

These minutes were approved at the November 4, 2024 meeting.

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

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

MEMBERS ABSENT: None

OTHERS PRESENT: Administrator Todd Selig, Public Works Director Richard Reine, Assistant Director of Public Works Samuel Hewitt, Chief of Police Rene Kelley

I. Call to Order

Chair Needell called the meeting to order at 7:01 PM.

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

Chair Needell questions if Councilor Emily Friedrichs is on Zoom and it is determined ze is not at the moment.

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 (arrived in person at 7:04 PM), Councilor Emily Friedrichs (arrived on Zoom at 7:09 PM).

IV. Approval of Agenda

*Chair Needell recommends that number XIV on the agenda for the Oct. 7, 2024 meeting, the First Reading on Ordinance #2024-08 Amending Chapter 118 “Solid Waste” of the Durham Town Code, reflecting current operating plans to accommodate Planned Solid Waste Program Changes, and Scheduling a Public Hearing for November 4, 2024, be moved ahead of number XII, the Approval of Minutes, so the presentation of the new plan for Solid Waste by Public Works Director Richard Reine takes place, then the Town Council discusses the ordinance and then votes on the ordinance. The Approval of Minutes and Council Roundtable will take place at the end of the meeting. Councilor Lund **MOVED** to approve the agenda as amended;*

Councilor Bubar SECONDED the motion, and it PASSED by a unanimous show of hands vote.

V. Special Announcements

- A. Chair Needell read the Land Acknowledgement Statement as has been the tradition in October at Town Council meetings.

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

William Hall, Smith Park Lane, brings to the Town Council’s attention a published editorial by Chuck Douglas, former New Hampshire Supreme Court associate justice and former 2nd District Congressman, which Hall believes lays out the policy by which the University of New Hampshire is interacting with student protesters. Before the meeting, Hall passed out an article from last fall that also indicates the university’s stance on protests. He believes Durham overstepped its bounds with its free speech resolution and a letter it sent to UNH about the protest because it cannot set policy for the state and the university is state property. He is bringing this up because it is the anniversary of the Oct. 7 attack on Israel.

On the veterans’ credit discussion during a recent Town Council meeting, Hall said he believes it is an example of how some Town Council members who have not served in the military don’t understand what it is like to be a member of the military or a veteran who has served. Hall said he was drafted in 1964 and served in the military himself.

Administrator Todd Selig notices at 7:09 PM that Councilor Friedrichs has joined the meeting on Zoom and suggests the Town Council take the vote to approve zir participating in the meeting remotely. ***Chair Needell calls for a roll call vote, which is unanimous.***

Joshua Meyrowitz, 7 Chesley Drive, made a statement about the one-year anniversary of the Oct. 7 attacks on Israel noting the Global Day of Mourning for those killed and kidnapped in the attack, and in the subsequent attacks in Palestine. He notes six months ago the Town Council passed a resolution calling for a ceasefire in Palestine, but since then the conflict has only escalated. Noting on the global level and locally at UNH, he believes there is a lot of self-censorship and false information. He stated the investigation into the May 1 protest and police reaction was not valid, and that more still needs to be done. Citing the recent celebration of the Jewish New Year, he wished for “a happy, more peaceful, new year.”

VII. Report from the UNH Student Senate External Affairs Chair or Designee

Abigail Bagley, the External Affairs Chair for the student body president at UNH, said this past weekend of music at the university was successful, including the Block Party, which was approved by the Town Council at its last meeting, and the Flo Rida concert at the Whittemore Center. She thanked the Council for its advice, and the town's EMS and firefighters as well as the EMS, firefighters and police from surrounding towns who assisted in keeping the students safe during the concert Sunday night. She reported that UNH President Elizabeth Chilton recently met with the Student Senate, and had a good discussion about issues at the university and in the town. She reported there was scheduled to be a protest at Thompson Hall to mark the anniversary of the Oct. 7 attacks on Israel, but she did not know if it had actually occurred. She said this year all three commencement ceremonies will be held on the same day because of construction at the Whittemore Center noting that may have a bigger impact on the town than in past years when the ceremonies were spread over two or three days. She said students are limited to four tickets per person, and are working with the administration on possible options. There was discussion and questions from the Town Council, including about how the students are reacting to the recent stronger enforcement of the operation of e-micro mobility devices, and possibly a lottery system for commencement tickets. She said the stronger enforcement had been noticed, but that students were adapting their behavior. She said students are working with the Alumni Association on the ticket issues, and that right now there are no plans for a lottery.

