



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, AUGUST 12, 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**
 - A. Introduction of new UNH President, Elizabeth S. Chilton and UNH Assistant Vice President of Public Affairs and Interim Chief of Staff, Thomas Cronin.
 - B. Introduction of new Oyster River Cooperative School Superintendent, Dr. Robert Shaps.
 - C. Introduction of new Town Council minute taker, Jane Murphy.
- 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)*
- IX. **Committee Appointments**

X. Presentation Items

- A. Presentation by Executive Director, Jen Kennedy, Blue Ocean Society, on what they do and what they have collected from the shores of Durham.
- B. Receive annual report on the Planning Board activities and projects - Paul Rasmussen, Chair.

XI. Unfinished Business

- A. **Public Hearing and Action on Ordinance #2024-05** Amending Chapter 175 "Zoning," Article XVII, "Durham Historic Overlay District," Section 175-93 "Identification of the Historic Overlay District," of the Durham Town Code to update the Map & Lot numbers of the Historic District.
- B. **Public Hearing and Action on Ordinance #2024-06** Amending Chapter 132 "Tax Exemptions and Credits," Section 132-4 "Service-Connected Total Disability Tax Credit," of the Durham Town Code.
- C. **Public Hearing and Action on Ordinance #2024-07** Amending Chapter 132 "Tax Exemptions and Credits," adding Section 132-8 "All Veterans' Tax Credit" of the Durham Town Code.

XII. Approval of Minutes - July 15, 2024

XIII. Councilor and Town Administrator Roundtable

XIV. New Business

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

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: **#5A** TS

DATE: August 12, 2024

COUNCIL COMMUNICATION

INITIATED BY: Todd Selig, Administrator

AGENDA ITEM: INTRODUCTION OF NEW UNH PRESIDENT, ELIZABETH S. CHILTON AND UNH ASSISTANT VICE PRESIDENT OF PUBLIC AFFAIRS AND INTERIM CHIEF OF STAFF, THOMAS CRONIN.

CC PREPARED BY: Karen Edwards, Administrative Assistant

PRESENTED BY: Todd Selig, Administrator

AGENDA DESCRIPTION:

On July 1, 2024, Elizabeth S. Chilton became the 21st University of New Hampshire President. She most recently served as the inaugural chancellor of Washington State University's Pullman campus. She was appointed to the chancellor position in 2022 after joining WSU in 2020 as provost and executive vice president of the WSU system.

President Chilton is a native of the Northeast and earned her master's and Ph.D. in anthropology from the University of Massachusetts Amherst, where she later spent 16 years in a variety of roles, including professor, anthropology department chair and associate vice chancellor for research and engagement.

President Chilton has already met with Administrator Selig one-on-one. At his suggestion, she is attending the August 12 meeting to introduce herself to the Council and the citizens of Durham. President Chilton also suggested introducing, UNH Assistant Vice President of Public Affairs and interim Chief of Staff, Thomas Cronin.

This is an introduction only. The Council will have a time to speak with the President about specific ideas/suggestions/questions at a later Town Council meeting date.

LEGAL AUTHORITY:

N/A

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

No formal action required. Receive introduction of President Chilton and Thomas Cronin.



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AGENDA ITEM: **#5B** TS

DATE: August 12, 2024

COUNCIL COMMUNICATION

INITIATED BY: Todd Selig, Administrator

AGENDA ITEM: INTRODUCTION OF NEW OYSTER RIVER COOPERATIVE SCHOOL SUPERINTENDENT, DR. ROBERT SHAPS.

CC PREPARED BY: Karen Edwards, Administrative Assistant

PRESENTED BY: Todd Selig, Administrator

AGENDA DESCRIPTION:

On July 1, 2024, Dr. Robert Shaps became the new Superintendent of Schools for the Oyster River School District. Dr. Shaps began his educational career in New Hampshire and most recently served as Superintendent of Schools of the Mamaroneck Union Free School District in Mamaroneck, N.Y. Dr. Shaps brings to Oyster River more than 20 years of experience leading public school districts in Massachusetts and New York

Dr. Shaps holds a Bachelor's degree in English from Hobart College, a Master's degree in Teaching and Learning from Harvard University, and a Certificate of Advanced Graduate Study in Supervision and Educational Administration from the University of New Hampshire. He earned his Doctorate in Educational Leadership from the University of Pennsylvania.

