

DRAFT

**DURHAM TOWN COUNCIL
MONDAY, JULY 15, 2024
DURHAM TOWN HALL - COUNCIL CHAMBERS
7:00 PM**

MEMBERS PRESENT: Council Chair Sally Needell, Councilor Curtis Register, Councilor Darrell Ford, Councilor Eric Lund, Councilor Emily Friedrichs (who uses the pronouns ze/zir/zirs/zirself and the title Mx. Friedrichs), Councilor Wayne Burton, Council Pro Tem Joseph (Joe) Councilor James Bubar, Councilor Heather Grant

MEMBERS ABSENT: None

OTHERS PRESENT: Administrator Todd Selig

I. Call to Order

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

II. Town Council grants permission for fewer than a majority of Councilors to participate remotely - N/A

III. Roll Call of Members

Councilor Heather Grant, Councilor James Bubar, Chair Sally Needell, Chair Pro Tem Joe Friedman, Councilor Wayne Burton, Councilor Eric Lund, Councilor Darrell Ford, Councilor Curtis Register

IV. Approval of Agenda

Chair Needell MOVED that the Durham Town Council does hereby APPROVE the meeting agenda for Monday, July 15, 2024, as presented. The motion was SECONDED by Councilor Lund and PASSED unanimously 8-0 by a show of hands.

V. Special Announcements

Presentation by Town Clerk Rachel Deane to this year's Top Dog Winner, Lily Demarest.

Town Clerk Rachel Deane explained the Top Dog program. She mentioned that Cheryl Hildreth in the Clerk's office is doing a great job. She then introduced this year's Top Dog, Lily Demarest with her mom, dad, sister & brother, and presented the family with a gift from Doggy Do Good. Chair Needell asked if the residents are better at getting their dog licenses due to the Top Dog program. Ms. Deane mentioned that yes, this year they have done the best that they have ever done at licensing dogs, and she feels it is due to the Top Dog program.

Chair Needell mentioned that there is only one meeting in August, which is on August 12.

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

Marjorie Smith, Piscataqua Road. She first ran as a representative for the NH House in 1996. The issues that were being raised then are the same that are being raised now; however, the world around us is changing. She is encouraged that this year she has heard from the Council more than she ever has before. She wanted to come today to point out the way that responsibilities are handled between the Federal Government, State Government and Local Government is changing. She is well aware of the issues at the local level, and she would like to increase communication between State and local levels.

William Hall, Smith Park Lane. Explained how the water system in Durham works and the history of the water system.

VII. Report from the UNH Student Senate External Affairs Chair or Designee - None

VIII. Unanimous Consent Agenda *(Requires unanimous approval. Individual items may be removed by any councilor for separate discussion and vote)* - None

- A. Shall the Town Council Approve the 3rd 2024 Warrant Billing Computed From the 2nd Quarter Water and Sewer Readings of 2024 Totaling \$675,349.50, Commit the Bills for Charges to the Tax Collector for Collection, and Authorize the Administrator to Sign Said Warrant?
- B. Shall the Town Council pass on First Reading, **Ordinance #2024-05** Amending Chapter 175 "Zoning," Article XVII, "Durham Historic Overlay District," Section 175-93 "Identification of the Historic Overlay District," to update the Map & Lot numbers of the Historic District and Schedule a Public Hearing for Monday, August 12, 2024?
- C. Shall the Town Council unseal the Nonpublic Session minutes from the year 2005 dated February 7, February 14, June 6, June 20, October 17, October 31 and December 19?

Councilor Bubar requested that Item #A be pulled for discussion.

Councilor Friedrichs arrived at 7:06 p.m.

Chair Needell MOVED that the Durham Town Council does hereby APPROVE the unanimous consent items #B & #C. The motion was SECONDED by Councilor Grant and PASSED unanimously 9-0 by a roll call vote.

