed physician mutually agreed upon by the Town and Selig, or if Selig is otherwise unable to perform his duties because of sickness, accident or injury for a period of six (6) months, the Town may terminate this Agreement subject to the provisions of paragraph 14D.
13. **Death.** In the event that Selig dies during the term of this Agreement, this Agreement shall immediately terminate.
14. **Termination.**
- A. **By the Town with Cause.** This Agreement may be terminated by the Town for cause, in accord with the provisions of Section 4.3 of the Town Charter, if Selig willfully breaches or habitually neglects the duties to be performed under Paragraph 2 of this Agreement; engages in dishonest conduct; or for the conviction of any crime for which the punishment involves incarceration.
- B. In the event Selig's employment is terminated pursuant to subparagraph A, Selig shall be entitled to his base salary compensation earned prior to the date of termination (minus all appropriate federal, state and authorized withholdings), as provided for in Paragraph 4 of this Agreement, computed pro rata up to and including the date of termination, as well as any other benefits to which he may be entitled as a matter of law.
- C. **By Selig.** This Agreement may be terminated by Selig, without cause, by giving eight (8) months' notice to the Town.

D. **By the Town without Cause.** In the event that this Agreement is terminated by the Town for reasons other than those outlined in subparagraph A above, the Town shall be responsible for the payment to Selig of one (1) full year's base salary (minus all appropriate federal, state and authorized withholdings) plus all benefits (or their monetary equivalent) accrued during that one (1) year period regardless of the length of the remaining term of this Agreement.

15. **Renewal.** The parties contemplate that they will want to renegotiate, extend or modify the length of this Agreement for so long as the relationship is mutually satisfactory. Notwithstanding anything contained herein, the parties may mutually agree to modify any or all provisions of this Agreement at any time for so long as those modifications are in writing and signed by the authorized parties.
16. **Renewal Negotiations.** If either the Town or Selig wishes to renew this Agreement at the conclusion of its original nine (9) year term, that party shall notify the other of such intent no later than December 31, 2024. In the event that the parties have not successfully concluded their negotiations by March 1, 2025, subsection 14C shall not apply and Selig shall be free to seek and obtain employment elsewhere at any time, even during the remaining term of this Agreement.
17. **Performance Evaluation.**
 - A. Commencing in April of 2017, and each succeeding April thereafter, the Town Council and Selig shall mutually establish goals and objectives which they deem necessary and appropriate for the proper management of the Town during the succeeding twelve (12) months. Such goals and objectives shall be committed to writing and formally adopted by the Town Council. The funds necessary for the attainment of those goals and objectives shall be included in the annual budget for the same time period.
 - B. Commencing in January 2018, and for each January thereafter, the Town Council shall review/evaluate Selig's performance in accord with the criteria provided to Selig by the Town the preceding April. The Town Council shall provide Selig with a written summary of this Annual Performance Evaluation and shall provide Selig with an opportunity to discuss this evaluation with the Town Council.
18. **Indemnification.** The Town agrees to include Selig under its general insurance coverage and further agrees that it shall indemnify and hold Selig harmless for any liability related to, or arising out of, his position as Town Administrator in accord with the provisions of New Hampshire R.S.A. 31:105.

19. **Residency.** In accord with the provisions of the Town Charter, Selig agrees to live within the corporate limits of the Town for so long as he serves as its Town Administrator.
20. **Supplemental Retirement Plan.** In addition to the base annual salary paid by the Town to Selig, the Town shall pay \$18,000 annually on Selig's behalf into a Section 457 deferred compensation plan. This payment shall be increased by \$500 annually beginning in 2022 so long as the additional contribution is permissible pursuant to Section 457 deferred compensation regulations.
21. **Notices.** Any notice provided for in this Agreement shall be given in writing. Notices shall be effective from the date of service, if served personally on the party to whom notice is to be given, or on the second day after mailing, if mailed by first class mail, postage prepaid. Notices shall be properly addressed to the parties at their respective addresses or to such other address as either party may later specify by notice to the other.
22. **Entire Agreement.** This Agreement contains the entire agreement and supersedes all prior agreements and understandings, oral or written, with respect to the subject matter hereof. This Agreement may be changed only by an agreement in writing signed by the party against whom any waiver, change, amendment or modification is sought.
23. **Waiver.** The waiver by the Town of a breach of any of the provisions of this Agreement by Selig shall not be construed as a waiver of any subsequent breach by Selig.
24. **Governing Law; Venue.** This Agreement shall be construed and enforced in accordance with the laws of the State of New Hampshire. The Strafford County Superior Court shall be proper venue for any litigation arising out of this Agreement.
25. **Paragraph Headings.** Paragraph headings are for convenience only and are not intended to expand or restrict the scope or substance of the provisions of this Agreement.
26. **Severability.** If any provision of this Agreement is held by a court of competent jurisdiction to be invalid or unenforceable, the remainder of the Agreement shall remain in full force and shall in no way be impaired.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the 3rd day of April, 2017.