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

Chair Pro Tem Joe Friedman proposed pulling items G and H from the Unanimous Consent Agenda - G. Shall the Town Council Approve Resolution #2024-21 Committing Future Revenue from the Municipal Transportation Improvement Fee for Net Zero Transportation Initiatives? and H. Shall the Town Council Approve Resolution #2024-22 Recognizing CEH Day and Acknowledging the #BusesBikesandBrooms Challenge and National Week Without Driving? - for further discussion.

Councilor Register proposed pulling item E - Shall the Town Council Accept the Administrator's Progress Report, as of September 30, 2024, on the list of approved 2024/2025 Town Council Goals adopted on June 3, 2024? - for further discussion.

Councilor Friedrichs proposed pulling item D - Shall the Town Council, upon recommendation of the Administrator, approve the spending of \$117,130 for the purpose

of purchasing 14 Flowbird parking kiosks to replace those on Madbury Road and in the Downtown Core? - for further discussion.

Chair Needell MOVED that the Town Council approve items A, B, C and F of the Unanimous Consent Agenda - A. Adopting Resolution #2024-20 Authorizing the Acceptance and Expenditure of Private Donations, Grant Funds, and Unanticipated Revenues Totaling \$18,690.41 Received by the Town of Durham Between January 1 and December 31, 2023; B. Approving a Special Event Permit Application Submitted by Rachel Gasowski, Parks & Rec Director, to close certain sections of Town Roads for the Annual "Frost Fest" to be held on Saturday, December 7, 2024 from 6:00 to 8:00 PM with a rain date of Sunday, December 8, 2043 from 5:00 to 7:00 PM; C. Approving a Special Event Permit Application Submitted by Rachel Gasowski, Parks & Rec Director, to Close Certain Sections of Town Roads for the Downtown Trick-or-Treat event to be held on Saturday, October 26, 2024 from 2:00 to 4:00 PM with a rain date of Sunday, October 27, 2024 from 2:00 to 4:00 PM; and F. Signing the Warrant for the General Election to be held on Tuesday, November 5, 2024 - Councilor Register SECONDED the motion. The motion passed unanimously on a roll call vote.

Chair Needell MOVED that the Town Council, upon recommendation of the Administrator, approve the spending of \$117,130 for the purpose of purchasing 14 Flowbird parking kiosks to replace those on Madbury Road and in the Downtown Core. Councilor Grant SECONDED the motion. Chair Needell invited discussion.

Councilor Friedrichs asked for more information about the lifespan of the Flowbird parking kiosks and why the town wanted to replace them this year.

Police Chief Rene Kelley on Zoom replied that the kiosks have a lifespan of 10 to 12 years. He said having all of the parking kiosks on one system will save money and time, streamlines the system and decreases the credit card fees.

Administrator Selig said the kiosks to be replaced have a lot of wear and tear, rust, and are creating operational challenges. Their reliability is problematic and there is a financial benefit to replacing them because the older kiosk system charges the town when a driver chooses the free parking option for residents and the new system does not.

Chief Kelley said staffing the service and repair of these older machines is a problem and will be much less with the new machines.

Councilor Ford raised the issue that each kiosk costs the town about \$2,000 a year to operate and he asked how much revenue they generate and if it's enough to cover that.

Administrator Selig noted the goal of the kiosks isn't to generate revenue, but to ensure compliance and turnover in downtown parking. He said the kiosks do generate positive revenue for the town. The revenue covers the cost of the parking staff and program, and returns a profit to the town.

Councilor Register asked what the cost of delaying the kiosk purchase would be. Chief Kelley said the town will pay the 2023 price for these machines, the same price as it paid for the kiosks replaced last year. If the town waits another year, he believes the vendor would raise the price of each kiosk and not honor the lower prices quoted last year.

Councilor Register raised the concern of how the cost would affect the tax rate. Administrator Selig said the cost has been planned and budgeted for within the Parking Fund, and won't hit the tax rate at all.

The motion passed unanimously on a roll call vote.

Councilor Burton addressed item E - *Accepting the Administrator's Progress Report, as of September 30, 2024, on the list of approved 2024/2025 Town Council Goals adopted on June 3, 2024* - pointing out the West End project will have regional significance and asked if it would be prudent to do a regional economic impact study on the project to help guide the process. Councilor Grant suggested that the Town Council set aside time to discuss the project at a future meeting instead of addressing it in Unanimous Consent.