Dr. Shaps has already met with Administrator Selig one-on-one. At Administrator Selig's suggestion, Dr. Shaps is attending the August 12 meeting to introduce himself to the Council and the citizens of Durham.

LEGAL AUTHORITY:

N/A

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

No formal action required. Receive introduction of Dr. Robert Shaps.



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AGENDA ITEM: **#5C TS**
DATE: August 12, 2024

COUNCIL COMMUNICATION

INITIATED BY: Todd Selig, Administrator

AGENDA ITEM: INTRODUCTION OF NEW TOWN COUNCIL MINUTE TAKER, JANE MURPHY.

CC PREPARED BY: Karen Edwards, Administrative Assistant

PRESENTED BY: Todd Selig, Administrator

AGENDA DESCRIPTION:

In January of 2023, Administrative Assistant, Jennie Berry, retired. At that time the Town Council was in need of a new minute taker, and Jennie requested to be hired part-time by the Town to fill that position. Jennie contacted us last month and indicated that she no longer wants to continue as minute taker.

After placing an employment ad in Friday Updates, on the NH Municipal Administration website, and on Facebook, the Town received three resumes from well-qualified applicants. Administrative Assistant, Karen Edwards, held interviews with all three, and chose Jane Murphy. Jane is a Durham resident and is a former reporter for Seacoast Newspapers. She currently works as a freelance reporter. She will begin minute taking for the August 12 meeting.

LEGAL AUTHORITY:

N/A

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

No formal action required. Receive introduction of Jane Murphy.

Jane Anne Murphy

jane.a.murphy13@gmail.com

41 Cedar Point Road, Durham, N.H. 03824

603-512-0095

Skills

Excellent communication, editing and project management skills. More than three decades experience in publication editing, newsroom management, writing, reporting, copy editing, proof-reading, customer service and social media content writing and management.

Experience

Freelance Journalist, 2023-2024

Freelance Public Relations, Sail Portsmouth tall ships festival, April to July 2023

Editor, EDGE Magazine; Arts and Entertainment Editor, Seacoast Media Group (seacoastonline.com, Portsmouth Herald, Foster's Daily Democrat), 2015 to 2022

Director of Communications, College of Arts and Letters, University of Notre Dame, 2013 to 2014

Director, Editorial Production; Managing Editor, Eagle-Tribune; Executive Editor, North of Boston Media Group, 2002 to 2013

Writer, Beaupre & Co., public relations firm, Portsmouth, N.H., 2000 to 2002

Portsmouth Herald, Seacoast Newspapers, 1986 to 2000, rose from editorial assistant to features writer, business writer, Assistant Sunday Editor, Sunday Editor to Managing Editor.

Education

Bachelor of Arts, American Studies, with concentration in Literature and Journalism
University of Notre Dame, Notre Dame, Indiana



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AGENDA ITEM: **#10A** *TS*
DATE: August 12, 2024

COUNCIL COMMUNICATION

INITIATED BY: Joe Friedman, Chair Pro-Tem

AGENDA ITEM: PRESENTATION BY EXECUTIVE DIRECTOR, JEN KENNEDY, BLUE OCEAN SOCIETY, ON WHAT THEY DO AND WHAT THEY HAVE COLLECTED FROM THE SHORES OF DURHAM.

CC PREPARED BY: Karen Edwards, Administrative Assistant

PRESENTED BY: Jen Kennedy, Executive Director

AGENDA DESCRIPTION:

On June 21, 2024, the Council received an email from Breanna Butland of Blue Ocean Society for Marine Conservation. The Society had conducted a clean-up of Durham's shoreline and collected 111 pounds of debris. Chair Pro Tem Friedman felt it would be a good idea to have someone from Blue Ocean Society come to a Council meeting and present their findings of the specific debris found on Durham's shoreline. Executive Director, Jen Kennedy, will be attending the August 12 meeting to discuss this and any questions the Council may have.

