



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, MARCH 4, 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
 - A. Adoption of **Resolution #2024-08** Recognizing Outgoing Elected Officials for their Services to the Town of Durham.
 - B. Adoption of **Resolution #2024-09** Recognizing Those Whose Steadfast Efforts Resulted in the Historic 1974 Town Vote To Prohibit Construction of an Oil Refinery Along the Shore of Great Bay at Durham Point, on the 50th Anniversary of the Event.
- VI. Public Comments (*) - **Please state your name and address before speaking**
- VII. Report from the UNH Student Senate External Affairs Chair or Designee
- VIII. Unanimous Consent Agenda (*Requires unanimous approval. Individual items may be removed by any councilor for separate discussion and vote*)
 - A. Shall the Town Council, Upon Recommendation of the Administrator, Award the Construction Contract for the Madbury Road Phase I Utility (Water and Sewer) Project to Joseph P. Cardillo of Wakefield, MA for a Total Bid Price Not to Exceed \$2,281,044.95, Subject to Available Funding?

- B. Shall the Town Council, Upon Recommendation of the Administrator, Approve the Construction Inspection, Design and Administration Contract for the Madbury Road Phase I Utility (Water and Sewer) Complete Streets Project with VHB Engineers of Bedford, NH in the amount of \$250,000, Subject to Available Funding?
- C. Shall the Town Council unseal the Nonpublic Session minutes from the year 2001 dated January 29, February 5, April 2, April 9, April 16, May 21, and August 6?

IX. Committee Appointments

X. Presentation Items

XI. Unfinished Business

Discussion and possible Adoption of **Resolution #2024-10** Acknowledging the Impact of the Israel-Gaza Conflict on Residents of the Town of Durham, New Hampshire; Affirming the Town's Stance Against Hate, Bigotry, and Discrimination; and Calling for the Safe Release of All Hostages, the Provision of Humanitarian aid to Civilians in Gaza, and a Durable Bilateral Ceasefire Among the Parties to the Israel-Gaza Conflict.

XII. Approval of Minutes - February 5, 2024

XIII. Councilor and Town Administrator Roundtable

XIV. New Business

XV. Nonpublic Session (if required)

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

XVII. Adjourn (NLT 10:30 PM)

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

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



TOWN OF DURHAM

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

AGENDA ITEM: **#5A**

DATE: **March 4, 2024**

COUNCIL COMMUNICATION

INITIATED BY: Durham Town Council

AGENDA ITEM: SHALL THE DURHAM TOWN COUNCIL ADOPT RESOLUTION #2024-08 RECOGNIZING OUTGOING ELECTED OFFICIALS FOR THEIR SERVICES TO THE TOWN OF DURHAM?

PREPARED BY: Karen Edwards, Administrative Assistant

PRESENTED BY: Durham Town Council

AGENDA DESCRIPTION:

Attached is Resolution #2024-08 recognizing the services of Durham's elected officials whose terms will expire March 2024.

LEGAL AUTHORITY:

N/A

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION:

The Durham Town Council does hereby adopt Resolution #2024-08 recognizing the elected officials listed below for their dedicated services and hard work on behalf of the Town.

<u>Elected Office</u>	<u>Name</u>	<u>Term</u>
Durham Town Council:	Chuck Hotchkiss Jim Lawson Eleanor Lonske Carden Welsh	Mar 2021 - Mar 2024 Mar 2021 - Mar 2024 Mar 2022 - Mar 2024 Mar 2021 - Mar 2024
Library Board of Trustees:	Randall O'Brien (posthumously) Susan Wagner	Mar 2021 - Feb 2024 Mar 2021 - Mar 2024
Town Moderator	Christopher Regan	Mar 2022 - Mar 2024
Supervisors of the Checklist	Christian Kuhn	Mar 2019 - Mar 2024
Trustee of Trust Funds	Thoms Bebbington Michael Everngam	July 2023 - Mar 2024 Mar 2021 - Mar 2024

RESOLUTION #2024-08 OF DURHAM, NEW HAMPSHIRE

RECOGNIZING OUTGOING ELECTED OFFICIALS FOR THEIR DEDICATED SERVICES TO THE TOWN OF DURHAM

WHEREAS, the Town of Durham is fortunate to have a number of highly dedicated and civic-minded citizens who have served as elected officials and whose terms will shortly expire; and

WHEREAS, each of these public servants devoted many countless hours toward enacting changes for the betterment and enrichment of the Durham community; and

WHEREAS, the Durham Town Council wishes to recognize these citizens for their contributions while serving in these various capacities,

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 #2024-08** expressing its appreciation to and recognizing the following Durham elected officials for their dedication, hard work, and commitment on behalf of the Town of Durham.

<u>Elected Office</u>	<u>Name</u>	<u>Term</u>
Durham Town Council:	Chuck Hotchkiss Jim Lawson Eleanor Lonske Carden Welsh	Mar 2021 – Mar 2024 Mar 2021 – Mar 2024 Mar 2022 – Mar 2024 Mar 2021 – Mar 2024
Library Board of Trustees:	Randall O'Brien (posthumously) Susan Wagner	Mar 2021 – Feb 2024 Mar 2021 – Mar 2024
Town Moderator	Christopher Regan	Mar 2022 – Mar 2024
Supervisors of the Checklist	Christian Kuhn	Mar 2019 – Mar 2024
Trustee of Trust Funds	Thomas Bebbington Michael Everngam	July 2023 – Mar 2024 Mar 2021 – Mar 2024

PASSED AND ADOPTED on this 4th day of March, 2024 by a majority vote of the Durham Town Council with _____ voting in favor, _____ opposing, and abstaining.

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: **#5B** *TS*

DATE: **March 4, 2024**

COUNCIL COMMUNICATION

INITIATED BY: Todd Selig, Administrator

AGENDA ITEM: RESOLUTION #2024-09 RECOGNIZING THOSE WHOSE STEADFAST EFFORTS RESULTED IN THE HISTORIC 1974 TOWN VOTE TO PROHIBIT CONSTRUCTION OF AN OIL REFINERY ALONG THE SHORE OF GREAT BAY AT DURHAM POINT, ON THE 50TH ANNIVERSARY OF THE EVENT.

CC PREPARED BY: Karen Edwards, Administrative Assistant

PRESENTED BY: Todd Selig, Administrator

AGENDA DESCRIPTION:

March 2024 marks the 50th anniversaries of the intertwined local and state votes that decided the future landscape of Durham Point and that highlighted the strength of smalltown communities under threat as they successfully strove to defend their values and independence. In March 1974 Seacoast citizens thwarted the attempt by wealthy shipping magnate Aristotle Onassis's ghost company Olympic Refineries, Inc. to build what was called "the world's largest oil refinery" along the shore of Great Bay at Durham Point. On the 40th anniversary of this fight in 2014, the Durham Town Council passed Resolution #2014-08 to honor those involved.

