

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

2  
3 **DURHAM TOWN COUNCIL**  
4 **MONDAY, MAY 15, 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 Eleanor  
12 (Ellie) Lonske, Councilor Charles (Chuck) Hotchkiss

13  
14 **MEMBERS ABSENT:** None

15  
16 **OTHERS PRESENT:** Administrator Todd Selig, Town Clerk-Tax Collector Rachel Deane,  
17 Town Planner Michael Behrendt  
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- Not applicable**  
26

27 **III. Roll Call of Members**

28  
29 *Councilor Friedman, Councilor Friedrichs, Councilor Lund, Chair Needell, Chair Pro Tem*  
30 *Lawson, Councilor Burton, Councilor Lonske, Councilor Welsh, Councilor Hotchkiss.*  
31

32 **IV. Approval of Agenda**

33  
34 *Councilor Lund MOVED approval of the May 15, 2023, agenda as presented The motion was*  
35 *SECONDED by Councilor Hotchkiss and PASSED, unanimously, 9-0, by a show of hands:*  
36 *Councilor Friedman, Councilor Friedrichs, Councilor Lund, Chair Needell, Chair Pro Tem*  
37 *Lawson, Councilor Burton, Councilor Lonske, Councilor Welsh, Councilor Hotchkiss.*  
38

39 **V. Special Announcements**

40  
41 Councilor Burton read a Certificate of Appreciation passed by the Durham Energy Committee  
42 expressing its appreciation for Chair Pro Tem Jim Lawson's contributions while serving as a  
43 member and Council representative on the DEC:  
44

45 *Presented this 15th day of May 2023, in recognition of his leadership role on the Durham Energy*  
46 *Committee, the Committee expresses its deep appreciation to Jim Lawson for his extraordinary*  
47 *service. Jim moved the committee forward by developing important initiatives that guide Durham*  
48 *toward a more sustainable energy future, and he was generous in sharing his competence, his time,*  
49 *and his collegiality. On behalf of the Town of Durham, thank you for your valuable service. Signed*  
50 *by Council Chair Sally Needell.*

1 Chair Pro Tem Lawson said he has had more fun on the Energy Committee for the past two  
2 years than any other committee he has served on, and he has enjoyed all committees on which  
3 he has served. He said if not for the Durham Energy Committee, he would not have installed two  
4 heat pumps, he would not have traded in an SUV for a hybrid vehicle and would not have traded  
5 in another car for his first electric plug-in, all of which were done for the great opportunity to  
6 learn, while on the Energy Committee, what the impacts of those changes made.  
7

8 **VI. Public Comments (\*) – Please state your name and address before speaking**  
9

10 **William Hall, Smith Park Lane**, read the state statute relative to the management of state rivers  
11 in New Hampshire. He said the Lamprey River is designated as a public water supply. He also  
12 spoke about contaminated water, which has been occurring for approximately 15 year in various  
13 forms relative to the runoff from the UNH Moore Fields.  
14

15 **VII. Approval of Minutes – May 1, 2023**  
16

17 Minor edits were submitted to Administrative Assistant Karen Edwards for inclusion prior  
18 to the meeting.  
19

20 Councilor Lund noted that on Item #10B. his name should be removed as having voted, and  
21 Councilor Lonske’s name should be added.  
22

23 *Chair Pro Tem Lawson made a MOTION to approve the May 1, 2023, Town Council minutes,*  
24 *as amended. The motion was SECONDED by Councilor Lund and PASSED, as amended,*  
25 *unanimously, 8-0-1, on a roll call vote: Councilor Friedman—Aye, Councilor Friedrichs—*  
26 *Aye, Councilor Lund—Aye, Chair Needell—Aye, Chair Pro Tem Lawson—Aye, Councilor*  
27 *Burton—Aye, Councilor Lonske—Aye, Councilor Welsh—Abstained (did not attend the May*  
28 *1<sup>st</sup> agenda), Councilor Hotchkiss—Aye*  
29

30 **VIII. Councilor and Administrator Roundtable**  
31

32 Councilor Hotchkiss – Housing Task Force

- 33 - Received Presentation from Ken Weston, UNH, regarding the Edge project.
- 34 - Conducted review, revisions, and wordsmithing on a planned survey of Durham residents about  
35 their attitudes on housing in Durham, to the extent they believe this is a crises that needs to be  
36 addressed, and an assessment about their perceptions for proposed solutions to address the issue.  
37

38 Councilor Welsh – Integrated Waste Management Advisory Committee

- 39 - Met on May 3<sup>rd</sup> and discussed Earth Day and Durham Day and how the committee would be  
40 participating.
- 41 - Discussed a micro grant obtained by IWMAC member Susan Richman that increased the  
42 committee’s budget by 75%.  
43

