



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, MAY 5, 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. Presentation Items
 - A. Presentation by UNH Students and Police Chief Rene Kelley on the HLS Capstone Body Project.
 - B. Presentation by Nell Neal, Chair of IWMAC, on **Resolution #2025-10** eliminating the purchase of single-use plastic bags and food service products and Styrofoam containers for use by the Town of Durham and Town-sponsored events.
 - C. Presentation by Ice Rink Manager, Bill Page on the 2024-2025 skating season.
- IX. **Unanimous Consent Agenda** (*Requires unanimous approval. Individual items may be removed by any councilor for separate discussion and vote*)
 - A. Shall the Town Council schedule a Public Hearing for Monday, May 19, 2025, on **Resolution #2025-11** authorizing the issuance of long-term bonds or notes not to exceed Fourteen Million, Three Hundred and Thirty-Seven Thousand and Three Hundred dollars (\$14,337,300) for the purpose of bonding 2014-2025 Capital projects and equipment purchases?

- B. Shall the Town Council unseal the Nonpublic Session minutes from the year 2015 dated May 4, May 18, June 1, September 21 and October 19?
- X. **Committee Appointments**
Shall the Town Council, upon Recommendation of the Planning Board Chair, appoint Munish Nanda, 30 Sumac Lane, to an unexpired alternate membership on the Planning Board with a term expiration of April 2028?
- XI. **Councilor and Town Administrator Roundtable**
- XII. **Unfinished Business**
- A. **Public Hearing and Possible Adoption of 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.
- B. **First Reading on Ordinance #2025-06** Amending Chapter 175, "Zoning," Article II, "Definitions," Article XII, "Base Zoning Districts," Section 175-42, "Central Business District, Article XII.1, "Use and Dimensional Standards," Section 175-53, "Table of Land Uses," and Section 175-54, "Table of Dimensions," and the Zoning Map of the Town Code to create two new Central Business Zoning Districts. The Public Hearing can be set for Monday, May 19, 2025.
- C. **Continued Discussion and Feedback** to the Administrator regarding additional changes to the Law Enforcement Services Agreement between UNH and the Town of Durham.
- D. Continued discussion of the Draft 2025-26 Town Council goals
- XIII. **Approval of Minutes – April 21, 2025**
- XIV. **New Business**
Shall the Town Council Adopt **Resolution #2025-10** eliminating the purchase of single-use plastic bags and food service products and Styrofoam containers for use by the Town of Durham and Town-sponsored events?
- 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: May 5, 2025

COUNCIL COMMUNICATION

INITIATED BY: Chief Kelley

AGENDA ITEM: PRESENTATION BY UNH STUDENTS AND POLICE CHIEF RENE KELLEY ON THE HLS CAPSTONE BODY PROJECT

CC PREPARED BY: Karen Edwards, Administrative Assistant

PRESENTED BY: Abby Walsh & Chief Kelley

AGENDA DESCRIPTION:

Abby Walsh, a UNH Student studying Homeland Security (HLS) and Justice Studies, has been leading a team of students working on the HLS Capstone Body Project over the past semester. This project looks at the feasibility of Durham Police wearing body cameras. The goal of the presentation is to inform the Town Council of the results of this study in advance of the FY2026 Budget Development Season.

LEGAL AUTHORITY:

N/A

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

No action required at this time. Receive presentation from UNH Students.



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AGENDA ITEM: **#8B & 14** *TS*

DATE: May 5, 2025

COUNCIL COMMUNICATION

INITIATED BY: Integrated Waste Management Advisory Committee

AGENDA ITEM: PRESENTATION BY NELL NEAL, CHAIR OF IWMAC, ON
RESOLUTION #2025-10 ELIMINATING THE PURCHASE OF SINGLE-
USE PLASTIC BAGS AND FOOD SERVICE PRODUCTS AND
STYROFOAM CONTAINERS FOR USE BY THE TOWN OF DURHAM
AND TOWN-SPONSORED EVENTS.

SHALL THE TOWN COUNCIL ADOPT RESOLUTION #2025-10
ELIMINATING THE PURCHASE OF SINGLE-USE PLASTIC BAGS AND
FOOD SERVICE PRODUCTS AND STYROFOAM CONTAINERS FOR
USE BY THE TOWN OF DURHAM AND TOWN-SPONSORED EVENTS?

CC PREPARED BY: Nell Neal and Sally Needell

PRESENTED BY: Nell Neal, Chair of IWMAC

AGENDA DESCRIPTION:

The Integrated Waste Management Advisory Committee was established, in part, to reduce the total amount of solid waste generated in Durham. The committee's purposes include "to develop goals, policies, and procedures that could be proposed to the Town Council, Durham Public Works, or other community organizations to improve sustainability efforts, and to comment on and assist in the development of the town ordinances that support the most cost effective and sustainable practices in regard to waste management such as recycling, composting and landfill disposal."

As part of IWMAC's efforts to reduce the amount of plastic and Styrofoam being added to the Turnkey Landfill, IWMAC encourages residents to refrain from using single-use plastic products and Styrofoam containers, and to choose sustainable products instead. To support this effort, IWMAC is asking the Town of Durham to refrain from using Town monies to purchase single-use plastic bags and food service products and Styrofoam containers for the Town's purposes in its facilities and when holding Town-sponsored events.

LEGAL AUTHORITY:

N/A

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION:

The Durham Town Council does hereby adopt Resolution #2025-10 eliminating the purchase of single-use plastic bags and food service products and Styrofoam containers for use by the Town of Durham and Town-sponsored events.

RESOLUTION #2025-10 DURHAM, NEW HAMPSHIRE

A RESOLUTION CALLING FOR THE ELIMINATION OF THE PURCHASE OF SINGLE-USE PLASTIC BAGS AND FOOD SERVICE PRODUCTS, AND STYROFOAM FOOD CONTAINERS FOR USE BY THE TOWN OF DURHAM AND TOWN-SPONSORED EVENTS

WHEREAS the Town of Durham recognizes that limiting the distribution and subsequent disposal of single-use plastics and Styrofoam through reduction is necessary to protect human health, to preserve the natural environment, and to promote sustainable and ethical practices regarding material waste; and

WHEREAS single-use plastic bags and single-use plastic food service products (water and soda bottles, utensils, food containers, cups, straws, coffee stirrers etc.) are predominantly derived from petroleum; and

WHEREAS single-use Styrofoam containers (cups, food containers) leach chemicals when used for foods that are hot, acidic, or high in fat, causing potential harm. Styrofoam is lightweight and bulky, and currently is not recyclable in Durham; and

WHEREAS plastics and Styrofoam bring us convenience, they also threaten environmental stability and human health. Due to insufficient recycling efficiency, millions of tons of plastic pollutants accumulate in terrestrial and marine environments annually. Plastic threatens wildlife when it is ingested, causes entanglement, and/or disrupts animal habitats, increases pollution, and introduces potentially toxic substances into the environment. Due to their stability, plastics and Styrofoam can spread to multiple locations. They slowly deteriorate, allowing particles to be found in water, groundwater, air, and soil; and

WHEREAS Town monies should not be used to purchase single-use plastics or Styrofoam containers for any Town facility, Town property, Town department or Town-sponsored event; and

WHEREAS reusable and compostable/ Biodegradable Product Institute (BPI) certified products are attainable; and

WHEREAS exceptions are allowed by the Town for items used by emergency responders or human-service non-profit organizations during emergency operations; and

WHEREAS exceptions are allowed for single-use containers brought to Town facilities by Town staff and visitors; and all town departments/vendors may distribute their remaining inventory until depleted; and

WHEREAS exceptions are allowed for products where alternatives are not available; and

WHEREAS the following products may be used: 1. Reusable bags, 2. Single-use compostable/BPI Certified food service products, 3.Trash bags for waste disposal, and 4. Packaging materials required for food safety reasons (such as wrapping around meats, seafood, lettuce mix, or other perishable products) added at the site of the business or a processing facility.

NOW, THEREFORE BE IT RESOLVED that the Durham Town Council, the governing and legislative body of the Town of Durham, New Hampshire, does hereby adopt **Resolution #2025-10** eliminating the purchase and distribution of single-use plastic bags and food service products, and Styrofoam food containers for use by the Town of Durham and at Town-sponsored events.

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: **#8C**

DATE: May 5, 2025

COUNCIL COMMUNICATION

INITIATED BY: Todd Selig, Administrator

AGENDA ITEM: PRESENTATION ON 2024-2025 SKATING SEASON AT DURHAM'S
ICE RINK

CC PREPARED BY: Karen Edwards, Administrative Assistant

PRESENTED BY: Bill Page, Ice Rink Manager

AGENDA DESCRIPTION:

Administrator Selig requested that Bill Page, Ice Rink Manager, present an overview of the 2024-2025 skating season to the Town Council. Ice skating at the Town Landing ice rink began in 1973 and has been a staple of Durham the community for over 50 years now. Bill will also provide an update to the Council concerning efforts to plan for a possible rink expansion and improvements in the coming years.

LEGAL AUTHORITY:

N/A

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

No action required at this time. Receive presentation from Bill Page, Ice Rink Manager.

Churchill Ice Rink - End of Season Report – October 5, 2024 – March 19, 2025

Bill Page, Rink Manager – April 21, 2025

Fees: Ice rental rates remained the same at \$261/hour for Prime Time and \$225 for Non-Prime. Fees for ancillary sales also remained the same. Public Skate Child \$6, PS Adult \$8. Stick & Puck/Pond Hockey all ages \$8. Drop-In Hockey \$12. Sharpening \$7.

Season Pass prices increased: Family \$230 > \$275 • Individual \$115 > \$140. Durham residents receive 10% discount on season passes.

Ice Sold (Total Hours/\$): 20/21=857/\$190.6K • 21/22=894/\$221.7K • 22/23=753/\$199.6K • 23/24=907/\$232.2K • 24/25 = 845/\$211.6k
(Decrease in Ice Sold = Tuesday night men's group cxl'd -\$7800, Learn To Skate moved in-house -\$3500, ORYH down -\$10,000 = \$21,300)

Ancillary Sales: Public Skating: Child \$46,200 (7700, down 1195) Adult \$28,080 (3,510, up 9) • SK8 Rentals \$27,495 (5,499, down 155) • Season Passes: Family \$19,250 (69, up 2) Individual \$10,640 (75, up 9) • Stick & Puck \$12,664 (1,718, down 135) • Pond Hockey \$3,088 (386, up 129) • Pick-Up Hockey \$6,996 (583, down 83) • Skate Sharpening \$8,267 (1181, down 26) • Concessions \$16,770 (up \$242) • Slush Cup \$1,860 (down \$48) • Total Public Session Admissions: does NOT include season pass holders. 13,762 (*down 1275)

*I attribute the reduction to a great outdoor ice season, and more season passes sold.

NOTABLE: 1626 Hot Chocolates • 4,156 Airheads • 604 Gatorades • 508 Waters

SEASON PASS RESIDENCY: Durham 62 • Lee 12 • Madbury 17 • Newmarket 15 • Other 38, Total = 144 passes, 402 people.

Learn To Skate: This season, the Learn To Skate program, historically run by ORYA, was brought in-house. Staff member Stephanie Morgan was our skating program director working closely with me and other staff members to facilitate what was a very popular and well-run program. Stephanie is a member of the UNH Synchronized skating team and was able to recruit many of her teammates as coaches. They're all experienced skating instructors and our relationship with the team will provide high-level coaches and program directors for years to come. Other staff members coached and served as helpers too. Over 2 seven-week sessions, the program generated \$14,100 in revenue with 94 registrants. Revenue generated by contracting the ice to ORYA in the past was approximately \$3,500 per season. Enrollment cost was just \$150 per pupil, a reduction of \$70-\$90 from what ORYA was charging. We intend to expand the program next season.

Staff: I cannot say enough about my staff. I'm so grateful for all of them. They love the rink as much as I do, are happy (typically!), fun, outgoing, pleasant to work with, and great with customers. Part-Time staff during the season were Sadie Wright-Ward, Derek Swenson, Jim Chambers, Keegan Horne, Griffin Richard, Stephanie Morgan, Sarah LaPointe, Rori Coomey, Sydney Page, Katherine Page, Grady Gault, Caeden Nash, Sam Archey, and Charlie Kell.

General Comments: We had another terrific season with no major malfunction of critical equipment. Only two panes of rink glass broke all season. A major component of the solar array failed and required replacement. This project was unanticipated, tricky and expensive. The repair has been completed. Our season end "Celebrate Oyster River Ice Sports" and "Slush Cup" events were fun for everyone involved.

Projects Accomplished: The new rink lights that had failed due to them not being waterproof were replaced with another set of new "waterproof" models and worked very well all season. They are dimmable and programmed so lower output levels are used when the activity on the ice does not require as much light, saving energy. Many small projects were accomplished in the off-season.

Refrigeration Plant: The refrigeration plant ran well all season. Only one minor issue requiring a paid service call and a few smaller items I was able to fix myself. Our cooling tower tank has sprung a bunch of leaks caused by rust which were temporarily repaired with Phil Swift's Flex Tape, wood blocks, hockey pucks, and pressure. We will need to figure out how to more appropriately repair the tank this summer.

Zamboni: The Zamboni behaved nicely all season with only a couple small issues which were repaired in house. We are looking forward to our new Zamboni arriving before next season begins. Our current machine has been a good one, but one never knows when something major is going to fail at 30 years old. Some work will be done to the old one this summer to ensure it's ready to go should our new machine be delayed, and so our old machine remains a worthy back-up.

2025 Off-Season Projects: Inspect ice slab header components and replace corroded fittings as needed, continue planning for renovation project to include completion of financial feasibility study, and beginning of fundraising. Painting as needed. Clean boards and glass, repair/replace ice gate latches, many other small projects to keep the facility functioning and pleasant.