Chair Needell MOVED that the Town Council approve Resolution #2024-21 Committing Future Revenue from the Municipal Transportation Improvement Fee for Net Zero Transportation Initiatives. Councilor Lund SECONDED the motion. Chair Needell opened discussion of the resolution.

Chair Pro Tem Friedman said he wanted to pull this item because of a number of issues with definitions of terms such as net zero and others, and a lack of sources for data cited within the resolution. He said it was not initiated by the Town Council but by the Energy Committee. Administrator Selig recounted how the Municipal Transportation Improvement Fee originated and what the revenue from it has historically been used for. He said the town worked with UNH Sustainability Fellows to compile the data for the town's Climate Action Plan, and that is the source for some of the data in the resolution. He said transportation is a significant portion of the town's emissions. Councilor Friedrichs, who brought forward the resolution from the Energy Committee along with Councilor Lund, identified some of the sources of data. Councilor Grant also raised concerns that it would be better not to restrict uses for the money and to have an annual review. Administrator Selig said a new state law allowed the town to add a tax paid when

residents register their car to raise money for pedestrian and transportation needs like painting bike lanes and safety features at crosswalks, and that the town has accrued a surplus, which is now at about \$165,000 in that account. Administrator Selig said he was thinking of using some of the money in the near future to install four EV chargers, which the town has applied for grants to pay for but needs money to buy and install before being reimbursed, and to pay for the crosswalk enhancements of signs and flashing lights to improve safety. Administrator Selig said his preference was just to stick with the state law and have the Town Council decide on an annual basis how to use the money. Councilor Bubar asked if the money could be used for hiking trails that need to be upgraded and Administrator Selig said he would want to consult legal counsel to determine if that use is allowed. Councilor Friedrichs explained the intent of the resolution was to dedicate what is a small portion of the town's overall spending on transportation needs to solidify that town's commitment to support transportation options that don't add carbon emissions. Chair Pro Tem Friedman recommended voting against this resolution.

Councilor Burton MOVED to table the motion until the budget process. Chair Pro Tem Friedman SECONDED the motion. Chair Needell retracted her initial motion. The motion to TABLE the motion passed 6 to 3 in a roll call vote.

Councilor Grant - aye; Council Bubar - no; Chair Needell - aye; Chair Pro Tem Friedman - aye; Councilor Burton - aye; Councilor Lund - aye; Councilor Ford - aye; Councilor Friedrichs - no; Councilor Register - no.

Chair Pro Tem Friedman said he wanted to pull item H - *Approving Resolution #2024-22 Recognizing CEH Day and Acknowledging the #BusesBikesandBrooms Challenge and National Week Without Driving* - because there's no adequate discussion of what these events are in the resolution. He said the Town Council has a lot of business and doesn't feel the Council can support events and the groups organizing them if it doesn't know enough about them. Council Friedrichs described the events more fully and their intent, and noted it's common for non-profits to ask municipalities to recognize events to raise awareness for their causes, gave examples of other entities in the region who have recognized these events, and cited the ones Durham has supported in past years. Chair Needell noted two of the events have already passed. Councilor Grant also asked if it would be better to just include events like these in the Friday Updates instead of going through the Town Council process. Councilor Register said he supported low-cost, volunteer ways to bring attention to these issues. Chair Pro Tem Friedman expressed concern about supporting groups that the Council does not know enough about.

Chair Needell MOVED to adopt the resolution; Council Lund SECONDED the motion. The resolution passed on a 5-4 roll call vote.

Councilor Grant - no; Councilor Bubar - no; Chair Needell - no; Chair Pro Tem Friedman - no; Councilor Burton - aye; Councilor Lund -aye; Councilor Ford - aye; Councilor Register - aye; Councilor Friedrichs - aye.

Councilor Bubar reminded Chair Needell that Town Council members need to physically sign the warrant, which they already approved, to hold the election on Tuesday, Nov. 5, 2024, and they do so.

IX. Committee Appointments - None

X. Presentation Items

A. A report on Trustees of the Trust Funds activities and projects by Chair Ted Howard was on the agenda, but will be rescheduled as Mr. Howard was unable to attend the meeting.

B. Presentation on the opening of the Oyster River Cooperative School District 2024/25 school year by Dr. Robert Shaps, Superintendent:

Dr. Shaps noted this is his second appearance before the Town Council, and he introduced Matthew Bacon, Chair of the Oyster River Cooperative School Board, who was also in attendance.

Dr. Shaps reported that the school year is off to a great start according to feedback and emails he's received from faculty, parents and students.