Chair Needell MOVED that the Durham Town Council does hereby APPROVE the 3rd 2024 Warrant Billing Computed From the 2nd Quarter Water and Sewer Readings of 2024 Totaling \$675,349.50, Commit the Bills for Charges to the Tax Collector for Collection, and Authorize the Administrator to Sign Said Warrant. The motion was SECONDED by Councilor Lund.

Councilor Bubar asked about the process of water & sewer billing. There was discussion around this. He mentioned that it appears usage has come down. Public Works Director Rich Reine explained the budgeting process. He has noticed that the revenues are under projections. But there are also less expenditures. Council Bubar mentioned that the Council will be having a presentation on water and sewer at a future meeting. He would like some clarity in the 2022-2023 increase in the rate at that time.

Chair Pro Tem Friedman asked Director Reine to explain the variance between actual versus projected in both water and sewer revenues. Director Reine is not concerned. The expenditure side is lower to compensate for that.

Councilor Friedrichs has a question about the water quality report that had come out. Director Reine explained the reason there are higher levels of certain pollutants in the report and how Durham's system will take care of that.

The motion to APPROVE the 3rd 2024 Warrant PASSED unanimously 9-0 by a roll call vote.

IX. Committee Appointments

Shall the Town Council, upon recommendation of the Energy Committee Chair, Appoint Michal Konopko, 31 Young Drive, to fill a Regular Membership on the Energy Committee with no term expiration?

Michal Konopko introduced himself and gave a summary of his background and why he would like to be a member of the Energy Committee.

Councilor Lund MOVED that the Durham Town Council does hereby, upon recommendation of the Energy Committee Chair, Appoint Michal Konopko, 31 Young

Drive, to fill a Regular Membership on the Energy Committee with no term expiration. The motion was SECONDED by Chair Needell.

Chair Pro Tem Friedman stated that he feels that all committees should have term expirations as the Energy Committee currently does not have term expirations.

The MOTION to appoint Michal Konopko to the Energy Committee PASSED unanimously 9-0 by a roll call vote.

X. Presentation Items

A. Presentation by Gail Jablonski, Business Manager on the Quarterly Financial Report for Period Ending June 30, 2024.

Business Manager Jablonski stated that everything is looking well and there are no anomalies. She has spoken with Fire Chief Emmanuel, and he has stated that he will be coming in at budget although he had to cut quite a bit of training.

Council Ford asked why the revenues collected are less this year than last year. Business Manager Jablonski stated that are a lot of fees that are down, but she expects them to pick up. Councilor Bubar asked about the water and sewer funds. Business Manager Jablonski explained that they are their own separate funds and are not included in revenue and expenses of the general fund. Director Reine explained how funds are designated for water and sewer projects and water main breaks.

B. Receive annual report on the Conservation Commission activities and projects – Dwight Trueblood, Chair.

Chair Dwight Trueblood introduced himself. He spoke to the work that the Conservation Commission is doing in updating the Conservation Overlay Districts. There is a good draft before them now that they are working through. Hopefully, by December it will be ready to go to the Planning Board for Public Hearing.

Chair Trueblood stated that at each of their meetings, Conservation Steward Sara Callaghan comes and briefs them. They supply feedback and support to her in her work.

Chair Trueblood stated that the Commission also reviews Conditional Use Permits and supplies advise to the Planning Board. He stated that over the last year there have been 4 permits that have come before the Commission. Looking into the future, he mentioned that the Commission is looking at better ways to put out information to the public.

Councilor Register asked if Chair Trueblood had looked at the Council goals and had any questions as to how the Conservation Commission could help with fulfilling those goals. Chair Trueblood stated that the Commission had looked over the goals and had not seen any issues. There are no major red flags.

Councilor Bubar asked what the Commission's plans are for next year for major activities. Chair Trueblood stated that the Commission hasn't really discussed this other than the public education piece. They have started going through the strategic plan.

