

These minutes were approved at the September 9, 2024 meeting.

**DURHAM TOWN COUNCIL
MONDAY, AUGUST 12, 2024
DURHAM TOWN HALL - COUNCIL CHAMBERS
7:00 PM**

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

MEMBERS ABSENT: Councilor Curtis Register

OTHERS PRESENT: Administrator Todd Selig, Assessor Darcy Freer

I. Call to Order

Chair Needell called the meeting to order at 7:02 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, Councilor Emily Friedrichs, Chair Sally Needell, Chair Pro Tem Joe Friedman, Councilor Wayne Burton, Councilor Eric Lund, Councilor Darrell Ford

IV. Approval of Agenda

Chair Pro Team Joe Friedman asked that the two public hearings on two of the three ordinances listed in XI. Unfinished Business that are presented on the agenda as combined (B. Public Hearing and Action 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 C. Public Hearing and Action on Ordinance #2024-07 Amending Chapter 132 “Tax Exemptions and Credits,” adding Section 132-8 “All Veterans’ Tax Credit” of the Durham Town Code) be handled separately.

Chair Needell MOVED that the Durham Town Council does hereby APPROVE the meeting agenda for Monday, Aug. 12, 2024, amended as suggested by Councilor Friedman. The motion was SECONDED by Councilor Friedrichs and PASSED unanimously 8-0 by a show of hands.

V. Special Announcements

A. Introduction of new UNH President, Elizabeth S. Chilton, and UNH Assistant Vice President of Public Affairs and Interim Chief of Staff, Thomas Cronin

UNH President Chilton thanked the Town Council for the invitation to attend and introduce herself. She said she has been president for just five weeks and is proud to be a Durham resident. She said she welcomes the opportunity to get to know the Council and other community members in person and by phone and to learn and understand how the university can partner with the Town of Durham and the surrounding region to work together on making our community stronger as we move forward. She introduced Thomas Cronin as her interim chief of staff and said she hopes he will become permanent in that role. She said she wants to make sure both of them are accessible and invited people to reach out to them. She said Mr. Cronin speaks for her and she wants to

make sure the university and the town have strong communications and really have a true partnership.

Mr. Cronin said he has been with UNH for ten years and looks forward to strengthening the already strong relationship he has with the town. He said he and Administrator Selig have had a great collaboration on a variety of issues and events, and looks forward to that continuing.

B. Introduction of new Oyster River Cooperative School Superintendent, Dr. Robert Shaps

Dr. Robert Shaps thanked the Town Council for the opportunity to introduce himself and he specifically thanked Administrator Selig for being so welcoming to him. He retired last October from a similar three-town district in New York, took a few months off and is now happy to return to New Hampshire to lead the Oyster River Co-op School District. He grew up on a small farm in Mt. Vernon, N.H. He is excited to get to know the community better and to lead a school district in a university town where there's the opportunity to create opportunities between higher ed and public education that don't exist elsewhere.

Councilor Friedrichs brought his attention to Durham Farm Day on Saturday, Aug. 17 where many small local farms hold open houses in keeping with his roots.

C. Introduction of new Town Council minutes taker, Jane Murphy

New Town Council Minutes Taker Jane Murphy introduced herself expressing her hope that her experience as a reporter and editor at local community newspapers will help her use those skills to now serve the town of Durham. She has been a resident of the town for 21 years. She welcomed feedback from councilors as she learns her new job.

D. Chair Needell noted that the Town Council will next meet on Monday, Sept. 9, as the first Monday of the month, Sept. 2, is the Labor Day holiday. The Town Council will then again meet on Monday, Sept. 16, two weeks in a row.

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

William Hall, Smith Park Lane, spoke about the town paying UNH for alternative water sources during several projects over the years and expressed his opinion that the town has overpaid their share in several cases.

Joshua Meyrowitz, 7 Chesley Drive, spoke in support of the free speech resolution on the Town Council agenda and gave an updated audio-visual presentation about the arrests made on May 1, 2024 at the pro-Palestinian rally on the lawn of Thompson Hall on the UNH campus.

Loren Selig, 3 Nobel K Peterson Drive, reminded all that New Hampshire is holding a primary election on Tuesday, Sept. 10, encouraged voters to participate and to especially learn about the Executive Council races as in the last primary and election many town voters did not cast a vote in that race.

