



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, OCTOBER 7, 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 - Chair reads Land Acknowledgement Statement
- 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 Adopt Resolution #2024-20 Authorizing the Acceptance and Expenditure of Private Donations, Grant Funds, and Unanticipated Revenues Totaling \$18,690.41 Received by the Town of Durham Between January 1 and December 31, 2023?
 - B. Shall the Town Council, Upon Recommendation of the Administrator, approve a Special Event Permit Application Submitted by Rachel Gasowski, Parks & Rec Director, to close certain sections of Town Roads for the Annual "Frost Fest" to be held on Saturday, December 7, 2024 from 6:00-8:00 p.m. with a rain date of Sunday, December 8, 2024 from 5:00-7:00 p.m.?
 - C. Shall the Town Council, Upon Recommendation of the Administrator, Approve a Special Event Permit Application Submitted by Rachel Gasowski, Parks & Rec Director, to Close Certain Sections of Town Roads for the Downtown Trick-or-Treat event to be held on Saturday, October 26, 2024 from 2:00-4:00 p.m. with a rain date of Sunday, October 27, 2024 from 2:00-4:00 p.m.?

- D. Shall the Town Council, upon recommendation of the Administrator, approve the spending of \$117,130 for the purpose of purchasing 14 Flowbird parking kiosks to replace those on Madbury Road and in the Downtown Core?
 - E. Shall the Town Council Accept the Administrator's Progress Report, as of September 30, 2024, on the list of approved 2024/2025 Town Council Goals adopted on June 3, 2024?
 - F. Shall the Town Council Sign the Warrant for the General Election to be held on Tuesday, November 5, 2024?
 - G. Shall the Town Council Approve Resolution #2024-21 Committing Future Revenue from the Municipal Transportation Improvement Fee for Net Zero Transportation Initiatives?
 - H. Shall the Town Council Approve Resolution #2024-22 Recognizing CEH Day and Acknowledging the #BusesBikesandBrooms Challenge and National Week Without Driving?
- IX. Committee Appointments - None**
- X. Presentation Items**
- A. Receive report on Trustees of the Trust Funds activities and projects - Ted Howard, Chair
 - B. Presentation on the opening of the Oyster River Cooperative School District 2024/25 school year - Dr. Robert Shaps, Superintendent
 - C. Presentation on current Strafford Regional Planning Commission projects - Executive Director, Jen Czysz.
 - D. Presentation by Public Works Director, Rich Reine, on the proposed changes to Chapter 118, Solid Waste, of the Town Code.
- XI. Unfinished Business**
- XII. Approval of Minutes - September 9, 2024**
- XIII. Councilor and Town Administrator Roundtable**
- XIV. New Business**
First Reading on Ordinance #2024-08 Amending Chapter 118 "Solid Waste" of the Durham Town Code, reflecting current operating plans to accommodate Planned Solid Waste Program Changes, and Scheduling a Public Hearing for November 4, 2024.
- 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.*

Durham, New Hampshire Land, Water and Life Acknowledgment

The town of Durham, New Hampshire wishes to acknowledge the spiritual and physical connection maintained by the Pennacook, Abenaki and Wabanaki peoples to N'dakinna (homeland), aki (land), nibi (water), lolakwikak (flora) and awaasak (fauna). New Hampshire has been home to these Indigenous people for thousands of years. The residents of Durham acknowledge the ongoing hardships endured by our Indigenous neighbors after the loss of their unceded homelands which we now steward and we will work to foster relationships to support the well-being of Indigenous people who carry forward the traditions of their ancestors.



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8 Newmarket Road
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AGENDA ITEM: **#8A** *TS*

DATE: October 7, 2024

COUNCIL COMMUNICATION

INITIATED BY: Business Office

AGENDA ITEM: SHALL THE TOWN COUNCIL ADOPT RESOLUTION #2024-20 AUTHORIZING THE ACCEPTANCE AND EXPENDITURE OF PRIVATE DONATIONS, GRANT FUNDS, AND UNANTICIPATED REVENUES TOTALING \$18,690.41 RECEIVED BY THE TOWN OF DURHAM BETWEEN JANUARY 1 AND DECEMBER 31, 2023?

CC PREPARED BY: Deborah Ahlstrom, Financial Analyst

PRESENTED BY: Todd I. Selig, Administrator

AGENDA DESCRIPTION:

The Durham Town Council, on July 1, 1999, passed Resolution #99-19 authorizing the Town Council, in accordance with RSA 31:95-b, to apply for, accept and expend unanticipated funds from a Federal, State or other governmental unit or a private source which becomes available during a fiscal year.

