



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 21, 2025

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 approve on **First Reading Ordinance #2025-05** Amending Chapter 175, "Zoning," Article XVI, "Aquifer Protection Overlay District," Section 175-86, "Use Regulations" of the Town Code to amend site drainage and permitted uses and set the Public Hearing date for May 5, 2025?
 - B. Shall the Town Council, Upon Recommendation of the Administrator, Award the 2025 Road and Sidewalk Program to Continental Paving Inc. of Londonderry, NH in an amount not to exceed \$732,800 and Authorize the Administrator to Sign the Associated Contract?

- C. Shall the Town Council, upon Recommendation of the Administrator, Adopt **Resolution #2025-08** Creating the “Wagon Hill Farm Heritage Expendable Trust”?

IX. Committee Appointments

- A. Shall the Town Council, upon Recommendation of the Library Board of Trustees Chair, re-appoint Martie Gooze, 9 Meadow Road, and appoint Joe Warzin, 102 Madbury Road and Laura Mason, 129 Durham Point Road to fill three alternate memberships on the Library Board of Trustees with term expirations of April 2026?
- B. Shall the Town Council, upon Recommendation of the Integrated Waste Management Advisory Committee Chair, move regular member Janet Perkins-Howland to an alternate membership and move alternate member Susan Richman to a regular membership on IWMAC, retaining their current term expirations?
- C. Shall the Town Council, upon Recommendation of the Conservation Commission Chair, appoint alternate member Jacob Cragg to an unexpired regular membership on the Conservation Commission with a term expiration of April 2028?
- D. Shall the Town Council, upon Recommendation of the Conservation Commission Chair, appoint Benjamin Phelps, 341 Lee Hook Road to an unexpired alternate membership on the Conservation Commission with a term expiration of April 2027?
- E. Shall the Town Council Nominate Resident Jim Hornbeck, 19 Woodridge Road, for a three-year reappointment by the NHDES Commissioner as Durham’s Representative to the Oyster River Local Advisory Committee?
- F. Shall the Town Council Nominate Resident Matt Lake, 266 Newmarket Road, for a three-year appointment by the NHDES Commissioner as a Durham Representative to the Lamprey River Local Advisory Committee?

X. Presentation Items

Quarterly Financial Report through 3/31/25 - Gail Jablonski, Business Manager

XI. Councilor and Town Administrator Roundtable

XII. Unfinished Business

- A. Discussion of draft 2025/2026 Town Council goals
- B. Continued discussion of downtown zoning changes

XIII. Approval of Minutes – April 7, 2025

XIV. New Business

Shall the Town Council adopt **Resolution #2025-09** Rescinding resolution #2011-11 and Implementing new local objectives and guidelines for reviewing applications Under New Hampshire Revised Statutes Annotated (RSA) 79-E “Community Revitalization Tax Relief Incentive” Enabling Municipalities to Provide for Short-Term Property Assessment Tax Relief?

XV. Nonpublic Session (if required)

XVI. Adjourn (*NLT 10:30 PM*)

(*) *The public comment portion of the Council meeting is to allow members of the public to address matters of public concern regarding town government for up to 5 minutes. Obscene, violent, disruptive, disorderly comments, or those likely to induce violence, disruption or disorder, are not permitted and will not be tolerated. Complaints regarding Town staff should be directed to the Administrator.*



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

DATE: April 21, 2025

COUNCIL COMMUNICATION

INITIATED BY: Planning Board

AGENDA ITEM: SHALL THE TOWN COUNCIL APPROVE ON FIRST READING ORDINANCE #2025-05 AMENDING CHAPTER 175, "ZONING," ARTICLE XVI, "AQUIFER PROTECTION OVERLAY DISTRICT," SECTION 175-86, "USE REGULATIONS" OF THE TOWN CODE TO AMEND SITE DRAINAGE AND PERMITTED USES AND SET THE PUBLIC HEARING DATE FOR MAY 5, 2025?

CC PREPARED BY: Michael Behrendt, Town Planner

PRESENTED BY: Michael Behrendt, Town Planner

AGENDA DESCRIPTION:

This amendment corrects two problematic provisions in the Aquifer Protection Overlay District regarding stormwater and sewerage. Most of the district is located in the Rural and Residence Coastal districts where the main allowed use is single family housing.

The district requires connection to an underground stormwater system leading to a detention pond located outside of the overlay district. This is an excessive requirement, especially for single family housing located in outlying areas.

Town water and sewer are not available in the overlay district except in a small area located off Technology Drive. It is quite unlikely that it will be extended to the other areas in the near future. It is unreasonable to require connection to Town sewer when sewer is located a great distance away. (*See the map below. The overlay district is shown in green with cross hatches.*)

LEGAL AUTHORITY:

RSA 674:16; RSA 675:2; and Section 175-14 of the Durham Zoning Ordinance

LEGAL OPINION:

N/A

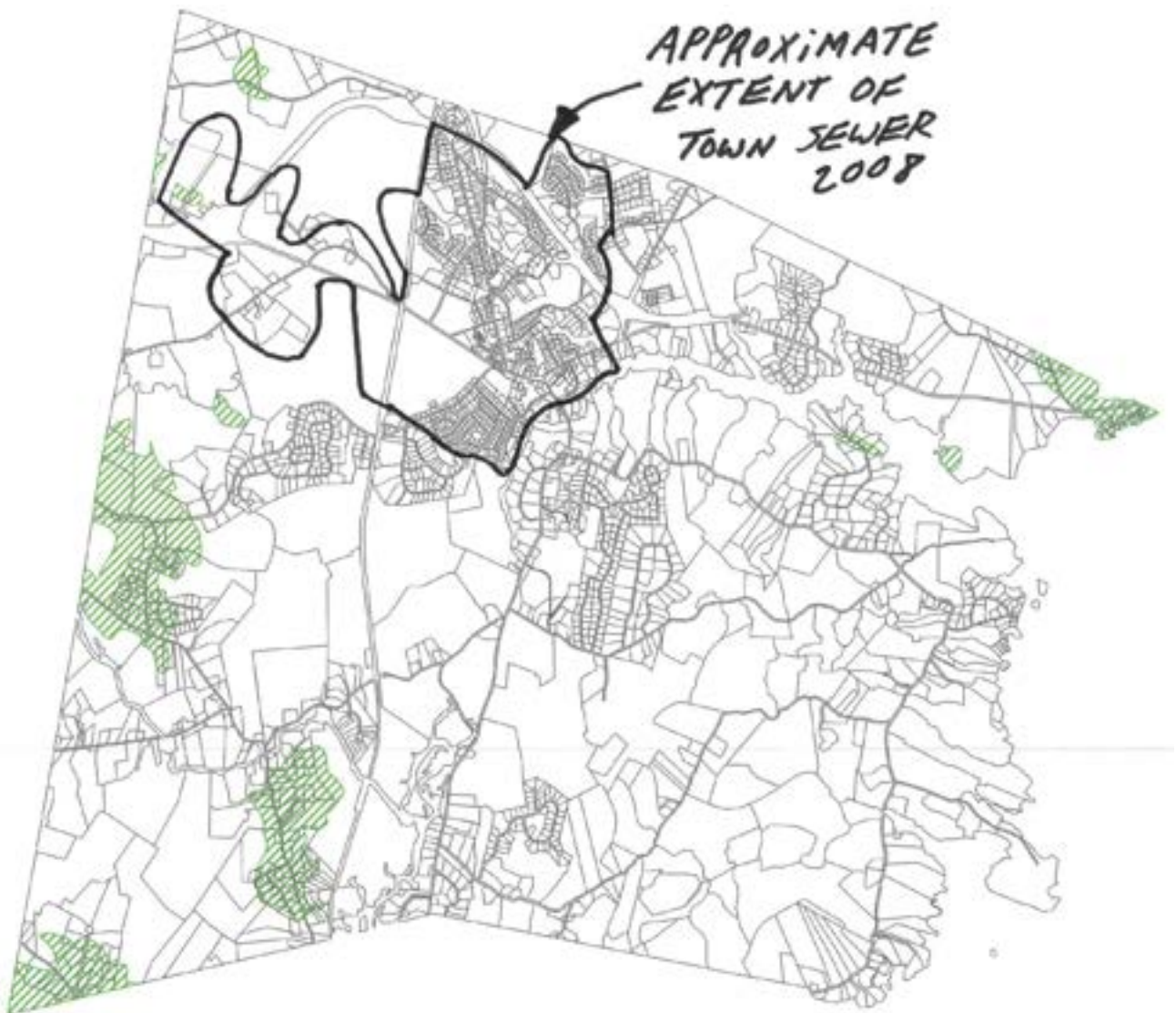
FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION:

The Town Council does hereby approve on First Reading Ordinance #2025-05 Amending Chapter 175, "Zoning," Article XVI, "Aquifer Protection Overlay District," Section 175-86, "Use Regulations" of the Town Code to amend site drainage and permitted uses and sets the Public Hearing date for May 5, 2025



ORDINANCE #2025-05 OF DURHAM, NEW HAMPSHIRE

AMENDING CHAPTER 175, "ZONING," ARTICLE XVI, "AQUIFER PROTECTION OVERLAY DISTRICT," SECTION 175-86, "USE REGULATIONS" OF THE TOWN CODE TO AMEND SITE DRAINAGE AND PERMITTED USES.

WHEREAS, the Aquifer Protection Overlay District requires connection to Town sewer but town sewer is not available and is located a significant distance from most parts of the overlay district; and

WHEREAS, the overlay district requires connection to an underground stormwater system and use of a detention pond located outside of the overlay district, a requirement that is not practical in outlying areas; and

WHEREAS, the main use allowed in the Aquifer Protection Overlay District is single family housing and it is unreasonable to require construction of this kind of stormwater system; and

WHEREAS, the Planning Board voted to initiate this amendment following a duly noticed public hearing; and

WHEREAS, the Durham Town Council held a duly noticed public hearing on May 5, 2025.

NOW, THEREFORE BE IT RESOLVED that the Durham Town Council, the governing body of the Town of Durham, New Hampshire does hereby adopt **Ordinance #2025-05** Amending Chapter 175, "Zoning," Article XVI, "Aquifer Protection Overlay District," Section 175-86, "Use Regulations" of the Town Code to amend site drainage and permitted uses.

ARTICLE XVI - AQUIFER PROTECTION OVERLAY DISTRICT

Proposed new text is shown like this

~~*Existing text proposed to be deleted is shown like this.*~~

175-86. Use Regulations.

~~*C. Site drainage. All runoff from impervious surfaces, except roof and exterior foundation drains, shall be directed into an underground storm sewer system and directed to a detention/holding pond outside of the aquifer and aquifer recharge area. Any detention or holding pond must be located down the potentiometric gradient from any existing or potential Town well(s) and in the location where anticipated pumping will not so reverse the gradient that infiltrating water from the basin is drawn back into the well(s). The design and the construction of any detention or holding pond must be approved by the Public Works Department and the Planning Board.*~~

C. Site drainage. All runoff from impervious surfaces shall be recharged on site and treated through structural best management practices to the maximum extent practical.

F. *Permitted uses.* The following uses are permitted, provided that they are conducted in accordance with the purposes and intent of this Article:

1. All uses permitted in the underlying zoning district and those regulated as Conditional Uses pursuant to Article VII. ~~*There must also be an approved hookup to the town's sewer system and the installation of an underground storm sewer system in accordance with Subsection C above.*~~

PASSED AND ADOPTED by the Town Council of the Town of Durham, New Hampshire this _____ day of **May, 2025** by _____ affirmative votes, _____ negative votes, and _____ abstentions.

Joe Friedman, Chair
Durham Town Council

ATTEST:

Rachel Deane, Town Clerk-Tax Collector



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

DATE: April 21, 2025

COUNCIL COMMUNICATION

INITIATED BY:

Richard Reine, M.S.C.E, CA, Public Works Director

AGENDA ITEM:

SHALL THE TOWN COUNCIL, UPON RECOMMENDATION OF THE ADMINISTRATOR, AWARD THE 2025 ROAD AND SIDEWALK PROGRAM TO CONTINENTAL PAVING INC. OF LONDONDERRY, NH IN AN AMOUNT NOT TO EXCEED \$732,800 AND AUTHORIZE THE ADMINISTRATOR TO SIGN THE ASSOCIATED CONTRACT?

PREPARED BY:

Richard Reine M.S.C.E., CA, Public Works Director
Sam Hewitt, Assistant Public Works Director
April Talon, P.E., Town Engineer

CC:

Todd Selig, Administrator
Gail Jablonski, Business Manager

PRESENTED BY:

Richard Reine, M.S.C.E., CA, Public Works Director

AGENDA DESCRIPTION:

Durham Public Works has developed the proposed 2025 Road and Sidewalk Program and corresponding contract amendment with Continental Paving, as depicted in the attached Exhibit A.

The program consists of 1) a full reclamation and paving of approximately 800 lineal feet of Constable Road, extending from Packers Fall Road east to the cul-de-sac. Constable Road is currently in poor condition as shown in the photo below, having a Pavement Condition Index (PCI) of 60 or less out of a possible 100.

2) a full reclamation and paving of approximately 1,078 lineal feet of Falls Way, extending from Packers Fall Road east to the cul-de-sac. Falls Way has deteriorated rapidly over the last several years with substantial transverse and centerline longitudinal cracking with a PCI in the mid 60's. The photo below depicts this condition.

3) a full reclamation and paving of approximately 800 lineal feet of Ryan Way, between Foss Farm Road and Orchard Drive. Ryan Way has a PCI in the mid 50's, with base failure, alligator cracking and edge raveling, and similar to Falls Way and Constable Road, was last paved in 2005. Please reference the photo below.