FY 2024 End of Year Financials (unaudited):

Revenue = \$419,864 (+\$22,554 vs FY 23)

Expense = \$303,043 (-\$841 vs FY 23)

Net added to Fund Balance = \$116,821 (+\$23,395 vs FY 23)

Fund Balance as of 12/31/2024 = \$521,540.89

Fund Balance as of 12/31/2023 = \$403,069.76

Fund Balance as of 12/31/2022 = \$311,238.70

Fund Balance as of 12/31/2021 = \$306,315.03

Fund Balance as of 12/31/2020 = \$240,949.63

Run: 4/18/25
2:38PM

Balance Sheet
Town of Durham
As Of: December 2024, GL Year 2024

Page: 1
bpage
BalanceSheet

Account Number		Balance
09 Churchill Rink Spec Rev Fund		
Assets		
09-1150-000-46-900	Accts Rec - Misc - Churchill Rink	39,657.07
09-1400-000-72-000	Prepaid other	1,500.00
Totals Assets		41,157.07
Liabilities		
09-2020-000-01-000	Accounts Payable - Churchill Rink	13,230.07
09-2040-000-47-000	Accrued Payroll - Churchill Rink	9,305.74
09-2080-000-62-010	Due from General Fund - Churchill Rink	(513,106.13)
09-2220-000-65-000	Deferred inflow of resources - Churchill Rink	8,686.50
Totals Liabilities		(481,883.82)
Fund Balance		
09-2440-000-00-900	Nonspendable fund balance - Churchill Rink	1,500.00
09-2450-000-00-900	Restricted fund balance - Churchill Rink	403,069.76
Adjusting Journal Entries		1,650.00
Adjusted Balance		404,719.76
Current Year Revenue		419,864.18
Current Year Expenditure		(303,043.05)
Current Year Encumbrances		0.00
Prior Year Unencumbered Funds		0.00
Net Revenue, Expenditure And Encumbrances		116,821.13
Total Restricted fund balance - Churchill Rink		521,540.89
09-2490-000-00-000	Assigned fund balance (encumbrances) - Churchill R	0.00
Prior Year Expenditure		0.00
Prior Year Unencumbered Funds		0.00
Net Expenditure And Unencumbrances		0.00
Total Assigned fund balance (encumbrances) - Churchill R		0.00
Total All Fund Balance Accounts		523,040.89
Total Liabilities and Fund Balance		41,157.07
Balance 09 Churchill Rink Spec Rev Fund		0.00
Grand Total		0.00

Churchill Rink - Additions & Renovations									
Schematic Budget									
OWNER: Town of Durham Churchill Rink at Jackson's Landing Durham, NH 03824			SQUARE FOOTAGE CALCULATION: Existing Rink Arena 21,000 Additions 12,970			CONSTRUCTION MANAGER: Conneston Construction, Inc. P.O. Box 7546 Gilford, NH 03247			ARCHITECT: Banwell Architects 6 South Park Street Lebanon, NH 03766
DATE:	Revised July 01, 2024		TOTAL SQUARE FOOTAGE:		33,970		FILE:	Churchill	ESTIMATOR: Mark Bolstridge & Jeff Downing
ITEM NO.	LINE ITEM DESCRIPTION	LABOR COST	MATERIAL COST	EQUIPMENT COST	SUBCONTRACTOR COST	LINE ITEM TOTAL	DIVISION TOTAL	COST PER SF	
51	CONCRETE								
52	Footings, walls & piers allowance (370 CY's)				\$212,750.00	\$212,750.00		\$6.26	
53	Interior slabs on grade (6") allowance (435 CY's)				\$206,625.00	\$206,625.00		\$6.08	
54	Rink slab, piping & insulation				\$650,000.00	\$650,000.00		\$19.13	
55	Exterior entrance slab				\$5,250.00	\$5,250.00		\$0.15	
56	Set LP's and grout (52)				\$3,955.00	\$3,955.00		\$0.12	
57	Housekeeping pads				\$1,955.00	\$1,955.00		\$0.06	
58	Shower bases (13)				\$6,630.00	\$6,630.00		\$0.20	
59	Pads for Dehumidification unit, compressor & cooling tower				\$22,800.00	\$22,800.00		\$0.67	
60	Exterior transformer vault allowance				\$2,100.00	\$2,100.00		\$0.06	
61	Concrete pump allowance (08)				\$15,600.00	\$15,600.00		\$0.46	
62	Existing Concrete upgrade allowance				\$7,800.00	\$7,800.00		\$0.23	
63	Slab perimeter insulation (48" assumed)				\$17,200.00	\$17,200.00		\$0.51	
64	Foundation insulation - 2"				\$12,310.00	\$12,310.00		\$0.36	
65	Misc site concrete				\$3,655.00	\$3,655.00		\$0.11	
66							\$1,168,630.00		
67	MASONRY								
68	Masonry subcontractor				\$550,100.00	\$550,100.00		\$16.19	
69							\$550,100.00		
70	METALS								
71	PEMB purlin structural up-grade allowance - drift loading				\$135,000.00	\$135,000.00		\$3.97	
72	Structural steel/joist/deck/erection				\$389,100.00	\$389,100.00		\$11.45	
73	C-Channel OH door frames (02)				\$5,422.00	\$5,422.00		\$0.16	
74	Cooling tower structure allowance				\$18,100.00	\$18,100.00		\$0.53	
75	Misc metal allowance		\$12,988.00			\$12,988.00		\$0.38	
76	Bollard allowance (06)				\$5,850.00	\$5,850.00		\$0.17	
77							\$566,460.00		
78	CARPENTRY								
79	Rough carpentry materials and general labor	\$44,660.00	\$14,100.00			\$58,760.00		\$1.73	
80	Exterior siding and trim allowance @ entry	\$30,400.00	\$19,210.00			\$49,610.00		\$1.46	
81	Nails & fasteners		\$7,155.00			\$7,155.00		\$0.21	
82	Finish trim allowance	\$5,110.00	\$3,988.00			\$9,098.00		\$0.27	
83							\$124,623.00		
84	THERMAL & MOISTURE PROTECTION								
85	Caulking & Sealants		\$13,900.00			\$13,900.00		\$0.41	
86	Fire stopping		\$3,966.00			\$3,966.00		\$0.12	
87	Membrane roofing subcontractor				\$202,350.00	\$202,350.00		\$5.96	
88	New SS metal roofing/insulation/arena guard				\$453,000.00	\$453,000.00		\$13.34	
89	Roof edge blocking	\$5,472.00	\$3,121.00			\$8,593.00		\$0.25	
90	New column dampproofing (52)				\$3,910.00	\$3,910.00		\$0.12	

Churchill Rink - Additions & Renovations								
Schematic Budget								
OWNER: Town of Durham Churchill Rink at Jackson's Landing Durham, NH 03824		SQUARE FOOTAGE CALCULATION: Existing Rink Arena 21,000 Additions 12,970		CONSTRUCTION MANAGER: Conneston Construction, Inc. P.O. Box 7546 Gilford, NH 03247			ARCHITECT: Banwell Architects 6 South Park Street Lebanon, NH 03766	
DATE:	Revised July 01, 2024	TOTAL SQUARE FOOTAGE:		33,970	FILE:	Churchill	ESTIMATOR:	Mark Bolstridge & Jeff Downing
ITEM NO.	LINE ITEM DESCRIPTION	LABOR COST	MATERIAL COST	EQUIPMENT COST	SUBCONTRACTOR COST	LINE ITEM TOTAL	DIVISION TOTAL	COST PER SF
132	EQUIPMENT							
133	Skate room benches, hooks & Stick racks (06) allowance				\$32,400.00	\$32,400.00		\$0.95
134	Bleacher allowance				\$150,000.00	\$150,000.00		\$4.42
135	Skate storage rack allowance				\$4,800.00	\$4,800.00		\$0.14
136	New dasher boards & netting allowance				\$235,000.00	\$235,000.00		\$6.92
137	Gearbox locker allowance (58)				\$75,400.00	\$75,400.00		\$2.22
138							\$497,600.00	
139	CASEWORK AND FURNISHINGS							
140	Window treatments (by Owner)					\$0.00		\$0.00
141	Exercise equipment (by Owner)					\$0.00		\$0.00
142	Appliances & skate sharpening equipment (by owner)					\$0.00		\$0.00
143	AV equipment (by Owner)					\$0.00		\$0.00
144	Custom Millwork allowance				\$71,400.00	\$71,400.00		\$2.10
145							\$71,400.00	
146	MECHANICAL							
147	HVAC subcontractor				\$405,000.00	\$405,000.00		\$11.92
148	Plumbing subcontractor				\$290,000.00	\$290,000.00		\$8.54
149	DDC control allowance (basic system)				\$33,975.00	\$33,975.00		\$1.00
150	Refrigeration subcontractor - refurbish ammonia skid/cooling system				\$667,000.00	\$667,000.00		\$19.63
151	New dehumidification system				\$185,000.00	\$185,000.00		\$5.45
152	Existing brine removal/disposal allowance				\$16,500.00	\$16,500.00		\$0.49
153	Sprinkler subcontractor				\$179,900.00	\$179,900.00		\$5.30
154							\$1,777,375.00	
155	ELECTRICAL							
156	Lighting and controls allowance				\$192,100.00	\$192,100.00		\$5.65
157	Fire alarm system allowance				\$65,000.00	\$65,000.00		\$1.91
158	Data and cabling allowance				\$64,300.00	\$64,300.00		\$1.89
159	New 800 amp 3-phase service (transformer & primary by owner)				\$54,200.00	\$54,200.00		\$1.60
160	Site lighting allowance				\$28,300.00	\$28,300.00		\$0.83
161	HVAC & equipment wiring				\$20,400.00	\$20,400.00		\$0.60
162	Electrical demolition allowance				\$15,800.00	\$15,800.00		\$0.47
163	Electrical subcontractor				\$80,100.00	\$80,100.00		\$2.36
164							\$520,200.00	
165	DATA & TECHNOLOGY (BY OWNER)							
166	Network system and wi-fi					\$0.00		\$0.00
167	Sound system					\$0.00		\$0.00
168	TV's and projectors					\$0.00		\$0.00
169	Security system					\$0.00		\$0.00
170	Camera and recording equipment					\$0.00		\$0.00
171							\$0.00	
172								
173	SCHEMATIC BUDGET SUB-TOTAL	353,382.00	347,751.00	136,231.00	7,984,402.00	\$8,821,766.00	8,821,766.00	\$259.69
174								
175	CM FEE (6%)	\$21,202.92	\$20,865.06	\$8,173.86	\$479,064.12	\$529,305.96	\$529,305.96	\$15.58
176								
177	SCHEMATIC BUDGET TOTAL	\$374,584.92	\$368,616.06	\$144,404.86	\$8,463,466.12	\$9,351,071.96	\$9,351,071.96	\$275.27
178								

Churchill Rink - Additions & Renovations										
Schematic Budget										
OWNER: Town of Durham Churchill Rink at Jackson's Landing Durham, NH 03824			SQUARE FOOTAGE CALCULATION: <div>Existing Rink Arena21,000</div> <div>Additions12,970</div>			CONSTRUCTION MANAGER: Conneston Construction, Inc. P.O. Box 7546 Gilford, NH 03247			ARCHITECT: Banwell Architects 6 South Park Street Lebanon, NH 03766	
DATE: Revised July 01,2024			TOTAL SQUARE FOOTAGE: 33,970			FILE: Churchill		ESTIMATOR: Mark Bolstridge & Jeff Downing		
ITEM NO.	LINE ITEM DESCRIPTION		LABOR COST	MATERIAL COST	EQUIPMENT COST	SUBCONTRACTOR COST	LINE ITEM TOTAL	DIVISION TOTAL	COST PER SF	
General notes & clarifications:										
* All line items are based on schematic plans and will be revised based on final scope of work and market conditions when the project is finalized.										
* Budget is based on schematic plans from Banwell Architects dated May 2024.										
* No fire pump is included - adequate water pressure for sprinkler service assumed.										
* Utilities by owner (power, gas, cable)										
* The owner should budget the following items not included in our budget:										
- Ledge removal or "Pay rocks" over 1.5 cubic feet.										
- Hazardous waste survey cost & abatement if required.										
- Building permit & knox box provided by Town at no cost assumed.										
- Utilities to the building.										
- All architectural & engineering fees.										
- Furnishings, appliances & window treatments.										
- Card lock system for doors, power wiring & electronic strikes.										
- Sound system, security, network, wi-fit, A-V, phone & PA systems. Our budget includes an allowance for structured cabling.										
- Scoreboards.										
- All local approvals & connection fees.										
- Contingency funds for changes in assumed scope.										
- Inflation - construction prices are based on current market conditions.										
- Removal & replacement unsuitable soils if encountered										
ALTERNATES										
Item #	Description		Labor	Material	Equipment	Subcontractor	Subtotal	Add with Fee/bond		
1	Remove & replace existing PEMB frame to include disposal.					\$ 872,000	\$ 872,000	\$ 933,040		
2	Provide new ammonia skid vs. refurbish existing					\$ 108,000	\$ 108,000	\$ 115,560		
3	Provide new cube system vs. refurbish existing					\$ 88,000	\$ 88,000	\$ 94,160		
4	External chill/heating coil for dehumidification system					\$ 48,000	\$ 48,000	\$ 51,360		
5	Membrane roof budget assumes steel is pitched. For full tapered insulation system if required - add					\$ 60,000	\$ 60,000	\$ 64,200		

Churchill Rink - Additions & Renovations									
Schematic Budget- Round 2									
OWNER: Town of Durham Churchill Rink at Jackson's Landing Durham, NH 03824			SQUARE FOOTAGE CALCULATION: Existing Rink Arena 21,000 Additions 20,332			CONSTRUCTION MANAGER: Conneston Construction, Inc. P.O. Box 7546 Gilford, NH 03247			ARCHITECT: Banwell Architects 6 South Park Street Lebanon, NH 03766
DATE:	Revised March 21, 2025		TOTAL SQUARE FOOTAGE: 41,332			FILE:	Churchill	ESTIMATOR:	Mark Bolstridge & Jeff Downing
ITEM NO.	LINE ITEM DESCRIPTION		LABOR COST	MATERIAL COST	EQUIPMENT COST	SUBCONTRACTOR COST	LINE ITEM TOTAL	DIVISION TOTAL	COST PER SF
52	CONCRETE								
53		Footings, walls & piers allowance (428 CY's)				\$246,100.00	\$246,100.00		\$5.95
54		Interior slabs on grade (6") allowance (615 CY's)				\$292,125.00	\$292,125.00		\$7.07
55		Rink slab, piping & insulation				\$669,500.00	\$669,500.00		\$16.20
56		Exterior entrance slab				\$5,250.00	\$5,250.00		\$0.13
57		Set LP's and grout (65)				\$4,944.00	\$4,944.00		\$0.12
58		Housekeeping pads				\$1,955.00	\$1,955.00		\$0.05
59		Shower bases (13)				\$6,630.00	\$6,630.00		\$0.16
60		Pads for Dehumidification unit, compressor & cooling tower				\$22,800.00	\$22,800.00		\$0.55
61		Exterior transformer vault allowance				\$2,100.00	\$2,100.00		\$0.05
62		Concrete pump allowance (11)				\$21,450.00	\$21,450.00		\$0.52
63		Existing Concrete upgrade allowance				\$7,800.00	\$7,800.00		\$0.19
64		Slab perimeter insulation (48" assumed)				\$18,345.00	\$18,345.00		\$0.44
65		Foundation insulation - 2"				\$13,565.00	\$13,565.00		\$0.33
66		Misc site concrete				\$4,155.00	\$4,155.00		\$0.10
67								\$1,316,719.00	
68	MASONRY								
69		Masonry subcontractor				\$625,100.00	\$625,100.00		\$15.12
70								\$625,100.00	
71	METALS								
72		PEMB purlin structural up-grade allowance - drift loading				\$135,000.00	\$135,000.00		\$3.27
73		Structural steel/joist/deck/erection				\$609,960.00	\$609,960.00		\$14.76
74		C-Channel OH door frames (02)				\$5,422.00	\$5,422.00		\$0.13
75		Cooling tower structure allowance				\$18,643.00	\$18,643.00		\$0.45
76		Exterior 3 line rail at retaining wall (160' linear ft.)				\$24,000.00	\$24,000.00		\$0.58
77		Misc metal allowance		\$12,988.00			\$12,988.00		\$0.31
78		Bollard allowance (06)				\$5,850.00	\$5,850.00		\$0.14
79								\$811,863.00	
80	CARPENTRY								
81		Rough carpentry materials and general labor	\$52,103.00	\$24,675.00			\$76,778.00		\$1.86
82		Exterior siding and trim allowance @ entry	\$31,871.00	\$21,131.00			\$53,002.00		\$1.28
83		Nails & fasteners		\$11,553.00			\$11,553.00		\$0.28
84		Finish trim allowance	\$10,220.00	\$7,976.00			\$18,196.00		\$0.44
85								\$159,529.00	
86	THERMAL & MOISTURE PROTECTION								
87		Caulking & Sealants		\$13,900.00			\$13,900.00		\$0.34
88		Fire stopping		\$3,966.00			\$3,966.00		\$0.10
89		Membrane roofing subcontractor				\$317,207.00	\$317,207.00		\$7.67
90		New SS metal roofing/insulation/arena guard				\$466,590.00	\$466,590.00		\$11.29
91		Roof edge blocking	\$10,944.00	\$6,242.00			\$17,186.00		\$0.42
92		New column dampproofing (70)				\$5,263.00	\$5,263.00		\$0.13
93		Spray foam (walls, veneer cavity & ceiling locations)				\$107,538.00	\$107,538.00		\$2.60
94		Insulated metal panels & trim (3")				\$395,236.00	\$395,236.00		\$9.56
95		Exterior louvers allowance		\$4,100.00			\$4,100.00		\$0.10
96		Exterior flashing materials		\$2,910.00			\$2,910.00		\$0.07
97								\$1,333,896.00	
98	DOORS & WINDOWS								
99		Metal doors and frames allowance (54)	\$13,608.00	\$81,108.00			\$94,716.00		\$2.29
100		Borrowed lights (12)	\$3,174.00	\$13,162.00			\$16,336.00		\$0.40
101		Aluminum entry doors & transoms (07 pairs, 01 single)				\$60,750.00	\$60,750.00		\$1.47