LEGAL AUTHORITY:

N/A

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

No formal action required. Receive presentation by Blue Ocean Society for Marine Conservation.

2023 Blue Ocean Society Beach Cleanup Results

Breanna Butland <md.intern.breanna@gmail.com>
To: <council@ci.durham.nh.us>

Fri, Jun 21 at 12:41PM

2024

Dear Durham Town Council Chair Sally Needell,

I hope this message finds you well.

My name is Breanna Butland, and I am a Marine Debris Intern at Blue Ocean Society for Marine Conservation, a 501(c)(3) nonprofit based in Portsmouth, NH. Our mission is to protect marine life in the Gulf of Maine through research, education, and inspiring action.

I have attached a PDF detailing the results of our 2023 beach cleanups. Here are some statistics relevant to your town/state of Durham, NH: we collected 2,450 debris items weighing 111 pounds during 5 cleanups, with the help of 63 volunteers.

For our full marine debris results, please visit our website at <https://www.blueoceansociety.org/cleanup-data/>.

Additionally, our 2023 Annual Report can be found at <https://www.blueoceansociety.org/annual-reports/> for a comprehensive overview of our efforts and achievements throughout the year.

If you have any questions about our programs or are interested in collaborating with or sponsoring our efforts, please email us at info@blueoceansociety.org.

Thank you for your time and support.

Best regards,

Breanna Butland
Marine Debris Intern
Blue Ocean Society for Marine Conservation

Blue Ocean Society for Marine Conservation
400 Little Harbor Road #1103
Portsmouth, NH 03801
(603) 431-0260
www.blueoceansociety.org

Blue Ocean Society 2023 Marine Debris Results.pdf



Hello,

I am Nikki Tenaglia, the Community Engagement Coordinator at Blue Ocean Society for Marine Conservation. We are a 501(c)(3) nonprofit organization based in Portsmouth, NH, dedicated to protecting marine life in the Gulf of Maine through research, education, and inspiring action. We fulfill our mission by researching whale behavior and populations in the Gulf of Maine, presenting educational programs about human impact on marine life, and motivating action through beach cleanups and other educational campaigns.

Beach cleanups are a powerful way to encourage community involvement in protecting marine life. In 2023, Blue Ocean Society volunteers completed 348 cleanups, removing 7,582 pounds of debris. Many of these cleanups took place in your area. Enclosed are the results of our 2023 beach cleanups, including the total number of debris items collected, items of top concern, pounds of debris collected by town, and more.

Please let me know if you have any questions about our programs. Don't hesitate to contact us if you want to collaborate with us or sponsor our work. Thank you for taking the time to review this information!

Sincerely,

Nikki Tenaglia

Nikki Tenaglia
Community Engagement Coordinator
nikki@blueoceansociety.org

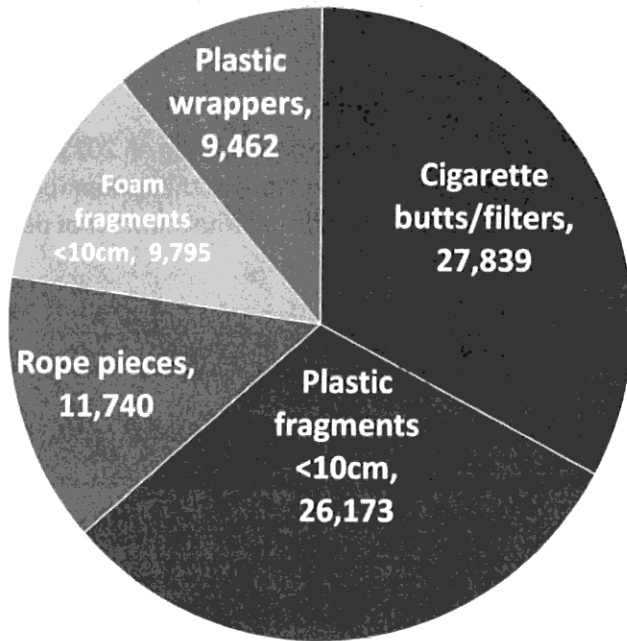
Blue Ocean Society for Marine Conservation
400 Little Harbour Road, #1104
Portsmouth, NH 03801