A brief sketch; details are well documented elsewhere

In the fall of 1973 Durham Point resident Nancy Sandberg and her neighbors formed the grassroots organization "Save Our Shores" in response to what appeared to be a suspicious land grab attempt by dark-suited outsiders. "SOS," as it became known, proceeded to spearhead Durham's opposition. Abetted by expertise from University of

New Hampshire faculty and graduate students, and informed and encouraged by the ongoing investigative reporting of the new local publication *Publick Occurrences*, opposition to the proposed oil refinery threat to the rural community of approximately 5,000 residents rapidly grew.

By late November, Olympic had quietly obtained options on over 3,000 acres of Durham Point property. Then, as David Deal wrote in his article "The Durham Controversy" (*Natural Resources Lawyer*, Vol. 8, No. 3, 1975), "On November 27, 1973, the Governor formally announced that Olympic proposed to locate a refinery in Durham, alluded to the benefits of the proposal, and assigned a top aide, to spend full time on the matter with instructions to expedite all necessary state and local reviews."

Arguments fueling the opposition ran the gamut. Among these were the false promises and apparent ignorance of the representatives of Olympic, environmental concerns, and the potential overturning of Durham's comprehensive land use plans.

Durham's role in the battle culminated at a dramatic extended Town Meeting on March 6, 1974 – the evening dedicated to warrant Article 14: *To see if the Town is in favor of amending the Durham Zoning Ordinance to permit an oil refinery.* (The Town Meeting opened on the scheduled date of March 5, continued to March 6, and then to March 9.)

By the close of the polls at 10:32 p.m. on the night March 6, only 144 had voted in favor of the Article, while 1,254 had voted against it, resoundingly voicing the town's opposition. Durham thereby sent a clear albeit symbolic message to the State House, echoing a similar vote by the town of Rye, that it valued its right of self-determination. National media, including the *New York Times*, and ABC-TV's *Evening News*, picked up the news.

The battle was not yet over, however. The following day, March 7, legislators at the State House in Concord voted down House Bill 34, which would have created an energy facilities committee with the power to override a town's wishes in the siting of an oil refinery. Instead they supported first-term Representative Dudley Dudley's House Bill 18, an act "requiring local approval prior to approval of site plans for oil refineries," later referred to as the "home rule bill," 233 voting in favor and 109 against.

The passage of House Bill 18 was followed by Senate approval and signature by Governor Meldrim Thomson, who had publicly stated three months earlier that he would not impose an oil refinery on a town reluctant to accept it yet had continued to align himself with those working on behalf of the Olympic proposal.

Durham's champions

On Saturday, March 9, 1974, Town Meeting reconvened at 9:30 a.m. to take up remaining business. Near the close George Haselrud proposed a Resolution, which

passed unanimously, that “expresses gratitude to those who turned back the mortal threat of Olympic Oil to the Town.” (The full text of this and another Resolution related to future oil facilities sites is captured in the minutes of that Town Meeting, printed in the Town Report.)

Three Durham residents who played key roles have deservedly received the spotlight over the years: Nancy Sandberg, Dudley Webster Dudley and the late Phyllis Bennett. All three note the roles that numerous others also played, emphasizing that the result was an engaged community’s success. That roster includes the heads of Save Our Shores’s past committees Sharon Meeker, Karen Mower and Maryanna Hatch; the investigative reporters, photographers, and artists who contributed to local newspaper *Publick Occurrences*, including Ron Lewis, Bob Nilson, and John Hatch; local author Dan Ford, who told Durham’s story in 1974 issues of the *Boston Globe* and the *New Republic*; chemical engineer Gael Ulrich, Jim and Clif Horrigan, Galen Jones, and their UNH colleagues; John “Jack” Kingsbury; Evelyn Browne; landowners who resisted the Olympic offers, such as the Beudet farming family; and the over 1,000 Durham residents who signed the petition that Dudley took to Concord.

Even with the tools of modern technology and communication, going up against the sophisticated and deep-pocketed opponents – with whom most of the New Hampshire State politicians, businessmen, and the powerful statewide newspaper (*The Union Leader*) were aligned – would have been a daunting challenge. But this was before personal computers, email, cell phones, digital photography, not to mention easily accessible decent-quality photocopying.

MORE OF THE STORY

Available via the Town’s website for the Durham Historic Association (under the “Our Community” menu on the Town of Durham’s home page, www.ci.durham.nh.us) “Supporting Documents” may include:

- 1) Text of the speeches given at the Durham Historic Association’s annual meeting on April 26, 2014, at the New Hampshire Historic Society’s “Eyewitness to History: First-Person Accounts” event on April 10, 2014, and at the Durham Historic Association’s 25th Anniversary commemorative event
- 2) Selection of excerpts from 1973 and 1974 media coverage
- 3) Images of local maps and the Olympic oil refinery model
- 4) Minutes of the March 6, 1974 Durham Town Meeting

LINKS TO OTHER RELEVANT MATERIALS ONLINE

- 1) Short (7-minute) video posted on YouTube that recounts this historic moment, with contemporary media excerpts and modern-day commentary by participants, titled “Battle for Durhan (sic) Point New Hampshire”

- <https://www.youtube.com/watch?v=vuruQX0VsvE> [spelling error on YouTube posting]
- 2) 2011 SeacoastNH article by publisher J. Dennis Robinson, summarizing the historical event, with contemporary remarks by participants, and the 2001 “Oily-Vey” by Durham resident and playwright Ed Valena, as well as the backstory on the commemorative granite bench at Wagon Hill Farm: “NH Rejects Aristotle Onassis Oil Refinery in 1974.” <https://www.seacoastnh.com/History/History-Matters/nh-rejects-aristotle-oil-refinery-in-1974/>

ADDITIONAL CONTEMPORARY COVERAGE

Collections of historic documents, including copies of *Publick Occurrences*, may be found in several nearby locations:

- 1) Durham Historic Association: The Museum, open by appointment. See the DHA website, URL above
- 2) Dimond Library at UNH, Special Collections & Archives: ask to see the “Save Our Shores” collection (and, possibly, the “Evelyn Browne collection”) <https://library.unh.edu/find/archives/collections> or more specifically, <https://library.unh.edu/find/archives/collections/save-our-shores-papers-1973-2001>.
- 3) New Hampshire Historic Association, Concord, NH
- 4) Rye Town Museum, at 10 Olde Parish Road, to which dozens of newspaper clippings on the topic have recently been donated

LEGAL AUTHORITY:

N/A

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION:

The Durham Town Council does hereby adopt Resolution #2024-09 recognizing those whose steadfast efforts resulted in the historic 1974 town vote to prohibit construction of an oil refinery along the shore of Great Bay at Durham Point, on the 50th anniversary of the event.