Churchill Rink - Additions & Renovations									
Schematic Budget- Round 2									
OWNER:		SQUARE FOOTAGE CALCULATION:			CONSTRUCTION MANAGER:			ARCHITECT:	
Town of Durham Churchill Rink at Jackson's Landing Durham, NH 03824		Existing Rink Arena 21,000 Additions 20,332			Conneston Construction, Inc. P.O. Box 7546 Gilford, NH 03247			Banwell Architects 6 South Park Street Lebanon, NH 03766	
DATE:	Revised March 21, 2025	TOTAL SQUARE FOOTAGE:			41,332		FILE:	Churchill	
ITEM NO.	LINE ITEM DESCRIPTION	LABOR COST	MATERIAL COST	EQUIPMENT COST	SUBCONTRACTOR COST	ESTIMATOR:	LINE ITEM TOTAL	DIVISION TOTAL	COST PER SF
102	Aluminum window units (37)				\$114,145.00		\$114,145.00		\$2.76
103	Interior glass, mirrors & glazing				\$26,200.00		\$26,200.00		\$0.63
104	Rolling grilles @ concession stand (02)				\$9,980.00		\$9,980.00		\$0.24
105	OH doors & operators (04)				\$29,000.00		\$29,000.00		\$0.70
106	Door hardware allowance	\$14,210.00	\$54,600.00				\$68,810.00		\$1.66
107	ADA operators (04)				\$16,800.00		\$16,800.00		\$0.41
108	Access doors	\$1,008.00	\$2,455.00				\$3,463.00		\$0.08
109								\$440,200.00	
110	FINISHES								
111	Walk off mat allowance				\$4,955.00		\$4,955.00		\$0.12
112	Skate tile allowance				\$93,215.00		\$93,215.00		\$2.26
113	Carpet tile (250 SY)				\$12,500.00		\$12,500.00		\$0.30
114	Sports floor allowance				\$34,200.00		\$34,200.00		\$0.83
115	Rubber base allowance				\$10,980.00		\$10,980.00		\$0.27
116	Floor prep allowance				\$15,363.00		\$15,363.00		\$0.37
117	Ceramic wall tile @ showers allowance				\$29,767.00		\$29,767.00		\$0.72
118	Epoxy floor and base at showers allowance				\$15,244.00		\$15,244.00		\$0.37
119	ACT Ceiling				\$78,067.00		\$78,067.00		\$1.89
120	Metal stud, drywall & Kemply				\$350,720.00		\$350,720.00		\$8.49
121	Soffit allowance				\$5,000.00		\$5,000.00		\$0.12
122	Exterior & interior paint				\$113,641.00		\$113,641.00		\$2.75
123	Paint sprinkler pipes in Rink allowance				\$10,300.00		\$10,300.00		\$0.25
124	Paint exposed Pre-engineered bents at Rink allowance				\$23,072.00		\$23,072.00		\$0.56
125								\$797,024.00	
126	SPECIALTIES								
127	Interior ADA signage allowance				\$11,757.00		\$11,757.00		\$0.28
128	Exterior signage allowance				\$8,000.00		\$8,000.00		\$0.19
129	Fire extinguisher & cabinet allowance (13)		\$6,500.00				\$6,500.00		\$0.16
130	Knox box (by Owner)						\$0.00		\$0.00
131	Toilet accessories	\$3,553.00	\$9,716.00				\$13,269.00		\$0.32
132	Toilet partitions (HDP)	\$6,154.00	\$25,100.00				\$31,254.00		\$0.76
133	Visual display boards (By Owner)						\$0.00		\$0.00
134								\$70,780.00	
135	EQUIPMENT								
136	Skate room benches, hooks & Stick racks (06) allowance				\$33,372.00		\$33,372.00		\$0.81
137	Bleacher allowance				\$154,500.00		\$154,500.00		\$3.74
138	Skate storage rack allowance				\$7,200.00		\$7,200.00		\$0.17
139	New dasher boards & netting allowance				\$242,050.00		\$242,050.00		\$5.86
140	Pickleball court allowance (02)				\$24,000.00		\$24,000.00		\$0.58
141	Pickleball nets and equipment (by Owner)				\$0.00		\$0.00		\$0.00
142	Playground equipment (by Owner)				\$0.00		\$0.00		\$0.00
143	Gearbox locker allowance (by Owner)				\$0.00		\$0.00		\$0.00
144								\$461,122.00	
145	CASEWORK AND FURNISHINGS								
146	Window treatments (by Owner)						\$0.00		\$0.00
147	Exercise equipment (by Owner)						\$0.00		\$0.00
148	Appliances & skate sharpening equipment (by owner)						\$0.00		\$0.00
149	AV equipment (by Owner)						\$0.00		\$0.00
150	Custom Millwork allowance				\$109,900.00		\$109,900.00		\$2.66
151									

[illegible]

	with recreation	without recreation
Total Project Cost	\$ 12,401,652.00	\$ 10,145,029.00
Fundraising	\$ (8,000,000.00)	\$ (6,845,029.00)
Bond - Rink-Funded	\$ (1,000,000.00)	\$ (1,000,000.00)
Grants	\$ (1,000,000.00)	\$ (1,000,000.00)
Town Contribution	\$ (2,101,652.00)	\$ (1,000,000.00)
From Rink Fund Balance	\$ (300,000.00)	\$ (300,000.00)
Balance	\$ -	\$ -

with Recreation =	\$ 12,401,652.00
without Recreation =	\$ (10,145,029.00)
Difference =	\$ 2,256,623.00



TOWN OF DURHAM

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

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

DATE: May 5, 2025

COUNCIL COMMUNICATION

INITIATED BY: Gail Jablonski, Business Manager

AGENDA ITEM: SHALL THE TOWN COUNCIL SCHEDULE A PUBLIC HEARING FOR MONDAY, MAY 19, 2025, ON RESOLUTION #2025-11 AUTHORIZING THE ISSUANCE OF LONG-TERM BONDS OR NOTES NOT TO EXCEED FOURTEEN MILLION, THREE HUNDRED AND THIRTY-SEVEN THOUSAND AND THREE HUNDRED DOLLARS (\$14,337,300) FOR THE PURPOSE OF BONDING 2014-2025 CAPITAL PROJECTS AND EQUIPMENT PURCHASES?

CC PREPARED BY: Gail Jablonski, Business Manager

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

AGENDA DESCRIPTION:

The following are items requested to be bonded listed by budget year, as well as the status of each project.

2014 Capital Fund Budget – Resolution 2013-28 passed December 16, 2013

Project Description	Amount Budgeted for Bonding	Project Status	Amount Requested
WWTP Phase III	\$230,000	Engineering Ongoing	\$57,300

2019 Capital Fund Budget – Resolution 2018-23 passed December 12, 2018

Project Description	Amount Budgeted for Bonding	Project Status	Amount Requested
Fire Station Upgrades	\$320,000	Ongoing	\$143,000

2021 Capital Fund Budget – Resolution 2020-21 passed December 22, 2020

Project Description	Amount Budgeted for Bonding	Project Status	Amount Requested
GIS Program	\$100,000	Ongoing	\$33,300
Wagon Hill Farmhouse Design	\$43,000	Completed	\$24,000

2022 Capital Fund Budget – Resolution 2021-15 passed December 20, 2021

Project Description	Amount Budgeted for Bonding	Project Status	Amount Requested
Roadway Sweeper Replacement	\$245,000	Purchased	\$4,900
GIS Program	\$100,000	Ongoing	\$25,000
Oyster River Dam	\$1,600,000	Ongoing	\$125,000

2023 Capital Fund Budget – Resolution 2022-28 passed December 19, 2022

Project Description	Amount Budgeted for Bonding	Project Status	Amount Requested
Replace 2001 Fire Rescue 1	\$950,000	Ordered	\$950,000
WW Collection System Upgrades	\$65,000	Ongoing	\$17,500
WWTP Major Components	\$2,700,000	Ongoing	\$2,000,000
Wagon Hill Farmhouse Restoration	\$437,500	Ongoing	\$437,500

Madbury Road Complete Streets	\$600,000	Ongoing	\$600,000
Madbury Road Water Line	\$1,775,000	Ongoing	\$1,775,000
Madbury Road Sewer Line	\$1,175,000	Ongoing	\$1,025,000

2024 Capital Fund Budget – Resolution 2023-30 passed December 4, 2023

Project Description	Amount Budgeted for Bonding	Project Status	Amount Requested
Dump Truck Replacement	\$259,000	Ordered	\$259,000
Pickup Truck With Plow Replacement	\$71,000	Purchased	\$53,500
Replace VenTek Parking Kiosks	\$120,000	Ongoing	\$110,000
Sidewalk Improvement Program	\$91,000	Completed	\$91,000
Madbury Road Complete Streets	\$2,286,000	Ongoing	\$2,286,000
Madbury Road Water Line	\$1,980,000	Ongoing	\$1,980,000

2025 Capital Fund Budget – Resolution 2024-26 passed December 16, 2024

Project Description	Amount Budgeted for Bonding	Project Status	Amount Requested
Madbury Road Complete Streets	\$2,120,900	Ongoing	\$2,120,900
Madbury Road Water Line	\$710,000	Ongoing	\$219,400

Attached for the Council’s information and consideration is a draft resolution authorizing the issuance of long-term debt not to exceed Fourteen Million, Three Hundred and Thirty-Seven Thousand and Three Hundred dollars (\$14,337,300).

LEGAL AUTHORITY:

Section 5.12 of the Durham Town Charter enables the Town Council to approve the issuance of bonds or notes for less than \$2,300,000 per issue after holding a duly advertised public hearing and further stipulates that for the purposes of borrowing, the Town of Durham shall have all the powers and duties vested with a city.

NH RSA 33:9 authorizes the issuance of bonds by a city, by resolution of the Council, **passed by at least 2/3 of all Council members.**

LEGAL OPINION:

FINANCIAL DETAILS:

The total amount of bonding will be distributed as follows:

General Fund	\$7,153,100
Water Fund	\$3,974,400
Wastewater Fund	\$3,099,800
Parking Fund	\$ 110,000

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION:

The Durham Town Council hereby schedules a Public Hearing for Monday, May 19, 2025, on Resolution #2025-11 authorizing the issuance of long-term bonds or notes not to exceed Fourteen Million, Three Hundred and Thirty-Seven Thousand and Three Hundred dollars (\$14,337,300) for the purpose of bonding 2014-2025 Capital projects and equipment purchases.

RESOLUTION #2025-11 OF DURHAM, NEW HAMPSHIRE

AUTHORIZING THE ISSUANCE OF LONG-TERM BONDS OR NOTES NOT TO EXCEED FOURTEEN MILLION, THREE HUNDRED AND THIRTY-SEVEN THOUSAND, AND THREE HUNDRED DOLLARS (\$14,337,300) FOR THE PURPOSE OF BONDING 2014-2025 CAPITAL PROJECTS AND EQUIPMENT PURCHASES

WHEREAS, the Durham Town Council approved Resolution 2018-23 on December 12, 2018 approving the Capital Fund Budget for 2019 with \$4,731,818 to be funded in revenues from bonds, notes and other forms of long-term debt; and

WHEREAS, the Durham Town Council approved Resolution 2020-21 on December 22, 2020 approving the Capital Fund Budget for 2021 with \$5,147,200 to be funded in revenues from bonds, notes and other forms of long-term debt; and

WHEREAS, the Durham Town Council approved Resolution 2021-15 on December 20, 2021 approving the Capital Fund Budget for 2022 with \$3,630,500 to be funded in revenues from bonds, notes and other forms of long-term debt; and

WHEREAS, the Durham Town Council approved Resolution 2022-28 on December 19, 2022 approving the Capital Fund Budget for 2023 with \$9,437,500 to be funded in revenues from bonds, notes and other forms of long-term debt; and

WHEREAS, the Durham Town Council approved Resolution 2023-30 on December 4, 2023 approving the Capital Fund Budget for 2024 with \$8,010,169 to be funded in revenues from bonds, notes and other forms of long-term debt; and

WHEREAS, the Durham Town Council approved Resolution 2024-26 on December 16, 2024 approving the Capital Fund Budget for 2025 with \$3,745,900 to be funded in revenues from bonds, notes and other forms of long-term debt; and

WHEREAS, in 2024 the Durham Fire Department Administrative Offices were renovated the amount of **\$143,000** is requested to be bonded; and

WHEREAS, the Town has been working on the implementation of a GIS (Geographic Information System), the amount of **\$58,300** is requested to be bonded; and

WHEREAS, the Public Works Department has been making improvements and repairs to the Wagon Hill Farmhouse, the amount of **\$461,500** is requested to be bonded; and

WHEREAS, The Public Works Department purchased a Roadway Sweeper in 2023 and an additional amount of **\$4,900** is requested to be bonded; and

WHEREAS, the Town has hired Vanasse Hangen Brustlin, Inc. to prepare documents relating to the removal of the Mill Pond Dam, the amount of **\$125,000** is requested to be bonded; and

WHEREAS, on October 16, 2023 the Durham Town Council authorized the purchase of a custom heavy rescue truck from Marion Body Works and the truck is anticipated to be delivered in the summer of 2025, the total amount of **\$950,000** is requested to be bonded; and

WHEREAS, the Durham Town Council approved Phase I of the Madbury Complete Streets project in 2023, the amount of **\$600,000** is requested to be bonded; and

WHEREAS, the Durham Town Council approved Phase II of the Madbury Complete Streets project in 2024, the amount of **\$2,286,000** is requested to be bonded; and

WHEREAS, the Durham Town Council approved Phase III of the Madbury Complete Streets project in 2025, the amount of **\$2,120,900** is requested to be bonded; and

WHEREAS, on June 20, 2024, the Durham Town Council awarded the purchase of an International Dump Truck with a Swap Loader Body for the Public Works Department, the amount of **\$259,000** is requested to be bonded; and

WHEREAS, in July of 2024, the Public Works Department purchased a replacement pickup truck with plow, the amount of **\$53,500** is requested to be bonded; and

WHEREAS, Continental Paving completed the 2024 sidewalk program, the amount of **\$91,000** is requested to be bonded; and

WHEREAS, the Durham Town Council approved Phase I of the replacement of the Madbury Road waterline as part of the Madbury Complete Streets project in 2023, the amount of **\$1,775,000** is requested to be bonded; and

WHEREAS, the Durham Town Council approved Phase II of the replacement of the Madbury Road waterline as part of the Madbury Complete Streets project in 2024, the amount of **\$1,980,000** is requested to be bonded; and

WHEREAS, the Durham Town Council approved Phase III of the replacement of the Madbury Road waterline as part of the Madbury Complete Streets project in 2025, the amount of **\$219,400** is requested to be bonded; and

WHEREAS, the Public Works Department has been working with engineering firms on Wastewater Treatment Plant permits, the amount of **\$57,300** is requested to be bonded; and

WHEREAS, the Public Works Department has been working with engineering firms on design plans for sewer collection system repairs, the amount of **\$17,500** is requested to be bonded; and

WHEREAS, on February 5, 2024 the Town Council approved contracts for construction and construction inspection and design to Apex Construction and Environmental Partner Groups for the WWTP Major Components Rehabilitation and Replacement Project, the amount of **\$2,000,000** is requested to be bonded; and

WHEREAS, the Durham Town Council approved the replacement of the Madbury Road sewer line as part of the Madbury Complete Streets project in 2023, the amount of **\$1,025,000** is requested to be bonded; and

WHEREAS, on October 17, 2024, the Durham Town Council awarded the purchase and installation of Flowbird CWT Parking Kiosks, the amount of **\$110,000** is requested to be bonded; and

WHEREAS, Section 5.12 of the Durham Town Charter enables the Town Council to approve the issuance of bonds or notes for less than \$2,300,000 after holding a duly advertised public hearing and further stipulates that for the purposes of borrowing, the Town of Durham shall have all the powers and duties vested with a city; and

WHEREAS, on Monday, May 19, 2025, the Town Council held a duly advertised and posted Public Hearing on Resolution #2025-11; and

WHEREAS, NH RSA 33:9 authorizes the issuance of bonds by a city, by resolution of the Council, passed by at least 2/3 of all Council members,

NOW, THEREFORE, BE IT RESOLVED, that the Durham Town Council, the governing and legislative body of the Town of Durham, New Hampshire hereby approves **Resolution #2025-11** and authorizes the Treasurer to issue bonds or notes pursuant to the Municipal Finance Act, RSA 33, in an amount not to exceed Fourteen Million, Three Hundred and Thirty-Seven Thousand and Three Hundred Dollars (\$14,337,300) for the purpose of financing 2014-2025 Capital Projects and Equipment Purchases.