4) a full reclamation and paving of approximately 2,653 lineal feet of Orchard Drive, from Foss Farm Road to the cul-de-sac. Orchard Drive was last paved in 2006 and has a very low PCI of 48. Orchard Drive is experiencing base failure throughout its length with longitudinal and alligator cracking, and severe edge raveling. The photo below is a good representation of the overall condition of Orchard Drive.

5) a mill and 1 ½" overlay treatment is planned for the approximately 1,785 lineal feet of Garrison Avenue, between Main Street and Dennison Road. Improvements to the western section, between Main Street and Madbury Road, will take place over the 2025 construction season with the eastern section, between Madbury Road and Dennison Road, occurring in 2026, when the Dennison Road construction project commences. This delay is planned to avoid damage to the newly constructed roadway from heavy construction vehicles during the Madbury Road Complete Streets project.



Constable Way showing significant deterioration with transverse and longitudinal cracking and base failure.



Falls Way with extensive transverse cracking along its entire length.



Ryan Way with a PCI in mid 50's showing alligator cracking and base failure.



Orchard Drive last paved in 2006
with very low PCI of 48.



Garrison Avenue (western section)
where a mill and overlay
treatment is planned to remove
existing wearing course, showing
signs of deterioration.

Background

The 2025 Road Program includes the rehabilitation of approximately 1.34 miles of roadway. In addition, the 2025 Road Program includes crack sealing on Tom Hall Road, Scotland Road, Hampshire Avenue, Lundy Lane, Wood Road, Cowell Drive, Glassford Lane, Sauer Terrace, and Beech Hill Road. This pavement preservation approach allows roadways exhibiting distresses such as full depth cracks to be filled to prevent further water infiltration into the roadway base materials. This treatment will extend the longevity of the roadway's service life prior to full paving occurring in the future.

The 2025 sidewalk portion of this year's program also contains the reconstruction of 245 lineal feet of concrete sidewalk on Main Street between Smith Park Lane and 21 Main Street, inclusive of ADA compliant curb ramps. In addition, and as budgets allow, targeted concrete panel and curb ramp repairs will take place in the downtown area, primarily on Main Street and Pettee Brook Lane, where concrete has deteriorated to the point of ADA non-compliance and causing trip and fall hazards.

Consistent with prior years, the Town of Durham has included planned pavement improvements for roadways owned and maintained within the University of New Hampshire (UNH) campus as a part of this proposed contract award. The total is included within this requested authorization. These roadways include Evergreen Drive, South Drive and sections of Leavitt Lane. Each road is proposed to receive a mill and overlay treatment. The value of this work is contained within the Town's Capital Improvement Plan (CIP) and is funded by the University and estimated at a cost of \$210,000. Please note, the UNH and Town work scopes described herein are subject to change to ensure the overall budgets are not exceeded.

Work is scheduled to commence in a mid-summer timeframe, as weather and conditions allow. Durham Public Works will schedule neighborhood project meetings on roadways receiving reclaim treatments where construction activities are expected to be more impactful. These meetings are hosted by the Director, Assistant Director, Town Engineer, and Project Contractor. Construction activities for the balance of the 2025 Road Program scope will be noticed using Friday updates and social media.

As noted in my March 17th, 2025 Council Communication related to the Madbury Road Complete Streets paving award to Continental Paving, Continental has provided roadway and sidewalk paving services to the Town of Durham for the past 14 years and has consistently performed in an outstanding manner while providing extremely competitive pricing and the highest level of workmanship, project coordination and materials. Unlike many paving contractors in the region, Continental owns and operates their own asphalt plants, equipment, and personnel to perform the majority of the project scope. This eliminates the reliance on subcontractors, which would have the potential to cause delays and introduce lesser quality paving materials. Continental has agreed to hold their competitive 2024 base price of \$86.43 per ton for hot mix asphalt in place for this contract with a liquid asphalt base price set at \$560 per ton. Notwithstanding this very competitive price, Durham Public Works verified the current pricing being awarded on recent projects

and contracts in the region and once again found this offer to be extremely favorable for the Town.

The latest contract awards in the region indicate pricing has escalated again this construction season, as compared to the \$86.43 per ton base price being offered to Durham Public Works. After contacting some New Hampshire cities and towns in the seacoast region and beyond, bid tabulations indicate that recent bid pricing is ranging from \$90/ton up to \$119.5/ton for wearing course hot mix asphalt pavement in place, in most cases for significantly higher tonnages.

Public Works Staff, the Business Office and the Administrator recommend awarding the 2025 Road Program contract to Continental Paving Inc. of Londonderry, NH in an amount not to exceed \$732,800, inclusive of both Town and UNH Roadways and Town sidewalks.

LEGAL AUTHORITY:

N/A

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

ACCOUNT	TITLE	BUDGETED	EXPENSED/ ENCUMBERED TO DATE	BALANCE	REQUESTED
07-2581-801-36-000	2025 Road Program	\$482,800	\$0	\$482,800	\$482,800
07-2582-801-36-000	2025 Sidewalk Program	\$40,000	\$0	\$40,000	\$40,000
07-2583-801-36-000	2025 UNH Road Program	\$485,000	\$0	\$210,000	\$210,000
TOTAL					\$732,800

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION:

The Durham Town Council does hereby, Upon Recommendation of the Administrator, Award the 2025 Road and Sidewalk Program to Continental Paving Inc. of Londonderry, NH in an Amount Not to exceed \$732,800 and Authorize the Administrator to Sign the Associated Contract?



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

DATE: April 21, 2025

COUNCIL COMMUNICATION

INITIATED BY: Carolyn Singer, Historic District Commission

AGENDA ITEM: SHALL THE TOWN COUNCIL, UPON THE RECOMMENDATION OF THE ADMINISTRATOR, ADOPT RESOLUTION #2025-08 CREATING THE "WAGON HILL FARM HERITAGE EXPENDABLE TRUST"?

CC PREPARED BY: Carolyn Singer, Historic District Commission

PRESENTED BY: Todd Selig, Administrator

AGENDA DESCRIPTION:

In 2022, the Town Council created the Durham Historical and Cultural Resource Trust (DHCRT) to receive private donations for the purpose of protecting, preserving, interpreting, enhancing, rehabilitating, and/or restoring historical and cultural resources (including but not limited to buildings) owned by the Town of Durham, consistent with the Secretary of Interior's Standards for the Treatment of Historic Properties.

However, the DHCRT, a Fund that must encompass the demands of several properties, is insufficient to address the preservation and interpretation needs specific to the Bickford-Chesley House and Historic Connecting Ell, Bickford-Chesley House Gallery, and the cultural and historical resources of the Wagon Hill Farm site.

During the past five years, the Bickford-Chesley House Advisory Committee, with support from the Durham Heritage Commission, the Town Administrator, and the Public Works Director, spearheaded preservation activities related to the Bickford-Chesley House at Wagon Hill Farm. These activities have been accomplished through partnerships, volunteers, grants, private donations, and Town funds. To fulfill ongoing

preservation and interpretation needs of the 139-acre Wagon Hill Farm historic landscape, as well as the Bickford-Chesley House, the historic connecting ell, the proposed Bickford Chesley House Gallery, the allocated exhibition space and/or exhibits in the new Barn, and any other unanticipated needs related to cultural or historical assets yet to be discovered, additional funds are needed. To augment public funds and build on the energy, enthusiasm, and success of the current rehabilitation effort of the Bickford-Chesley House, the Trustees of the Trust Fund and the Heritage Commission propose the “Wagon Hill Farm Heritage Expendable Trust” to receive private donations.

These private donations, together with public funds, may be used as matching funds in grant applications for the following purposes at Wagon Hill Farm:

1. Stewardship, protection, preservation, and interpretation of the cultural and historical resources on the 139-acre Wagon Hill Farm site including, but not limited to:
 - The Bickford-Chesley House and historic connecting ell;
 - Potential archaeological sites – yet to be identified;
 - The foundation of the 17th century Davis Garrison House;
 - An unlocated burial site (1704);
 - A family burial ground (1749-1788);
 - Frontage on the First NH Turnpike built 1800-1803;
 - Boat landing/wharf on the Oyster River;
 - The orchard, remains of a barn and cider mill, and Chesley’s Grove, the site of 1920’s Durham Day picnics; and
 - The remains of a District Schoolhouse located on the western edge of the property, north of US Route 4.
 - Cultural or historical assets yet to be discovered.
2. Development of communication and materials for the interpretation of the site, the historic Bickford-Chesley House and Historic Connecting Ell, cultural and historic exhibits in the New Barn, and exhibits featured in the Bickford-Chesley House Gallery.

The Bickford-Chesley House Advisory Committee and the Heritage Commission will identify stewardship needs and develop an implementation plan consistent with the Secretary of Interior’s Standards for the Treatment of Historic Properties for any expenditure of funds from this Trust.

The Trustees of the Trust Fund, the Bickford-Chesley House Advisory Committee, and the Heritage Commission propose that the first priority for this Trust is to focus on the

development of the Bickford-Chesley House Gallery. Several residents have already expressed an interest in donating funds toward this effort.

All principal and accumulated income in the trust shall be expendable and made available indefinitely and these funds shall be placed in the custody of the Trustees of the Trust Funds, and the Heritage Commission is named as agents to expend from the funds.

Attached for the Council's review and consideration is a Resolution authorizing the creation of the "Wagon Hill Farm Heritage Expendable Trust" with private donations for said fund to be used on the cultural and historic resources of the 139-acre landscape, the Bickford-Chesley House, the Historic Connecting Ell, the New Barn, and the Bickford Chesley House Gallery,

LEGAL AUTHORITY:

RSA 31:19-aIV allows for the establishment of trust funds with private donations.

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION:

The Durham Town Council does hereby, upon recommendation of the Administrator, ADOPT Resolution #2025-08 authorizing the creation of the "Wagon Hill Farm Heritage Expendable Trust."

RESOLUTION #2025-08 OF DURHAM, NEW HAMPSHIRE

CREATING THE “WAGON HILL FARM HERITAGE EXPENDABLE TRUST”

WHEREAS, in 1989 the Town of Durham acquired the 139-acre Wagon Hill Farm, at 156 Piscataqua Road, and continues to actively manage the property’s cultural and historic resources for their protection, preservation and interpretation to the public; and

WHEREAS, The Durham Heritage Commission created Resolution 2020-17 as a repository for private monies conveyed to the Town for the purpose of preserving the Town's historic buildings. However, The Heritage Commission recognized that there are other historical and cultural resources owned by the Town for which people might wish to convey funds for their preservation. This could include structures that are not buildings (such as bridges), archaeological and other site features (such as stone walls and burial grounds), and other elements, such as important cultural resources. Therefore, the Town Council on February 21, 2022 amended Resolution 2020-17 - changing the original name of Resolution 2020-17 from the Durham Historic Buildings Restoration and Preservation Trust to the Town of Durham Historical and Cultural Resource Trust (DHCRT), and;

WHEREAS, the Durham Historical and Cultural Resource Trust (DHCRT), a Fund that must encompass the demands of several properties, is insufficient to address the preservation and interpretation needs specific to the new uses of Bickford-Chesley House and Historic Connecting Ell, the Bickford-Chesley House Gallery, the Cultural and Historical Resources of the Wagon Hill Farm Site, and Cultural and Historical Exhibits in the New Barn and Gallery, and;

WHEREAS, the Bickford-Chesley House Gallery, as a new resource of the property, will be used as an exhibit gallery space to interpret pre-history, history, costal ecosystems, climate change, the arts, and other topics of interest to the public, and the new Barn as a new resource, will be used as additional exhibit space to interpret cultural and historical topics, and;

WHEREAS, the Durham Heritage Commission wishes to establish a trust to receive donations, bequests, devises, grants, codicils, transfers of financial assets or other forms of giving of private monies made for the purpose of protecting, preserving, interpreting, exhibiting, enhancing, rehabilitating, and/or restoring the historical and cultural resources on the 139-acre landscape of Wagon Hill Farm, the Bickford-Chesley House, Historic Connecting Ell, and;

WHEREAS, donors of non-cash financial instruments to said Trust will be informed that all such instruments will be promptly converted into cash and that all cash will be invested in the Wagon Hill Farm Heritage Expendable Trust investment account; and;

WHEREAS, these donations may augment other Town funds to be used specifically and solely for the aforementioned purposes, and may be used as matching funds in grant applications to support these aims, and;

WHEREAS, in the unlikely event the purposes of the trust are no longer relevant as determined by the Durham Heritage Commission, the closure of the trust is authorized and all unexpended principal and income will be moved to the Durham Historical and Cultural Resource Trust (DHCRT).

WHEREAS, RSA 31:19-a IV allows for the establishment of such trust funds with private donations;

NOW, THEREFORE BE IT RESOLVED that the Durham Town Council, the legislative and governing body of the Town of Durham, does hereby adopt **Resolution #2025 - 08** authorizing the creation of the "Wagon Hill Farm Heritage Expendable Trust" with donations from said trust to be used to 1) **manage, protect, and preserve** the Bickford Chesley House, the Historic Connecting Ell, and the Cultural and Historic Resources on the 139-acre Wagon Hill; and as well as to 2) **support the interpretation of** cultural and historic exhibits in the New Barn, the Bickford-Chesley House, the Historic Connecting Ell, Cultural and Historic Resources on the 139-acre Wagon Hill Farm, as well as the **development and installation of exhibitions** related to the pre-history, history, arts, environment, climate change and other topics of interest to the public for the Bickford-Chesley House Gallery, through means including, but not limited to, kiosks, interpretive labels, panels, maps, technology aids, as well as fixed and/or moveable components of interpretive exhibits, and new, as of yet introduced, technology; and

BE IT FURTHER RESOLVED that all principal and accumulated income in the trust shall be expendable and available indefinitely and these funds shall be placed in the custody of the Trustees of the Trust Funds; and

BE IT FURTHER RESOLVED that the Durham Heritage Commission is hereby named as the Agent to Expend from this Trust.