44 Councilor Lonske – Agricultural Commission

- 45 - Discussed planning for Farm Day.  
46

47 Councilor Burton – Steward for Wagon Hill Farm

- 48 - Held a site walk at Wagon Hill Farm comprised of the Army Corps of Engineers, the NH  
49 Department of Environmental Services Wetlands Bureau, the NH Department of Environmental

1 Services Coastal Program, the Clarke Research Mitigation Program, two contractors from Sub  
2 Company Echo Contracting, Administrator Todd Selig, and DPW Director Rich Reine. They  
3 reviewed the shoreline renovation project and went into detail about how to do the least damage  
4 to the hill at the farm.

5  
6 Councilor Burton – Durham Energy Committee

- 7 - Noted that he was pleased the DEC recognized Chair Pro Tem Lawson for the time and  
8 expertise he brings to the committee because if not for volunteers such as Mr. Lawson and  
9 others, the Town could not operate.
- 10 - Matt Davis, UNH Associate Professor for Earth Sciences, is now a member of the Durham  
11 Energy Committee.
- 12 - Discussed how people in Town could adopt energy efficiency technology.
- 13 - The committee's resolution regarding Juneteenth will be taken up at the next meeting.

14  
15 Chair Pro Tem Lawson

- 16 - He has collected data from parking downtown and is now inputting the data and trying to find  
17 effective ways to summarize the data. He will put something in writing with observations and  
18 will provide the raw data. He will only provide the information and not provide  
19 conclusions/recommendations. He thanked the Durham Police Parking Enforcement Office for  
20 their assistance with this effort.
- 21 - Regarding an earlier comment regarding the UNH Moore Fields, he noted that on February 21,  
22 2022, after concerns were expressed about the Moore Fields, Dr. Anton Bekkerman, UNH  
23 Associate Dean COLSA Director NHAES, came to the Town Council meeting and spoke about  
24 what issues UNH has addressed at the Moore Fields and the water quality. He noted that  
25 interested persons could watch Dr. Bekkerman's presentation of that meeting on DCAT on  
26 Demand.
- 27 - Noted that Instream flows on the Lamprey River take effect at 21cfs. Although there are  
28 restrictions, Durham can take quite a bit of water from the Lamprey River. And even when the  
29 water levels get very low, as low as 13cfs, the Town can take flows out of the impoundment of  
30 about an inch per day, which equates to approximately 1,000,000 gallons. Therefore, when the  
31 instream flows are in effect, the Town can still take water from the Lamprey, depending on  
32 where the flow is, and then from the impoundment until it has been drawn down 18 inches.

33  
34 Councilor Lund – Historic District/Heritage Commission

- 35 - The Commission met on May 4<sup>th</sup>.
- 36 - Discussed and approved plans for the Tideline Public House to provide vegetative screening for  
37 the gas tank. Tideline opened for business on May 12<sup>th</sup>.
- 38 - Reviewed and approved a sign permit for Cocheco Financial Group at 28 Main Street.
- 39 - Reviewed and approved an application for window replacement at 3 Durham Point Road.
- 40 - Discussed the Oyster River raid historical marker. The commission felt it needs more  
41 information to determine how to proceed. The commission is hoping to find a balance that tries  
42 not to place blame and tries to be as accurate as possible given the limitations of what can be put  
43 on historical marker signs.

44  
45 Councilor Friedrichs – Durham Energy Committee

- 46 - The committee heard from Matt Davis at UNH who indicated that UNH had applied to  
47 coordinate regionally some rather advanced technology for carbon emission reduction and  
48 energy efficiencies that businesses could apply directly to, which was cutting edge. UNH is  
49 hoping this type of business could be located at the West Edge development.

- 1 - Discussion around how to help Durham residents and property owners to become more energy  
2 efficient and take advantage of all the rebates available. The committee will be reviewing the  
3 Durham Action Plan in more detail at its next meeting and begin to think about what projects  
4 can be put together. The discussion also included looking at the state tax exemptions that are  
5 available, including wind and geothermal technology, and looking further into RSA 79-E to  
6 determine whether that could be used for relief as well.  
7

8 Councilor Friedrichs – Planning Board

- 9 - Reviewed a Conditional Use permit for a single-family residential in the Wetlands Conservation  
10 Overlay District.  
11 - Assigned representatives to other Town boards and committees.  
12 - Continued review of the definitions section of the Zoning Ordinance and are almost through the  
13 letter “N”.  
14 - Continued an extension for an approval for ATO Fraternity to the next Planning Board meeting.  
15