Dr. Shaps distributed the Oct. 1 Enrollment Report, which the district must submit to the state, to Town Council members. He said that the district has 2,068 students in K through Grade 12, which includes residents as well as tuition students. Overall, there's a slight downward trend, most notably at the middle school, where enrollment is below 600 students at 594 according to the report, which was anticipated. One surprising data point, he said, was an increase in kindergarten enrollment at both Mast Way and Moharimet. High school enrollment remained about the same, he said, and is at 835 students, according to the report. There were slight improvements at the elementary level, he said, with the report showing 351 students at Mast Way and 315 students at Moharimet. The report shows Durham has 867 students in grades K through 12 at district schools.

Dr. Shaps said the school board has an ambitious agenda this year. He and the board are developing the budget for the 2025-2026 school year and working on the long-term capital plan, which includes a building needs assessment for three of the district's four

schools. In early spring, community members will be invited to help develop a new strategic plan covering the next five to 10 years. They are negotiating the teachers' contract, which ends in June. They are also negotiating the extension of the Barrington tuition agreement for the next 10 years.

Dr. Shaps has been hosting Community Conversations sessions with parents and has visited 27 classrooms to learn and listen to students, faculty, parents and the community. He said he attended a high school debate class where students debated the new cellphone policy. He said students' reaction to the cellphone ban during school has been positive. He thanked Administrator Selig and all the schools' Durham partners for help with last week's water break, and other matters like opening schools with all the downtown road construction in progress. He thanked the town in general for creating a great partnership with him.

Councilor Bubar asked for an update on the capacity of the schools. Dr. Shaps said at Moharimet an art room was moved to the Commons to create an additional classroom. Dr. Shaps said the schools are pretty much at their limit. The school board is looking at classroom expansion at Moharimet to accommodate increasing enrollment and overall space needs; is looking at expanding the cafeteria at Mast Way; and working on an overall building needs assessment of all the schools. The high school is also under duress in terms of space utilization. He said a lot of program services are compromised because of the domino effect as they keep getting moved around. The space occupancy threshold is real, and the future enrollment is a bit of an unknown.

Councilor Burton raised concerns he's heard about homeschooled students, and how the state's freedom accounts may encourage more homeschooling. Dr. Shaps said there's been a drop in homeschooling from 44 to 27 students, but reporting by families is optional. He said there is a lack of oversight and of partnership with homeschooling families in New Hampshire as compared to where he has worked in the past.

Councilor Register expressed appreciation to Dr. Shaps and to the school board for building a good relationship with the town. He also asked to tour the facilities with him when Dr. Shaps has time.

Councilor Friedrichs asked if the school board had applied for funding available to purchase electric school buses. Dr. Shaps said that is part of the school's transportation plan. Councilor Friedrichs asked about the extension of the agreement with Barrington and if the town is locked into ten years on the new agreement in the face of the town trying to increase its workforce housing. Dr. Shaps said a termination of the agreement requires four years' advance notice by either party.

Councilor Burton asked if the schools would issue an RFP for the agreement as it did in the past. Dr. Shaps said this is just an extension of an existing agreement so they won't issue RFPs.

Councilor Bubar asked if it would be appropriate to connect the discussion of electric school buses to the recent discussion around electric trash trucks by the DPW.

Administrator Selig said Public Works would be at the schools' disposal for discussion. Administrator Selig thanked Dr. Shaps for his cooperation in using the school buildings for the general election, and said there's been a good start to the way the town and the schools work together under the new superintendent.

C. Presentation on current Strafford Regional Planning Commission projects by Executive Director Jen Czysz:

Ms. Czysz gave an overview of SRPC and the work it does. It is a Metropolitan Planning Organization, one of four in New Hampshire, and covers 18 communities - 13 in Strafford County, three in Rockingham County, and two in Carroll County. It is not affiliated with Strafford County government at all. It is a regional entity established by state statute to address land use, environmental, transportation and economic development planning needs. It plays an advisory role for cities and towns, and supplements their resources and expertise.

Each member community has a minimum of two commissioners representing it. Councilor Burton is one of the town's representatives and the commission meets monthly. Mike Lehrman is also on the SRPC Executive Committee. The commissioners have also begun taking quarterly field trips and the first one was to UNH and the town of Durham.

Ms. Czysz addressed several town projects SRPC has been identifying funding solutions for, i.e. the Durham Point Road project was not eligible for federal money, but may be eligible for the Safe Routes For All program, which improves local roads. She also talked about projects at Doe Farm, Longmarsh Road culvert repair and a Living Shoreline project at Wagon Hill Farm, which the commission has been working on with the town.

