



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, APRIL 1, 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*)
 - A. Shall the Town Council, Upon Recommendation of the Administrator, Approve a Special Event Permit Application Submitted by Durham Parks & Recreation to close certain sections of Town Roads for Memorial Day Ceremony to be held on Monday, May 27, 2024?
 - B. Shall the Town Council, Upon Recommendation of the Administrator, Approve a Special Event Permit Application Submitted by Durham Parks & Recreation to close certain sections of Town Roads for Downtown Durham Day to be held on Saturday, June 22, 2024, with a rain date of Sunday, June 23, 2024?
 - C. Shall the Town Council, Upon Recommendation of the Administrator, Approve a Special Event Permit Application Submitted by Durham Parks & Recreation to close certain sections of Town Roads for Durham Day Dash 5K Road Race to be held on Sunday, June 23, 2024?

- D. Shall the Town Council, Upon Recommendation of the Administrator, Approve a Special Event Permit Application Submitted by Kathryn Riddinger to close certain sections of Town Roads for University Day to be held on Thursday, September 5, 2024 with a rain date of Thursday, September 12, 2024?
- E. Shall the Town Council, Upon Recommendation of the Administrator, Authorize the Administrator, on Behalf of the Town of Durham, to Sign and Submit to James Boffetti, Deputy Attorney General, Subdivision Participation Forms Relative to the National Prescription Opiate Litigation Brought by States and Local Political Subdivisions Against Three major Pharmacy Chains (CVS, Walgreens & Walmart) and Two Opioid Manufacturers (Teva & Allergan)?
- F. Shall the Town Council, upon recommendation of the Administrator, review and readopt the Town's Investment Policy as required by New Hampshire Revised Statutes Annotated (RSA) 41:9?

IX. Committee Appointments

- A. Annual appointments and re-appointments of citizens to various town boards, commissions, and committees.
- B. Shall the Town Council, Upon Recommendation of the Library Board of Trustees Chair, Appoint Elizabeth Newkirk, 40 Mill Pond Road, to fill an Alternate Membership on the Library Board of Trustees with a term expiration of April 2025?

X. Presentation Items

XI. Unfinished Business

Public Hearing and Action on Ordinance #2024-02 Amending Chapter 175, "Zoning Ordinance," Articles I, IV, VII and XVII to change the process for noticing public hearings for zoning amendments, conditional uses, historic district reviews, and UNH projects from publishing notices in a local newspaper to posting notices on the Town website, and to change the process for notices for conditional use hearings to be sent by verified mail rather than certified mail.

XII. Approval of Minutes - March 4, 2024

XIII. Councilor and Administrator Roundtable

XIV. New Business

- A. Discussion and Approval of the recommendations by the Town Assessor and Administrator relative to FY 2023 Property Tax abatement requests in the total amount of \$23,779.30.
- B. Initial discussion regarding development of the 2024/25 Town Council goals

XV. Nonpublic Session (if required)

XVI. Extended Councilor and 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

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Durham, NH 03824

Tel: 603-868-5571

Fax: 603-868-1858

www.ci.durham.nh.us

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

DATE: April 1, 2024

COUNCIL COMMUNICATION

INITIATED BY: Durham Parks & Recreation

AGENDA ITEM: SHALL THE TOWN COUNCIL, UPON RECOMMENDATION OF THE ADMINISTRATOR, APPROVE A SPECIAL EVENT PERMIT APPLICATION SUBMITTED BY DURHAM PARKS & RECREATION TO CLOSE CERTAIN SECTIONS OF TOWN ROADS FOR MEMORIAL DAY CEREMONY TO BE HELD ON MONDAY, MAY 27, 2024?

CC PREPARED BY: Karen Edwards, Administrative Assistant

PRESENTED BY: Todd Selig, Administrator

AGENDA DESCRIPTION:

Attached is a special event/road closure permit application submitted by Durham Parks & Recreation requesting that certain portions of town roads be closed beginning from 9:30 a.m. to 11:00 a.m. on Monday, May 27, 2024, for the Memorial Day Ceremony.

The application has been reviewed by the appropriate town departments and has been approved by them. The Administrator therefore recommends approval of this special event and road closure permit.

LEGAL AUTHORITY:

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

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION:

The Town Council, Upon Recommendation of the Administrator, does hereby approve a Special Event Permit Application Submitted by Durham Parks & Recreation to close certain sections of Town Roads for Memorial Day Ceremony to be held on Monday, May 27, 2024.



TOWN OF DURHAM

100 Stone Quarry Drive, Durham, NH 03824

TEL: (603) 868-5578

FAX: (603) 868-8063

Email: publicworks@ci.durham.nh.us

PERMIT APPLICATION

Revised: 2/18/19

TYPE OF PERMIT (Please check one):

- Special Event
- Road Closure Request
- Use of Town Property

LOCATION WHERE EVENT WILL OCCUR: Downtown Main Street / Mem. Park

DAY & DATE OF EVENT: Monday, May 27th 2024 TIME(S) OF EVENT: 10:00am

DURATION OF EVENT (Including set up and breakdown time): 2.5 hrs

NAME OF APPLICANT/ORGANIZATION: Durham P&R

NAME OF EVENT: Memorial Day Ceremony

PERSONAL CONTACT FOR THIS EVENT: Rachel Gasowski

ADDRESS: 2 Dover Rd Durham

TELEPHONE NO.: DAY: (603) 217-4074 EVENING: (603) 254-6178

EMAIL: rgasowski@ci.durham.nh.us

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

Closure of Main St. between 9:30am-11am We will set up a tent, podium & PA System at the top of Memorial Park near Main St. Live music will be played & muskets will be fired during the ceremony.

The community will gather on the closed portion of Main St. for the event.

ANTICIPATED NUMBER OF PARTICIPANTS: 100

ANTICIPATED NUMBER OF VEHICLES: 5

CERTIFICATE OF INSURANCE INFORMATION

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

Insurance Carrier: _____

Policy Number and Expiration Date: _____

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

Printed Name and Signature of Event Coordinator/applicant Date

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

FOR OFFICIAL USE ONLY

Reviewed by DPW
Comments:

Bullock
OK 2/27/27

Reviewed by PD
Comments:

Reviewed by FD
Comments:

See attached Fire Department conditions of permit approval

Reviewed by P&R
Comments:

Approved: _____
Todd I. Selig, Administrator Date

Karen Reynolds

From: David Holmstock
Sent: Wednesday, February 28, 2024 1:44 PM
To: Karen Reynolds; David Emanuel; Rachel Gasowski
Cc: Kelley Fowler; Aimee Routhier; Shannon Shaw
Subject: RE: Memorial Day Ceremony Permit Application

The Police Department supports the permit and will have 3 officers posted for the event.

Regards,

Dave

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

From: Karen Reynolds <kreynolds@ci.durham.nh.us>
Sent: Wednesday, February 28, 2024 7:33 AM
To: David Emanuel <david.emanuel@unh.edu>; David Holmstock <dholmstock@ci.durham.nh.us>; Rachel Gasowski <rgasowski@ci.durham.nh.us>
Cc: Kelley Fowler <Kelley.Fowler@unh.edu>; Aimee Routhier <Aimee.Routhier@unh.edu>; Shannon Shaw <sshaw@ci.durham.nh.us>
Subject: Memorial Day Ceremony Permit Application

Good Morning,

Please see attached for you approval. Rachel, please notice that you did not sign this one.

Thank you.
Karen

Karen Reynolds
Administrative Assistant
Durham Public Works
DPW/Water/WWTP
100 Stone Quarry Drive
Durham, NH 03824
603.868.5578

Karen Reynolds

From: David Emanuel <david.emanuel@unh.edu>
Sent: Monday, March 18, 2024 1:16 PM
To: Karen Reynolds
Cc: Kelley Fowler; Aimee Routhier; Shannon Shaw; Randall Trull; Robert Atwater
Subject: RE: Memorial Day Ceremony Permit Application
Attachments: Memorial Day Ceremony Permit App.pdf

Karen,
The fire department supports the application as submitted.
Thank you for your note!
DE

Dave Emanuel, MPA, EFO, CFO
Fire Chief - Durham Fire Department
51 College Road, Durham, NH 03824
david.emanuel@unh.edu
(603) 862-1426 (Office) - (603) 397-7447 (Mobile)
"Our Family Protecting Your Family"



Please note the email address change as the Durham Fire Department migrated from the Town of Durham to University of New Hampshire IT platform on May 27, 2020. The best email address for Dave Emanuel from this point forward is david.emanuel@unh.edu. Please update your address book.

From: Karen Reynolds <kreynolds@ci.durham.nh.us>
Sent: Monday, March 18, 2024 9:25 AM
To: David Emanuel <david.emanuel@unh.edu>
Cc: Kelley Fowler <Kelley.Fowler@unh.edu>; Aimee Routhier <Aimee.Routhier@unh.edu>; Shannon Shaw <sshaw@ci.durham.nh.us>
Subject: FW: Memorial Day Ceremony Permit Application

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

Hi Chief,

This Memorial Day permit is still waiting for your approval.

Thank you.
Karen



TOWN OF DURHAM

8 Newmarket Road

Durham, NH 03824

Tel: 603-868-5571

Fax: 603-868-1858

www.ci.durham.nh.us

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

DATE: April 1, 2024

COUNCIL COMMUNICATION

INITIATED BY: Durham Parks & Recreation

AGENDA ITEM: SHALL THE TOWN COUNCIL, UPON RECOMMENDATION OF THE ADMINISTRATOR, APPROVE A SPECIAL EVENT PERMIT APPLICATION SUBMITTED BY DURHAM PARKS & RECREATION TO CLOSE CERTAIN SECTIONS OF TOWN ROADS FOR DOWNTOWN DURHAM DAY TO BE HELD ON SATURDAY, JUNE 22, 2024, WITH A RAIN DATE OF SUNDAY, JUNE 23, 2024?

CC PREPARED BY: Karen Edwards, Administrative Assistant

PRESENTED BY: Todd Selig, Administrator

AGENDA DESCRIPTION:

Attached is a special event/road closure permit application submitted by Durham Parks & Recreation requesting that certain portions of town roads be closed beginning from 12:30 p.m. to 3:00 p.m. on Saturday, June 22, 2024, for Downtown Durham Day. The rain date will be June 23, 2024, from 2:30 p.m. to 5:00 p.m.

The application has been reviewed by the appropriate town departments and has been approved by them. The Administrator therefore recommends approval of this special event and road closure permit.

LEGAL AUTHORITY:

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

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION:

The Town Council, upon recommendation of the Administrator, does hereby approve a Special Event Permit Application submitted by Durham Parks & Recreation to close certain Sections of Town Roads for Downtown Durham Day to be held on Saturday, June 22, 2024, with a rain date of Sunday, June 23, 2024.



TOWN OF DURHAM

100 Stone Quarry Drive, Durham, NH 03824

TEL: (603) 868-5578

FAX: (603) 868-8063

Email: publicworks@ci.durham.nh.us

PERMIT APPLICATION

Revised: 2/18/19

TYPE OF PERMIT (Please check one):

- Special Event
- Road Closure Request
- Use of Town Property

LOCATION WHERE EVENT WILL OCCUR: Downtown Main St. 66 Main & Jenkins^{Crt}

DAY & DATE OF EVENT: Saturday June 22nd TIME(S) OF EVENT: 12³⁰ pm - 3pm

*Rain Date Sunday, June 23rd 2³⁰ - 5^{pm}
DURATION OF EVENT (Including set up and breakdown time): 6 hrs

NAME OF APPLICANT/ORGANIZATION: Durham Parks & Recreation

NAME OF EVENT: Downtown Durham Day

PERSONAL CONTACT FOR THIS EVENT: Rachel Gasowski

ADDRESS: 2 Dover Rd. Durham

TELEPHONE NO.: DAY: (603) 817-41074 EVENING: (603) 254-6178

EMAIL: rgasowski@ci.durham.nh.us

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

We would like to close down Main St. & Jenkins Crt. for the event. 66 Main Parking lot will be used for info tables/booths. Live music & activities on Main St. Jenkins Crt. will have craft tables/vendors.

- Requesting assistance from DPW w/Road Closure, trash/Recycle Control. Assistance with picking up extra tables & chairs from ORHS.
- Requesting assistance from Police w/traffic Control
- Requesting Fire Dept. to be onsite w/apparatus during event.

ANTICIPATED NUMBER OF PARTICIPANTS: 300+

ANTICIPATED NUMBER OF VEHICLES: 100

CERTIFICATE OF INSURANCE INFORMATION

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

Insurance Carrier: Primex

Policy Number and Expiration Date: _____

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

Printed Name and Signature of Event Coordinator/applicant Date

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

FOR OFFICIAL USE ONLY

Reviewed by DPW *[Signature]*
Comments: *2-27-23*

Reviewed by PD
Comments:

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

Reviewed by P&R
Comments: *[Signature]*

Approved: _____
Todd I. Selig, Administrator Date

Karen Reynolds

From: David Holmstock
Sent: Thursday, March 7, 2024 3:36 PM
To: Karen Reynolds; David Emanuel
Cc: Aimee Routhier; Kelley Fowler; Shannon Shaw; Rachel Gasowski
Subject: RE: Downtown Durham Day Permit Application

The police department has already posted the detail! (Smiley Face Icon)

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

From: Karen Reynolds <kreynolds@ci.durham.nh.us>
Sent: Thursday, March 7, 2024 2:18 PM
To: David Emanuel <david.emanuel@unh.edu>; David Holmstock <dholmstock@ci.durham.nh.us>
Cc: Aimee Routhier <Aimee.Routhier@unh.edu>; Kelley Fowler <Kelley.Fowler@unh.edu>; Shannon Shaw <sshaw@ci.durham.nh.us>; Rachel Gasowski <rgasowski@ci.durham.nh.us>
Subject: Downtown Durham Day Permit Application

Good Afternoon Folks 😊

Please see attached for your approval.

Thank you.
Karen

Karen Reynolds
Administrative Assistant
Durham Public Works
DPW/Water/WWTP
100 Stone Quarry Drive
Durham, NH 03824
603.868.5578



Karen Reynolds

From: David Emanuel <david.emanuel@unh.edu>
Sent: Monday, March 18, 2024 1:17 PM
To: Karen Reynolds
Cc: Kelley Fowler; Aimee Routhier; Shannon Shaw; David Emanuel
Subject: RE: Downtown Durham Day Permit Application

Karen,
The fire department supports the permit application as submitted, my error on the earlier email chain.
DE

Dave Emanuel, MPA, EFO, CFO
Fire Chief - Durham Fire Department
51 College Road, Durham, NH 03824
david.emanuel@unh.edu
(603) 862-1426 (Office) - (603) 397-7447 (Mobile)
"Our Family Protecting Your Family"



Please note the email address change as the Durham Fire Department migrated from the Town of Durham to University of New Hampshire IT platform on May 27, 2020. The best email address for Dave Emanuel from this point forward is david.emanuel@unh.edu. Please update your address book.

From: Karen Reynolds <kreynolds@ci.durham.nh.us>
Sent: Monday, March 18, 2024 9:15 AM
To: David Emanuel <david.emanuel@unh.edu>
Cc: Kelley Fowler <Kelley.Fowler@unh.edu>; Aimee Routhier <Aimee.Routhier@unh.edu>; Shannon Shaw <sshaw@ci.durham.nh.us>
Subject: FW: Downtown Durham Day Permit Application

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

Good Morning Chief,

Please see attached for your approval and previous emails.