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

Joe Friedman, Chair
Durham Town Council

ATTEST:

Rachel Deane, Town Clerk/Tax Collector



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AGENDA ITEM: **#9A**

DATE: April 21, 2025

COUNCIL COMMUNICATION

INITIATED BY:

Martie Gooze, Joe Warzin & Laura Mason

AGENDA ITEM:

SHALL THE TOWN COUNCIL, UPON RECOMMENDATION OF THE LIBRARY BOARD OF TRUSTEES CHAIR, RE-APPOINT MARTIE GOOZE, 9 MEADOW ROAD, AND APPOINT JOE WARZIN, 102 MADBURY ROAD AND LAURA MASON, 129 DURHAM POINT ROAD TO FILL THREE ALTERNATE MEMBERSHIPS ON THE LIBRARY BOARD OF TRUSTEES WITH TERM EXPIRATIONS OF APRIL 2026?

CC PREPARED BY:

Karen Edwards, Administrative Assistant

PRESENTED BY:

Todd I. Selig, Administrator

AGENDA DESCRIPTION:

Attached for the Council's information and consideration are the recommended appointments for the alternate positions to the Library Board of Trustees. Martie Gooze is a re-appointment, while Joe Warzin and Laura Mason are new appointments. All three have been approved by the Library Board of Trustees.

Mr. Warzin and Ms. Mason have been invited to Monday night's meeting.

LEGAL AUTHORITY:

N/A

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, re-appoint Martie Gooze, 9 Meadow Road, and appoint Joe Warzin, 102 Madbury Road and Laura Mason, 129 Durham Point Road to fill three alternate memberships on the Library Board of Trustees with term expirations of April 2026.

From: [Robin Glasser](#)
To: [Karen Edwards](#)
Subject: Library alternates
Date: Thursday, April 10, 2025 6:59:27 AM

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

Hi Karen.

At our meeting last night the Trustees voted to recommend Martie Gooze, Laura Mason, and Joe Warzin as Alternates. We are pleased to have all three join us!

Robin Glasser

Robin



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 <input type="checkbox"/>	New appointment/alternate member <input checked="" type="checkbox"/>
Reappointment/regular member <input type="checkbox"/>	Reappointment/alternate member <input type="checkbox"/>

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:

Yes ATTENDED A MEETING

Yes SPOKEN WITH CHAIR/V CHAIR

 BEEN RECOMMENDED FOR MEMBERSHIP – [Please confirm with Robin Glasser](#)

Name: Laura Mason

Date: March 23, 2025

Address: 129 Durham Point Rd., Durham, NH

E-Mail Address: laura.mason@comcast.net

Telephone: 603-475-4154

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. Library Board of Trustees - Alternate
- 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**

(Over)

Please provide a brief explanation for your interest in appointment to a particular board, commission or committee:

I'd been encouraged by a couple of active members of the town to volunteer for a board or committee. As I looked at the open opportunities, the Library Board of Trustees was a clear first choice. The DPL is an important part of this town and what makes it special. It's also been important to my family. My son, who's a junior at ORHS, grew up on books from the DPL and is now an excellent reader (amazing for a teen in the digital age). We are a family that highly values reading and books. I have an MA in Writing from UNH, and my husband is a retired English professor. In the bigger picture, libraries in general are important as they play a critical role in our democracy, which is becoming increasingly under threat. I want to do whatever I can to protect and support the DPL.

Please provide brief background information about yourself:

I grew up in Exeter, NH, but lived in several cities (NYC, Philadelphia, Boston, Tokyo) before returning to the Seacoast area in the late 1990s. My husband and I bought our house in Durham in 2003 (ish). As I mentioned, we have a son, who's a junior at ORHS. I have a BA in English and Anthropology from the University of Maine at Orono and an MA in Writing from UNH. I currently work as a User Experience Strategist and Optimization Lead for RafterOne (located in Portsmouth), which was acquired and is part of a larger, global company, IPG. I've been with the company for 15 years.

LinkedIn: <https://www.linkedin.com/in/laura-m-5b87b05/>

Please provide below the names and telephone numbers of up to three personal references:

Name:	Bettina Sietz	Telephone:	603-244-6207
Name:	Priscilla Bellairs	Telephone:	978-462-8719
Name:	Dr. Marsha Kavanagh	Telephone:	603-781-5708



Thank you for your interest in serving the Town. Please return this application, along with a resume, if available, to: Town Administrator, 8 Newmarket Road, Durham, NH 03824, or email Karen Edwards at kedwards@ci.durham.nh.us.



Town of Durham

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

Application for Board Appointment

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

New appointment/regular member <input type="checkbox"/>	New appointment/alternate member <input checked="" type="checkbox"/>
Reappointment/regular member <input type="checkbox"/>	Reappointment/alternate member <input type="checkbox"/>

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: Joe Warzin

Date: 3/24/25

Address: 102 Madbury Rd

E-Mail Address: Warzin@gmail.com

Telephone: 586 933 6336

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. Library Board of Trustees
- 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)

Please provide a brief explanation for your interest in appointment to a particular board,

commission or committee: My family is a big user of the library and like it a lot. It is something I have been thinking about and seeing the vacancy on the Friday update made me decide to apply.

Please provide brief background information about yourself: I have lived in Durham since 2021. I have 3 children ages 8, 5, and 10 months. I am currently working out of Boston as a pilot for Jetblue.

Please provide below the names and telephone numbers of up to three personal references:

Name: Roy Young

Telephone: 207 251 0989

Name: Micah Warnock

Telephone: 540 421 3705

Name: Dan Winans

Telephone: 603 834 5523



Thank you for your interest in serving the Town. Please return this application, along with a resume, if available, to: Town Administrator, 8 Newmarket Road, Durham, NH 03824, or email Karen Edwards at kedwards@ci.durham.nh.us or Michael Behrendt at mbehrendt@ci.durham.nh.us.



TOWN OF DURHAM

8 Newmarket Road

Durham, NH 03824

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Fax: 603-868-1858

www.ci.durham.nh.us

AGENDA ITEM: **#9B**

DATE: April 21, 2025

COUNCIL COMMUNICATION

INITIATED BY: Janet Perkins-Howland & Susan Richman

AGENDA ITEM: SHALL THE TOWN COUNCIL, UPON RECOMMENDATION OF THE INTEGRATED WASTE MANAGEMENT ADVISORY COMMITTEE CHAIR, MOVE REGULAR MEMBER JANET PERKINS-HOWLAND TO AN ALTERNATE MEMBERSHIP AND MOVE ALTERNATE MEMBER SUSAN RICHMAN TO A REGULAR MEMBERSHIP ON IWMAC, RETAINING THEIR CURRENT TERM EXPIRATIONS?

CC PREPARED BY: Karen Edwards, Administrative Assistant

PRESENTED BY: Todd I. Selig, Administrator

AGENDA DESCRIPTION:

Attached for the Council's information and consideration is the recommendation that Janet Perkins-Howland and Susan Richman swap their positions on the Integrated Waste Management Advisory Committee (IWMAC) so that Susan is a regular member and Janet is the alternate member. Each of them will retain their current term expirations. This change in membership is recommended by the IWMAC Chair, Nell Neal.

LEGAL AUTHORITY:

N/A

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION:

The Durham Town Council does hereby, upon recommendation of the Integrated Waste Management Advisory Committee Chair, move regular member Janet Perkins-Howland to an alternate membership and move alternate member Susan Richman to a regular membership on IWMAC, retaining their current term expirations.

From: [Nell Neal](#)
To: [Karen Edwards](#)
Subject: Re: IWMAC Membership changes
Date: Thursday, April 10, 2025 5:14:55 PM

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

Hi Karen,
As chair of the IWMAC I recommend and approve of this change.
Nell Neal

On Thu, Apr 10, 2025 at 10:51 AM Karen Edwards <kedwards@ci.durham.nh.us> wrote:

Nell,

I heard from both Janet and Susan that they would like to switch membership positions so that Janet is now the alternate to IWMAC. I just need an email from you that you recommend this change.

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: [Perkins-Howland, Janet,MD, MS](#)
To: [Karen Edwards](#)
Subject: Fw: Hi Janet
Date: Thursday, April 3, 2025 5:01:02 PM

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

Hi Karen, I request that this change be made so that I am an alternate and Susan is a regular committee member.

Thanks

Janet

Get [Outlook for iOS](#)

From: Nell Neal <nellneal3@gmail.com>
Sent: Thursday, April 3, 2025 4:05 PM
To: Perkins-Howland, Janet,MD, MS <jperkinshowland@mgb.org>
Subject: Hi Janet

External Email - Use Caution

Karen Edwards can't make the switch until you tell her you would like to be made an alternate. Then Susan can become a regular member of the committee.

An email will suffice.

Thanks,

Nell

The information in this e-mail is intended only for the person to whom it is addressed. If you believe this e-mail was sent to you in error and the e-mail contains patient information, please contact the Mass General Brigham Compliance HelpLine at <https://www.massgeneralbrigham.org/complianceline> .

Please note that this e-mail is not secure (encrypted). If you do not wish to continue communication over unencrypted e-mail, please notify the sender of this message immediately. Continuing to send or respond to e-mail after receiving this message means you understand and accept this risk and wish to continue to communicate over unencrypted e-mail.

From: [Susan Richman](#)
To: [Karen Edwards](#)
Cc: [Nell Neal](#)
Subject: IWMAC membership
Date: Wednesday, April 2, 2025 9:38:45 AM

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

Hello Karen,

I would like to request that my IWMAC status be as a regular member, rather than as an alternate.

Please let me know if there is anything I should do to effect this change.

Thank you,
Susan

*Susan Richman
16 Cowell Drive
Durham, NH 03824
603-868-2758*



TOWN OF DURHAM

8 Newmarket Road

Durham, NH 03824

Tel: 603-868-5571

Fax: 603-868-1858

www.ci.durham.nh.us

AGENDA ITEM: **#9C**

DATE: April 21, 2025

COUNCIL COMMUNICATION

INITIATED BY: Jacob Cragg

AGENDA ITEM: SHALL THE TOWN COUNCIL, UPON RECOMMENDATION OF THE CONSERVATION COMMISSION CHAIR, APPOINT ALTERNATE MEMBER JACOB CRAGG TO AN UNEXPIRED REGULAR MEMBERSHIP ON THE CONSERVATION COMMISSION WITH A TERM EXPIRATION OF APRIL 2028?

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 email request submitted by Jacob Cragg, requesting appointment from alternate member to regular membership on the Conservation Commission. This appointment will fill the recently vacated regular membership opening on the Conservation Commission left by Erin Hardie Hale's resignation.

Attached for the Council's information is Chair Dwight Trueblood's endorsement of Mr. Cragg's appointment to regular membership. Mr. Cragg will not be attending Monday night's meeting.

LEGAL AUTHORITY:

N/A

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION:

The Durham Town Council does hereby, upon recommendation of the Conservation Commission Chair, appoint alternate member Jacob Cragg to an unexpired regular membership on the Conservation Commission with a term expiration of April 2028.

From: [DWIGHT TRUEBLOOD](#)
To: [Michael Behrendt](#); [steve moyer](#); [Jacob Cragg](#)
Cc: [Karen Edwards](#)
Subject: RE: Conservation Commission opening *
Date: Friday, April 4, 2025 4:57:29 PM

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

Thanks Jacob!

Karen & Michael, consider this my endorsement for Jacob moving into the regular ConCom commissioner spot.
Dwight

On 04/04/2025 9:32 AM EDT Michael Behrendt <mbehrendt@ci.durham.nh.us> wrote:

Thank you all. Can any other town in NH boast of such a high quality commission? That is just a rhetorical question.

Michael Behrendt

Durham Town Planner

8 Newmarket Road

Durham, NH 03824

(603) 868-8064

From: steve moyer <stevemoyer13@outlook.com>
Sent: Thursday, April 3, 2025 9:05 PM
To: Jacob Cragg <jacobcragg@gmail.com>; Michael Behrendt <mbehrendt@ci.durham.nh.us>
Cc: Dwight Trueblood <dwight.trueblood@comcast.net>; Karen Edwards <kedwards@ci.durham.nh.us>
Subject: Re: Conservation Commission opening *

CAUTION: This email originated from outside of the organization. Do not click links or open

From: [Jacob Cragg](#)
To: [Michael Behrendt](#)
Cc: [steve moyer](#); [Dwight Trueblood](#); [Karen Edwards](#)
Subject: Re: Conservation Commission opening *
Date: Thursday, April 3, 2025 6:20:37 PM

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

Thanks, Michael! Steve graciously suggested that I take it. So I'm happy to convert to a voting member. Karen, please let me know if I need to fill out the application again. I can do that tomorrow, if needed. Thanks!

Jacob

On Apr 3, 2025, at 3:44 PM, Michael Behrendt <mbehrendt@ci.durham.nh.us> wrote:

Hello Jacob and Steve,

I just sent around an email from Erin that she is not continuing on for another term so there is now a second vacancy for a regular member. You probably know that Anne submitted her name for the other opening now since John Nachilly was willing to change to an alternate.

So, please feel free to approach this however you would like. Feel free to talk with each other, with Dwight, with me, or with anybody else, or not. You can submit a request to convert to a regular or not. If you do wish to apply for the open regular position please let Karen know. Karen will let you know if you need to fill out the board application again (attached) or if just an email is sufficient. We have been requiring alternates to fill out the form again but Karen can clarify if that is still needed now.