16 Councilor Friedman – Parks & Recreation Committee

- 17 - The Memorial Day ceremony will be held on May 29<sup>th</sup> at 10AM at the Mill Road triangle  
18 (Memorial Park).  
19

20 Councilor Friedman – Seacoast Economic Development Stakeholders

- 21 - Reviewed daycare challenges and opportunities within the seacoast. There is a survey coming  
22 from Senator Jeanne Shaheen’s office trying to support the workforce, both those working in  
23 and for the industry.  
24

25 Administrator Selig

- 26 - Durham will be included in the 12<sup>th</sup> edition of the Human Rights Campaign Municipal Equity  
27 Index and is one of 506 communities across the country to be evaluated.  
28 - Regarding the problems with the Epping Wastewater Treatment Plant, the Environmental  
29 Protection Agency issued an Administrative Order and wrote a Press Release, which Mr. Selig  
30 read, in part: *“Today, the US Environmental Protection Agency announced issuance of an*  
31 *Administrative Order requiring the Town of Epping, New Hampshire to complete timely*  
32 *corrective actions at the Town’s Wastewater Treatment Facility. On multiple occasions, starting*  
33 *in December 2021, the Town has bypassed certain treatment processes and has discharged*  
34 *partially treated wastewater into the Lamprey River in violation of its Clean Water Act*  
35 *Discharge Permit. The Administrative Order requires that the Town of Epping complete all*  
36 *work on a short-term Corrective Action Plan by December 31, 2023, including eliminating the*  
37 *discharge of partially treated wastewater and submitting to the EPA and the NH Department of*  
38 *Environmental Services a long-term corrective actions plan by June 30, 2024. The*  
39 *Administrative Order also requires the Town evaluate additional wastewater treatment options*  
40 *and ensure that its plant operator and backup plant operator satisfy the stringent state*  
41 *requirements for such positions.”*  
42 - The Parks & Recreation Committee has received a draft Community Needs Assessment and  
43 Visitor Use Management Study focusing on the Town’s playgrounds at Jackson’s Landing and  
44 Woodridge Park.  
45 - The Business Office is in the process of updating the Town’s Welfare Guidelines, which were  
46 last updated in 2003.  
47 - He spoke with the Town’s contract assessors and said the revaluation process for the Town is  
48 continuing and making good progress.  
49

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

2  
3 Olivia Welsh, UNH Student Senate External Affairs Chair, was not in attendance but submitted  
4 a letter to Council Chair Needell which included updates on the Student Senate’s activities over  
5 the past two weeks. Council Chair read the letter for the benefit of the public and viewing  
6 audience.  
7

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

10  
11 Councilor Friedman asked that Item #10A be pulled for discussion/questions. Chair Needell then  
12 read items #10B through #10D for the public and viewing audience.  
13

- 14 B. Shall the Town Council, Upon Recommendation of the Chair of the Trustees of Trust Funds,  
15 Approve the Addition of Mr. Robert Mangene’s name to the Viet Nam plaque in Durham  
16 Memorial Park?  
17 C. Shall the Town Council, upon the recommendation of the Administrator, authorize the purchase  
18 of new LED lighting at Churchill Rink for an amount not to exceed \$12,000 and to be paid from  
19 account 07-2095-814-36-000 with funds being transferred from the Rink’s current fund balance  
20 of \$311,238?  
21 D. Shall the Town Council, Upon Recommendation of the Administrator, Award the West End  
22 Sewer Planning Study Contract to Wright Pierce Engineers of Portland, Maine in the Amount of  
23 \$99,978 and Authorize the Administrator to Sign the Associated Contract?  
24

25 *Chair Needell MOVED approval of items #10B through #10D, as presented. The motion was*  
26 *SECONDED by Councilor Hotchkiss and PASSED, unanimously, 9-0, on a roll call vote:*  
27 *Councilor Hotchkiss—Aye, Councilor Welsh—Aye, Councilor Lonske—Aye, Councilor*  
28 *Burton—Aye, Chair Pro Tem Lawson—Aye, Chair Needell—Aye, Councilor Lund—Aye,*  
29 *Councilor Friedrichs—Aye, Councilor Friedman—Aye.*  
30

- 31 A. Shall the Durham Town Council authorize the Administrator to sign the Town of Durham’s first  
32 half 2023 Property Tax Warrant and direct the Tax Collector to collect partial payment of  
33 property taxes assessed on April 1, 2023, in the amount of \$18,097,611?  
34