Thank you.
Karen

From: Karen Reynolds
Sent: Tuesday, March 12, 2024 9:47 AM
To: David Emanuel <david.emanuel@unh.edu>



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** *TS*

DATE: April 1, 2024

COUNCIL COMMUNICATION

INITIATED BY: Durham Parks & Recreation

AGENDA ITEM: SHALL THE TOWN COUNCIL, UPON RECOMMENDATION OF THE ADMINISTRATOR, APPROVE A SPECIAL EVENT PERMIT APPLICATION SUBMITTED BY DURHAM PARKS & RECREATION TO CLOSE CERTAIN SECTIONS OF TOWN ROADS FOR DURHAM DAY DASH 5K ROAD RACE TO BE HELD ON SUNDAY, JUNE 23, 2024?

CC PREPARED BY: Karen Edwards, Administrative Assistant

PRESENTED BY: Todd Selig, Administrator

AGENDA DESCRIPTION:

Attached is a special event/road closure permit application submitted by Durham Parks & Recreation requesting that certain portions of town roads be closed beginning from 9:00 a.m. to 10:30 a.m. on Sunday, June 23, 2024, for the Durham Day Dash 5K Road Race.

The application has been reviewed by the appropriate town departments and has been approved by them. The Administrator therefore recommends approval of this special event and road closure permit.

LEGAL AUTHORITY:

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

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION:

The Town Council, Upon Recommendation of the Administrator, does hereby approve a Special Event Permit Application Submitted by Durham Parks & Recreation to close certain sections of Town Roads for Durham Day Dash 5K Road Race to be held on Sunday, June 23, 2024.



TOWN OF DURHAM

100 Stone Quarry Drive, Durham, NH 03824

TEL: (603) 868-5578

FAX: (603) 868-8063

Email: publicworks@ci.durham.nh.us

PERMIT APPLICATION

Revised: 2/18/19

TYPE OF PERMIT (Please check one):

Special Event

Road Closure Request

Use of Town Property

LOCATION WHERE EVENT WILL OCCUR: See Attached Map

DAY & DATE OF EVENT: Sunday June 23rd TIME(S) OF EVENT: 9⁰⁰ AM

DURATION OF EVENT (Including set up and breakdown time): 1.5 hrs

NAME OF APPLICANT/ORGANIZATION: Durham Parks & Recreation

NAME OF EVENT: Durham Day Dash 5K Road Race

PERSONAL CONTACT FOR THIS EVENT: Rachel Gasowski

ADDRESS: 2 Dover Rd Durham

TELEPHONE NO.: DAY: (603) 817-4674 EVENING: (603) 254-6178

EMAIL: rgasowski@ci.durham.nh.us

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

The 5K will be run on the attach course route. Requesting assistance from Police with intersections, & Safety control of runners. DPR will notify the neighborhoods the race runs through to give them a heads up 2 weeks before the race.

ANTICIPATED NUMBER OF PARTICIPANTS: 200

ANTICIPATED NUMBER OF VEHICLES: 0

CERTIFICATE OF INSURANCE INFORMATION

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

Insurance Carrier: _____

Policy Number and Expiration Date: _____

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

Printed Name and Signature of Event Coordinator/applicant Date

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

FOR OFFICIAL USE ONLY

Reviewed by DPW
Comments:

 *du 2.27.27*

Reviewed by PD
Comments:

Reviewed by FD
Comments:

See attached Fire Department conditions of permit approval

Reviewed by P&R
Comments:

Approved: _____ Date
Todd I. Selig, Administrator

Durham Day Dash 5K Course Map



USATF Certificate NH15007BK

Effective November 29, 2015 - December 31, 2025

Start, Finish and all miles are marked with White Paint and P-K Nails (UP = Utility Pole).

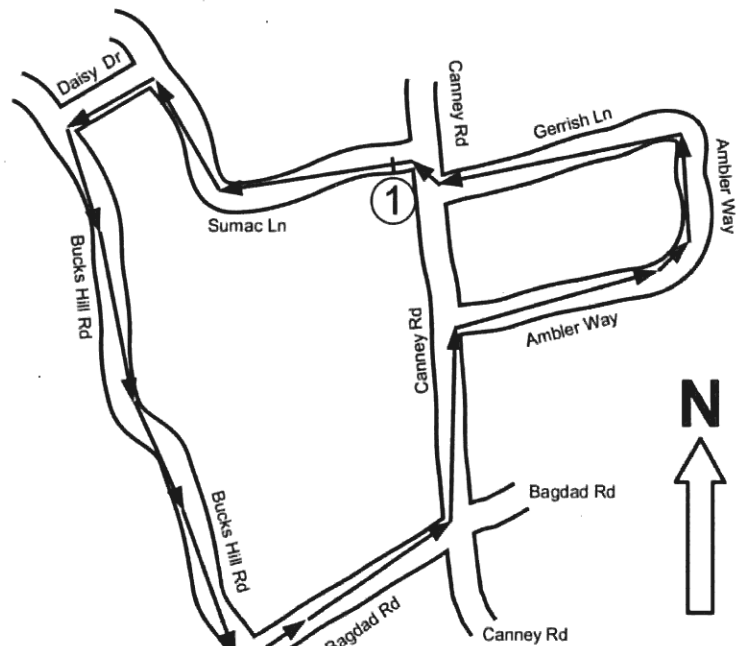
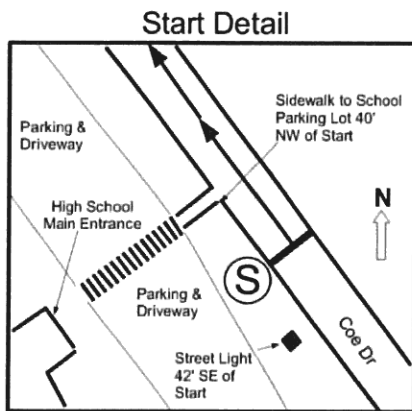
Start: On the southwest side of Coe Dr in front of Oyster River High School 40 ft SE from edge of walkway which connects sidewalk to school parking lot in front of main entrance, & 42 ft NW of street light between High School & Coe Rd.

Mile 1: On south side of Sumac Ln just west of the Sumac Ln Canney Rd intersection, 18 ft 4 inches W of fire hydrant, & 12 ft E of storm drain both on same side.

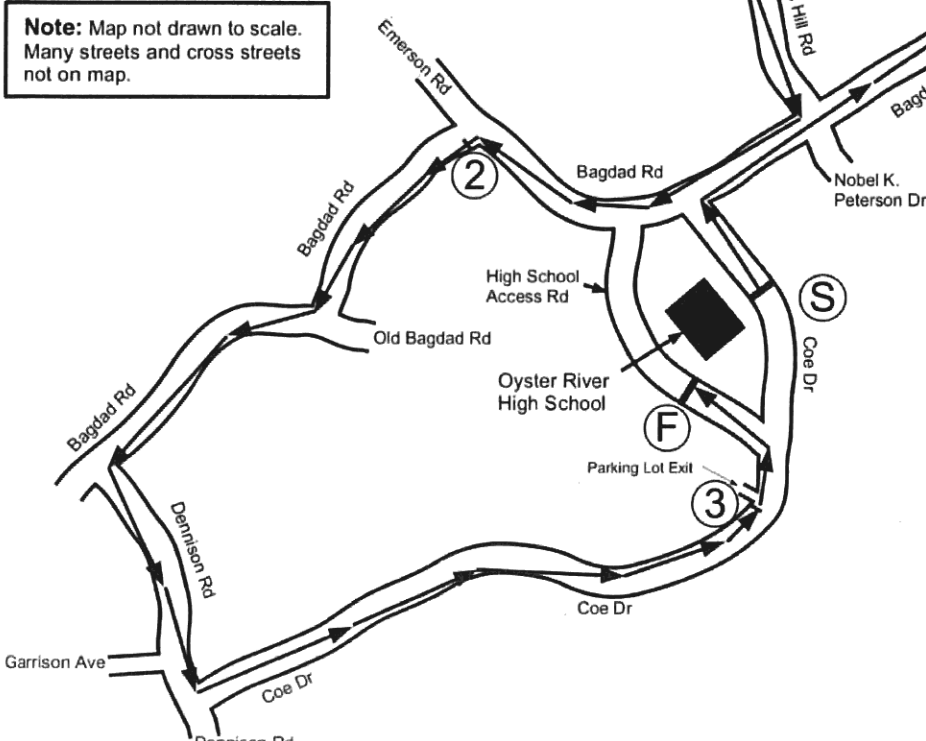
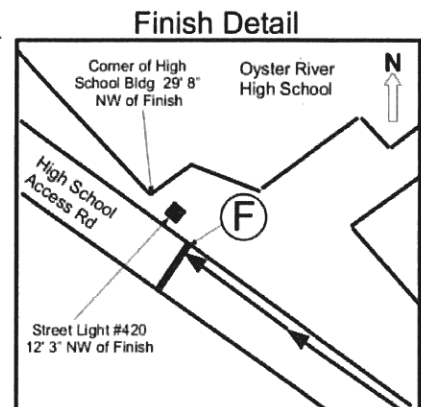
Mile 2: On the southeast side of Bagdad Rd 23 ft 10 inches SW of "Stop" sign with "Bagdad Rd" street sign at corner of Bagdad and Emerson Rd.

Mile 3: On west side of Coe Dr 15 ft 2 inches S of storm drain that is S of the school parking lot exit.

Finish: On the northeast side of the access road behind Oyster River High School, 12 ft 3 inches SE of street light 420 with "Please Turn Off Engine After Stopping" sign, & 29 ft 8 inches SE of the south corner of the school building.



Note: Map not drawn to scale. Many streets and cross streets not on map.



Measured November 24, 2015
By Bob Kennedy
Oyster River Running Company
osprey02554@yahoo.com
508.577.4105

Karen Reynolds

From: David Holmstock
Sent: Tuesday, March 12, 2024 3:52 PM
To: Karen Reynolds; David Emanuel
Cc: Shannon Shaw; Aimee Routhier; Kelley Fowler
Subject: RE: Durham Day Dash 5k Road Race Permit

The PD supports the permit as submitted. We have already posted to staff the event.

Dave

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

From: Karen Reynolds <kreynolds@ci.durham.nh.us>
Sent: Tuesday, March 12, 2024 3:45 PM
To: David Emanuel <david.emmanuel@unh.edu>; David Holmstock <dholmstock@ci.durham.nh.us>
Cc: Shannon Shaw <sshaw@ci.durham.nh.us>; Aimee Routhier <Aimee.Routhier@unh.edu>; Kelley Fowler <Kelley.Fowler@unh.edu>
Subject: Durham Day Dash 5k Road Race Permit

Good Afternoon Folks,

Please see attached for your approval.

Thank you.
Karen

Karen Reynolds
Administrative Assistant
Durham Public Works
DPW/Water/WWTP
100 Stone Quarry Drive
Durham, NH 03824
603.868.5578



Karen Reynolds

From: David Emanuel <david.emanuel@unh.edu>
Sent: Tuesday, March 21, 2023 3:49 PM
To: Karen Reynolds
Cc: Kelley Fowler; Aimee Routhier; Shannon Shaw; Brendan O'Sullivan; Randall Trull
Subject: RE: Durham Day Dash 5k Road Race 2023
Attachments: Durham Day Dash 5k Road Race.pdf; Durham Day Dash 5k Course Map.pdf

Karen,
The FD supports the permit application as submitted.
Thank you!
DE

Dave Emanuel, MPA, EFO, CFO
Fire Chief - Durham Fire Department
51 College Road, Durham, NH 03824
david.emanuel@unh.edu
(603) 862-1426 (Office) - (603) 397-7447 (Mobile)
"Our Family Protecting Your Family"



Please note the email address change as the Durham Fire Department migrated from the Town of Durham to University of New Hampshire IT platform on May 27, 2020. The best email address for Dave Emanuel from this point forward is david.emanuel@unh.edu. Please update your address book.

From: Karen Reynolds <kreynolds@ci.durham.nh.us>
Sent: Tuesday, March 21, 2023 3:37 PM
To: David Emanuel <david.emanuel@unh.edu>
Cc: Kelley Fowler <Kelley.Fowler@unh.edu>; Aimee Routhier <Aimee.Routhier@unh.edu>; Shannon Shaw <sshaw@ci.durham.nh.us>
Subject: FW: Durham Day Dash 5k Road Race 2023

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

Chief,

Durham Day Dash 5k Road Race Special Event Permit for your approval.

Thank you.
Karen



TOWN OF DURHAM

8 Newmarket Road

Durham, NH 03824

Tel: 603-868-5571

Fax: 603-868-1858

www.ci.durham.nh.us

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

DATE: April 1, 2024

COUNCIL COMMUNICATION

INITIATED BY: Kathryn Riddinger

AGENDA ITEM: SHALL THE TOWN COUNCIL, UPON RECOMMENDATION OF THE ADMINISTRATOR, APPROVE A SPECIAL EVENT PERMIT APPLICATION SUBMITTED BY KATHRYN RIDDINGER TO CLOSE CERTAIN SECTIONS OF TOWN ROADS FOR UNIVERSITY DAY TO BE HELD ON THURSDAY, SEPTEMBER 5, 2024 WITH A RAIN DATE OF THURSDAY, SEPTEMBER 12, 2024?

CC PREPARED BY: Karen Edwards, Administrative Assistant

PRESENTED BY: Todd Selig, Administrator

AGENDA DESCRIPTION:

Attached is a special event/road closure permit application submitted by Kathryn Riddinger requesting that certain portions of town roads be closed beginning from 3:30 p.m. to 6:30 p.m. on Thursday, September 5, 2023, for University Day. The rain date would be on Thursday, September 12, 2024 at the same time.

The application has been reviewed by the appropriate town departments and has been approved by them. The Administrator therefore recommends approval of this special event and road closure permit.

LEGAL AUTHORITY:

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

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION:

The Town Council, Upon Recommendation of the Administrator, hereby Approves a Special Event Permit Application Submitted by Kathryn Riddinger to close certain sections of Town Roads for University Day to be held on Thursday, September 5, 2024 with a rain date of Thursday, September 12, 2024.



TOWN OF DURHAM

100 Stone Quarry Drive, Durham, NH 03824

TEL: (603) 868-5578

FAX: (603) 868-8063

Email: publicworks@ci.durham.nh.us

PERMIT APPLICATION

Revised: 2/18/19

TYPE OF PERMIT (Please check one):

Special Event

Road Closure Request

Use of Town Property

LOCATION WHERE EVENT WILL OCCUR: Main St., T-Hall lawn, & Scott Hall lawn

DAY & DATE OF EVENT: 9/15/24 (Rain 9/12/24) TIME(S) OF EVENT: 3:30-6:30pm

DURATION OF EVENT (Including set up and breakdown time): 13 hours

NAME OF APPLICANT/ORGANIZATION: Memorial Union & Student Activities - UNH

NAME OF EVENT: University Day

PERSONAL CONTACT FOR THIS EVENT: Kathryn Riddinger

ADDRESS: 83 Main St., Durham, NH 03824

TELEPHONE NO.: DAY: 603-862-3814 EVENING: " "

EMAIL: Kathryn.Riddinger@unh.edu; Melissa.Beecher@unh.edu

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

Amplified music, road closures at Edgewood Rd. & Garrison Ave., Detour would be down Edgewood & Strafford Ave. Tables & chairs will be on the grassy areas of T-Hall lawn & Scott Hall lawn. Dining will be set up on the street with tables, chairs, grills, & transport. The set up will not be changing from last year's event. See attached for road closure locations in red

ANTICIPATED NUMBER OF PARTICIPANTS: 10,000

ANTICIPATED NUMBER OF VEHICLES: 50

CERTIFICATE OF INSURANCE INFORMATION

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

Insurance Carrier: Fred C Church
Policy Number and Expiration Date: 1268124391 10/31/24

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

Kathryn Riddinger 
Printed Name and Signature of Event Coordinator/applicant 3/12/24
Date

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

FOR OFFICIAL USE ONLY

Reviewed by DPW Reviewed Message to
Comments: dk 3.14.21 KAREN EDWARDS
For ROAD closure
APPROVE AT T.C.