Administrator Selig said the town has a great partnership with SRPC, and that its expertise helps fill in the town's lack of that and resources when planning projects. Ms. Czysz encouraged the town to always reach out to the SRPC for assistance.

D. Presentation by Public Works Director Rich Reine on the proposed changes to Chapter 118, Solid Waste, of the Town Code:

Public Works Director Rich Reine and Public Works Assistant Director Samuel Hewitt described the changes in the town's Solid Waste management program as the town transitions to an automated collection program.

He said the resolution before the Town Council at this meeting will set a public hearing for Nov. 4, 2024. The department will then launch a public outreach campaign and procure the needed equipment and supplies. They hope to begin the new program in summer and fall of 2025. They may distribute the new trash and recycling carts earlier, before the program starts, because residents can begin using them right away.

Assistant Director Hewitt reported that Public Works did audits in 2022 and 2023 Determining that 92 percent of Durham households can fit their weekly solid waste in 64-gallon standardized containers. The carts that will be distributed to households are 96-gallon containers. Every home will receive two carts: one for trash, one for single-stream recycling eliminating the need to alternate between co-mingled recyclables and fiber recyclables by week, and reducing confusion for residents and staff. Residents can purchase additional carts if they need them.

Reine said automated curbside collection where the truck picks up the trash and recycling carts with one split-vehicle will be much more efficient, safer for staff and reduce emissions. Reine said he believes DPW can collect all of the town's trash in four or five days with one vehicle, where it now uses two. He then went over some of the revisions to the ordinance that need to be made to accommodate the new system, and took questions from councilors about the new program. Concerns included curbside compost pickup, funding available for a second EV trash truck, storing the new carts outside which is fine, and possibly redeploying staff to open the transfer station an additional weekday each week.

XIV. New Business

First Reading on Ordinance #2024-08 Amending Chapter 118 "Solid Waste" of the Durham Town Code, reflecting current operating plans to accommodate Planned Solid Waste Program Changes, and Scheduling a Public Hearing for November 4, 2024.

Councilor Bubar MOVED to approve the first reading of the ordinance and to set the Public Hearing for Nov. 4; Councilor Lund SECONDED the motion. The motion PASSED unanimously on a roll call vote.

XI. Unfinished Business - None

XII. Approval of Minutes – September 9, 2024

Chair Needell MOVED to accept the minutes of the September 9, 2024 Town Council meeting as amended; Councilor Lund SECONDED the motion. Approval of the minutes PASSED unanimously on a roll call vote of 7-0. Councilor Grant and Councilor Friedrichs, absent for the Sept. 9 meeting, abstained from voting.

XIII. Councilor and Town Administrator Roundtable

Chair Needell-Human Rights Commission

Chair Needell reported the Human Rights Commission next meets on Tuesday, Oct. 8 from 3:30 to 5 PM in Council Chambers.

Chair Needell

Chair Needell reported Councilor Friedrichs, Councilor Register and she attended the Great Bay Changemakers recent forum at the Newmarket Town Hall. The discussion was about the role of politics on boards and committees working in water resource management, and said it was encouraging to see enthusiastic people from all walks of life that want to participate in supporting and promoting water resources.

Councilor Bubar-Zoning Board of Adjustment

Councilor Bubar said the ZBA canceled its September meeting because of a lack of applications. It will meet Tuesday, Oct. 8 to consider one application for a short-term rental and an application for a lot line adjustment.

Councilor Bubar-Integrated Waste Management Committee

The Integrated Waste Management Committee met on Oct. 2. It discussed the Compost Challenge now in progress and Councilor Bubar said everyone is enthusiastic about the number of participants. There was also discussion about curbside composting in other communities, which didn't seem practical for Durham, and about single use plastics and what if anything the committee should say about the issue.

Councilor Grant- Housing Task Force

The Housing Task Force met on Sept. 9. The task force discussed the reaction and input it received during its recent presentations to town boards and committees. It also discussed concern about conservation and learning wildlife corridors in town when looking at potential housing development. There was also an update on the Work Force Housing Ordinance and creating a group to work on housing in the downtown area. Councilor Grant noted the Housing Task Force charter ends in April.

Councilor Grant-Planning Board

Councilor Grant reported the Planning Board met on Sept. 11 and 25. The Sept. 11th meeting was the Capital Improvement presentation and discussion, and discussion on the Work Force Housing Overlay. On Sept. 25, the board reviewed a subdivision at Durham Point which is coming up for public comment at the next Council meeting. The subdivision is at 280 Durham Point Road where there will be an existing house with a five-acre lot, and then 28 acres will be put into conservation. The board also talked about zoning definitions and prepared for the Work Force Housing public hearing. The board will next meet Oct. 9.