35 *Chair Needell MOVED that the Durham Town Council does hereby authorize the*  
36 *Administrator to sign the Town of Durham’s first half 2023 Property Tax Warrant and direct*  
37 *the Tax Collector to collect partial payment of property taxes assessed on April 1, 2023, in the*  
38 *amount of \$18,097,611. Chair Pro Tem Lawson SECONDED the motion.*  
39

40 Chair Needell noted that Tax Collector Rachel Deane was present to answer questions.  
41

42 Councilor Friedman asked Ms. Deane for clarification regarding the credit amounts shown on  
43 the tax warrant; \$65,750 under credits and \$199 under credit count.  
44

45 Ms. Deane replied that she creates the Warrant based upon information provided by Town  
46 Assessor Jim Rice, so he would be the person to answer any specific questions regarding credits.  
47

48 Administrator Selig followed up on Councilor Friedman’s question(s) and said he would have  
49 Mr. Rice prepare a written description of what some of the values represent.

1 Chair Pro Tem Lawson asked that Mr. Rice provide a description for each item, so the Council  
2 has something to refer to in the future.

3  
4 Chair Needell called for the vote which ***PASSED unanimously, 9-0, on a roll call vote:***  
5 ***Councilor Friedman—Aye, Councilor Friedrichs—Aye, Councilor Lund—Aye, Chair***  
6 ***Needell—Aye, Chair Pro Tem Lawson—Aye, Councilor Burton—Aye, Councilor Lonske—***  
7 ***Aye, Councilor Welsh—Aye, Councilor Hotchkiss—Aye.***

8  
9 **XI. Committee Appointments**

- 10 A. Shall the Town Council, upon recommendation of the Planning Board Chair, appoint Chris  
11 McClain, 54 Edgewood Road, to fill an Alternate Member vacancy on the Planning Board with  
12 a term expiration of April 2026?

13  
14 Mr. McClain introduced himself and said he grew up in Lee, went to school at Oyster River, and  
15 just moved back to New Hampshire after having been away for approximately 15 years.

16  
17 As indicated on Mr. McClain's application, Councilor Welsh asked Mr. McClain how long he  
18 had been a realtor. Mr. McClain replied seven years.

19  
20 Councilor Welsh said he would support Mr. McClain's appointment. However, he cautioned that  
21 there not be too many realtors on the Board because they have an economic interest in what  
22 happens. He said with the appointment of Mr. McClain, there would be two realtors on the  
23 Planning Board.

24  
25 Councilor Welsh asked Council members if they had any concerns and should there be any  
26 guidance given to the Planning Board regarding how many people in the real estate industry  
27 should be on the Board. He said he would like to give the Board guidance that there not be any  
28 more than two realtors appointed to the Planning Board.

29  
30 Councilor Lonske said she would not want to assign a number, and that one is really talking  
31 about professional integrity. She felt that unless the overt behavior indicates there is an issue,  
32 then it would not be advisable to put a number on it and she was uncomfortable with that  
33 approach.

34  
35 Councilor Friedrichs felt that having too many similar people on a board or committee who are  
36 not representative of the population of the greater whole is a concern.

37  
38 Councilor Burton suggested that the Council move forward with the vote on Mr. McClain's  
39 appointment and discuss the topic Councilor Welsh has raised at another time. Councilor Welsh  
40 concurred.

41  
42 ***Councilor Hotchkiss MOVED that the Durham Town Council, upon recommendation of the***  
43 ***Planning Board Chair, does hereby appoint Chris McClain, 54 Edgewood Road, to fill an***  
44 ***Alternate Member vacancy on the Planning Board with a term expiration of April 2026. The***  
45 ***motion was SECONDED by Councilor Lonske and PASSED, unanimously, 9-0, on a roll call***  
46 ***vote: Councilor Hotchkiss—Aye, Councilor Welsh—Aye, Councilor Lonske—Aye, Councilor***  
47 ***Burton—Aye, Chair Pro Tem Lawson—Aye, Chair Needell—Aye, Councilor Lund—Aye,***  
48 ***Councilor Friedrichs—Aye, Councilor Friedman—Aye.***

49

1 B. Shall the Town Council, upon recommendation of the Zoning Board Chair, appoint James  
2 Bubar, 4 Old Piscataqua Road, to fill a Regular Member vacancy on the Zoning Board of  
3 Adjustment with a term expiration of April 2026?  
4

5 Councilor Welsh said he recently served with Mr. Bubar on the Conservation Commission, and  
6 Mr. Bubar has always been very helpful and engaged. Councilor Welsh highly recommended his  
7 appointment to the Zoning Board.  
8