Thank you for your ongoing service to the commission!

Michael Behrendt



TOWN OF DURHAM

8 Newmarket Road

Durham, NH 03824

Tel: 603-868-5571

Fax: 603-868-1858

www.ci.durham.nh.us

AGENDA ITEM: **#9D**

DATE: April 21, 2025

COUNCIL COMMUNICATION

INITIATED BY: Benjamin Phelps

AGENDA ITEM: SHALL THE TOWN COUNCIL, UPON RECOMMENDATION OF THE CONSERVATION COMMISSION CHAIR, APPOINT BENJAMIN PHELPS, 341 LEE HOOK ROAD, TO FILL AN UNEXPIRED ALTERNATE MEMBERSHIP POSITION ON THE CONSERVATION COMMISSION WITH A TERM EXPIRATION OF APRIL 2027?

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 Benjamin Phelps, requesting appointment as an alternate member to the Conservation Commission. His appointment will fill the vacancy for alternate left by Jacob Cragg.

Mr. Phelps has attended one meeting of the Commission and has spoken with Chair, Dwight Trueblood. Attached for the Council's information is Chair Trueblood's endorsement of Mr. Phelps' appointment.

Mr. Phelps has been invited to attend Monday night's meeting.

LEGAL AUTHORITY:

N/A

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION:

The Durham Town Council does hereby, upon recommendation of the Conservation Commission Chair, appoints Benjamin Phelps, 341 Lee Hook Road, to fill an Unexpired Alternate Membership position on the Conservation Commission with a term expiration of April 2027.



Town of Durham

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

Application for Board Appointment

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

New appointment/regular member <input type="checkbox"/>	New appointment/alternate member <input checked="" type="checkbox"/>
Reappointment/regular member <input type="checkbox"/>	Reappointment/alternate member <input type="checkbox"/>

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: Benjamin Phelps

Date: 07.04.2025

Address: 341 Lee Hook Rd Durham, NH 03824

E-Mail Address: ben.phelps@gmail.com

Telephone: 207.807.0718

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. Conservation Commission
- 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? XYES NO

(Over)

Please provide a brief explanation for your interest in appointment to a particular board, commission or committee:

I am an avid user of public lands in the area and nationwide, and I want to be a steward of those lands to ensure we always have them and anyone can access them. I am a Durham resident that would like to ensure our town has these spaces with minimal human intervention and structure, and encourage native flora and fauna to thrive in such places.

Please provide brief background information about yourself:

I have lived in Durham since 2021, and previously lived in Exeter, NH, Cambridge, MA, and Cheyenne, WY, among many other places. My wife found a home here and we do not plan to ever leave. I work in the Boston area, and travel considerably for work and pleasure. I am an avid outdoorsman and can often be found hunting, fishing, or just going for a stroll with my dog on many of our town, state, or federal lands.

Please provide below the names and telephone numbers of up to three personal references:

Name: Kate Phelps Telephone: 703.489.9605

Name: Kerryyn Hotaling Telephone: 484.903.3371

Name: John Guidotti Telephone: 630.404.4680



Thank you for your interest in serving the Town. Please return this application, along with a resume, if available, to: Town Administrator, 8 Newmarket Road, Durham, NH 03824, or email Karen Edwards at kedwards@ci.durham.nh.us or Michael Behrendt at mbehrendt@ci.durham.nh.us.

From: [DWIGHT TRUEBLOOD](#)
To: [Karen Edwards](#)
Subject: Re: Recommendation for Ben Phelps
Date: Thursday, April 10, 2025 4:29:02 PM

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

Karen,
Yes. I talked with him late last week and he seemed OK to me.
Dwight

On 04/10/2025 10:44 AM EDT Karen Edwards <kedwards@ci.durham.nh.us> wrote:

Dwight,

I received an application from Benjamin Phelps to fill the vacant alternate membership on the Conservation Commission left by Jacob Cragg when he moves to a regular member. Do you recommend Benjamin for this alternate position?

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



TOWN OF DURHAM

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

AGENDA ITEM: **#9E** *TS*

DATE: April 21, 2025

COUNCIL COMMUNICATION

INITIATED BY: Jim Hornbeck

AGENDA ITEM: SHALL THE TOWN COUNCIL NOMINATE RESIDENT JIM HORNBECK, 19 WOODRIDGE ROAD, FOR A THREE-YEAR REAPPOINTMENT BY THE NHDES COMMISSIONER AS DURHAM'S REPRESENTATIVE TO THE OYSTER RIVER LOCAL ADVISORY COMMITTEE?

CC PREPARED BY: Karen Edwards, Administrative Assistant

PRESENTED BY: Todd Selig, Administrator

AGENDA DESCRIPTION:

In 2011, legislation was enacted to designate segments of the Oyster River as a protected river under New Hampshire Revised Statutes Annotated (RSA) 483, New Hampshire Rivers Management and Protection Program (RMPP). When the designation became effective on June 2, 2011, the Oyster River joined a select group of rivers already designated under the RMPP. Designation calls for protection and management of New Hampshire's outstanding rivers through a two-tiered approach: state protection of instream values, and local management of riparian lands. The RMPP is administered by the Department of Environmental Services (DES) under RSA 483.

In the spring of 2011, the town received notification from DES requesting that it identify at least three individuals to serve on an Oyster River Local Advisory Committee. The committee must be composed of at least seven members. All must reside in New Hampshire in the vicinity of the Oyster River and represent a broad range of interests. These interests must include, but are not limited to: local government, business, conservation, recreation, agriculture, and riparian landowners (those who own property adjacent to the river). Each member, to be nominated by their respective local governing body, serves a term of three years.

One of Durham's representatives on the ORLAC, Jim Hornbeck, has requested reappointment to the committee. His term will expire on May 11, 2025.

Re: Reappoint Jim Hornbeck to the Oyster River Local Advisory Committee

Attached for the Council's information is a Local River Management Advisory Committee nominee form completed by Mr. Hornbeck, which must be submitted to the NHDES Commissioner.

The duties of the local advisory committee under RSA 483:8-a include:

1. To advise the commissioner, the advisory committee, the municipalities through which the designated river or segment flows, and municipalities within tributary drainage areas on matters pertaining to the management of the river or segment and tributary drainage areas. Municipal officials, boards, and agencies shall inform such committees of actions which they are considering in managing and regulating activities within designated river corridors.
2. To consider and comment on any federal, state, or local governmental plans to approve, license, fund or construct facilities that would alter the resource values and characteristics for which the river or segment is designated.
3. To develop or assist in the development and adoption of local river corridor management plans under RSA 483:10. The local planning board, or, in the absence of a planning board, the local governing body, may adopt such plans pursuant to RSA 675:6 as an adjunct to the local master plan adopted under RSA 674:4. No such plan shall have any regulatory effect unless implemented through properly adopted ordinances.
4. To report biennially to the advisory committee and the commissioner, and annually to municipalities on the status of compliance with federal and state laws and regulations, local ordinances, and plans relevant to the designated river or segment, its corridor, and tributary drainage areas.

LEGAL AUTHORITY:

New Hampshire Revised Statutes Annotated (RSA) 483, New Hampshire Rivers Management and Protection Program (RMPP).

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION:

The Durham Town Council does hereby Nominate Resident Jim Hornbeck, 19 Woodridge Road, for a three-year reappointment by the NHDES Commissioner as Durham's Representative to the Oyster River Local Advisory Committee.



LOCAL RIVER MANAGEMENT ADVISORY COMMITTEE NOMINEE FORM



New Hampshire Rivers Management and Protection Program

RSA 483:8-a

Please complete both sides of this form and email to riversprogram@des.nh.gov. Please type "NOMINEE FORM" and nominee's name in the subject line. Forms can also be sent by mail to: Rivers Coordinator, NHDES, 29 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095. For questions please contact the Rivers Coordinator at 271-2959.

Nominee Information

Nominee Name: Jim Hornbeck		Date: 04/14/2025
Street Address: 19 Woodridge Rd		
Town: Durham		Zip Code: 03824
Phone (home): 603-868-5419	Phone (cell):	Phone (work):
Email: jhornbeck@comcast.net		

Nomination Information

Type of Appointment -	<input type="checkbox"/> New Appointment	XX <input checked="" type="checkbox"/> Reappointment
River Name: Oyster		
Type of Representation -	Municipality: Durham	Other:
Please state your interest(s) in serving on the Local River Management Advisory Committee:		
XX <input checked="" type="checkbox"/> Local Government	<input type="checkbox"/> Conservation	<input type="checkbox"/> Agriculture
<input type="checkbox"/> Business	<input type="checkbox"/> Recreation	XX <input checked="" type="checkbox"/> Riparian Landowners
<input type="checkbox"/> Other, please specify: _____		

Board of Selectmen or Authorized Signature(s) – REQUIRED (e-signature acceptable)

Name:	Title:
Name:	Title:
Name:	Title:
<p><i>Note: By statute, the New Hampshire Rivers Management Advisory Committee appoints the Local River Management Advisory Committee (LAC) members for each Designated River from nominees submitted by the local governing bodies through which the Designated River flows (RSA 483:8-a).</i></p>	

(603) 271-2959 riversprogram@des.nh.gov

PO Box 95, Concord, NH 03302-0095

www.des.nh.gov

Additional Information

Please include a short description of your relevant background knowledge of local river-related issues or general river management and protection:

This will be my 4th term on Oyster River Local Advisory Committee. I also served 22 years on NH DES Oyster River Volunteer River Assessment Program. My career as a hydrologist uniquely qualifies me for serving on the Local Advisory Committee.

Most Local Advisory Committees engage in a variety of activities. Reviewing those activities listed below, please check those that are of most interest to you:

- | | | |
|---|---|---|
| <input type="checkbox"/> Grant Writing | XX <input type="checkbox"/> Public Education | <input type="checkbox"/> Committee Administration |
| <input type="checkbox"/> Event Organization | XX <input type="checkbox"/> Public Relations | XX <input type="checkbox"/> Management Plan Preparation/Implementation |
| <input type="checkbox"/> Other, please specify: _____ | | |

Most Local Advisory Committees meet monthly. In some cases they may meet more frequently to complete specific tasks, while in other cases your attendance may not be required at all meetings. Please check one of the boxes below to indicate your availability to attend regularly scheduled meetings:

- XX** ☐ I can attend monthly meetings on most weeknights
- XX** ☐ I can attend monthly meetings only if scheduled on a specific weeknight
- ☐ I can only attend a limited number of monthly meetings
- ☐ I cannot attend monthly meetings, but am willing to complete tasks on behalf of the Committee

(603) 271-2959 riversprogram@des.nh.gov

PO Box 95, Concord, NH 03302-0095

www.des.nh.gov

For NHDES Office Use Only

LAC Member List and Contacts Database updated (date):
LAC Chair and Nominee have been contacted regarding nomination on (date):
RMPP Staff recommends appointment to the Rivers Management Advisory Committee - <input type="checkbox"/> Approve RMPP staff: Date:
Appointment confirmation sent to municipality and LAC Chair on (date):
Appointment letter and information packet sent on (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: **#9F_{TS}**

DATE: April 21, 2025

COUNCIL COMMUNICATION

INITIATED BY: Matt Lake

AGENDA ITEM: SHALL THE TOWN COUNCIL NOMINATE RESIDENT MATT LAKE, 266 NEWMARKET ROAD, FOR A THREE-YEAR APPOINTMENT BY THE NHDES COMMISSIONER AS A DURHAM REPRESENTATIVE TO THE LAMPREY RIVER ADVISORY COMMITTEE?

CC PREPARED BY: Karen Edwards, Administrative Assistant

PRESENTED BY: Todd Selig, Administrator

AGENDA DESCRIPTION:

In 2019, the state House of Representatives passed House Bill 228 which changed the appointing body for local river management advisory committee members from the Commissioner of the Department of Environmental Services to the Department of Environmental Services Rivers Management Advisory Committee, upon the recommendation of the Town Council. The term is for three (3) years from the time the appointment is made by the Advisory Committee.

Attached for the Council's information is a Local River Management Advisory Committee nominee form completed submitted by Mr. Lake which must be submitted to the NHDES Commissioner. Mr. Lake has been invited to attend Monday night's meeting.

The duties of the advisory committee under RSA 483:8-a include:

1. To advise the commissioner, the advisory committee, the municipalities through which the designated river or segment flows, and municipalities within tributary drainage areas on matters pertaining to the management of the river or segment and tributary drainage areas. Municipal officials, boards, and agencies shall inform such committees of actions which they are considering in managing and regulating activities within designated river corridors.

Appoint Matt Lake to the Lamprey River Advisory Committee

2. To consider and comment on any federal, state, or local governmental plans to approve, license, fund or construct facilities that would alter the resource values and characteristics for which the river or segment is designated.
3. To develop or assist in the development and adoption of local river corridor management plans under RSA 483:10. The local planning board, or, in the absence of a planning board, the local governing body, may adopt such plans pursuant to RSA 675:6 as an adjunct to the local master plan adopted under RSA 674:4. No such plan shall have any regulatory effect unless implemented through properly adopted ordinances.
4. To report biennially to the advisory committee and the commissioner, and annually to municipalities on the status of compliance with federal and state laws and regulations, local ordinances, and plans relevant to the designated river or segment, its corridor, and tributary drainage areas.

LEGAL AUTHORITY:

New Hampshire Revised Statutes Annotated (RSA) 483:8-a, New Hampshire Rivers Management and Protection Program (RMPP).

Section 11.1(G) “Administrative Committees” of the Durham Town Charter.

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION:

The Durham Town Council does hereby nominate resident Matt Lake, 266 Newmarket Road, for a three-year appointment by the NHDES Commissioner as a Durham Representative to the Lamprey River Advisory Committee.