Below are individuals, organizations and state agencies which provided donations, grant funds and unanticipated revenue to the Town of Durham between January 1 and December 31, 2023 in the amount of \$17,590.41. These funds were placed into revenue accounts and offsetting budgeted expenditures were made from the appropriate expense accounts if necessary.

Also listed below are funds received by the Durham Trustees of Trust Funds that total \$1,100.00. These private funds received between January 1 and December 31, 2023 were deposited to Trusts established to receive donations for the purposes individual donors identified. Those funds are held by the Trustees of Trust Funds.

The total of funds received for approval is \$18,690.41.

<u>Amount</u>	<u>Received From</u>	<u>Department</u>	<u>Description</u>
Grants Received			
600.00	L CHIP	Conservation	Monitoring incentive for ORForest (Sprucewood)
300.00	NH Humanities Council	Library	Program presentations
Donations and Other Unanticipated Revenue			
1,000.00	NH Charitable Foundation - Irwin Fund	Library	Collection
3,500.00	NH Charitable Foundation - Bucket Fund	Library	General Support and Annual Appeal
9,560.66	Friends of the Durham Public Library	Library	Approved projects and purchases throughout the year
299.00	Maureen McGinty in honor of dad	DPW	for apple tree at Wagon Hill Farm
100.00	Active Retirement Association	Police	General Purpose
100.00	Calvin Reynolds	Police	General Purpose
292.52	NH Liquor Commission	Police	Alcohol Compliance Checks
350.00	NH Police Standards & Training	Police	Psych Evaluation
28.23	Rachel Deane	Admin	General Purpose
229.00	Various Anonymous Donors	Recreation RunSignUp	General Purpose
30.00	Star Snyder in memory of Rita Passeneau	Fire	General Purpose
100.00	UNH English Dept staff in memory of Rita Pas	Fire	General Purpose
100.00	Nieces & Nephews in memory of Rita Passeneau	Fire	General Purpose
1,001.00	Pi Kappa Alpha Faternity	Fire	General Purpose
Private Funds Received by Trustees of Trust Funds for Deposit			
100.00	PSNH Foundation	Durham Town Land Stewardship Patron's Trust	
950.00	Various Anonymous Donors	Cemetery Special Project Trust	
50.00	ORCSD forwarding various private donors	Environmental Sustainability Scholarships	
\$ 18,690.41	Grand Total Grants and Donations Received		

LEGAL AUTHORITY: Resolution #99-19 and RSA 31:95-b which reads in part

“For unanticipated moneys in an amount less than \$10,000, the board of selectmen shall post notice of the funds in the agenda and shall include notice in the minutes of the board of selectmen meeting in which such moneys are discussed. The acceptance of unanticipated moneys under this subparagraph shall be made in public session of any regular board of selectmen meeting....”

LEGAL OPINION: N/A

FINANCIAL DETAILS:

These funds represent donations, grants, and other unanticipated revenues received between January 1 and December 31, 2023 that have not been formally accepted by the Town Council. These funds total \$18,690.41.

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION

The Durham Town Council does hereby adopt Resolution #2024-20 authorizing the Acceptance and Expenditure of Private Donations, Grant Funds, and Unanticipated Revenues Totaling \$18,690.41 Received by the Town of Durham Between January 1 and December 31, 2023.

RESOLUTION #2024-20 OF DURHAM, NEW HAMPSHIRE

AUTHORIZING THE ACCEPTANCE AND EXPENDITURE OF PRIVATE DONATIONS, UNANTICIPATED REVENUES, AND GRANT FUNDS TOTALING \$18,690.41 RECEIVED BY THE TOWN OF DURHAM BETWEEN JANUARY 1 AND DECEMBER 31, 2023

WHEREAS, donated funds, unanticipated revenue and grant funds have been received by the Town of Durham from individuals and organizations between January 1, and December 31, 2023 in the amount of \$ 18,690.41; and

WHEREAS, The Durham Town Council, on July 1, 1999, passed Resolution #99-19 authorizing the Town Council, in accordance with RSA 31:95-b, to apply for, accept, and expend unanticipated funds from a Federal, State or other governmental unit or a private source which becomes available during a fiscal year; and

WHEREAS, Town Council approval is required for the acceptance and expenditure of these funds,

NOW, THEREFORE, BE IT RESOLVED, that the Durham Town Council, the governing body of the Town of Durham, New Hampshire does hereby adopt **Resolution #2024-20** authorizing the acceptance and expenditure of the following funds totaling \$ 18,690.41:

