



TOWN OF DURHAM

8 Newmarket Road
Durham, NH 03824
Tel: 603-868-5571
Fax: 603-868-1858
www.ci.durham.nh.us

NOTICE: Although members of the Town Council will be meeting in the Council chambers, the Council meetings are still available for members of the public to participate via Zoom or in-person.

AGENDA

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

NOTE: The Town of Durham requires 48 hours notice if special communication aids are needed.

- I. Call to Order
- II. Town Council grants permission for fewer than a majority of Councilors to participate remotely
- III. Roll Call of Members. Those members participating remotely state why it is not reasonably practical for them to attend the meeting in-person
- IV. Approval of Agenda
- V. Special Announcements – Presentation by Town Clerk Rachel Deane to this year's Top Dog Winner, Lily Demarest.
- VI. Public Comments (*) – **Please state your name and address before speaking**
- VII. Report from the UNH Student Senate External Affairs Chair or Designee
- VIII. Unanimous Consent Agenda (*Requires unanimous approval. Individual items may be removed by any councilor for separate discussion and vote*)
 - 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?

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?

X. Presentation Items

- A. Presentation by Gail Jablonski, Business Manager on the Quarterly Financial Report for Period Ending June 30, 2024.
- B. Receive annual report on the Conservation Commission activities and projects - Dwight Trueblood, Chair.
- 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.

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.

XII. Approval of Minutes - None

XIII. Councilor and Town Administrator Roundtable

XIV. New Business

XV. Nonpublic Session (if required)

XVI. Extended Councilor and Town Administrator Roundtable (if required)

XVII. Adjourn (NLT 10:30 PM)

() The public comment portion of the Council meeting is to allow members of the public to address matters of public concern regarding town government for up to 5 minutes.*

Obscene, violent, disruptive, disorderly comments, or those likely to induce violence, disruption or disorder are not permitted and will not be tolerated. Complaints regarding Town staff should be directed to the Administrator.



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AGENDA ITEM: **# 5 TS**
DATE: July 15, 2024

COUNCIL COMMUNICATION

INITIATED BY: Rachel Deane, Town Clerk/Tax Collector

AGENDA ITEM: PRESENTATION BY TOWN CLERK RACHEL DEANE TO THIS YEAR'S TOP DOG WINNER, LILY DEMAREST.

CC PREPARED BY: Karen Edwards, Administrative Assistant

PRESENTED BY: Rachel Deane, Town Clerk/Tax Collector

AGENDA DESCRIPTION:

The Town of Durham Top Dog raffle was created to motivate and remind dog owners to license their pets every year by April 30. Residents automatically register for the Top Dog raffle when they obtain a dog license before April 30. The winner of the Top Dog raffle receives a gift basket donated by the town clerk and their dog's biography will be featured in the Durham Friday Updates.

RULES & REGULATIONS

- Contestants will automatically be entered into the raffle when they register their dog(s) before April 30 (only open to Durham residents).
- Residents who DO NOT want to be included in the raffle may opt out by writing, calling, or emailing the clerk's office.
- Contestants must be 18 or older and be the owner of the dog on file with the clerk's office. Town of Durham employees and elected officials are not eligible.
- The contestant must have a 2024 Town of Durham dog license by April 30. A current rabies vaccination will be required to obtain the license.
- The raffle winner may submit a digital photo and brief biography of their dog. Photos of the 2024 raffle winner's dog will be included in the Durham Friday Update.

- The winner will be drawn at random by the clerk’s office in May 2024.

This year’s Top Dog Winner is Lily Demarest (owners Lara and Frank Demarest). Lily is a 10-year-old Golden Retriever, born in Vermont on October 10, 2014, and came home to Durham with the Demarest Family shortly after. Lily has a passionate personality; she’s adventurous and curious, loving, energetic, and will always let you know if she is unhappy with the quality of your petting by a nudge of her snout or a side-eye glance over her shoulder.

Lily’s two favorite things are food and lots of attention. She is people-oriented and thinks anyone she encounters wants to pet her. The Demarest Family can set the clock by Lily as she never fails to let them know when it’s dinner time and has been known to beg and steal a snack or two. She enjoys being outside, taking in the sun, playing in the snow, swimming, and going on walks in the woods, (if it is not too hot). She also enjoys lazy days with lots of naps.

LEGAL AUTHORITY:

N/A

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

No formal action required. Receive presentation from Town Clerk/Tax Collector Rachel Deane.



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AGENDA ITEM: **#8A** TS

DATE: **July 15, 2024**

COUNCIL COMMUNICATION

INITIATED BY: April Talon, Town Engineer

AGENDA ITEM: 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?

CC PREPARED BY: Karen Edwards, Administrative Assistant

PRESENTED BY: Todd I. Selig, Administrator

AGENDA DESCRIPTION:

Attached for the Council's approval is the 3rd 2024 Warrant for Water and Sewer totaling \$675,349.50 in accordance with RSA 38:22 II (a) which states: "A municipality may commit bills for charges to the Tax Collector with a warrant signed by the appropriate municipal officials requiring the Tax Collector to collect them." The commitment list is available for viewing in the Town Clerk-Tax Collector's Office and will be available for viewing once the warrant is approved Monday evening.

Water and/or sewer bills are issued quarterly and are based on meter readings, which are taken at the beginning of each quarter (on or about January 1, April 1, July 1 and October 1). Bills are calculated on the actual cubic foot (CF) of water used for each account. The Durham Public Works Water Division obtains the necessary readings using an automatic meter reading system and software, which collects meter data including account numbers and water meter readings. This information is uploaded into the Town's utility billing software to generate the warrant. Some accounts are water only as is the case for irrigation meters or for properties that have

a septic system. Some accounts are sewer only if they have a residential well.

The Town obtains the total number of cubic feet used and converts it to a dollar amount using the cost per cubic foot, which is determined during the budget cycle. The amount of cubic feet used can fluctuate from year to year for the same period due to changes in weather (for example when there is more rain, people use less irrigation), time of year (summer versus winter), and whether UNH is in or out of session.

The charts attached compare the actual water and sewer usage and fees for 2019 through 2024.

LEGAL AUTHORITY:

RSA 38:22 II (a)

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

The warrant details are as follows:

	Water	\$342,748.87
Lee Waterline Extension	Water	\$ 16,169.53
	Sewer	<u>\$316,431.10</u>
	Total	\$675,349.50

with interest at eight percent (8%) on all sums not paid thirty days (30) from the due date.

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION:

The Durham Town Council hereby Approves the 3rd 2024 Warrant Billing Computed From the 2nd Quarter Water and Sewer Readings of 2024 Totaling \$675,349.50, Commits the Bills for Charges to the Tax Collector for Collection, and Authorizes the Administrator to Sign Said Warrant.

2024 ESTIMATED VS ACTUAL USAGE
January 1 - June 30 , 2024

YEARLY COMPARISONS	ESTIMATED WATER			ACTUAL WATER			VARIANCE		
	Cubic Feet (cf)	Rates per 100 cubic feet	cf/100 * Rate	Cubic Feet (cf)	Rates per 100 cubic feet	cf/100 * Rate	CF Estimate vs. Actual	\$ Estimate vs. Actual	% Estimated to Actual
2019	14,420,835	\$ 7.08	\$ 1,020,995	14,035,194	\$ 7.08	\$ 993,692	(385,641)	(\$27,303)	97%
2020	14,853,460	\$ 7.35	\$ 1,091,729	13,863,777	\$ 7.35	\$ 1,018,988	(989,683)	(\$72,742)	93%
2021	14,853,460	\$ 7.74	\$ 1,149,658	14,427,696	\$ 7.74	\$ 1,116,704	(425,764)	(\$32,954)	97%
2022	14,304,304	\$ 8.43	\$ 1,205,853	14,231,786	\$ 8.43	\$ 1,199,740	(72,518)	(\$6,113)	99%
2023	14,447,347	\$ 10.42	\$ 1,505,414	14,656,024	\$ 10.42	\$ 1,527,158	208,677	\$21,744	101%
2024 - 2nd Quarter	7,259,792	\$ 10.61	\$ 770,264	6,560,933	\$ 10.61	\$ 696,115	(698,859)	\$ (74,149)	90%

*Estimated for 2024 - 2nd quarter is determined by dividing total 2024 estimate (14,519,584) by two.

YEARLY COMPARISONS	ESTIMATED WATER - LEE EXTENSION			ACTUAL WATER - LEE EXTENSION			VARIANCE - LEE EXTENSION		
	Cubic Feet (cf)	Rates per 100 cubic feet	cf/100 * Rate	Cubic Feet (cf)	Rates per 100 cubic feet	cf/100 * Rate	CF Estimate vs. Actual	\$ Estimate vs. Actual	% Estimated to Actual
2022		\$ 9.69	\$ -	71,693	\$ 9.69	\$ 6,947			0%
2023		\$ 11.98	\$ -	285,509	\$ 11.98	\$ 34,204			0%
2024 - 2nd Quarter		\$ 12.20	\$ -	191,610	\$ 12.20	\$ 23,376			0%

Lee Connections through June 30, 2024

YEARLY COMPARISONS	ESTIMATED SEWER			ACTUAL SEWER			VARIANCE		
	Cubic Feet (cf)	Rates per 100 cubic feet	cf/100 * Rate	Cubic Feet (cf)	Rates per 100 cubic feet	cf/100 * Rate	CF Estimate vs. Actual	\$ Estimate vs. Actual	% Estimated to Actual
2019	13,444,655	\$ 8.71	\$ 1,171,029	13,208,897	\$ 8.71	\$ 1,150,495	(235,758)	(\$20,535)	98%
2020	13,713,549	\$ 8.97	\$ 1,230,105	12,843,156	\$ 8.97	\$ 1,152,031	(870,393)	(\$78,074)	94%
2021	13,713,549	\$ 8.97	\$ 1,230,105	13,653,420	\$ 8.97	\$ 1,224,712	(60,129)	(\$5,393)	100%
2022	13,516,701	\$ 8.98	\$ 1,213,800	13,347,445	\$ 8.98	\$ 1,198,601	(169,256)	(\$15,199)	99%
2023	13,651,868	\$ 9.57	\$ 1,306,484	13,815,025	\$ 9.57	\$ 1,322,098	163,157	\$15,614	101%
2024 - 2nd Quarter	6,860,064	\$ 10.31	\$ 707,273	6,280,996	\$ 10.31	\$ 647,571	(579,068)	(\$59,702)	92%

*Estimated for 2024 - 2nd quarter is determined by dividing total 2024 estimate (13,720,127) by two.

