

1 **D-R-A-F-T**

2
3 **DURHAM TOWN COUNCIL**
4 **MONDAY, MAY 1, 2023**
5 **DURHAM TOWN HALL - COUNCIL CHAMBERS**
6 **7:00 PM**
7

8 **MEMBERS PRESENT:** Councilor Joe Friedman, Councilor Emily Friedrichs (who uses the
9 pronouns ze/zir/zirs/zirself and the title Mx. Friedrichs), Councilor Eric
10 Lund, Chair Sally Needell, Chair Pro Tem James (Jim) Lawson,
11 Councilor Wayne Burton, Councilor Carden Welsh, Councilor Charles
12 (Chuck) Hotchkiss, Councilor Eleanor (Ellie) Lonske (participating via
13 Zoom)

14
15 **MEMBERS ABSENT:** None

16
17 **OTHERS PRESENT:** Administrator Todd Selig, Assessor Jim Rice
18
19

20 **I. Call to Order**

21
22 Chair Needell called the meeting to order at 7:00 PM.
23

24 **II. Town Council grants permission for fewer than a majority of Councilors to participate**
25 **remotely**

26
27 Councilor Lonske said she was participating remotely as she is recovering from bronchitis.
28

29 **III. Roll Call of Members**

30
31 Chair Needell asked that Councilors, in addition to stating their names, also state if they grant
32 permission for Councilor Lonske to participate in the meeting via Zoom.
33

34 *Councilor Friedman—Approve, Councilor Friedrichs— Approve, Councilor Lund—*
35 *Approve, Chair Needell— Approve, Chair Pro Tem Lawson—Approve, Councilor Burton—*
36 *Approve, Councilor Carden Welsh--Approve, Councilor Hotchkiss— Approve*
37

38 **IV. Approval of Agenda**

39
40 *Chair Pro Tem Lawson MOVED that Agenda Item #VIII “Administrator and Councilor*
41 *Roundtable” be moved to after the presentation items, since there are several individuals*
42 *present to hear the presentation item regarding the proposed Edge at West End project at the*
43 *University of New Hampshire. The motion was SECONDED by Councilor Welsh and*
44 *PASSED, as amended, unanimously, 9-0, on a roll call vote: Councilor Lonske—Aye,*
45 *Councilor Friedman—Aye, Councilor Friedrichs— Aye, Councilor Lund— Aye, Chair*
46 *Needell— Aye, Chair Pro Tem Lawson—Aye, Councilor Burton— Aye, Councilor Welsh—*
47 *Aye, Councilor Hotchkiss—Aye*
48

49 **V. Special Announcements - None**

1 **VI. Public Comments (*) – Please state your name and address before speaking**

2
3 **William Hall, Smith Park Lane**, raised the matter of taking water from the Lamprey River. He
4 also spoke about the Madbury Road intersection project proposed by NHDOT, noting that most
5 commercial truck traffic goes to UNH, and those trucks are not permitted on Madbury Road. He
6 said if a northern connector were to be put in place, then trucks could easily access the UNH
7 campus. It would also provide commuters to UNH with easier access to the parking lots on
8 campus which currently go down Madbury Road.
9

10 **VII. Approval of Minutes – April 17, 2023**

11
12 Chair Pro Tem Lawson noted that a motion under the presentation item regarding Madbury
13 Road was not reflected in the minutes and offered the following motion to be included under
14 Item #12 on page 10 of the April 17th minutes, before the last paragraph of that item:
15

16 *Councilor Lawson made a MOTION that the Durham Town Council concurs with New*
17 *Hampshire DOT and the Durham Traffic Safety Committee that a roundabout at the*
18 *Madbury Route 4 intersection as presented tonight is the preferred alternative. The motion*
19 *was SECONDED by Councilor Burton and passed unanimously, 8-0, on a roll call vote:*
20 *Councilor Hotchkiss—Aye, Councilor Burton—Aye, Chair Pro Tem Lawson—Aye, Chair*
21 *Needell—Aye, Councilor Lund—Aye, Councilor Friedrichs—Aye, Councilor Friedman—*
22 *Aye, Councilor Welsh—Aye.*
23

24 Page 8, Item X. first paragraph: Councilor Lund confirmed with Councilor Friedman that it was
25 he (Councilor Friedman) and not Councilor Lund who requested that Item #10C. be pulled for
26 discussion/questions. Councilor Friedman concurred.
27

28 *Chair Pro Tem Lawson MOVED to approve the April 17, 2023, Town Council minutes, as*
29 *amended by himself and Councilor Lund. The motion was SECONDED by Councilor Lund*
30 *and PASSED, as amended, unanimously, 9-0, on a roll call vote: Councilor Lonske—Aye,*
31 *Councilor Friedman—Aye, Councilor Friedrichs—Aye, Councilor Lund—Aye, Chair*
32 *Needell—Aye, Chair Pro Tem Lawson—Aye, Councilor Burton—Aye, Councilor Welsh—*
33 *Aye, Councilor Hotchkiss—Aye*
34