C. Presentation and First Reading on **Ordinance #2024-06**, Amending Chapter 132 "Tax Exemptions and Credits," Section 132-4 "Service-Connected Total Disability Tax Credit," of the Durham Town Code and **Ordinance #2024-07**, Amending Chapter 132 "Tax Exemptions and Credits," adding Section 132-8 "All Veterans' Tax Credit" to the Durham Town Code and Scheduling a Public Hearing for Monday, August 12, 2024.

The new Assessor, Darcy Freer, was present with the previous Assessor, Jim Rice. Ms. Freer gave a presentation on the Ordinance change for the Service-Connected Total Disability Tax Credit and the reasons behind the proposed changes.

There were questions by the Councilors on the specifics of the credits and exemptions which Ms. Freer answered.

Councilor Register stated that he would recuse himself from the vote on Ordinance #2024-06 because he benefits from the credit. Councilor Friedrichs reminded the Council that this vote is just to set the public hearing, not to vote to approve. Councilor Register, therefore, decided to vote. Administrator Selig mentioned that Councilor Register had no part in the creation of this Ordinance and was not aware of it until tonight. There was additional discussion on the requirements for the credit and exemption.

Chair Needell MOVED that the Durham Town Council does hereby APPROVE on First Reading Ordinance #2024-06, Amending Chapter 132 "Tax Exemptions and Credits," Section 132-4 "Service-Connected Total Disability Tax Credit," of the Durham Town Code and Schedules a Public Hearing for Monday, August 12, 2024. The motion was SECONDED by Councilor Ford. The motion PASSED unanimously 9-0 by a roll call vote.

Ms. Freer gave a presentation on the Ordinance change for the All Veterans' Tax Credit and the reasons behind the proposed changes. She presented the requirements for receiving the tax credit.

Chair Needell MOVED that the Durham Town Council does hereby APPROVE on First Reading Ordinance #2024-07, Amending Chapter 132 "Tax Exemptions and Credits," adding Section 132-8 "All Veterans' Tax Credit" of the Durham Town Code and Schedules a Public Hearing for Monday, August 12, 2024. The motion was SECONDED by Councilor Lund. The motion PASSED unanimously 9-0 by a roll call vote.

XI. Unfinished Business

Public Hearing and Action on Resolution #2024-16 to 1.) Authorize the Administrator to Submit a Clean Water State Revolving Fund Loan Application to the NHDES and Execute all Necessary Documents in Accordance with New Hampshire Code of Administrative Rules Chapter Env-Wq for the Completion of a Wastewater Treatment Plant Biosolids Dryer Feasibility Study and 2.) Authorize the Borrowing, Issuance, and Incurrence of Debt of Not More Than \$100,000 (With Funds to Come From a Clean Water State Revolving Fund loan, with 100% Principal Forgiveness) in Long-term Bonds or Notes in Accordance With the Provision of the Municipal Finance Act (RSA Chapter 33) for Completion of a Wastewater Treatment Plant Biosolids Dryer Feasibility Study.

Councilor Bubar MOVED that the Durham Town Council does hereby, OPEN the Public Hearing on Resolution #2024-16 to 1.) Authorize the Administrator to Submit a Clean Water State Revolving Fund Loan Application to the NHDES and Execute all Necessary Documents in Accordance with New Hampshire Code of Administrative Rules Chapter Env-Wq for the Completion of a Wastewater Treatment Plant Biosolids Dryer Feasibility Study and 2.) Authorize the Borrowing, Issuance, and Incurrence of Debt of Not More Than \$100,000 (With Funds to Come From a Clean Water State Revolving Fund loan, with 100% Principal Forgiveness) in Long-term Bonds or Notes in Accordance With the Provision of the Municipal Finance Act (RSA Chapter 33) for Completion of a Wastewater Treatment Plant Biosolids Dryer Feasibility Study. The motion was SECONDED by Councilor Friedrichs. The motion PASSED unanimously 9-0 by a show of hands.

No one from the public was in attendance to speak to the Resolution.