RESOLUTION #2024-09 OF DURHAM, NEW HAMPSHIRE

RECOGNIZING THOSE WHOSE STEADFAST EFFORTS RESULTED IN THE HISTORIC 1974 TOWN VOTE TO PROHIBIT CONSTRUCTION OF AN OIL REFINERY ALONG THE SHORE OF GREAT BAY AT DURHAM POINT, ON THE 50TH ANNIVERSARY OF THE EVENT

WHEREAS, in 1973 in the midst of a national recession and energy crisis, representatives of shipping magnate Aristotle Onassis' Olympic Refineries, Inc., deceptively began acquiring options on Durham properties on Durham Point along the Great Bay to assemble approximately 3,000 acres to serve its plans to build an oil refinery, at the time a use prohibited under Durham's zoning ordinance; and

WHEREAS, leading New Hampshire politicians, businessmen, and the *Union Leader*, the state's powerful statewide newspaper, strongly supported the plans for a refinery located in Durham, believing that Olympic would bring jobs and oil independence to New Hampshire with no ensuing damage to the environment, and therefore aligned themselves with Olympic Refineries; and

WHEREAS, the local weekly newspaper *Publick Occurrences* and a Durham grassroots group called "Save Our Shores," along with other Durham and Seacoast region residents and University of New Hampshire faculty members, dedicated significant time, creativity, expertise, and effort to defend Durham's right to self-governance, protect the Great Bay, and halt the refinery plans; and

WHEREAS, at Town Meeting on March 6, 1974, voters soundly defeated Article 14, "To see if the Town is in favor of amending the Durham Zoning Ordinance to permit an oil refinery" (1,254 against to 144 votes in favor), sending a clear but symbolic message to the State House; and

WHEREAS, Durham's State Representative Dudley W. Dudley submitted House Bill 18, "AN ACT requiring local approval prior to approval of site plans for oil refineries," upholding a longstanding New Hampshire political tradition of "home rule," which the New Hampshire House of Representatives supported by a vote of 233 to 109 on March 7, 1974, followed by Senate approval and signature by Governor Thomson; and

WHEREAS, the town has therefore enjoyed fifty years of self-determination following the “Battle of Durham” and retained its aegis over land use and comprehensive planning;

WHEREAS, on May 5, 2014 Resolution #2014-08 was adopted celebrating the 40th anniversary of the defeat of the oil refinery; and

WHEREAS, the Durham Historic Association will be holding a presentation on April 27, 2024, commemorating the 50th anniversary of the defeat of the Olympic proposal for the world’s largest oil refinery, pipeline, and supertanker port in Durham and the New Hampshire seacoast;

NOW, THEREFORE BE IT RESOLVED that the Durham Town Council, the governing body of the Town of Durham, New Hampshire, hereby approves **Resolution #2024-09** recognizing the many current and former residents of Durham and members of the UNH academic community whose steadfast efforts resulted in the historic 1974 Town vote to prohibit construction of an oil refinery along the shore of Great Bay at Durham Point, on the 50th anniversary of the event, and expressing gratitude for their vision and generous devotion to the community.

PASSED AND ADOPTED this 4th day of March, 2024 by a majority vote of the Durham Town Council with _____ voting in favor, _____ voting against, and abstaining.

Sally Needell, Chair
Durham Town Council

ATTEST:

Rachel Deane, Town Clerk-Tax Collector



TOWN OF DURHAM

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

AGENDA ITEM: **#8A & 8B** SN

DATE: March 4, 2024

COUNCIL COMMUNICATION

INITIATED BY: Rich Reine, Director of Public Works

AGENDA ITEM: 1. SHALL THE TOWN COUNCIL, UPON RECOMMENDATION OF THE ADMINISTRATOR, AWARD THE CONSTRUCTION CONTRACT FOR THE MADBURY ROAD PHASE I UTILITY (WATER AND SEWER) PROJECT TO JOSEPH P. CARDILLO OF WAKEFIELD, MA FOR A TOTAL BID PRICE NOT TO EXCEED \$2,281,044.95, SUBJECT TO AVAILABLE FUNDING?

AND

2. SHALL THE TOWN COUNCIL, UPON RECOMMENDATION OF THE ADMINISTRATOR, APPROVE THE CONSTRUCTION INSPECTION, DESIGN AND ADMINISTRATION CONTRACT FOR THE MADBURY ROAD PHASE I UTILITY (WATER AND SEWER) COMPLETE STREETS PROJECT WITH VHB ENGINEERS OF BEDFORD, NH IN THE AMOUNT OF \$250,000, SUBJECT TO AVAILABLE FUNDING?

CC PREPARED BY: Rich Reine, Director of Public Works

CC: Todd Selig, Administrator
Gail Jablonski, Business Manager
April Talon, Town Engineer

PRESENTED BY: Richard Reine, Director of Public Works

AGENDA DESCRIPTION:

The purpose of this Council Communication is to request the Town Council’s approval to award the construction and engineering services contracts for the Phase I Reconstruction and Rehabilitation of the water and sewer utilities, and Complete Streets Project located on Madbury Road. The project limits for sewer main rehabilitation and replacement extend from Main Street to approximately Madbury Court, inclusive of Madbury Court. The project limits for water main replacement, inclusive of the base bid and bid Alternates A and B, extend from Garrison Road to Maple Street, also inclusive of Madbury Court.

PROJECT BACKGROUND

Madbury Road was transferred to Town ownership from the State of New Hampshire when US Route 4 was upgraded many years ago. The roadway was last paved in 2009 at which time it received an overlay treatment. Currently the roadway is in very poor condition with significant pavement raveling, delamination, longitudinal and alligator cracking, rutting, settlement, and road base failure. The stormwater system is undersized with drainage structures and piping in an excessively deteriorated condition. In fact, Durham Public Works has replaced nearly 80 feet of drainage pipe over the last year due to failures resulting in open sink holes within the roadway.

The Madbury Road Complete Streets Project limits include the main corridor, which is approximately 8,200 feet in length, connecting Main Street in downtown Durham with US Route 4 and Pendexter Road. The roadway is considered rural in character, with densely populated abutting homes. The roadway serves as a major corridor in Durham with traffic counts exceeding 5,600 vehicles per day (VPD). Madbury Road provides pedestrian, cyclist, multi-modal and transit access to the public and UNH students along with middle school and high school aged walkers and commuters attending the Oyster River Middle and High Schools, located just a few blocks away on Coe Drive.