35 **IX. Report from the UNH Student Senate External Affairs Chair or Designee**

36
37 Adam Kania, former UNH Student Senate External Affairs Chair, introduced his replacement
38 Olivia Welsh, and MJ Condon who is now the new Student Body Vice President.
39

40 Ms. Welsh said she was formerly the UNH Fraternity and Sorority Life Chair on the Student
41 Senate. She is a Freshman, is from Hooksett, NH, and is a Health Management and Policy major
42 with a sales minor At UNH. Her goals for the upcoming year are to continue to work on
43 improving the relationship between UNH students and Durham citizens, to continue addressing
44 disparities between fraternities and sororities at UNH and working with commuter students to
45 help improve their experiences at UNH.
46

47 Ms. Condon said she is currently a Sophomore and is an Analytical Economic and Statistics
48 double major at UNH. She is originally from Chagrin Falls, Ohio. She noted the activities she is

1 involved with on campus as well as her goals of continuing the work that Adam Kania began
2 while serving as the Student Senate External Affairs Chair.

3
4 **X. Unanimous Consent Agenda (Requires unanimous approval. Individual items may be
5 removed by any councilor for separate discussion and vote)**

6
7 Chair Needell noted that Item #10B is being pulled for discussion/questions. She then read items
8 #10A and #10C for the public and viewing audience.

- 9
10 A. Shall the Town Council, Upon Recommendation of the Administrator, Award the Durham
11 Wastewater Treatment Plant Biosolids Contract from July 1, 2023 Through December 31, 2025
12 to Resource Management, Inc. (RMI) of Holderness, NH in the Amount of \$225.30 per wet ton
13 plus applicable fees, Subject to Yearly Funding, and Authorize the Administrator to Sign the
14 Associated Contract?
15 C. Shall the Town Council, Upon Recommendation of the Administrator, authorize the purchase of
16 a new 2023 Model 2100i Vactor Single Engine Combination Vacuum / Jet Rodder Truck
17 Mounted on a 46,000 LB GVWR International HV607 Chassis from C.N. Wood Enviro., LLC.
18 of Woburn, MA in the amount of \$508,195?

19
20 *Chair Needell MOVED approval of items #10A and #10C, as presented. The motion was*
21 *SECONDED by Councilor Lund and PASSED, unanimously, 9-0, on a roll call vote:*
22 *Councilor Lonske—Aye, Councilor Friedman—Aye, Councilor Friedrichs—Aye, Councilor*
23 *Lund—Aye, Chair Needell—Aye, Chair Pro Tem Lawson—Aye, Councilor Burton—Aye,*
24 *Councilor Welsh—Aye, Councilor Hotchkiss—Aye*

- 25
26 B. Shall the Town Council upon recommendation of the Assessor and consent of the Administrator,
27 approve the included FY 2022 property tax abatement recommendations in the total amount of
28 \$3,008.38?

29
30 Councilor Lund recused himself from discussion and voting on this item and left the table.

31
32 Councilor Friedman referred to the abatement for 3-7 Jenkins Court. He said an item noted is
33 that the property has been neglected for 50 years. Any new use of the property will require
34 major investment and the building holds no value. Councilor Friedman asked if there was any
35 rent coming into that building from any source.

36
37 Assessor Jim Rice responded that there is currently no rent coming into any of the units at that
38 property. The owner is unable to rent due to the water damage. Mr. Rice said when he inspected
39 the building it was very much in disrepair.

40
41 Councilor Friedman noted the denials for the Strafford Avenue properties and that the Assessor
42 is holding firm about those assessments.

43
44 *Chair Pro Tem Lawson MOVED that the Durham Town Council upon recommendation of*
45 *the Assessor and consent of the Administrator, approve the FY 2022 property tax abatement*
46 *recommendations in the total amount of \$3,008.38 pertaining to the properties listed below.*

- 47
48 1. *Eric Lund – 31 Faculty Road - Recommendation: GRANT (for Tax Year 2022). Amount*
49 *of \$241.27 including interest.*