2023 Beach Cleanup Results



Top Litter Items



Single-use plastics amounted to about 70,000 (45%) of the items collected from the beach in 2023

Results By Town

NH			ME			MA		
	Pounds Collected	Number of Cleanups		Pounds Collected	Number of Cleanups		Pounds Collected	Number of Cleanups
Dover	272	8	Eliot	52	4	Boston	12	1
Durham	111	5	Kennebunk	6	2	Ipswich	150	10
Hampton	1,665	120	Kittery	119	7	Newbury	16	1
New Castle	12	3	Ogunquit	19	4	Newburyport	27	1
Newington	380	3	Old Orchard Beach	68	1	Salisbury	43	2
Portsmouth	429	20	Portland	140	7			
Rye	2,997	103	Saco	7	5			
Seabrook	142	17	Wells	720	4			
			York	196	13			



We found 72 Hooksett Disks in 2023. They were accidentally released in 2011.



A Sheehan Phinney group member found a Hooksett Disk at Hampton Beach in October 2023.

Adopt-A-Beach Groups

Aimee & Acadia Gelineau
 Albers Family
 Allagash Brewery
 Barry Hayes
 Bill Hall
 Christine Ward
 Chucky's Fight
 Club Fins of Southern ME
 Community Partners
 FUUSE/PEA
 Kyler Ronner-Bland
 League of Conservation Voters
 Mainly Conservation
 Marcy Ghirardi
 NextEra Energy
 NH DES Coastal Program
 Nick Mastrella
 Nicole & Madison Santley
 Paul & Richard Eastman
 Riley Levesque
 Rod Mattson
 Seacoast Paddleboard Club
 Slack Tide Maine
 Stephanie Burrows
 Tides of Life SUP Yoga
 Tilluckdharry/Magnus Family

Cleanup Partners

Advantage Truck Group
 Amadeus
 Amphenol Ardent Concepts
 Apple
 Bangor Savings Bank
 BANKW Staffing
 Berwick Academy
 BMS Northern New England District
 Bow High School
 Brewers Collective
 Chinburg Properties
 CliftonLarsonAllen LLP
 Coastal Waters Chartered Public School
 Coe Brown Northwood Academy
 Community Church of Durham
 Connection Inc.
 Delttek
 Dover High School
 Dover Middle School
 Eli Lilly and Company
 FedPoint
 FinancialForce
 First Citizens Bank
 Friends Forever International
 GE Aerospace
 Girl Scout Troop 30787
 GMO GlobalSign, Inc.
 Great Bay Charter School
 Green Maids Cleaning
 Greenland Central School
 GZA GeoEnvironmental
 Hampton Cub Scout Pack 177
 Heronfield Academy
 HOPEww Scouts
 Impax
 John Hancock
 Jordan Park
 Laborie Medical Technologies
 Liberty Mutual
 Little Harbour School
 Londonderry High School
 Lonza Biologics
 MARMON Aerospace & Defense
 Merchant's Fleet
 Messiah Lutheran Church in Amherst
 NCAB Group, USA
 New Hampton School
 Newfields Elementary School
 NH Coastal Adaptation Workgroup
 Northeast Color
 Nottingham Elementary
 Novocure
 Parker Hannifin
 Penacook Elementary School
 Phillips Exeter Academy
 Pierce Atwood
 Pinkerton Academy
 Planet Fitness
 Point32Health
 Portsmouth High School
 PrimeAsia Leather Company
 Prospect Mountain High School
 Ralph Lauren
 Rye Beach Committee
 Santander
 Seacoast Board of Realtors
 Seacoast Financial Planning
 Seascope Capital Management
 Sheehan Phinney
 SmartBear Software
 Southern New Hampshire University
 Solari Salon & Spa
 Stonyfield Yogurt
 TD Bank
 Technology Business Research
 The Aland Realty Group
 The Rye Beach Club
 The Simon Group
 Timberland
 Trillium Flow Technologies
 University of New Hampshire
 Unitarian Universalist of Newburyport
 Voya Financial
 Westinghouse Electric Corporation
 Weston & Sampson Engineers
 Whole Foods
 Wilson Language Training
 Windham High School
 World Affairs Council of NH
 York Chamber
 York Parks & Rec