PASSED AND ADOPTED this ___ day of _ by a **Two-Thirds (2/3)** vote of the Durham Town Council with _affirmative votes, _negative votes , and _abstentions.

Joe Friedman, Chair
Durham Town Council

ATTEST:

Rachel Deane, Town Clerk-Tax Collector



TOWN OF DURHAM

8 Newmarket Road

Durham, NH 03824

Tel: 603-868-5571

Fax: 603-868-1858

www.ci.durham.nh.us

AGENDA ITEM: **#9B**

DATE: May 5, 2025

COUNCIL COMMUNICATION

INITIATED BY: Administrator Todd Selig

AGENDA ITEM: SHALL THE TOWN COUNCIL UNSEAL THE NONPUBLIC SESSION MINUTES FROM THE YEAR 2015 DATED MAY 4, MAY 18, JUNE 1, SEPTEMBER 21 AND OCTOBER 19?

CC PREPARED BY: Karen Edwards, Administrative Assistant

PRESENTED BY: Todd I. Selig, Administrator

AGENDA DESCRIPTION:

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

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

disclosure. Minutes related to a discussion held in nonpublic session under subparagraph II(d) shall be made available to the public as soon as practicable after the transaction has closed or the public body has decided not to proceed with the transaction.

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

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

This statute was revised in 2023 to contain the last highlighted section. The Town of Durham has sealed nonpublic minutes dating back to 2000. Throughout this year, these minutes will be brought to the Council to determine if they should remain sealed or be unsealed for public viewing. At this meeting the nonpublic minutes from the year 2015 will be reviewed. The Administrator has reviewed the minutes from the meetings listed and has determined there is no longer a valid reason to keep the minutes sealed.

LEGAL AUTHORITY:

RSA 91 A:3

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION:

The Town Council does hereby unseal the Nonpublic Session minutes from the year 2015 dated May 4, May 18, June 1, September 21 and October 19.



TOWN OF DURHAM

8 Newmarket Road

Durham, NH 03824

Tel: 603-868-5571

Fax: 603-868-1858

www.ci.durham.nh.us

AGENDA ITEM: **#10**

DATE: May 5, 2025

COUNCIL COMMUNICATION

INITIATED BY: Munish Nanda

AGENDA ITEM: SHALL THE TOWN COUNCIL, UPON RECOMMENDATION OF THE PLANNING BOARD CHAIR, APPOINT MUNISH NANDA, 30 SUMAC LANE, TO FILL AN UNEXPIRED ALTERNATE MEMBERSHIP POSITION ON THE PLANNING BOARD 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 application for board appointment submitted by Munish Nanda, requesting appointment as an alternate member to the Planning Board. His appointment will fill one of the five alternate vacancies for the Planning Board.

Mr. Nanda has attended one meeting of the Planning Board and has spoken with Chair, Paul Rasmussen. Attached for the Council's information is Chair Rasmussen's endorsement of Mr. Nanda's appointment.

Mr. Nanda 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 Planning Board Chair, appoints Munish Nanda, 30 Sumac Lane, to fill an unexpired Alternate Membership position on the Planning Board with a term expiration of April 2028.



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 ☐ New appointment/alternate member ☒
Reappointment/regular member ☐ Reappointment/alternate member ☐

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

Applicant has:

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

Name: MUNISH NANDA Date: 4/17/2025
Address: 30 Sumac Lane DURHAM - NH-03824
E-Mail Address: nandamunish64@gmail.com
Telephone: 603-321-0394

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. Durham Planning Board.
- 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)

would love to participate, engage and give back by helping plan and develop impactful initiatives that further enhance the vibrancy and success of the wonderful town/community we live in.

Please provide brief background information about yourself:

Retired executive with multi Industry leadership background spanning USA, Canada, Mexico, Latin America and Asia. Resident of Durham for 25yrs. Current board member and volunteer.

Name: Alberto Manallo	Telephone: 1-603-502-0539
Name: Rajeev Aggarwal	Telephone: 1-603-767-7652
Name: John D Aquilla	Telephone: 1-603-892-6283

◆ ◆ ◆ ◆ ◆ ◆ ◆ ◆ ◆ ◆ ◆ ◆ ◆ ◆ ◆ ◆

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: [paul.rasmussen](#)
To: [Karen Edwards](#)
Subject: Re: Request for recommendation
Date: Thursday, April 24, 2025 2:39:41 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,
I recommend Munish Nanda to the Planning Board.
I have met with him and he attended a workshop meeting of the board.
Paul Rasmussen

On Thu, Apr 24, 2025, 14:36 Karen Edwards <kedwards@ci.durham.nh.us> wrote:

Paul,

Munish Nanda has applied to become an alternate member of the Planning Board. Please let me know if you recommend his appointment.

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

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Tel: 603-868-5571

Fax: 603-868-1858

www.ci.durham.nh.us

AGENDA ITEM: **#12A** *TS*

DATE: May 5, 2025

COUNCIL COMMUNICATION

INITIATED BY: Planning Board

AGENDA ITEM: PUBLIC HEARING AND POSSIBLE ADOPTION OF 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.

CC PREPARED BY: Michael Behrendt, Town Planner

PRESENTED BY: Paul Rasmussen, Planning Board Chair
Sally Tobias, Planning Board Vice Chair

AGENDA DESCRIPTION:

Paul Rasmussen and Sally Tobias are presenting this item as Planner Michael Behrendt will not be available for the meeting.

At first reading, Councilor Friedrichs asked that the Public Works Department provide comments about the proposed amendment. Planner Behrendt spoke with Rich Reine, Public Works Director, and he recommends adding this sentence after the proposed new language pertaining to site drainage:

"Measures shall be consistent with the Durham Public Works Design and Construction Standards and the most current version of the New Hampshire Stormwater Manual as applicable."

This addition makes sense. It is simply specifying the method for implementing the best management practices referred to in the new language that we would naturally follow (by coordinating with Public Works on a proposed design). This is not a substantive change and may be incorporated by the Town Council after the public hearing if desired. The

standards would, of course, be applied in a reasonable manner “as applicable” to a particular situation as determined by Public Works.

Thus, the new text under **Section 175-86. Use Regulations.** should read as follows if acceptable to the Town Council:

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. Measures shall be consistent with the Durham Public Works Design and Construction Standards and the most current version of the New Hampshire Stormwater Manual as applicable.

At their meeting on April 21, 2025 the Town Council scheduled a Public Hearing on this item for their meeting of Monday, May 5, 2025. A Public Hearing notice was published in *Foster's/Seacoast Online* on Thursday, April 24, 2025. The notice was also posted at the Town Hall and on the Town Website, as well as at the Durham Public Library and Department of Public Works.

LEGAL AUTHORITY:

RSA 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 #1:

The Durham Town Council does hereby OPEN the Public Hearing on 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.

MOTION #2:

The Durham Town Council does hereby CLOSE the Public Hearing on 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.

MOTION #3:

The Durham Town Council 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.

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.

Proposed new text is shown like this

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

ARTICLE XVI AQUIFER PROTECTION OVERLAY DISTRICT

175-84. Authority and Purpose.

Pursuant to RSA 674:16-21, the Town of Durham adopts an Aquifer Protection Overlay District and accompanying regulations in order to protect, preserve and maintain existing and potential groundwater supplies and related groundwater recharge areas within the town. The objectives of the Aquifer Protection Overlay District are:

- A. To protect the public health and general welfare of the citizens of Durham.
- B. To prevent development and land use practices that could potentially contaminate or reduce the rate of recharge of identified aquifers.
- C. To provide for future growth and development of the town, in accordance with the Master Plan, by ensuring the future availability of safe public and private water supplies.
- D. To permit uses that can appropriately and safely be located in the aquifer recharge areas.

175-84.1 Definitions

The following definitions apply in this overlay district:

Aquifer – A geologic formation, group of formations or part of a formation that is capable of yielding quantities of groundwater usable for municipal or private water supplies. Aquifer includes both bedrock aquifers and stratified drift aquifers.

Aquifer Recharge Area – The area in which water is absorbed that eventually reaches the zone of saturation in one or more aquifers.

Leachable Wastes. Waste materials, including but not limited to solid wastes, sewage sludge and agricultural wastes, that can leach contaminants into the groundwater or surface water resources.

175-85. District Boundaries.

A. *Location.*

1. The Aquifer Protection Overlay District is defined as the area shown on the map entitled "Aquifer Protection District" and is hereby adopted as part of the Official Zoning Map of the Town of Durham. The Aquifer Protection Overlay District includes the area delineated by the 1988-89 United States Geological Survey aquifer delineation studies, as amended or updated, and other site-specific engineering studies.
2. The Aquifer Protection Overlay District is a zoning overlay district which imposes additional requirements and restrictions to those of the underlying district. In all cases, the more restrictive requirements shall apply.

B. *Appeals.*

1. When the actual boundary of the Aquifer Protection Overlay District is in dispute by any landowner or abutter actually affected by said boundary or the location of the boundary is challenged by an applicant, an abutter, a landowner, the Code Enforcement Officer, the Conservation Commission, or the Planning Board, petition shall be made, in writing, by the challenger to the Zoning Administrator. The Zoning Administrator shall engage a Qualified Hydrogeologist to prepare a report addressing the location and extent of the aquifer and recharge area relative to the property in question, and the location of the overlay district boundary. The cost for the review shall be borne by the challenger unless the Planning Board determines that the review is in the general public interest and the cost should therefore be borne by the Town. Any appeals must address a minimum of 5 acres or an entire lot, whichever is lesser in area. This report shall include but not be limited to the following:
 - a. A 2-foot-interval topographic layout prepared by a registered land surveyor of the property(s) in question.
 - b. A high-intensity soils map of the property(s) in question prepared by a Certified Soil Scientist qualified in hydrologic studies, including a written report of the scientist's on-site field inspection and test boring data, for all test borings and test pits taken. The professional seal of the Certified Soil Scientist shall be affixed to all maps and reports submitted.
 - c. The Aquifer Protection Overlay District boundary shall be overlaid on the plat, and the newly proposed boundary location shall be indicated on the same plat by a broken line.
 - d. Evidence derived from a pumping test(s) and a sufficient number of test borings, test pits, observation wells and groundwater elevations to clearly demonstrate that the area in question does not meet the definition of "Aquifer" or "Aquifer Recharge Area" as defined under Article II of this ordinance. All evidence must be gathered in accordance with Section 175-87.
 - e. Any additional mapping, hydrogeologic reports or information which becomes available as a result of recent or ongoing scientific investigation(s) of the locations and extent of aquifers performed by this United States Geological Survey, New Hampshire State agencies or boards, the Town of Durham or agents of any of the above.
2. The Planning Board may, based upon any findings or reports submitted under this section, recommend to the Town Council of the Town of Durham that the boundary or area designation of the Aquifer Protection Overlay District be adjusted to more correctly define the aquifer(s) and recharge area(s) on a site-specific, case-by-case basis. In all cases the burden of proof shall rest with the applicant or property owner.

175-86. Use Regulations.

- A. ***Minimum lot size.*** The minimum lot size shall be governed by the dimensional controls outlined in the applicable zoning district.

- B. **Maximum lot coverage.** Within the Aquifer Protection Overlay District, no more than 20 percent of a lot used for residential or commercial purposes shall be rendered impervious to groundwater infiltration.
- 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. Measures shall be consistent with the Durham Public Works Design and Construction Standards and the most current version of the New Hampshire Stormwater Manual as applicable.*
- D. **Use of deicing chemicals.** There shall be minimal use of road salt or other deicing chemicals on all public and private roads and parking lots within the district. These chemicals shall be free of sodium and chloride to the greatest extent possible.
- E. **Prohibited uses.** The following uses shall not be permitted in the Aquifer Protection Overlay District, except where permitted to continue as a nonconforming use as allowed by 175-86.G.:
 - 1. Disposal of all solid waste either by stockpiling, landfilling or through injection wells that disposes waste into the ground.
 - 2. All on-site handling, disposal, storage, processing or recycling of toxic or hazardous materials.
 - 3. Disposal of liquid or leachable wastes from all residential, commercial or industrial systems.
 - 4. Subsurface storage of petroleum and other refined petroleum products.
 - 5. All industrial uses.
 - 6. Storage of road salt and other deicing chemicals.
 - 7. Dumping of snow containing deicing chemicals brought from outside of the Aquifer Protection Overlay District.
 - 8. Commercial animal feedlots where animals are kept.
 - 9. Automotive service and repair shops, and junk- and salvage yards.
 - 10. Mining of land, unless it is incidental to a permitted use; sand and gravel excavation and other mining that is permitted, provided that such excavation or mining is not carried out within 8 vertical feet of the seasonal high-water table and that periodic inspections are made by the planning staff or its agent to determine compliance.
 - 11. Dumping, spreading or any other application or use of treated soils or sludge from a sewage treatment plant.

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.~~
2. Maintenance and repair of any existing structure in conformance with the regulations of this Article.
3. Farming, gardening, nursery, forestry, harvesting, grazing and recreational uses, provided that fertilizers, pesticides and other management practices are deemed safe by the Strafford County Conservation District. These uses of land in the Aquifer Protection Overlay District must not cause groundwater contamination that is deemed harmful to the aquifer, as determined by the Town of Durham and its consultants.

G. ***Nonconforming uses.*** Any nonconforming use may continue and may be maintained and repaired, unless such use is determined by the Town Council or the Health Officer to be a potential hazard to water quality within the underlying aquifer or to public health and safety.