1st QUARTER ACTUALS	2019 (total cubic feet)	2020 (total cubic feet)	2021 (total cubic feet)	2022 (total cubic feet)	2023 (total cubic feet)	2024 (total cubic feet)
Water	3,527,540	3,241,246	3,442,141	3,409,428	3,656,574	3,330,501
Water - Lee Extension					63,233	59,073
Sewer	3,382,932	3,095,327	3,286,030	3,292,580	3,514,853	3,211,829

2nd QUARTER ACTUALS	2019 (total cubic feet)	2020 (total cubic feet)	2021 (total cubic feet)	2022 (total cubic feet)	2023 (total cubic feet)	2024 (total cubic feet)
Water	3,355,258	3,186,882	3,689,323	3,502,992	3,657,659	3,230,432
Water - Lee Extension					64,104	132,537
Sewer	3,194,670	2,862,096	3,455,094	3,298,425	3,320,712	3,069,167

3rd QUARTER ACTUALS	2019 (total cubic feet)	2020 (total cubic feet)	2021 (total cubic feet)	2022 (total cubic feet)	2023 (total cubic feet)	2024 (total cubic feet)
Water	3,448,551	3,817,406	3,412,971	3,680,587	3,549,077	
Water - Lee Extension				24,319	68,979	
Sewer	3,159,604	3,449,128	3,205,142	3,305,110	3,336,952	

4th QUARTER ACTUALS	2019 (total cubic feet)	2020 (total cubic feet)	2021 (total cubic feet)	2022 (total cubic feet)	2023 (total cubic feet)	2024 (total cubic feet)
Water	3,703,845	3,618,243	3,883,261	3,638,779	3,792,715	
Water - Lee Extension				47,374	89,193	
Sewer	3,471,691	3,436,605	3,707,154	3,451,330	3,642,509	

YEARLY TOTALS	2019 (total cubic feet)	2020 (total cubic feet)	2021 (total cubic feet)	2022 (total cubic feet)	2023 (total cubic feet)	2024 (total cubic feet)
Water	14,035,194	13,863,777	14,427,696	14,231,786	14,656,025	6,560,933
Water - Lee Extension				71,693	285,509	191,610
Sewer	13,208,897	12,843,156	13,653,420	13,347,445	13,815,026	6,280,996

2024 BUDGETED VS ACTUAL EXPENDITURES

January 1 - June 30, 2024

FUNDS	Budgeted Ending 6/30/24	Actual Ending 6/30/24	Under (Over) 2024	Percent as of 6/30/24	Percent as of 6/30/23
Water	\$770,264	\$696,115	\$74,149	90.4%	101.3%
Water - Lee Extension		\$23,376	(\$23,376)	0.0%	
Sewer	\$707,273	\$647,571	\$59,702	91.6%	100.1%

*Budgeted is determined by multiplying total 2024 by 0.50 or 6 months

STATE OF NEW HAMPSHIRE
WATER/SEWER – 3rd WARRANT 2024

STRAFFORD SS

To Rachel Deane, Collector of Water and Sewer Taxes for the Town of Durham in said County.

In the name of said State, you are directed to collect the water and sewer taxes in the list herewith committed to you, amounting in all to the sum of

Six Hundred Seventy-Five Thousand, Three Hundred Forty-Nine and Fifty Cents
(\$675,349.50)

	Water \$ 342,748.87
Lee Waterline Extension Water \$	16,169.53
Sewer \$	<u>316,431.10</u>
Total \$	675,349.50

with interest at eight percent (8%) on all sums not paid thirty (30) days from the due date.

And we further order you to pay all monies collected to the Treasurer of said Town at least on a weekly basis.

As attested by the Town Clerk-Tax Collector, the list on the following pages is a correct list of the assessment of the 3rd billing of 2024 computed from the 2nd quarter water and sewer readings of 2024.

ATTEST: _____
Rachel Deane, Town Clerk-Tax Collector

Given under our hands and seal at Durham this 16th day of July, 2024.

Todd I. Selig, Administrator
Per Town Council vote on 7/15/2024



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AGENDA ITEM: #8B TS

DATE: July 15, 2024

COUNCIL COMMUNICATION

INITIATED BY: Planning Board and Historic District Commission

AGENDA ITEM: 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?

CC PREPARED BY: Michael Behrendt, Town Planner

PRESENTED BY: Eric Lund, Town Council representative to the Historic District Commission

AGENDA DESCRIPTION:

All of the Tax Map and Lot numbers of properties in Durham were updated in 2022. Section 175-93 of Article XVII, Durham Historic Overlay District, provides a list of the lots included in the Historic District. The Historic District Commission asked the staff to update the list with the new map and lot numbers. The Commission endorsed the update at its meeting on May 2, 2024. The amendment was presented to the Planning Board. The Board held a public hearing on the proposal on June 26, 2024 and voted unanimously to formally initiate the amendment.

There is no substantive change to the ordinance with this amendment. The numbers are being updated and the formatting and description of the lots is simply being improved for clarity. For example, former Map 6, Lot 11-2 is in the district. This lot is now referred to as Map 108, Lot 79. It remains in the district in entirety.

The updated map from the GIS and the old Historic District map using the old map and lot #'s (also showing zoning district in color) are shown below. There are some slight differences between the two maps but this is due only to differences in the precision of the two maps. The actual boundaries of the Historic District are not changing at all.

Since this proposed change is essentially non-substantive, Councilor Eric Lund, the Town Council representative to the Historic District Commission, will present the amendment. If desired, the Town Planner can attend a subsequent meeting or the public hearing.

LEGAL AUTHORITY:

RSA 674:16, RSA 675:2, and Section 175-14 of the Durham Zoning Ordinance

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

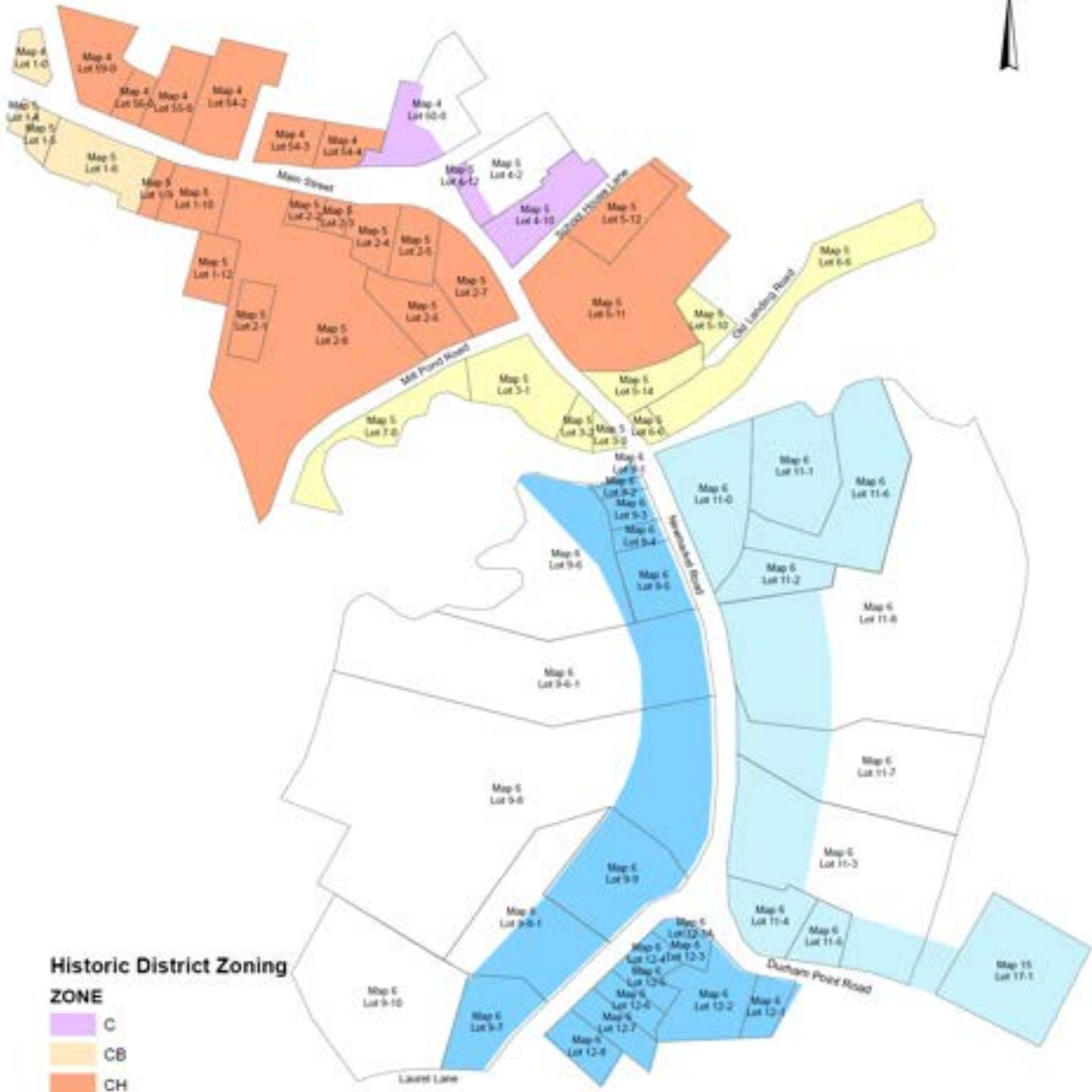
N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION:

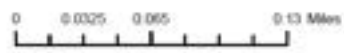
The Durham Town Council does hereby pass on First Reading, Ordinance #2024-05 Amending Chapter 175 "Zoning," Article XVII, "Durham Historic Overlay District," Section 175-93 "Identification of the Historic Overlay District," to update the Map & Lot numbers of the Historic District and Schedules a Public Hearing for Monday, August 12, 2024.