Reviewed by PD
Comments:

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

Reviewed by P&R
Comments:

Approved: _____
Todd I. Selig, Administrator Date

Road closure points denoted in red. Jersey barriers from UNH facilities as well as UNH PD trucks will be used to block traffic. Detour will be down Edgewood Road, down Stafford Ave, and up Garrison Ave.



Karen Reynolds

From: Rachel Gasowski
Sent: Thursday, March 14, 2024 1:44 PM
To: Karen Reynolds; David Emanuel; David Holmstock
Cc: Aimee Routhier; Kelley Fowler; Shannon Shaw
Subject: Re: University Day Permit Application

Follow Up Flag: Follow up
Flag Status: Flagged

OK With P&R.

Rachel

Rachel Gasowski
Park & Recreation Director
Town of Durham
(603) 817-4074
durhamrec.recdesk.com
follow us on Facebook "Durham Rec"

From: Karen Reynolds <kreynolds@ci.durham.nh.us>
Date: Thursday, March 14, 2024 at 11:28 AM
To: David Emanuel <david.emanuel@unh.edu>, David Holmstock <dholmstock@ci.durham.nh.us>, Rachel Gasowski <rgasowski@ci.durham.nh.us>
Cc: Aimee Routhier <Aimee.Routhier@unh.edu>, Kelley Fowler <Kelley.Fowler@unh.edu>, Shannon Shaw <sshaw@ci.durham.nh.us>
Subject: University Day Permit Application

Good Morning,

Please see attached for your approval.

Thank you.
Karen

Karen Reynolds
Administrative Assistant
Durham Public Works
DPW/Water/WWTP
100 Stone Quarry Drive
Durham, NH 03824
603.868.5578



Karen Reynolds

From: David Holmstock
Sent: Thursday, March 14, 2024 4:09 PM
To: Karen Reynolds; David Emanuel; Rachel Gasowski
Cc: Aimee Routhier; Kelley Fowler; Shannon Shaw
Subject: RE: University Day Permit Application

The police department approves as submitted.

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

From: Karen Reynolds <kreynolds@ci.durham.nh.us>
Sent: Thursday, March 14, 2024 11:28 AM
To: David Emanuel <david.emanuel@unh.edu>; David Holmstock <dholmstock@ci.durham.nh.us>; Rachel Gasowski <rgasowski@ci.durham.nh.us>
Cc: Aimee Routhier <Aimee.Routhier@unh.edu>; Kelley Fowler <Kelley.Fowler@unh.edu>; Shannon Shaw <sshaw@ci.durham.nh.us>
Subject: University Day Permit Application

Good Morning,

Please see attached for your approval.

Thank you.
Karen

Karen Reynolds
Administrative Assistant
Durham Public Works
DPW/Water/WWTP
100 Stone Quarry Drive
Durham, NH 03824
603.868.5578



Karen Reynolds

From: David Emanuel <david.emanuel@unh.edu>
Sent: Friday, March 15, 2024 4:00 PM
To: Karen Reynolds; David Holmstock; Rachel Gasowski
Cc: Aimee Routhier; Kelley Fowler; Shannon Shaw; Kenneth Lundberg; Randall Trull; Robert Atwater; David Emanuel; Brendan O'Sullivan
Subject: RE: University Day Permit Application
Attachments: University Day Permit Application.pdf

Karen,
The fire department supports the application as submitted.
DE

Dave Emanuel, MPA, EFO, CFO
Fire Chief - Durham Fire Department
51 College Road, Durham, NH 03824
david.emanuel@unh.edu
(603) 862-1426 (Office) - (603) 397-7447 (Mobile)
"Our Family Protecting Your Family"



Please note the email address change as the Durham Fire Department migrated from the Town of Durham to University of New Hampshire IT platform on May 27, 2020. The best email address for Dave Emanuel from this point forward is david.emanuel@unh.edu. Please update your address book.

From: Karen Reynolds <kreynolds@ci.durham.nh.us>
Sent: Thursday, March 14, 2024 11:28 AM
To: David Emanuel <david.emanuel@unh.edu>; David Holmstock <dholmstock@ci.durham.nh.us>; Rachel Gasowski <rgasowski@ci.durham.nh.us>
Cc: Aimee Routhier <Aimee.Routhier@unh.edu>; Kelley Fowler <Kelley.Fowler@unh.edu>; Shannon Shaw <sshaw@ci.durham.nh.us>
Subject: University Day Permit Application

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

Good Morning,

Please see attached for your approval.

Thank you.
Karen



TOWN OF DURHAM

8 Newmarket Road

Durham, NH 03824

Tel: 603-868-5571

Fax: 603-868-1858

www.ci.durham.nh.us

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

DATE: April 1, 2024

COUNCIL COMMUNICATION

INITIATED BY: New Hampshire Associate Attorney General James Boffetti

AGENDA ITEM: SHALL THE TOWN COUNCIL, UPON RECOMMENDATION OF THE ADMINISTRATOR, AUTHORIZE THE ADMINISTRATOR, ON BEHALF OF THE TOWN OF DURHAM, TO SIGN AND SUBMIT TO JAMES BOFFETTI, DEPUTY ATTORNEY GENERAL, SUBDIVISION PARTICIPATION FORMS RELATIVE TO THE NATIONAL PRESCRIPTION OPIATE LITIGATION BROUGHT BY STATES AND LOCAL POLITICAL SUBDIVISIONS AGAINST THREE MAJOR PHARMACY CHAINS (CVS, WALGREENS & WALMART) AND TWO OPIOID MANUFACTURERS (TEVA & ALLERGAN)?

CC PREPARED BY: Karen Edwards, Administrative Assistant
Todd I. Selig, Administrator

PRESENTED BY: Todd I. Selig, Administrator

AGENDA DESCRIPTION:

In December of 2021 the town was contacted by New Hampshire Associate Attorney General James Boffetti to encourage Durham to sign on to a National Opioid Settlement Agreement. In an email sent by Mr. Boffetti, he explained that on Wednesday, July 21, 2021, the National Prescription Opiate Litigation MDL Plaintiffs' Executive Committee, several State Attorneys General, and four major defendants announced agreement on terms of proposed nationwide settlements to resolve all Opioids litigation brought by states and local political subdivisions against the three largest pharmaceutical distributors: McKesson, Cardinal Health and AmerisourceBergen ("Distributors"), and manufacturer Janssen Pharmaceuticals, Inc. and its parent company Johnson & Johnson (collectively, "J&J"). These settlements provided substantial funds to states and subdivisions for

abatement of the Opioids epidemic across the country and imposed changes in the way the settling defendants conducted their business.

Durham was not involved in this suit in any way whatever, yet signing on as a primary, non-litigating sub-division resulted in more settlement money for New Hampshire to be deposited into a newly created state fund, which Durham and other communities could potentially then access through a NH State application process.

Mr. Selig had reached out to Laura Spector-Morgan, the town's attorney, at that time, seeking her advice and any concerns or suggestions she may have had upon evaluating whether or not Durham should sign on to the settlement agreement. It was decided at the December 6, 2021 Town Council meeting, that Mr. Selig should sign the documents necessary. The following are the minutes from that meeting:

Administrator Selig informed the Council that he had spoken to one of the town's attorneys who was familiar with the case. She explained to Mr. Selig that the central question for the Council is whether the Town of Durham would be better suited by joining the suit by signing on, or by bringing litigation alone. Based on that conversation, Selig believes that the town would be better served by joining the existing suit.

Councilor Hotchkiss noted that Durham's participation would also increase the amount of funding state opioid programs receive.

Councilor Needell MOVED to APPROVE signing the National Opioid Settlement Participation Form, which was SECONDED by Councilor Hotchkiss and PASSED 7-1: Councilor Corrow--Yes; Councilor Tobias--Yes; Councilor Howland--Yes; Councilor Hotchkiss--Yes; Councilor Marple--Yes; Councilor Lawson--No; Councilor Needell--Yes; Councilor Welsh—Yes

On February 16 of this year the Town received another email from James Boffetti. The New Hampshire Dept. of Justice has negotiated additional separate settlements with five companies related to their opioid conduct. Those companies are CVS, Walgreens, Walmart, Teva and Allergan. The Town is being asked to sign documents stating that the Town will not bring an opioid-related lawsuit against these companies in the future. Again, the Town has no intention of bringing such suits, and Administrator Selig recommends the Council authorize executing the agreements so NH may benefit from receipt of the negotiated funds.

Attached for the Council's review are the subdivision participation forms that would need to be completed and signed by the Administrator and submitted.

LEGAL AUTHORITY:

N/A

LEGAL OPINION:

Laura Spector-Morgan, the town's attorney, had been asked in 2021 to provide her advice and guidance, along with any concerns or suggestions she may have, in evaluating whether Durham should sign on to the settlement agreement. (see above)

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION:

The Durham Town Council does hereby, upon Recommendation of the Administrator, Authorizes the Administrator, on Behalf of the Town of Durham, to Sign and Submit to James Boffetti, Deputy Attorney General, Subdivision Participation Forms Relative to the National Prescription Opiate Litigation Brought by States and Local Political Subdivisions Against Three major Pharmacy Chains (CVS, Walgreens & Walmart) and Two Opioid Manufacturers (Teva & Allergan).

Karen Edwards

From: Todd Selig
Sent: Thursday, March 21, 2024 12:53 PM
To: Karen Edwards
Subject: FW: Opioid Settlement Participation Forms
Attachments: Allergan Finance Subdivision Participation Form.pdf; CVS Subdivision Participation Form.pdf; Teva Finance Subdivision Participation Form.pdf; Walmart Subdivision Participation Form.pdf; Walgreens Subdivision Participation Form.pdf

Dear Karen,

Can you please print these for me to sign? We brought one of these to the Council a couple of years ago and they authorized our signing these waivers for the opioid settlement funds.

Todd

Todd I. Selig, Administrator
Town of Durham, NH
a: 8 Newmarket Road, Durham, NH 03824 USA
t: 603.868.5571 | m: 603.817.0720 | w: www.ci.durham.nh.us
he/him pronouns

Everyone can tackle climate change. How can you reduce your carbon footprint?



From: Wheeler, Chantell <Chantell.B.Wheeler@doj.nh.gov> on behalf of Boffetti, James <James.T.Boffetti@doj.nh.gov>
Date: Friday, February 16, 2024 at 12:00 PM
To: Boffetti, James <James.T.Boffetti@doj.nh.gov>
Cc: Wheeler, Chantell <Chantell.B.Wheeler@doj.nh.gov>
Subject: Opioid Settlement Participation Forms

You don't often get email from james.t.boffetti@doj.nh.gov. [Learn why this is important](#)

Good afternoon –

Attached please find important settlement participation forms related to the State's recent opioid settlements. As in past settlements, the defendants have identified a number of primary, non-litigating political subdivision from whom they require participating agreements in order for New Hampshire to maximize the amount of settlement money we receive. Therefore, it is important that you review the attached settlement participation forms.

The New Hampshire Department of Justice has negotiated separate settlements with five companies related to their opioid conduct. Three of the companies are major pharmacy

chains (CVS, Walgreens and Walmart) and two of them are opioid manufacturers (Teva and Allergan). The settlements, in total, will bring approximately \$100 million dollars into New Hampshire to help fight the opioid crisis. All of the money received by New Hampshire will be used for opioid abatement projects. Your jurisdiction is eligible to apply to the Opioid Abatement Commission for a share of these funds. Details about the activities of the Opioid Abatement Commission can be found at: <https://www.dhhs.nh.gov/about-dhhs/advisory-organizations/nh-opioid-abatement-trust-fund-advisory-commission>.

You will likely remember that in past settlements, the defendants have insisted on participating agreements from all primary non-litigating political subdivisions in the state (cities or towns with a population of at least 10,000), as a condition to receive the full payment amount under the settlement.

As in past settlements, your jurisdiction has been identified as one of those subdivisions from which the defendants want participation agreements. In essence, these defendants want some assurance that this settlement will end their exposure for their opioid conduct and that you will not bring an opioid-related lawsuit against them in the future. We ask that you review this material, and that you sign participation agreements for all 5 settlements. Forms for each settlement are attached to this email. Each of the settlement agreements can be found on the DOJ website, linked here. [National Opioid Settlement Information | NH Department of Justice](#)

In the past, your jurisdiction signed these participation agreements, and we were able to maximize payments in those settlements. We are hoping that you will do so again, so that we can maximize the amount of opioid abatement funds that New Hampshire will receive from these five settlements.

Time is of the essence in securing signed agreements from all of the primary nonlitigating subdivisions. We would ask that you return signed releases to me within the next 30 days.

I am available at your convenience to answer any of your questions.

James T. Boffetti
Deputy Attorney General
New Hampshire Department of Justice
1 Granite Place South
Concord, NH 03301
603.271.0302 direct
603.724-0174 cell

STATEMENT OF CONFIDENTIALITY

The information contained in this electronic message and any attachments may contain confidential or privileged information and are intended for the exclusive use of the addressee(s). Please notify the Attorney General's Office immediately at 603-271-3658 or reply to justice@doj.nh.gov if you are not the intended recipient and destroy all copies of this electronic message and any attachments.

EXHIBIT K

Subdivision Participation Form

Governmental Entity: Town of Durham	State: New Hampshire
Authorized Official: Todd Selig	
Address 1: 8 Newmarket Road	
Address 2:	
City, State, Zip: Durham, NH 03824	
Phone: (603) 868-5571	
Email: tselig@ci.durham.nh.us	

The governmental entity identified above (“Governmental Entity”), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Settlement Agreement in the matter of Allergan Finance, LLS (f/k/a Actavis, Inc., which, in turn was f/k/a Watson Pharmaceuticals, Inc.) and Allergan Limited (f.k.a Allergan plc, which, in turn, was f/k/a Actavis plc) (collectively “Allergan.”), dated November 22, 2022, and acting through the undersigned authorized official, hereby elects to participate in the Allergan Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the Allergan Settlement, understands that all terms in this Election and Release have the meanings defined therein, and agrees that by this Election, the Governmental Entity elects to participate in the Allergan Settlement and become a Participating Subdivision as provided therein.
2. The Governmental Entity shall promptly, and in any event within 14 days of the Effective Date and prior to the filing of the Consent Judgment, dismiss with prejudice any Released Claims that it has filed. With respect to any Released Claims pending in In re National Prescription Opiate Litigation, MDL No. 2804, the Governmental Entity authorizes the Plaintiffs’ Executive Committee to execute and file on behalf of the Governmental Entity a Stipulation of Dismissal With Prejudice substantially in the form found at <https://nationalopioidsettlement.com/>.
3. The Governmental Entity agrees to the terms of the Allergan Settlement pertaining to Subdivisions as defined therein.
4. By agreeing to the terms of the Allergan Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
5. The Governmental Entity agrees to use any monies it receives through the Allergan Settlement solely for the purposes provided therein.
6. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity’s state where the Consent Judgment is filed for purposes limited to that court’s role as provided in, and for resolving disputes to the extent provided in, the Allergan Settlement.