175-87. Hydrogeologic Study.

Within the Aquifer Protection Overlay District, a hydrogeologic study shall be required for any proposal for a conservation subdivision or for any development that requires site plan review and for all appeals of the District boundaries pursuant to Section 175-85.B.

A. ***Standards.*** Hydrogeologic studies shall be performed by a Qualified Hydrogeologist. These studies shall be sufficiently detailed to evaluate the development's impacts to groundwater within the parcel to be developed and the surrounding land. All hydrogeologic studies shall include at least the following:

1. An adequate number of subsurface borings in order to determine the site geology and stratigraphy. Boring requirements are as follows:
 - a. For sites up to 30 acres, the parcel shall contain a minimum of 1 boring per 3 acres, with a minimum of 3 borings for a site. For sites greater than 30 acres, additional borings of at least 1 per 10 acres are required.
 - b. At least 20 percent of the borings shall be sampled utilizing the split-spoon sampling technique.
 - c. Not less than 25 percent of the borings but at least 1 boring shall be dug to bedrock.
2. Identification of water table contours and groundwater flow directions, with water table measurements using a series of shallow observation wells screened at the water table. The number of observation wells required shall be the same as the number of borings required.
3. Water quality sampling and analysis to determine existing conditions, measuring the following parameters: nitrate-nitrogen (NO₃-N), ammonia-nitrogen (NH₃-N), pH and specific conductance. An analysis of at least the following additional parameters shall be conducted on one strategically selected sample: arsenic, radon, sodium, chloride, iron, manganese, copper, lead, and mercury.

4. An analysis of cumulative impact nitrogen loading employing a saturation build-out model. The analysis shall include verification that the development will not cause the nitrate-nitrogen (NO₃-N) concentration to exceed 5 milligrams per liter in the groundwater at the down-gradient property boundary.

175-88. Design and Performance Standards.

- A. **Nitrate loading.** No development shall cause the nitrate-nitrogen (NO₃-N) concentration to exceed 5 milligrams per liter in the groundwater beyond the site.
- B. **Safeguards.** Provision shall be made to protect against toxic or hazardous material discharge or loss resulting from corrosion, accidental damage, spillage or vandalism through measures such as spill control provisions in the vicinity of chemical- or fuel-delivery points, secured storage areas for toxic or hazardous materials and indoor storage provisions for corrodible or dissolvable materials. For operations which allow the evaporation of toxic or hazardous materials into the interior of any structure, a closed vapor recovery system shall be provided for each such structure to prevent discharge of contaminated condensate into the groundwater.
- C. **Location.** Where the premises are partially outside of the Aquifer Protection Overlay District, potential pollution sources such as on-site waste-disposal systems shall be located outside and down gradient of the Aquifer Protection Overlay District to the extent feasible.

175-89. Conditional Use Permit Required.

The provisions of the Aquifer Protection Overlay District shall be administered by Zoning Administrator together with the planning staff and the Durham Town Council. All development proposals shall require a Conditional Use Permit pursuant to Article VII of this ordinance if located in the Aquifer Protection Overlay, in accordance with the rules and regulations of this chapter. Such review and approval shall precede the issuance of any building permit by the Town of Durham.

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



TOWN OF DURHAM

8 Newmarket Road

Durham, NH 03824

Tel: 603-868-5571

Fax: 603-868-1858

www.ci.durham.nh.us

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

DATE: May 5, 2025

COUNCIL COMMUNICATION

INITIATED BY: Town Council (initiated Zoning Amendment), Planning Board and Durham Housing Task Force

AGENDA ITEM: **FIRST READING ON ORDINANCE #2025-06 AMENDING CHAPTER 175, "ZONING," ARTICLE II, "DEFINITIONS," ARTICLE XII, "BASE ZONING DISTRICTS," SECTION 175-42, "CENTRAL BUSINESS DISTRICT, ARTICLE XII.1, "USE AND DIMENSIONAL STANDARDS," SECTION 175-53, "TABLE OF LAND USES," AND SECTION 175-54, "TABLE OF DIMENSIONS," AND THE ZONING MAP OF THE TOWN CODE TO CREATE TWO NEW CENTRAL BUSINESS ZONING DISTRICTS. THE PUBLIC HEARING CAN BE SET FOR MONDAY, MAY 19, 2025.**

CC PREPARED BY: Michael Behrendt, Town Planner

PRESENTED BY: Paul Rasmussen, Planning Board Chair
Sally Tobias, Planning Board Vice Chair

AGENDA DESCRIPTION:

Paul Rasmussen and Sally Tobias are presenting this item as Planner, Michael Behrendt will not be available to join the meeting.

Earlier presentations. On March 3, Sally Tobias, Planning Board Vice Chair and Chair of the Durham Housing Task Force, presented four initiatives to the Town Council that were proposed by the task force to strengthen the downtown and enhance housing opportunities. The initiatives encompassed three zoning amendments (the one discussed herein plus removing the three-story height limit in a section of the CBD and allowing multi-unit residential in PO, CH, and C), and a proposal related to RSA 79E. The three zoning proposals were presented again to the Town Council on March 17 at which time the Town Council voted to formally initiate all three amendments. The Town Council adopted a new resolution for RSA 79E on April 21.

The Planning Board held a public hearing on this CB-1 and CB-2 proposal on April 23 and then voted unanimously (6-0) to support the amendment. *Note that the board added one item to the Town Council proposal: limiting development in the CB-2 zone to four floors.* In the current Central Business District and the proposed CB-1, the height limit under this ordinance would not change: it would continue to allow a fifth story by conditional use. But in the new CB-2 there would no longer be an allowance for a fifth story by conditional use. Lowering the height makes sense for CB-2, as part of its purpose is to be a transitional zone to the residential neighborhoods. This change is incorporated into the amendment before the Town Council now. (There is a proposed change in the three-story height limit in part of the Central Business District but that is a different amendment.) The Planning Board is holding public hearings on the two other zoning amendments on May 14.

We presented information about this proposal on March 3 and March 17. Some background is presented here again.

Mixed use with residential. The proposal is to allow this use by right in most of the Central Business District. Mixed use with residential is the key use for projects in the Central Business District (commercial on the first floor and residential mainly above). However, the use is allowed by conditional use, which can discourage developers from applying due to the uncertainty of the process.

There is concern about allowing this use by right in the Mill Plaza site due to the potential for developing high density student housing next to the Faculty Road neighborhood. In order to avoid this possibility, the proposal is to separate the Central Business District into Central Business-1, which would encompass all of the district except for Mill Plaza, where the use would be allowed by right, and Central Business-2, including Mill Plaza and a portion of nearby UNH land, where it would remain a conditional use. *(See the map included in the Proposed Amendment.)*

CB-1 and CB-2. The only change to CB-1 from the current Central Business District, other than the name change, would be to allow Mixed Use with Residential by right. The only change to CB-2 from the current Central Business District, other than the name change, would be limiting buildings to four stories. I have conveyed to the owners of Mill Plaza and the UNH Campus Architect about this proposed change and letters were sent to all property owners in the Central Business District about the Planning Board public hearing (required per state law for certain zoning amendments) but did not receive comments from any property owners.

The proposed Central Business-2 also serves as a transition from the traditional downtown character of Central Business-1. Given the difference in character between Mill Plaza and the rest of the current Central Business District, the creation of separate districts will also allow for the CB-2 to be specially tailored in the future for the Mill Plaza site if desired.

Changing the zoning of UNH property will have no impact since UNH is exempt from zoning.

Council Chair Friedman proposed extending the new Central Business-2 District along the northerly side of Mill Road. The Town Council endorsed his presenting this proposal to the Planning Board on the public hearing on April 23, which he did. After some discussion the Planning Board decided to table the suggestion for possible consideration another time.

LEGAL AUTHORITY:

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

LEGAL OPINION:

The Town Attorney stated that she would be comfortable defending the map of the proposed new Central Business District – 2 as presented. Otherwise, the changes are typical amendments made to zoning.

FINANCIAL DETAILS:

It is expected that this change will result in more development in the Central Business District (CB-1) for mixed-use with residential including the creation of new taxable value.

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION:

The Durham Town Council does hereby approve on First Reading Ordinance #2025-06 Amending Chapter 175, "Zoning," Article II, "Definitions," Article XII, "Base Zoning Districts," Section 175-42, "Central Business District, Article XII.1, "Use and Dimensional Standards," Section 175-53, "Table of Land Uses," and Section 175-54, "Table of Dimensions," and the Zoning Map of the Town Code to create two new Central Business Zoning Districts and sets the Public Hearing for Monday, May 19, 2025.

ORDINANCE #2025-06 OF DURHAM, NEW HAMPSHIRE

AMENDING CHAPTER 175, "ZONING," ARTICLE II, "DEFINITIONS," ARTICLE XII, "BASE ZONING DISTRICTS," SECTION 175-42, "CENTRAL BUSINESS DISTRICT, ARTICLE XII.1, "USE AND DIMENSIONAL STANDARDS," SECTION 175-53, "TABLE OF LAND USES," AND SECTION 175-54, "TABLE OF DIMENSIONS," AND THE ZONING MAP OF THE TOWN CODE TO CREATE TWO NEW CENTRAL BUSINESS ZONING DISTRICTS.

WHEREAS, it is desirable for the use Mixed-Use with Residential to be allowed by right rather than by conditional use in most of the Central Business District because it is the primary type of development appropriate in the Central Business District and the conditional use process can be cumbersome; and

WHEREAS, it is desirable to maintain Mixed-Use with Residential as a conditional use at Mill Plaza because of reasonable concerns from the adjacent residential neighborhood about allowing large multi-unit housing with less ability to manage the design for projects allowed by right; and

WHEREAS, separating the Central Business District into a Central Business-1 District and a Central Business-2 District will allow the Town to adjust zoning as appropriate for two very different sections – the main district and Mill Plaza which is not a typical downtown style site; and

WHEREAS, the Durham Downtown Zoning Subcommittee and the Durham Housing Task Force developed this proposed zoning amendment for the purpose of strengthening the downtown and enhancing housing opportunities; and

WHEREAS, the chair of the Housing Task Force presented this zoning amendment along with three other initiatives to the Town Council on March 3 and March 17, 2025; and

WHEREAS, the Town Council voted to initiate this zoning amendment; and

WHEREAS, the Planning Board held a public hearing on this amendment and notified the owners of all land within the Central Business District of the proposal, and voted unanimously to support the amendment; and

WHEREAS, the Town Council held a public hearing on this amendment and enthusiastically supports it as offering a significant boost to much needed new development in the downtown.

NOW, THEREFORE BE IT RESOLVED that the Durham Town Council, the governing body of the Town of Durham, New Hampshire does hereby adopt **Ordinance #2025-06** amending Chapter 175, “Zoning,” Article II, “Definitions,” Article XII, “Base Zoning Districts,” Section 175-42, “Central Business District, Article XII.1, “Use and Dimensional Standards,” Section 175-53, “Table of Land Uses,” and Section 175-54, “Table of Dimensions,” and the Zoning Map of the Town Code to create two new Central Business Zoning Districts.

Proposed new text is shown like this

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

Throughout the ordinance change “Central Business District” to “Central Business Districts,” or “Central Business District(s)” as appropriate, and change grammar accordingly with the change from a singular Central Business District to plural Central Business Districts. In the Table of Contents under Article XII Base Zoning Districts change “Central Business District (CB)” to “Central Business Districts (CB-1 and CB-2).”

❖ Change the definition for “Commercial Core” in **Article II Definitions** to read:

***COMMERCIAL CORE** – The Commercial Core includes six zoning districts: the Central Business-1 District (CB-1), the Central Business-2 District (CB-2), the Church Hill District (CH), the Coe’s Corner District (CC), the Courthouse District (C), and the Professional Office District (PO).*

ARTICLE XII BASE ZONING DISTRICTS

175-42. ~~Central Business District (CB)~~—Central Business-1 District (CB-1) and Central Business-2 District (CB-2)

- A. Central Business-1 District (CB-1) and Central Business-2 District (CB-2)**
Central Business-1 District and Central Business-2 District are two separate zoning districts. However, all of the provisions in this ordinance referred to as “Central Business District(s)” apply to both Central Business-1 District and Central Business-2 District except where otherwise stated.*
- B. Purpose of the Central Business District.** The purpose of the Central Business District is to maintain the mixed-use, pedestrian-oriented character of the downtown area while accommodating new development, redevelopment, and enlargement of existing buildings in a manner that maintains and enhances the small town character of the downtown.*

Downtown Durham should be an attractive and vibrant community and commercial center where desirable residential, retail, office, and other nonresidential growth can occur in a clean, safe, pedestrian-friendly environment. The Central Business District is intended to accommodate a range of uses in a manner that encourages fuller utilization of the limited area of Downtown through denser building construction and modified parking requirements. *The Central Business District is separated into two zoning districts, Central Business-1 District and Central Business-2 District for the purpose of treating aspects of Central Business-2 District that vary from the character of Central Business-1 District differently, in particular the presence of large parking lots on the two sites in CB-2 and the specific character of a shopping plaza on one site and university buildings on the other. Central Business-2 District also functions as a transition zone between the traditional downtown commercial character of Central Business-1 District and the residential neighborhoods situated to the south.*

C. Development Standards in the Central Business District In addition to the dimensional standards, development in the Central Business District shall conform to the following additional requirements:

1. Building Setback – Along the westerly side of Madbury Road from Main Street to Pettee Brook Lane, the front wall of the principal building shall be located no closer than 15 feet to, and no farther than 20 feet from, the front property line. Along the westerly side of Madbury Road from Pettee Brook Lane to Garrison Avenue, the front wall of the principal building shall be located no closer than 20 feet to, and no farther than 30 feet from, the front property line. For corner lots, this requirement shall apply to all frontages abutting a public street. Up to 50 percent of the front façade may be recessed beyond the maximum setback distance if the space between the front wall and the front property line is used as pedestrian area in accordance with paragraph 4. below. The expansion or modification of an existing building shall be exempt from this requirement if the Planning Board finds that conformance with this requirement would not be consistent with the character of the existing building.
2. Pedestrian Area – The area directly in front of the front wall of the building and extending to the front property line shall be maintained as a pedestrian area and shall be improved with appropriate amenities to link the building with the sidewalk and to encourage pedestrian and/or customer use of this space. For corner lots, this provision shall apply only to the frontage on the street with a greater amount of pedestrian traffic.
3. Front Entrance – The front wall of the principal building shall contain a front door providing access to the building for tenants, customers, or other users of the building, unless the Planning Board determines that placement of the front door on another façade is a practical approach and the design of the front façade will engage the street in an effective and attractive manner. If the front wall of the building is located behind the front property line, a paved sidewalk or other appropriate pedestrian way shall be provided from the sidewalk to the front door. This provision shall not be interpreted to prevent the creation of other entrances to the building. For corner lots, this provision shall apply only to the frontage on the street with a greater amount of pedestrian traffic.
4. Storage and Service Areas – All storage and service areas and facilities including dumpsters shall be located to the side or rear of the principal building and shall not be

visible from a public street. Dumpsters and storage areas shall be screened or landscaped in accordance with the provisions of Article XXII and Chapter 118, Article 3, Section 118-18 of the Solid Waste Ordinance.