9 ***Councilor Lund MOVED that the Durham Town Council, upon recommendation of the***  
10 ***Zoning Board Chair, does hereby appoint James Bubar, 4 Old Piscataqua Road, to fill a***  
11 ***Regular Member vacancy on the Zoning Board of Adjustment with a term expiration of April***  
12 ***2026. The motion was SECONDED by Councilor Lonske and PASSED unanimously, 9-0, on***  
13 ***a roll call vote: Councilor Friedman—Aye, Councilor Friedrichs— Aye, Councilor Lund—***  
14 ***Aye, Chair Needell— Aye, Chair Pro Tem Lawson—Aye, Councilor Burton— Aye,***  
15 ***Councilor Lonske—Aye, Councilor Welsh—Aye, Councilor Hotchkiss—Aye.***  
16

17 C. Shall the Town Council, upon recommendation of the Energy Committee Chair, appoint  
18 Michael Lehrman, 20 Cedar Point Road, to fill a Regular Member vacancy on the Energy  
19 Committee with no term expiration?  
20

21 Mr. Lehrman introduced himself and said he has had a long-term interest in energy from all  
22 perspectives. He said he was very enthusiastic about the subject and would like to serve on the  
23 committee and do his very best to be a productive member.  
24

25 Chair Pro Tem Lawson said that Mr. Lehrman had been involved with staying informed and  
26 being active on the proposed Pease cargo facility, and that he enjoyed the opportunity to work  
27 on those issues and learn from Mr. Lehrman during that time.  
28

29 ***Councilor Burton MOVED that the Durham Town Council does hereby, upon***  
30 ***recommendation of the Energy Committee Chair, appoint Michael Lehrman, 20 Cedar Point***  
31 ***Road, to fill a Regular Member vacancy on the Energy Committee with no term expiration.***  
32 ***The motion was SECONDED by Councilor Hotchkiss and PASSED unanimously, 9-0, on a***  
33 ***roll call vote: Councilor Hotchkiss—Aye, Councilor Welsh—Aye, Councilor Lonske—Aye,***  
34 ***Councilor Burton—Aye, Chair Pro Tem Lawson—Aye, Chair Needell— Aye, Councilor***  
35 ***Lund—Aye, Councilor Friedrichs—Aye, Councilor Friedman—Aye.***  
36

## 37 **XII. Presentation Items**

38 Presentation by Ice Rink Manager, Bill Page on the 2022-2023 skating season.  
39

40 Churchill Rink Manager, Bill Paige, provided a brief history of how Jackson's Landing and the  
41 Churchill Rink began. Mrs. Jackson gave the land to the Town and asked that an ice rink be  
42 built, which occurred in the early 1970s by volunteers. In the early-mid 1990s, some other  
43 volunteers put a roof on the rink and UNH donated an old refrigerator system and dasher boards.  
44 Later, operation of the rink was taken over by the Oyster River Youth Association (ORYA), but  
45 it was unsuccessful from a financial perspective. ORYA approached the Town about taking over  
46 operation of the rink, which the Town agreed to do with the stipulation that ORYA would have  
47 to make it financially viable. Since that time, the rink has been self-sufficient. He said the rink is  
48 not a burden on taxpayers but an asset.  
49

1 Mr. Paige said the rink’s season runs from mid-October to mid-March. He said at the beginning  
2 of last season there was a major malfunction of the refrigerator system. Once it was repaired, it  
3 ran fine the rest of the season. Because of the refrigerator malfunction, the rink was late opening,  
4 and some revenue was lost. However, at the end of the season, it made a net profit of \$5,400. He  
5 said the public skates have increased immensely over the past two years. Mr. Paige provided  
6 information regarding the rink’s sales of rental skates, season passes, concessions, etc., all of  
7 which increased. At the end of the Fiscal Year 2022, the rink’s revenues went up \$24,000, and  
8 expenses went up \$85,000 (mainly due to the refrigerator system malfunction). The net added to  
9 the fund balance was \$5,400.

10  
11 The complete presentation, along with discussion and responses to Council questions, may be  
12 viewed on DCAT on Demand at [www.ci.durham.nh.us](http://www.ci.durham.nh.us).

13  
14 **XIII. Unfinished Business** - None

15  
16 **XIV. New Business**

- 17 A. **First Reading on Ordinance #2023-03** to amend Chapter 175 “Zoning”, Article XIII, “Wetland  
18 Conservation Overlay District” and Article XIV, “Shoreland Conservation Overlay District” of  
19 the Durham Town Code.