- 1 2. ***McNeil Family Revocable Trust – 44 Colony Cove Road - Recommendation: GRANT***
2 ***(for Tax Year 2022). Amount of \$211.11 including interest.***
- 3 3. ***60 Main Street R.E., LLC – 5-7 Jenkins Court - Recommendation: GRANT (for Tax Year***
4 ***2022). Amount of \$2,556, not including interest due to outstanding taxes owed.***
- 5 4. ***Alpha Gamma Rho Fraternity – 6 Strafford Ave. - Recommendation: NO ACTION (for***
6 ***Tax Year 2022). Based on the recommendation of Durham’s Town Counsel.***
- 7 5. ***Gamma Mu Alumni Association Fraternity – 5 Strafford Ave. - Recommendation: NO***
8 ***ACTION (for Tax Year 2022). Based on the recommendation of Durham’s Town***
9 ***Counsel.***
- 10 6. ***NH Beta Housing, LLC – 28 Madbury Road - Recommendation: NO ACTION (for Tax***
11 ***Year 2022). Based on the recommendation of Durham’s Town Counsel.***
- 12 7. ***Alpha Phi International Fraternity – 8 Strafford Ave. - Recommendation: NO ACTION***
13 ***(for Tax Year 2022). Based on the recommendation of Durham’s Town Counsel.***

14
15 ***The motion was SECONDED by Councilor Hotchkiss and PASSED, unanimously, 8-0, on a***
16 ***roll call vote: Councilor Friedman—Aye, Councilor Friedrichs—Aye, Councilor Lund—***
17 ***Aye, Chair Needell—Aye, Chair Pro Tem Lawson—Aye, Councilor Burton—Aye,***
18 ***Councilor Welsh—Aye, Councilor Hotchkiss—Aye***

19
20 Councilor Lund returned to the table at this time.

21 22 **XI. Committee Appointments**

- 23 A. Shall the Town Council, upon recommendation of the Planning Board Chair, appoint Tom DeCapo,
24 315 Durham Point Road, to fill an Alternate Member vacancy on the Planning Board with a term
25 expiration of April 2026?

26
27 Mr. DeCapo said he was recently retired and has made Durham his principal place of residence.
28 He is looking to become more involved in the community.

29
30 ***Chair Needell MOVED that the Town Council, upon recommendation of the Planning Board***
31 ***Chair, appoint Tom DeCapo, 315 Durham Point Road, to fill an Alternate Member vacancy on***
32 ***the Planning Board with a term expiration of April 2026. The motion was SECONDED by***
33 ***Councilor Friedrichs and PASSED, unanimously, 9-0, on a roll call vote: Councilor***
34 ***Lonske—Aye, Councilor Friedman—Aye, Councilor Friedrichs—Aye, Councilor Lund—***
35 ***Aye, Chair Needell—Aye, Chair Pro Tem Lawson—Aye, Councilor Burton—Aye,***
36 ***Councilor Welsh—Aye, Councilor Hotchkiss—Aye***

- 37
38 B. Shall the Town Council, upon recommendation of the Chair of the Library Board of Trustees,
39 appoint Callie Langton, 14 Ross Road, to fill an Alternate Member vacancy on the Library Board
40 of Trustees with a term expiration of April 2024?

41
42 Ms. Langton thanked the Council for its consideration of her appointment. She said she moved
43 to Durham about a year ago. She is a lifelong reader and book lover and would like to become
44 involved in the community through her service on the Library Board of Trustees.

45
46 ***Chair Needell MOVED that the Town Council, upon recommendation of the Chair of the***
47 ***Library Board of Trustees, appoint Callie Langton, 14 Ross Road, to fill an Alternate Member***
48 ***vacancy on the Library Board of Trustees with a term expiration of April 2024. The motion***
49 ***was SECONDED by Councilor Welsh and PASSED, unanimously, 9-0, on a roll call vote:***

1 *Councilor Lonske—Aye, Councilor Friedman—Aye, Councilor Friedrichs— Aye, Councilor*
2 *Lund— Aye, Chair Needell— Aye, Chair Pro Tem Lawson—Aye, Councilor Burton— Aye,*
3 *Councilor Welsh—Aye, Councilor Hotchkiss—Aye*

4
5 **XII. Presentation Items**

6 A. Presentation by UNH and Durham Police Departments regarding dealing with emergency
7 planning at UNH, in Durham, and within the ORCSD schools.

8
9 Durham Police Chief Rene Kelley began by informing the Council that both the Durham and
10 UNH Police Departments have been doing extensive training and planning together for many
11 years with respect to the handling of emergency situations in the Durham community and on the
12 UNH campus.

13
14 He introduced Deputy Chief David Holmstock, who is the department’s operations commander,
15 and who has written the operations plans for the Durham police.

16
17 Deputy Chief Holmstock provided a brief overview of the training and makeup of how the
18 department prepares for its active shooter response.