5. Minimum Building Height – All new principal buildings or additions to existing principal buildings that increase the building footprint by more than 20 percent, shall have a minimum of 2 usable stories or a height equivalent of 2 stories above adjacent grade at the front wall of the building.
6. Maximum number of stories – The maximum number of permitted stories is 4 except as restricted in sections 8 and 9 below. However, the maximum number of permitted stories in the remainder of the district outside of the area covered in sections 8 and 9 below, may be increased to 5 stories subject to all of the following provisions. *This allowance for a fifth story applies in the Central Business-1 District, but not in the Central Business-2 District:*
 - a. Adding a story is permitted by conditional use.
 - b. The provisions regarding percentage of office/retail use apply.
 - c. The additional fifth story must be set back from the first floor as follows:
 - i. by at least 10 feet where any side of the building faces a public street;
 - ii. by at least 20 feet where any side of the building faces Main Street; and
 - iii. by at least 25 feet where any side of the building faces an adjacent lot (not separated by a street) situated in the section of the Central Business District that is restricted to 3 stories (Section 175-42 B. 8. and 9., or as those subsections may be renumbered in the future).

The setback in i. and ii., above, also applies where they may be any intervening street or road that has never been built but which appears on an approved plat or other Town plan.
 - d. The Planning Board must determine that the additional story will not have an adverse impact upon the streetscape, giving particular consideration to scale and mass (See Architectural Regulations for guidance).
 - e. Building height. When an additional story is incorporated under this section the maximum building height is 60 feet.
7. Required office/retail uses for a mixed-use with residential building
 - a. One-story building: A mixed-use with residential use is not allowed in a one-story building.
 - b. Two-story building: The entire first floor must be office/retail.
 - c. Three- or four- story building: The entire first floor must be office/retail. Alternatively, office/retail uses may be located anywhere on the first, second, third, and fourth floors provided: 1) the amount of office/retail equals or exceeds the square footage of the first floor and 2) where the building fronts on a public road, the first floor of the portion of the building facing the road must be office/retail to a depth of at least 50 feet.
 - d. Five-story building: The entire first floor must be office/retail. Also, 1 additional floor (any floor) or an area equal to the square footage of the 1/5 story must be

office/retail. *(See subsection 6., above. A fifth story is not allowed in the Central Business-2 District.)*

- e. For a building where there are distinct sections with a different number of stories and for sites where there are multiple buildings, the required minimum overall office/retail gross square footage is determined by the sum of the minimum office/retail area required by each distinct section, or by each separate building, using the required office retail space specified above. For these sites, the disposition of office/retail and residential space on the site is flexible provided the minimum overall amount of office/retail required is included and the Planning Board determines that the configuration of the building and its uses meets the intent of this subsection 7.
 - f. Outdoor public use areas. Outdoor space on the subject property that is dedicated in perpetuity to public use may be used to meet the office/retail square footage requirement on a one-to-one basis provided that: a) the Planning Board determines that the design, location, management, and other aspects of the space will add a significant public amenity to the project; and b) the outdoor space may be used to meet a maximum of 50 percent of the overall required office/retail square footage.
8. Maximum Height of Mixed-Use Buildings, Section of Main Street – No building in the Central Business District on any lot with frontage along either side of Main Street, from and including Tax Map 109, Lot 104 (A-E) to the easterly boundary of the district, shall exceed 3 stories. This provision specifically includes the following properties: Tax Map 109, Lot 104 (A-E); Tax Map 109, Lot 106; Tax Map 109, Lot 107; Tax Map 109, Lot 108; Tax Map 109, Lot 109; Tax Map 109, Lot 110; Tax Map 108, Lot 18; Tax Map 108, Lot 19; Tax Map 109, Lot 3; Tax Map 109, Lot 2; Tax Map 109, Lot 1; Tax Map 108, Lot 17; Tax Map 108, Lot 16; Tax Map 108, Lot 15; Tax Map 108, Lot 14; and Tax Map 108, Lot 13.
 9. Maximum Height of Mixed-Use Buildings, Madbury Road – No building in the Central Business District on any lot with frontage along Madbury Road shall exceed 3 stories. This provision specifically includes the following properties: Tax Map 2, Lot 12-0; Tax Map 106, Lot 48; Tax Map 106, Lot 49; Tax Map 106, Lot 44; Tax Map 108, Lot 19; Tax Map 106, Lot 40; Tax Map 106, Lot 39; Tax Map 106, Lot 66; and Tax Map 108, Lot 20.
 10. Number of bedrooms – There shall be a maximum of 2 bedrooms in any dwelling unit within a mixed use with residential building or development.

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

175-53 TABLE OF USES (only relevant pages)

CATEGORY OF USES	RESIDENTIAL ZONES				COMMERCIAL CORE ZONES					RESEARCH-INDUSTRY ZONES			
	Rural (R)	Residence A (RA)	Residence B (RB)	Residence C (RC)	Central Business (CB) -(CB-1 and CB-2) See Note 4	Professional Office (PO)	Church Hill (CH)	Courthouse (C)	Coe' s Corner (CC)	Office Research - Route 108 (OR)	Mixed Use and Office Research (MUDOR)	Office Research Light Industry (ORLI)	Durham Business Park (DBP)
I. NATURAL RESOURCE USES													
Principal Uses													
Conservation activities	P	P	P	P	P	P	P	P	P	P	P	P	P
Excavation and/or mining	CU	X	X	X	X	X	X	X	X	X	X	X	X
II. AGRICULTURAL USES (See Article XX.1)													
Principal Uses													
Agricultural Sales, Commercial	P	SE	SE	P	P	P	P	P	P	P	P	P	P
Aquaculture	P	X	X	SE	X	X	X	X	P	P	P	P	P
Bees, keeping of	P	X	X	SE	P ³	P	P	P	P	P	P	P	P
Crop Cultivation	P	P	P	P	P	P	P	P	P	P	P	P	P
Farmers' Market	SE	X	X	SE	P	P	P	P	P	P	P	P	P
Forestry	P	P	P	P	P	P	P	P	P	P	P	P	P
Fur-bearing animals, keeping of	P ²	X	X	X	X	X	X	X	X	P ²	P ²	P ²	P ²
Goats and sheep, keeping of	P ²	X	X	SE ²	X	X	X	X	P ²	P ²	P ²	P ²	P ²

[illegible]

Notes

1. For the use “Mixed use with residential (office/retail down, multi-unit residential up),” see the definition. The layout of uses within the building or lot may also be specified by zone in Article XII, including some flexibility allowed by conditional use in the Central Business District under Development Standards
2. The use is permitted only on lots of 3 acres or greater. Roosters are permitted only in the Rural District.
3. In the Central Business District the use is permitted only on rooftops.
- 4. All uses under Central Business District (CB) apply to both Central Business-1 District (CB-1) and Central Business-2 District (CB-2) except where otherwise noted.*
- 5. Mixed use with residential is P in CB-1 and CU in CB-2*

175-54. TABLE OF DIMENSIONS.

Table 175-54, Table of Dimensions shows the dimensional requirements that apply to buildings and structures in the various zones.

TABLE 175-54 TABLE OF DIMENSIONS

STANDARD	ZONING DISTRICTS														
	Residence A (RA)	Residence B (RB)	Residence C (RC)	Rural (R)	Central Business (CB) (CB-1 and CB-2)	Professional Office (PO)	Church Hill (CH)	Courthouse (C)	Coe’ s Corner (CC)	OR-Route 108 (OR)	Mixed Use and Office Res. (MUDOR)	Office, Research Light Ind. (ORLI.)	Durham Business Park (DBP)	Attainable Housing Overlay District (AHOD)	
Minimum Lot Size in Square Feet - Single-Family Residence (that is not part of a Conservation Subdivision) - Multi-unit Housing - Allowed Nonresidential Use - Any Other Allowed Use	20,000	40,000	150,000	150,000	NA	10,000	5,000	5,000	30,000	40,000	40,000	150,000	40,000	NA	
	NA	NA	NA	NA	5,000	10,000	5,000	5,000	30,000	80,000	40,000	150,000	40,000	5,000	
	20,000	40,000	150,000	150,000	5,000	10,000	5,000	5,000	30,000	80,000	40,000	150,000	40,000	5,000	
	20,000	40,000	150,000	150,000	5,000	10,000	5,000	5,000	30,000	80,000	40,000	150,000	40,000	5,000	
Minimum Lot Area Per Dwelling Unit³ in Square Feet	20,000	40,000	150,000 ²	150,000 ²	NA	3,000	4,200	4,200	4,200	4,200	40,000	150,000	20,000	4,200 (The density bonus under footnote 3 does not apply in the AHOD)	
Minimum Usable Area Per Dwelling Unit in a Conservation Subdivision³ in Square Feet	20,000	40,000	150,000	150,000	1,200	3,000	4,200	4,200	4,200	4,200	40,000	150,000	NA	NA	

STANDARD	ZONING DISTRICTS													Attainable Housing Overlay District (AHOD)
	Residence A (RA)	Residence B (RB)	Residence C (RC)	Rural (R)	Central Business (CB) (CB-1 and CB-2)	Professional Office (PO)	Church Hill (CH)	Courthouse (C)	Coe' s Corner (CC)	OR-Route 108 (OR)	Mixed Use and Office Res. (MUDOR)	Office, Research Light Ind. (ORLI.)	Durham Business Park (DBP)	
Minimum Lot Frontage in Feet - Minor Street - Collector Street - Arterial Street	100	150	300	300	50	100	50	50	100	50 100 200	100 100 200	150	150	50
Minimum Front Setback in Feet - Minor Street ¹ - Collector Street - Arterial Street	30 30 40	30 30 40	30 30 40	30 30 40	None – except per Note 5	30 30 50	15 15 15	15 15 15	30 30 50	50 50 See Note 6	30 30 100	30 30 50	30 30 50	50 50 50
Maximum Front Setback in Feet	NA	NA	NA	NA	See Note 5	NA	NA	25	NA	NA	NA	NA	NA	NA
Minimum Side Setback ⁴ in Feet	10	20	50	50	NA	15	5	10	15	25	20	20	20	25
Minimum Rear Setback ⁴ in Feet	20	30	50	50	NA	20	15	15	20	25	20	20	20	25
Minimum Shoreland Shore frontage in Feet	200	200	200	200										See underlying zone
Maximum Permitted Building Height in Feet	30	30	30	30	30	30	30	30	30	50	40	40	40	NA – See AHOD ordinance
Maximum Permitted Building Height in Feet by Special Exception in the Four Residential Zones and by Conditional Use in Other Zones.	35	35	35	35	60 See Note 7	35	35	35	35	75	50	50	50	NA – See AHOD ordinance
Maximum Impervious Surface Ratio	33%	30%	20%	20%	100%	50%	80%	80%	30%	50 %	50%	50%	50%	50%

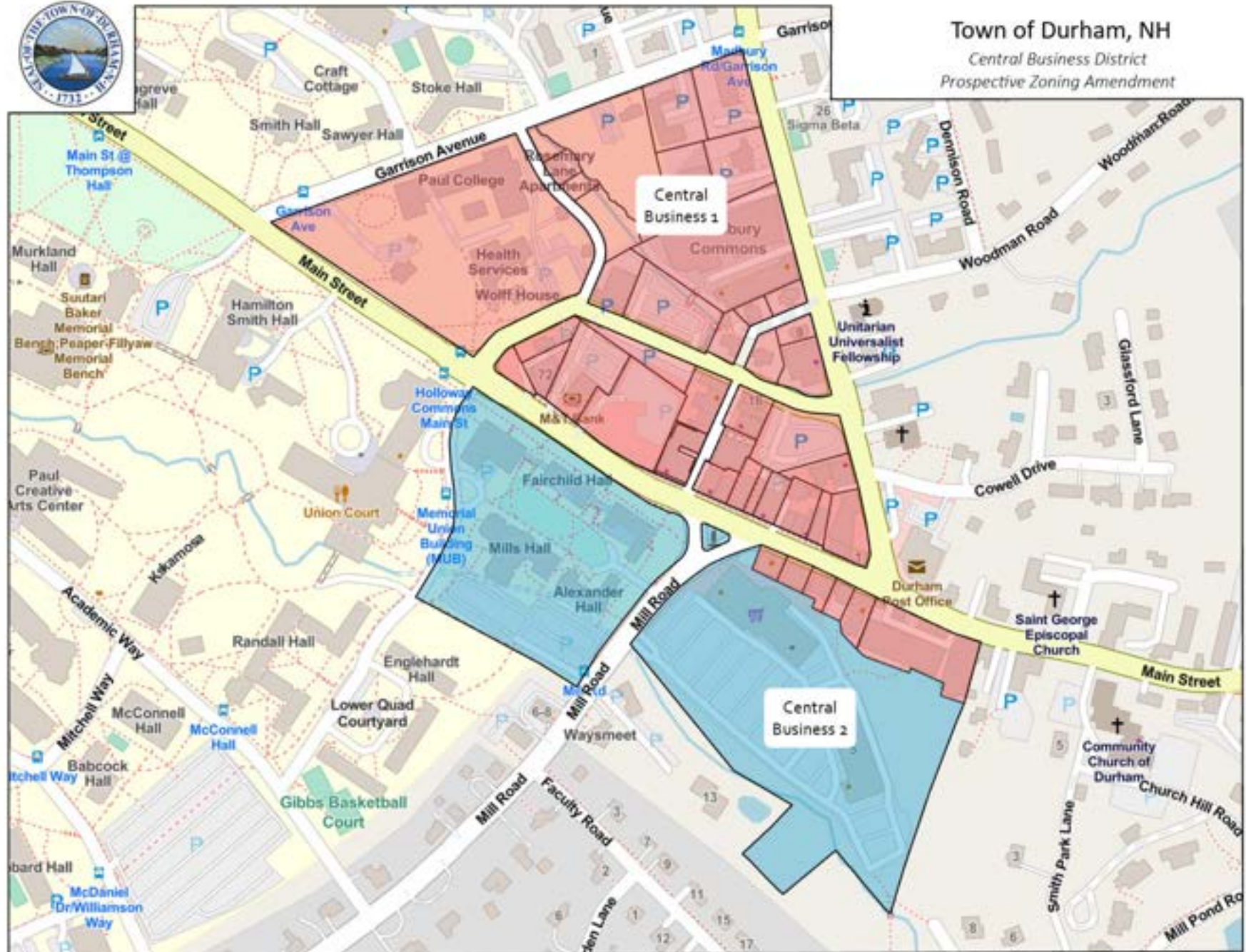
CHANGES TO THE ZONING MAP

- Rezone all of the existing Central Business District, except for the Mill Plaza lot, Map 109, Lot 3 and the Main Street island, Map 109, Lot 103, from Central Business District (CB) to a new zone - Central Business-1 District (CB-1).
- Rezone the Mill Plaza lot, Map 109, Lot 3 from Central Business District (CB) to a new zone - Central Business-2 District (CB-2).
- Rezone the small parcel on the island between Main Street and Mill Road, Map 109, Lot 103, owned by the Town of Durham, from Central Business District (CB) to a new zone – Central Business-2 District (CB-2).
- Rezone this parcel of land owned by the University of New Hampshire from Residence A (RA) to a new zone - Central Business-2 District (CB-2): land bound on the easterly side by the westerly right of way of Mill Road, on the northerly side by the southerly right of way of Main Street, on the westerly side by the centerline of the Quad Way right of way, and on the southerly side by a line commencing at the intersection of the westerly right of way of Mill Road and the easterly corner of Map 109, Lot 102, thence extending in a westerly direction along the northerly side lot line of Map 109, Lot 102, thence extending in a straight line to the centerline of the Quad Way right of way.



Town of Durham, NH

Central Business District
Prospective Zoning Amendment





TOWN OF DURHAM

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

AGENDA ITEM: **#12C** *TS*

DATE: May 5, 2025

COUNCIL COMMUNICATION

INITIATED BY: Todd I. Selig, Administrator

AGENDA ITEM: CONTINUED DISCUSSION AND FEEDBACK TO THE ADMINISTRATOR REGARDING CHANGES TO THE LAW ENFORCEMENT SERVICES AGREEMENT BETWEEN UNH AND THE TOWN OF DURHAM.