Other Marine Debris Programs

Since 2013, we've worked with UNH Cooperative Extension and New Hampshire Sea Grant to study microplastics on New Hampshire beaches. Our study involves collecting sand samples, sieving them for plastics, and then sorting the plastics into various categories. Foams made up more than 50% of microplastics across the beaches.



In 2020, we partnered with Rozalia Project for a Clean Ocean and Boothbay Sea & Science Center to design classroom lending kits to teach about microplastics. These kits have been used by hundreds of students and teachers.

\$2.7 Million to Battle Derelict Fishing Gear:

In 2023, the Center for Coastal Studies was awarded \$2.7 million from the NOAA Marine Debris Program to partner with Blue Ocean Society for Marine Conservation and other organizations to form The New England Regional Fishing Gear Response and Removal Team. Over 3 years, we will remove and document abandoned, lost, derelict fishing gear in New England.





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AGENDA ITEM: **#10B**
DATE: August 12, 2024

COUNCIL COMMUNICATION

INITIATED BY: Todd I. Selig, Administrator

AGENDA ITEM: RECEIVE ANNUAL REPORT FROM THE PLANNING BOARD – PAUL RASMUSSEN, CHAIR

CC PREPARED BY: Karen Edwards, Administrative Assistant

PRESENTED BY: Paul Rasmussen, Chair, Planning Board

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.*

Paul Rasmussen has been invited to attend Monday night's Town Council meeting to provide a brief update to Council members regarding the Planning Board'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 Planning Board Chair, Paul Rasmussen, and hold question and answer session if desired.



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AGENDA ITEM: #11A TS

DATE: August 12, 2024

COUNCIL COMMUNICATION

INITIATED BY: Planning Board and Historic District Commission

AGENDA ITEM: **PUBLIC HEARING AND ACTION 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.**

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.

At its meeting on July 15, 2024, the Town Council scheduled a Public Hearing on this item for their meeting on Monday, August 12, 2024. A Public Hearing notice was published in *Foster's/Seacoast Online* on Thursday, July 25, 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:

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 #1:

The Durham Town Council does hereby OPEN the Public Hearing on 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.

MOTION #2:

The Durham Town Council does hereby CLOSE the Public Hearing on 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.