The sidewalks and curb ramps are non-compliant relative to ADA requirements and curb reveal is minimal or non-existent in some areas creating an unpleasant and precarious experience for pedestrians, users of micromobility vehicles and cyclists. Within the last ten years, two elevated speed tables were installed as a traffic calming measure. While these have shown to be somewhat effective in slowing traffic, this approach has resulted in other negative consequences for roadway users and abutters.



As part of the design effort, the project team performed assessments of both the water distribution and sewer collection systems. This included an evaluation of the Madbury Road water booster pump station and a review of the age and break history of the water distribution system piping. A CCTV inspection of the sewer collection system was also performed and indicated significant deterioration of manholes and wastewater collection system piping.

Prior to undertaking roadway improvements this underground infrastructure requires replacement. This will minimize the risk of the newly paved roadway requiring any pavement cuts due to watermain breaks or sewer collection system failures. Coordination with other utilities, i.e. Unitil gas, has also occurred to understand the integrity of their existing buried infrastructure while also confirming they have no intention of replacing or upgrading it at this time. Recognizing the newly paved roadway will be under a 5-year road cut moratorium, restricting any pavement cuts outside of an emergency, Unitil has indicated their natural gas distribution system is in good condition and does not require replacement for the foreseeable future. Additional private utility companies were contacted including Eversource Energy, Consolidated Communications, Comcast and Breezeline to discuss the potential of undergrounding their infrastructure. All companies indicated that this would be cost prohibitive and declined.

BID SUMMARY

The project design and construction improvements have been separated into four independent and distinct project phases with capital funding programmed for each, beginning in 2023 and occurring in each subsequent year through 2026. Each phase includes the following components:

- water and sewer distribution and collection system rehabilitation and reconstruction
- roadway, sidewalk, and multi-use path reconstruction
- streetscape, lighting, traffic calming and Complete Streets improvements
- stormwater and drainage system reconstruction

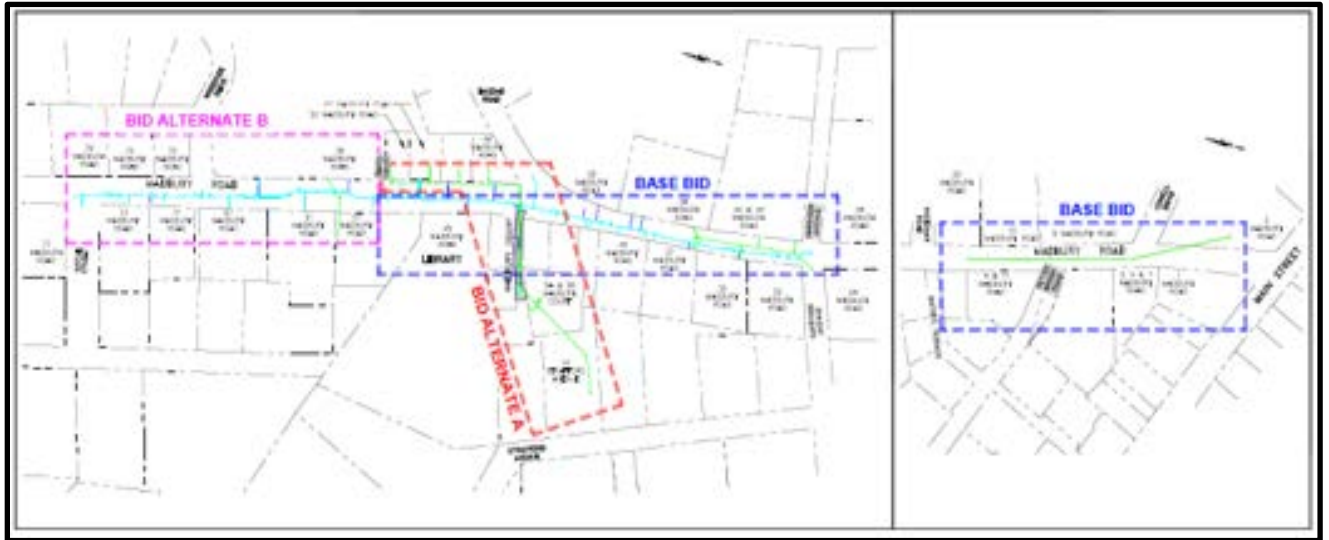
On January 16, 2024, the Phase I utility project was advertised, with bids due on February 14th at 1:00 PM.

To ensure project budgets were not exceeded, the bid was structured with a base bid and two bid alternates. The base bid includes 8" watermain, water appurtenances and water service replacements on Madbury Road from the intersection of Davis Court extending in a southerly direction to the intersection of Garrison Avenue. Also included is sewer main replacement from 36 Madbury Court extending southerly to Garrison Avenue, and Sewer main replacement and rehabilitation from Mathes Terrace south to Main Street, inclusive of temporary and permanent pavement patches, and turf restoration.

Bid Alternate A extended the water and sewer main replacement onto Madbury Court. This work includes the replacement and upgrade of the existing undersized watermain, water appurtenances, 1" water services, 8" gravity sewer main, 6" sewer services, road reconstruction, and turf restoration.

Bid Alternate B added additional watermain replacement on Madbury Road from the intersection of Maple Street south to the intersection of Davis Court, and sewer main replacement at 57 Madbury Road. Work involves 8" water main, water appurtenances, 1" water services, 8" gravity sewer main, 6" sewer services, temporary and permanent pavement patch, and turf restoration.

The construction plan described above is illustrated in the graphic below and remains generally consistent with previous planning and the Department's approved capital funding program.



Madbury Road - Phase I Water and Sewer Construction Plan Indicating Base Bid, Bid Alternate A & B

Two bids were received, one from Joseph P. Cardillo and Sons, Inc. and the second bid from N. Granese and Sons Inc. Both bids and bid alternates were within the project budget as indicated below.

	Bidder	Base Bid	Bid Alt A	Bid Alt B
1	N. Granese and Sons Inc.	\$1,493,731.11	\$674,420.70	\$557,500.10
2	Joseph P Cardillo & Son Inc.	\$1,184,842.00	\$628,170.00	\$468,032.95

Based on the bids received and the Department's and VHB's review of the materials submitted, with respect to the contract requirements, we recommend the Council award a contract to Joseph P. Cardillo and Sons, Inc in an amount not to exceed \$2,281,044.95 with the initial award consisting of the Base Bid and Bid Alternate A described above, with Bid Alternate B awarded at such time it is determined that the construction contingency can be reduced without risk.