<u>Amount</u>	<u>Received From</u>	<u>Department</u>	<u>Description</u>
Grants Received			
600.00	L CHIP	Conservation	Monitoring incentive for ORForest (Sprucewood)
300.00	NH Humanities Council	Library	Program presentations
Donations and Other Unanticipated Revenue			
1,000.00	NH Charitable Foundation - Irwin Fund	Library	Collection
3,500.00	NH Charitable Foundation - Bucket Fund	Library	General Support and Annual Appeal
9,560.66	Friends of the Durham Public Library	Library	Approved projects and purchases throughout the year
299.00	Maureen McGinty in honor of dad	DPW	for apple tree at Wagon Hill Farm
100.00	Active Retirement Association	Police	General Purpose
100.00	Calvin Reynolds	Police	General Purpose
292.52	NH Liquor Commission	Police	Alcohol Compliance Checks
350.00	NH Police Standards & Training	Police	Psych Evaluation
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229.00	Various Anonymous Donors	Recreation RunSignUp	General Purpose
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100.00	UNH English Dept staff in memory of Rita Pas	Fire	General Purpose
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1,001.00	Pi Kappa Alpha Faternity	Fire	General Purpose
Private Funds Received by Trustees of Trust Funds for Deposit			
100.00	PSNH Foundation	Durham Town Land Stewardship Patron's Trust	
950.00	Various Anonymous Donors	Cemetery Special Project Trust	
50.00	ORCSD forwarding various private donors	Environmental Sustainability Scholarships	
\$ 18,690.41	Grand Total Grants and Donations Received		

PASSED AND ADOPTED on this 7th day of October, 2024 by a majority vote of the Durham Town Council with ___ voting in favor, ___ opposing, and abstaining.

 Sally Needell, Chair
 Durham Town Council

ATTEST:

 Rachel Deane, Town Clerk/Tax Collector



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AGENDA ITEM: **#8B** *TS*

DATE: October 7, 2024

COUNCIL COMMUNICATION

INITIATED BY: Rachel Gasowski, Parks & Rec Director

AGENDA ITEM: SHALL THE TOWN COUNCIL, UPON RECOMMENDATION OF THE ADMINISTRATOR, APPROVE A SPECIAL EVENT PERMIT APPLICATION SUBMITTED BY RACHEL GASOWSKI, PARKS & REC DIRECTOR, TO CLOSE CERTAIN SECTIONS OF TOWN ROADS FOR THE ANNUAL "FROST FEST" TO BE HELD ON SATURDAY, DECEMBER 7, 2024 FROM 6:00-8:00 P.M. WITH A RAIN DATE OF SUNDAY, DECEMBER 8, 2024 FROM 5:00-7:00 P.M.?

CC PREPARED BY: Karen Edwards, Administrative Assistant

PRESENTED BY: Todd I. Selig, Administrator

AGENDA DESCRIPTION:

Attached is a special event/road closure permit application submitted by Rachel Gasowski, Parks & Rec Director, requesting that certain portions of town roads be closed from 6:00-8:00 p.m. on Saturday, December 7, 2024 to hold the annual Frost Fest. A Rain Date has been set for Sunday, December 8, 2024 from 5:00-7:00 p.m.

The application has been reviewed by the appropriate town departments and has been a successful event in past years. The Administrator therefore recommends approval of this special event and road closure permit.

LEGAL AUTHORITY:

RSA 41:11 "Regulation of Use of Highways, Etc.", and RSA 47:17 VII "Use of Public Ways" authorize the Town Council to regulate the use of public highways.

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION:

The Durham Town Council does hereby, upon recommendation of the Administrator, approve a Special Event Permit Application Submitted by Rachel Gasowski, Parks & Rec Director, to close certain sections of Town Roads for the Annual "Frost Fest" to be held on Saturday, December 7, 2024 from 6:00-8:00 p.m. with a rain date of Sunday, December 8, 2024 from 5:00-7:00 p.m.



TOWN OF DURHAM

100 Stone Quarry Drive, Durham, NH 03824

TEL: (603) 868-5578

FAX: (603) 868-8063

Email: publicworks@ci.durham.nh.us

PERMIT APPLICATION

Revised: 2/18/19

TYPE OF PERMIT (Please check one):

Special Event

Road Closure Request

Use of Town Property

LOCATION WHERE EVENT WILL OCCUR: Downtown Main St.

DAY & DATE OF EVENT: Sat Dec. 7th TIME(S) OF EVENT: 6-8pm

DURATION OF EVENT (Including set up and breakdown time): 4 hrs.