Durham Historic Overlay District



Historic District Zoning

- ZONE**
- C
 - CB
 - CH
 - RA
 - RB
 - RC



1 inch = 0.07 miles

Map created July 2006 by the Town of Durham and updated January 2016 using ArcGIS 9.3
 THIS MAP IS FOR REFERENCE ONLY. IT IS NOT INTENDED FOR LEGAL DESCRIPTION OR CONVEYANCE.

ORDINANCE #2024-05 OF DURHAM, NEW HAMPSHIRE

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.

WHEREAS, the Town of Durham updated its Tax Map and Lot numbers in 2022 and made the tax maps more accurate; and

WHEREAS, the Tax Map and Lot numbers in the current Historic District Ordinance contained in Article XVII of the Durham Zoning Ordinance are thus out of date and inaccurate; and

WHEREAS, the Historic District Commission voted to endorsed updating the numbers at its meeting on May 2; and

WHEREAS, the Durham Planning Board held a public hearing and duly voted to initiate this amendment unanimously on June 26, 2024; and

WHEREAS, this change is nonsubstantive and serves mainly to just update the tax map and lot numbers while also describing the subject lots more clearly; and

WHEREAS, the Durham Town Council held a public hearing on August 12, 2024.

NOW, THEREFORE, BE IT RESOLVED, that the Durham Town Council, the governing and legislative body of the Town of Durham, New Hampshire does hereby adopt **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.

ARTICLE XVII - Durham Historic Overlay District Updating Tax Map and Lot Numbers

Proposed additions to the existing ordinance are shown like this.

~~*Proposed deletions from the existing ordinance are shown like this.*~~

175-93. Identification of the Historic Overlay District.

A Zoning Map of the HOD as amended, including all the notations, references, district boundaries, and other information shown thereon, is incorporated by reference as part of this Ordinance and is on file with the Town Clerk. If there are any inconsistencies between the map and the listing of map and lot numbers under subsection (B), the listing of map and lot numbers herein shall prevail.

A. ***Locating Boundaries.*** The District lines drawn on the HOD map are generally on or parallel to a street, watercourse, or lot line, and shall, unless there are indications to the contrary, be deemed to be:

1. On the centerline of the right-of-way or watercourse;
2. Parallel to the centerline at the distance noted; or
3. On the lot line, or parallel to the lot line, at the distance noted in Section B.

B. ***Delineation of the District.*** The HOD is defined as that area made up of the lots listed below, including those that are Town-owned lots, as delineated on the Durham Tax Maps, excluding road rights of way. However, any buildings or portions of buildings or stone walls or portions of stone walls that are located in any road right of way within the boundaries of the HOD shall be subject to review by the HDC. Except as otherwise specified, all of the land composing each lot shall be considered to lie within the District. The precise location, on the ground, of the historic district boundary will remain in place and not be affected simply by a change in the location of any lot line as a result of a future subdivision, lot line adjustment, or lot merger.

~~*1. Map 4: Lots 1-0, 50-0 (including only the westerly portion as delineated on the Zoning Overlay Map and as originally identified as Lots 52 and 53), 54-2 (Episcopal Church), 54-3, 54-4, 55-0, 56-0, and 59-0.*~~

~~*2. Map 5: Lots 1-4 1-5, 1-6, 1-9, 1-10, 1-12, 2-1 through 2-8 inclusive, 3-1, 3-2, 3-3, 4-2 [seventy-five (75) feet from the centerline of Newmarket Road], 4-10, 4-12, 5-10, 5-11, 5-12, 5-14, 6-6, and 7-0.*~~

~~*3. Map 6: Lots 9-1 through 9-5 inclusive, 9-6, 9-6-1, 9-8, and 9-8-1 [for all four lots, two hundred fifty (250) feet from the centerline of Newmarket Road], 9-7, 9-9, 11-0, 11-1, 11-2, 11-3 [two hundred fifty (250) feet from the centerline of Newmarket*~~

~~Road and Durham Point Road], 11-4, 11-5, 11-6, 11-7 and 11-8 [both lots, two hundred fifty (250) feet from the centerline of Newmarket Road] and 12-1 through 12-8 inclusive, including 12-3A.~~

~~4. Map 11: Lot 34-1 [two hundred fifty (250) feet from the centerline of Durham Point Road, located to the west of Lot 15-17-1]~~

~~5. Map 15: Lot 17-1~~

1. Tax Map 108. Lots (including the entirety of these lots): 1-7, 9, 12-16, 19, 28-31, 35, 36, 53-55, 68, 69, 74-77, 79, 84-90, and 116.
2. Tax Map 108. Lots (including only the specific portion of these lots as described): Lot 37 - including the westerly portion as delineated on the Historic District Zoning Overlay Map and as identified on old tax map as Lots 52 and 53; Lot 67 – including the portion located within 75 feet of the centerline of Newmarket Road; Lot 78 – including that area within the boundaries of the former Tax Map 6, Lot 11-6; and Lots 81 and 82 – including the portions located within 250 feet of the centerline of Newmarket Road.
3. Tax Map 114. Lots (including the entirety of these lots): 3-5, 20-28, 40, and 43.
4. Tax Map 114. Lots (including only the specific portion of these lots as described): Lots 1, 41, 42, and 44 - including the portions located within 250 feet of the centerline of Newmarket Road; and Lot 2 - including the portion located within 250 feet of the centerline of Newmarket Road and the portion located within 250 feet of the centerline of Durham Point Road.
5. Tax Map 214, Lot 15 – specifically including the portion of the lot to the west of Map 114, Lot 5 that is located within 250 feet of the centerline of Durham Point Road.

PASSED AND ADOPTED by the Town Council of the Town of Durham, New Hampshire this _____ day of _____ by _____ affirmative votes, _____ negative votes, and _____ abstentions.

Sally Needell, Chair
Durham Town Council

ATTEST:

Rachel Deane, Town Clerk-Tax Collector



TOWN OF DURHAM

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AGENDA ITEM: **#8C**

DATE: July 15, 2024

COUNCIL COMMUNICATION

INITIATED BY: Administrator Todd Selig

AGENDA ITEM: 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?

CC PREPARED BY: Karen Edwards, Administrative Assistant

PRESENTED BY: Todd I. Selig, Administrator

AGENDA DESCRIPTION:

The process for Nonpublic Session minutes is stated in RSA 91 A:3 as follows:

III. Minutes of meetings in nonpublic session shall be kept and the record of all actions shall be promptly made available for public inspection, except as provided in this section. Minutes of such sessions shall record all actions in such a manner that the vote of each member is ascertained and recorded. Minutes and decisions reached in nonpublic session shall be publicly disclosed within 72 hours of the meeting, unless, by recorded vote of 2/3 of the members present taken in public session, it is determined that divulgence of the information likely would affect adversely the reputation of any person other than a member of the public body itself, or render the proposed action ineffective, or pertain to terrorism, more specifically, to matters relating to the preparation for and the carrying out of all emergency functions, developed by local or state safety officials that are directly intended to thwart a deliberate act that is intended to result in widespread or severe damage to property or widespread injury or loss of life. This shall include training to carry out such functions. In the event of such circumstances, information may be withheld until, in the opinion of a majority of members, the aforesaid circumstances no longer apply. For all meetings held in nonpublic session, where the minutes or decisions were determined to not be subject to full public disclosure, a list of such minutes or decisions shall be kept and this list shall be made available as soon as practicable for public disclosure. This list shall identify the public body and include the date and time of the meeting in nonpublic session, the specific exemption under paragraph II on its face which is relied upon as foundation for the nonpublic session, the date of the decision to withhold the minutes or decisions from public disclosure, and the

date of any subsequent decision, if any, to make the minutes or decisions available for public disclosure. Minutes related to a discussion held in nonpublic session under subparagraph II(d) shall be made available to the public as soon as practicable after the transaction has closed or the public body has decided not to proceed with the transaction.

IV. (a) A public body or agency may adopt procedures to review minutes of meetings held in nonpublic session and to determine by majority vote whether the circumstances that justified keeping meeting minutes from the public under RSA 91-A:3, III no longer apply. If the public body determines that those circumstances no longer apply, the minutes shall be available for release to the public pursuant to this chapter.