Councilor Ford MOVED that the Durham Town Council does hereby, CLOSE the Public Hearing on Resolution #2024-16 to 1.) Authorize the Administrator to Submit a Clean Water State Revolving Fund Loan Application to the NHDES and Execute all Necessary Documents in Accordance with New Hampshire Code of Administrative Rules Chapter Env-Wq for the Completion of a Wastewater Treatment Plant Biosolids Dryer Feasibility Study and 2.) Authorize the Borrowing, Issuance, and Incurrence of Debt of Not More Than \$100,000 (With Funds to Come From a Clean Water State Revolving Fund loan, with 100% Principal Forgiveness) in Long-term Bonds or Notes in Accordance With the Provision of the Municipal Finance Act (RSA Chapter 33) for Completion of a Wastewater Treatment Plant Biosolids Dryer

Feasibility Study. The motion was SECONDED by Councilor Lund. The motion PASSED unanimously 9-0 by a show of hands.

Councilor Lund MOVED that the Durham Town Council does hereby, ADOPT Resolution #2024-16 to 1.) Authorize the Administrator to Submit a Clean Water State Revolving Fund Loan Application to the NHDES and Execute all Necessary Documents in Accordance with New Hampshire Code of Administrative Rules Chapter Env-Wq for the Completion of a Wastewater Treatment Plant Biosolids Dryer Feasibility Study and 2.) Authorize the Borrowing, Issuance, and Incurrence of Debt of Not More Than \$100,000 (With Funds to Come From a Clean Water State Revolving Fund loan, with 100% Principal Forgiveness) in Long-term Bonds or Notes in Accordance With the Provision of the Municipal Finance Act (RSA Chapter 33) for Completion of a Wastewater Treatment Plant Biosolids Dryer Feasibility Study. The motion was SECONDED by Councilor Grant.

There was discussion with Director Reine on specifics of the work mentioned in the Resolution.

The motion PASSED unanimously 9-0 by a roll call vote.

XII. Approval of Minutes – None

XIII. Councilor and Administrator Roundtable

Councilor Register – OR Cooperative School Board

The school board hasn't met since the last time the Council met. The next meeting is July 17 at 7:00 p.m. The school board has posted their goals if anyone would like to look at them.

Councilor Register – Agricultural Commission

The commission met on Monday, July 8, 2024. They discussed the focus group and the desire to create a survey which will be distributed on Farm Day. Farm Day is August 17. Lee Alexander is hosting a bee talk at Emery Farm on July 24 on bee keeping.

Councilor Register mentioned that he will be attending the Human Rights Commission meeting of July 25 to discuss a potential resolution on freedom of speech and de-escalation in regards to the incident at UNH on May 1.

Councilor Register made a statement regarding the assassination attempt on former President Trump.

Councilor Ford

Councilor Ford reported that the Land Stewardship Subcommittee has had two meetings since he was last in attendance at the Council meeting. They voted to approve having Jackson Landing and the Stolworthy Sanctuary surveyed. Stewardship Coordinator Sara Callaghan applied and received a grant to upgrade some log bridges. They had a table at Durham Day.

Councilor Lund - Energy Committee

The Energy Committee met on July 2. They saw a presentation entitled Solarize the Seacoast. There was a discussion with the Sustainability Fellow Sophie Goodwin. There was discussion on the new rates for CPCNH starting August 1.

Councilor Lund - Historic District/Heritage Commission

The HDC/HC met on July 11. There was a discussion with the potential purchaser of 53 Bagdad Road.

Councilor Burton

The Strafford Regional Planning Commission gave an award to Durham for the shoreline restoration at Wagon Hill Farm. That project actually began at a Council roundtable. He will also be attending the July 25 Human Rights Commission meeting to discuss the potential resolution.