NAME OF APPLICANT/ORGANIZATION: Durham Pt R

NAME OF EVENT: Frost Fest

PERSONAL CONTACT FOR THIS EVENT: Rachel Gasowski

ADDRESS: 2 Dover Rd. Durham

TELEPHONE NO.: DAY: 603 817-4074 EVENING: _____

EMAIL: rgasowski@ci.durham.nh.us

DETAILED DESCRIPTION OF REQUEST (Pertaining to amplified music, location, route of travel. Please attach maps denoting routes and road closures):

We will set-up various activity stations on Main St. from Jenkins Crt. to Main St. Barber.

-Requesting assistance from DPW w/Road Closure, lighting, Barricade & trash

-Requesting assistance from Police with traffic & crowd control

-Requesting PD to be onsite w/apparatus.

-Requesting Durham Professional Firefighters to set up Popcorn & Ice pit.

Road Closure @ 4:45pm. Re-Open @ 8:30pm (Rundate 3:45-7:30pm)

ANTICIPATED NUMBER OF PARTICIPANTS: 400

ANTICIPATED NUMBER OF VEHICLES: 100 (parked throughout downtown)

CERTIFICATE OF INSURANCE INFORMATION

As evidence of its financial ability to indemnify the Town of Durham, during the term of this agreement, the applicant shall obtain and pay premiums for Commercial General Liability insurance protecting the parties hereto, their agents, officers, elected officials, representatives, or employees because of bodily injury, property damage, personal injury or products liability incurred by the parties in the performance of the terms of this lease, such policy to provide limits no less than \$1 million per occurrence. A Certificate of Insurance naming the Town of Durham as an Additional Insured shall be provided.

Insurance Carrier: Primex

Policy Number and Expiration Date: _____

The undersigned hereby agrees, at its sole cost and expense, to defend, indemnify and hold harmless the Town of Durham and all associated, affiliated, allied and subsidiary entities of the Town, now existing or hereinafter created, and their respective officers, boards, commissions, employees, agents, and contractors (hereinafter referred to as "indemnities") from and against any and all liability, obligation, damages, penalties, claims, liens, costs, charges, losses and expenses which may be imposed upon, incurred by or asserted against the indemnities by reason of any act or omission of the undersigned, its personnel, employees, agents, contractors or subcontractors which results in damage or injury of any kind to any person or any property and which arises out of or is in any way connected with the activities permitted by this permit.

Rachel Gasowski [Signature] 8/18/24
Printed Name and Signature of Event Coordinator/applicant Date

Printed Name and Signature of Principal/Owner/Authorizing Authority Date

FOR OFFICIAL USE ONLY

Reviewed by DPW [Signature]
Comments: on 8.12.24

Reviewed by PD
Comments:

Reviewed by FD **See attached Fire Department conditions of permit approval**
Comments:

Reviewed by P&R
Comments:

Approved: _____
Todd I. Selig, Administrator Date

Karen Reynolds

From: David Holmstock
Sent: Wednesday, August 14, 2024 12:47 PM
To: Karen Reynolds; David Emanuel
Cc: Rachel Gasowski; Shannon Shaw; Kelley Fowler; Aimee Routhier
Subject: RE: Frost Fest Permit Application

The PD supports the permits as needed. We will post the positions as needed.

David Holmstock
Deputy Chief
Durham Police Department
86 Dover Road
Durham, NH 03824
FBINA-224th - HSLA #2
603-868-2324
D-603-590-0765

From: Karen Reynolds <kreynolds@ci.durham.nh.us>
Sent: Wednesday, August 14, 2024 9:01 AM
To: David Emanuel <david.emanuel@unh.edu>; David Holmstock <dholmstock@ci.durham.nh.us>
Cc: Rachel Gasowski <rgasowski@ci.durham.nh.us>; Shannon Shaw <sshaw@ci.durham.nh.us>; Kelley Fowler <Kelley.Fowler@unh.edu>; Aimee Routhier <Aimee.Routhier@unh.edu>
Subject: Frost Fest Permit Application

Hello,

One more for your approval.

Thank you.
Karen

Karen Reynolds
Administrative Assistant
Durham Public Works
DPW/Water/WWTP
100 Stone Quarry Drive
Durham, NH 03824
603.868.5578



Shannon Shaw

From: Kelley Fowler <Kelley.Fowler@unh.edu>
Sent: Wednesday, September 11, 2024 2:50 PM
To: Karen Reynolds; David Emanuel; David Holmstock
Cc: Rachel Gasowski; Shannon Shaw; Aimee Routhier
Subject: RE: Frost Fest Permit Application

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.

Shannon,

Per Chief Emanuel, the fire department supports the permit application as submitted.

Thank you.