Regarding Engineering Services during construction, VHB Engineers and their subconsultants were selected to provide engineering design, permitting and construction inspection/contract administration services following a qualifications-based selection process which began when Durham Public Works advertised a Request for Qualifications (RFQ) in 2021. Several firms were interviewed in March of 2021 by a panel comprised of Town Council Chair at the time, Katherine Marple, Public Works Director, Rich Reine and Town Engineer April Talon. Following these

interviews, the panel reached consensus that VHB was the most advantageous firm to enter into scope and fee negotiations with. VHB was awarded a contract and continues to provide professional engineering services for the Madbury Road Complete Streets Project. Following receipt of construction bids and finalization of project scope and timeline, Durham Public Works requested VHB provide a fee and scope proposal for continued construction inspection, design, and contract administration. Durham Public Works recommends the Town Council award the Construction Inspection, Design and Administration Contract for the Madbury Road Phase I Utility (Water and Sewer) and Complete Streets Project to VHB Engineers of Bedford, NH in the Amount of \$250,000.

UPCOMING ACTIVITY:

The Madbury Road Complete Streets Project Team is currently finalizing construction plans and specifications for the Phase I Roadway Improvements which extend from Main Street north, to Garrison Road.

This work includes reconstruction of the roadway and stormwater collection system using both conventional and low impact development (LID) stormwater treatment methods, reconstruction of sections of the Pettee Brook culvert to address structural deficiencies, construction of stone masonry retaining walls to support the installation of a varying width 8' - 10' wide Multi-Use pathway on the eastern side of Madbury Road, reconstruction of sidewalks, installation of decorative lighting for the roadway, sidewalk and multi-use path, installation of traffic calming measures, inclusive of bump outs at three pedestrian crossings, landscaping and hardscape improvements.

The Phase I Roadway Improvements described above will be advertised for bid on or about March 1, 2024. Similar to the Phase I utility contract, a strategy using bid alternates will be employed in an effort to remain within the established project budget. Following receipt of favorable bids, Durham Public Works anticipates a recommendation for contract award to the Town Council in the April/May 2024 timeframe.

Project concept renderings at key locations are shown below or can be viewed in detail at the project informational story map located [HERE](#)



Installation of Traffic Calming Pedestrian Bump outs at Woodman Road and 21 Madbury Road



LEGAL AUTHORITY:

Section 4-20 of the Administrative Code of the Town of Durham requires every purchase or contract in excess of thirty thousand (\$30,000) dollars shall be made only after receipt of publicly invited sealed competitive bids on uniform specifications and that all purchases in excess of sixty-five thousand (\$65,000) dollars requires approval by the Town Administrator and Town Council by affirmative vote.

Section 4-21 of the Administrative Code of the Town of Durham requires that professional services contracts (architecture, engineering, construction management, risk management, financial and auditing and other professional services or consulting work) of thirty-five thousand (\$35,000) dollars or more may be entered into after receiving proposals from various interested firms, evaluating those proposals and anticipated quality of service to be rendered, and Town Administrator recommendation to and approval by the Town Council.

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

Construction Contract Amount – Joseph P Cardillo & Son Inc. \$2,281,045
 Const. Inspection, Design and Admin Contract Amount – VHB Inc. \$ 250,000

Financial Details below include amounts allocated to water and sewer funds for both the Construction Contract (Const.) and the Engineering (Eng.)

ACCOUNT	TITLE	BUDGETED	EXPENSED/ ENCUMBERED TO DATE	REQUESTED	REMAINING
07-2392- 221-36-000	Madbury Road Waterline Replacement FY23	\$1,775,000	\$198	\$1,343,582 (Const.) + \$125,000 (Eng.)	\$306,220
07-2393- 221-36-000	Madbury Road Sewer Main Replacement FY23	\$1,175,000	\$0	\$937,463 (Const.) + \$125,000 (Eng.)	\$112,537

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION 1 :

The Durham Town Council does hereby, upon recommendation of the Administrator, Award the Construction Contract for the Madbury Road Phase I Utility (Water and Sewer) Project to Joseph P. Cardillo of Wakefield, MA for a Total Bid Price Not to Exceed \$2,281,044.95, subject to available funding.

MOTION 2:

The Durham Town Council does hereby, upon recommendation of the Administrator, Approve the Construction Inspection, Design and Administration Contract for the Madbury Road Phase I Utility (Water and Sewer) Complete Streets Project with VHB Engineers of Bedford, NH in the amount of \$250,000, subject to available Funding.



TOWN OF DURHAM

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

AGENDA ITEM: **#8C**

DATE: March 4, 2024

COUNCIL COMMUNICATION

INITIATED BY: Administrator Todd Selig

AGENDA ITEM: SHALL THE TOWN COUNCIL UNSEAL THE NONPUBLIC SESSION MINUTES FROM THE YEAR 2001 DATED JANUARY 29, FEBRUARY 5, APRIL 2, APRIL 9, APRIL 16, MAY 21, AND AUGUST 6?

CC PREPARED BY: Karen Edwards, Administrative Assistant

PRESENTED BY: Todd I. Selig, Administrator

AGENDA DESCRIPTION:

The process for Nonpublic Session minutes is stated in RSA 91 A:3 as follows:

III. Minutes of meetings in nonpublic session shall be kept and the record of all actions shall be promptly made available for public inspection, except as provided in this section. Minutes of such sessions shall record all actions in such a manner that the vote of each member is ascertained and recorded. Minutes and decisions reached in nonpublic session shall be publicly disclosed within 72 hours of the meeting, unless, by recorded vote of 2/3 of the members present taken in public session, it is determined that divulgence of the information likely would affect adversely the reputation of any person other than a member of the public body itself, or render the proposed action ineffective, or pertain to terrorism, more specifically, to matters relating to the preparation for and the carrying out of all emergency functions, developed by local or state safety officials that are directly intended to thwart a deliberate act that is intended to result in widespread or severe damage to property or widespread injury or loss of life. This shall include training to carry out such functions. In the event of such circumstances, information may be withheld until, in the opinion of a majority of members, the aforesaid circumstances no longer apply. For all meetings held in nonpublic session, where the minutes or decisions were determined to not be subject to full public disclosure, a list of such minutes or decisions shall be kept and this list shall be made available as soon as practicable for public disclosure. This list shall identify the public body and include the date and time of the meeting in nonpublic session, the specific exemption under paragraph II on its face which is relied upon as foundation for the nonpublic session, the date of the decision to withhold the minutes or decisions from public disclosure, and the

date of any subsequent decision, if any, to make the minutes or decisions available for public disclosure. Minutes related to a discussion held in nonpublic session under subparagraph II(d) shall be made available to the public as soon as practicable after the transaction has closed or the public body has decided not to proceed with the transaction.

IV. (a) A public body or agency may adopt procedures to review minutes of meetings held in nonpublic session and to determine by majority vote whether the circumstances that justified keeping meeting minutes from the public under RSA 91-A:3, III no longer apply. If the public body determines that those circumstances no longer apply, the minutes shall be available for release to the public pursuant to this chapter.