CC PREPARED BY: Karen Edwards, Administrative Assistant

PRESENTED BY: Todd I. Selig, Administrator

AGENDA DESCRIPTION:

The most recent iteration of Law Enforcement Services Agreement between Durham and UNH dates back to 2002 and has served both the town and the university well. With changes in several key administrative positions at UNH and after considering recommendations from the Free Speech and Expression working group that President Elizabeth Chilton convened in Fall 2024, Administrator Selig, Police Chief Kelley, President Chilton, UNH Chief of Staff Tom Cronin, and UNH Vice President for Finance and Administration Aaron Howell met and determined that some minor, non-substantive changes within the agreement would add clarity to the reporting structure at the University that oversees the operations of the UNH Police Department. Administrator Selig had shared some previous planned changes with the Council on March 17, 2025. Based upon Council feedback at that meeting, several additional changes were implemented.

Attached for Council review and feedback is a draft revision dated 4/22/25 outlining amendments to the agreement. In the interest of transparency concerning important public policy, Administrator Selig believed it appropriate to seek Council feedback prior to his finalizing and executing the agreement with UNH.

LEGAL AUTHORITY:
N/A

LEGAL OPINION:
N/A

FINANCIAL DETAILS:
N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

No formal action required. Hold question and answer discussion, if desired.

DRAFT PROPOSED AMENDMENTS

4.22.25

The Town of Durham, New Hampshire

And

University System of New Hampshire
University of New Hampshire
Durham Campus

Law Enforcement Services Agreement

Purpose

The University System of New Hampshire Board of Trustees ~~has, through the UNH Chancellor,~~ delegated to the President of the University of New Hampshire (~~"UNH" or "University"~~) the responsibility to ensure ~~for~~ the safety and security of the University. Police Officers are employed for the purpose of law enforcement and security of the students, faculty, staff and visitors.

The Town of Durham, New Hampshire (~~"the Town"~~) and through its Chief of Police, agrees to provide police appointments to designated members of the ~~University of New Hampshire~~ UNH Police Department, provided that such members have passed all of the requirements for appointment including training. All persons so appointed shall have the same police powers consistent with every other police appointment made by the Town's ~~of Durham, New Hampshire~~ Chief of Police as defined by this agreement with the understanding that said appointments are for UNH only and confer no right of ~~continued~~ employment with the Town.

It is understood that the Town ~~of Durham, New Hampshire~~ and ~~the University of New Hampshire~~ UNH each recognize that the citizens of the Town ~~of Durham~~ should not be burdened with providing law enforcement services to the University community without adequate compensation. Therefore, ~~the University of New Hampshire~~ UNH agrees to assume the responsibility of law enforcement on all ~~University of New Hampshire~~ University property within the Town ~~of Durham, New Hampshire~~ subject to the ~~command authorization~~ of the Town's Police Chief. ~~The University of New Hampshire~~ UNH recognizes pursuant to New Hampshire ~~statute R.S.A. ch. 105~~ that the Town of Durham Police Chief is the chief law enforcement officer within the Town of Durham.

Authority of the President of the University

~~The President of the University is primarily responsible for the safety of the students, faculty, staff, and property of the University. The President, or appropriate designee, shall appoint and manage the Chief of the UNH Police Department, who will serve as the #University's chief law enforcement officer. Notwithstanding NH R.S.A. 105, the President, or appropriate designee, is responsible for providing general operational direction to the UNH Police Department. The #University shall maintain policies to provide responsive, unbiased, and thorough investigations of citizen complaints and department-initiated internal investigations. UNH may promulgate and enforce employment standards and policies for UNH Police Officers that exceed the requirements of the Town of Durham and this agreement.~~

Commented [MOU1]: We'd original changed this to authority, proposing authorization as suggested by the council.

Commented [MOU2]: Adding this specific reference, let me know if you'd suggest a specific subsection (or different RSA altogether).

Commented [MOU3]: Is this helpful? It may work to address some confusion, particularly with RSA 105:2a

Commented [KM4R3]: Let's discuss before you send these to the town

Commented [KM5R3]: Recommend deleting "Notwithstanding NH RSA 105". The statute doesn't address the authority of the UNH President or UNH Chief of Police

Commented [MOU6]: Added this in response to a council concern, adapted the language from the PD website.

DRAFT PROPOSED AMENDMENTS

4.22.25

Appointment of Police Officers for the University of New Hampshire

The Town of Durham, New Hampshire shall, upon request of the University of New Hampshire UNH Chief Law Enforcement Officer of Police, or his/her designee, provide police appointments to those persons so designated by the University to serve as police officers for the University of New Hampshire UNH Police Department. All persons whose names are submitted for appointment shall be subject to and conform to all relevant administrative rules and regulations of the New Hampshire Police Standards and Training Council.

UNH police officers are employees of the University and subject to personnel policies promulgated by the University System of NH and the University. This agreement does not create a joint employer relationship with the Town of Durham, and UNH police officers shall have no right to employment by the Town of Durham by virtue of police appointment authorized by the Town.

The Town of Durham Police Chief shall have the right to immediately suspend without hearing the Town's grant of appointment pending a hearing and may permanently terminate after notice and the opportunity to be heard, the police appointment of any University of New Hampshire UNH police officer, except that said termination shall only be after a presentation of reasons to the UNH Chief Law Enforcement Officer for the University of New Hampshire of Police, including violations of N.H. Administrative Code Pol 402.02. The decision of the Durham Police Chief shall be final and binding upon the University.

Commented [MOU7]: Added this reference at the suggestion of the council. Open to suggestions if it should be placed elsewhere.

Police Authority

Generally, and by virtue of their police appointments by the Town of Durham Police Chief, University of New Hampshire UNH police officers shall have law enforcement authority within the Town of Durham without limitation, except as hereinafter provided.

Exercise of Police Authority/University of New Hampshire

Police Officers employed by the Durham Police Department shall defer from exercising their law enforcement authority on University of New Hampshire UNH ways and properties except when violations of law occur in their presence, when in pursuit of a law violator or suspected law violator, when conducting criminal investigations, when requested to do so by a University UNH Police official, or in all other situations when the safety and/or welfare of the public require immediate law enforcement action. The terms expressed herein shall not be interpreted as limiting in any way the statutory authority of the Durham Police Department or any of its officers.

Special Details

Necessary traffic control or direction that may be required upon ways maintained by the Town of Durham arising prior to, during or immediately following an event sponsored by or held at the University of New Hampshire UNH shall be the responsibility of the Durham Police Department unless it has specifically requested the University of New Hampshire UNH Police Department to assume said traffic responsibilities. The only exception shall be for those events outlined in the December 24, 1996 Durham Special Event – Whittemore Center Procedure.

DRAFT PROPOSED AMENDMENTS

4.22.25

The assignment of personnel inside the Whittemore Center, Field House, ~~Cowell-Wildcat~~ Stadium, the Memorial Union Building, and all other campus locations will be the responsibility of the ~~University of New Hampshire~~UNH Police Department. Durham Police Department members may be used in this capacity at the request of the ~~University of New Hampshire~~UNH Police. The ~~University of New Hampshire~~UNH Police Department will coordinate operational plans with the Town of Durham Police Department when major events that may have an impact on the Durham community are anticipated. ~~The only event excepted from the above shall be the Town of Durham Fourth of July celebration, held annually at Cowell Stadium.~~

Reporting of Campus Crime and Arrests to the Town of Durham

It is recognized that the ~~University of New Hampshire~~UNH Police Department houses, maintains and operates a law enforcement computer system. All ~~University of New Hampshire~~UNH Police Department ~~and~~ crime and arrest data is available 24 hours a day for review by the Town of Durham Police Department and vice versa.

The Town of Durham Police Department agrees to provide access to its record system so that the ~~University of New Hampshire~~UNH Police Department can correlate crime and arrest data as may be necessary to fulfill the University's requirement to report under the Federal Campus Crime and Clery Acts.

Mutual Aid Agreements

The ~~University of New Hampshire~~UNH Police Department may enter into ~~a~~ Mutual Aid Agreement as defined in RSA 105:13 only with the express written agreement of the Town of Durham Police Chief. Any such agreement must include language to the effect that the cooperating town will assume all responsibility of any kind for the participation of UNH Police Officers. Copies of Mutual Aid Agreements shall be sent to the Town of Durham Chief of Police ~~for his/her file.~~

University Police Department Policies and Procedures

The ~~University of New Hampshire~~UNH Police Department desires to maintain an agency that is committed to excellence and will, as a condition precedent to the continuation of this agreement, maintain their CALEA accreditation status as obtained in 2007.

Training of University Police Department Members

The ~~University~~UNH Police Department agrees to comply with all administrative rules and regulations of the New Hampshire Police Standards and Training Council. Records of compliance shall be kept at the ~~University~~UNH Police Department and copies shall be provided to the Chief of the Durham Police Department upon request.

Indemnifications of the Town of Durham for Actions of University Police Officers

~~UNH The University of New Hampshire~~ agrees to carry liability insurance for members of the ~~University~~UNH Police Department ~~and~~ ~~The University of New Hampshire~~ agrees to add the Town of Durham as additional insured to the policy.

DRAFT PROPOSED AMENDMENTS

4.22.25

~~The University~~UNH shall completely and fully indemnify and hold harmless the Town of Durham from any and all causes of action; including but not limited to negligent hiring, retention, training, discipline and any other acts of negligence or omission on the part of any ~~University-UNH~~ Police Officer while acting in their official capacity, regardless of where said acts may occur within the Town of Durham or while on assignment outside of the Town of Durham acting pursuant to a valid mutual aid agreement as herein above defined except to the extent that the actions of the ~~University-UNH~~ Police Officer were ~~proper and legal acting done~~ under the direction of the Town of Durham Police Department in rendering mutual aid or any similar form of assistance to the Town of Durham's Police Department.

Specifically, by agreeing to fully and completely indemnify the Town, ~~UNH the University~~ is agreeing not only to satisfy any judgments or settlements against the Town as a result of any action brought against the Town as a result of any action or inaction of a UNH Police Officer, but also to reimburse the Town for any and all expenses reasonably incurred by it, including but not limited to attorney's fees, reasonable costs of defense in preparation of the Town's employees and any other reasonable costs. ~~The University~~UNH specifically agrees that the Town retains the right to use its own attorneys to defend any separate claim against the Town if it so chooses or to protect its interest.

Mutual Understanding

~~The University of New Hampshire~~UNH and the Town of Durham agree that the primary duty and obligation of each of their respective law enforcement agencies is to provide professional law enforcement protection services within their primary geographical areas as herein above defined, and further, that each shall comply, where practicable, with request for assistance from the other. It is understood by each party to this agreement that such requests are voluntary, but in no instance shall such requests be unreasonably withheld. Durham and UNH ~~P~~police personnel shall be provided with radio frequencies that allow monitoring of each other's activity. Whenever a police unit finds it necessary to take enforcement action/s within the boundaries of the other's jurisdiction the ~~on~~ ~~duty-on-duty~~ Supervisor shall be notified as soon as reasonably possible and request assistance if necessary.

The parties agree that consistency and uniformity of law enforcement within the entire Durham community is paramount in spite of the fact that there are two separate police departments operating within the community. Accordingly, the Town of Durham and ~~the University of New Hampshire~~UNH recognize, affirm, and agree that their approach to law enforcement will not be altered or abridged by virtue of the fact that the University population is primarily students, faculty and staff of ~~the University of New Hampshire~~UNH or as a result of the fact that the ~~University of New Hampshire~~UNH Police may provide additional security services or other services to the campus residents and the University administration beyond what a municipal police officer might normally provide.

Should a court of competent jurisdiction deem any portion of this agreement void, then all remaining parts hereof shall remain in effect.

The term of this agreement will remain in full force and effect until amended or terminated in writing with (6) six months notice by authorized representatives of the University of New Hampshire and the

DRAFT PROPOSED AMENDMENTS

4.22.25

Town of Durham. The Town may terminate this agreement with 60 days notice if ~~the University of New Hampshire~~UNH fails to comply ~~both~~ with both the letter and spirit of this agreement.

Signed on this _____ day of _____.

Elizabeth S. Chilton
President, University of New Hampshire

Todd I. Selig
Administrator, Town of Durham

~~Paul H~~Steven P. Lee-Dean
Interim-UNH Chief of Police

Rene Kelley
Durham Chief of Police



TOWN OF DURHAM

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

AGENDA ITEM: **#12D** *TS*

DATE: May 5, 2025

COUNCIL COMMUNICATION

INITIATED BY: Durham Town Council

AGENDA ITEM: CONTINUED DISCUSSION REGARDING THE DEVELOPMENT OF
TOWN COUNCIL GOALS FOR FY 2025/26

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 process for the development of goals for the upcoming year. At the April 21, 2025 Town Council meeting, the Council was presented with a draft document including the Administrator and Council members' suggestions for changes to the goals.

Administrator Selig has tried to streamline the working draft into a document that captures Councilor suggestions to date while improving clarity and readability. The new format is designed with ease of quarterly reporting in mind. It also integrates Councilor Lund's ranking methodology, which the Council can review and modify as needed.

LEGAL AUTHORITY:

N/A

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

No formal motion is required. Continue discussion and work toward adopting a final list of Council goals for FY 2025/26.

2025/26 Town Council Goals

Working Draft

4/24/25

Mission

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

Core Values

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

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

- A. Advance key DPW infrastructure projects and create a publicly accessible progress tracker, updated quarterly.

Timeline: Long-Term | Priority: High

Note: DPW does not routinely track every project in detail so this would represent a new initiative that would require ongoing care and feeding, so to speak. Only major projects tracked in such detail (i.e., Madbury Rd. Complete Streets). We question the utility for the public. Prefer to provide narrative updates as relevant for specific projects as part of Friday Updates, Council goal updates, etc.

Quarterly Progress: Q1: Q2: Q3: Q4:

- B. Finalize the 2025–2030 Climate Action Plan using the UNH Sustainability Fellow program, ensuring reduction strategies to achieve a 42.8% carbon reduction by 2030 are integrated into long-term planning, and actively engage committees and departments in implementation.

Timeline: Short-Term | Priority: High

Quarterly Progress: Q1: Q2: Q3: Q4:

- C. Improve accuracy of the greenhouse gas (GHG) inventory by tracking electric vehicle registrations and heat pump installations, in collaboration with the Town Clerk and Assessor Offices.

Timeline: Short-Term | Priority: High

Quarterly Progress: Q1: Q2: Q3: Q4:

- D. Increase outreach to fill vacant alternate and regular positions on Town boards, committees, and at the polls, ensuring a sufficient and diverse volunteer pool through targeted social media and community engagement.

Timeline: Short-Term | Priority: High

Quarterly Progress: Q1: Q2: Q3: Q4:

- E. Develop and implement a communications plan to expand public awareness of Town services, amenities, and programs.

Timeline: Long-Term | Priority: Medium

Quarterly Progress: Q1: Q2: Q3: Q4:

- F. Continuously assess cybersecurity risks and address vulnerabilities, with a focus on enhancing security at the Wastewater Facility and implementing multifactor authentication for Town employees.

Timeline: Long-Term | Priority: Medium

Quarterly Progress: Q1: Q2: Q3: Q4:

- G. Ensure Councilors use municipal email accounts, and expand availability to Chairs of boards, committees, and commissions.