Kelley Fowler
Administrative Assistant
Durham Fire Department
51 College Road, Durham, NH 03824
Kelley.fowler@unh.edu
(603) 862-1426 Office
(603) 862-7746 Direct
(603) 862-1513 Fax
"Our Family Protecting Your Family"



From: Karen Reynolds <kreynolds@ci.durham.nh.us>
Sent: Wednesday, August 14, 2024 9:01 AM
To: David Emanuel <david.emanuel@unh.edu>; David Holmstock <dholmstock@ci.durham.nh.us>
Cc: Rachel Gasowski <rgasowski@ci.durham.nh.us>; Shannon Shaw <sshaw@ci.durham.nh.us>; Kelley Fowler <Kelley.Fowler@unh.edu>; Aimee Routhier <Aimee.Routhier@unh.edu>
Subject: Frost Fest Permit Application

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Hello,

One more for your approval.

Thank you.

Karen

Karen Reynolds
Administrative Assistant
Durham Public Works
DPW/Water/WWTP
100 Stone Quarry Drive
Durham, NH 03824
603.868.5578





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AGENDA ITEM: **#8C** *TS*

DATE: October 7, 2024

COUNCIL COMMUNICATION

INITIATED BY: Rachel Gasowski, Parks & Rec Director

AGENDA ITEM: SHALL THE TOWN COUNCIL, UPON RECOMMENDATION OF THE ADMINISTRATOR, APPROVE A SPECIAL EVENT PERMIT APPLICATION SUBMITTED BY RACHEL GASOWSKI, PARKS & REC DIRECTOR, TO CLOSE CERTAIN SECTIONS OF TOWN ROADS FOR THE DOWNTOWN TRICK-OR-TREAT EVENT TO BE HELD ON SATURDAY, OCTOBER 26, 2024 FROM 2:00-4:00 P.M. WITH A RAIN DATE OF SUNDAY, OCTOBER 27, 2024 FROM 2:00-4:00 P.M.?

CC PREPARED BY: Karen Edwards, Administrative Assistant

PRESENTED BY: Todd I. Selig, Administrator

AGENDA DESCRIPTION:

Attached is a special event/road closure permit application submitted by Rachel Gasowski, Parks & Rec Director, requesting that certain portions of town roads be closed from 2:00-4:00 p.m. on Saturday, October 26, 2024 to hold the Downtown Trick-or-Treat event. A Rain Date has been set for Sunday, October 27, 2024 from 2:00-4:00 p.m.

The application has been reviewed by the appropriate town departments and has been a successful event in past years. The Administrator therefore recommends approval of this special event and road closure permit.

LEGAL AUTHORITY:

RSA 41:11 "Regulation of Use of Highways, Etc.", and RSA 47:17 VII "Use of Public Ways" authorize the Town Council to regulate the use of public highways.

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION:

The Durham Town Council does hereby, upon recommendation of the Administrator, Approve a Special Event Permit Application Submitted by Rachel Gasowski, Parks & Rec Director, to Close Certain Sections of Town Roads for the Downtown Trick-or-Treat event to be held on Saturday, October 26, 2024 from 2:00-4:00 p.m. with a rain date of Sunday, October 27, 2024 from 2:00-4:00 p.m.



TOWN OF DURHAM

100 Stone Quarry Drive, Durham, NH 03824

TEL: (603) 868-5578

FAX: (603) 868-8063

Email: publicworks@ci.durham.nh.us

PERMIT APPLICATION

Revised: 2/18/19

TYPE OF PERMIT (Please check one):

Special Event

Road Closure Request

Use of Town Property

LOCATION WHERE EVENT WILL OCCUR: Downtown Main St, Jenkins Crt, Old Main

DAY & DATE OF EVENT: Sat. Oct. 26 2024 TIME(S) OF EVENT: 2-4pm

* Rain Date * Sunday, Oct. 27th : 2-4pm
DURATION OF EVENT (Including set up and breakdown time): 4 hrs

NAME OF APPLICANT/ORGANIZATION: Durham P+R

NAME OF EVENT: Downtown Trick or Treat

PERSONAL CONTACT FOR THIS EVENT: Rachel Gasowski

ADDRESS: 2 Dover Rd. Durham

TELEPHONE NO.: DAY: 603 254-6178 EVENING: _____

EMAIL: rgasowski@ci.durham.nh.us

DETAILED DESCRIPTION OF REQUEST (Pertaining to amplified music, location, route of travel. Please attach maps denoting routes and road closures):

We will set up various trick or Treat tables & activities throughout downtown Durham (see attached map).

-Requesting assistance from DPW w/ Road Closure, Power access, trash.

-Requesting assistance from Police w/traffic & crowd control.

-Requesting FD to be onsite w/apparatus.