LOCAL RIVER MANAGEMENT ADVISORY COMMITTEE NOMINEE FORM



New Hampshire Rivers Management and Protection Program

RSA 483:8-a

Please complete both sides of this form and email to riversprogram@des.nh.gov. Please type "NOMINEE FORM" and nominee's name in the subject line. Forms can also be sent by mail to: Rivers Coordinator, NHDES, 29 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095. For questions please contact the Rivers Coordinator at 271-2959.

Nominee Information

Nominee Name: MATT LAKE		Date: 3/30/25
Street Address: 266 NEWMARKET RD		
Town: DUBLIN		Zip Code: 03824
Phone (home):	Phone (cell): 5166331295	Phone (work):
Email: MATTLAKE@GMAIL.COM		

Nomination Information

Type of Appointment -	<input checked="" type="checkbox"/> New Appointment	<input type="checkbox"/> Reappointment
River Name: LAMPREY		
Type of Representation -	Municipality:	Other:
Please state your interest(s) in serving on the Local River Management Advisory Committee:		
<input type="checkbox"/> Local Government	<input checked="" type="checkbox"/> Conservation	<input type="checkbox"/> Agriculture
<input type="checkbox"/> Business	<input checked="" type="checkbox"/> Recreation	<input type="checkbox"/> Riparian Landowners
<input type="checkbox"/> Other, please specify: _____		

Board of Selectmen or Authorized Signature(s) – REQUIRED (e-signature acceptable)

Name:	Title:
Name:	Title:
Name:	Title:

Note: By statute, the New Hampshire Rivers Management Advisory Committee appoints the Local River Management Advisory Committee (LAC) members for each Designated River from nominees submitted by the local governing bodies through which the Designated River flows (RSA 483:8-a).

(603) 271-2959 riversprogram@des.nh.gov
PO Box 95, Concord, NH 03302-0095
www.des.nh.gov

Additional Information

Please include a short description of your relevant background knowledge of local river-related issues or general river management and protection:

I've lived next to the Lamprey River for the last five years. I would like to help support continued use and conservation of the waterway.

Most Local Advisory Committees engage in a variety of activities. Reviewing those activities listed below, please check those that are of most interest to you:

- ☐ Grant Writing ☐ Public Education ☐ Committee Administration
☐ Event Organization ☐ Public Relations ☐ Management Plan Preparation/Implementation
☐ Other, please specify: I can help with any of the above

Most Local Advisory Committees meet monthly. In some cases they may meet more frequently to complete specific tasks, while in other cases your attendance may not be required at all meetings. Please check one of the boxes below to indicate your availability to attend regularly scheduled meetings:

- ☒ I can attend monthly meetings on most weeknights
☐ I can attend monthly meetings only if scheduled on a specific weeknight
☐ I can only attend a limited number of monthly meetings
☐ I cannot attend monthly meetings, but am willing to complete tasks on behalf of the Committee

For NHDES Office Use Only

LAC Member List and Contacts Database updated (date):

LAC Chair and Nominee have been contacted regarding nomination on (date):

RMPP Staff recommends appointment to the Rivers Management Advisory Committee -

☐ Approve RMPP staff: _____ Date: _____

Appointment confirmation sent to municipality and LAC Chair on (date):

Appointment letter and information packet sent on (date):

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TOWN OF DURHAM

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

DATE: April 21, 2025

COUNCIL COMMUNICATION

INITIATED BY: Gail Jablonski, Business Manager

AGENDA ITEM: QUARTERLY FINANCIAL REPORT THROUGH MARCH 31, 2025

CC PREPARED BY: Gail Jablonski, Business Manager

PRESENTED BY: Gail Jablonski, Business Manager

AGENDA DESCRIPTION:

In compliance with section 5.6 of the Durham Town Charter attached for your review and consideration is a financial report for 2025 through March 31, 2025. General Fund information is broken down by function which may be helpful for your analysis and for the purpose of discussion at the Town Council Meeting. Revenue and expense reports for all other funds are presented in summary format. You will note on the attached report the last column indicates the Percent Collected/Expended as of 03/31/24 for year-to-year comparison purposes.

LEGAL AUTHORITY:

Durham Town Charter Section 5.6

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

The Town's expenditures as of March 31, 2025 show a total expenditure of \$4,847,993 or 21.3% of the total approved budget amount of \$22,731,901. To compare, the amount expended as of March 31, 2024 was 24.7%

The expenditure lines reflect no abnormal activity. The MIS line is showing 37% expended and is due to the payment of software and maintenance agreements, which occur at the beginning of the year.

SUGGESTED ACTION OR RECOMMENDATIONS:

No formal action is required. This report is presented as information to keep the Council informed on the Town's financial position.

2025 Budget/Estimated General Fund January 1 - March 31, 2025					
PROPERTY TAXES/ABATEMENTS/CREDITS	Estimated Revenue 2025	Revenues Ending 03/31/25	Revenues (Under) Over 2025	Percent Collected 03/31/25	Percent Collected 03/31/24
Property Taxes	\$11,211,371	\$0	(\$11,211,371)	0.0%	0.0%
Payment in Lieu of Taxes	\$992,850	\$0	(\$992,850)	0.0%	0.0%
Abatements	(\$485,000)	(\$58,511)	\$426,489	12.1%	2.6%
Veteran Service Credits	(\$158,000)	\$0	\$158,000	0.0%	0.0%
REVENUES	Estimated Revenue 2025	Revenues Ending 03/31/25	Revenues (Under) Over 2025	Percent Collected 03/31/25	Percent Collected 03/31/24
Interest and Penalties on Delinquent Taxes	\$40,000	\$13,096	(\$26,904)	32.7%	8.9%
Permit Fees	\$1,586,550	\$361,309	(\$1,225,241)	22.8%	21.4%
State/Federal Revenues	\$1,742,000	\$56,366	(\$1,685,634)	3.2%	6.3%
Intergovernmental Revenues (ORCSD-SRO)	\$102,480	\$51,242	(\$51,238)	50.0%	50.0%
UNH - Shared Services, School, Fire & Debt Service	\$2,962,395	\$866,007	(\$2,096,388)	29.2%	29.2%
Departmental Income	\$412,600	\$292,998	(\$119,602)	71.0%	62.0%
Fire and Police Special Details	\$138,000	\$23,233	(\$114,767)	16.8%	15.6%
Miscellaneous Revenue	\$1,086,230	\$53,287	(\$1,032,943)	4.9%	8.8%
Fund Balance	\$3,100,425	\$0	(\$3,100,425)	0.0%	0.0%
Total General Fund Revenues	\$11,170,680	\$1,717,538	(\$9,453,142)	15.4%	19.7%
EXPENDITURES	Council Budget 2025	Expended Through 03/31/25	Expenditures (Under) Over 2025	Percent Expended 03/31/25	Percent Expended 03/31/24
GENERAL GOVERNMENT					
Town Council	\$87,250	\$15,040	(\$72,210)	17.2%	8.8%
Town Treasurer	\$6,030	\$1,249	(\$4,781)	20.7%	21.4%
Town Administrator	\$450,500	\$108,540	(\$341,960)	24.1%	28.4%
Elections	\$14,050	\$5,089	(\$8,961)	36.2%	26.7%
Tax Collector/Town Clerk	\$311,390	\$72,160	(\$239,230)	23.2%	25.1%
Accounting	\$563,300	\$127,630	(\$435,670)	22.7%	21.8%
Assessing	\$299,175	\$58,117	(\$241,058)	19.4%	27.2%
Legal - Attorney Fees	\$80,000	\$7,330	(\$72,670)	9.2%	9.8%
Planning	\$241,900	\$54,689	(\$187,211)	22.6%	24.1%
Boards/Commissions/Committees	\$58,950	\$6,005	(\$52,945)	10.2%	9.1%
DCAT	\$161,488	\$31,520	(\$129,968)	19.5%	23.8%
GIS	\$124,410	\$28,666	(\$95,744)	23.0%	23.20%
MIS	\$598,770	\$221,517	(\$377,253)	37.0%	40.6%
Building Inspection	\$226,600	\$49,048	(\$177,552)	21.6%	24.0%
Emergency Management	\$1,000	\$0	(\$1,000)	0.0%	47.0%
Other General Government	\$372,100	\$99,287	(\$272,813)	26.7%	21.4%
General Government Total	\$3,596,913	\$885,887	(\$2,711,026)	24.6%	25.6%
PUBLIC SAFETY					
Police Department	\$3,898,855	\$866,118	(\$3,032,737)	22.2%	22.2%
Police Department Special Details	\$72,300	\$10,691	(\$61,609)	14.8%	9.2%
Fire Department	\$5,437,350	\$1,221,340	(\$4,216,010)	22.5%	24.5%
Fire Department Special Details	\$38,700	\$6,864	(\$31,836)	17.7%	27.4%
Communication Center	\$40,400	\$22,040	(\$18,360)	54.6%	66.9%
Ambulance Services	\$153,600	\$0	(\$153,600)	0.0%	0.0%
Public Safety Total	\$9,641,205	\$2,127,053	(\$7,514,152)	22.1%	23.1%

Council Communication – Quarter #1 Financial Report
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EXPENDITURES	Council Budget 2025	Expended Through 03/31/25	Expenditures (Under) Over 2025	Percent Expended 03/31/25	Percent Expended 03/31/24
PUBLIC WORKS					
Administration	\$429,800	\$114,773	(\$315,027)	26.7%	26.4%
Engineer	\$163,500	\$25,239	(\$138,261)	15.4%	14.9%
Stormwater Permitting	\$1,100	\$1,441	\$341	131.0%	0.0%
Town Buildings	\$351,850	\$69,798	(\$282,052)	19.8%	15.8%
Town Cemeteries & Trusted Graveyards	\$11,150	\$38	(\$11,112)	0.3%	0.0%
Wagon Hill & Parks & Grounds Maintenance	\$222,660	\$35,711	(\$186,949)	16.0%	16.3%
Equipment Maintenance	\$300,400	\$75,249	(\$225,151)	25.0%	20.2%
Roadway Maintenance	\$200,800	\$10,955	(\$189,845)	5.5%	13.9%
Drainage & Vegetation	\$147,600	\$11,498	(\$136,102)	7.8%	18.2%
Snow Removal	\$349,800	\$155,164	(\$194,636)	44.4%	41.8%
Traffic Control	\$179,100	\$20,746	(\$158,354)	11.6%	13.1%
Bridges & Dams	\$310,550	\$41,365	(\$269,185)	13.3%	18.8%
Public Works Use of Donations	\$0	\$0	\$0	0.0%	0.0%
Public Works Total	\$2,668,310	\$561,977	(\$2,106,333)	21.1%	21.5%
SANITATION					
Solid Waste Administration	\$244,575	\$66,492	(\$178,083)	27.2%	23.9%
Rolloff Vehicle Operation	\$76,600	\$9,868	(\$66,732)	12.9%	14.0%
Curbside Collection	\$236,400	\$45,994	(\$190,406)	19.5%	20.5%
Litter Removal	\$27,800	\$3,842	(\$23,958)	13.8%	17.8%
Recycling	\$174,800	\$23,087	(\$151,713)	13.2%	16.6%
Solid Waste Management Facility (SWMF)	\$151,000	\$19,228	(\$131,772)	12.7%	21.9%
Sanitation Total	\$911,175	\$168,511	(\$742,664)	18.5%	20.2%
HEALTH & WELFARE					
Health Inspector	\$150	\$0	(\$150)	0.0%	0.0%
Social Service Agencies	\$13,925	\$13,925	\$0	100.0%	100.0%
Direct Assistance (Welfare)	\$50,000	\$5,334	(\$44,666)	10.7%	49.1%
Health & Welfare Total	\$64,075	\$19,259	(\$44,816)	30.1%	60.7%
CULTURE & RECREATION					
Parks & Recreation Department	\$565,385	\$98,267	(\$467,118)	17.4%	21.9%
UNH Outdoor Pool and ORYA	\$0	\$0	\$0	0.0%	0.0%
Parks & Recreation Committee	\$1,500	\$0	(\$1,500)	0.0%	0.0%
Memorial Day	\$500	\$0	(\$500)	0.0%	0.0%
Conservation	\$68,150	\$6,808	(\$61,342)	10.0%	7.5%
Culture & Recreation Total	\$635,535	\$105,075	(\$530,460)	16.5%	20.0%
DEBT SERVICE					
Principal	\$1,314,480	\$830,340	(\$484,140)	63.2%	60.6%
Interest	\$298,300	\$149,891	(\$148,409)	50.2%	49.3%
Debt Service Charges	\$6,000	\$0	(\$6,000)	0.0%	34.0%
Debt Service Total	\$1,618,780	\$980,231	(\$638,549)	60.6%	58.3%
TRANSFERS					
Transfer to Library	\$635,683	\$0	(\$635,683)	0.0%	0.0%
Transfer to Capital Project Fund	\$2,915,225	\$0	(\$2,915,225)	0.0%	0.0%
Transfer to Capital Reserve Fund	\$45,000	\$0	(\$45,000)	0.0%	0.0%
Debt Service Total	\$3,595,908	\$0	(\$3,595,908)	0.0%	0.0%
TOTAL GENERAL FUND EXPENDITURES	\$22,731,901	\$4,847,993	(\$17,883,908)	21.3%	24.7%