Chair Needell said she did have a chance to see the Sophie Drive subdivision in Dover, which has a mix of single-family homes and condos with some units designated as affordable housing and some as market-rate. Chair Pro Tem Friedman remarked on the recent N.H. Supreme Court ruling on the Gerrish Drive proposed development and if there was any further action on it. Councilor Grant said no further action is needed from the board unless they would do a change on design. Chair Pro Tem Friedman said it was nice to see the Planning Board upheld. Councilor Friedrichs added Wednesday, Oct. 9 is the public hearing on the updated Workforce Overlay District and also the definitions.

Councilor Ford-Land Stewardship Subcommittee

Councilor Ford said the subcommittee will meet on Wednesday, Oct. 9, at 8:30 a.m. He reported the subcommittee voted to recommend to the Conservation Commission that it build the bridge on the Longmarsh Trail. He said Anton Beckerman of UNH asked the town to identify a five-acre plot for experimental agriculture and the subcommittee identified three locations. The town would have to confirm this is an approved use for the lot he chooses. Sara Callaghan has taken a full-time position at UNH and is no longer the Land Stewardship Coordinator. The subcommittee voted to recommend her as an alternate member on the Conservation Commission.

Councilor Lund-Energy Commission

Councilor Lund said the Energy Committee met with UNH Sustainability Fellow Sophie Goodwin on the EV survey results and updating the Climate Action Plan. He said she will present the Climate Action Plan at a future Town Council meeting. The commission discussed future Friday Updates. The Commission forwarded the two resolutions that were before the Town Council at this meeting. There was an update on the CPCNH Seacoast Challenge. There was discussion about making an infrared camera available to the public for energy audits. There was a mention by a member of the committee who has solar panels that the reason there is an issue with CPCNH net metering is that they don't have a mechanism for crediting you if you produce more electricity in a month than you consume. Anyone else with solar panels who doesn't produce more than they consume can consider switching to CPCNH.

Chair Needell mentioned the library may be interested in lending out the infrared camera if the Energy Commission acquires it as they lend tools and larger items for community use.

Councilor Lund-Historic District Commission/Heritage Commission

The Historic District/Heritage Commission will meet Thursday, Oct. 10, having moved its Oct. 3 meeting because it fell on Rosh Hashanah.

Councilor Burton-Conservation Commission

Councilor Burton said in 27 years of attending meetings in Durham, the last Conservation Commission meeting was one of the best. Erin Hardy Hale chaired the meeting. They were discussing increasing the size of the proposed buffer from bodies of water to 330 feet, and Town Planner Mike Behrendt came up with three conditions that would be exemptions that make the change more realistic to work with. Council Burton said the work the Conservation Commission did has resulted in a good proposal to go forward with. The change will now go to the Planning Board. Councilor Lund asked if a special exception wouldn't go through ZBA, and not the Planning Board. Councilor Burton said yes it would, but the policy itself and changes are decided by the Planning Board. Chair Pro Tem Friedman asked if it could be seen as a taking of property because the change is so significant, tripling the size of the buffer. Discussion ensued and consensus was the exceptions would ensure against that and that existing properties would be grandfathered under the previous buffer.

Chair Pro Tem Friedman – Parks & Recreation Committee

Chair Pro Tem Friedman said Parks & Recreation held the second of three walks this past Sunday at Oyster River Forest. The next walk will be Nov. 17 at Stevens Woods. At its meeting, the Committee heard the Housing Task Force presentation and discussed at length if, with the improvements being planned, the department could use space at Wagon Hill Farm. Parks & Recreation will next meet Oct. 22.

Chair Pro Tem Friedman - Seacoast Economic Stakeholders

The Seacoast Economic Development Stakeholders recently met and got a presentation from the New England Onsite Energy Technical Assistance Partnership and from the Clean Energy NH Technical Business Grants. He also attended a forum by the New Hampshire Business and Economic Affairs on what the BEA in New Hampshire offers for communities and individuals in this area.

XV. Nonpublic Session (if required) - Not Required

XVI. Extended Councilor and Administrator Roundtable (if required) - Required

Council Register **MOVED** to extend the meeting to 10:45 PM. Chair Pro Tem Friedman **SECONDED** the motion. The motion **PASSED** 8-1 on a roll call vote.