*(b) In the absence of an adopted procedure to review and determine whether the circumstances no longer apply for meeting minutes kept from the public, the public body or agency shall review and determine by majority vote whether the circumstances that justified keeping meeting minutes from the public under RSA 91 A:3, III no longer apply. This review shall occur no more than 10 years from the last time the public body voted to prevent the minutes from being subject to public disclosure. **Meeting minutes that were kept from the public prior to the effective date of this paragraph that are not reviewed by the public body or agency within 10 years of the effective date of this paragraph shall be subject to public disclosure without further action of the public body.***

This statute was revised in 2023 to contain the last highlighted section. The Town of Durham has sealed nonpublic minutes dating back to 2000. Throughout this year, these minutes will be brought to the Council to determine if they should remain sealed or be unsealed for public viewing. At this meeting the nonpublic minutes from the year 2005 will be reviewed. The Administrator has reviewed the minutes from the meetings listed and has determined there is no longer a valid reason to keep the minutes sealed.

LEGAL AUTHORITY:

RSA 91 A:3

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

The Durham Town Council does hereby 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.



TOWN OF DURHAM

8 Newmarket Road
Durham, NH 03824
Tel: 603-868-5571
Fax: 603-868-1858
www.ci.durham.nh.us

AGENDA ITEM: **#9**

DATE: July 15, 2024

COUNCIL COMMUNICATION

INITIATED BY: Michal Konopko

AGENDA ITEM: 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?

CC PREPARED BY: Karen Edwards, Administrative Assistant

PRESENTED BY: Todd I. Selig, Administrator

AGENDA DESCRIPTION:

Attached for the Council's information and consideration is an application for board appointment submitted by Michal Konopko, requesting appointment as member to the Energy Committee. The Energy Committee will be full with this appointment.

Mr. Konopko has attended one meeting of the Committee and has spoken with Chair, Matthias Dean Carpentier. Attached for the Council's information is Chair Dean Carpentier's endorsement of Mr. Konopko's appointment.

Mr. Konopko will attend Monday night's Council meeting relative to his request for appointment.

LEGAL AUTHORITY:

N/A

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION:

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.



Town of Durham

8 Newmarket Road
Durham, NH 03824-2898
Tel: 603/868-5571
Fax 603/868-1858
kedwards@ci.durham.nh.us

RECEIVED
Town of Durham

JUL - 8 2024

Administration Office

Application for Board Appointment

Type of Appointment and Position Desired (Please select only one):

New appointment/regular member New appointment/alternate member
Reappointment/regular member Reappointment/alternate member

NOTE: New applicants are asked to attend **AT LEAST ONE** meeting, as well as to meet separately with the Chair(s) of the committee(s) to which they are applying, prior to submitting an application for appointment.

Applicant has:

ATTENDED A MEETING
 SPOKEN WITH CHAIR/V CHAIR
 BEEN RECOMMENDED FOR MEMBERSHIP

Name: Michal Konopko

Date: 26 June 23

Address: 31 Young Dr. Durham, NH 03824

E-Mail Address: konopko.89@gmail.com

Telephone: 603-948-9540

Board/Commission/Committee to which you are interested in being appointed. (Please list in order of preference, if interested in more than one appointment).

1. Durham Energy Committee
- 2.
- 3.

Are you willing to attend ongoing educational sessions offered by the New Hampshire Municipal Association, Strafford Regional Planning Commission, et al, and otherwise develop skills and knowledge relevant to your work on the board/committee? YES NO

(Over)

Please provide a brief explanation for your interest in appointment to a particular board, commission or committee:

Want to contribute towards sustainability.

Please provide brief background information about yourself:

Master electrician, vast experience in construction, small business owner

Please provide below the names and telephone numbers of up to three personal references:

Name: Telephone:

Name: Telephone:

Name: Telephone:



Thank you for your interest in serving the Town. Please return this application, along with a resume, if available, to: Town Administrator, 8 Newmarket Road, Durham, NH 03824, or email Karen Edwards at kedwards@ci.durham.nh.us.

From: [Matthias dean-carpentier](#)
To: [Todd Selig](#); [Karen Edwards](#)
Subject: Fwd: Energy committee
Date: Monday, July 8, 2024 11:31:07 AM
Attachments: [application for board appointment.pdf](#)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Todd and Karen,

Please find a new application for membership on the Committee attached below. He attended last week and expressed his enthusiasm. He's also an electrician I believe so he'll be helpful for our knowledge base.

Thanks,
Matthias

----- Forwarded message -----

From: **Michal Konopko** <konopko.89@gmail.com>
Date: Mon, Jul 8, 2024 at 8:07 AM
Subject: Energy committee
To: Matthias dean-carpentier <matthiasdeancarpentier@gmail.com>

Matthias,

Please see the attached energy committee application.

Best regards, Michal



TOWN OF DURHAM

8 Newmarket Road
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Fax: 603-868-1858
www.ci.durham.nh.us

AGENDA ITEM: **#10A** TS

DATE: July 15, 2024

COUNCIL COMMUNICATION

INITIATED BY: Gail Jablonski, Business Manager

AGENDA ITEM: QUARTERLY FINANCIAL REPORT THROUGH JUNE 30, 2024

CC PREPARED BY: Gail Jablonski, Business Manager

PRESENTED BY: Gail Jablonski, Business Manager

AGENDA DESCRIPTION:

In compliance with section 5.6 of the Durham Town Charter attached for your review and consideration is a financial report for 2024 through June 30, 2024. General Fund information is broken down by function, which may be helpful for your analysis and for the purpose of discussion at the Town Council Meeting. Revenue and expense reports for all other funds are presented in summary format. You will note on the attached report the last column indicates the Percent Collected/Expended as of 06/30/23 for year-to-year comparison purposes.

LEGAL AUTHORITY:

Durham Town Charter Section 5.6

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

The Town's expenditures as of June 30, 2024 show a total expenditure of \$9,697,142 or 50.2% of the total approved budget. To compare, the amount expended as of June 30, 2023 was 51.1%

The expenditure and revenue lines reflect no abnormal activity.

The Business Office is currently in the process of completing the 2023 audit and hope to have the auditors make a formal presentation to the Town Council in September. At this point there have been no major issues noted.

The Departments are in the process of developing their 2025 Operating Budgets and Capital Improvements Plan. There will be meetings scheduled in September to review the submittals with the Departments. These meetings are open for Town Council members to attend, and once the dates have been set, they will be sent out to the Councilors.

SUGGESTED ACTION OR RECOMMENDATIONS:

No formal action is required. This report is presented as information to keep the Council informed on the Town’s financial position.

2024 Budget/Estimated General Fund January 1 - June 30, 2024					
PROPERTY TAXES/ABATEMENTS/CREDITS	Estimated Revenue 2024	Revenues Ending 06/30/24	Revenues Under (Over) 2024	Percent Collected 06/30/24	Percent Collected 06/30/23
Property Taxes	\$10,795,215	\$4,270,460	\$6,524,755	39.6%	43.7%
Payment in Lieu of Taxes	\$1,102,100	\$0	\$1,102,100	0.0%	0.0%
Abatements	(\$485,000)	(\$126,046)	(\$358,954)	26.0%	8.3%
Veteran Service Credits	(\$129,500)	\$0	(\$129,500)	0.0%	0.0%
REVENUES	Estimated Revenue 2024	Revenues Ending 06/30/24	Revenues Under (Over) 2024	Percent Collected 06/30/24	Percent Collected 06/30/23
Interest and Penalties on Delinquent Taxes	\$60,000	\$19,898	\$40,102	33.2%	83.9%
Permit Fees	\$1,606,650	\$789,207	\$817,443	49.1%	56.6%
State/Federal Revenues	\$1,667,100	\$215,870	\$1,451,230	12.9%	14.4%
Intergovernmental Revenues (ORCSD-SRO)	\$91,500	\$45,767	\$45,733	50.0%	100.0%
UNH - Shared Services, School, Fire & Debt Service	\$2,714,350	\$1,423,086	\$1,291,264	52.4%	54.4%
Departmental Income	\$285,700	\$261,785	\$23,915	91.6%	72.5%
Fire and Police Special Details	\$170,000	\$71,555	\$98,445	42.1%	73.9%
Miscellaneous Revenue	\$951,900	\$235,829	\$716,071	24.8%	62.3%
Fund Balance	\$485,000	\$0	\$485,000	0.0%	0.0%
Total General Fund Revenues	\$8,032,200	\$3,062,997	\$4,969,203	38.1%	49.5%
EXPENDITURES	Council Budget 2024	Expended Through 06/30/24	Expenditures Under (Over) 2024	Percent Expended 06/30/24	Percent Expended 06/30/23
GENERAL GOVERNMENT					
Town Council	\$162,250	\$43,264	\$118,986	26.7%	7.7%
Town Treasurer	\$6,030	\$2,799	\$3,231	46.4%	46.4%
Town Administrator	\$416,400	\$221,097	\$195,303	53.1%	51.7%
Elections	\$28,100	\$14,337	\$13,763	51.0%	55.8%
Tax Collector/Town Clerk	\$283,840	\$137,065	\$146,775	48.3%	45.3%
Accounting	\$499,980	\$208,705	\$291,275	41.7%	49.1%
Assessing	\$238,350	\$115,234	\$123,116	48.3%	41.7%
Legal - Attorney Fees	\$80,000	\$20,901	\$59,099	26.1%	42.9%
Planning	\$216,900	\$100,375	\$116,525	46.3%	47.7%
Boards/Commissions/Committees	\$59,100	\$26,536	\$32,564	44.9%	36.5%
DCAT	\$183,970	\$93,905	\$90,065	51.0%	44.3%
GIS	\$120,650	\$53,122	\$67,528	44.0%	50.30%
MIS	\$564,430	\$363,902	\$200,528	64.5%	53.0%
Building Inspection	\$244,400	\$111,885	\$132,515	45.8%	39.5%
Emergency Management	\$1,000	\$470	\$530	47.0%	12.5%
Other General Government	\$409,000	\$138,182	\$270,818	33.8%	33.8%
General Government Total	\$3,514,400	\$1,651,779	\$1,862,621	47.0%	41.9%
PUBLIC SAFETY					
Police Department	\$3,540,645	\$1,531,983	\$2,008,662	43.3%	46.8%
Police Department Special Details	\$84,000	\$30,246	\$53,754	36.0%	63.0%
Fire Department	\$4,863,250	\$2,218,800	\$2,644,450	45.6%	47.6%
Fire Department Special Details	\$38,600	\$21,130	\$17,470	54.7%	68.5%
Communication Center	\$31,000	\$22,133	\$8,867	71.4%	106.3%
Ambulance Services	\$147,720	\$36,929	\$110,791	25.0%	50.0%
Public Safety Total	\$8,705,215	\$3,861,221	\$4,843,994	44.4%	47.6%