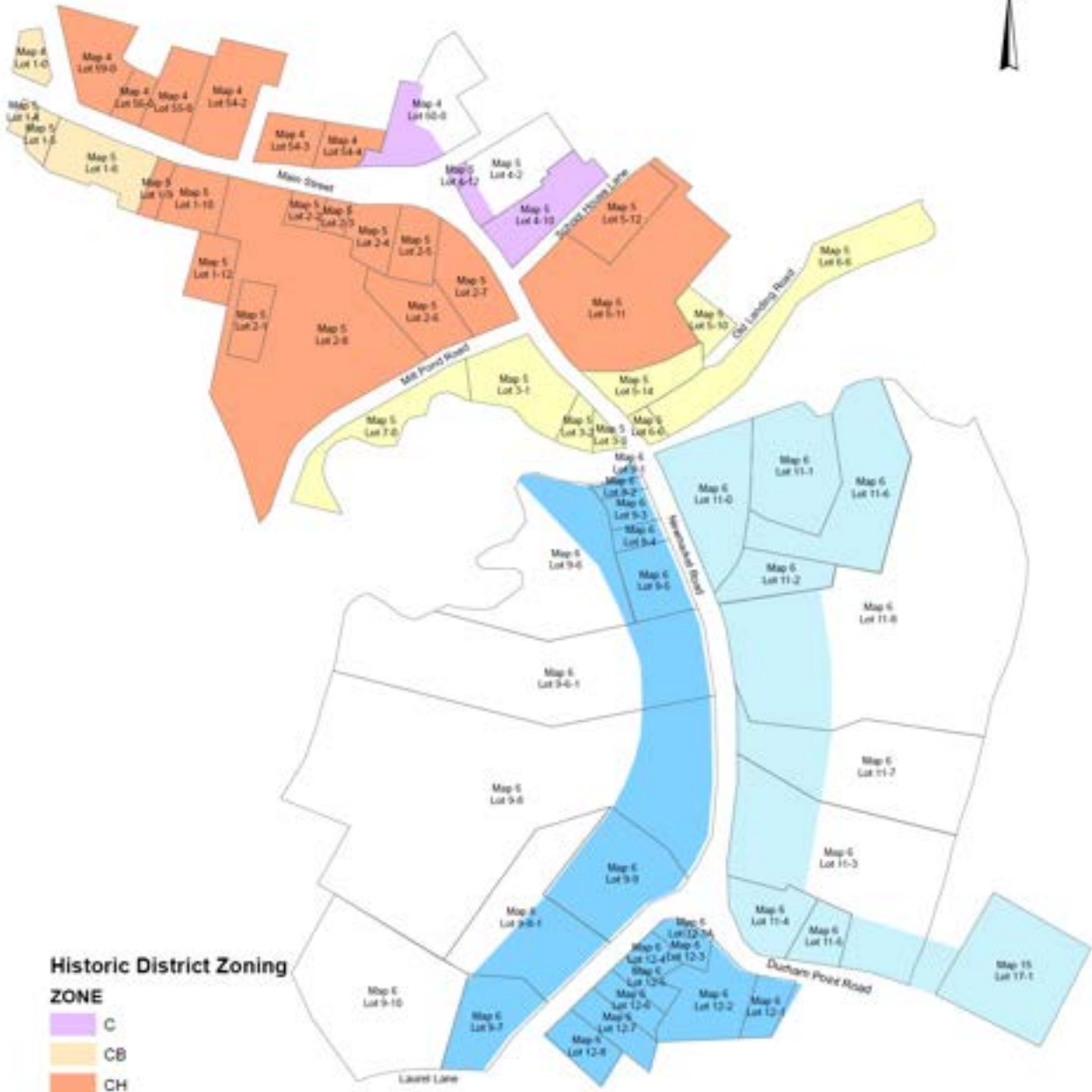
MOTION #3:

The Durham Town Council 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.

GIS MAP OF HISTORIC DISTRICT

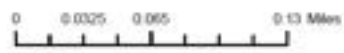


Durham Historic Overlay District



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 duly noticed 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 12th day of August, 2024 by _____ 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
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AGENDA ITEM: **#11B** *TS*

DATE: August 12, 2024

COUNCIL COMMUNICATION

INITIATED BY: Darcy Freer, Assessor

AGENDA ITEM: PUBLIC HEARING AND ACTION ON ORDINANCE #2024-06, AMENDING CHAPTER 132 "TAX EXEMPTIONS AND CREDITS," SECTION 132-4 "SERVICE-CONNECTED TOTAL DISABILITY TAX CREDIT," OF THE DURHAM TOWN CODE AND ORDINANCE #2024-07, AMENDING CHAPTER 132 "TAX EXEMPTIONS AND CREDITS," ADDING SECTION 132-8 "ALL VETERANS' TAX CREDIT," OF THE DURHAM TOWN CODE.

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.

At its meeting on July 15, 2024, the Town Council scheduled a Public Hearing on this item for their meeting on Monday, August 12, 2024. A Public Hearing notice was published in *Foster's/Seacoast Online* on Thursday, July 25, 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:

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 OPENS the Public Hearing on Ordinance #2024-06, Amending Chapter 132 "Tax Exemptions and Credits," Section 132-4 "Service-Connected Total Disability Tax Credit," and Ordinance #2024-07, Amending Chapter 132 "Tax Exemptions and Credits," adding Section 132-8 "All Veterans' Tax Credit," of the Durham Town Code.