7. The Governmental Entity has the right to enforce the Allergan Settlement as provided therein.
8. The Governmental Entity, as a Participating Subdivision, hereby becomes a Releasor for all purposes in the Allergan Settlement, including but not limited to all provisions of Section X (Release), and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the Allergan Settlement are intended by the Parties to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The Allergan Settlement shall be a complete bar to any Released Claim.
9. In connection with the releases provided for in the Allergan Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

General Release; extent. A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her, would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the Allergan Settlement.

10. Nothing herein is intended to modify in any way the terms of the Allergan Settlement, to which Governmental Entity hereby agrees. To the extent this Election and Release is interpreted differently from the Allergan Settlement in any respect, the Allergan Settlement controls.

I have all necessary power and authorization to execute this Election and Release on behalf of the Governmental Entity.

Signature: _____

Name: _____

Title: _____

Date: _____

EXHIBIT K

Subdivision Participation Form

Governmental Entity: Town of Durham	State: New Hampshire
Authorized Official: Todd Selig	
Address 1: 8 Newmarket Road	
Address 2:	
City, State, Zip: Durham, NH 03824	
Phone: (603) 868-5571	
Email: tselig@ci.durham.nh.us	

The governmental entity identified above (“Governmental Entity”), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Settlement Agreement in the matter of CVS Health Corporation and CVS Pharmacy (together, “CVS”) dated December 9, 2022, and acting through the undersigned authorized official, hereby elects to participate in the CVS Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the CVS Settlement, understands that all terms in this Election and Release have the meanings defined therein, and agrees that by this Election, the Governmental Entity elects to participate in the CVS Settlement and become a Participating Subdivision as provided therein.
2. The Governmental Entity shall promptly, and in any event within 14 days of the Effective Date and prior to the filing of the Consent Judgment, dismiss with prejudice any Released Claims that it has filed. With respect to any Released Claims pending in In re National Prescription Opiate Litigation, MDL No. 2804, the Governmental Entity authorizes the Plaintiffs’ Executive Committee to execute and file on behalf of the Governmental Entity a Stipulation of Dismissal With Prejudice substantially in the form found at <https://nationalopioidsettlement.com/>.
3. The Governmental Entity agrees to the terms of the CVS Settlement pertaining to Subdivisions as defined therein.
4. By agreeing to the terms of the CVS Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
5. The Governmental Entity agrees to use any monies it receives through the CVS Settlement solely for the purposes provided therein.
6. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity’s state where the Consent Judgment is filed for purposes limited to that court’s role as provided in, and for resolving disputes to the extent provided in, the CVS Settlement.

7. The Governmental Entity has the right to enforce the CVS Settlement as provided therein.
8. The Governmental Entity, as a Participating Subdivision, hereby becomes a Releasor for all purposes in the CVS Settlement, including but not limited to all provisions of Section X (Release), and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the CVS Settlement are intended by the Parties to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The CVS Settlement shall be a complete bar to any Released Claim.
9. In connection with the releases provided for in the CVS Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

General Release; extent. A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her, would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the CVS Settlement.

10. Nothing herein is intended to modify in any way the terms of the CVS Settlement, to which Governmental Entity hereby agrees. To the extent this Election and Release is interpreted differently from the CVS Settlement in any respect, the CVS Settlement controls.

I have all necessary power and authorization to execute this Election and Release on behalf of the Governmental Entity.

Signature: _____

Name: _____

Title: _____

Date: _____

EXHIBIT K

Subdivision Participation Form

Governmental Entity: Town of Durham	State: New Hampshire
Authorized Official: Todd Selig	
Address 1: 8 Newmarket Road	
Address 2:	
City, State, Zip: Durham, NH 03824	
Phone: (603) 868-5571	
Email:	

The governmental entity identified above (“Governmental Entity”), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Settlement Agreement in the matter of Teva Pharmaceutical Industries, Teva Pharmaceuticals USA, Inc., Cephalon Inc., Watson Laboratories, Inc., Actavis Pharma, Inc. f/k/a Watson Pharma, Inc. and Actavis LLC (collectively “Teva.”), dated November 22, 2022, and acting through the undersigned authorized official, hereby elects to participate in the Teva Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the Teva Settlement, understands that all terms in this Election and Release have the meanings defined therein, and agrees that by this Election, the Governmental Entity elects to participate in the Teva Settlement and become a Participating Subdivision as provided therein.
2. The Governmental Entity shall promptly, and in any event within 14 days of the Effective Date and prior to the filing of the Consent Judgment, dismiss with prejudice any Released Claims that it has filed. With respect to any Released Claims pending in In re National Prescription Opiate Litigation, MDL No. 2804, the Governmental Entity authorizes the Plaintiffs’ Executive Committee to execute and file on behalf of the Governmental Entity a Stipulation of Dismissal With Prejudice substantially in the form found at <https://nationalopiodsettlement.com/>.
3. The Governmental Entity agrees to the terms of the Teva Settlement pertaining to Subdivisions as defined therein.
4. By agreeing to the terms of the Teva Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
5. The Governmental Entity agrees to use any monies it receives through the Teva Settlement solely for the purposes provided therein.
6. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity’s state where the Consent Judgment is filed for purposes limited to that court’s role as provided in, and for resolving disputes to the extent provided in, the Teva Settlement.

7. The Governmental Entity has the right to enforce the Teva Settlement as provided therein.
8. The Governmental Entity, as a Participating Subdivision, hereby becomes a Releasor for all purposes in the Allergan Settlement, including but not limited to all provisions of Section X (Release), and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the Teva Settlement are intended by the Parties to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The Teva Settlement shall be a complete bar to any Released Claim.
9. In connection with the releases provided for in the Teva Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

General Release; extent. A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her, would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the Teva Settlement.

10. Nothing herein is intended to modify in any way the terms of the Teva Settlement, to which Governmental Entity hereby agrees. To the extent this Election and Release is interpreted differently from the Teva Settlement in any respect, the Teva Settlement controls.

I have all necessary power and authorization to execute this Election and Release on behalf of the Governmental Entity.

Signature: _____

Name: _____

Title: _____

Date: _____

EXHIBIT K

Subdivision Participation Form

Governmental Entity: Town of Durham	State: New Hampshire
Authorized Official: Todd Selig	
Address 1: 8 Newmarket Road	
Address 2:	
City, State, Zip: Durham, NH 03824	
Phone: (603) 868-5571	
Email: tselig@ci.durham.nh.us	

The governmental entity identified above (“Governmental Entity”), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Settlement Agreement dated November 14, 2022 (“Walmart Settlement”), and acting through the undersigned authorized official, hereby elects to participate in the Walmart Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the Walmart Settlement, understands that all terms in this Election and Release have the meanings defined therein, and agrees that by this Election, the Governmental Entity elects to participate in the Walmart Settlement and become a Participating Subdivision as provided therein.
2. The Governmental Entity shall promptly, and in any event within 14 days of the Effective Date and prior to the filing of the Consent Judgment, dismiss with prejudice any Released Claims that it has filed. With respect to any Released Claims pending in In re National Prescription Opiate Litigation, MDL No. 2804, the Governmental Entity authorizes the Plaintiffs’ Executive Committee to execute and file on behalf of the Governmental Entity a Stipulation of Dismissal With Prejudice substantially in the form found at <https://nationalopioidsettlement.com/>.
3. The Governmental Entity agrees to the terms of the Walmart Settlement pertaining to Subdivisions as defined therein.
4. By agreeing to the terms of the Walmart Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
5. The Governmental Entity agrees to use any monies it receives through the Walmart Settlement solely for the purposes provided therein.
6. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity’s state where the Consent Judgment is filed for purposes limited to that court’s role as provided in, and for resolving disputes to the extent provided in, the Walmart Settlement.

7. The Governmental Entity has the right to enforce the Walmart Settlement as provided therein.
8. The Governmental Entity, as a Participating Subdivision, hereby becomes a Releasor for all purposes in the Walmart Settlement, including but not limited to all provisions of Section X (Release), and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the Walmart Settlement are intended by the Parties to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The Walmart Settlement shall be a complete bar to any Released Claim.
9. In connection with the releases provided for in the Walmart Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

General Release; extent. A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her, would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the Walmart Settlement.

10. Nothing herein is intended to modify in any way the terms of the Walmart Settlement, to which Governmental Entity hereby agrees. To the extent this Election and Release is interpreted differently from the Walmart Settlement in any respect, the Walmart Settlement controls.

I have all necessary power and authorization to execute this Election and Release on behalf of the Governmental Entity.

Signature: _____

Name: _____

Title: _____

Date: _____

EXHIBIT K

Subdivision Participation Form

Governmental Entity: Town of Durham	State: New Hampshire
Authorized Official: Todd Selig	
Address 1: 8 Newmarket Road	
Address 2:	
City, State, Zip: Durham, NH 03824	
Phone: (603) 868-5571	
Email: tselig@ci.durham.nh.us	

The governmental entity identified above (“Governmental Entity”), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Settlement Agreement dated December 9, 2022, in the matter of Walgreen Co. and Walgreens Boots Alliance, Inc. (together “Walgreens”), and acting through the undersigned authorized official, hereby elects to participate in the Walgreens Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the Walgreens Settlement, understands that all terms in this Election and Release have the meanings defined therein, and agrees that by this Election, the Governmental Entity elects to participate in the Walgreens Settlement and become a Participating Subdivision as provided therein.
2. The Governmental Entity shall promptly, and in any event within 14 days of the Effective Date and prior to the filing of the Consent Judgment, dismiss with prejudice any Released Claims that it has filed. With respect to any Released Claims pending in In re National Prescription Opiate Litigation, MDL No. 2804, the Governmental Entity authorizes the Plaintiffs’ Executive Committee to execute and file on behalf of the Governmental Entity a Stipulation of Dismissal With Prejudice substantially in the form found at <https://nationalopioidsettlement.com/>.
3. The Governmental Entity agrees to the terms of the Walgreens Settlement pertaining to Subdivisions as defined therein.
4. By agreeing to the terms of the Walgreens Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
5. The Governmental Entity agrees to use any monies it receives through the Walgreens Settlement solely for the purposes provided therein.
6. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity’s state where the Consent Judgment is filed for purposes limited to that court’s role as provided in, and for resolving disputes to the extent provided in, the Walgreens Settlement.

7. The Governmental Entity has the right to enforce the Walgreens Settlement as provided therein.
8. The Governmental Entity, as a Participating Subdivision, hereby becomes a Releasor for all purposes in the Walgreens Settlement, including but not limited to all provisions of Section X (Release), and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the Walgreens Settlement are intended by the Parties to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The Walgreens Settlement shall be a complete bar to any Released Claim.
9. In connection with the releases provided for in the Walgreens Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

General Release; extent. A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her, would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the Walgreens Settlement.

10. Nothing herein is intended to modify in any way the terms of the Walgreens Settlement, to which Governmental Entity hereby agrees. To the extent this Election and Release is interpreted differently from the Walgreens Settlement in any respect, the Walgreens Settlement controls.

I have all necessary power and authorization to execute this Election and Release on behalf of the Governmental Entity.

Signature: _____

Name: _____

Title: _____

Date: _____



TOWN OF DURHAM

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

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

DATE: April 1, 2024

COUNCIL COMMUNICATION

INITIATED BY: Gail Jablonski, Business Manager

AGENDA ITEM: SHALL THE TOWN COUNCIL, UPON RECOMMENDATION OF THE ADMINISTRATOR, REVIEW AND READOPT THE TOWN'S INVESTMENT POLICY AS REQUIRED BY NEW HAMPSHIRE REVISED STATUTES ANNOTATED (RSA) 41:9?

CC PREPARED BY: Gail Jablonski, Business Manager

PRESENTED BY: Todd I. Selig, Town Administrator

AGENDA DESCRIPTION:

In May of 2010 the Town Council approved an Investment Policy (copy attached) for the Town of Durham. RSA 41:9, VII states that "The governing body shall **annually review** and adopt an investment policy for the investment of public funds in conformance with applicable statutes and shall advise the treasurer of such policies."

The adoption of financial policies is a good, sound business practice that fosters confidence in the fiscal operations of the municipality. Financial policies help to provide consistency, stability, and continuity in the financial operations of the Town. Written policies also provide a framework to guide and education both newly elected officials in carrying out their fiduciary responsibilities and newly appointed staff in the conduct of their financial duties. The ability to rely on well-defined financial policies helps to resolve conflicts and avoid allegations of bias or favoritism.

The town currently has a Tri-Party Collateral Agreement with Citizens Bank, N.A. and the Bank of New York Mellon and receives monthly statements with collateralized deposit information.

LEGAL AUTHORITY:

New Hampshire Revised Statutes Annotated (RSA) 41:9(VIII): “The selectmen shall annually review and adopt an investment policy for the investment of public funds in conformance with applicable statutes and shall advise the treasurer of such policies.”

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION:

The Durham Town Council does hereby, upon Recommendation of the Administrator, review and readopt the Town’s Investment Policy as Required by New Hampshire Revised Statutes Annotated (RSA) 41:9.

TOWN OF DURHAM, NH
INVESTMENT POLICY

I. SCOPE

This investment policy establishes a framework for the safe and prudent investment of public funds. It applies to all financial assets in the custody of the town treasurer of the Town of Durham, NH. These funds are accounted for in the Town's annual financial report and include the following:

- General Fund
- Special Revenue Funds
- Capital Project Funds
- Forfeiture/Seizure Funds
- Any new fund created by the Town Council unless specifically exempted by the articles of its creation.

II. OBJECTIVES

The primary objective of the Town of Durham's Investment Policy is to set forth appropriate investment activities that provide for, first and foremost, the safety of principal, as well as sufficient liquidity to support operations while generating a reasonable investment yield.

The specific investment policy objectives are as follows:

- To ensure the preservation of capital and the protection of investment principal;
- To maintain sufficient liquidity to meet operating requirements;
- To satisfy all legal requirements;
- To attain market-average rate of return on investments taking into account risk and legal constraints and cash flow considerations.

III. DELEGATION OF AUTHORITY

In accordance with Chapter 41:29 of the Revised Statutes Annotated (RSA), of the State of New Hampshire, the responsibility for conducting investment transactions resides with the Town Treasurer, *except in the instance of capital reserve funds or trust funds, when the responsibility for conducting investment transactions reside with the Trustees of the Trust Funds in accordance with RSA 35:9.*

No person may engage in an investment transaction except as provided under the terms of this policy and the internal procedures and controls hereby established.

IV. PRUDENCE

The investment policy will be conducted in accordance with the "prudent person" standard which requires that:

Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their

TOWN OF DURHAM INVESTMENT POLICY

own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.

The Town recognizes that investment risks can result from issuer defaults, market price changes or various technical complications leading to temporary non-liquidity. The Treasurer is expected to display prudence in the selection of investments in a way to minimize default risk.

Officers and employees involved in the investment process shall refrain from personal business activity that could conflict (or appear to conflict) with proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

V. INTERNAL CONTROLS

The internal controls for the Town of Durham shall be designed to prevent losses of public funds arising from fraud, employee error, misrepresentation by third parties, unanticipated changes in financial markets, imprudent actions by employees and officers of the Town.

In accordance with RSA 41:6 Bonds, Town Treasurers shall be bonded by position under a blanket bond from a surety company authorized to do business in the state.

All depository accounts of the Town must be held in the name of the Town. All income payable to the Town and all revenue received by the Town shall be forwarded to the Town Treasurer.