Sebastian Rowan, a UNH graduate student arrested at the May 1 rally who lives in Manchester, spoke in support of the proposed free speech resolution before the Town Council and expressed that he “wished it were more forceful” and that “the way the event transpired has had a chilling effect on our perceived ability to exercise our free speech.”

Peter Schmidt of Dover, state representative of Strafford District 14, spoke in support of the free speech resolution before the Town Council and said he attended the meeting to hear the

introduction of the new UNH president, Elizabeth Chilton, and praised the council's early outreach to her as beginning of a good relationship with UNH.

Sebastian Rowan requested and was given two minutes more of Public Hearing time by Chair Needell to add that though he joined the meeting late for President Chilton's introduction, he wanted to add that he encourages the university to be willing to engage in discussion with student groups.

VII. Report from the UNH Student Senate External Affairs Chair or Designee - None as UNH is not in session yet.

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

IX. Committee Appointments – None

X. Presentation Items

A. Blue Ocean Society Executive Director Jen Kennedy presented about non-profits beach cleanups and what they have collected in cleanups at Adams Point in Durham. The organization's 4,100 volunteers have done 348 cleanups at 44 sites around the Seacoast from 2018 to 2023. In that timeframe, 386 pounds of marine debris has been collected in nine cleanups. In 2022 to 2023, the top 10 items collected were plastic pieces less than 10 cm, 621; cigarettes butts, 452; other items, 329; foam pieces less than 10 cm, 319; plastic wrappers, 230; glass pieces less than 10 cm, 187; unknown plastic pieces larger than 10 cm, 105; rope pieces, 87; bottle caps, 71; other metal pieces, 60.

She also reported that Adams Point has been adopted by a local family for monthly cleanups going forward.

B. An annual report of the Planning Board's activities and projects was on the agenda for this meeting but Planning Board Chair Paul Rassmussen was thought to be out of town and not present. It appears there was a miscommunication. Chair Needell said the annual report will be slated for a future meeting.

XI. Unfinished Business

A. Public Hearing and Action on Ordinance #2024-05 Amending Chapter 175 "Zoning" Article XVII, "Durham Historic Overlay District" of the Durham Town Code to update the Map & Lot numbers of the Historic District.

Chair Needell MOVED to open the Public Hearing on Ordinance #2024-05. Council Lund SECONDED the motion and it PASSED unanimously 8-0 by a show of hands.

No one from the public was present to speak about the ordinance.

Chair Needell MOVED to close the public hearing, Councilor Ford SECONDED the motion, and it PASSED unanimously 8-0 by a show of hands.

Chair Needell MOVED to adopt Ordinance #2024-05, Council Lund SECONDED the motion. Ordinance #2024-05 PASSED unanimously by a roll call vote of 8-0.

Councilor Friedrichs thanked the Town Planner and Historic District Commission for all their work on this ordinance.

B. Public Hearing and Action 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.

Chair Needell MOVED to open the Public Hearing 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. Councilor Friedrichs SECONDED the motion, which PASSED unanimously 8-0 by a show of hands.

No one from the public was present to speak about the ordinance.

Councilor Ford MOVED to close the Public Hearing on Ordinance #2024-06, Councilor Bubar SECONDED, and the motion PASSED unanimously 8-0 by a show of hands.

Chair Needell MOVED that the Durham Town Council hereby adopt Ordinance #2024-06 Amending Chapter 132 “Tax Exemptions and Credits,” Section 132-4 “Service-Connected Total Disability Tax Credit,” of the Durham Town Code. Councilor Lund SECONDED the motion and the motion PASSED on a unanimous roll call vote of 8-0.

C. Public Hearing and Action on Ordinance #2024-07 Amending Chapter 132 “Tax Exemptions and Credits,” adding Section 132-8 “All Veterans’ Tax Credit” of the Durham Town Code.

Chair Needell MOVED to open the Public Hearing on Ordinance #2024-07. Councilor Grant SECONDED the motion. The motion PASSED unanimously 8-0 by a show of hands.

No one from the public is present to speak about the ordinance. Former Town Councilor Carden Welsh did submit written comments questioning aspects of the changes to the ordinance including the 90-day minimum military service requirement to receive the tax credit.