20  
21 Chair Needell noted that Town Planner Michael Behrendt was present to address any questions  
22 from Council members.

23  
24 Mr. Behrendt said the reason for the ordinance was the Gerrish Drive Subdivision. A  
25 Conditional Use was reviewed for that project and Mr. Behrendt said the Conservation  
26 Commission wanted to look at one or two other access points other than Gerrish Drive.  
27 However, the language which addresses an alternative access, that to be approved and meet the  
28 first criteria, it must be demonstrated that there is no other alternative access that is outside of  
29 the WCOD. He said that because the main other access the Conservation Commission was  
30 considering was clearly in the WCOD, the commission could not consider that access, which is  
31 the reason the commission felt the other four criteria should be reviewed.

32  
33 From there, Mr. Behrendt said a committee was formed to review the criteria and was given two  
34 charges: To review the four Conditional Use criteria, and to look at the entirety of the Wetland  
35 and Shoreland Overlay Districts for potential rewriting. He said the latter will take many months  
36 to accomplish. However, the committee completed the first charge and after many meetings and  
37 much debate, developed a revised criteria, as well as other minor changes.

38  
39 The revisions went before the Conservation Commission and were endorsed. The ordinance then  
40 came to the Planning Board on April 12, 2023, and the board made a few other non-substantive  
41 changes, held a Public Hearing on April 26, 2023, made other minor changes after closing the  
42 hearing, and formally voted to initiate the ordinance. He said the revised criteria are still strict  
43 but offer more flexibility, are comprehensive, grounded in ecological issues, and more precise  
44 than the former criteria.

45  
46 Councilor Welsh said he would like to make two changes to the Council Communication that  
47 accompanied this item because he felt the language was speculative and he did not want  
48 someone in the future using that language as a reference point.

49



1 1<sup>st</sup> Change – Page 3, end of para. 1: Remove “(The outcome would be the same for Gerrish  
2 Drive with this new language because use of Bagdad Road would arguably not meet the  
3 standards under b) and c) and would appear to also have a greater impact on the WCOD and/or  
4 overall ecological resources.)”

5  
6 2<sup>nd</sup> Change – Page 3, last sentence: Remove “ The applicant could have been expected to build  
7 the house close to Durham Point Road where no wetland would be affected (i.e., that was  
8 workable) but it would not have been reasonable given the attraction of building on such a lot  
9 closer to the water.”

10  
11 Councilor Lonske said that in her opinion, the greatest weakness in the Zoning Ordinance is  
12 Conditional Use. She said she has researched other municipalities and their Conditional Use  
13 applications. The one she liked the best requires an applicant to give strong reasons why their  
14 project has such overwhelmingly positive values for the Town and the abutters that it deserves to  
15 be considered since it does not conform to the Zoning Ordinance.

16  
17 Councilor Friedrichs said that sometimes boards worry about wording being flexible or  
18 appropriate enough. Ze said the Zoning Board exists for that very purpose, which is to take into  
19 consideration where the regulations or wording would not be fair and to allow for waivers or  
20 variances in those situations. Then, every reasonable or possible fair situation would not have to  
21 be written into the language and lead people to read the ordinance in a more flexible way than  
22 the Master Plan intended it to be in terms of the guidance that residents have provided for what  
23 the Zoning Ordinance should look like.

24  
25 ***Chair Pro Tem Lawson MOVED that the Durham Town Council does hereby move on First***  
26 ***Reading, as presented, Ordinance #2023-03 amend Chapter 175 “Zoning”, Article XIII,***  
27 ***“Wetland Conservation Overlay District” and Article XIV, “Shoreland Conservation Overlay***  
28 ***District” of the Durham Town Code, and schedule a Public Hearing for Monday, June 5,***  
29 ***2023. The motion was SECONDED by Councilor Hotchkiss.***

30  
31 Chair Pro Tem Lawson noted that the definition of Conditional Use in the Table of Uses in the  
32 Zoning Ordinance is far more extensive in Durham than it is in other communities he has looked  
33 at. However, he believes the term Conditional Use is used quite a bit, in terms of the Wetland  
34 Overlay District and other protected districts to provide guidance relative to approving  
35 something in those districts. He also suggested that people become very familiar with the four  
36 criteria the Zoning Boards acts on before making assumptions about what the Zoning Board can  
37 and cannot do, as the criteria may not be as flexible as people think.