THE TOWN OF DURHAM:

By: Katherine Marple
Katherine Marple, Chairman
Duly Authorized

TOWN ADMINISTRATOR:
Todd I. Selig

**ANNUAL EVALUATION OF TODD SELIG
2023**

1 = Unacceptable 2 = Acceptable 3 = Good 4 = Very Good 5 = Excellent

	1	2	3	4	5	N/A
Ability to maintain or improve strong relationships with:						
• Town Council (responsiveness to concerns)						
• External entities such as UNH, town businesses, etc.						
• Town department heads and staff						
• Town committees and boards						
• Serves citizens effectively and efficiently						
Financial oversight:						
• Financial performance of the Town						
• Fiscal responsibility						
• Budget (process, preparation, dissemination)						
• Budget (creation of budget within Council guidelines)						
• Accomplishment of meaningful modifications in the economic relationship with UNH						
Leadership:						
• Provides clear guidance to the Council on all issues						
• Provides effective management of town staff and departments						
• Improves the performance of town staff, when needed. When necessary, has removed individuals who have failed to perform consistent with their job description and/or compensation						
• Competency in human resource area with new hires during his administration						
• Provides leadership and support to town committees and boards as necessary.						
Initiative:						
• Proposes appropriate initiatives/strategic direction to the Council						
• Is timely in follow up reports to Council initiatives						
• Accomplishment of Council's goals and objectives						
• Ability to be a visionary for future community planning						
Other:						
• Appropriately challenges the status quo						
• Willingness to challenge and support his convictions						
• Appropriate allocation of time and energies, including delegating non-essential tasks						

Provide additional written evaluation below or separately if you wish. **Evaluation forms are due to Sally Needell not later than WEDNESDAY, JANUARY 17, 2024.**



TOWN OF DURHAM

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

AGENDA ITEM: **# 14C TS**

DATE: **January 8, 2024**

COUNCIL COMMUNICATION

INITIATED BY: Todd Selig, Administrator

AGENDA ITEM: DISCUSSION OF WALKING SOFTER GRANT YLA PRIZE WITH
COUNCILOR EMILY FRIEDRICHS

CC PREPARED BY: Karen Edwards, Administrative Assistant

PRESENTED BY: Councilor Emily Friedrichs

AGENDA DESCRIPTION:

On Wednesday, December 27, 2023, Councilor Emily Friedrichs emailed the other Council Members and Administrator Selig to let them know of an opportunity ze may have with Walking Softer YLA to receive a monetary prize to be applied to the REheat Durham project. This project was originally discussed by the Energy Committee at their July 11, 2023 meeting. A copy of Councilor Friedrichs email is included in this meeting's packet.

LEGAL AUTHORITY:

Section 7.2 and 7.3 of the Town Charter:

Sec. 7.2. Conflicts of interest.

- A. *Any elected or appointed officer or employee of the town who has a financial interest, direct or indirect, in any planned or existing contract, job, work or service to be performed for the town or voluntary sale to the town of any land, materials, supplies, equipment or other property shall make full disclosure of such interest to the Council and Administrator prior to the town's deliberating on any such matter or transaction.*

- B. *The person so financially interested in such matters or transactions shall not vote or advise on or otherwise participate in the town's and Council's consideration of such matter or transaction.*

Sec. 7.3. *Disqualification from decision-making process.*

- A. *No elected or appointed officer or employee of the town shall take part in a decision concerning the business of the town in which he or a member of his family, directly or indirectly, has a financial interest, aside from his salary as such officer or employee, greater than any other citizen or taxpayer.*
- B. *For the purposes of this section, the word "family" shall mean an individual's spouse, his or her spouse's lineal ascendants and lineal descendants and his or her spouse's siblings and their offspring.*

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

No formal action required. Discuss Walking Softer YLA prize with Council Emily Friedrichs and give feedback.

From: [Emily Friedrichs](#)
To: [Durham Town Council](#)
Subject: Please review before Jan 8th TC meeting
Date: Wednesday, December 27, 2023 12:10:18 PM

Hi Fellow Town Councilors,

After meeting with Todd last Wednesday, we decided it would be prudent to write to the Council with advance notice so as to give plenty of time before the Jan 8th meeting to consider this proposal.

Last July the Energy Committee submitted an application to the BuildingsUP prize for a proposal we called REheat Durham. That application was unsuccessful. This month I was invited to apply to the Walking Softer YLA prize for the same REheat Durham project. This prize is by invitation only, and is tied to a specific person, i.e. one of the few conditions would be that I personally work on it full-time from July 2024 to July 2025, and the prize would pay me \$75k to do so.

I would be willing to work on REheat Durham in the aforesaid capacity, but would hope to do so with the endorsement of the Town since the project was developed in the Energy Committee and its objective is to make progress on the Town's goal of reducing carbon emissions from its built environment.

The Energy Committee discussed and felt comfortable with following Todd's lead. Here are a few of the finer points Todd and I discussed if I were to move forward with the application:

- REheat Durham would be its own organization
- It would offer free, unsponsored advice and assistance on weatherization and electrification to all Durham residents and property owners, particularly on how to claim rebates and tax credits from the Inflation Reduction Act and other incentives
- It would encourage donations to Strafford Community Assistance Program (CAP) to aid neighbors who are unable to afford weatherization and electrification on their own
- It would seek endorsement by the Town to facilitate requests like linking to the Town's website, sharing updates on social media and via Friday Updates, and sharing information on achieved reductions in carbon emission
- If any other qualified organization/person wanted to offer free, unsponsored advice and assistance on helping the Town achieve its carbon emission reduction goals, they could also seek a Town endorsement to offer those services
- I would recuse myself from voting on the TC or Energy Committee on any items from which I would personally benefit (ex: decision to endorse REheat Durham etc)
- If the project is successful, I'd try to secure future funding for it in order to continue to offer the service to Durham residents and property owners

Here is the link to information on the YLA prize: <https://www.walkingsofter.org/young-leaders-award>

Here is a link to the application the Energy Committee submitted to the BuildingsUP prize, which would be adapted for the YLA

application: https://docs.google.com/document/d/1VCUlc_njzkE6vOAOqMJeTvO6GSv1tt3qt4k9PjjJn5o/edit?usp=drivesdk

Best regards and happy New Year to all!
Em