Road Closure @ 12⁴⁵pm. Re-open @ 430pm

Main street: Jenkins Crt, Main St from Jenkins to Main St. Barber

ANTICIPATED NUMBER OF PARTICIPANTS: 500 for Road Closure

ANTICIPATED NUMBER OF VEHICLES: 100 (parked throughout downtown)

CERTIFICATE OF INSURANCE INFORMATION

As evidence of its financial ability to indemnify the Town of Durham, during the term of this agreement, the applicant shall obtain and pay premiums for Commercial General Liability insurance protecting the parties hereto, their agents, officers, elected officials, representatives, or employees because of bodily injury, property damage, personal injury or products liability incurred by the parties in the performance of the terms of this lease, such policy to provide limits no less than \$1 million per occurrence. A Certificate of Insurance naming the Town of Durham as an Additional Insured shall be provided.

Insurance Carrier: Primerx

Policy Number and Expiration Date: _____

The undersigned hereby agrees, at its sole cost and expense, to defend, indemnify and hold harmless the Town of Durham and all associated, affiliated, allied and subsidiary entities of the Town, now existing or hereinafter created, and their respective officers, boards, commissions, employees, agents, and contractors (hereinafter referred to as "indemnities") from and against any and all liability, obligation, damages, penalties, claims, liens, costs, charges, losses and expenses which may be imposed upon, incurred by or asserted against the indemnities by reason of any act or omission of the undersigned, its personnel, employees, agents, contractors or subcontractors which results in damage or injury of any kind to any person or any property and which arises out of or is any way connected with the activities permitted by this permit.

Rachel Gasowski
Printed Name and Signature of Event Coordinator/applicant

8/9/24
Date

Printed Name and Signature of Principal/Owner/Authorizing Authority

Date

FOR OFFICIAL USE ONLY

Reviewed by DPW
Comments:

Rachel
OK 8.12.24

Reviewed by PD
Comments:

Reviewed by FD
Comments:

See attached Fire Department conditions of permit approval

Reviewed by P&R
Comments:

[Signature]

Approved:

Todd I. Selig, Administrator

Date

Karen Reynolds

From: David Holmstock
Sent: Wednesday, August 14, 2024 12:47 PM
To: Karen Reynolds; David Emanuel
Cc: Rachel Gasowski; Shannon Shaw; Kelley Fowler; Aimee Routhier
Subject: RE: Downtown Trick or Treat Permit Application

The PD supports the application as submitted. We will post the positions needed.

David Holmstock
Deputy Chief
Durham Police Department
86 Dover Road
Durham, NH 03824
FBINA-224th - HSLA #2
603-868-2324
D-603-590-0765

From: Karen Reynolds <kreynolds@ci.durham.nh.us>
Sent: Wednesday, August 14, 2024 8:56 AM
To: David Holmstock <dholmstock@ci.durham.nh.us>; David Emanuel <david.emmanuel@unh.edu>
Cc: Rachel Gasowski <rgasowski@ci.durham.nh.us>; Shannon Shaw <sshaw@ci.durham.nh.us>; Kelley Fowler <Kelley.Fowler@unh.edu>; Aimee Routhier <Aimee.Routhier@unh.edu>
Subject: Downtown Trick or Treat Permit Application

Hello,

Please see attached for your approval.

Thank you.
Karen

Karen Reynolds
Administrative Assistant
Durham Public Works
DPW/Water/WWTP
100 Stone Quarry Drive
Durham, NH 03824
603.868.5578



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Cc: Rachel Gasowski; Shannon Shaw; Aimee Routhier
Subject: RE: Downtown Trick or Treat Permit Application

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Shannon,

Per Chief Emanuel, the fire department supports the permit application as submitted.

Thank you.

Kelley Fowler
Administrative Assistant
Durham Fire Department
51 College Road, Durham, NH 03824
Kelley.fowler@unh.edu
(603) 862-1426 Office
(603) 862-7746 Direct
(603) 862-1513 Fax
"Our Family Protecting Your Family"



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Subject: Downtown Trick or Treat Permit Application

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

AGENDA ITEM: **#8D** TS

DATE: October 7, 2024

COUNCIL COMMUNICATION

INITIATED BY: Durham Police Department

AGENDA ITEM: SHALL THE TOWN COUNCIL, UPON RECOMMENDATION OF THE ADMINISTRATOR, APPROVE THE SPENDING OF \$117,130 FOR THE PURPOSE OF PURCHASING 14 FLOWBIRD PARKING KIOSKS TO REPLACE THOSE ON MADBURY ROAD AND IN THE DOWNTOWN CORE?