Councilors discussed that requirement and Assessor Darcie Freer was present to address questions. Councilor Friedrichs asked if the 90-day requirement is set in state law and the town cannot change it. Assessor Freer said yes. She also explained that this ordinance change will address a gap in coverage for veterans who served from 1947 to 1950, 1955 to 1961 and from 1975 to 1990 who are not covered in the current town ordinance. She said veterans covered in the earlier time periods would already be in their 80s and 90s and are less likely to still be in their own homes so the veterans in the later time period would be more likely to apply for the tax credit. Based on their numbers, she estimated the potential cost of implementing the tax credit at a 2-cent increase in the town tax rate, which for a \$500,000 household in town would mean about a \$10 increase in their taxes annually at the current tax rate.

Councilor Ford called a Point of Order questioning if the Public Hearing should be closed as they were now engaged in a Council discussion.

Councilor Lund MOVED to close the Public Hearing and Councilor Ford SECONDED the motion. The motion PASSED unanimously 8-0 by a show of hands.

Chair Needell MOVED that the Town Council hereby adopt Ordinance #2024-07 Amending Chapter 132 “Tax Exemptions and Credits,” adding Section 132-8 “All Veterans’ Tax Credit” of the Durham Town Code. Council Burton SECONDS the motion.

Councilor Burton led off a discussion among all councilors on the difference between recognizing those who commit their lives to public service in the civilian workforce and recognizing those who are veterans, drawing the differences and risks of serving in the military versus serving the town in other vocations and why military service merits consideration for financial assistance from the town. The full discussion may be viewed on DCAT on Demand at www.ci.durham.nh.us.

In response to a question from the Council, Freer did note that the tax credit is optional, qualifying veterans don't automatically receive it, they do have to apply and she and her predecessor Jim Rice are aware of veterans in town who qualify but do not apply because they feel they do not need it.

Ordinance #2024-07 Amending Chapter 132 "Tax Exemptions and Credits," adding Section 132-8 "All Veterans' Tax Credit" of the Durham Town Code PASSED by a unanimous roll call vote if 8-0.

XII. Approval of Minutes – July 15, 2024

Chair Needell asked that any additional minor edits be submitted to Administrative Assistant Karen Edwards for inclusion.

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

XIII. Councilor and Administrator Roundtable

Councilor Register

Councilor Register did not have anything new to report.

Councilor Ford-Land Stewardship Commission

The Land Stewardship Commission has not met since the Town Council's last meeting so nothing new to report.

Councilor Lund-Historic District Commission/Heritage Commission

The Historic District/Heritage Commission met Aug. 1. The commission presented a Preservation Project Award to Scott and Karen LeTourneau for their restoration of the old Durham Town Hall and redevelopment of it into Tideline Public House.

The commission also approved the placement of a granite bench in Town Landing Park in memory of the late Durham resident Phyllis Bennett, the reporter who broke the story about Aristotle Onassis' plan to develop an oil refinery on Durham Point in Great Bay and off the coast of New Hampshire, and whose continued reporting helped to stop the project.

The Historic District Commission also discussed its budget and voted to recommend level funding of its budget in 2025.

Councilor Lund-Energy Committee

Energy Committee met Aug. 6. It discussed how changes in state law mean the town can no longer require entered energy codes in general building permits. They voted to support making that a condition in the density bonus for workforce housing. The committee also discussed the new default rate for CPCNH for the period beginning in August. The town has qualified for the

Granite Plus Plan, which is the 33 percent renewable plan. The default rate is cheaper than the Eversource benchmark rate.

Councilor Burton

Councilor Burton reports the area at Wagon Hill Farm where Portsmouth has completed its water project looks good and the grass is growing back. He requested the town send a note to the City of Portsmouth, acknowledging the city's effort to restore the original state of that area of the farm and thanking the city for the effort. Administrator Selig said he will send Portsmouth a letter from the town.

Chair Pro Tem Friedman – Parks & Recreation Committee

The Parks and Recreation Committee met July 23 and established a subgroup to look at their fees as the Council has asked. It is working on a spreadsheet it will submit to the administrator as part of the budget process. The committee will present before the Council on Sept. 9.

Chair Pro Tem Friedman brought attention to the survey by UNH in the last Friday Update looking for residents' feedback on Jackson Landing and Woodridge Park, encouraged residents to fill out the survey. They hope to have results compiled this fall.