19
20 Deputy Chief Holmstock said It starts at the Academy. All officers go through the basic initial
21 levels of training for responding to any type of major crisis, referred to as ICS levels 100-400.
22 At the Academy, officers receive levels 100 and 200. Sergeants and supervisors attend Level
23 300 training for those incidents where the department has pre-planned (i.e., the celebratory riot
24 issues). ICS 400 is a more advanced training dealing with a major crisis and where the
25 department is bringing in other outside agencies. Deputy Chief Holmstock said it also starts with
26 partnerships, not only with the UNH Police but with federal and state partnerships as well.

27
28 Deputy Chief Holmstock noted there were several types of specialized training for officers
29 relative to active shooter and explained each in more detail: ALICE (Alert, Lockdown, Inform,
30 Counter, Evacuate). ALERT (Assure, Look, Employees, Reports and Threat), ALERT ERASE
31 (ALERT Exterior Response to Active Shooter Events (ERASE) Train-the-Trainer course) and
32 CRASE (Civilian Response to Active Shooter Events).

33
34 Deputy Chief Holmstock concluded by saying that the department is constantly looking at active
35 shooter training and talking with its partners, keeping the lines of communication open, and that
36 it is a consistent ongoing process throughout the year. He then introduced School Resource
37 Officer Michael Nicolosi.

38
39 Sergeant Nicolosi said that he, as the Durham SRO Officer and the Oyster River Cooperative
40 School District have worked diligently to improve safety for students, faculty, and the
41 community, and outlined ways in which they have accomplished that:

- 42 • Conducted a laptop exercise involving an active shooter.
- 43 • Conducted OWLS (Officer With Local Schools) training designed to provide safety
44 training to school personnel, including school-based law enforcement, on a variety of
45 issues to help them prevent, prepare for, and respond to violence and student behavioral
46 issues.
- 47 • Worked on a synopsis regarding “swatting” calls to have a better idea of how to plan
48 when this type of occurrence happens.

- 1 • The ORCSD has granted the Durham Police access to its security cameras to have up to
- 2 date information when any type of incident has occurred.
- 3 • Walked around all of the school buildings with the ORCSD Facilities Manager to look at
- 4 any deficiencies that may exist.
- 5 • Conducted 6 fire drills and 4 other scenario drills at the Oyster River schools.
- 6 • Created a communication manual.
- 7 • Worked on the Emergency Operations Plan.

8
9 Sergeant Nicolosi introduced UNH Police Chief Paul Dean at this time.

10
11 Chief Dean said that the Durham and UNH Police departments are very symbiotic in the way in
12 which they plan and execute reactions to certain emergency situations.

13
14 Chief Dean said that the predominant issue related to these incidents is mental health. He said
15 that he was a founder and has been a part of the University’s Mental Health Response Team
16 since 2007 and felt that one of the most successful aspects that his department does is engage
17 with people experiencing difficulties. He said he believed if society could work on mental health
18 issues, it can catch these pathways to violence earlier.

19
20 Chief Dean introduced UNH Deputy Police Chief Stephen Lee to speak about threat assessment
21 resources.

22
23 Deputy Chief Lee talked about the large-scale events that occur on the UNH campus and the
24 responsibility and risks that go along with the management of such large events. He said that the
25 planning of these events involves not just UNH police, but Durham police and others that look at
26 all the facets involved and UNH’s responsibility as being good stewards.

27
28 Deputy Chief Lee concluded by saying that the UNH holds these events and does so with a very
29 mindful lens of what, unfortunately, is society’s normal, but being respectful of everyone’s
30 ability to enjoy events safely and with minimal risk.

31
32 The complete presentation, along with discussion and responses to Council questions, may be
33 viewed on DCAT on Demand at www.ci.durham.nh.us.

- 34
35 B. Presentation by Marian G. McCord and Kenneth Weston on the proposed Edge at West End
36 project at the University of New Hampshire.

37
38 Marian McCord, Senior Vice Provost for Research, Economic Engagement, and Outreach and
39 Kenneth Weston, Executive Director of Campus Stewardship, UNH provided a detailed
40 PowerPoint presentation on the proposed Edge at West End project at the University of New
41 Hampshire, which included:

- 42
43 • Vision for the proposed project
- 44 • Research and analysis
- 45 • Mission for the Edge
- 46 • Intent for the Edge – At scale, the Edge will serve hundreds of residents and thousands of
- 47 UNH employees and industry partners.
- 48 • Benefits for New Hampshire – economic growth, regional visibility, community wellbeing,
- 49 sustainability goals

- Impact - projected \$1 billion in economic impact to the state over 10 years
- Evidence & Valuation – NH industry wants in at the Edge
- Next Steps: Spring 2023—select real estate consulting group (in progress); Summer 2023—Planning phase; Fall 2023-Spring 2024—Groundbreaking; Ongoing—Partnership development.