VI. INVESTMENT INSTRUMENTS

The treasurer shall deposit all such moneys in participation units in the public deposit investment pool established pursuant to RSA 383:22 or in federally insured banks chartered under the laws of New Hampshire or the federal government with a branch within the state, except that funds may be deposited in federally insured banks outside the state if such banks pledge and deliver to a third party custodial bank or the federal reserve bank collateral security for such deposits of the following types:

- (a) United States government obligations;
- (b) United States government agency obligations; or
- (c) Obligations of the state of New Hampshire in value at least equal to the amount of the deposit in each case.

Whenever the town treasurer has in custody an excess of funds which are not immediately needed for the purpose of expenditure, the town treasurer shall invest the same in the public deposit investment pool established pursuant to RSA 383:22, or in deposits, including money market accounts, or certificates of deposit, or repurchase agreements, and all other types of interest bearing accounts, of federally insured banks chartered under the laws of New Hampshire or the federal government with a branch within the state, or in obligations fully guaranteed as to principal and interest by the United States government. The obligations may be held directly or in the form of securities of or other interests in any open-end or closed-end management-type investment company or investment trust registered under 15 U.S.C. section 80a-1 et seq., if the

TOWN OF DURHAM INVESTMENT POLICY

portfolio of the investment company or investment trust is limited to such obligations and repurchase agreements fully collateralized by such obligations.

VII. SAFEKEEPING AND COLLATERALIZATION

In accordance with RSA 41:29 V, the Town Treasurer shall ensure that prior to acceptance of any moneys for deposit or investment, including repurchase agreements, the federally assured bank shall have such funds, at the time of deposit or investment, secured by collateral having a market value at least equal to 102% of the amount deposited or invested in each case. Such collateral shall be held by a third party custodian and segregated for the exclusive benefit of the town. Collateral is marked to market at least weekly and daily when appropriate. Collateral maturity should coincide with the investment maturity. Collateral shall be delivered upon the Town Treasurer's direction.

Only securities defined by the bank commissioner as provided by rules adopted pursuant to RSA 386:57 shall be eligible to be pledged as collateral.

The banking institution shall provide the Town Treasurer with at least quarterly reports of the Town's collateral position. In addition, collateral agreements shall comply with provisions set forth in the Financial Institutes Reform, Recovery and Enforcement Act of 1989 (FIRREA), which require that the collateral agreement be:

- 1) In writing;
- 2) Approved by the Board of Directors of the depository or its loan committee;
- 3) Lists no specific pledged securities; and
- 4) Has been, continuously, from the time of its execution, an official record of the depository institution.

VIII. POLICY REVIEW

This policy shall be reviewed at least annually by the Council, or its designee, with changes made as warranted, followed by re-adoption by the governing body.

The Council reserves the right to implement changes to this policy without prior notice if it is deemed in the Town's best interest.

TOWN OF DURHAM INVESTMENT POLICY

Adopted by the Durham Town Council on May 3, 2010
Reviewed and Re-Adopted by the Durham Town Council on May 16, 2011.
Reviewed and Re-Adopted by the Durham Town Council on June 4, 2012.
Reviewed and Re-Adopted by the Durham Town Council on June 17, 2013.
Reviewed and Re-Adopted by the Durham Town Council on May 19, 2014.
Reviewed and Re-Adopted by the Durham Town Council on November 16, 2015.
Reviewed and Re-Adopted by the Durham Town Council on March 20, 2017.
Reviewed and Re-Adopted by the Durham Town Council on March 5, 2018.
Reviewed and Re-Adopted by the Durham Town Council on March 4, 2019.
Reviewed and Re-Adopted by the Durham Town Council on March 2, 2020.
Reviewed and Re-Adopted by the Durham Town Council on March 15, 2021.
Reviewed and Re-Adopted by the Durham Town Council on March 21, 2022.
Reviewed and Re-Adopted by the Durham Town Council on March 20, 2023.



Todd I. Selig
Town Administrator

Date 3/21/23



TOWN OF DURHAM

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

AGENDA ITEM: **#9A** *TS*

DATE: April 1, 2024

COUNCIL COMMUNICATION

INITIATED BY: Durham Town Charter

AGENDA ITEM: ANNUAL APPOINTMENTS OF CITIZENS TO VARIOUS TOWN BOARDS, COMMISSIONS, AND COMMITTEES

CC PREPARED BY: Karen Edwards, Administrative Assistant

PRESENTED BY: Durham Town Council

AGENDA DESCRIPTION:

Section 11.4 "Terms of Office" of the Durham Town Charter states that all terms of office for members of appointed boards shall begin on May 1 and end on April 30.

At the end of April, terms on boards, committees and commissions will expire. Each person whose term is expiring has been notified and has indicated whether they would like to be reappointed or not. The following is a list of citizens whose terms are expiring and are requesting reappointment to their corresponding board, committee or commission. In addition, the current vacancies are listed. These vacancies have been advertised and posted on the outside bulletin board at the Town Hall, the Town website and published in the weekly Friday Updates. It is anticipated that new appointments will come before the Council in the coming months.

<u>BOARD/COMMITTEE</u>	<u># VACANCIES</u>	<u>TERM EXPIRES</u>	<u>APPLICANTS</u>	<u>REAPPT/NEW APPT.</u>
Agricultural Commission	2 - Regular	4/27	John Carroll	Reappointment
		4/27	Holly Philbrick	Appointment from Alternate to Regular Member
	1 - Alternate	4/27	Lee Alexander	Appointment from Regular to Alternate Member

<u>BOARD/COMMITTEE</u>	<u># VACANCIES</u>	<u>TERM EXPIRES</u>	<u>APPLICANTS</u>	<u>REAPPT/NEW APPT.</u>
Conservation Commission				
	1 - Regular	4/27	Dwight Trueblood	Appointment from Alternate to Regular Member
	3 - Alternate	4/27	Nicholas Lanzer	Reappointment
		4/26		
		4/25		

<u>BOARD/COMMITTEE</u>	<u># VACANCIES</u>	<u>TERM EXPIRES</u>	<u>APPLICANTS</u>	<u>REAPPT/NEW APPT.</u>
Downtown TIF District Advisory Board				
	4 - Regular	4/27		
		4/27		
		4/27		
		4/27		

<u>BOARD/COMMITTEE</u>	<u># VACANCIES</u>	<u>TERM EXPIRES</u>	<u>APPLICANTS</u>	<u>REAPPT/NEW APPT.</u>
Energy Committee				
	1 - Regular	No Term Limits		

<u>BOARD/COMMITTEE</u>	<u># VACANCIES</u>	<u>TERM EXPIRES</u>	<u>APPLICANTS</u>	<u>REAPPT/NEW APPT.</u>
Historic District/Heritage Commission				
	2 - Regular	4/27	Carolyn Singer	Reappointment
		4/27	Larry Brickner-Wood	Reappointment
	1 - Alternate	4/27		

<u>BOARD/COMMITTEE</u>	<u># VACANCIES</u>	<u>TERM EXPIRES</u>	<u>APPLICANTS</u>	<u>REAPPT/NEW APPT.</u>
Housing Task Force				
	1 - Regular	No Term Limits		

<u>BOARD/COMMITTEE</u>	<u># VACANCIES</u>	<u>TERM EXPIRES</u>	<u>APPLICANTS</u>	<u>REAPPT/NEW APPT.</u>
Human Rights Commission				
	1 - Regular	4/27	Kathy Collins	Reappointment

<u>BOARD/COMMITTEE</u>	<u># VACANCIES</u>	<u>TERM EXPIRES</u>	<u>APPLICANTS</u>	<u>REAPPT/NEW APPT.</u>
Library Board of Trustees				
	3 - Alternate	4/25	Martha Gooze	Reappointment
		4/25		
		4/25		

<u>BOARD/COMMITTEE</u>	<u># VACANCIES</u>	<u>TERM EXPIRES</u>	<u>APPLICANTS</u>	<u>REAPPT/NEW APPT.</u>
Parks & Recreation Committee				
	2 - Regular	4/27	Tracy Shroeder	Reappointment
		4/27	Matthew Swiesz	Appointment from Alternate to Regular Member
	2 - Alternate	4/27	Erin Guyotte	Reappointment
		4/25		

<u>BOARD/COMMITTEE</u>	<u># VACANCIES</u>	<u>TERM EXPIRES</u>	<u>APPLICANTS</u>	<u>REAPPT/NEW APPT.</u>
Pease Airport Noise Compatibility Study Committee				
	1 - Regular	4/27	Michael Lehrman	Reappointment

<u>BOARD/COMMITTEE</u>	<u># VACANCIES</u>	<u>TERM EXPIRES</u>	<u>APPLICANTS</u>	<u>REAPPT/NEW APPT.</u>
Planning Board				
	2 - Regular	4/27	Tom DeCapo	Appointment from Alternate to Regular Member
		4/27		
	3 - Alternate	4/27		
		4/26		
		4/25		

<u>BOARD/COMMITTEE</u>	<u># VACANCIES</u>	<u>TERM EXPIRES</u>	<u>APPLICANTS</u>	<u>REAPPT/NEW APPT.</u>
Strafford Regional Planning Commission & MPO Policy Committee				
	3 - Regular	4/28	Wayne Burton	Reappointment
		4/25		
		4/25		

<u>BOARD/COMMITTEE</u>	<u># VACANCIES</u>	<u>TERM EXPIRES</u>	<u>APPLICANTS</u>	<u>REAPPT/NEW APPT.</u>
Trustees of the Trust Funds				
	2 - Alternate	4/25		
		4/25		

<u>BOARD/COMMITTEE</u>	<u># VACANCIES</u>	<u>TERM EXPIRES</u>	<u>APPLICANTS</u>	<u>REAPPT/NEW APPT.</u>
Zoning Board of Adjustment				
	2 - Regular	4/27	Micah Warnock	Reappointment
		4/27	Kevin Lemieux	Reappointment
	2 - Alternate	4/27		
		4/26		

LEGAL AUTHORITY:

Section 11.1, subparagraphs A-E of the Durham Town Charter.

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION:

The Durham Town Council does hereby ADOPT the above roster of citizen members to the various town boards commission, and committee vacancies indicated on the roster as presented/ as amended.

From: theresawalker@comcast.net
To: [Karen Edwards](#)
Subject: RE: Agricultural Commission reappointments
Date: Friday, March 22, 2024 9:20:12 AM

Hi Karen – Here is my statement:

I highly recommend John Carroll for reappointment as a regular member to the Agricultural Commission, Holly Philbrick for appointment as a regular member, and Lee Alexander for appointment as an alternate member. – Theresa Walker

From: Karen Edwards <kedwards@ci.durham.nh.us>
Sent: Friday, March 22, 2024 8:26 AM
To: Theresa Walker <theresawalker@comcast.net>
Subject: Agricultural Commission reappointments
Importance: High

Theresa,

John Carroll has asked to be reappointed to another term on the Agricultural Commission. Please email me a recommendation as to whether you approve of this reappointment.

Also, I asked for a recommendation to move Holly to a regular member but I forgot to ask you for a recommendation to move Lee to an alternate member. Please send me something that indicates that you are ok with Lee's move to alternate.

Thanks!
Karen

Karen Edwards

Administrative Assistant
Administrator's Office
Town of Durham
8 Newmarket Road
Durham, NH 03824
(603) 868-5571
www.ci.durham.nh.us
She/her/hers

From: [Jake Kritzer](#)
To: [Karen Edwards](#)
Subject: Re: Conservation Commission roster ***
Date: Monday, March 18, 2024 10:08:34 AM

Hi Karen,

I cannot think of a better candidate than Dwight to move into a regular seat on the Commission. His experience and qualifications coming in were exceptional, having spent a successful career in coastal and marine science at NOAA, addressing many issues of interest to the Town and Commission. Since becoming an alternate, he has been present, engaged, and gone above and beyond expectations, for example by serving on the WCOD/SPOD ordinance subcommittee. I recommend his appointment to a regular position without reservation.

Best,
Jake

On Mon, Mar 18, 2024 at 8:43 AM Karen Edwards <kedwards@ci.durham.nh.us> wrote:

Jake,

Thanks for letting me know. Dwight has asked to fill your regular position. Please send me a recommendation as to whether you support this change in membership for Dwight.

Karen

Karen Edwards

Administrative Assistant

Administrator's Office

Town of Durham

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She/her/hers

From: [Jake Kritzer](#)
To: [Karen Edwards](#)
Subject: Re: Conservation Commission reappointment
Date: Tuesday, March 26, 2024 8:59:54 AM

Hi Karen,

I very enthusiastically endorse Nick's reappointment to the Con Com! He has been a consistent and engaged contributor to our work, with the added bonus of having deep expertise in forestry. That is a skillset the Commission did not have, at least during my tenure, and it's hard to overstate how valuable it's been. Given Durham's significant commitment to and investments in preserving open space, especially woodlands, we face tough questions about how best to manage forest resources. Nick has helped the Commission understand the ecological functions of different tree species and forest types, the threats they face due to climate change and other stressors, how best to tackle invasive species, and other issues.

I'm delighted that he is willing to continue his service and strongly urge the Town Council to reappoint him!

Best,
Jake

On Fri, Mar 22, 2024 at 8:27 AM Karen Edwards <kedwards@ci.durham.nh.us> wrote:

Jake,

Nicolas Lanzer has asked to be reappointed to the Conservation Commission for another term. Please send me an recommendation as to whether you support this reappointment.

Thanks!

Karen

Karen Edwards

Administrative Assistant

Administrator's Office

Town of Durham

8 Newmarket Road

Durham, NH 03824

(603) 868-5571

From: [Larry Brickner-Wood](#)
To: [Karen Edwards](#)
Subject: Re: HDC reappointment
Date: Monday, March 25, 2024 3:46:57 PM

Dear Karen,

Greetings. I support Carolyn's Singer reappointment to the Durham Historic District and Heritage Commission. Carolyn's expertise and knowledge is invaluable to the HDC/HC. In addition, she is a hard working, dedicated and committed member who does her homework, research and background preparation.

Please let me know if you need additional information.

Larry

On Fri, Mar 22, 2024 at 8:28 AM Karen Edwards <kedwards@ci.durham.nh.us> wrote:

Larry,

Carolyn Singer has requested to be reappointed to the HDC for another term. Please send me a recommendation as to whether you support her reappointment.

Thanks!

Karen

Karen Edwards

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603/868-5571
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MEMORANDUM

TO: Sally Needell, Council Chair

FROM: Todd Selig, Administrator 

DATE: March 22, 2024

RE: **Recommending the re-appointment of Larry Brickner-Wood to the Historic District/Heritage Commission**

Larry Brickner-Wood has requested to be reappointed to the Historic District/Heritage Commission for another 3-year term. Larry has been the Chair of the HDC since 2021 and has led the HDC/HC well. He has also been a leader in the conversation around the Oyster River Massacre Marker replacement. I recommend that he be re-appointed for another term.

cc. Town Council

Town Councilors,

I highly recommend that Kathy Collins be reappointed to the Human Rights Commission. She has been an active participant in our meetings and a valued member of the commission.

Sincerely,
Sally Needell

From: [Robin Glasser](#)
To: [Karen Edwards](#)
Subject: Re: Board of Trustees reappointment
Date: Friday, March 22, 2024 1:45:37 PM

We highly recommend Martie Gooze to be reappointed as Alternate Trustee for another year. She has served as an alternate or elected trustee for many years and her insight and knowledge of Durham is an asset to the Board.