Parks & Rec is working on a Trails Update with the Conservation Commission and Land Stewardship Committee, and the three are working on a monthly Trail Walk open to the public.

The Seacoast Economic Development Stakeholders met July 23 and talked about liquor licensee advocacy and heard a presentation from a field staffing agency about human resources.

Chair Pro Team Friedman brought up the matter of creating consistent term limits for positions on the town's boards and commissions as some have them, some don't and some vary. He requested the Council set time on an agenda to discuss this and the voting membership of the town's committees, and what bylaw changes may need to be made for the various committees.

Chair Pro Tem Friedman mentioned the fact that the town pays for half of the Cat Tracks program and he wanted to make it known residents can ride the bikes for free and encouraged the town to promote awareness of the program and how to use it.

He also brought attention to the Australian company SPEE3D that has established its first U.S. manufacturing facility and applications center in town. SPEE3D, a metal additive manufacturing company, is located at the John Olson Advanced Manufacturing Center at the University of New Hampshire (UNH).

Chair Needell-Human Rights Commission

Chair Needell reported the Human Rights Commission will next meet on Oct. 8 from 3:30 to 5 p.m.

At the HRC meeting on July 25, Danielle Keaton (Heaton) gave a presentation about local non-profit 21 Senses, which advocates for those who have sensory-processing issues. They have created quiet rooms and spaces during town events such as Durham Day as a pilot program and at no cost to the town. Other communities have been paying them to provide this service during events. The nonprofit inquired about getting some financial support from Durham and will be applying for assistance in the budget process.

At that same meeting, the HRC held discussion of the draft free speech resolution that is before the Town Council at this meeting. The Commission held an additional work session on July 30 to work on the wording of the resolution.

Chair Needell

Chair Needell reminded councilors to submit their specific questions for the new UNH President Elizabeth Chilton to Karen Edwards and she will compile a list to submit to President Chilton in writing. Chair Needell had asked councilors to hold their questions earlier in the meeting during Chilton's introduction.

Councilor Friedrichs - Planning Board

Council Friedrichs reported the Planning Board has met twice since the last Council meeting.

The board recently held a Public Hearing on accessory free-standing solar arrays and will be sending an amendment to the Town Council for consideration. The amendment will allow that these are an accessory use to be reviewed under the minor site plan process, which will for freestanding solar projects that are not being developed as an additional business and that are supporting an existing use. This change would make the process cost-effective in terms of design plans as the minor site plan process doesn't require as much paperwork, and reduces the engineering and design costs for the projects.

Workforce Housing Amendment Public Hearing is Wednesday, Aug. 14. There was a discussion of some of the issues Councilors have with the recent update of the workforce housing report and about how to proceed to address those issues.

Councilor Friedrichs reported the Planning Board is almost done addressing the zoning definitions that the Council asked them to consider and hopes to bring them to the Council in September.

Councilor Bubar-Integrated Waste Management Committee

The Integrated Waste Management Committee met on Aug. 7 and heard from Erin Hale, in her role at UNH as Sustainability Dual Major Lecturer and Program Coordinator who is leading the Capstone project and had a good discussion. She is identifying senior students to support the project when they return in the fall. The IWMC also heard the Housing Task Force's presentation at the meeting.

Councilor Grant - Housing Task Force

At the Housing Task Force meeting, Councilor Grant reported there was discussion about looking into an analysis of the downtown area and possibly creating a subgroup in collaboration with the Planning Board. More will be coming as they work to determine the focus and to not duplicate efforts.

She said Sally Tobias has presented to the Historic Commission, the Energy Committee and the IMAC about the recent workforce housing report and said the commission is receiving great feedback from these sessions.

Councilor Grant said there will be a walkthrough of a development in Dover with 31 units on 7.5 acres on Aug. 27 at 4:30 p.m. She said it is an example of "gentle density" with single family homes at the front of the parcel and apartment buildings to the back of the parcel.

Administrator Selig

Administrator Selig said a new cache of non-public minutes from the year 2000 has been discovered in the basement of Town Hall and they are being processed.

He reported that when water and sewer bills went out recently about half of them had a return address of Durham, Maine. He said that town has been very helpful in quickly forwarding to the town any payments it receives from Durham NH residents. He said it was an error on the part of the town's printing contractor who also has Durham, Maine as a client. He added that any resident who sent their payment to Durham, Maine will not be charged a late fee.