2025 Budget/Estimated Other Funds Summary January 1 - March 31, 2025					
Water Fund	Estimated 2025	Ending 03/31/25	Under (Over) 2025	Percent as of 03/31/25	Percent as of 03/31/24
Revenues	\$1,585,707	\$433,553	(\$1,152,154)	27.3%	25.9%
Expenses	\$1,585,707	\$198,629	(\$1,387,078)	12.5%	37.5%
Sewer Fund	Estimated 2025	Ending 03/31/25	Under (Over) 2025	Percent as of 03/31/25	Percent as of 03/31/24
Revenues	\$3,299,084	\$859,038	(\$2,440,046)	26.0%	27.5%
Expenses	\$3,299,084	\$1,018,099	(\$2,280,985)	30.9%	26.0%
Parking Fund	Estimated 2025	Ending 03/31/25	Under (Over) 2025	Percent as of 03/31/25	Percent as of 03/31/24
Revenues	\$448,000	\$127,194	(\$320,806)	28.4%	19.9%
Expenses	\$448,000	\$92,853	(\$355,147)	20.7%	16.7%
Depot Road Fund	Estimated 2025	Ending 03/31/25	Under (Over) 2025	Percent as of 03/31/25	Percent as of 03/31/24
Revenues	\$141,000	\$12,523	(\$128,477)	8.9%	7.5%
Expenses	\$141,000	\$645	(\$140,355)	0.5%	8.0%
Churchill Rink Fund	Estimated 2025	Ending 03/31/25	Under (Over) 2025	Percent as of 03/31/25	Percent as of 03/31/24
Revenues	\$480,000	\$81,822	(\$398,178)	17.0%	26.6%
Expenses	\$480,000	\$90,258	(\$389,742)	18.8%	25.3%
Library Fund	Estimated 2025	Ending 03/31/25	Under (Over) 2025	Percent as of 03/31/25	Percent as of 03/31/24
Revenues	\$654,933	\$0	(\$654,933)	0.0%	30.0%
Expenses	\$654,933	\$149,896	(\$505,037)	22.9%	23.4%



TOWN OF DURHAM

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AGENDA ITEM: **#12A**

DATE: April 21, 2025

COUNCIL COMMUNICATION

INITIATED BY: Durham Town Council

AGENDA ITEM: DISCUSSION OF DRAFT 2025/2026 TOWN COUNCIL GOALS

CC PREPARED BY: Karen Edwards, Administrative Assistant

PRESENTED BY: Todd I. Selig, Administrator

AGENDA DESCRIPTION:

At the April 7, 2025 Town Council meeting, Council members began discussing the development of goals for the upcoming year.

Council members were asked to submit any suggested changes to the Administrator's office for incorporation into the draft 2025/2026 goals, which will be further discussed at Monday night's meeting.

Attached for the Council's information is the draft goals list for 2025/2026 with comments and suggestions submitted by Councilors.

LEGAL AUTHORITY:

N/A

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

No formal motion is required. Continue discussion and working toward adopting a final list of Council goals for 2025/2026.

2025/26 Town Council Goals*

EJL comments in blue. I am listing goals as being short-term (we should expect to complete or come close to completion in the next 12 months) or long-term (either ongoing or likely to take more than 12 months), and as A (high importance; do if at all possible), B (medium importance; try to do this, but not at the expense of a high importance goal), or C (low importance; nice to do but not at the expense of something more important) in importance).

Mission

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

Core Values

Excellence, Honesty, Integrity, Justice, Resilience, Respect, Transparency

Goals

1. **Facilitate optimal functioning of Town government through continuous improvement, new efficiencies, waste reduction, and inter-agency collaboration.**
 - a. Move forward with key infrastructure projects [and maintain publicly accessible progress tracker/report to be updated quarterly. CR] (LA)
 - b. Utilizing the UNH Sustainability Fellow program, update the Town's Climate Action Plan in 2024/25 and integrate conclusions into the Town's long-term planning efforts by involving committees and departments and encouraging them to actively suggest ideas and spearhead initiatives [based on renewable energy opportunities explored and proposed. RV] (SA)
 - c. ~~Strategize on ways to~~ Effectively advertise and fill vacant alternate and regular positions on Town boards/committees and positions at the polls and ensure a sufficient number and diverse mix of volunteers [utilizing town social media to bolster community outreach around the positions available. RV] (SB)
 - d. Expand outreach around services, amenities, information, and programs provided by the Town. (LB)
 - e. Continually evaluate cybersecurity risks and take steps to address potential vulnerabilities. [Particular attention to Wastewater Facility cybersecurity enhancements and the use of Multifactor Authentication (MFA) devices for Town Employees CR] ~~Consider providing Town Councilors with town email addresses. [LA; e-mail addresses are now available to councilors EJL]~~
 - f. [Ensure Councilors are utilizing Municipal Email Accounts. Expand Email accounts to Chairs of Boards, Committees, and Commissions. CR]
 - g. [Create a quarterly report on vacancies of town positions and vacancies of committee positions to include alternates to increase visibility of short falls and encourage more civic engagement CR]
 - h. ~~Fill the vacant Assessor position and work to ensure a smooth transition.~~
 - i. [Create/offer open community conversations between citizens and town councilors through office hours in the council chambers rotating on a monthly basis to increase participation in public input. Encourage participation in off-

session community conversations to increase relationship with residents/business owners in a public setting via town halls. RV]

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. Align long-range capital improvement planning (CIP) with the recently approved 2024 Durham Multi-hazard Climate Mitigation Plan and the 2023 Climate Adaption Chapter of the Master Plan. (LA)
 - b. ~~Work to begin updating~~ [Update EF] long-term feasibility planning with UNH on the future Durham Fire Station capital project to be located [~~on Waterworks Road.~~ [LB; current UNH master plan calls for locating the new fire station on what is now B Lot. EJJ] [As well as awareness of improvements for MacGregor EMS buildings. CR]
 - c. Maintain Durham Police Department national accreditation through the Commission on Accreditation for Law Enforcement Agencies (CALEA) ~~with an upcoming cyclical review date of spring 2025.~~ [LB; 2025 review is or will soon be complete EJJ]
3. **Pursue long-term economic strength and resiliency, anticipating the community's, the region's, and the nation's economic characteristics and opportunities.**
 - a. The Council and Administrator, working together, will strive to hold the municipal tax rate at the 2024 2025 level plus inflation (*CPI-U for Boston-Cambridge-Newton, MA-NH*) or less, and 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. (SB)
 - b. [Continue to work with the Planning Board to encourage increased availability of attainable housing, including zoning amendments where needed. (LA; last year's ordinance is a good start but we need more) EJJ] Thoughtfully develop and adopt an ordinance that advances efforts to create increased availability of a full range of housing types by April 2025[housing options for families and employees of Durham institutions/businesses by April 2026, taking into account the decreasing student population and desire to increase a diverse range of business development regionally RV]
 - c. Encourage downtown business development and growth of the tax base and housing opportunities within the commercial core through the application of smart growth principles focusing on planned economic and community development that attempts to curb urban sprawl in a sustainable manner, to include the future of 66 Main St. and the Town-owned Pettee Brook parking lots. (LA)
 - d. [Solidify working relationships with town businesses through collaboration on nationally recognized initiatives to drive the public to Durham's small businesses community (Small Business Saturday, etc.) and participate in active discussions surrounding the improvement of communication between the town and said Durham business community.RV]
 - e. [Continued Progress CR] with UNH on The Edge at West End project to include the development and adoption of a Planned Unit Development (PUD) Zoning

Overlay District, evaluation of the long-term buildout for necessary infrastructure supporting Town and UNH economic expansion, and myriad other aspects concerning the initiative including research, public-public-private opportunities, mixed-use, and housing. [SA with respect to The Edge, LA for the rest EJJ]

- f. ~~Look at Finish~~ evaluating Federally owned properties in Durham (US Post Office and US Fish & Wildlife) ~~and evaluate whether there is opportunity for redevelopment.~~ EF [LC; there appear to be no short term opportunities for these parcels EJJ]
 - g. [Respond to economic restrictions placed both federally and at the state level that impact the town, acting swiftly in response with the protection of operations and community services that are essential to the public. The Town of Durham with the approval of the council may issue a statement/resolution in contrast to said restrictions within a reasonable time in response. RV]
 - h. [Establish a business development committee. This committee would include at least three local business owners be appointed and chaired by one appointed Business owner, residents, and a town councilor in order increase the town-business leader connection and foster a supportive and beneficial atmosphere to increase desirability and profitability of Durham downtown. CR]
- 4. Pursue long-term environmental sustainability and resiliency, taking into account existing and predicted impacts of climate change in multiple areas including drinking water, wastewater, stormwater, agriculture, food, society, transportation, ecology, solid waste, and economy.**
- a. Work toward continued Town-wide reductions in solid waste on a resident generation per pound basis through full implementation of a volume-based collection system. [SA; we expect to launch this in the next 12 months EJJ]
 - b. Support public and active transportation alternatives to the automobile and continue taking steps to address downtown multi-modal options. (LA)
 - c. [Investigate and develop a public-share bike system utilizing relationships with groups such as CatTracks with sponsorship of businesses similar to those regionally that expands opportunities for alternative public/UNH transportation within the Town of Durham with a plan of action by April 2026. RV]
 - d. Increase local food production in the short and long-term to support a regional goal of reaching 30% local food consumption for the Northeast. [Explore and develop the concept of a town garden (shared land area rented to residents) similar to other regional city gardens with a plan to implement by April 2026. RV] [LB; there is little the Council can do directly for this, but the Ag Commission may be of help EJJ]
 - e. [Encourage local and residential food production. Support ordinances and resolutions aid in or remove barriers to local food production and consumption. CR]
 - f. [Protect and preserve existing farming businesses and infrastructure through ordinances and relief. CR]

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. Strive to be inclusive of all gender options within overall Town operations. (LA)
 - b. Support the recreational, educational, and social needs of residents through Parks & Recreation, Durham Public Library, and social programming for all ages of life. (LB)

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. Encourage the UNH administration to engage and work with Durham's Administrator in decision making and short & long-term planning that impacts UNH, the Town, local businesses, and local residents. (LA)
 - b. Encourage UNH to actively advertise and solicit Durham resident awareness of and participation in athletic, cultural, social, health/fitness, recreation, and educational opportunities on campus. (LA)
 - c. Endeavor to establish Durham as an epicenter of off campus volunteerism and research by UNH students/faculty/staff. (LA)
 - d. [Utilize select/appropriate committees and law enforcement offices within the Town of Durham in relationship with UNH to review changes to federal laws, ensuring that the safety of families, students, and employees of Durham/UNH are brought to the forefront of public safety when challenged by imposed laws set forth. Communication is to be set by town administration and the town council to address and respond appropriately in order to ensure the safety of all residents, students, and businesses in Durham RV]

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. Encourage all Town committees, boards, commissions, and departments to:
 - i. Become familiar with and develop programming/action steps, as appropriate, to prompt widespread community involvement in implementing Durham's Climate Action Plan; (LA)
 - ii. Work toward supporting the development of a full range of housing types (workforce, seniors, missing middle) enabling a larger portion of Durham's workforce to live in town; (LA)
 - iii. Support an expanded and vibrant downtown business mix; (LA)
 - iv. Adopt a complete streets approach to transportation planning. (LA)
 - v. [Update the Zoning Map Pictograph to current zoning and add more definition to boundaries and identifiable reference features. CR]

- b. ~~Periodically~~ Highlight **and reward** the contributions of **community leaders**, local elected and appointed officials serving on local committees **monthly via meetings/social media** to give praise and increase the attractiveness of civic participation. **RV (LB)**
 - c. **[Host a town awards ceremony similar to surrounding municipalities, open to the public to honor community leaders, elected officials, and student groups/classes that have helped to elevate the Durham community in a multitude of ways by April 2026 RV]**
- 8. [Lead efforts to promote inter-municipality awareness and collaboration on issues of mutual interest and concern**
- a. Charge the Human Rights Council with supervisory efforts to protect residents from unlawful searches and seizures
 - b. Establish blanket statement of Durham and Durham Police Department non-compliance with Immigration and Customs Enforcement due to recent and continued questionable arrests.
 - c. Establish working relationships with adjacent municipal elected and appointed officials to foster a timely and collaborative network.
 - d. Establish a reporting procedure to notify the Town Council within 24 hours of Federal Agents operating or attempting to operate within Durham
 - e. Reject state attempts to undermine local authority and control through vocal, visible, collaborative opposition and passive non-compliance. **CR]**

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



TOWN OF DURHAM

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AGENDA ITEM: **#12B** *TS*

DATE: April 21, 2025

COUNCIL COMMUNICATION

INITIATED BY: Joe Friedman, Chair
Todd Selig, Administrator

AGENDA ITEM: CONTINUED DISCUSSION OF DOWNTOWN ZONING CHANGES

CC PREPARED BY: Karen Edwards, Administrative Assistant

PRESENTED BY: Joe Friedman, Chair
Todd Selig, Administrator

AGENDA DESCRIPTION:

With the meetings of the Housing Task Force and the proposed zoning changes by the Planning Board, Chair Friedman suggested that the Council discuss further their views on the composition of downtown Durham.

LEGAL AUTHORITY:

N/A

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION:

No formal action required. Discuss the downtown zoning changes.



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AGENDA ITEM: #13
DATE: April 21, 2025

COUNCIL COMMUNICATION

INITIATED BY: Durham Town Council

AGENDA ITEM: **APPROVE THE TOWN COUNCIL MEETING MINUTES FOR
APRIL 7, 2025.**

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 April 7, 2025. 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 April 7, 2025. (as presented/as amended).