38  
39 Chair Needell called for the vote which ***PASSED unanimously, 9-0, on a roll call vote:***  
40 ***Councilor Friedman—Aye, Councilor Friedrichs—Aye, Councilor Lund—Aye, Chair***  
41 ***Needell—Aye, Chair Pro Tem Lawson—Aye, Councilor Burton—Aye, Councilor Lonske—***  
42 ***Aye, Councilor Welsh—Aye, Councilor Hotchkiss—Aye.***

43  
44 **B. First Reading on Ordinance #2023-04** to amend Chapter 102, “Scenic Roads,” Section 102.1,  
45 “Scenic Roads Established,” of the Durham Town Code to designate Dame Road as a Scenic  
46 Road.

47  
48 Chair Pro Tem said this ordinance was the result of a petition the Council received by residents  
49 on Dame Road asking that it be designated as a scenic road. He said the Council Communication

1 and proposed ordinance provided more detail so that people are clear what a scenic road  
2 designation does and does not provide.

3  
4 He said after spending some time looking at Dame Road, he realized that a large segment of that  
5 road has no utilities. At the May 1, 2023, Council meeting, Dame Road resident Mike Hoffman  
6 commented that the road may be that way today, but no one knows about the future. Chair Pro  
7 Tem Lawson said installation of utilities would be devastating to that natural area. He also noted  
8 that one can see where Eversource has done some tree trimming on Dame Road and pointed out  
9 that Eversource is aggressive with its tree trimming practices. He said he made that point  
10 because if Eversource ever wants to conduct tree trimming on any of Durham’s scenic roads,  
11 then residents need to speak up and make sure their views are heard by the Planning Board.

12  
13 Councilor Friedrichs noted the scenic beauty of the moss that is on Laurel Lane and felt it was  
14 unique. Ze said that if other residents thought that Laurel Lane was a good candidate for  
15 designation as a scenic road in order to preserve that moss undergrowth, it would be an  
16 appropriate scenic road in Durham as well.

17  
18 Administrator Selig said that when there is a bad winter storm or wind event, and people are  
19 without power, it’s because of the trees and the branches, so there needs to be a happy medium  
20 between trimming and protecting the scenic qualities that residents care about.

21  
22 *Chair Pro Tem Jim Lawson MOVED that the Durham Town Council does hereby move on*  
23 *First Reading, as presented, Ordinance #2023-04 to amend Chapter 102, “Scenic Roads,”*  
24 *Section 102.1, “Scenic Roads Established,” of the Durham Town Code to designate Dame*  
25 *Road as a Scenic Road and schedule a Public Hearing for Monday, June 5, 2023. The motion*  
26 *was SECONDED by Councilor Hotchkiss and PASSED unanimously, 9-0, on a roll call vote:*  
27 *Councilor Hotchkiss—Aye, Councilor Welsh—Aye, Councilor Lonske—Aye, Councilor*  
28 *Burton—Aye, Chair Pro Tem Lawson—Aye, Chair Needell—Aye, Councilor Lund—Aye,*  
29 *Councilor Friedrichs—Aye, Councilor Friedman—Aye.*

30  
31 **XV. Continue discussion and possible adoption of the draft FY 2022-23 Town Council goals**

32  
33 Administrator Selig said the “long-term strength and resiliency” item has the tax rate charge and  
34 encouraged the Council to talk about what it is comfortable with as it is a change from the past  
35 and what Chair Pro Tem Lawson had suggested.

36  
37 Councilor Welsh felt the tax rate charge was too loose and explained his reasons in more detail.  
38 He said the Administrator and staff should focus on increasing revenue, as well as focusing on  
39 applying for state and federal grants, and incomes of newer staff as older staff retire. He felt the  
40 Council should ask the Administrator, as the Durham budget target, to keep the tax rate flat.

41  
42 Councilor Friedrichs said the Town is going through a large property reassessment, and as the  
43 property values are reassessed, ze would expect that the tax rate would go down because the  
44 value of the property is much higher. Ze also said that just as some years the tax rate goes up,  
45 there should also be years when it decreases, otherwise the rate just constantly goes up, which  
46 would be a more reasonable adjustment to the growth and use of the Town.

47  
48 Councilor Welsh clarified that when there is a reassessment, then the tax rate is readjusted at that  
49 time, so it is reflected.

1 Chair Pro Tem Lawson said if the Town has no economic development then it is limited in its  
2 tax base, and if it sets an objective to keep the tax rate flat, the only way to meet that objective is  
3 to probably have unrealistic objectives of state and federal grants, and ultimately what the Town  
4 is left with is cutting services.

5  
6 Councilor Lund felt it would be a more appropriate goal to keep the total budget increase at no  
7 more than inflation and try to minimize the impact to the tax rate.

8  
9 Councilor Friedrichs said if the Town received significant grants, then that would put the budget  
10 higher if the Town has received something that it wants to spend and use.