EXPENDITURES	Council Budget 2024	Expended Through 06/30/24	Expenditures Under (Over) 2024	Percent Expended 06/30/24	Percent Expended 06/30/23
PUBLIC WORKS					
Administration	\$406,100	\$187,034	\$219,066	46.1%	46.6%
Engineer	\$163,900	\$47,212	\$116,688	28.8%	37.1%
Stormwater Permitting	\$3,500	\$0	\$3,500	0.0%	47.9%
Town Buildings	\$360,500	\$146,226	\$214,274	40.6%	44.2%
Town Cemeteries & Trusted Graveyards	\$10,850	\$315	\$10,535	2.9%	38.6%
Wagon Hill & Parks & Grounds Maintenance	\$223,910	\$113,292	\$110,618	50.6%	50.4%
Equipment Maintenance	\$288,550	\$115,738	\$172,812	40.1%	34.2%
Roadway Maintenance	\$195,800	\$78,572	\$117,228	40.1%	40.9%
Drainage & Vegetation	\$142,100	\$62,919	\$79,181	44.3%	41.8%
Snow Removal	\$340,900	\$170,953	\$169,947	50.1%	60.8%
Traffic Control	\$155,500	\$73,474	\$82,026	47.3%	48.3%
Bridges & Dams	\$231,650	\$85,104	\$146,546	36.7%	35.9%
Public Works Use of Donations	\$0	\$0	\$0	0.0%	0.0%
Public Works Total	\$2,523,260	\$1,080,839	\$1,442,421	42.8%	44.9%
SANITATION					
Solid Waste Administration	\$214,850	\$104,590	\$110,260	48.7%	39.6%
Rolloff Vehicle Operation	\$72,900	\$27,099	\$45,801	37.2%	39.4%
Curbside Collection	\$235,600	\$103,402	\$132,198	43.9%	41.8%
Litter Removal	\$31,300	\$9,188	\$22,112	29.4%	36.5%
Recycling	\$171,700	\$67,285	\$104,415	39.2%	45.8%
Solid Waste Management Facility (SWMF)	\$160,900	\$87,127	\$73,773	54.1%	47.9%
Sanitation Total	\$887,250	\$398,691	\$488,559	44.9%	42.6%
HEALTH & WELFARE					
Health Inspector	\$150	\$0	\$150	0.0%	30.0%
Social Service Agencies	\$12,050	\$12,050	\$0	100.0%	100.0%
Direct Assistance (Welfare)	\$40,000	\$40,100	(\$100)	100.3%	138.0%
Health & Welfare Total	\$52,200	\$52,150	\$50	99.9%	126.3%
CULTURE & RECREATION					
Parks & Recreation Department	\$428,515	\$211,674	\$216,841	49.4%	45.5%
UNH Outdoor Pool and ORYA	\$0	\$0	\$0	0.0%	0.0%
Parks & Recreation Committee	\$1,500	\$0	\$1,500	0.0%	0.0%
Memorial Day	\$500	\$207	\$293	41.4%	131.0%
Conservation	\$62,600	\$10,054	\$52,546	16.1%	39.9%
Culture & Recreation Total	\$493,115	\$221,935	\$271,180	45.0%	44.9%
DEBT SERVICE					
Principal	\$1,370,010	\$830,898	\$539,112	60.6%	81.7%
Interest	\$338,550	\$172,574	\$165,976	51.0%	78.5%
Debt Service Charges	\$6,000	\$2,040	\$3,960	34.0%	58.3%
Debt Service Total	\$1,714,560	\$1,005,512	\$709,048	58.6%	80.9%
TRANSFERS					
Transfer to Library	\$633,515	\$633,515	\$0	100.0%	100.0%
Transfer to Capital Project Fund	\$771,500	\$771,500	\$0	100.0%	100.0%
Transfer to Capital Reserve Fund	\$20,000	\$20,000	\$0	100.0%	100.0%
Debt Service Total	\$1,425,015	\$1,425,015	\$0	100.0%	100.0%
TOTAL GENERAL FUND EXPENDITURES	\$19,315,015	\$9,697,142	\$9,617,873	50.2%	51.1%

**2024 Budget/Estimated Other Funds Summary
January 1 - June 30, 2024**

Water Fund	Estimated 2024	Ending 06/30/24	Under (Over) 2024	Percent as of 06/30/24	Percent as of 06/30/23
Revenues	\$1,545,482	\$759,313	\$786,169	49.1%	21.4%
Expenses	\$1,545,482	\$691,273	\$854,209	44.7%	15.8%
Sewer Fund	Estimated 2024	Ending 06/30/24	Under (Over) 2024	Percent as of 06/30/24	Percent as of 06/30/23
Revenues	\$3,344,030	\$2,522,917	\$623,613	75.4%	24.7%
Expenses	\$3,344,030	\$1,543,366	\$1,800,664	46.2%	25.1%
Parking Fund	Estimated 2024	Ending 06/30/24	Under (Over) 2024	Percent as of 06/30/24	Percent as of 06/30/23
Revenues	\$448,000	\$267,243	\$180,757	59.7%	29.8%
Expenses	\$448,000	\$148,113	\$299,887	33.1%	16.4%
Depot Road Fund	Estimated 2024	Ending 06/30/24	Under (Over) 2024	Percent as of 06/30/24	Percent as of 06/30/23
Revenues	\$139,000	\$29,082	\$109,918	20.9%	15.4%
Expenses	\$139,000	\$2,739	\$136,261	2.0%	1.5%
Churchill Rink Fund	Estimated 2024	Ending 06/30/24	Under (Over) 2024	Percent as of 06/30/24	Percent as of 06/30/23
Revenues	\$342,500	\$212,868	\$129,632	62.2%	31.7%
Expenses	\$342,500	\$134,238	\$208,262	39.2%	24.0%
Library Fund	Estimated 2024	Ending 06/30/24	Under (Over) 2024	Percent as of 06/30/24	Percent as of 06/30/23
Revenues	\$652,765	\$638,435	\$14,330	97.8%	0.1%
Expenses	\$652,765	\$307,643	\$345,122	47.1%	24.3%



TOWN OF DURHAM

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AGENDA ITEM: **# 10B**
DATE: **July 15, 2024**

COUNCIL COMMUNICATION

INITIATED BY: Todd I. Selig, Administrator

AGENDA ITEM: RECEIVE ANNUAL REPORT FROM THE CONSERVATION COMMISSION – DWIGHT TRUEBLOOD, CHAIR

CC PREPARED BY: Karen Edwards, Administrative Assistant

PRESENTED BY: Dwight Trueblood, Chair, Conservation Commission

AGENDA DESCRIPTION:

Section 11.1 (I) of the Durham Town Charter used to require that the Town Council meet annually with all Chairpersons of standing Town committees to review significant actions taken by the committees, projects currently under discussion, and anticipated activities for the coming year. At the March 10, 2020 Town Election, Charter amendment (Article 16 on the ballot) was adopted which amended the language within this section to now read:

- I. *On an annual basis, Chairs of the Town of Durham committees will be provided the opportunity to present to the Town Council any significant actions or projects taken by their respective committee. This report can be in the form of a written summary or a formal presentation. No action is required if there is nothing of significance to report, although the Town Council can ask for a presentation if there is interest.*

Dwight Trueblood has been invited to attend Monday night's Town Council meeting to provide a brief update to Council members regarding the Conservation Commission's current activities.

LEGAL AUTHORITY:

Section 11.1 (I) of the Durham Town Charter.

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

No formal action required. Receive presentation from Conservation Commission Chair, Dwight Trueblood, and hold question and answer session if desired.



TOWN OF DURHAM

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Fax: 603-868-1858
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AGENDA ITEM: **#10C TS**

DATE: July 15, 2024

COUNCIL COMMUNICATION

INITIATED BY: Darcy Freer, Assessor

AGENDA ITEM: 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.

CC PREPARED BY: Darcy Freer, Assessor

CC PRESENTED BY: Darcy Freer, Assessor

AGENDA DESCRIPTION:

Due to the increase in property assessments from the 2023 revaluation and cost-of-living increases, the Service-Connected Total Disability Credit for those Veterans who are totally and permanently disabled needs to be reviewed and possibly revised. Additionally, the All-Veterans' Tax Credit should be reviewed and possibly adopted.