PREPARED BY: Rene Kelley, Chief of Police
Jack Dalton, Captain
Sandra Hebert, Parking Enforcement Officer

PRESENTED BY: Durham Police Department

AGENDA DESCRIPTION:

The purpose of this Council Communication is to request approval to replace the aging pay stations located on Madbury Road and in the downtown core. Durham currently uses multi-space, pay and display meters from Ventek International with button interface technology (keypad) in these locations. The outdated technology is not only an inconvenience to the customers, but for Parking Enforcement as well.

In 2023 13 out of the 27 pay stations were replaced with Flowbird CWT Credit Card Pay Stations with color touch screens. The touch screen technology and software-controlled keypads allows for versatility for parking payment options, easy upgrades and reprogramming as parking needs change. The Flowbird pay stations offer upgraded tap credit card and Apple Pay options and have added the ease of multiple payment options for our residents and visitors. The pay by plate option, which the Flowbird Stations offer, is also a safer and more efficient way for Parking Enforcement to confirm active parking sessions.



Old Ventek Pay Station



New Flowbird Pay Station

Flowbird Kiosks have proven to provide many benefits to the town, residents, and visitors, including:

- Touch screen technology and software-controlled keypads providing versatile parking payment options, easy upgrades and reprogramming as parking needs change.
- Kiosk commonality with UNH and other seacoast communities, including the ParkMobile smartphone application.
- Lower recurring costs.
- Users do not need to return to their vehicle to place a ticket on the dashboard since they only need to enter their vehicle plate number at the kiosk.
- Parking enforcement verifies parking is paid for by the vehicle license plate number, which eliminates the challenge of parking enforcement officers accessing the front dash of the car or having to enter the lane of travel of passing traffic, especially during the winter months.
- The Town can continue to offer progressive parking fees and programs (i.e., first hour is free) but eliminate the current abuse by people that move their vehicles every few hours to avoid paying for parking or more expensive long-stay parking.

The cost per pay station is \$8,295. This price is inclusive of the pay station, hardware, operating system, shipping, and training. The plan is to replace the remaining 14 aging Ventek pay stations for a total of \$116,130.

It is our belief that minimal groundwork will be necessary to install the new kiosks, as there are already the existing concrete pads for the Ventek stations. There are two possible existing pads that may require repair or replacement. Public Works estimates it will cost

\$500 per pad if a pad will not meet Flowbird’s requirements, for an approximate \$1,000 for groundwork.

The reoccurring annual costs for the existing 14 VenTek International pay stations is \$24,701.25 for 2024-2025. This includes CCU server hosting fees, digital cellular carrier services fees, estimated transaction fees and extended warranties.

The total estimated annual costs for all communication fees, credit card gateway and 24/7 support for 14 new Flowbird pay stations will be \$11,424. The new Flowbird pay stations will come with a 1-year warranty. Th extended warranty costs will be \$5,376 per year, for the following two years. Projected total for all the fees and warranty (after the first year) for the 14 Flowbird pay stations is estimated to be \$16,800 annually.

Another savings that the Flowbird pay stations will provide is there will be no transaction fee for the 1-hour free parking session that is offered in the downtown core. The current Ventek pay stations charge a 5-cent fee to the Town for every free session started.

LEGAL AUTHORITY:

Administrative Code Section 4-20, “ Anything above to the contrary notwithstanding, all purchases or contracts in excess of sixty-five thousand (\$65,000) dollars shall require Town Council approval by affirmative vote.”

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

Capital Expenditure - 2024 Kiosks – Account #07-2416-566-36-000

Description	Quantity	Unit Cost	Total Cost
Flowbird Kiosk (Downtown)	14	\$8,295	\$116,130
Groundwork NTE (Downtown)	2	\$ 500	\$ 1,000

TOTAL \$117,130

APPROVED 2024 CAPITAL IMPROVEMENT BUDGET \$120,000

Note: Most kiosks may will not require groundwork. The costs shown assume two in question may require groundwork.

MOTION:

The Durham Town Council does hereby, upon recommendation of the Administrator, approve the spending of \$117,130 for the purpose of purchasing 14 Flowbird parking kiosks to replace those on Madbury Road and in the Downtown Core.