*(b) In the absence of an adopted procedure to review and determine whether the circumstances no longer apply for meeting minutes kept from the public, the public body or agency shall review and determine by majority vote whether the circumstances that justified keeping meeting minutes from the public under RSA 91 A:3, III no longer apply. This review shall occur no more than 10 years from the last time the public body voted to prevent the minutes from being subject to public disclosure. **Meeting minutes that were kept from the public prior to the effective date of this paragraph that are not reviewed by the public body or agency within 10 years of the effective date of this paragraph shall be subject to public disclosure without further action of the public body.***

This statute was revised in 2023 to contain the last highlighted section. The Town of Durham has sealed nonpublic minutes dating back to 2000. Throughout this year, these minutes will be brought to the Council to determine if they should remain sealed or be unsealed for public viewing. At this meeting the nonpublic minutes from the year 2001 will be reviewed.

LEGAL AUTHORITY:

RSA 91 A:3

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

The Town Council does hereby unseal the Nonpublic Session minutes from the year 2001 dated January 29, February 5, April 2, April 9, April 16, May 21, and August 6.



TOWN OF DURHAM

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

AGENDA ITEM: **#11** SN

DATE: **March 4, 2024**

COUNCIL COMMUNICATION

INITIATED BY: Town Council

AGENDA ITEM: DISCUSSION AND POSSIBLE ADOPTION OF RESOLUTION #2024-10 ACKNOWLEDGING THE IMPACT OF THE ISRAEL-GAZA CONFLICT ON RESIDENTS OF THE TOWN OF DURHAM, NEW HAMPSHIRE; AFFIRMING THE TOWN'S STANCE AGAINST HATE, BIGOTRY, AND DISCRIMINATION; AND CALLING FOR THE SAFE RELEASE OF ALL HOSTAGES, THE PROVISION OF HUMANITARIAN AID TO CIVILIANS IN GAZA, AND A DURABLE BILATERAL CEASEFIRE AMONG THE PARTIES TO THE ISRAEL-GAZA CONFLICT.

CC PREPARED BY: Karen Edwards, Administrative Assistant

PRESENTED BY: Todd I. Selig, Administrator

AGENDA DESCRIPTION:

At the February 19, 2024 Town Council meeting, a motion was made and approved that *"The Durham Town Council hereby directs Admin. Selig to craft a resolution for discussion and approval at the Council's next meeting that calls for an immediate ceasefire in Gaza and for the provision of humanitarian aid."* A draft resolution was created and sent out in draft form on Friday, February 23, 2024.

On February 27, 2024, Rabba Kaya of the Temple Israel Portsmouth emailed the Administrator some suggested wording changes. On February 28, 2024, Adeena Ahsan emailed the Administrator and Council with some suggested revisions. Both documents are included in the packet.

LEGAL AUTHORITY:

N/A

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

The Town Council does hereby Adopt Resolution #2024-10 Acknowledging the Impact of the Israel-Gaza Conflict on Residents of the Town of Durham, New Hampshire; Affirming the Town's Stance Against Hate, Bigotry, and Discrimination; and Calling for the Safe Release of All Hostages, the Provision of Humanitarian aid to Civilians in Gaza, and a Durable Bilateral Ceasefire Among the Parties to the Israel-Gaza Conflict.

Working Draft

2/23/2024

RESOLUTION #2024-10 OF DURHAM, NEW HAMPSHIRE

ACKNOWLEDGING THE IMPACT OF THE ISRAEL-GAZA CONFLICT IN ON RESIDENTS OF THE TOWN OF DURHAM, NEW HAMPSHIRE; AFFIRMING THE TOWN'S STANCE AGAINST HATE, BIGOTRY, AND DISCRIMINATION; AND CALLING FOR THE SAFE RELEASE OF ALL HOSTAGES, THE PROVISION OF HUMANITARIAN AID TO CIVILIANS IN GAZA, AND A DURABLE BILATERAL CEASEFIRE AMONG THE PARTIES TO THE ISRAEL-GAZA CONFLICT.

WHEREAS, the Town of Durham prides itself on being a diverse and inclusive community that values empathy, understanding, and the well-being of all its residents; and

WHEREAS, the Town of Durham has established a local Human Rights Commission with the goal of taking steps to ensure the basic human rights of every person, to counter prejudice and eliminate discrimination without distinction of any kind, such as race, color, creed, religion, national or social origin, or ancestry, among others; and

WHEREAS, the Town of Durham is a community enriched by its diverse populace, including Palestinian, Israeli, Muslim, Jewish, Christian and residents of various other backgrounds; and

WHEREAS, the ongoing conflict in Israel and Gaza has caused significant distress among many of our residents, leading to feelings of pain, fear, and concern for their loved ones in the region; and

WHEREAS, the ongoing conflict in Israel and Gaza has not only directly affected our Palestinian American and Jewish American residents but also those who, regardless of their own heritage, have family, friends, or other connections in the affected region; and

WHEREAS, the Town of Durham recognizes that such an international issue, while outside our municipal governance scope, resonates deeply and impacts the emotional well-being of many within our community; and

WHEREAS, the Town of Durham is resolutely committed to combating all forms of discrimination, including Islamophobia and antisemitism, which pose a threat to the safety, dignity, and equality of our residents; and

WHEREAS, the Town of Durham expresses its unwavering support for all Arab, Israeli, Palestinian, Jewish, Muslim, and all other members of the Durham community who are impacted, each of whom has the right to learn, work, worship, gather, advocate, mourn, and celebrate free from intimidation, harassment, and fear of violence; and

WHEREAS, the Town of Durham expresses its deep concern at the rapidly deteriorating humanitarian situation in and around Gaza and its impact on the civilian populations there, underlining the need for timely and safe humanitarian access into and throughout the Gaza Strip and takes note of the concerning reports from the United Nations and humanitarian organizations in this regard; and

NOW, THEREFORE, BE IT RESOLVED, that the Durham Town Council, the governing body of the Town of Durham, New Hampshire, hereby approves **Resolution #2024-10** stating that:

1. The Town of Durham acknowledges the profound impact of the ongoing Israel-Gaza conflict on not only our Palestinian American and Israeli American residents but also on our Muslim, Jewish, and other community members who feel a connection to the region.
2. The Town of Durham firmly condemns Islamophobia, antisemitism, and all forms of hate, bigotry, and discrimination, reaffirming its commitment to a community where all individuals are respected and protected, regardless of their faith, ethnicity, or connections to global issues.
3. The Town of Durham encourages open and respectful dialogue within our community, promoting an atmosphere of peace, empathy, and mutual respect, while recognizing the varied and deeply personal connections many residents have to the Israel-Gaza conflict.
4. The Town of Durham urges all members of our community to engage in constructive discussions and support each other, reinforcing our collective resilience against divisiveness, hatred, and misunderstanding.
5. The Town of Durham reiterates its dedication to being a welcoming community for all residents, advocating for mental and emotional well-being, and standing against any form of bigotry or hatred.
6. As principles in line with our community's values, the Town of Durham asks the President of the United States and members of the United States Congress to immediately pursue the safe release of all hostages, the provision of humanitarian aid to civilians in Gaza, and a durable bilateral ceasefire among the parties to the Israel-Gaza Conflict.