Following the presentation, Councilors asked numerous questions regarding the proposed development. The complete presentation, along with discussion and responses to Council questions, may be viewed on DCAT on Demand at www.ci.durham.nh.us.

VIII. Councilor and Administrator Roundtable

Councilor Hotchkiss – Planning Board

- The Board met on April 26th.
- Scheduled a Public Hearing for May 10th on a conditional use to install driveway, drainage structures, and utilities in the Wetland Conservation Overlay District on a vacant lot on the northerly side of Longmarsh Road near Newmarket Road.
- Held a public hearing on an amendment to approve a site plan and conditional use for construction of a 4-story mixed-use building with office, retail/restaurant, and residential units. The board approved a conditional use permit and site plan for the amended project.
- Held a public hearing on amendments to the Wetland Conservation and Shoreland Protection Overlay Districts proposed by the Conservation Commission and modified by the Planning Board. The Board recommended the amendments go before the Town Council for approval.
- Received a request to expand, by 5 parking spaces, the amount of parking at Davis Court. The Board will handle this as a minor site review, which will streamline the approval process.
- There was no progress on the review of the definitions within the Zoning Ordinance. The Board will pick it up again at its next meeting, with the letter “M”.

Councilor Welsh – Conservation Commission

- The Commission met on April 24th.
- Reviewed and approved the recommended wetlands setback intrusion Councilor Hotchkiss noted in his report.
- Received a presentation from the Great Bay Stewards regarding runoff into Great Bay.

Councilor Burton

- Applauded Administrator Selig for being a leader in the effort to make people aware of the Wastewater issues in Epping.

Councilor Welsh also added that a friend of his who lives in Epping was unaware of the issues.

Chair Pro Tem Lawson – Land Stewardship Subcommittee

- The subcommittee met on April 25th.
- Dr. Megan Howie attended. She is a professor at UNH specializing in Landscape Archeology. She spoke about an interesting study her department will be doing regarding use of indentured Scottish labor during the 1600s for timber work in the area. Her group will be taking small core samples around the area of the Spruce Hole bog. The subcommittee had no concerns about what Dr. Howie and her colleagues will be doing.
- DPW Director Rich Reine provided an update on the Wagon Hill Farm trail and bridge work.

- 1 - Land Stewardship Coordinator Sara Callaghan will be asking the Conservation Commission for
- 2 modest funding to make improvements to the area around the Kenny Rotner footbridge, which
- 3 Councilor Pro Tem Lawson provided in more detail. She is also working on a plan with Parks
- 4 and Recreation Director Rachel Gasowski to turn Jackson’s Landing Park into a walking park.
- 5 - The subcommittee is looking to move its meetings to earlier in the month, so they occur before
- 6 the Conservation Commission meetings.
- 7 - Earth Day was cancelled due to the weather forecast; however, the Energy Committee and
- 8 Integrated Waste Management Committee are well prepared for Durham Day.
- 9 - The survey of municipal parking use will begin this week.

10
11 Chair Needell – Integrated Waste Management Advisory Committee

- 12 - IWMAC will be ready to have a table on Durham Day.
- 13 - Bulky waste cleanup is occurring this week.
- 14 - IWMAC wants to focus on identifying businesses in Durham that use sustainable practices and
- 15 making that information available to Durham residents, as well as encouraging more of
- 16 Durham’s businesses to use sustainable practices.
- 17 - She thanked Councilor Pro Tem Lawson for all the work he did to prepare for Earth Day.
- 18 - Councilor Pro Tem Lawson, Councilor Friedman, and she participated in the Arbor Day tree
- 19 planting.

20
21 Councilor Lund – Cemetery Committee

- 22 - Cemetery Committee met on April 28th and elected Tom Bebbington as Chair.

23
24 Councilor Friedrichs – Planning Board

- 25 - Councilor Friedrichs noted that Councilor Hotchkiss, in his report, provided the information on
- 26 the Planning Board that ze was unable to attend.

27
28 Councilor Friedman – Parks & Recreation Committee

- 29 - The Parks & Recreation Committee met on April 25th.
- 30 - Received the year-end results for the Churchill Rink, which had a very good year.
- 31 - The Committee will be recommending to the Administrator that he move forward with the
- 32 preferred contract with UNH and their applied recreation research collaborative with the
- 33 scenario that was approved in the Council’s budget.
- 34 - The Committee made note of the improvements being made around the various pocket parks
- 35 throughout Town.

36
37 Councilor Friedman – Seacoast Economic Develop Stakeholders

- 38 - Have released their micro grants for this year for sustainable workforce environment, affordable
- 39 quality housing options, infrastructure improvements, and quality of life. These are small grants
- 40 between \$500 and \$2,000.