XIV. New Business

A. Discussion and Possible Adoption of Resolution #2024-17 expressing the Town of Durham's interest in partnering with the University of New Hampshire to ensure that our constitutional right to freedom of speech for Durham residents and visitors within the community remains unimpeded and to emphasize de-escalation in all encounters.

Councilor Burton led off the discussion by thanking Tom Cronin of UNH for the long hours he has spent attending so many meetings spurred by the freedom of speech resolution. He also thanked the HRC for their work on this resolution. He said he believes the finished resolution before the Town Council at this meeting is a much better resolution because of everyone's work.

He said the resolution shows the town's interest in working together with UNH to avoid incidents like the events of May 1 on the UNH campus in the future and also asserts the town's interest that all can exercise their right to free speech whether on the UNH campus or in town. He said the resolution also establishes the Human Rights Commission as the place to address free speech issues.

Councilor Burton MOVED that the Town of Durham adopt Resolution #2024-17 expressing the Town of Durham's interest in partnering with the University of New Hampshire to ensure that our constitutional right to freedom of speech for Durham residents and visitors within the community remains unimpeded and to emphasize de-escalation in all encounters. Councilor Grant SECONDED the motion.

Councilors discussed minor line edits of the resolution's wording.

Councilors also discussed at greater length the use of the wording "lethal tactical assets" and decided on using "military-grade assets" in its place.

Councilors held a lengthy discussion about the second Whereas paragraph on Page 2 of the resolution. They discussed its wording and content, how to amend it, and whether to removed it altogether from the resolution.

The full discussion may be viewed on DCAT on Demand at www.ci.durham.nh.us.

Council Ford MOVED to eliminate the second Whereas on Page 2 of the resolution. Chair Pro Tem Friedman SECONDED the motion.

Chair Needell called for a roll call vote on the amendment to remove the second Whereas on Page 2.

The amendment to Resolution #2024-17 was approved by a 5-3 roll call vote: Council Ford - Aye; Councilor Lund - Nay; Councilor Burton - Nay; Chair Pro Team Friedman - Aye; Chair Needell - Aye; Councilor Friedrichs - Nay; Councilor Bubar - Aye; Councilor Grant - Aye.

Councilors then discussed wording to replace the Whereas paragraph that was removed from the resolution.

Councilor Friedrichs MOVED to add the language “Whereas state police were dispatched equipped with military-grade assets to the Durham community to address what was declared hours in advance to be a threat; and” to the resolution. Councilor Lund SECONDED the motion.

Councilors held a discussion on the motion. Chair Needell proposed the alternative wording “Whereas on May 1, state police equipped with military-grade assets were on the UNH campus; and” and councilors discussed it.

Chair Needell called for a roll call vote on adding Councilor Friedrichs’ proposed wording to the resolution.

Councilor Friedrichs’ amendment to the resolution PASSED on a roll call vote of 6-2: Councilor Ford - Aye; Councilor Lund - Aye; Councilor Burton - Aye; Chair Pro Tem Friedman - Aye; Chair Needell - Nay; Councilor Friedrichs - Aye; Councilor Bubar - Nay; Councilor Grant - Aye.

The proposed wording will be inserted into the resolution as the second Whereas on Page 2.

Chair Needell asked councilors if there was any further discussion needed before taking a final vote on the resolution. Councilors agreed no more discussion was needed.

Chair Needell MOVED that the Durham Town Council does hereby adopt Resolution #2024-17 as amended expressing the Town of Durham’s interest in partnering with the University of New Hampshire to ensure that our constitutional right to freedom of speech for Durham residents and visitors within the community remains unimpeded and to emphasize de-escalation in all encounters. Councilor Grant SECONDED the motion and the motion PASSED on an unanimous roll call vote of 8-0.

Chair Needell thanked councilors for a good discussion on the resolution.

XV. Nonpublic Session (if required) - Not Required

XVI. Extended Councilor and Administrator Roundtable (if required) - Not Required

XVII. Adjourn (NLT 10:30 PM)

Chair Needell MOVED to ADJOURN the meeting. The motion was SECONDED by Councilor Ford and PASSED unanimously 8-0 by a show of hands.

The meeting ADJOURNED at 9:55 PM.

- Jane Murphy, Minutes Taker