Council Grant - aye; Councilor Bubar -aye; Chair Needell - aye; Chair Pro Tem Friedman - aye; Councilor Burton - aye; Councilor Lund - aye; Councilor Ford - no; Councilor Register - aye; Councilor Friedrichs - aye.

Councilor Register-Agricultural Commission

Councilor Register said the Agricultural Commission will meet on Oct. 21.

Councilor Register-School Board

Councilor Register said the School Board met Oct. 1. The Superintendent will hold Community Conversation sessions on Tuesday, Oct. 8 at 7 p.m. and one on Oct. 28. Next meeting is Oct. 21 at Mast Way cafeteria.

Councilor Register commended the energy committee for the Mains Electric solar program advertisement it promoted. He said he has signed up for a lithium battery as well as an additional 12-panel. If there are enough sign-ups in the Seacoast region, he said there will be a 15 percent discount on the cost. He also said the people handling the program have put everything on hold to go to North Carolina and help with power restoration in the wake of Hurricane Helene. Council Register thanked them for their service in the disaster area.

Councilor Register threw his name in the hat if appropriate for the Strafford Regional Planning Commission vacancy mentioned by Ms. Czysz in her presentation.

Councilor Register

Councilor Register made a personal statement about the first anniversary of the Oct. 7 attack in Israel.

Councilor Friedrichs-Energy Committee

Councilor Friedrichs said ze had nothing to add to Councilor Lund's report.

Administrator Selig

Administrator Selig reported the proposed FY2025 budget is ready to go to the printer and will be presented to the Town Council at the first meeting in November.

Administrator Selig reported he has been reviewing the updated rewrite of the Dish and T-Mobile co-location agreements for the Foss Farm and Transfer station cellular sites and will bring proposals to the Town Council soon.

Administrator Selig said the 2023 audit is in its final phase and he will bring the auditors to the Town Council in the next month or so.

Gail Jablonski will deliver the Quarterly Financial Report at the Oct. 21 meeting.

Administrator Selig said negotiations are finally done on the Durham police officers union bargaining agreement. On Oct. 21 at 6 p.m., Joe McKittrick will meet with the Council and

the bargaining team in non-public session to talk about particulars of the agreement and if the Council is so inclined to act on the tentative agreement at the meeting.

UNH Sustainability Fellow Sophie Goodwin is in the process of updating the Climate Action Plan for the next five years and will bring it to the Council in November.

Administrator Selig met with UNH Architect and Planner Ken Weston regarding the UNH Master Plan and provided the town's feedback on it. In addition, they discussed the Edge at West End, and the planned use development ordinance the Planning Board and town will need to adopt for that project to go forward because it will be private development.

UNH is planning to have public forums to get feedback both on campus and in town on the most recent update of the UNH Master Plan, and the town is working with Weston on the best way to organize the forums and make sure the public in Durham knows it can give feedback.

Administrator Selig met with Riverwoods Durham concerning its interest in moving forward with a Phase II expansion, essentially in the location across Stone Quarry Drive. He said it was a very positive first meeting.

Administrator Selig said there is a Legislative Committee that is looking at the definition of student housing. The town has been looking at the definition of family for Durham whether it should have one or not, or if it should be updated to reflect a more modern reality of the family setting. In addition, the town has been looking at its current no more than three unrelated zoning provision. In the last Legislature, there was an effort to negate zoning at the local level, which Durham has, so the town wants Durham to be in a strong position if that should occur.

Selig continues to process sealed non-public meeting minutes and he will begin the next ones from 2006 soon.

Work on the Annual Report is in progress. Administrative Assistant Karen Edwards will take on the design of report, which will save money for the town.

Moderator Chris Regan will be at the Town Council's next meeting to talk about new voting machines.

Administrator Selig reported that in the budget process the Fire Department has recommended adding four new positions with one of them being a lieutenant rank, a rank Durham Fire has not had before. The Durham Firefighters Association has filed a request

with the N.H. Public Employees Labor Relations Board to include that position as part of the firefighters' collective bargaining unit. However, the town and the Durham Professional Municipal Managers Association, which represents the town's captains, previously two contracts ago had already included that position with the middle managers unit. The firefighters believe the position should be with the firefighters not the middle managers. Subsequently, the middle managers filed a request with the PLRB to modify their former filing to include the lieutenant position. The town has filed in support of the middle managers unit and feels that is the best place for this new category of position. Administrator Selig stressed there is no guarantee that any of these positions will be in the proposed 2025 budget.