Be it further resolved that a copy of this resolution be sent to United States Representative Chris Pappas from New Hampshire; United States Senators Maggie Hassan and Jeanne Shaheen from New Hampshire; and United States President Joseph Biden, urging them to take action toward this end.

PASSED AND ADOPTED by the Town Council of the Town of Durham, New Hampshire this _____ day of **March, 2024** by _____ affirmative votes, ___ negative votes and ___ abstentions.

Sally Needell, Chair
Durham Town Council

ATTEST:

Rachel Deane, Town Clerk-Tax Collector

Karen Edwards

From: Todd Selig
Sent: Tuesday, February 27, 2024 4:36 PM
To: Karen Edwards
Subject: FW: draft of gaza ceasefire and humanitarian aid resolution for further consideration and action by council on 3/4/24

From: Rabba Kaya, Temple Israel Portsmouth <rabbakayasternkaufman@gmail.com>
Sent: Tuesday, February 27, 2024 3:39 PM
To: Todd Selig <tselig@ci.durham.nh.us>
Subject: Re: draft of gaza ceasefire and humanitarian aid resolution for further consideration and action by council on 3/4/24

You don't often get email from rabbakayasternkaufman@gmail.com. [Learn why this is important](#)

After a close reading I have a few edit suggestions.

In the resolution opening paragraph it says

...a Durable Bilateral Ceasefire Among the Parties to the **Israel-Gaza Conflict**. I think it should be restated as the **Israel-Hamas conflict in Gaza and Israel**.

In the numbered statements I think there should be similar edits.

1. The Town of Durham acknowledges the profound impact of the ongoing **Israel-Gaza conflict** ...

Rather: ... the ongoing **Israel-Hamas conflict in Gaza and Israel**.

3. ...and deeply personal connections many residents have to the **Israel-Hamas conflict in Gaza and Israel**.

6. a durable bilateral ceasefire among the parties to the **Israel-Hamas Conflict in Gaza and Israel**.

Thanks,
R. Kaya

Rabba Kaya Stern-Kaufman (She,Her)
Temple Israel Portsmouth
200 State Street
Portsmouth, NH 03801
(603) 436-5301

To set up a meeting with me, please go to: <https://calendly.com/rabba-kaya/30min>

כִּי בֵּיתִי בֵּית תְּפִלָּה יִקְרָא לְכָל הָעַמִּים:

"For My House shall be called a House of Prayer for All Peoples."

Isaiah 56:7

On Mon, Feb 26, 2024 at 8:30 PM Todd Selig <tselig@ci.durham.nh.us> wrote:

Dear Rabba Kaya,

Absolutely. That sounds great. Feel free to improve as you think appropriate. This was my best attempt in the time that I had available. We are away this week. Touring some colleges with Gabi but I will try to reach out during some free

From: Adeena Ahsan
Palestine Solidarity Coalition - UNH

Councilmembers,

We, residents and friends of Durham, are deeply appreciative of your engaged/resolute/active response to our proposal of a ceasefire resolution. It is heartening to see that, where our state and federal representatives have ignored and dismissed us, you - our local representatives - are open to dialogue. We are excited and encouraged by your initiative to see a ceasefire resolution passed here in Durham; your additional calls for the provision and safe passage of humanitarian aid to Gaza are especially appreciated. We feel heard and seen by you, and our gratitude for this cannot be understated.

We also sincerely appreciate the council sharing the draft resolution with us before publishing it for public comment and opening to a vote. This allows us to share and discuss in detail some of the reasoning behind specific clauses we proposed in our suggested resolution text, and perhaps find common ground on what are the key points to include. This is especially important, since we believe the draft prepared by Administrator Selig is lacking critical points, which render it moot and hard to justify given the Councilors' arguments during the last Council session. We would like to highlight the most important requested changes below.

1. Perhaps the most substantial flaw of this draft is the lack of acknowledgement of US involvement in and backing of the actions taken by Israel in Gaza and West Bank. The United States federal government supports Israel with arms, munition and finances as well as the strength of its position and sway in the international community. By these actions, we, as citizens and taxpayers in this country, have become complicit in the violence and hence it is our duty to call out our government explicitly.

We brought this ceasefire resolution to you after spending months futilely imploring our federal and state representatives to fulfill their duty to us, the people who elected them. We pay our taxes for the improvement of and reinvestment in our communities, states, and country, not to fund another country's military and war crimes. You, as our local representatives, are our last level of democratic bureaucracy we can appeal to in this regard. In light of this argument, we believe that the final resolution text should include one or more clauses similar to this suggestion:

Whereas, to fund Israel's weapons each year, \$106,246 comes out of the Town of Durham alone, \$19.5 million comes out of the State of New Hampshire, and \$3.8 billion dollars come out of the United States of America instead of funding local, state, and federal health care, housing, and education needs, according to the US Campaign for Palestinian Rights;

2. In concert with the point above, this working draft has significantly minimized the scale of destruction and loss of life in Gaza. There should be an open and explicit acknowledgement of those who have died as a direct result of Israeli destruction of civilian infrastructure, as well as those who have and will continue to die in increasing numbers as a factor of Israel's continued siege and blockade of Gaza leading to starvation, malnutrition, and disease. This scale of

destruction and loss of human life would not have been possible without US support to Israel. The current draft conceals the horrific pictures from Gaza in abstract language, seemingly in an attempt to absolve ourselves of the responsibility we bear, and we believe it is only right to state the full truth instead. Please consider including one or more of clauses in the final text akin to this one:

Whereas, after over seventy-five years of Israel's military occupation of Palestine and since the Hamas attacks in October 2023, Israel has engaged in a disproportionate and indiscriminate military campaign in Gaza that has killed over 29,000 Palestinians, 70% of whom are women and children, while tens of thousands more are missing and/or injured;

3. As a natural consequence of the prior two points, we would also like to strengthen the calls for actions being asked of the US President Joseph Biden and members of the United States Congress. Specifically, it would be appropriate to demand the US cut military funding to Israel, for example using the following wording, modified from Administrator Selig's draft:

6. As principles in line with our community's values, the Town of Durham asks the President of the United States and members of the United States Congress to immediately pursue the safe release of all Palestinian and Israeli hostages, the provision of humanitarian aid to civilians in Gaza, *the conditioning of US military aid to Israel on its use in accordance with the US constitution and basic human rights or its suspension*, and a durable bilateral ceasefire among the parties to the Israel-Gaza Conflict.