11  
12 Discussion continued around staffing and Town services. Administrator Selig said he is  
13 constantly looking at all matters which can affect the Town's budget and tax rate. He said he had  
14 no issues with the tax rate goal the Town has been going with, as long as the Council is open to  
15 the realities before it. The staff is much more able to provide the Council with more details when  
16 going into the budget process. He said if the Council is comfortable with reframing the language  
17 that it has been using and will touch upon and capture Councilor Friedman's concern about the  
18 revised tax rate relative to growth.

19  
20 Councilor Friedrichs noted that the goals list did not appear to have goals that were originated  
21 by the Town Council and felt it may be helpful and clearer if the list had initiatives originating  
22 from the Council.

23  
24 Chair Pro Tem Lawson said that over the past 11 years there has been a lot of work put into the  
25 high-level goals. He said that in his mind, the high-level goals are Council goals that need to be  
26 continually worked on and have had changes made to them over the years. He said it's the  
27 Council's job to run the government.

28  
29 Councilor Lund agreed that the Council is the governing body for the Town, therefore it is  
30 appropriate for the Council to set goals for the Town and not just the Council. It is the  
31 responsibility of the departments within the Town to implement the goals, based on the  
32 Council's direction.

33  
34 Councilor Friedrichs said ze could not identify goals within the document list as presented.

35  
36 Lengthy discussion occurred centering on differences of opinions concerning how the Council  
37 goals should be constructed and presented.

38  
39 Councilor Welsh said that there were seated Councilors that have served for several years and  
40 are comfortable with the current process. He suggested that the Council use what has been  
41 presented by Administrator Selig for this year's goal session and if next year someone feels the  
42 goals are still falling short and have something they want to present that is convincing then  
43 perhaps those items could be incorporated at that time.

44  
45 Administrator Selig said he would finalize the goal document for the Council's adoption at the  
46 next meeting, making the amendments suggested by Councilor Friedman earlier in the meeting  
47 and one other minor change.

48

1           ***Councilor Welsh MOVED that the Durham Town Council does hereby ADOPT the draft***  
2           ***summary goals and support document as the goals for the Council for the year 2023/24. The***  
3           ***motion was SECONDED by Councilor Friedrichs.***

4  
5           Administrator Selig suggested that the Council adopt the one-page version of the goals as his  
6           quarterly updates will reflect what progress has been made at that time.

7  
8           ***Councilor Welsh WITHDREW the above motion and MOVED that the Durham Town***  
9           ***Council does hereby ADOPT the one-page draft 2023/2024 Town Council goals, as amended.***  
10          ***The motion was SECONDED by Councilor Lund and PASSED unanimously, 9-0, on a roll***  
11          ***call vote: Councilor Hotchkiss—Aye, Councilor Welsh—Aye, Councilor Lonske—Aye,***  
12          ***Councilor Burton—Aye, Chair Pro Tem Lawson—Aye, Chair Needell— Aye, Councilor***  
13          ***Lund—Aye, Councilor Friedrichs—Aye, Councilor Friedman—Aye.***

14  
15          =====

16          Chair Pro Tem Lawson noted that he liked the Town Council and Administrator Roundtable  
17          item on the agenda to hear about what is occurring on other Town boards and committees.  
18          However, he has noticed over the past few meetings, the roundtable has lasted anywhere from  
19          30 to 45 minutes and introduced the idea of moving the roundtable to after “Unfinished  
20          Business” on the agenda.

21  
22          Councilor Friedman added that the “Unanimous Consent” agenda and “Approval of Minutes”  
23          could also be moved to after the “Public Hearings” and “Presentation Items”.

24  
25          Chair Pro Tem also suggested that if a Councilor wants to pull something off the “Unanimous  
26          Consent” agenda, that they let Administrator Selig know earlier the day of a meeting as he may  
27          be able to answer any questions about a particular item before that meeting.

28  
29          **XVI. Nonpublic Session (if required)**

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

31          **XVIII. Adjourn (NLT 10:30 PM)**

32  
33          ***Councilor Lonske MOVED to adjourn. The motion was SECONDED by Councilor Welsh***  
34          ***and PASSED, unanimously, 9-0, by a show of hands: Councilor Friedman, Councilor***  
35          ***Friedrichs, Councilor Lund, Chair Needell, Chair Pro Tem Lawson, Councilor Burton,***  
36          ***Councilor Lonske, Councilor Welsh, Councilor Hotchkiss.***

37  
38          The meeting ADJOURNED at 10:11 PM.

39  
40          Jennie Berry, Minutes Taker