In 2023, the Town of Durham increased the exemption amount for disabled persons *who are not* Veterans from \$110,000 to \$175,000. Using the current tax rate of \$20.48, this exemption amount calculates to an exemption of \$3,584 in property taxes ($\$175,000/1,000 \times \20.84).

Currently, the Veteran tax credit for Veterans who are totally and permanently disabled is \$2,500.

The Town of Durham last updated the Veterans Tax Credit for Veterans who are totally and permanently disabled on August 16, 2021, from \$2,000 to \$2,500. Between 2021 and the current data for 2024, the inflation rate based upon the Consumer Price Index (CPI) has increased 20.1%. Additionally, because of the 2023 revaluation, property assessments for single family homes have increased an average of 48%. Due to these changes, it is time to review, discuss, and revise the Veterans Tax Credit for Veterans who are totally and permanently disabled as deemed necessary.

The All-Veterans' Tax Credit, RSA 72:28-b, went into law effective August 8, 2016. This law allows for Veterans who did not serve during active war time to still be eligible to receive a credit on their property taxes. These Veterans are typically referred to as "gap" Veterans. To evaluate the impact on the Town, data from the New Hampshire Employment Security agency and the Housing Assistance Council has been analyzed to infer an estimated number of "gap" Veterans. From these calculations an estimated 72 "gap" Veterans may be eligible to receive this credit.

Typically, Durham is compared to nine different Seacoast cities and towns. When comparing these cities and towns, only three have yet to adopt the All-Veterans' Tax Credit. Due to this, it is time to review, discuss and possibly adopt the All-Veterans' Tax Credit.

It should be noted that any increase to the Service-Connected Total Disability Credit and the possible adoption of the All-Veterans' Tax Credit would have an effective date of April 1, 2025.

LEGAL AUTHORITY:

RSA 72:35 Tax Credit for Service-Connected Total Disability. -

I. Any person who has been honorably discharged or an officer honorably separated from the military service of the United States and who has total and permanent service-connected disability, or who is a double amputee or paraplegic because of service-connected injury, or the surviving spouse of such a person, shall receive a standard yearly tax credit in the amount of \$700 of property taxes on the person's residential property.

I-a. The optional tax credit for service-connected total disability, upon adoption by a city or town pursuant to RSA 72:27-a, shall be an amount from \$701 up to \$4,000. The optional tax credit for service-connected total disability shall replace the standard tax credit in its entirety and shall not be in addition thereto.

I-b. Either the standard tax credit for service-connected total disability or the optional tax credit for service-connected total disability shall be subtracted each year from the property tax on the person's residential property.

II. The standard or optional tax credit under this section may be applied only to property which is occupied as the principal place of abode by the disabled person or the surviving spouse. The tax credit may be applied to any land or buildings appurtenant to the residence or to manufactured housing if that is the principal place of abode.

III. (a) Any person applying for the standard or optional tax credit under this section shall furnish to the assessors or selectmen certification from the United States Department of Veterans' Affairs that the applicant is rated totally and permanently disabled from service connection. The assessors or selectmen shall accept such certification as conclusive on the question of disability unless they have specific contrary evidence and the applicant, or the applicant's representative, has had a reasonable opportunity to review and rebut that evidence. The applicant shall also be afforded a reasonable opportunity to submit additional evidence on the question of disability.

(b) Any decision to deny an application shall identify the evidence upon which the decision relied and shall be made within the time period provided by law.

(c) Any tax credit shall be divided evenly among the number of tax payments required annually by the town or city so that a portion of the tax credit shall apply to each tax payment to be made.

RSA 72:28-b All Veterans' Tax Credit. -

I. A town or city may adopt or rescind the all-veterans' property tax credit granted under this section by the procedure in RSA 72:27-a.

II. The credit granted under this section shall be the same as the amount of the standard or optional veterans' tax credit in effect in the town or city under RSA 72:28. A town or city with an existing standard or optional veterans' tax credit under RSA 72:28 prior to August 18, 2016, adopting the credit under this section, may phase in the amount of the all veterans' tax credit over a 3-year period to match the standard or optional veterans' tax credit.

III. The all-veterans' tax credit shall be subtracted each year from the property tax on the veteran's residential property.

IV. A person shall qualify for the all veterans' tax credit if the person is a resident of this state who is a veteran, as defined in RSA 21:50, and served not less than 90 days on active service in the armed forces of the United States and continues to serve or was honorably discharged or an officer who continues to serve or was honorably separated from service; or the spouse or surviving spouse of such resident, provided that training for active duty or state active duty by a member of the national guard or reserve shall be included as service under this paragraph; provided however that the person is not eligible for and is not receiving a credit under RSA 72:28 or RSA 72:35.

RSA 72:27-a Procedure for Adoption, Modification, or Rescission. -

I. Any town or city may adopt the provisions of RSA 72:28, RSA 72:28-b, RSA 72:29-a, RSA 72:35, RSA 72:37, RSA 72:37-b, RSA 72:38-b, RSA 72:39-a, RSA 72:62, RSA 72:66, RSA 72:70, RSA 72:76, RSA 72:82, RSA 72:85, or RSA 72:87, in the following manner:

(a) In a town, other than a town that has adopted a charter pursuant to RSA 49-D, the question shall be placed on the warrant of a special or annual town meeting, by the governing body or by petition pursuant to RSA 39:3.

(b) In a city or town that has adopted a charter pursuant to RSA 49-C or RSA 49-D, the legislative body may consider and act upon the question in accordance with its normal procedures for passage of resolutions, ordinances, and other legislation. In the alternative, the legislative body of such municipality may vote to place the question on the official ballot for any regular municipal election.

II. The vote shall specify the provisions of the property tax exemption or credit, the amount of such exemption or credit, and the manner of its determination, as listed in paragraph I. If a majority of those voting on the question vote " yes, " the exemption or credit shall take effect within the town or city, on the date set by the governing body, or in the tax year beginning April 1 following its adoption, whichever shall occur first.

III. A municipality may modify, if applicable, or rescind the exemption or credits provided in paragraph I in the manner described in this section.

IV. An amendment to a statutory provision listed in paragraph I related to an exemption or credit amount or to the eligibility or application of an exemption or credit, shall apply in a municipality which previously adopted the provision only after the municipality complies with the procedure in this section, unless otherwise expressly required by law.

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

Presently, the Town of Durham has not appropriated any additional monies to cover any additional tax credits as estimated by the adoption of RSA 72:28-b All Veteran's Tax Credit or for increasing the total and permanent disabled veteran tax credit. If approved/adopted, monies will be appropriated for the 2025 town budget.

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION #1:

The Durham Town Council hereby Approves 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.

MOTION #2:

The Durham Town Council hereby Approves on First Reading Ordinance #2024-07, Amending Chapter 132 "Tax Exemptions and Credits," adding Section 132-8 "All Veterans' Tax Credit," to the Durham Town Code and Schedules a Public Hearing for Monday, August 12, 2024.

Durham Veterans who are Totally & Permanently Disabled and <u>Currently Receiving Tax Credit</u>		
2024 Assessment	2024 Optional Veteran Credit Amount	2024 Disabled Veteran Credit Amount
\$605,300	\$500	\$2,500
\$493,100	\$500	\$2,500
\$665,200	\$500	\$2,500
\$569,000	\$500	\$2,500
\$304,900	\$500	\$2,500
\$650,300	\$500	\$2,500
\$442,900	\$500	\$2,500
\$520,000	\$500	\$2,500
\$504,200	\$500	\$2,500
\$400,200	\$500	\$2,500
\$540,300	\$500	\$2,500
\$715,400	\$1,000*	\$2,500
\$501,600	\$500	\$2,500
\$642,700	\$1,000*	\$2,500
\$431,400	\$500	\$2,500
\$1,183,024	\$500	\$2,500
\$591,200	\$500	\$2,500
\$809,600	\$500	\$2,500
\$795,800	\$500	\$2,500
\$889,200	\$500	\$2,500
\$740,600	\$500	\$2,500
\$593,600	\$500	\$2,500
\$649,700	\$500	\$2,500
\$361,900	\$500	\$2,500
Total Disabled Vet Credit Amount:		\$60,000

Estimated <u>1st Year Tax Rate Impact</u> if Total & Permanent Veteran Tax Credit is Approved		
2024 Assessment	2024 Optional Veteran Credit Amount	2025 Proposed Disabled Veteran Credit Amount
\$605,300	\$500	\$3,500
\$493,100	\$500	\$3,500
\$665,200	\$500	\$3,500
\$569,000	\$500	\$3,500
\$304,900	\$500	\$3,500
\$650,300	\$500	\$3,500
\$442,900	\$500	\$3,500
\$520,000	\$500	\$3,500
\$504,200	\$500	\$3,500
\$400,200	\$500	\$3,500
\$540,300	\$500	\$3,500
\$715,400	\$1,000*	\$3,500
\$501,600	\$500	\$3,500
\$642,700	\$1,000*	\$3,500
\$431,400	\$500	\$3,500
\$1,183,024	\$500	\$3,500
\$591,200	\$500	\$3,500
\$809,600	\$500	\$3,500
\$795,800	\$500	\$3,500
\$889,200	\$500	\$3,500
\$740,600	\$500	\$3,500
\$593,600	\$500	\$3,500
\$649,700	\$500	\$3,500
\$361,900	\$500	\$3,500
Total Proposed Credit Amount:		\$84,000
Difference Btwn Actual & Proposed:		\$24,000
Potential Tax Rate Impact**:		\$0.01