Timeline: Short-Term | Priority: Low

Note: Should municipal email be required or optional for these individuals?

Quarterly Progress: Q1: Q2: Q3: Q4:

- H. Make Town board, committee, and commission vacancy lists easily accessible to the public, and provide quarterly updates to encourage civic engagement.

Timeline: Short-Term | Priority: Low

Note: Combine with Goal 1-D. A running tally of vacancies currently exists.

Quarterly Progress: Q1: Q2: Q3: Q4:

- I. Organize and promote informal “town hall” meetings or office hours with individual Councilors on a rotating basis to foster relationships with residents and business owners.

Timeline: Long-Term | Priority: Medium

Note: Clarify Councilor roles, attendance, and desired follow-up.

Quarterly Progress: Q1: Q2: Q3: Q4:

Goal 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 2024 Durham Multi-hazard Climate Mitigation Plan and the 2023 Climate Adaptation Chapter of the Master Plan.

Timeline: Long-Term | Priority: High

Quarterly Progress: Q1: Q2: Q3: Q4:

- B. Update long-term feasibility planning with UNH for the future Durham Fire Station capital project (Waterworks Road or B-Lot, as determined), and raise awareness of improvements needed for MacGregor Memorial EMS buildings.

Timeline: Long-Term | Priority: Medium

Quarterly Progress: Q1: Q2: Q3: Q4:

- C. Maintain Durham Police Department national accreditation through CALEA, with cyclical evaluation completion by August 2025 and ongoing compliance thereafter.

Timeline: Short-Term | Priority: High

Quarterly Progress: Q1: Q2: Q3: Q4:

Goal 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 together will strive to hold the municipal tax rate at the 2025 level plus inflation (CPI-U for Boston-Cambridge-Newton, MA-NH) or less, continuing efforts to control spending, enhance revenues, broaden the tax base, and explore innovative ways to stabilize or reduce the municipal tax rate, while accounting for potential increases in expenses, personnel costs, equipment needs, and the recent use of fund balance for property tax relief.

Timeline: Short-Term | Priority: Medium

Note: Councilor Friedrichs recommends replacing "municipal tax rate" with "municipal taxes levied."

Quarterly Progress: Q1: Q2: Q3: Q4:

- B. Continue to thoughtfully develop and adopt ordinance and policy changes that increase availability of a full range of housing options for families and employees, encourage downtown business development, grow the tax base, and apply smart growth principles while considering the future of 66 Main St. and the Pettee Brook parking lots.

Timeline: Short-Term | Priority: High

Quarterly Progress: Q1: Q2: Q3: Q4:

- C. Establish a business development committee or working group to help increase connection and collaboration between the Town and local businesses to help foster a supportive and beneficial atmosphere to increase the desirability and profitability of downtown Durham.

Timeline: Short-Term | Priority: Medium

Comment: Consider instead engaging more actively with the Durham Business Association through active Councilor participation. DBA is working to reinvigorate its efforts/activities.

Quarterly Progress: Q1: Q2: Q3: Q4:

- D. Enhance communication with and support of downtown businesses through collaboration on nationally recognized initiatives intended to drive the public to Durham's small businesses (e.g., Small Business Saturday).

Timeline: Short-Term | Priority: Medium

Quarterly Progress: Q1: Q2: Q3: Q4:

- E. Work toward continued progress with UNH on The Edge at West End project, including the development and adoption of a Planned Unit Development (PUD) Zoning Overlay District, evaluation of infrastructure needs for economic expansion, and exploration of public-public-private opportunities and mixed-use housing.

Timeline: Short-Term | Priority: High

Quarterly Progress: Q1: Q2: Q3: Q4:

- F. Continue to evaluate opportunities for including federally owned properties in Durham (US Post Office and US Fish & Wildlife) as part of other local development projects.

Timeline: Long-Term | Priority: Low

Quarterly Progress: Q1: Q2: Q3: Q4:

- G. Respond to federal or state economic restrictions that impact the Town, acting swiftly to protect essential operations and community services. The Council may issue statements or resolutions as needed.

Timeline: As Needed | Priority: Medium

Quarterly Progress: Q1: Q2: Q3: Q4:

- H. Pursue long-term environmental and economic sustainability and resiliency by updating Town ordinances, such as those on wetlands and shoreline, EV infrastructure, and lighting.

Timeline: Long-Term | Priority: Medium

Quarterly Progress: Q1: Q2: Q3: Q4:

Goal 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 generation per resident through full implementation of a volume-based collection system.

Timeline: Short-Term | Priority: High

Comment: We expect to launch this in the next 12 months.

Quarterly Progress: Q1: Q2: Q3: Q4:

- B. Support public and active transportation alternatives to the automobile and continue taking steps to address downtown multi-modal options.

Timeline: Long-Term | Priority: High

Quarterly Progress: Q1: Q2: Q3: Q4:

- C. Investigate and develop a public-share bike system with local partners, assessing feasibility and funding, and develop a plan of action by April 2026.

Timeline: Long-Term | Priority: Medium

Comment: The Durham market does not support external providers without subsidy; current support is for the UNH Cat Trax program. This item is integrated already with Goal 4-B.

Quarterly Progress: Q1: Q2: Q3: Q4:

- D. Encourage local and residential food production and protect existing farming businesses and infrastructure through supportive policies, ordinance development, and expansion of community gardens.

Timeline: Long-Term | Priority: Medium

Quarterly Progress: Q1: Q2: Q3: Q4:

- E. Explore and develop the concept of a town garden (shared land area rented to residents), building on the success of Wagon Hill Farm and The Meadows, with a plan by April 2026.

Timeline: Long-Term | Priority: Low

Note: Recommend the Community Garden for All partnership approach v. land rental. Potentially incorporate into Goal 4-D.

Quarterly Progress: Q1: Q2: Q3: Q4:

Goal 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. Make all Town operations inclusive of non-binary options.

Timeline: Long-Term | Priority: High

Quarterly Progress: Q1: Q2: Q3: Q4:

- B. Support the recreational, educational, and social needs of residents through Parks & Recreation, Durham Public Library, and social programming for all ages.

Timeline: Long-Term | Priority: Medium

Note: Recommend increasing priority to High.

Quarterly Progress: Q1: Q2: Q3: Q4:

- C. Defend Durham as a welcoming and inclusive community by upholding the mission of the Human Rights Commission.

Timeline: Ongoing | Priority: Medium

Quarterly Progress: Q1: Q2: Q3: Q4:

- D. Ask the Durham Public Library to collect quantitative data about programming and operations, with clarification from the Council on which data are most useful for ongoing evaluation.

Timeline: Long-Term | Priority: Low

Note: The Library would like clarity on what data the Council seeks, as much is already tracked.

Quarterly Progress: Q1: Q2: Q3: Q4:

Goal 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 planning that impacts UNH, the Town, local businesses, and residents.

Timeline: Long-Term | Priority: High

Quarterly Progress: Q1: Q2: Q3: Q4:

- 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.

Timeline: Long-Term | Priority: High

Quarterly Progress: Q1: Q2: Q3: Q4:

- C. Endeavor to establish Durham as an epicenter of off-campus volunteerism and research by UNH students, faculty, and staff.

Timeline: Long-Term | Priority: High

Quarterly Progress: Q1: Q2: Q3: Q4:

- D. Review ongoing changes to federal/state laws and policies in partnership with UNH, ensuring the safety of families, students, and employees of both entities, and forcefully communicate responses and expressions of concern as needed.

Timeline: As Needed | Priority: Medium

Quarterly Progress: Q1: Q2: Q3: Q4:

Goal 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. Develop programming and action steps to prompt widespread community involvement in implementing Durham's Climate Action Plan
Note: Covered already in Goal 1-B;
 - ii. Support the development of a full range of housing types (workforce, seniors, missing middle) to enable more of Durham's workforce to live in town
Note: Covered already in Goal 3-B;

- iii. Promote an expanded and vibrant downtown business mix **Note:**
Covered already in Goals 3-B, 3-C, and 3-D;
- iv. Adopt a complete streets approach to transportation planning;
- v. Update the Zoning Map Pictograph to current zoning and add more definition to boundaries and identifiable reference features.

Timeline: Long-Term | Priority: High

Quarterly Progress: Q1: Q2: Q3: Q4:

- B. Highlight and reward the contributions of community leaders and officials serving on local committees through meetings and social media to increase the attractiveness of civic participation, while respecting those who prefer not to be recognized.

Timeline: Long-Term | Priority: Medium

Quarterly Progress: Q1: Q2: Q3: Q4:

- C. Host a town awards ceremony by April 2026 to honor community leaders, elected officials, and student groups who have elevated Durham.

Timeline: Long-Term | Priority: Low

Note: Appointed/elected member contributions currently recognized annually via Council Resolution. Employee milestones currently recognized. Who will track/coordinate/spearhead this new initiative?

Quarterly Progress: Q1: Q2: Q3: Q4:

Goal 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.~~ **Request the Human Rights Commission monitor federal and state policies that could result in unlawful searches and seizures and help recommend local responses in conjunction with relevant Town departments and the Council.**

Timeline: Long-Term | Priority: High

Comment: The Human Rights Commission is advisory only and has no authority.

Suggest re-write similar to above.

Quarterly Progress: Q1: Q2: Q3: Q4:

- B. Consider establishing a blanket statement of non-compliance with Immigration and Customs Enforcement for the Town and Police Department.

Timeline: As Needed | Priority: High

Comment: This is similar to the sanctuary city initiative the Town Council chose not to pursue in 2018.

Quarterly Progress: Q1: Q2: Q3: Q4:

- C. Establish working relationships with adjacent municipal officials to foster a timely and collaborative regional network.

Timeline: Long-Term | Priority: Low

Comment: Current approach is adequate; who would coordinate new initiative?

Quarterly Progress: Q1: Q2: Q3: Q4:

- D. Establish a reporting procedure to notify the Town Council within 24 hours of Federal Agents operating or attempting to operate within Durham.

Timeline: As Needed | Priority: High

Note: This presumes Durham would be aware of such activity.

Quarterly Progress: Q1: Q2: Q3: Q4:

- E. Reject state attempts to undermine local authority and control through vocal, visible, collaborative opposition and passive non-compliance.

Timeline: As Needed | Priority: High

Note: Would recommend dropping passive non-compliance part of goal.

Quarterly Progress: Q1: Q2: Q3: Q4:

Note: The numerical order of the goals does not imply priority.



TOWN OF DURHAM

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AGENDA ITEM: **#13**
DATE: **May 5, 2025**

COUNCIL COMMUNICATION

INITIATED BY: Durham Town Council

AGENDA ITEM: APPROVE THE TOWN COUNCIL MEETING MINUTES FOR
APRIL 21, 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 21, 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 21, 2025. (as presented/as amended).



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AGENDA ITEM: **#8B & 14** *TS*

DATE: May 5, 2025

COUNCIL COMMUNICATION

INITIATED BY: Integrated Waste Management Advisory Committee

AGENDA ITEM: PRESENTATION BY NELL NEAL, CHAIR OF IWMAC, ON
RESOLUTION #2025-10 ELIMINATING THE PURCHASE OF SINGLE-
USE PLASTIC BAGS AND FOOD SERVICE PRODUCTS AND
STYROFOAM CONTAINERS FOR USE BY THE TOWN OF DURHAM
AND TOWN-SPONSORED EVENTS.

SHALL THE TOWN COUNCIL ADOPT RESOLUTION #2025-10
ELIMINATING THE PURCHASE OF SINGLE-USE PLASTIC BAGS AND
FOOD SERVICE PRODUCTS AND STYROFOAM CONTAINERS FOR
USE BY THE TOWN OF DURHAM AND TOWN-SPONSORED EVENTS?

CC PREPARED BY: Nell Neal and Sally Needell

PRESENTED BY: Nell Neal, Chair of IWMAC

AGENDA DESCRIPTION:

The Integrated Waste Management Advisory Committee was established, in part, to reduce the total amount of solid waste generated in Durham. The committee's purposes include "to develop goals, policies, and procedures that could be proposed to the Town Council, Durham Public Works, or other community organizations to improve sustainability efforts, and to comment on and assist in the development of the town ordinances that support the most cost effective and sustainable practices in regard to waste management such as recycling, composting and landfill disposal."

As part of IWMAC's efforts to reduce the amount of plastic and Styrofoam being added to the Turnkey Landfill, IWMAC encourages residents to refrain from using single-use plastic products and Styrofoam containers, and to choose sustainable products instead. To support this effort, IWMAC is asking the Town of Durham to refrain from using Town monies to purchase single-use plastic bags and food service products and Styrofoam containers for the Town's purposes in its facilities and when holding Town-sponsored events.

LEGAL AUTHORITY:

N/A

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION:

The Durham Town Council does hereby adopt Resolution #2025-10 eliminating the purchase of single-use plastic bags and food service products and Styrofoam containers for use by the Town of Durham and Town-sponsored events.

RESOLUTION #2025-10 DURHAM, NEW HAMPSHIRE

A RESOLUTION CALLING FOR THE ELIMINATION OF THE PURCHASE OF SINGLE-USE PLASTIC BAGS AND FOOD SERVICE PRODUCTS, AND STYROFOAM FOOD CONTAINERS FOR USE BY THE TOWN OF DURHAM AND TOWN-SPONSORED EVENTS

WHEREAS the Town of Durham recognizes that limiting the distribution and subsequent disposal of single-use plastics and Styrofoam through reduction is necessary to protect human health, to preserve the natural environment, and to promote sustainable and ethical practices regarding material waste; and

WHEREAS single-use plastic bags and single-use plastic food service products (water and soda bottles, utensils, food containers, cups, straws, coffee stirrers etc.) are predominantly derived from petroleum; and

WHEREAS single-use Styrofoam containers (cups, food containers) leach chemicals when used for foods that are hot, acidic, or high in fat, causing potential harm. Styrofoam is lightweight and bulky, and currently is not recyclable in Durham; and

WHEREAS plastics and Styrofoam bring us convenience, they also threaten environmental stability and human health. Due to insufficient recycling efficiency, millions of tons of plastic pollutants accumulate in terrestrial and marine environments annually. Plastic threatens wildlife when it is ingested, causes entanglement, and/or disrupts animal habitats, increases pollution, and introduces potentially toxic substances into the environment. Due to their stability, plastics and Styrofoam can spread to multiple locations. They slowly deteriorate, allowing particles to be found in water, groundwater, air, and soil; and

WHEREAS Town monies should not be used to purchase single-use plastics or Styrofoam containers for any Town facility, Town property, Town department or Town-sponsored event; and

WHEREAS reusable and compostable/ Biodegradable Product Institute (BPI) certified products are attainable; and

WHEREAS exceptions are allowed by the Town for items used by emergency responders or human-service non-profit organizations during emergency operations; and

WHEREAS exceptions are allowed for single-use containers brought to Town facilities by Town staff and visitors; and all town departments/vendors may distribute their remaining inventory until depleted; and

WHEREAS exceptions are allowed for products where alternatives are not available; and

WHEREAS the following products may be used: 1. Reusable bags, 2. Single-use compostable/BPI Certified food service products, 3.Trash bags for waste disposal, and 4. Packaging materials required for food safety reasons (such as wrapping around meats, seafood, lettuce mix, or other perishable products) added at the site of the business or a processing facility.

NOW, THEREFORE BE IT RESOLVED that the Durham Town Council, the governing and legislative body of the Town of Durham, New Hampshire, does hereby adopt **Resolution #2025-10** eliminating the purchase and distribution of single-use plastic bags and food service products, and Styrofoam food containers for use by the Town of Durham and at Town-sponsored events.

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