41
42 Councilor Friedrichs noted that ze and Councilor Friedman attended the safety walk on UNH
43 campus with the UNH police and several other people from the UNH campus and there were a
44 couple of concerns noted that were on Durham roadways. Ze said the UNH Facilities Manager
45 said he would be looking at excessive lighting and the role that plays. If there is too much
46 lighting it makes it difficult for the driver coming in to focus on lighting at crosswalks. There
47 were also some concerns about the crosswalks in front of the Mill Plaza. There was interest
48 expressed that if the plaza were to ever be redeveloped, a discussion with the University should
49 occur about relocating the crosswalks at that location.

1 Councilor Friedman said there was also concern expressed about not enough lighting on
2 Garrison Avenue.

3
4 Councilor Ellie Lonske

- 5 - Councilor Lonske noted that the Town should be grateful to Tom Bebbington for taking on the
6 role of Chair of the Cemetery Committee as not everyone is willing to step up and perform that
7 duty.

8
9 Administrator Todd Selig

- 10 - DPW Director Rich Reine has reached out to Dr. Megan Howie to ensure there will be no
11 negative impacts to the Spruce Hole bog, the aquifer, or Spruce Hole well when taking the core
12 samples.
- 13 - The Durham Business Office is at capacity and beyond and is struggling with the workload.
14 Business Manager Gail Jablonski asked about bringing on an individual on a temporary basis
15 and the Town has found someone locally who seems to be very qualified. Ms. Jablonski also let
16 him know that all three people in that office are targeting retirement in 4 to 5 years, so some
17 thought needs to begin on how to make that transition.
- 18 - Physical inspections for the reevaluation are winding down. The next step is the statistical
19 analysis. He noted that there will more than likely be a number of abatements coming forward at
20 the end of the process, which will mean a spike in staff workload.
- 21 - Plodzick and Sanderson, the Town's auditors, were at Town Hall today setting up for the FY
22 Year 2022 annual audit.
- 23 - Administrator Selig asked Councilor Welsh to talk about what action the Conservation
24 Commission took at its last meeting regarding Native Americans and foraging rights.

25
26 Councilor Welsh said the Conservation Commission has been working with Native American
27 representatives to do something more for the heritage of the Native Americans in Durham. The
28 representatives are trying to get foraging rights on land throughout the state, which is something
29 that is more symbolic than actual. It is more of an educational reminder that Native Americans
30 worked the land and had the rights to land that was taken away from them for a number of
31 reasons. Conservation Commission Chair Jake Kritzer worked out something with the Native
32 American representatives highlighting their relationship to the land, which was well received.

33
34 Councilor Friedrichs said ze worked briefly with the Wampanog Tribe of Aquinnah and that
35 recognized tribes and enrolled tribal members oftentimes have additional rights (for example,
36 they do not need to have a fishing license or abide by minimum lengths when fishing different
37 specimens). Ze asked if that was only at the federal level.

38
39 Councilor Welsh responded that as far as he knew, there were no specific additional rights
40 extended in New Hampshire.

41
42 Councilor Friedrichs asked if the concern about not extending additional rights from the Town's
43 lawyer is because New Hampshire is not a home rule state, and unless the state approves rights
44 for the Town of Durham, it is unable to extend any original rights to recognized tribal members.

45
46 Administrator Selig said that Durham crafts local ordinances that create either permissions or
47 restrictions on Town-owned land, and if the Town were to grant one tribe rights that others do
48 not have, it creates a more complicated conversation. He said it may be a conversation the
49 Council should have but based on the resolution from the Conservation Commission, it was not

1 only carefully crafted to recognize Indigenous peoples and their connection to the land but also
2 to not grant them rights that others do not have and treating everyone the same.

3
4 Councilor Friedrichs noted that in many other jurisdictions, if one is an enrolled member of a
5 recognized tribe, they do have more rights as part of the recognition that there is a much longer
6 connection to the land.

- 7
8 - The Town will begin permitting for the next phase of the Wagon Hill Farm shoreline
9 improvements project.
10 - The Town has had additional discussion with the City of Portsmouth for the temporary access
11 agreement relating to their waterline project. In particular, they are working on language to make
12 clear that Durham would not be guaranteeing Portsmouth access across abutting parcels, but
13 only across the Durham parcel.
14 - Today was the last day for UNH Sustainability Fellow Rafidah Raman. The new UNH Fellow
15 will begin at the end of May, beginning of June.
16 - The Town will be using the parking data that Chair Pro Tem Lawson and the Durham Police
17 will begin to collect in May regarding parking demand downtown. Meanwhile, the Town will
18 set up a meeting with Doug Clark and others that signed a petition concerning current
19 restrictions for parking downtown to hear concerns they may have about the steps the Town is
20 taking to look at the situation.
21 - DPW completed grading of Dame Road. One resident on Dame Road expressed concerns about
22 the outcome of the grading. Administrator Selig and DPW Director Rich Reine spoke with the
23 individual on the telephone, and although were not able to accomplish what the individual was
24 requesting, now have a better understanding of the issues the resident expressed.