Councilor Register asked Administrator Selig to explain the disagreement. Administrator Selig explained that Durham and Madbury have been talking about Durham possibly providing fire coverage for Madbury. He said the dispute is over which bargaining unit the position belongs in. The middle managers is a very small unit, and including four additional positions would be significant. If the lieutenant position was included in the middle managers, the lieutenant position could fill in for captains and reduce overtime for the captains. Firefighters feel there's strength in numbers, there's more of a community of interest with the firefighters, and for some of the same reasons want the position included with the firefighters. If Durham and Madbury were to collaborate, it would be beneficial to have a lieutenant with some supervisory authority at a Madbury substation overseeing staff there.

Administrator Selig had a positive meeting with Durham Police Chief Rene Kelley, UNH Police Chief, and UNH President Chilton to discuss policing, the town's resolution and police response to protests. They are really trying to integrate that into working with protesters in this challenging setting around Israel and Palestine but also for other protests.

Selig checked with the police department about the UNH student protest at Thompson Hall scheduled for today, Oct. 7, the anniversary of the attacks on Israel, which Abigail Bagley mentioned earlier in the meeting. The protest did happen, it was peaceful, and there were no issues.

At the next Town Council meeting, Caroline Singer will talk about improvements to the Wagon Hill farmhouse, ell, and potentially the barn in terms of the LCHIP program and that will have budget implications. Administrator Selig said there are three paths the town can take - the low cost, medium cost, and high-cost approach - and Ms. Singer will cover the options and offer her perspective.

In terms of the Land Stewardship Coordinator, there is an opening and Selig is working with Sarah Callaghan on a job description, which has now gone out. He reported there is at least one individual who has a good background, has expressed interest in the position and has met with Anne Welch, Ms. Callaghan and Administrator Selig. UNH Lands Manager Steve Eisenhower reached out to the town to offer his help in Ms. Callaghan's absence.

In terms of planning efforts, Administrator Selig said the Oyster River Co-operative School District and the Durham Police Department are interested in presenting a live emergency management event at the schools sometime next year.

Administrator Selig asked Councilor Grant about putting a goals update on the next agenda, and she agreed that would be the way to proceed.

He asked Councilor Burton about his comment during the meeting that the roundtable should be on the agenda first. It was changed previously so presenters didn't have to stay through the whole roundtable. Councilor Burton suggested it could be decided on a meeting-by-meeting basis.

Councilor Register brought up the matter of dealing with unruly behavior during meetings. He gave an example of how this was handled in Springfield, Ohio, when a white supremacist addressed the town government body, which took a recess of 15 minutes so an individual could be escorted off. Councilor Grant said it would be good to discuss this at a future meeting. Chair Needell said the Town Council had recessed about two years ago when a public commenter insisted on speaking longer than the allotted five minutes.

Councilor Register MOVED to extend the meeting to 10:48 PM. Councilor Lund SECONDED the motion. The MOTION passed 7-2 on a roll call vote.

Councilor Grant - aye; Councilor Bubar - no; Chair Needell - aye; Chair Pro Tem Friedman - aye; Councilor Burton - aye; Councilor Lund - aye; Councilor Ford - no; Councilor Register - aye; Councilor Friedrichs - aye.

Administrator Selig took the opportunity to explain the handling of past water projects at the Foss Farm and Beech Hill water tanks, which are often mentioned by a resident during the public comment session at Town Council meetings. The resident's complaint is that UNH didn't have to pay any of the cost of these projects and share them with the town. Administrator Selig explained how both water projects took place under the Water and Wastewater Agreement between the town and UNH that was in effect at the time of these projects. The agreement was that the Foss Farm and Beech Hill water tanks belonged to the town and the Edgewood water tank belonged to UNH, and those entities would be responsible for any costs of repair or improvement involving its tanks. Administrator Selig

said everything on those projects was done per that agreement. When the Edgewood tank needed to be decommissioned, UNH bore the entire cost of that project. According to the current agreement that is now in effect, the town and UNH are back to sharing the costs of water projects like these.

XVII. Adjourn (NLT 10:30 PM)

Councilor Lund MOVED to adjourn the meeting; Councilor Grant SECONDED the motion. The motion passed 8-1 in a roll call vote.

Councilor Friedrichs - aye; Councilor Grant - aye; Councilor Bubar - aye; Chair Needell - aye; Chair Pro Tem Friedman - aye; Councilor Burton - aye; Councilor Lund - aye; Councilor Ford - aye; Councilor Register - no.

The meeting ADJOURNED at 10:47 PM.

- Jane Murphy, Minutes Taker