TOWN OF DURHAM

8 Newmarket Road

Durham, NH 03824

Tel: 603-868-5571

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www.ci.durham.nh.us

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

DATE: April 21, 2025

COUNCIL COMMUNICATION

INITIATED BY: Durham Housing Task Force

AGENDA ITEM: SHALL THE TOWN COUNCIL ADOPT RESOLUTION #2025-09 RESCINDING RESOLUTION #2011-11 AND IMPLEMENTING NEW LOCAL OBJECTIVES AND GUIDELINES FOR REVIEWING APPLICATIONS UNDER NEW HAMPSHIRE REVISED STATUTES ANNOTATED (RSA) 79-E "COMMUNITY REVITALIZATION TAX RELIEF INCENTIVE" ENABLING MUNICIPALITIES TO PROVIDE FOR SHORT-TERM PROPERTY ASSESSMENT TAX RELIEF?

CC PREPARED BY: Michael Behrendt, Town Planner

PRESENTED BY: Michael Behrendt, Town Planner

AGENDA DESCRIPTION:

In 2006, the state adopted RSA 79-E. The statute allows a property owner to develop a site and then have the assessment frozen at the pre-development value. The purpose is to avoid discouraging valuable new development in downtowns and town centers due to the resulting increased assessment and taxes. RSA 79-E is adopted by municipalities at their option and then the Town Council approves a specific application at its option.

Durham adopted RSA 79-E in 2009 (Here is the link to the statute:

<https://gc.nh.gov/rsa/html/V/79-E/79-E-mrg.htm>). Three projects were developed under the program (See below). In 2011, the Town Council adopted a resolution which included various additional local objectives of the program and added this provision:

"...the duration of the tax assessment relief program ... shall only provide that level of tax relief necessary in the discretion of the Council to effectuate the specific targeted public benefit(s) outlined as determined by the Town Council. In addition, the Town Council in its discretion shall endeavor to ensure that but for

the tax relief provided, the proposed substantial rehabilitation or replacement would not be economically viable.”

One of the three projects was approved in accordance with the 2011 resolution (in 2012) but we have not received any more application since then. I think the requirement from 2011, above, serves as a poison pill (though I do not believe it was intended to do so). Applicants do not typically want to share personal financial information with the Town Council (though we require that they provide cost information about a proposed project). Plus, two questions arise: How can an applicant demonstrate that a project would not be viable without the relief? How can the Town Council make this determination?

The goal of the statute is to encourage good projects by providing some financial assistance and by demonstrating support from the Town. Theoretically, the restrictive provision above makes sense but as a practical matter, there is nuance involved and developers are often uncertain whether or not to proceed. It can also enhance odds of success for new construction by reducing taxes in the critical early years.

The question of whether or not to provide relief involves the Town Council weighing the value of a project for the community with uncertainty whether the developer will decide to go forward and uncertainty about the eventual success of a project. For example, in my view, it would not have been appropriate to grant 79-E relief to some of the student housing projects from 15 years ago. The market was strong, there was not a lot of risk in building student housing, and there were different opinions about how valuable the addition of student housing would be. On the other hand, if we were to receive a proposal for a project now that included housing not oriented towards students, it might be appropriate to support the project given the challenges in today's building market and the risk of building for a non-student population, especially if the applicant includes some extra benefits as specified under additional local objectives.

Administrator Selig recently asked that the Housing Task Force and the Planning Board explore ways of strengthening the downtown in this difficult time. The task force appointed a Downtown Zoning Subcommittee composed of members of the task force and the board. The subcommittee and subsequently the task force recommended three zoning changes (formally initiated by the Town Council last month and now before the Planning Board) and a revision of the resolution guiding consideration of RSA 79-E applications. It is recommended that the provision above, added in the 2011 resolution, be removed.

In 2021 an ad hoc group working with the Administrator prepared some changes to the 2011 resolution to address this concern. That proposal never moved forward. If I recall correctly, a few members of the ad hoc group ultimately did not agree with the

proposed changes. These changes are being presented again (with some minor modifications) for consideration by the Town Council since the task force requested that the council revisit the issue.

The following items are attached:

- A proposed new resolution and new objectives and guidelines
- The 2011 resolution adding local objectives and the provision excerpted above
- The original 2009 resolution adopting RSA 79-E
- A marked-up document showing the changes from the 2011 resolution proposed now

Here are some more details about RSA 79-E:

- The assessment is frozen at preconstruction value for the duration of approval but taxes still vary based on annual tax rate
- The property is taxed at market value after the end of the tax relief period
- The program applies to rehabilitation and new construction
- For rehabilitation, the cost of work must exceed \$75,000 or 15% of the pre-rehab value
- The relief includes only the specific work included in the application and approved.
- The work must occur after approval of the application.
- There is a range in the number of years for which assessment is frozen. Five years is pretty typical though.

Here is the process:

- 1) The property owner completes the Town's application.
- 2) The applicant provides information about the specific project and costs for each element.
- 3) A public hearing is held
- 4) The application is approved by Town Council at its discretion including specifying the duration of tax relief.
- 5) The applicant records a covenant committing to the terms of approval.
- 6) The applicant may not start construction until after the Town Council approval.

Note that the assessment is frozen for assessment purposes for the Town of Durham, the school district, school taxes at the state level, and Strafford County. For example, with a \$1,000,000 rehabilitation, and an application frozen for five years, at the Town's full 2024 tax rate of \$20.33, the applicant would save \$101,650 in taxes.

The three projects in Durham that were approved for RSA 79-E include the following, all for 5 years, and all now closed out:

- *Sigma Beta* – Existing fraternity on Madbury Road, renovations.
- *9 Madbury Road* – New mixed office and residential building.
- *Xemed* - New office building for high technology spinoff from UNH at 16 Strafford Avenue.

LEGAL AUTHORITY:

RSA 79-E.

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

We hope that there would be a significant gain in Town revenue, because of projects that might not otherwise have gone forward (a loss over the initial five or so years with greater new revenue in perpetuity).

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION:

The Town Council does hereby adopt Resolution #2025-09 rescinding Resolution #2011-11 and Implementing new Local Objectives and guidelines for reviewing applications Under New Hampshire Revised Statutes Annotated (RSA) 79-E "Community Revitalization Tax Relief Incentive" Enabling Municipalities to Provide for Short-Term Property Assessment Tax Relief.

RESOLUTION #2025-09 OF DURHAM, NEW HAMPSHIRE

RESCINDING RESOLUTION #2011-11 AND IMPLEMENTING NEW LOCAL OBJECTIVES AND GUIDELINES FOR REVIEWING APPLICATIONS UNDER NEW HAMPSHIRE REVISED STATUTES ANNOTATED (RSA) 79-E "COMMUNITY REVITALIZATION TAX RELIEF INCENTIVE" ENABLING MUNICIPALITIES TO PROVIDE FOR SHORT-TERM PROPERTY ASSESSMENT TAX RELIEF

WHEREAS, 79-E has been adopted by the Town of Durham and used for three properties to date; and

WHEREAS, the additional local objectives and requirements adopted under Resolution #2011-11 have hindered use of the program due to concern by applicants about the difficulty in demonstrating that their project would not go forward without use of the program; and

WHEREAS, the Durham Housing Task Force, upon recommendation of the temporary Durham Downtown Zoning Subcommittee, recommends removing the requirement to demonstrate that a project would not be viable without use of 79-E in order to encourage more use of the program; and

WHEREAS, a draft new resolution prepared by an ad hoc group convened by the Administrator in 2019 updated the resolution but it was not implemented due to lack of support by the full ad hoc group; and

WHEREAS, the staff recommends now that the resolution prepared in 2019 be presented again due to significant challenges in the downtown and the fact that no party has used RSA 79-E in Durham since 2012; and

WHEREAS, updating the resolution in order to encourage use by developers can enhance the revitalization of the downtown; and

WHEREAS, it is appropriate that the Town Council evaluate each application for use of RSA 79-E in its wisdom and discretion weighing the potential benefits and the risks of a project with more flexibility than allowed in the 2011 resolution.

NOW, THEREFORE BE IT RESOLVED that the Durham Town Council, the governing body of the Town of Durham, New Hampshire, hereby adopts **Resolution #2025-09** rescinding Resolution #2011-11 and implementing the revised Local Objectives found in the attached Local Objectives Document that improves flexibility and use of judgment by the Town Council in evaluating applications.

PASSED AND ADOPTED by the Town Council of the Town of Durham, New Hampshire this ____ day of ____ by ____ affirmative votes, ____ negative votes, and ____ abstentions.

Joe Friedman, Chair
Durham Town Council

ATTEST:

Rachel Deane, Town Clerk

****DRAFT****

This document shall be used as a companion document to RESOLUTION #2009-10 OF DURHAM, NEW HAMPSHIRE, adopted by the Durham Town Council, the governing body, on the 9th day of May 2009, for the purpose of implementing the provisions of New Hampshire Revised Statutes Annotated (RSA) 79-E, the Community Revitalization Tax Relief Incentive, which enables municipalities to provide for short-term property assessment tax relief for worthy development projects.

Town of Durham
COMMUNITY REVITALIZATION TAX RELIEF INCENTIVE – RSA 79-E
Additional Local Objectives and Guidance for Review
April 21, 2025

The Town Council shall review each application for tax relief pursuant to RSA 79-E as a unique application and use its reasonable discretion in determining: a) whether or not to grant tax relief; and b) the particular terms for any tax relief granted.

Additional local objectives. If a proposed substantial rehabilitation or new construction project meets the basic threshold criteria outlined in RSA 79-E:7, the Town Council, in its discretion, shall consider whether the proposed project also accomplishes local objectives, including:

1. Resulting in multi-unit housing that will be suitable and attractive for populations beyond undergraduate college students, those who have traditionally occupied most multi-unit housing downtown, including graduate students, older singles and couples, families, seniors and members of the workforce.
2. Encouraging a socially vibrant, economically viable, and aesthetically attractive downtown to provide town residents and visitors a location both for informal social interactions and for convenient access to quality goods and services.
3. Encouraging a pedestrian-friendly and bicycle-friendly downtown.
4. Promoting increased office, retail, and research space on the stories above the first floor of structures.
5. Creating improvements that are likely to spur further broad private sector investment and improvements to the downtown businesses and overall downtown built environment.
6. Enhancing cooperation of the Town and the University of New Hampshire for the benefit of the overall community.
7. Promoting the redevelopment or replacement of outdated, substandard, or blighted structures.

8. Promoting energy efficiency measures greater than code requirements and renewable energy generation to lower demand for fossil-fuel consumption .
9. Inclusion of public amenities or special features such as a public plaza, public art, a public passageway through a site, a parking garage (whether public or private), and special architectural elements.

Guidance for Review of Applications

The Town Council shall use its judgment in weighing whether or not it is appropriate and beneficial to approve an application under RSA 79-E. The Town Council shall approve an application only if it believes that all of following conditions will be met:

- 1) Additional local objectives, above (one or more, as determined by the Town Council in its discretion), will be met;
- 2) The requirements of the statute will be met; and
- 3) Provision of tax relief will enhance the likelihood of a project succeeding or moving forward where there is a significant level of risk, due to special challenges with the site, location, or existing structure; market conditions; financing conditions; or other particular circumstances.

Duration of tax relief.

Once it is determined that a proposed project meets the criteria for the tax relief incentive, the Town Council shall determine the duration of tax relief based upon: 1) conformance with public benefits and local objectives and 2) consideration of the level of support needed to enhance the project's economic viability and likelihood of success.

Documentation.

The applicant shall provide documentation or information which the Town Council determines will be useful in evaluating the application. The applicant is not required to provide proprietary and financial information, including a project pro forma and project budget, but is encouraged to do so upon request. As part of any application, however, the applicant shall provide information about the projected costs of each component.

Other provisions

The tax relief under RSA 79E is available for both new construction and rehabilitation of existing structures located within any of the five commercial core zoning districts.

The Town Council may reject an application for a property located within a tax increment finance district at its discretion in accordance with RSA 79E:4 VI.

This resolution supersedes Resolution #2011-11 adopted June 6, 2011, which is now rendered null and void.



TOWN OF DURHAM
15 NEWMARKET ROAD
DURHAM, NH 03824-2898
Tel: 603/868-5571
Fax: 603/868-5572

RESOLUTION #2009-10 OF DURHAM, NEW HAMPSHIRE

**IMPLEMENTING THE PROVISIONS OF NEW HAMPSHIRE REVISED STATUTES
ANNOTATED (RSA) 79-E "COMMUNITY REVITALIZATION TAX RELIEF
INCENTIVE" ENABLING MUNICIPALITIES TO PROVIDE SHORT-TERM PROPERTY
ASSESSMENT TAX RELIEF**

WHEREAS, the Durham Economic Development Committee has been considering options for developing economic tools that may potentially benefit the Durham community; and

WHEREAS, 79-E has been adopted and successfully used in other New Hampshire communities; and

WHEREAS, the Durham Economic Development Committee has recommended that the Town Council adopt RSA 79-E; and

WHEREAS, the Durham Historic District Commission has recommended that the Town Council adopt RSA 79-E; and

WHEREAS, the Durham Planning Board has recommended that the Town Council adopt RSA 79-E; and

WHEREAS, on April 6, 2009, the Director of Planning and Community Development, James Campbell, gave the Town Council a presentation relative to RSA 79-E which included what RSA 79-E does, how it works, how to define public benefit, what protections there are for Town of Durham, and discussed the finite duration of the tax relief; and

WHEREAS, on April 6, 2009, at the conclusion of the Mr. Campbell's presentation, the Council voted to schedule a public hearing on this issue for its meeting of April 20, 2009; and

WHEREAS, notice of the public hearing was duly published in the *Foster's Daily Democrat* and posted on the public bulletin board located outside of the Town Hall, as well as at the Department of Public Works, and the Durham Public Library; and



WHEREAS, on April 20, 2009, the Town Council opened the public hearing to receive input from citizens regarding this matter; and

WHEREAS, on April 20, 2009, the Town Council voted to close the public hearing without receiving any input from the public. After closing the hearing and holding a discussion, the Council voted to schedule action on this matter at its first meeting in May 2009; and

WHEREAS, adopting the provisions of RSA 79-E would be a beneficial economic development tool for the community for use where appropriate by the Town Council,


NOW, THEREFORE BE IT RESOLVED that the Durham Town Council, the governing body of the Town of Durham, New Hampshire, hereby adopts Resolution #2009-10 implementing the provisions of New Hampshire Revised Statutes Annotated (RSA) 79-E "Community Revitalization Tax Relief Incentive" Enabling Municipalities to provide for short-term property assessment tax relief.