Estimated <u>2nd Year Tax Rate Impact</u> if Total & Permanent Veteran Tax Credit is Approved		
2024 Assessment	2024 Optional Veteran Credit Amount	2026 Proposed Disabled Veteran Credit Amount
\$605,300	\$500	\$4,000
\$493,100	\$500	\$4,000
\$665,200	\$500	\$4,000
\$569,000	\$500	\$4,000
\$304,900	\$500	\$4,000
\$650,300	\$500	\$4,000
\$442,900	\$500	\$4,000
\$520,000	\$500	\$4,000
\$504,200	\$500	\$4,000
\$400,200	\$500	\$4,000
\$540,300	\$500	\$4,000
\$715,400	\$1,000*	\$4,000
\$501,600	\$500	\$4,000
\$642,700	\$1,000*	\$4,000
\$431,400	\$500	\$4,000
\$1,183,024	\$500	\$4,000
\$591,200	\$500	\$4,000
\$809,600	\$500	\$4,000
\$795,800	\$500	\$4,000
\$889,200	\$500	\$4,000
\$740,600	\$500	\$4,000
\$593,600	\$500	\$4,000
\$649,700	\$500	\$4,000
\$361,900	\$500	\$4,000
Total Proposed Credit Amount:		\$96,000
Difference Btwn Actual & Proposed:		\$36,000
Potential Tax Rate Impact**:		\$0.02

*Both spouses qualify for Optional Veteran Credit. One spouse qualifies for Total & Permanent Disabled Tax Credit.

**Includes estimated valuation based upon completion of a Statistical Update

Inflation Rate based upon CPI	
2021	4.70%
2022	8.00%
2023	4.10%
2024	3.30%*
Total:	20.10%

*Through June of 2024

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Ave
2024	3.1	3.2	3.5	3.4	3.3	<i>Avail. July 11</i>							
2023	6.4	6.0	5.0	4.9	4.0	3.0	3.2	3.7	3.7	3.2	3.1	3.4	4.1
2022	7.5	7.9	8.5	8.3	8.6	9.1	8.5	8.3	8.2	7.7	7.1	6.5	8.0
2021	1.4	1.7	2.6	4.2	5.0	5.4	5.4	5.3	5.4	6.2	6.8	7.0	4.7
2020	2.5	2.3	1.5	0.3	0.1	0.6	1.0	1.3	1.4	1.2	1.2	1.4	1.2
2019	1.6	1.5	1.9	2.0	1.8	1.6	1.8	1.7	1.7	1.8	2.1	2.3	1.8
2018	2.1	2.2	2.4	2.5	2.8	2.9	2.9	2.7	2.3	2.5	2.2	1.9	2.4
2017	2.5	2.7	2.4	2.2	1.9	1.6	1.7	1.9	2.2	2.0	2.2	2.1	2.1
2016	1.4	1.0	0.9	1.1	1.0	1.0	0.8	1.1	1.5	1.6	1.7	2.1	1.3
2015	-0.1	0.0	-0.1	-0.2	0.0	0.1	0.2	0.2	0.0	0.2	0.5	0.7	0.1
2014	1.6	1.1	1.5	2.0	2.1	2.1	2.0	1.7	1.7	1.7	1.3	0.8	1.6
2013	1.6	2.0	1.5	1.1	1.4	1.8	2.0	1.5	1.2	1.0	1.2	1.5	1.5
2012	2.9	2.9	2.7	2.3	1.7	1.7	1.4	1.7	2.0	2.2	1.8	1.7	2.1
2011	1.6	2.1	2.7	3.2	3.6	3.6	3.6	3.8	3.9	3.5	3.4	3.0	3.2
2010	2.6	2.1	2.3	2.2	2.0	1.1	1.2	1.1	1.1	1.2	1.1	1.5	1.6
2009	0	0.2	-0.4	-0.7	-1.3	-1.4	-2.1	-1.5	-1.3	-0.2	1.8	2.7	-0.4
2008	4.3	4.0	4.0	3.9	4.2	5.0	5.6	5.4	4.9	3.7	1.1	0.1	3.8
2007	2.1	2.4	2.8	2.6	2.7	2.7	2.4	2.0	2.8	3.5	4.3	4.1	2.8
2006	4.0	3.6	3.4	3.5	4.2	4.3	4.1	3.8	2.1	1.3	2.0	2.5	3.2
2005	3.0	3.0	3.1	3.5	2.8	2.5	3.2	3.6	4.7	4.3	3.5	3.4	3.4
2004	1.9	1.7	1.7	2.3	3.1	3.3	3.0	2.7	2.5	3.2	3.5	3.3	2.7
2003	2.6	3.0	3.0	2.2	2.1	2.1	2.1	2.2	2.3	2.0	1.8	1.9	2.3
2002	1.1	1.1	1.5	1.6	1.2	1.1	1.5	1.8	1.5	2.0	2.2	2.4	1.6
2001	3.7	3.5	2.9	3.3	3.6	3.2	2.7	2.7	2.6	2.1	1.9	1.6	2.8
2000	2.7	3.2	3.8	3.1	3.2	3.7	3.7	3.4	3.5	3.4	3.4	3.4	3.4

*Data Source: U.S. Bureau of Labor Statistics: All items in U.S. city average, all urban consumers, not seasonally adjusted.

All Veterans' Tax Credit Analysis of Neighboring Communities Similar to Durham

Municipality	Tax Year RSA 72:28-b was Adopted	Number of Veterans Qualified 1st Year after Adoption	Number of Veterans Qualified as of 2023	Number of Years From Adoption to 2023	% Increase Over Subsequent Years
Dover	2018	19	99	5	84
Hampton			65		
Lee	2018	6	16	5	33
Newmarket	2023	0	0	0	-
Portsmouth	2017	30	72	6	23
Stratham	2017	22	43	6	16
Mean		15	49	5	39
Durham (Estimated)	2025	15		39% ^ over 5 years	40*

*This number represents that an estimated 40 Veterans would apply for the All Veterans Tax Credit by the year 2030.

Data		Notes/Sources
New Hampshire Veterans Currently Receiving Tax Credit under RSA 72:28 "Standard/Optional"	43,439	2023 Data from NH Department of Revenue
Durham Veterans Currently Receiving Tax Credit under RSA 72:28 "Standard/Optional"	189	0.0044 percent of NH Total
Total Number of New Hampshire "Gap" Veterans.	20,700	NH Employment Security & Housing Assistance Council (Veterans Data Central)
Percentage of NH Veteran Homeowners	79%	NH Employment Security & Housing Assistance Council (Veterans Data Central)
Total Number of NH "Gap" Veteran Homeowners	16,353	
Estimated "Gap" Veterans- Durham	72	
Optional Veterans' Tax Credit Amount	\$500	
Impact on Town	\$36,000	Estimated Potential Tax Rate Impact = \$0.02

ORDINANCE #2024-06 OF DURHAM, NEW HAMPSHIRE

AMENDING CHAPTER 132 "TAX EXEMPTIONS AND CREDITS", SECTION 132-4, "SERVICE-CONNECTED TOTAL DISABILITY TAX CREDIT," OF THE DURHAM TOWN CODE.

WHEREAS, on July 8, 2002 the Durham Town Council adopted Ordinance #2002-04, creating a new Chapter 132 within the Durham Town Code entitled "Tax Exemptions and Credits" that codified all of the Town's existing adopted property tax exemptions. Ordinance #2002-04 also adopted and codified the optional Veterans' Tax Credit and Surviving Spouse Veterans' Tax Credit, as well as codified and increased the income amounts and asset limits for the disabled and elderly exemptions; and

WHEREAS, on March 3, 2008, the Durham Town Council adopted Ordinance #2008-03 increasing the tax credit amounts for the optional Veterans, Surviving Spouse, and Service-Connected Total Disability Tax Credit; and

WHEREAS, on August 16, 2021, the Durham Town Council adopted Ordinance #2021-03 increasing the tax credit amounts for the Service-Connected Total Disability Tax Credit; and

WHEREAS, a Durham resident currently receiving the Service-Connected Total Disability Tax Credit has requested that the Town Council give consideration to increasing the credit to the maximum allowable amount of \$4,000 as it has been three years since the last increase in State law; and

WHEREAS, the Assessor believes that, taking into consideration the inflation rate and the 2023 increase to the disabled exemption, raising the amount to \$3,500.00 for April 1, 2025 and then to \$4,000 for April 1, 2026 would appropriately reflect the current inflation amount in 2024.

NOW, THEREFORE BE IT RESOLVED, that the Town of Durham, through the Durham Town Council, the governing and legislative body of the Town of Durham, New Hampshire, hereby adopts **Ordinance #2024-06** and does hereby amend Chapter 132, "Tax Exemptions and Credits," Section 132-4 "Service-Connected Total Disability Tax Credit," of the Durham Town Code by increasing the tax credit amount as indicated below.

Wording to be deleted is annotated with **strikeout** type. New wording is annotated with underscoring.