MOTION #2:

The Durham Town Council hereby CLOSES the Public Hearing on Ordinance #2024-06, Amending Chapter 132 "Tax Exemptions and Credits," Section 132-4 "Service-Connected Total Disability Tax Credit," and Ordinance #2024-07, Amending Chapter 132 "Tax Exemptions and Credits," adding Section 132-8 "All Veterans' Tax Credit," of the Durham Town Code.

MOTION #3:

The Durham Town Council hereby ADOPTS Ordinance #2024-06, Amending Chapter 132 "Tax Exemptions and Credits," Section 132-4 "Service-Connected Total Disability Tax Credit," of the Durham Town Code.

MOTION #4:

The Durham Town Council hereby ADOPTS Ordinance #2024-07, Amending Chapter 132 "Tax Exemptions and Credits," adding Section 132-8 "All Veterans' Tax Credit," of the Durham Town Code.

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; and

WHEREAS, the Durham Town Council held a duly noticed public hearing on August 12, 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 12th day of August, 2024 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.

WHEREAS, the Durham Town Council held a duly noticed public hearing on August 12, 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 #2024-07** 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 12th day of August, 2024 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

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AGENDA ITEM: #12
DATE: August 12, 2024

COUNCIL COMMUNICATION

INITIATED BY: Durham Town Council

AGENDA ITEM: **APPROVE THE TOWN COUNCIL MEETING MINUTES FOR JULY 15, 2024.**

CC PREPARED BY: Karen Edwards, Administrative Assistant

PRESENTED BY: Todd Selig, Administrator

AGENDA DESCRIPTION:

Attached for the Council's review and approval are the minutes for the meeting held on July 15, 2024. Please call or email Karen Edwards with any grammatical/spelling changes prior to the meeting. Discussion at Monday evening's meeting should be limited only to substantive changes.

LEGAL AUTHORITY:

RSA 91-A:2 (II) specifies what must be contained in minutes of public meetings:

"Minutes of all such meetings, including names of members, persons appearing before the bodies or agencies, and a brief description of the subject matter discussed and final decisions, shall be promptly recorded and open to public inspection not more than 5 business days after the public meeting, except as provided in RSA 91-A:6, and shall be treated as permanent records of anybody or agency, or any subordinate body thereof, without exception."

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION:

The Durham Town Council does hereby approve the Town Council meeting minutes for July 15, 2024 (as presented/as amended).



TOWN OF DURHAM

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AGENDA ITEM: **#14 TS**
DATE: August 12, 2024

COUNCIL COMMUNICATION

INITIATED BY: Councilor Curtis, Councilor Friedrichs & Councilor Burton

AGENDA ITEM: DISCUSSION AND POSSIBLE ADOPTION OF RESOLUTION #2024-17 EXPRESSING THE TOWN OF DURHAM'S INTEREST IN PARTNERING WITH THE UNIVERSITY OF NEW HAMPSHIRE TO ENSURE THAT OUR CONSTITUTIONAL RIGHT TO FREEDOM OF SPEECH FOR DURHAM RESIDENTS AND VISITORS WITHIN THE COMMUNITY REMAINS UNIMPEDED AND TO EMPHASIZE DE-ESCALATION IN ALL ENCOUNTERS.

CC PREPARED BY: Councilor Burton

PRESENTED BY: Councilor Curtis, Councilor Friedrichs & Councilor Burton

AGENDA DESCRIPTION:

Concerned by the level of violence inflicted on students who otherwise had conducted a peaceful though vibrant protest during the afternoon of May 1st, Councilors Burton, Friedrichs and Register suggested a draft resolution pertaining to those concerned be sent to the Durham Human Rights Commission for an advisory opinion as to the content of such a resolution. Having met twice to discuss such an action, the Human Rights Commission, during their meeting of 7/30/2024, approved an amended draft of such a resolution that the preparers of this Council Communication now bring to the full Town Council for their consideration and possible adoption.