4. Furthermore, under the same clause, we ask that the phrase reading "to immediately pursue the safe release of all hostages" be altered to read as "to immediately pursue the safe release of all Palestinian and Israeli hostages." Thousands of Palestinians have been illegally detained and abducted by Israel years before and in the months since October 7th, some of which were exchanged in November for Israeli hostages. These prisoners are hostages by definition, and the act of exchanging illegally detained men, women, and children for the Israeli hostages should clearly illustrate this.

It is necessary to add this specificity and include the Palestinian hostages explicitly in the clause because many people only consider the Israeli hostages taken on October 7th when they ask for hostage release. As a result, the Palestinian hostages are rarely discussed if acknowledged at all. Without this clarity, your request for the release of all hostages is open to alternative interpretation depending on the reader. This is the suggested new text:

6. As principles in line with our community's values, the Town of Durham asks the President of the United States and members of the United States Congress to immediately pursue *the safe release of all Palestinian and Israeli hostages*, the provision of humanitarian aid to civilians in Gaza, the conditioning of US military aid to Israel on its use in accordance with the US constitution and basic human rights or its suspension, and a durable bilateral ceasefire among the parties to the Israel-Gaza Conflict.

In failing to include these aspects of the ceasefire resolution in this working draft, it fails to justify its own existence. The United States has direct power to bring a stop to the violence in Gaza. We have this power through our financial and material support of the Israeli military - a financial and material support sustained by our tax dollars. We also have this power through the position of the US in the international community, for example as a member of the UN Security Council. To tie this back to the argument made by Councilor Joe Friedman at the last Town Council Meeting, we do not submit a ceasefire resolution for the conflict in Ukraine, because our government has not given Vladimir Putin and the Russian government billions of taxpayer dollars to continue his slaughter of civilians. We submit a ceasefire resolution for Gaza, because it is our taxes that are funding what has been legally recognized by the International Court of Justice as Israel's plausible violation of the Genocide Convention. It is our country's direct financial and material support of the slaughter in Gaza that drives us, as conscientious citizens of the United States, to advocate for this ceasefire resolution as a statement of principle. We want to call out that we the people do not approve of this use of our tax money or the support of the disproportionate actions taken by Israel.

Your response to agree to draft this resolution at the last meeting was incredible, and goes above and beyond what other towns and cities in Southern New Hampshire seem willing to even consider. But omitting or obscuring the points outlined here defeats the purpose of this resolution for a ceasefire, rendering it impotent and hollow. As Councilor Welsh stated at the last Town Council Meeting, we believe it is good for both the US and Israel to call out the level of violence against the civilian population in Palestine and both countries' responsibility for it.

Again, we are deeply appreciative that you have heard us, but we implore that you also listen to these critiques and consider them in your final draft of this resolution for a ceasefire in Gaza.

Thank you,

Residents, students, and friends of Durham, NH

February 28, 2024

Dear Town Council Members,

I'm writing in **opposition** to the council's potential resolution regarding the current situation in Gaza. Although the situation in Gaza is a horrible humanitarian crisis and I personally abhor many of the Israeli government's actions there, I think the Town of Durham weighing in will only serve to fan the flames of anger and division within our own community.

I have two main objections to the planned resolution. First and foremost, there are members of the Durham community who will be made profoundly uncomfortable by any resolution you may craft, however carefully or well-intentioned. This is not because they are unreasonable, uncaring people or because they don't want peace, but because the current Middle East conflict is only a small piece of an ongoing and exceedingly complex situation. Durham prides itself on being "a welcoming community," yet this resolution will make it feel decidedly unwelcoming to those who don't wholeheartedly support the prevailing narrative. The Town Council members' discussion during your last meeting didn't seem to recognize that there even *are* other legitimate viewpoints, which has already made some Durham residents feel discounted, invisible, and even unsafe expressing dissenting opinions openly.

The rhetoric used by many in the ceasefire movement – including some who spoke at the last Durham Town Council meeting – often includes classic anti-Jewish and anti-Israel tropes that impede constructive dialogue and dismiss the possibility of an intelligent counterargument. Even those who don't use such incendiary language usually want to view the situation in black-and-white terms, wherein Israel is the aggressor and Palestinians are the oppressed. But in this conflict, there are only shades of gray. Why aren't the voices stridently demanding another ceasefire not just as vehemently calling for Hamas to release the rest of the Israeli (and American!) hostages taken on October 7? Why isn't Hamas being blamed for some of the casualties when they've made a purposeful policy of using innocent civilians as human shields? If there is a ceasefire, what's to prevent Hamas from using the time to reorganize themselves behind more human shields? For the record, I can give plenty of arguments against Israel's behavior, too. And I don't consider myself to be highly knowledgeable in this area.

My second objection to the resolution is a broader one. Why is Durham weighing in on this particular international conflict and not on others? Has there been a resolution condemning the invasion of Ukraine? The treatment of Uighurs in China? Will there be one regarding the persecution of Russian political dissidents like Alexei Navalny? Or the many political activists routinely imprisoned or executed in Saudi Arabia? What about the conflicts in Somalia, Sudan, Ethiopia, or Myanmar, some of which have stronger claims when it comes to accusations of genocide or ethnic cleansing? Our tax dollars are used in some of these countries, too. Within the US, should Durham have condemned the Trump-era policies related to migrants, like separating children from parents at the US border? Each time the Town Council chooses whether to weigh in on a conflict or controversy, you're making a value judgement about which ones are important enough for our entire town's attention, thereby marginalizing anyone who

either disagrees or has a stronger connection to a different conflict. Rather than risk choosing poorly and offending various community factions, it would be wise to restrict council resolutions to actions that have a direct, local impact.

Thank you for your consideration of this serious matter.

Sincerely,

Marjorie Raven
19 Ross Rd, Durham



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
DATE: March 4, 2024

COUNCIL COMMUNICATION

INITIATED BY: Durham Town Council

AGENDA ITEM: **APPROVE THE TOWN COUNCIL MEETING MINUTES FOR FEBRUARY 5, 2024.**

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 February 5, 2024. 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. **Any corrections sent to Karen have been included in these minutes.**

LEGAL AUTHORITY:

RSA 91-A:2 (II) specifies what must be contained in minutes of public meetings:

"Minutes of all such meetings, including names of members, persons appearing before the bodies or agencies, and a brief description of the subject matter discussed and final decisions, shall be promptly recorded and open to public inspection not more than 5 business days after the public meeting, except as provided in RSA 91-A:6, and shall be treated as permanent records of anybody or agency, or any subordinate body thereof, without exception."

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION:

The Durham Town Council does hereby approve the Town Council meeting minutes for February 5, 2024 (as presented/as amended).