PASSED AND ADOPTED by the Town Council of the Town of Durham, New Hampshire this 4th day of May 4, 2009 by Nine (9) affirmative votes, Zero (0) negative votes, and Zero (0) abstentions.



Neil Niman, Chair
Durham Town Council

ATTEST:



Lorrie L. Pitt, Town Clerk



TOWN OF DURHAM
15 NEWMARKET ROAD
DURHAM, NH 03824-2898
Tel: 603/868-5571
Fax: 603/868-5572

RESOLUTION #2011-11 OF DURHAM, NEW HAMPSHIRE

IMPLEMENTING ENHANCED GUIDELINES FOR USE BY THE COUNCIL IN WEIGHING APPLICATIONS UNDER NEW HAMPSHIRE REVISED STATUTES ANNOTATED (RSA) 79-E "COMMUNITY REVITALIZATION TAX RELIEF INCENTIVE" ENABLING MUNICIPALITIES TO PROVIDE FOR SHORT-TERM PROPERTY ASSESSMENT TAX RELIEF

WHEREAS, the Durham Economic Development Committee considered options for developing economic tools that may potentially benefit the Durham community; and

WHEREAS, 79-E has been adopted and successfully used in other New Hampshire communities; and

WHEREAS, the Durham Economic Development Committee recommended that the Town Council adopt RSA 79-E; and

WHEREAS, the Durham Historic District Commission recommended that the Town Council adopt RSA 79-E; and

WHEREAS, the Durham Planning Board recommended that the Town Council adopt RSA 79-E; and

WHEREAS, on April 6, 2009, the Director of Planning and Community Development, James Campbell, gave the Town Council a presentation relative to RSA 79-E which included what RSA 79-E does, how it works, how to define public benefit, what protections there are for Town of Durham, and discussed the finite duration of the tax relief; and

WHEREAS, on April 6, 2009, at the conclusion of the Mr. Campbell's presentation, the Council voted to schedule a public hearing on this issue for its meeting of April 20, 2009; and

WHEREAS, notice of the public hearing was duly published in the *Foster's Daily Democrat* and posted on the public bulletin board located outside of the Town Hall, as well as at the Department of Public Works, and the Durham Public Library; and

WHEREAS, on April 20, 2009, the Town Council opened the public hearing to receive input from citizens regarding this matter; and



WHEREAS, on April 20, 2009, the Town Council voted to close the public hearing without receiving any input from the public. After closing the hearing and holding a discussion, the Council voted to schedule action on this matter at its first meeting in May 2009; and

WHEREAS, adopting the provisions of RSA 79-E was deemed to be a beneficial economic development tool for the community for use where appropriate by the Town Council; and

WHEREAS, on May 9, 2009, the Durham Town Council voted to adopt Resolution #2009-10 implementing the provisions of New Hampshire Revised Statutes Annotated (RSA) 79-E "Community Revitalization Tax Relief Incentive" Enabling Municipalities to provide for short-term property assessment tax relief; and

WHEREAS, In accordance with RSA 79-E:7, in order to qualify for tax relief under RSA 79-E, the proposed substantial rehabilitation must provide at least one of the public benefits, and the proposed replacement must provide one or more of the public benefits to a greater degree than would a substantial rehabilitation of the same qualifying structure, as follows:

- I. It enhances the economic vitality of the downtown;
- II. It enhances and improves a structure that is culturally or historically important on a local, regional, state, or national level, either independently or within the context of an historic district, town center, or village center in which the building is located;
- III. It promotes development of municipal centers, providing for efficiency, safety, and a greater sense of community, consistent with RSA 9-B; or
- IV. It increases residential housing in urban or town centers. and;

WHEREAS, RSA 79-E:7-a Public Benefit Determinations, allows cities or towns to adopt provisions that further define the "public benefits" enumerated in RSA 79-E:7 to assist the governing body in evaluating applications made under this chapter based on local economic conditions, community character, and local planning and development goals; and

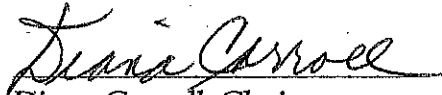
WHEREAS, because of the unique economic conditions, community character, and local planning and development goals of the Town of Durham, if a proposed substantial rehabilitation or replacement meets the basic threshold criteria outlined pursuant to RSA 79-E:7, the Town Council, at its discretion shall ensure said project also accomplishes local objectives such as those outlined in the document titled "Town of Durham Public Benefit Determinations Relative to RSA 79-E 'COMMUNITY REVITALIZATION TAX RELIEF INCENTIVE': Additional Local Objectives;" and

WHEREAS, RSA 79-E:5 grants the governing body the ability to adopt local guidelines to assist it in determining the appropriate duration of the tax assessment relief period; and

WHEREAS, in accordance with RSA 79-E:5, the duration of the tax assessment relief program for all applications filed in Durham shall be considered in the context of each specific application and shall only provide that level of tax relief necessary in the discretion of the Council to effectuate the specific targeted public benefit(s) outlined as determined by the Town Council. In addition, the Town Council in its discretion shall endeavor to ensure that but for the tax relief provided, the proposed substantial rehabilitation or replacement would not be economically viable.

NOW, THEREFORE BE IT RESOLVED that the Durham Town Council, the governing body of the Town of Durham, New Hampshire, hereby adopts Resolution #2011-11 implementing enhanced guidelines contained herein for use by the Council in weighing applications under New Hampshire Revised Statutes Annotated (RSA) 79-E "Community Revitalization Tax Relief Incentive" Enabling Municipalities to provide for short-term property assessment tax relief.

PASSED AND ADOPTED by the Town Council of the Town of Durham, New Hampshire this 6th day of June, 2011 by Nine (9) affirmative votes, Zero (0) negative votes, and Zero (0) abstentions.


Diana Carroll, Chair
Durham Town Council

ATTEST:


Lorrie L. Pitt, Town Clerk

This document is referenced in, and shall be used as a companion document to, RESOLUTION #2011-11 OF DURHAM, NEW HAMPSHIRE, adopted by the Durham Town Council, the governing body, on the 6th day of June, 2011.

Town of Durham
Public Benefit Determinations Relative to RSA 79-E
'COMMUNITY REVITALIZATION TAX RELIEF INCENTIVE':
Additional Local Objectives

If a proposed substantial rehabilitation or replacement meets the basic threshold criteria outlined pursuant to RSA 79-E:7, the Town Council, in its discretion, shall ensure said project also accomplishes local objectives, such as:

1. Encourages a socially vibrant, economically viable, and aesthetically attractive downtown to provide all town residents and visitors a location both for informal social interactions and for convenient access to quality goods and services.
2. Encourages a pedestrian- and bicycle-friendly downtown.
3. Promotes increased office, retail, and research space on the stories above the first floor of structures.
4. Creates improvements that have the potential to spur further broad private sector investment and improvements to the downtown businesses and overall downtown built environment.
5. Enhances cooperation of the Town and the University of New Hampshire for the benefit of the overall community.
6. Promotes the redevelopment or replacement of outdated, substandard, or blighted structures in a way that is fiscally and socially beneficial to the community.
7. Results in well-managed, well-designed, and affordable multi-unit housing stock suitable for students and non-students, including seniors and members of the local workforce.
8. Incorporates and promotes energy efficiency measures and/or renewable energy generation to significantly lower demand for fossil-fuel consumption and enhance the reputation of the Town.

In accordance with RSA 79-E:5, the duration of the tax assessment relief program for all applications filed in Durham shall be considered in the context of each specific application and shall only provide that level of tax relief necessary in the discretion of the Council to effectuate the specific targeted public benefit(s) outlined as determined by the Town Council. In addition, the Town Council in its discretion shall endeavor to ensure that but for the tax relief provided, the proposed substantial rehabilitation or replacement would not be economically viable.

Note: The applicant shall provide Planning Board approval documents, if applicable, as part of the application package.

DRAFT

Additional Local Objectives

**Community Revitalization Tax Relief Incentive – RSA 79-E
New Resolution – April 21, 2025**

Proposed additions to the 2011 resolution regarding additional local objectives are shown like this

~~*Proposed deletions to the 2011 resolution regarding additional local objectives are shown like this*~~

This document shall be used as a companion document to, RESOLUTION #2009-10 OF DURHAM, NEW HAMPSHIRE, adopted by the Durham Town Council, the governing body, on the 9th day of May 2009, for the purpose of implementing the provisions of New Hampshire Revised Statutes Annotated (RSA) 79-E, the Community Revitalization Tax Relief Incentive, which enables municipalities to provide for short-term property assessment tax relief for worthy development projects.

~~*This document is referenced in, and shall be used as a companion document to, RESOLUTION #2011-11 OF DURHAM, NEW HAMPSHIRE, adopted by the Durham Town Council, the governing body, on the 6th day of June, 2011.*~~

Town of Durham

***COMMUNITY REVITALIZATION TAX RELIEF INCENTIVE – RSA 79-E
Additional Local Objectives and Guidance for Review***

~~***Town of Durham***~~

~~***Public Benefit Determinations Relative to RSA 79-E***~~

~~***‘COMMUNITY REVITALIZATION TAX RELIEF INCENTIVE’:***~~

~~***Additional Local Objectives***~~

The Town Council shall review each application for tax relief pursuant to RSA 79-E as a unique application and use its reasonable discretion in determining: a) whether or not to grant tax relief; and b) the particular terms for any tax relief granted.

Additional local objectives. If a proposed substantial rehabilitation or replacement meets the basic threshold criteria outlined ~~pursuant to in~~ RSA 79-E:7, the Town Council, in its discretion, shall *consider whether ensure the proposed* ~~ensure said~~ project also accomplishes local objectives, *including such as:*

1. ~~*Results Resulting in well-managed, well-designed, and affordable well-managed and well-designed*~~ multi-unit housing ~~stock suitable for~~ *that will be suitable and attractive for populations beyond undergraduate college students, who have traditionally occupied most multi-unit housing downtown, including graduate students, and non-*

students, including older singles and couples, families, seniors and members of the local workforce. [Moved up in order]

2. ~~Encourages~~ *Encouraging* a socially vibrant, economically viable, and aesthetically attractive downtown to provide ~~all~~ town residents and visitors a location both for informal social interactions and for convenient access to quality goods and services.
3. ~~Encourages~~ *Encouraging* a pedestrian-friendly and bicycle-friendly downtown.
4. ~~Promotes~~ *Promoting* increased office, retail, and research space on the stories above the first floor of structures.
5. ~~Creates~~ *Creating* improvements that ~~have the potential~~ *are likely* to spur further broad private sector investment and improvements to the downtown businesses and overall downtown built environment.
6. ~~Enhances~~ *Enhancing* cooperation of the Town and the University of New Hampshire for the benefit of the overall community.
7. ~~Promotes~~ *Promoting* the redevelopment or replacement of outdated, substandard, or blighted structures ~~in a way that is fiscally and socially beneficial to the community.~~
8. ~~Incorporates and promotes~~ *Promoting* energy efficiency measures *greater than code requirements* and ~~or~~ renewable energy generation to *significantly* lower demand for fossil-fuel consumption ~~and enhance the reputation of the Town.~~
9. *Inclusion of public amenities or special features such as a public plaza, public art, a public passageway through a site, a parking garage (whether public or private), and special architectural elements.*

~~In accordance with RSA 79-E:5, the duration of the tax assessment relief program for all applications filed in Durham shall be considered in the context of each specific application and shall only provide that level of tax relief necessary in the discretion of the Council to effectuate the specific targeted public benefit(s) outlined as determined by the Town Council. In addition, the Town Council in its discretion shall endeavor to ensure that but for the tax relief provided, the proposed substantial rehabilitation or replacement would not be economically viable.~~

~~Note: The applicant shall provide Planning Board approval documents, if applicable, as part of the application package.~~

Guidance for Review of Applications

The Town Council shall use its judgment in weighing whether or not it is appropriate and beneficial to approve an application under RSA 79-E. The Town Council shall approve an application only if it believes that all of following conditions will be met:

- 1) *Additional local objectives, above (one or more, as determined by the Town Council in its discretion), will be met;*

- 2) *The requirements of the statute will be met; and*
- 3) *Provision of tax relief will enhance the likelihood of a project succeeding or moving forward where there is a significant level of risk, due to special challenges with the site, location, or existing structure; market conditions; financing conditions; or other particular circumstances.*

Duration of tax relief. *Once it is determined that a proposed project meets the criteria for the tax relief incentive, the Town Council shall determine the duration of tax relief based upon: 1) conformance with public benefits and local objectives and 2) consideration of the level of support needed to enhance the project's economic viability and likelihood of success.*

Documentation. *The applicant shall provide documentation or information which the Town Council determines will be useful in evaluating the application. The applicant is not required to provide proprietary and financial information, including a project pro forma and project budget, but is encouraged to do so upon request.*

Other provisions

The tax relief under RSA 79E is available for both new construction and rehabilitation of existing structures located within any of the five commercial core zoning districts.

The Town Council may reject an application for a property located within a tax increment finance district at its discretion in accordance with RSA 79E:4 VI.

This resolution supersedes Resolution #2011-11 adopted June 6, 2011, which is now rendered null and void.