LEGAL AUTHORITY:

LEGAL OPINION:

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION:

The Durham Town Council does hereby ADOPT Resolution #2024-17 Expressing the Town of Durham's interest in partnering with the University of New Hampshire to ensure that our constitutional right to freedom of speech for Durham residents and visitors within the community remains unimpeded and to emphasize de-escalation in all encounters.

RESOLUTION #2024-17 OF DURHAM, NEW HAMPSHIRE

EXPRESSING THE TOWN OF DURHAM’S INTEREST IN PARTNERING WITH THE UNIVERSITY OF NEW HAMPSHIRE TO ENSURE THAT OUR CONSTITUTIONAL RIGHT TO FREEDOM OF SPEECH FOR DURHAM RESIDENTS AND VISITORS WITHIN THE COMMUNITY REMAINS UNIMPEDED AND TO EMPHASIZE DE-ESCALATION IN ALL ENCOUNTERS.

WHEREAS, the Town of Durham regards protest as a form of free speech and civic engagement, and embraces the maintenance of civil rights in public discourse; and

WHEREAS, the Town of Durham has a responsibility to ensure the preservation of rights of every resident, visitor, and employee within the Town of Durham ([See Human Rights Commission Bylaws](#)); and

WHEREAS, Article 19 of the United Nations Universal Declaration of Human Rights declares, *“Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers,”* and;

WHEREAS, Article 22 of the NH Constitution states, *“Free speech and liberty of the press are essential to the security of freedom in a state: They ought, therefore, to be inviolably preserved;”* and

WHEREAS, the University System of New Hampshire’s values are the constant and immutable guide to all institutional decisions and actions and are reflected in the policies, practices, and cultures across the university system (<https://www.usnh.edu/about-usnh/mission-vision-values#:~:text=The%20mission%20of%20the%20University,the%20people%20of%20New%20Hampshire>); and

WHEREAS, the University of New Hampshire has established a policy dealing with Freedom of Expression as well as Guidelines on Peaceful Dissent, and strongly values free speech both in the statement of an idea and in the response to that idea and is committed to fostering vigorous debate based on facts and evidence

(<https://catalog.unh.edu/srrr/student-policies-regulations/freedom-expression-guidelines-peaceful-dissent/>); and

WHEREAS, the University of New Hampshire has a reputation as an institution that respects and protects free speech on campus; it is ranked third in the country for universities protecting free speech (<https://rankings.thefire.org/rank/>); and

WHEREAS, the Governor of New Hampshire, without a request from either the University of New Hampshire nor the Town of Durham, dispatched law enforcement agents equipped with lethal tactical assets to the Durham community to address what he perceived to be an anticipated threat; and

WHEREAS, sit-ins and encampments are long-standing components of college student protest, and more broadly are a nonviolent form of seeking to address societal concerns and matters of public policy, and do not in and of themselves constitute health or safety risks to persons or property. For example, consider the suffragists, Civil Rights Movement, the Bonus Army, military draft protestors, and Dixon v. Alabama; and

WHEREAS, the Town of Durham and the University of New Hampshire work closely together in myriad areas and have invested many years and significant funds in supporting police de-escalation training, and both Durham Police and UNH Police are nationally recognized departments whose dedication to de-escalation has the potential to greatly serve the overall community's safety, enrichment, and cohesion; and

WHEREAS, the Human Rights Commission and Town Council believe, with the benefit of hindsight, that additional steps to include additional de-escalation measures and non-violent and non-lethal crowd control methods could have been enacted by University and State Police at the University of New Hampshire campus on May 1, 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 **Resolution #2024-17** affirming the community's commitment to freedom of speech and conflict de-escalation and inviting the University of New Hampshire to continue to work with the Town of Durham to affirm these principles in approaching protests so that there can be consistency on and off campus in Durham.

PASSED AND ADOPTED this _____ day of _____ **2024** by a 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