Regards,
Robin Glasser, Chair

Board of Library Trustees

On Mar 22, 2024, 8:31 AM -0400, Karen Edwards <kedwards@ci.durham.nh.us>, wrote:

Robin,

Marti Gooze has requested to be reappointed as an alternate to the Library Board of Trustees for another year. Please send me a recommendation as to whether you support her reappointment.

Thanks!

Karen

Karen Edwards

Administrative Assistant

Administrator's Office

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She/her/hers

From: [Cathy Leach](#)
To: [Karen Edwards](#)
Subject: Re: Parks & Rec reappointment
Date: Saturday, March 23, 2024 2:35:35 PM

Hi Karen --

I wholeheartedly support both Tracy and Erin's requests for reappointment to the Parks & Recreation Committee.

Thank you.

Cathy Leach

On 03/22/2024 8:33 AM EDT Karen Edwards <kedwards@ci.durham.nh.us> wrote:

Cathy,

Tracy Shroeder has requested a reappointment as a regular member of the Parks & Rec Committee for another term. Erin Guyotte has requested a reappointment as an alternate member of the Parks & Rec Committee for another term. Please send me a recommendation as to whether you support these two reappointments.

Thanks!

Karen

Karen Edwards

Administrative Assistant

Administrator's Office

Town of Durham

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She/her/hers

From: [Cathy Leach](#)
To: [Karen Edwards](#)
Subject: Re: Matt Swiesz
Date: Friday, March 15, 2024 4:33:58 PM

Hi Karen --

Yes, I highly recommend that Matt Swiesz become a regular member for the Parks & Recreation Committee.

Thank you.

Cathy Leach

On 03/15/2024 2:29 PM EDT Karen Edwards <kedwards@ci.durham.nh.us> wrote:

Cathy,

Matt has contacted me to move from alternate to regular member of the Parks & Rec Committee. I need a recommendation from you that you approve this move.

Karen

Karen Edwards

Administrative Assistant

Administrator's Office

Town of Durham

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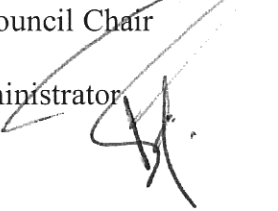
She/her/hers



TOWN OF DURHAM
8 NEWMARKET RD
DURHAM, NH 03824-2898
603/868-5571
www.ci.durham.nh.us

MEMORANDUM

TO: Sally Needell, Council Chair

FROM: Todd Selig, Administrator 

DATE: March 22, 2024

RE: **Recommending the re-appointment of Michael Lehrman to the Pease Airport Noise Compatibility Study Committee**

Michael Lehrman has requested to be reappointed to the Pease Airport Noise Compatibility Study Committee for another 3-year term. Michael has been instrumental in representing Durham on this Committee, and I wholeheartedly recommend that he be re-appointed for another term.

cc. Town Council

From: [paul.rasmussen](#)
To: [Karen Edwards](#)
Subject: Re: Tom DeCapo
Date: Friday, March 15, 2024 5:14:28 AM

I support moving Tom DeCapo from an alternate to a regular seat on the Planning Board.
Paul Rasmussen

On Thu, Mar 14, 2024, 8:06 AM Karen Edwards <kedwards@ci.durham.nh.us> wrote:

Paul,

Tom DeCapo has notified me that he would like to move from an alternate position on the Planning Board to a regular member position. Please email me a recommendation as to whether you support this move.

Karen

Karen Edwards

Administrative Assistant

Administrator's Office

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MEMORANDUM

TO: Sally Needell, Council Chair

FROM: Todd Selig, Administrator 

DATE: March 27, 2024

RE: **Recommending the re-appointment of Wayne Burton to the Strafford Regional Planning Commission & MPO Policy Committee**

Wayne Burton has requested to be reappointed to the Strafford Regional Planning Commission & MPO Policy Committee until other members can be recruited. Wayne has been instrumental in representing Durham on this Committee, and I wholeheartedly recommend that he be re-appointed.

cc. Town Council

From: [Micah Warnock](#)
To: [Karen Edwards](#)
Date: Monday, March 25, 2024 3:29:58 PM

Hi Karen,

Please accept this email as my formal endorsement for Kevin Lemieux to remain on the zoning board. He's offered valuable insight and knowledge to all the cases and is a pleasure to work with..

Best regards,

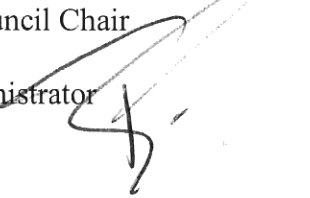
Micah



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603/868-5571
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MEMORANDUM

TO: Sally Needell, Council Chair

FROM: Todd Selig, Administrator 

DATE: March 22, 2024

RE: **Recommending the re-appointment of Micah Warnock to the Zoning Board of Adjustment**

Michael Warnock has requested to be reappointed to the Zoning Board of Adjustment for another 3-year term. Micah has been Chair of the ZBA since 2022 and has done a good job leading the ZBA. Zoning Administrator Audrey Cline recommends Micah's re-appointment, and as such, I recommend that he be re-appointed for another term.

cc. Town Council



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8 Newmarket Road

Durham, NH 03824

Tel: 603-868-5571

Fax: 603-868-1858

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AGENDA ITEM: **#9B** *TS*

DATE: April 1, 2024

COUNCIL COMMUNICATION

INITIATED BY: Elizabeth Newkirk

AGENDA ITEM: SHALL THE TOWN COUNCIL, UPON RECOMMENDATION OF THE LIBRARY BOARD OF TRUSTEES CHAIR, APPOINT ELIZABETH NEWKIRK, 40 MILL POND ROAD, TO FILL AN ALTERNATE MEMBERSHIP ON THE LIBRARY BOARD OF TRUSTEES WITH A TERM EXPIRATION OF APRIL 2025?

CC PREPARED BY: Karen Edwards, Administrative Assistant

PRESENTED BY: Todd I. Selig, Administrator

AGENDA DESCRIPTION:

Attached for the Council's information and consideration is an application for board appointment submitted by Elizabeth Newkirk, requesting appointment as an alternate member to the Library Board of Trustees. There are currently two vacant alternate memberships with term expirations of April 2025.

Ms. Newkirk has attended one meeting of the Library Board of Trustees and has spoken with Chair, Robin Glasser. Attached for the Council's information is Chair Glasser's endorsement of Ms. Newkirk's appointment.

Ms. Newkirk will attend Monday night's Council meeting relative to her request for appointment.

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION:

The Durham Town Council does hereby, upon recommendation of the Library Board of Trustees Chair, appoint Elizabeth Newkirk, 40 Mill Pond Road, to fill an Alternate Membership on the Library Board of Trustees with a term expiration of April 2025.



Town of Durham

8 Newmarket Road
Durham, NH 03824-2898
Tel: 603/868-5571
Fax 603/868-1858
kedwards@ci.durham.nh.us

Application for Board Appointment

Type of Appointment and Position Desired (Please select only one):

New appointment/regular member New appointment/alternate member
Reappointment/regular member Reappointment/alternate member

NOTE: New applicants are asked to attend **AT LEAST ONE** meeting, as well as to meet separately with the Chair(s) of the committee(s) to which they are applying, prior to submitting an application for appointment.

Applicant has:

ATTENDED A MEETING
 SPOKEN WITH CHAIR/V CHAIR
 BEEN RECOMMENDED FOR MEMBERSHIP

Name: Elizabeth Newkirk

Date: March 19, 2024

Address: 40 Mill Pond Road, Durham, NH 03824

E-Mail Address: bethnewkirk48@gmail.com

Telephone: (603) 969-1148

Board/Commission/Committee to which you are interested in being appointed. (Please list in order of preference, if interested in more than one appointment).

1. Trustees of the Durham Public Library
- 2.
- 3.

Are you willing to attend ongoing educational sessions offered by the New Hampshire Municipal Association, Strafford Regional Planning Commission, et al, and otherwise develop skills and knowledge relevant to your work on the board/committee? YES NO

(Over)

From: [Robin Glasser](#)
To: [Karen Edwards](#)
Subject: Re: Recommendation for Beth Newkirk
Date: Thursday, March 21, 2024 12:26:36 PM

At their meeting on March 13, 2024 the Board of Library Trustees endorsed the appointment of Beth Newkirk to serve as an alternate trustee. Her long time involvement with the Friends of the Library makes her an ideal candidate for this position. We look forward the having her serve on the Board.

Regards,
Robin Glasser, Chair
Board of Trustees

On Mar 21, 2024, 11:12 AM -0400, Karen Edwards <kedwards@ci.durham.nh.us>, wrote:

Robin,

Please email me a recommendation for Beth Newkirk. Her appointment as an alternate to the Library Board of Trustees will be before the Council on April 1.

Karen

Karen Edwards

Administrative Assistant

Administrator's Office

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AGENDA ITEM: **#11** *TS*

DATE: April 1, 2024

COUNCIL COMMUNICATION

INITIATED BY: Planning Board

AGENDA ITEM: PUBLIC HEARING AND ACTION ON ORDINANCE #2024-02 AMENDING CHAPTER 175, "ZONING ORDINANCE," ARTICLES I, IV, VII AND XVII TO CHANGE THE PROCESS FOR NOTICING PUBLIC HEARINGS FOR ZONING AMENDMENTS, CONDITIONAL USES, HISTORIC DISTRICT REVIEWS, AND UNH PROJECTS FROM PUBLISHING NOTICES IN A LOCAL NEWSPAPER TO POSTING NOTICES ON THE TOWN WEBSITE, AND TO CHANGE THE PROCESS FOR NOTICES FOR CONDITIONAL USE HEARINGS TO BE SENT BY VERIFIED MAIL RATHER THAN CERTIFIED MAIL.

CC PREPARED BY: Michael Behrendt, Town Planner

PRESENTED BY: Michael Behrendt, Town Planner

AGENDA DESCRIPTION:

The amendment would change the process for noticing public hearings for zoning amendments, conditional uses, historic district reviews, and UNH projects from publishing notices in a local newspaper to posting notices on the Town's website. Notices for conditional use hearings would be sent by verified mail rather than by certified mail.

BACKGROUND

State law used to require that all notices for public hearings for site plan application, subdivision applications, and zoning amendments be advertised in a local newspaper and be sent by certified mail to abutters (for applications only). The law was changed a number of years ago to allow for placement on a town's website instead of buying an ad in the newspaper and to send notices to abutters by verified mail rather than certified mail.

This was a beneficial change since there is no cost to the applicant or to the Town to place a notice on our website, and verified mail is much less expensive than certified mail. Verified mail is defined in RSA 21:53 as “any method of mailing that is offered by the United States Postal Service or any other carrier, and which provides evidence of mailing.” For verified mail now the Post Office simply provides a receipt when we bring the mail to the Post Office, confirming that we delivered the mail to them. It does not confirm that the mail was actually delivered, but our responsibility is only to bring the mail to the Post Office.

We changed our Site Plan Regulations and Subdivision Regulations recently to reflect this change in state law. We had to do so because the Durham regulations specifically still required placing an ad in the newspaper and sending notices to abutters by certified mail. Prior to the change we charged \$225 for the notice in the newspaper (the approximate cost for the notice) and \$9 per abutter for certified mail. Now we do not charge anything for posting the notice and only \$5 per abutter for verified mail (since some additional time is needed from the Planning Administrative Assistant).

There are four locations in the Zoning Ordinance where notice is given for a public hearing. The Planning Board voted to initiate this change at its meeting on February 28, 2024. Once the Ordinance changes have been approved, the Master Fee Schedule will be updated.

At its meeting on March 18, 2024, the Town Council scheduled a Public Hearing on this item for their meeting on Monday, April 1, 2024. A Public Hearing notice was published in *Foster’s/Seacoast Online* on Thursday, March 21, 2024. The notice was also posted at the Town Hall and on the Town Website, as well as at the Durham Public Library and Department of Public Works.

LEGAL AUTHORITY:

RSA 21:53; RSA 675:2; RSA 676:4; and Section 175-14 of the Durham Zoning Ordinance

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION #1:

The Town Council does hereby OPEN the Public Hearing on Ordinance #2024-02 Amending Chapter 175, “Zoning Ordinance,” Articles I, IV, VII and XVII to change the process for noticing public hearings for zoning amendments, conditional uses, historic district reviews, and UNH projects from publishing notices in a local newspaper to posting notices on the Town website, and to change the process for Notices for conditional use hearings to be sent by verified mail rather than certified mail.

MOTION #2:

The Town Council does hereby CLOSE the Public Hearing on Ordinance #2024-02 Amending Chapter 175, “Zoning Ordinance,” Articles I, IV, VII and XVII to change the process for noticing public hearings for zoning amendments, conditional uses, historic district reviews, and UNH projects from publishing notices in a local newspaper to posting notices on the Town website, and to change the process for Notices for conditional use hearings to be sent by verified mail rather than certified mail.

MOTION #3:

The Town Council does hereby ADOPT Ordinance #2024-02 Amending Chapter 175, “Zoning Ordinance,” Articles I, IV, VII and XVII to change the process for noticing public hearings for zoning amendments, conditional uses, historic district reviews, and UNH projects from publishing notices in a local newspaper to posting notices on the Town website, and to change the process for Notices for conditional use hearings to be sent by verified mail rather than certified mail.

ORDINANCE #2024-02 OF DURHAM, NEW HAMPSHIRE

AMENDING CHAPTER 175, "ZONING ORDINANCE," ARTICLES I, IV, VII AND XVII TO CHANGE THE PROCESS FOR NOTICING PUBLIC HEARINGS FOR ZONING AMENDMENTS, CONDITIONAL USES, HISTORIC DISTRICT REVIEWS, AND UNH PROJECTS FROM PUBLISHING NOTICES IN A LOCAL NEWSPAPER TO POSTING NOTICES ON THE TOWN WEBSITE, AND TO CHANGE THE PROCESS FOR NOTICES FOR CONDITIONAL USE HEARINGS TO BE SENT BY VERIFIED MAIL RATHER THAN CERTIFIED MAIL.

WHEREAS, RSA 676:4 has been changed to allow for notices of public hearings to be posted on a town's website rather than published in a newspaper of general circulation and it has been changed to allow for notices to be sent by verified mail rather than certified mail; and

WHEREAS, it costs several hundred dollars to publish a notice in a newspaper and there is no cost to post a notice on the Town's website and it costs more send a notice to an abutter by certified mail than by verified mail; and

WHEREAS, the legal responsibility of the Town is to ensure that notices to abutters are delivered to the Post Office, at which point we depend upon the reliability of the Post Office to deliver the mail properly; and

WHEREAS, Posting a notice on the Town's website likely reaches more local residents than publishing a notice in the newspaper; and

WHEREAS, These costs for publishing a notice in most cases are borne by the Town of Durham; and

WHEREAS, The Planning Board recently amended the Durham Site Plan and Subdivision Regulations in similar fashion and there remain four locations in the Durham Zoning Ordinance that still require publishing a notice in a newspaper and one location where it requires that notices to abutters be sent by certified mail; and

WHEREAS, the Durham Planning Board held a public hearing on February 28, 2024 and duly voted to initiate this amendment; and

WHEREAS, at its meeting on March 18, 2024, the Town Council moved this ordinance on First Reading and scheduled a Public Hearing for its meeting on Monday, April 1, 2024. A Public Hearing notice was published in the *Foster's/Seacoast Online* on Thursday, March 21, 2024. The notice was also posted at the Town Hall and Town website, 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 body of the Town of Durham, New Hampshire does hereby adopt **Ordinance #2024-02** amending Chapter 4 “Administrative Code”, Article VI “Procurement” of the Durham Town Code to change the process for noticing public hearings for zoning amendments, conditional uses, historic district reviews, and UNH projects from publishing notices in a local newspaper to posting notices on the Town website, and to change the process for Notices for conditional use hearings to be sent by verified mail rather than certified mail.