132-4. Service-Connected Total Disability Tax Credit

- A. Any person who has been honorably discharged or an officer honorably separated from the military service of the United States and who has total and permanent service-connected disability, or who is a double amputee or paraplegic because of service-connected injury, or the surviving spouse of such a person, shall receive a yearly tax credit in the amount of \$700 of property taxes on the person's residential property.
- B. The optional tax credit for service-connected total disability is hereby adopted and shall be ~~2,500~~ 3,500.00 in Durham effective April 1, 2025 and shall be \$4,000 in Durham effective April 1, 2026. The optional tax credit for service-connected total disability shall replace the standard tax credit in its entirety and shall not be in addition thereto.
- C. The optional tax credit for service-connected disability shall be subtracted each year from the property tax on the person's residential property.
- D. The optional tax credit in this section may be applied only to property which is occupied as the principal place of abode by the disabled person or the surviving spouse. The tax credit may be applied to any land or buildings appurtenant to the residence or to manufactured housing if that is the Principal place of abode.
- E. Applications for this credit shall be made in the following manner.
 - (1) Any person applying for the optional tax credit under this section shall furnish to the assessors, certification from the United States Department of Veterans' Affairs that the applicant is rated totally and permanently disabled from service connection. The assessors shall accept such certification as conclusive on the question of disability unless they have specific contrary evidence and the applicant, or the applicant's representative, has had a reasonable opportunity to review and rebut that evidence. The applicant shall also be afforded a reasonable opportunity to submit additional evidence on the question of disability.
 - (2) Any decision to deny an application shall identify the evidence upon which the decision relied and shall be made within the time period provided by law.
 - (3) Any tax credit shall be divided evenly among the number of tax payments required annually by the town or city so that a portion of the tax credit shall apply to each tax payment to be made.

PASSED AND ADOPTED this ___ day of _____ by a majority vote of the Durham Town Council with _____ affirmative votes, _____ negative votes, and _____ abstentions.

Sally Needell, Chair
Durham Town Council

ATTEST:

Rachel Deane, Town Clerk-Tax Collector

ORDINANCE #2024-07 OF DURHAM, NEW HAMPSHIRE

AMENDING CHAPTER 132 "TAX EXEMPTIONS AND CREDITS," ADDING SECTION 132-8, "ALL VETERANS' TAX CREDIT," TO THE DURHAM TOWN CODE.

WHEREAS, because the All Veterans' Tax Credit was effective into State law in 2016 and since that time most neighboring communities have adopted the credit, it would now be appropriate for the Town of Durham to adopt the All Veterans' Tax Credit effective April 1, 2025.

NOW, THEREFORE BE IT RESOLVED, that the Town of Durham, through the Durham Town Council, the governing and legislative body of the Town of Durham, New Hampshire, hereby adopts **Ordinance #2024-07** and amends Chapter 132, adding Section 132-8, "All Veterans' Tax Credit," to the Durham Town Code. Wording to be deleted is annotated with **strikeout** type. New wording is annotated with underscoring.

132-8. All Veterans' Tax Credit

- A. The Town of Durham may adopt or rescind the All Veterans' Tax Credit granted under this section by the procedure in RSA 72:27-a.
- B. The credit granted under this section shall be the same as the amount of the Optional Veterans' Tax Credit in effect in Durham under Chapter 132, Section 132-5 of the Durham Town Code.
- C. Beginning April 1, 2025, the All Veterans' Tax Credit shall be subtracted each year from the property tax on the qualifying veteran's residential property.
- D. The following persons shall qualify for the All Veterans' Tax Credit:
 - (1) A person shall qualify for the All Veterans' Tax Credit if the person is a resident of New Hampshire who is a veteran, as defined in RSA 21:50, and served not less than 90 days on active service in the armed forces of the United States and continues to serve or was honorably discharged or an officer who continues to serve or was honorably separated from service; or the spouse or surviving

spouse of such resident, provided that training for active duty or state active duty by a member of the national guard or reserve shall be included as service under this paragraph; provided however that the person is not eligible for and is not receiving a credit under RSA 72:28 or RSA 72:35.

PASSED AND ADOPTED this ___ day of _____ by a majority vote of the Durham Town Council with _____ affirmative votes, _____ negative votes, and _____ abstentions.

Sally Needell, Chair
Durham Town Council

ATTEST:

Rachel Deane, Town Clerk-Tax Collector



TOWN OF DURHAM

8 Newmarket Road
Durham, NH 03824
Tel: 603-868-5571
Fax: 603-868-1858
www.ci.durham.nh.us

AGENDA ITEM: **#11 TS**

DATE: **July 15, 2024**

COUNCIL COMMUNICATION

INITIATED BY: Richard Reine M.S.C.E., CA Director of Public Works

AGENDA ITEM: **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.**

CC PREPARED BY: April Talon, P.E., Town Engineer
Richard Reine, M.S.C.E., CA Director of Public Works

PRESENTED BY: Richard Reine, M.S.C.E., CA Director of Public Works

AGENDA DESCRIPTION:

The purpose of this Council Communication is to request approval to submit a Clean Water SRF loan application to NHDES in the amount of \$100,000 (with 100% principal forgiveness) for the completion of a Biosolids Dryer Feasibility Study. This project loan includes 100% principal forgiveness repayment from NHDES therefore does not obligate the Town to spend any additional rate payer funds.

The Town of Durham owns, operates, and maintains its Wastewater Treatment Facility (WWTF), which is located on Piscataqua Road (Rte. 4) in Durham, NH. Capital expenditures are planned within the Wastewater Facilities plan and are funded at a 2/3 (UNH) and 1/3 (Town of Durham) cost sharing allocation. The WWTF serves a large portion of the Town, including the University of New Hampshire (UNH). The WWTF

was expanded to a secondary treatment facility in 1977 and has since undergone several capital upgrades, including replacement of its dewatering equipment in 2015.

The Town, like many New Hampshire municipalities, is faced with increasing disposal costs for its dewatered biosolids. The facility has experienced substantial escalation in disposals cost increasing in the last 2 years from \$72/ton to currently \$225.30/ton. The Facility on average disposes approximately 1,000-1,100 wet tons annually. This dramatic increase in cost is primarily due to the decreased availability of disposal locations accepting wastewater biosolids and the potential for PFAS contamination within biosolids and subsequent processing costs. In an effort to minimize disposal costs, Durham Public Works plans to complete a feasibility analysis and potentially preliminary design (for a later phase of work) for a biosolids (sludge) drying system at the WWTF.

The full scope of the feasibility study includes an analysis of current and future biosolids quantities, a planning level screening of two major belt dryer manufacturers (including cost/benefit/risk analysis of options), preliminary dryer cost estimates including comparing current disposal operations with a third-party hauler at 20-25% total solids versus mechanically dewatering and drying of biosolids to dispose of through a third-party hauler at 90% total solids. A dryer would decrease the volume and weight of dewatered sludge requiring disposal, and it could potentially add disposal options with the production of a Class A product.

Although such loans typically fund construction projects, NHDES also accepts applications for projects with a planning component to address conveyance and treatment needs, considers solutions that promote energy efficiency, water quality, and/or flood resiliency. This project is one of the thirteen Wastewater Planning projects on the 2023 Project Priority List that has been allocated loan forgiveness for planning. NHDES has indicated the availability of 100 percent principal forgiveness of the total final project cost. Funds for this study were approved in the Town's FY 2024 Capital Improvements Program.

At its meeting on June 24, 2024, the Town Council scheduled a Public Hearing on this item for their meeting on Monday, July 15, 2024. A Public Hearing notice was published in *Foster's/Seacoast Online* on Friday, June 28, 2024. The notice was also posted at the Town Hall and on the Town Website, as well as at the Durham Public Library and Department of Public Works.

LEGAL AUTHORITY:

N/A

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

The 2024 Capital Fund Budget includes an appropriation for funding a biosolids dryer system feasibility study.

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION #1:

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.

MOTION #2:

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.

MOTION #3:

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.

RESOLUTION #2024-16 OF DURHAM, NEW HAMPSHIRE

AUTHORIZING 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 AUTHORIZING 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.

WHEREAS, the Town of Durham, after thorough consideration, decided that a planning study to evaluate the feasibility of a WWTP biosolids dryer is desirable and in the public interest, and to that end it is necessary to apply for assistance from the State Revolving Fund (SRF); and

WHEREAS, the Town of Durham expects to receive principal forgiveness on the SRF loan for 100 percent (100%) of the total completed Planning Project; and,

WHEREAS, the Town of Durham has examined and duly considered the provisions of RSA 486:14 and the New Hampshire Code of Administrative Rules Chapter Env-Wq 500, which relate to loans from the Clean Water State Revolving Fund and deems it to be in the public interest to file a loan application and to authorize other actions in connection therewith;

WHEREAS, the Town of Durham will need to borrow and incur the debt of not more than \$100,000 in accordance with the provision of the Municipal Finance Act (RSA Chapter 33) and outlined in Section 5.12 of the Durham Town Charter which states that no bonds shall be issued by the Town Council in excess of \$500,000.00 per issue except by a two-thirds (2/3) vote of the Council.

WHEREAS, NH RSA 33:9 authorizes the issuance of bonds by a city, by resolution of the Council, passed by at least two-thirds (2/3) vote of all Council members; and

WHEREAS, a duly posted Public Hearing on the borrowing, issuance of a bond, and incurrence of debt totaling \$100,000 was held on Monday, July 15, 2024.

NOW, THEREFORE BE IT RESOLVED by the Durham Town Council, the governing body of the Town of Durham, New Hampshire, does hereby approve **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.

PASSED AND ADOPTED this 15th day of July 2024 by a **two-thirds majority vote** of the Durham Town Council with _____ voting in favor, ____ voting against, and _____ abstaining.

Sally Needell, Chair
Durham Town Council

ATTEST:

Rachel Deane, Town Clerk-Tax Collector