25
26 **XIII. Unfinished Business**

27 **Public Hearing and Action on Resolution #2023-12** Authorizing the Acceptance and
28 Expenditure of Federal Emergency Management Agency (FEMA) funds from the NH Division
29 of Homeland Security and Emergency Management (NH HSEM) under the Public Assistance
30 Grant Program CFDA #97.036 in an amount up to \$71,472.01 to cover COVID-related expenses
31 incurred during the period from January 29, 2020 through May 24, 2022 and Authorizing the
32 Administrator to Sign and Submit all Necessary Paperwork on Behalf of the Town of Durham.

33
34 *Chair Needell MOVED to OPEN the public Hearing on Resolution #2023-12 Authorizing the*
35 *Acceptance and Expenditure of Federal Emergency Management Agency (FEMA) funds*
36 *from the NH Division of Homeland Security and Emergency Management (NH HSEM)*
37 *under the Public Assistance Grant Program CFDA #97.036 in an amount up to \$71,472.01 to*
38 *cover COVID-related expenses incurred during the period from January 29, 2020 through*
39 *May 24, 2022 and Authorizing the Administrator to Sign and Submit all Necessary Paperwork*
40 *on Behalf of the Town of Durham. The motion was SECONDED by Councilor Hotchkiss and*
41 *PASSED unanimously 8-0 on a roll call vote: Councilor Lonske—Absent, Councilor*
42 *Friedman—Aye, Councilor Friedrichs—Aye, Councilor Lund—Aye, Chair Needell—Aye,*
43 *Chair Pro Tem Lawson—Aye, Councilor Burton—Aye, Councilor Welsh—Aye, Councilor*
44 *Hotchkiss—Aye*

45
46 No members of the public came forward to speak on this item.

47
48 *Councilor Lund MOVED to CLOSE the public Hearing on Resolution #2023-12 Authorizing*
49 *the Acceptance and Expenditure of Federal Emergency Management Agency (FEMA) funds*

1 *from the NH Division of Homeland Security and Emergency Management (NH HSEM)*
2 *under the Public Assistance Grant Program CFDA #97.036 in an amount up to \$71,472.01 to*
3 *cover COVID-related expenses incurred during the period from January 29, 2020 through*
4 *May 24, 2022 and Authorizing the Administrator to Sign and Submit all Necessary Paperwork*
5 *on Behalf of the Town of Durham. The motion was SECONDED by Councilor Welsh and*
6 *PASSED unanimously 9-0 on a roll call vote: Councilor Lonske—Absent, Councilor*
7 *Friedman—Aye, Councilor Friedrichs—Aye, Councilor Lund—Aye, Chair Needell—Aye,*
8 *Chair Pro Tem Lawson—Aye, Councilor Burton—Aye, Councilor Welsh—Aye, Councilor*
9 *Hotchkiss—Aye*

10
11 *Chair Needell MOVED to ADOPT Resolution #2023-12 Authorizing the Acceptance and*
12 *Expenditure of Federal Emergency Management Agency (FEMA) funds from the NH*
13 *Division of Homeland Security and Emergency Management (NH HSEM) under the Public*
14 *Assistance Grant Program CFDA #97.036 in an amount up to \$71,472.01 to cover COVID-*
15 *related expenses incurred during the period from January 29, 2020 through May 24, 2022*
16 *and Authorizing the Administrator to Sign and Submit all Necessary Paperwork on Behalf of*
17 *the Town of Durham. The motion was SECONDED by Councilor Lund and PASSED*
18 *unanimously 9-0 on a roll call vote: Councilor Lonske—Absent, Councilor Friedman—Aye,*
19 *Councilor Friedrichs—Aye, Councilor Lund—Aye, Chair Needell—Aye, Chair Pro Tem*
20 *Lawson—Aye, Councilor Burton—Aye, Councilor Welsh—Aye, Councilor Hotchkiss—Aye*
21

22 **XIV. New Business - None**

23
24 **XV. 2023 Town Council Goals**

25 A. Shall the Town Council adopt the SMART format for Town Goals?

26
27 Councilor Hotchkiss asked Councilor Friedrichs how ze imagined implementing the SMART
28 format were the Council to decide to use it.

29
30 Councilor Friedrichs proposed that Councilors think about how to rephrase their language to be
31 more specific when suggesting a goal and have a timeline attached to that goal. Ze said if there
32 were any Councilors that do not have that in place, ze would volunteer to draft language for
33 them.