Wording to be deleted is annotated with **strikeout** type. New wording is annotated with underscoring.

ARTICLE I - GENERAL PROVISIONS

175-5. **Applicability to Governmental Uses including the University of New Hampshire.**

The provisions of this chapter shall be advisory with respect to governmental uses as identified by RSA 674:54 including the University of New Hampshire (UNH) except as provided in C. below.

- A. The state agency, county, municipal agency, university, school district or other governmental entity identified in RSA 674:54 shall provide the Planning Board with written notification of any use of its property or facilities that constitutes a substantial change in use or a substantial new use. This notification shall be provided to the Town Planner at least sixty (60) days prior to the start of construction and shall contain plans, specifications, and explanations of the proposed use and an assessment of the potential impacts of the use on the community. The notification for any project involving the University of New Hampshire shall be in accordance with the adopted “Process for Coordination and Communication” between the University and the Town. The Planning Board may hold a public hearing on the proposed use. If a hearing is held, the hearing shall be held within thirty (30) days of the receipt of the written notification and at least two (2) weeks after ~~publication of a notice thereof in a paper of general circulation in~~

~~the town~~ *posting of the notice on the Town website.* The purpose of such hearing shall be to bring to light possible problems of traffic circulation, parking, provision of utilities, the protection of persons and property or any other problems affecting the town or the neighborhood. A representative of the governmental entity or UNH shall be present at the hearing to present the plans, specifications, and construction schedule, and to provide explanations. The Planning Board may issue nonbinding written comments relative to conformity or nonconformity of the proposal with normally applicable land use regulations to the government entity or university within 30 days after the hearing, together with any recommendations for minimizing any adverse impacts of the project on the community.

ARTICLE IV- INTERPRETATION, AMENDMENTS, AND LEGAL PROVISIONS

175-14. Amendment Procedure.

D. Public Notice and Hearing Requirements.

1. Notice. Notice shall be given for the time and place of the public hearing at least ten (10) days before the hearing. The notice required under this section shall not include the day notice is posted or published or the day of the public hearing. Notice of ~~each~~ *the* public hearing shall be *posted prominently on the Town's website and published in a newspaper of general circulation in the municipality and shall be posted* in at least two (2) *other* public places.

ARTICLE VII - CONDITIONAL USE PERMITS

175-22. Procedures.

A. *Application.*

1. Application for a conditional use permit may be made by the owner of the affected property, or his or her designated agent, on a form obtainable from the Town Planner.
2. The completed application and fee as set by the Town Council shall be submitted to the Town Planner or his or her designee. Said fee is nonrefundable.

B. *Procedure for Consideration.*

1. After receipt by the Town Planner or his or her designee, the completed application shall be transmitted to the Planning Board staff for their review and evaluation.
2. The planning staff shall set a public hearing date and *post* ~~publish~~ a notice advertising the public hearing before the Planning Board *on the Town website in a newspaper of general circulation.* Public notice shall be made at least ten (10)

calendar days prior to the meeting of the Planning Board at which the application is to be considered.

3. The planning staff shall also mail written notice, by *verified certified* mail, to all abutting and adjacent property owners within three hundred (300) feet of the subject property and a sign measuring two by three (2 x 3) feet shall be placed on the property by the applicant not less than ten (10) calendar days prior to the time of the public hearing by the Planning Board. The sign shall remain on the property until the conclusion of the public hearing. This sign shall be visible from the most heavily traveled street right-of-way adjacent to the property. The sign shall state the date of the public hearing, the time, the location and the action to be considered. (Where the subject property abuts a public right-of-way, the three hundred (300) foot measurement shall be in addition to the right-of-way along the abutting side.)

ARTICLE XVII - DURHAM HISTORIC OVERLAY DISTRICT

175-95. Procedures For Review Of A Certificate Of Approval.

B. *Review of the Application.*

1. Public Hearing. At its discretion, when deemed appropriate, the Commission is authorized to hold a public hearing at which time opinions of abutters and interested citizens shall be heard. Notice of the Public Hearing shall be sent to abutters and posted *on the Town website in a newspaper of general circulation* at least ten (10) calendar days prior to the hearing. In the case of significant projects that involve demolition, the HDC may hold an additional public hearing any time after the start of construction to allow for concerns to be identified and conveyed to the applicant and Town enforcement officials. Applicants shall be invited, but are not required to attend any such public hearing.

PASSED AND ADOPTED by the Town Council of the Town of Durham, New Hampshire this 1st day of April, 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
DATE: April 1, 2024

COUNCIL COMMUNICATION

INITIATED BY: Durham Town Council
AGENDA ITEM: APPROVE THE TOWN COUNCIL MEETING MINUTES FOR MARCH 4, 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 March 4, 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.

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 March 4, 2024 (as presented/as amended).



TOWN OF DURHAM

8 Newmarket Road

Durham, NH 03824

Tel: 603-868-5571

Fax: 603-868-1858

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AGENDA ITEM: **#14A** *TS*

DATE: April 1, 2024

COUNCIL COMMUNICATION

INITIATED BY: Jay Ferreira Assessor

AGENDA ITEM: DISCUSSION AND APPROVAL OF THE RECOMMENDATIONS BY THE TOWN ASSESSOR AND ADMINISTRATOR RELATIVE TO FY 2023 PROPERTY TAX ABATEMENT REQUESTS IN THE TOTAL AMOUNT OF \$23,779.30.

CC PREPARED BY: Karen Edwards, Administrative Assistant

CC PRESENTED BY: Jay Ferreira, Assessor

AGENDA DESCRIPTION:

Each year the Town receives requests for property tax abatements. The deadline for filing abatement requests is March 1, 2024. The Town must respond to the applicants in writing by July 1, 2024, or the application is automatically denied.

The Assessor's Office has reviewed abatement requests received to date, conducted site inspections, and met with those property owners or tax representatives who requested a meeting. These inspections and meetings have been held on an ongoing basis. Once these meetings concluded, the Assessor reviewed the requests in more detail and formulated recommendations. If the taxpayer has appealed their assessment with the municipality and is dissatisfied with the decision of the Town, they may appeal the abatement to either the New Hampshire Board of Tax and Land Appeals or Superior Court, but not both.

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

1. **Avery Family Trust - 27 Bagdad Rd.**
Recommendation: GRANT (for Tax Year 2023). The Assessor recommends granting the abatement request in the amount of \$240.16 including interest. See attached abatement recommendation from the assessor outlining the reasons for granting this request.
2. **Berlin - 81 Piscataqua Road**
Recommendation: GRANT (for Tax Year 2023). The Assessor recommends granting the abatement request in the amount of \$2,135.50 including interest. See attached abatement recommendation from the assessor outlining the reasons for granting this request.
3. **BPNE Property - 39 Emerson Rd.**
Recommendation: GRANT (for Tax Year 2023). The Assessor recommends granting the abatement request in the amount of \$1,046.37 including interest. See attached abatement recommendation from the assessor outlining the reasons for granting this request.
4. **BVB LLC - 48 Main Street**
Recommendation: GRANT (for Tax Year 2023). The Assessor recommends granting the abatement request in the amount of \$2,193.61 including interest. See attached abatement recommendation from the assessor outlining the reasons for granting this request.
5. **Catboat Properties - 8 Bagdad Rd.**
Recommendation: GRANT (for Tax Year 2023). The Assessor recommends granting the abatement request in the amount of \$1,915.35 including interest. See attached abatement recommendation from the assessor outlining the reasons for granting this request.
6. **CDC NH, LLC - 100 Clubhouse Street**
Recommendation: DENY (for Tax Year 2023). The Assessor recommends the abatement request be denied. See attached abatement recommendation from the assessor outlining the reasons for denying this request.
7. **Chan Rev. Trust - 30 Bagdad Road**
Recommendation: DENY (for Tax Year 2023). The Assessor recommends the abatement request be denied. See attached abatement recommendation from the assessor outlining the reasons for denying this request.
8. **Chase Family Security Trust - 271 Durham Point Road**
Recommendation: DENY (for Tax Year 2023). The Assessor recommends the abatement request be denied. See attached abatement recommendation from the assessor outlining the reasons for denying this request.

9. Connor - 3 Bayview Road

Recommendation: DENY (for Tax Year 2023). The Assessor recommends the abatement request be denied. See attached abatement recommendation from the assessor outlining the reasons for denying this request.

10. Hall Christopher & Trisha - 23 Bagdad Rd

Recommendation: GRANT (for Tax Year 2023). The Assessor recommends granting the abatement request in the amount of \$1,817.86 including interest. See attached abatement recommendation from the assessor outlining the reasons for granting this request.

11. Hallett/Ehrenworth - 18 Colony Cove

Recommendation: GRANT (for Tax Year 2023). The Assessor recommends granting the abatement request in the amount of \$3,423.73 including interest. See attached abatement recommendation from the assessor outlining the reasons for granting this request.

12. Lynch - 32 Bagdad Road

Recommendation: GRANT (for Tax Year 2023). The Assessor recommends granting the abatement request in the amount of \$497.20 including interest. See attached abatement recommendation from the assessor outlining the reasons for granting this request.

13. Lynch Et Al - Bagdad Road

Recommendation: DENY (for Tax Year 2023). The Assessor recommends the abatement request be denied. See attached abatement recommendation from the assessor outlining the reasons for denying this request.

14. Meredith Rev Trust - 69 Mill Rd

Recommendation: GRANT (for Tax Year 2023). The Assessor recommends granting the abatement request in the amount of \$947.52 including interest. See attached abatement recommendation from the assessor outlining the reasons for granting this request.

15. Mu Alpha Sorority - 11 Strafford Ave.

Recommendation: GRANT (for Tax Year 2023). The Assessor recommends granting the abatement request in the amount of \$1,040.38 including interest. See attached abatement recommendation from the assessor outlining the reasons for granting this request.

16. Toye IV Rev Trust - 9 Tavern Way

Recommendation: GRANT (for Tax Year 2023). The Assessor recommends granting the abatement request in the amount of \$8,521.62 including interest. See attached abatement recommendation from the assessor outlining the reasons for granting this request.

LEGAL AUTHORITY:

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

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

As part of the FY 2024 budget, the Town of Durham has appropriated \$125,000 to be used for tax abatement/appeal purposes. To date, the Town has abated \$12,848.39 to taxpayers who have appealed their assessments with the municipality, to the Board of Tax and Land Appeals or Superior Court.

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION:

The Durham Town Council does hereby, upon the recommendations by the Town Assessor and Administrator, Approved the FY 2023 Property Tax abatement requests in the total amount of \$23,779.30.

2023 Local Level Abatements

Map/Lot	Owner	Property Type	Address	Current Assessment	Taxpayer's Opinion of Value	Assessor's Rec.	Assessor's Revised Assessment	Difference	Abate w/o Int.	**Interest Due	Total Abatement w/Int.	Notes
104-12	Christopher Hall	Residential	23 Bagdad Rd	\$579,700	\$489,100	GRANT	\$492,300	\$87,400	\$1,790.00	\$27.86	\$1,817.86	
104-13	Avery Family Trust	Residential	27 Bagdad Rd	\$640,800	\$500,000	GRANT	\$629,300	\$11,500	\$236.00	\$4.16	\$240.16	
104-24	BPNE Property	Residential	39 Emerson Road	\$504,100	\$340,000	GRANT	\$453,800	\$50,300	\$1,030.00	\$16.37	\$1,046.37	
104-31	Lisa & Kurt Harling	Residential	14 Littlehale Road	\$466,200	Not Specified	GRANT	\$462,900	\$3,300	\$69.00	\$0.67	\$69.67	Letter sent 2/6/24
104-48	Dongpeng Xu & Shan Jing	Residential	3 Strout Lane	\$682,800	\$580,000	GRANT	\$599,900	\$82,900	\$1,698.00	\$14.70	\$1,712.70	Letter sent 2/6/24
104-76	Andrea Chan	Residential	30 Bagdad Road	\$563,400	\$427,000	DENY	\$0				\$0.00	
105-56	Pamela Shaw	Residential	101 Madbury Road	\$383,600	\$350,000	GRANT	\$368,000	\$15,600	\$319.00	\$2.59	\$321.59	Letter sent 2/6/24
104-69	Jayson Seaman & Kim Sekera	Residential	46 Bagdad Road	\$723,400	\$586,556	WITHDRAWN						Abatement Application Withdrawn per Owner
104-75	Kenneth & Nancy Lynch	Residential	32 Bagdad Road	\$768,300	Not Specified	GRANT	\$744,400	\$23,900	\$490.00	\$7.20	\$497.20	
106-8	Mu Alpha Building Association	Sorority	11 Strafford Ave.	\$1,691,200	\$1,600,000	GRANT	\$1,641,200	\$50,000	\$1,024.00	\$16.38	\$1,040.38	
107-10	Catboat Properties LLC	Residential	8 Bagdad Road	\$695,900	\$503,000	GRANT	\$603,800	\$92,100	\$1,886.00	\$29.35	\$1,915.35	
108-40	Jay Connor	Residential	3 Bayview Road	\$320,600	\$250,000	DENY	\$0				\$0.00	
108-71 & 73	Erika Naumann Gaillat & Md Shaad Mahmud	Residential	14 Schoolhouse Lane	\$828,700	\$675,000	WITHDRAWN						Abatement Application Withdrawn per Owner
108-93	Michael Menary	Student Housing	27 Mill Pond Road	\$603,500	\$600,000	GRANT	\$554,700	\$48,800	\$1,000.00	\$9.21	\$1,009.21	Letter sent 2/6/24
109-84	Theodore & Dawn Meredith	Residential	69 Mill Road	\$468,300	\$409,300	GRANT	\$422,700	\$40,100	\$933.00	\$14.52	\$947.52	
109-107	BVB LLC	Commerical	48 Main Street	\$1,096,700	\$975,000	GRANT	\$991,200	\$105,500	\$2,160.00	\$33.61	\$2,193.61	
113-4	Qifei Wang & Bingxian Mu	Residential	54 Oyster River Rd.	\$752,200	\$650,000	GRANT	\$728,900	\$23,300	\$477.00	\$4.39	\$481.39	Letter sent 2/6/24
113-80	Catherine & David O'Leary	Residential	19 Orchard Drive	\$586,100	\$545,000	GRANT	\$564,900	\$21,200	\$435.00	\$3.77	\$438.77	Letter sent 2/6/24
114-36	Elis LaDouceur & Andrew Cartoceti	Residential	16 Laurel Lane	\$926,200	Not Specified	DENY					\$0.00	Letter sent 2/6/24
114-41	Thomas A. Toye IV Rev Trust	Residential	9-13 Tavern Way	\$2,487,132	\$1,502,921	GRANT	\$2,077,400	\$463,000	\$8,391.00	\$130.62	\$8,521.62	
118-44	Gloria Smalley Rev Trust & Diane Young	Residential	106 Newmarket Road	\$333,900	Not Specified	GRANT	\$329,200	\$4,700	\$97.00	\$0.94	\$97.94	Letter sent 2/6/24
203-7	CDC New Hampshire LLC	Student Housing	100 Clubhouse St.	\$58,656,600	\$53,666,000	DENY					\$0.00	
209-11	Thanh T. Johns Rev Trust	Residential	90 Bagdad Road	\$586,500	\$575,000	DENY	\$591,500	-\$5,000	\$0.00	\$0.00	\$0.00	Letter sent 2/6/24
209-39	Leda Keef Rev Trust	Residential	59 Piscataqua Road	\$794,305	\$550,000	WITHDRAWN						Abatement Application Withdrawn per Owner
209-46	Jeffrey D. Berlin	Student Housing	81 Piscataqua Road	\$495,600	\$333,689	GRANT	\$392,900	\$102,700	\$2,103.00	\$32.50	\$2,135.50	
218-59	Mary Lohnes Ehrenworth & Richard Hallett	Residential	18 Colonial Cove Rd.	\$1,373,700	\$878,000	GRANT	\$1,209,000	\$164,700	\$3,372.00	\$51.73	\$3,423.73	
218-69	David E. & Donna L. Langley Rev Trusts	Residential	234 Longmarsh Road	\$516,652	Not Specified	GRANT	N/C	\$0	\$97.00	\$7.20	\$104.20	Abatement due to incorrect Solar Exemption Amount. Letter sent 2/6/24
222-28	John & Amy Pierce	Residential	18 Surrey Lane	\$687,600	\$585,000	GRANT	\$612,600	\$75,000	\$1,536.00	\$12.46	\$1,548.46	Letter sent 2/6/24
223-29	Matthew & Austyn Mazzola	Residential	56 Wiswall Road	\$778,600	\$675,000	GRANT	\$676,100	\$102,500	\$2,098.00	\$19.31	\$2,117.31	Letter sent 2/6/24
227-4	Ralph & Elisabeth Kleinmann	Residential	267 Durham Pt. Rd.	\$1,171,000	\$1,010,000	GRANT	\$1,108,700	\$62,300	\$1,276.00	\$11.19	\$1,287.19	Letter sent 2/6/24
227-5	Robert & Brenda Ryan	Residential	269 Durham Pt. Rd.	\$1,295,000	\$925,500	DENY					\$0.00	Letter sent 2/6/24
227-6	Chase Family Security Trust	Residential	271 Durham Pt. Rd.	\$1,201,500	\$975,000	DENY	\$0				\$0.00	203-2
235-14	John L. Pokoski	Residential	333 Lee Hook Road	\$503,011	Not specified	GRANT	\$325,989	\$177,022	\$3,625.00	\$34.96	\$3,659.96	Letter sent 2/6/24
204 & 207	28 Properties on Bagdad Road	Residential	Bagdad Rd	N/A	N/A	DENY	\$0				\$0.00	Appealed based on Disproportionality
TOTALS:									\$36,142.00	\$485.69	\$36,627.69	