Chair Pro Tem Friedman - Parks & Recreation Committee

The P&R Committee meeting was on June 25. There are STEM & REACH summer camps going on now. The Oyster River school District does the morning camp and the Durham Parks & Recreation does the afternoon camp. They opened 4 temporary pickle-ball courts at Woodridge Park. They have 3 guided trail walks for Durham coming up in collaboration with Land Stewardship Subcommittee. There is also a fees study that is being done.

Chair Pro Tem Friedman - Seacoast Economic Developers Stakeholders (SEDS)

The SEDS met by Zoom on June 25. It was about cross laminated timber construction. Also a presentation on concrete 3-D printing as a way to build housing faster.

Chair Needell - Durham Human Rights Commission (HRC)

The next Human Rights Commission meeting is July 25, 2024 at 10:30 AM in Council Chambers.

Chair Needell encouraged all council members to attend the department meetings for budget proposals.

Councilor Friedrichs – Planning Board

There have been two Planning Board meetings since the last Council meeting. Ze missed one of them. They are continuing to advance the Workforce Housing Ordinance and are reviewing the Zoning Ordinance definitions sent back by the Council.

Councilor Friedrichs mentioned that the Solarize the Seacoast campaign has a limited timeframe. It has a proven track record. Another option for solar can be a community solar project through Revision Energy. You have to be a customer to Eversource.

Councilor Friedrichs was able to attend a UNH Master Plan draft presentation. One thing that might impact Durham is that they are looking to build additional housing for grad students.

Councilor Bubar – Zoning Board of Adjustment

There was a Zoning Board meeting on July 9. There was a variance application for a shed. They are reviewing the portion of the Wetland Overlay District Ordinance that might involve the Zoning Board. They will discuss this at the next meeting. Based on what they have been seeing for variance requests, they discussed the need for more information with the application.

Councilor Grant – Housing Task Force

The Housing Task Force met last week and are still working on outreach plans. They are looking to present to each of Durham's boards & commissions. They heard from Michael Mulhern regarding workforce housing being built on land in Portsmouth. They had held a charette and he presented the findings from that.

Councilor Grant – Planning Board

The Planning Board is working on the Workforce Housing Ordinance and the changes to the Zoning Ordinance suggested by the Council.

Administrator Selig

He is working to take some Fridays and Mondays off this summer to have longer weekends.

Councilor Bubar mentioned the email Administrator Selig had sent saying that he had met with the new UNH President. Council Bubar hoped that there had been a discussion of how the University was relieving the housing and parking issues on campus. Administrator Selig stated that this was an introductory meeting and there was not time to get into those types of issues. There will be opportunities in the future discuss other things. He had sent Ken Weston a lengthy email regarding housing and he is setting up a meeting with Mr. Weston and Planner Behrendt to talk through those things.

Councilor Register mentioned that he thought President Chilton was coming to a future Council Meeting for a “meet and greet,” and that would be an opportunity to discuss some of those issues. He felt that she should be given a list of some questions before attending the Council meeting.

Administrator Selig also mentioned that he is looking into having a UNH administration member come to Council meetings on a more regular basis.

Council Bubar also mentioned that he agrees that Sophie Lane is a private road. The Town should not be spending money to fix the road.

Councilor Bubar asked about the proposed plans of building a Dunkin Donuts at the old Cumberland Farms property. Will that bring up a request for a drive-through window? Administrator Selig stated that the potential developer understands that drive-throughs are not allowed.

Councilor Grant mentioned that the link for the UNH Master Plan didn't seem to be working and was wondering if Administrator Selig could send out the link again.

Councilor Friedrichs was encouraged to hear that UNH has made a commitment to go electric with their buses.

XIV. New Business

XVI. Nonpublic Session (if required)

XVII. Extended Councilor and Administrator Roundtable (if required)

XVIII. Adjourn (NLT 10:30 PM)

Councilor Lund MOVED to ADJOURN the meeting. The motion was SECONDED by Councilor Ford and PASSED 9-0 by a show of hands.

The meeting ADJOURNED at 9:28 PM.

Karen Edwards, Minutes Taker