34
35 Councilor Welsh said currently the Council is on its 6th page of goals, which are complicated
36 and wordy. He said the Council needs to be careful in developing its goals so as not to
37 micromanage the Administrator or the Town and be too specific. He said the Administrator and
38 the Town team need room to maneuver and do what they think is best.

39
40 Chair Pro Tem Lawson said at the Board of Directors level in private business or the Town
41 Council in this case, one would use SMART goals if they were not confident that the
42 Administrator would do his job. Therefore, if the Council does not believe Administrator Selig
43 is going to exercise good judgment based on the broad goals developed by the Council, then the
44 Council should use the SMART goals concept. However, if the Council has confidence in
45 Administrator Selig, he would say the SMART goals method is not needed.

46
47 Councilor Friedrichs said when writing the communication for this item, ze did not see the
48 introduction of SMART goals as any kind of statement regarding abilities whatsoever. Ze said
49 the Town was lucky to have a wonderful Administrator and exceptional staff, and the value ze

1 found in using SMART goals is that it adds an additional level of transparency for the public to
2 have a better understanding in terms of timeline and what is considered completion of a goal.
3 Also, to assist the Administrator in considering what is an immediate goal and what is longer
4 term goal.

5
6 Councilor Friedman noted Councilor Friedrichs' reference in zir communication where SMART
7 Goals are currently used by the NHDOT, NH DHHS, NH DoE, many federal agencies and many
8 universities. He said these departments/agencies are much more complex than this organization
9 and may be more restrictive than broader goals without specific times, and dates, and actions.

10
11 Councilor Lund said some of the Council's goals would fit into the SMART goals structure, but
12 because Durham is a small-Town government, other goals may be difficult to measure and all of
13 the points within the SMART goals may not fit in. He said it might be nice to keep this type of
14 structure in mind, but not rigidly adhere to it.

15
16 B. Continued discussion on the draft 2022-23 Town Council goals

17
18 Councilor Friedrichs suggested condensing the number of goals. Ze said when there are so
19 many, it's very difficult to process and pay attention to all of them.

20
21 Chair Pro Tem Lawson said that was an excellent idea, and that he would like to see the goals go
22 back to one page listing only high-level goals. He believed with too much detail; the Council
23 becomes tied to the detail rather than achieving the goal.

24
25 Councilor Lund agreed with Councilor Lawson, saying it is not the job of the Council to micro-
26 manage. He said the Council should set high level goals and leave the details of implementation
27 up to the Administrator.

28
29 Administrator Selig said that for him, the most valuable asset in the goals are the bolded headers
30 because they set broad goals, objectives, and philosophies.

31
32 Councilor Welsh said he was happy to just have the bolded items be the goals.

33
34 Councilor Friedrichs said ze would not be comfortable with using just the bold headers as they
35 are not specific enough.

36
37 Councilor Welsh said he believed if the Council worked on developing the bold headers further,
38 then that would probably work.

39
40 Chair Pro Tem asked Administrator Selig if he would be able to list the bold objective and then
41 add narrative that provides assurance that those issues or concerns expressed by Councilors in
42 their comments on each of the objectives is included.

43
44 Administrator Selig said he could do that and would have a series of bold statements that
45 incorporate the most essential elements of the sub-headers, and in doing so, capture the essence
46 of the goal with some direction included as well.

47
48 Councilor Friedman said there should be a goal relating to the Town's responsibility to be
49 prepared in case of emergencies.

1 Councilor Lund noted there is currently a goal which states “ *Conduct planning necessary to*
2 *protect public health and safety and provide ongoing service continuity given the anticipated*
3 *impacts of climate change and other trends*”. Councilor Friedman said he would like to see that
4 continue as a goal in the coming year.

5
6 Councilor Friedrichs asked that one item listed in the goals not as a bolded header states
7 “*Support initiatives that welcome diversity, equity, and inclusion within our*
8 *Community*” and would like to have that or similar language added as a bolded header.

9
10 **XVI. Nonpublic Session (if required)**

11
12 **XVII. Extended Councilor and Town Administrator Roundtable (if required)**

13
14 **XVIII. Adjourn (NLT 10:30 PM)**

15
16 *Councilor Welsh MOVED to adjourn. The motion was SECONDED by Councilor Hotchkiss*
17 *and PASSED unanimously 9-0 on a roll call vote: Councilor Lonske—Absent, Councilor*
18 *Friedman—Aye, Councilor Friedrichs—Aye, Councilor Lund—Aye, Chair Needell—Aye,*
19 *Chair Pro Tem Lawson—Aye, Councilor Burton—Aye, Councilor Welsh—Aye, Councilor*
20 *Hotchkiss—Aye*

21
22
23 Jennie Berry, Minutes Taker