*Abatements highlighted in Blue have been withdrawn per Owner

*Abatements already brought forward before Town Council.

*Abatements highlighted in red are the assessor's recommendations being brought forward for current Council meeting.

**Interest estimated - calculated by 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: **#14B** TS

DATE: April 1, 2024

COUNCIL COMMUNICATION

INITIATED BY: Durham Town Council

AGENDA ITEM: INITIAL DISCUSSION REGARDING THE PROCESS FOR DEVELOPMENT OF TOWN COUNCIL GOALS FOR 2024/25

CC PREPARED BY: Karen Edwards, Administrative Assistant

PRESENTED BY: Todd I. Selig, Administrator

AGENDA DESCRIPTION:

This item was placed on the agenda so that the Council may begin discussing the development of its goals for the upcoming year.

Attached for the Council's information and review are the 2023/24 Town Council goals adopted on May 15, 2023, as well as the Administrator's status update report (as of 3/31/24) regarding those goals. Goals typically look ahead to the next 1-3 years.

Councilors should begin to consider whether or not to amend the current goals list, and if so, what items will need to be added, removed, or changed in order to keep the listing up-to-date and in keeping with the broad perspective of the Council. In recent years, the Council and Administrator have undertaken goal setting as part of a more consensus-building process. **Please send your ideas for goals to Administrative Assistant, Karen Edwards, at kedwards@ci.durham.nh.us.** She will compile them for review at the next Council meeting.

LEGAL AUTHORITY:

N/A

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

No formal motion is required at this time. Discuss and determine the process for developing the Council's goals for FY 2024/25.



TOWN OF DURHAM
8 Newmarket Road
Durham, NH 03824-2898
603.868.5571
www.ci.durham.nh.us

2023-2024 Town Council Goals *
(Approved May 15, 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.**
- 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.**
- 3. Pursue long-term economic strength and resiliency, anticipating the community's, the region's, and the nation's economic characteristics and opportunities.**
 - 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.
- 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.**
- 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.**
- 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.**
- 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.**

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



TOWN OF DURHAM
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2023-2024 Town Council Goals *
(Approved May 15, 2023)
Progress Report as of March 31, 2024

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: We've hit a crossroad in the project and need to establish which password policy to use and to answer whether or not we'll be syncing the local active directory to JumpCloud. The trade-off for doing so is we can't use multi-factor authentication on the desktop login if we proceed. State and Local Cybersecurity Grant Program has provided 200 YUBIKEY devices to date. In addition, we've added 1 (or more) staff to the training list for Security+ training through the program. We've also begun to implement Defender endpoint replacing Panda anti-virus for our staff workstation and remaining servers as part of the Microsoft 365 license change for 2024. **Next Steps:** Make some structural decisions about the implementation for the Durham environment. Then begin to break and rebuild services to match the profile we choose. We anticipate this will be a rolling program with no defined end date

- 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.

Code Enforcement: Have viewed the new software that Durham Fire is using, it does not look very useful for the building /Code office. We have Steve Lutterman working to fine-tune a layer on the GIS for reporting of violations and tracking fine payments and letters.

Fire: The fire department is operating in the new First Due software platform to document incident responses, inspections, training, and the daily log. **Next Steps:** Implement a public-facing permitting platform and EMS reporting module.

Business Office: Budgeting Module Software package update/replacement 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: Completed. Ordinance Change approved by Town Council on 2/19/24. Amended to reflect rate of inflation.

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

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

- 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 complete work and achieve inspections and approvals. Interior and exterior sign packages are substantially complete. **Next Steps:** In process. Demolish legacy laundry area and install SCBA compressor. 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: A 2024 request for a Federal FEMA Assistance to Firefighters Grant for replacement of 2011 SCBA equipment was submitted in February 2024. The department's 2022 and 2023 grant requests were not funded. **Next Steps:** Awaiting grant review feedback and response.

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

IT: Municipal Cyber Defense Program "transferred" to Overwatch foundation, we are told training session should start again after long hiatus. **Next Steps:** Talk with Ellen and Andy about renewed table top efforts, shared work on Disaster Recovery policy.

Code Enforcement: We have not approached other towns on this matter, but when asked to cover a vacation or day in an abutting town, we generally do that on an informal basis.

Fire: Awaiting MRI report results from Madbury.

DPW: Finalized hiring of UNH Engineering sophomore intern for stormwater, water and wastewater projects. Candidate will start on 5/20/24. **Next Steps:** Onboarding of intern.

- 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: Final Acceptance delayed until system responsibilities are understood and the Land Mobile Radio sites recover from a series of pre-mature failures. **Next Steps:** Land Mobile Radio group meeting scheduled for April 15th.

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

DPW: Completed 30% Design Review Meeting with Underwood Engineers on 3/20/24. Project will continue to advance for July 2024 Bidding Tentative. **Next Steps:** Continue to review design and specs with project team and provide guidance to UE. Update UNH on progress.

Police: 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. Final punch list items being addressed. Closing out Federal grants reporting forms, which have been a significant time sink and ongoing obligation.

- 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. All 2023 year-end reports have been **completed**. CALEA inspection scheduled for July, 2024.

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

IT: All Breezeline commitments are now in effect, template agreement scope being discussed, list of requirements has been proposed. **Next Steps:** Decide if template agreement meets franchise needs.

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, has consolidated the existing franchise & amendments into an updated format, which will shortly be sent to 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 process.

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

Admin: 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. **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). **Completed** update to non-unionized personnel plan, which will go into effect April 1, 2024. In addition, the firefighters flagged a concern, and the Town addressed, 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. **Next steps:** Have commenced bargaining with the Durham Police Officers Association in 2024 to work toward a successor bargaining agreement there. The current police officer CBA expires 12/31/24. Evaluating and working to addressing overtime shift coverage at the Fire Department due to vacancies/injuries, medical issues. In March 2024, the Fire Captains raised a concern with the Fire Chief and Administrator about their compensation relative to the market due to market-based pressures, which will be evaluated as time/resources allow.

- 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. Have scheduled the 2024 session for May 9th at 7 PM.

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

DPW: Bid Opening scheduled for 3/28/24 at 11 AM. **Next Steps:** Upon successful bidding develop CC for procurement of new truck.

p. Replacement of 1998 Landini sidewalk snow tractor totaling \$195,000 in 2023. [DPW]
DPW: Completed. Purchase and Delivery of New Prinoth Complete - Unit now ready for service.

q. Replacement of 2008 International combination vacuum/jet rodder truck totaling \$520,000 in 2023. [DPW]
DPW: Completed. Purchase and Delivery of New Vector Complete - Unit now ready for service.

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: Madbury Road Phase 1 Utility Contract Awarded to Cardello Construction with work planned to commence following end of UNH Semester. Phase 1 Roadway is out to Bid with Bids due on April 1st. Award planned for 4/15/24 Town Council Meeting upon receipt of favorable bids. Ross Road Culvert project wetland permit submitted with RFI response submitted. Bennett Road culvert Grant Agreement in draft form for submittal to EPA week of 3/25/24.

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 March 15, 2024. We don't expect any changes.
Planning: No changes have been made yet related to climate change.

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. Adopted 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, Town Councilor Joe Friedman, and Energy Committee Chair Matthias Dean Carpentier are currently working on the premise that it does not make sense for Durham to pursue a buyout further. The analysis from Clean Capital was ultimately unhelpful and did not compare a buyout v. status quo. **Note:** We plan to work with Clean Capital on whether they would have an interest in other renewable energy partnerships with Durham. Our UNH Sustainability Fellow is taking a look at the ideas of solar at the Depot Rd. Lot.

- 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: Coordinating the selection process for CMAR - meeting with Frank Lemay Milestone construction planned for 3/26/24. **Next Steps:** Work with Bickford Chesley Group to implement grant and advance project construction improvements. (Note, funding is not budgeted, nor have any plans been created, at present, to transform the barn at WHF into a year-round climatized, sprinklered facility fit out as an assembly space and historical interpretation/showcase area.)

- 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: Coordinating design of roadway and stormwater system for Dennison Road including traffic calming. will review with ORMS upon completion of 50% design. To be included in amendment with Continental for approval of contract by TC in May. **Next Steps:** Develop contract award CC for TC review and approval.

Planning: Nothing from Planning

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: **Completed.** 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 with over \$20 million in grant funding requests submitted across many functional areas.

- 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. Our Town parking staff are evaluating whether it makes sense to modify some of our parking policies downtown beginning May 2024 as a pilot for further evaluation in October/November 2024.

- 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 the project up for consideration again in 2025.

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: The Dir. of Planning met with the USPS postmaster, who indicated there were no new plans for the site at present. It may make sense to connect with the General Services Administration to see what plans they have for the parcel over the long-term.

- 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: In process. Strategy meetings have been held and a pilot program being developed to curtail evening and Saturday parking enforcement in place.

Planning: We continue to offer to assist local businesses in any way that we can.

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

Assessing: Completed. 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.

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

Admin: Completed. 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 is now in place.

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 to five years. Our 2023/24 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, likely for five years. The process for hiring Durham's next UNH Sustainability Fellow has now been completed and the individual selected, if they accept the position, will begin in late-May/early-June.

- 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: Complete. For now, we believe the association to continue to be value added and the time commitment can be performed by our UNH Sustainability Fellow in a manageable way. We will continue to evaluate moving forward.

- 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 updated our 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 launched 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. In the future, we hope to offer a greener mix of renewals as the default for Durham households as well. **Complete.**

- 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: Continuing to advance the transition to automated collection and compactors with the development of EV grant agreement and schedule Public Hearing with TC for acceptance. Finalizing Solid Waste Operations plan for submittal to NHDES for compactor upgrades. **Next Steps:** Procurement of materials and public outreach.

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

- 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: Wetland permit under development for submittal within 2 weeks. CC submitted for acceptance and expenditure of grant funds. Public Hearing Planned. **Next Steps:** Response to wetland comments from DES.

- 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:** Public Hearing Planned for 4/15/24. Submit Wetland App and respond to comments. Finalize Design and procure RPR and CA Engineering Svcs.

- 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: Project Underway with Durham coordinating with Portsmouth. **Next Steps:** Continue to attend construction meetings and respond to questions from public. Ensure terms and conditions of agreement are met.

- 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: Ongoing effort with NFWF Coastline grant.

Planning: The committee has completed preparing a new Wetland and Shoreland Overlay District ordinance which is being presented now to the Conservation Commission.

- 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: Coordinating with Jen Snow from ORMS for this years' Service Palooza along with Liberty Mutual and other volunteer efforts.

Admin: The Lands Stewardship Coordinator continues to undertake important 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: Completed. 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]

Code Enforcement: Our part-time enforcement officer efforts have led to more consistent compliance generally throughout town.

DPW: Finalized Bulky Waste Program with Coupon System. Awaiting receipt of coupons for rollout expected week of April 1. Placed update in “Friday Updates” and will provide another update when date finalized. **Next Steps:** Provide Friday Update when rollout date is finalized with the next 2 weeks.

Planning: Nothing new for Planning.

Police: On-going.

- 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 organized a forum over three sessions to try to find a solution to this issue in conjunction with the NH Division of Historic Resources and other stakeholders. We are optimistic that the process has resulted in language that the NH Division of Historic Resources can transform into a representative sign package for additional feedback and finalization by the various stakeholders involved.

Planning: The Historic District Commission hosted 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: We have a major set of zoning amendments now in the works to promote workforce housing, including on one particular optimal property. Must follow up with RKG on their draft Housing Needs Assessment dated 12/2023 to address questions that have been raised to date.

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

Planning: Ongoing with the Traffic Safety Committee.

DPW: RRFB on order with planned install during late April continue with procurement of next 3 RRFB and finalize Tighe and Bond Study. **Next Steps:** Madbury Road complete streets finalization. Pavement Marking Program and RRFB Install.

- 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: As noted three project components are bid and/or awarded. Project will begin construction this spring.

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

Fire: Work has begun to foster a safety-minded culture by appointing new safety committee members and developing a safety management system for the Fire Department.

IT: Status of closed captioning on new Castus system is being worked on now that new hardware has arrived and is being setup. Storage increases have gone into effect. CivicPlus has been contacted to update quote on website upgrade. Representative at CivicPlus has changed and staff are working with this new contact to fill in on historical conversations with the company to meet the Town's specific needs. **Next Steps:** Closed captioning definitions need to be put in place. We need to establish a period for testing before going live.

Planning: We completed the roundtable discussions about the Oyster River marker. They were very effective. We hope to continue this dialogue with the community.

DPW: Ongoing effort.

Police: All officers have attended mandatory training in dealing with mental health. Resources are scarce for those in the community who may be experiencing mental health issues. We will continue to avail all Durham Police personnel to mental health training opportunities.

- 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. Fully updated by staff in 2023 and approved by the Town Council.

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

Assessing: Completed. 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: Coordinating with UNH. We expect to present a draft Planned Unit Development ordinance to the Planning Board in the next month or two.

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.*