City of Durham, NH

Quote Date
Quote Expires
Quote Issued By

9/4/24
12/3/24
Natalie Snow [Mobile: 864-501-8836](tel:864-501-8836)
natalie.snow@flowbird.group

Equipment						
Product Name	Quantity	Unit Price	Term	Year 1	Year 2	Year 3
CWT Credit Card Pay Station - Color Touch Display Color: Black Solar / Cellular Payment Methods: Credit/Debit Card and Coin Configuration: Pay by Plate Warranty: 12-month	14	\$6,350.00	One Time	\$ 88,900.00		
M1000 EMV Reader and Contactless - Extra Coin Canister	14 0	\$ 600.00 \$ 278.00	One Time One Time	\$ 8,400.00 \$ -		
Equipment Total:				\$ 97,300.00	\$ -	\$ -

On Going Service						
WebOffice Basic Includes: All Mode Configuration Maintenance alarms alerts to cell phone Reporting (standard) Credit Card Gateway Communication Fees 24/7 Support	14	\$ 56.00	Monthly	\$ 9,408.00	\$ 9,408.00	\$ 9,408.00
EMV Software Services	14	\$ 12.00	Monthly	\$ 2,016.00	\$ 2,016.00	\$ 2,016.00
Text Receipts - Optional	TBD	\$0.03	Per Transaction			
Flowbird Mobile Payment Application - Fee paid by end user - Optional	TBD	\$0.35	Per Transaction			
Flowbird Text to Park Application - fee paid by end user - Optional	TBD	\$0.35	Per Transaction			
Flowbird Meter Extension from smart phone - fee paid by end user - Optional	TBD	\$0.35	Per Transaction			
PartSmart Extended Warranty program - Optional	14	\$ 32.00	Monthly		\$ 5,376.00	\$ 5,376.00
On Going Services Total:				\$ 11,424.00	\$ 16,800.00	\$ 16,800.00

General Services						
Installation Services to prepared ground and training	14	\$ 250.00		\$ 3,500.00		
Installation of concrete Pad if needed	TBD	\$ 900.00				
Shipping	14	\$ 195.00		\$ 2,730.00		
General Services Total:				\$ 6,230.00	\$ 16,800.00	\$ 16,800.00

TAX:	\$ -	\$ -	\$ -
Total:	\$ 114,954.00	\$ 16,800.00	\$ 16,800.00
Grand Total:	\$ 114,954.00	\$ 16,800.00	\$ 16,800.00

All prices stated are exclusive of taxes and shipping costs unless specifically itemized in this quotation. Customer is responsible for all taxes or providing proof of tax-exempt status. By accepting this order, Customer agrees to be bound by all applicable terms and conditions or terms of existing contract(s) between Customer and Flowbird for the same products and services, if any:

Accepted by: _____ Date: ____/____/____

VenTek Recurring Fee Schedule as of 8/20/24
 Town of Durham

Customer	NextBill	Freq	StockCode	StockDesc	Qty	Price	Total	Tax	Incr%	Incr Date	LineComment
TOWN DURHAM	09/01/2024	M	00-115-00	venDIRECT FEE PER TRANSACTION	0	\$ 0.05	\$ -	N	0.00		Aug Unknown Variable
TOWN DURHAM	09/01/2024	A	59-001-01	CCU SERVER HOSTING	6	\$ 540.00	\$ 3,240.00	N	0.00		
TOWN DURHAM	09/01/2024	A	59-002-01	DIGITAL CELLULAR CARRIER SERVICES	6	\$ 540.00	\$ 3,240.00	N	0.00		
TOWN DURHAM	01/01/2025	A	00-102-00	VENVUE SINGLE USER CREDENTIAL	1	\$ 495.00	\$ 495.00	N	0.00		
TOWN DURHAM	01/01/2025	A	59-001-01	CCU SERVER HOSTING	3	\$ 420.00	\$ 1,260.00	N	0.00		
TOWN DURHAM	01/01/2025	A	59-002-01	DIGITAL CELLULAR CARRIER SERVICES	3	\$ 300.00	\$ 900.00	N	0.00		
TOWN DURHAM	01/01/2025	A	EXTWAR	EXTENDED WARRANTY	3	\$ 693.75	\$ 2,081.25	N	0.00		Period: 1/1/25-12/31/25
TOWN DURHAM	01/01/2025	A	EXTWAR	EXTENDED WARRANTY	11	\$ 735.00	\$ 8,085.00	N	0.00		Period: 1/1/25-12/31/25
TOWN DURHAM	05/01/2025	A	59-001-01	CCU SERVER HOSTING	2	\$ 540.00	\$ 1,080.00	N	0.00		
TOWN DURHAM	05/01/2025	A	59-002-01	DIGITAL CELLULAR CARRIER SERVICES	2	\$ 540.00	\$ 1,080.00	N	0.00		
TOWN DURHAM	08/01/2025	A	59-001-01	CCU SERVER HOSTING	3	\$ 540.00	\$ 1,620.00	N	0.00		
TOWN DURHAM	08/01/2025	A	59-002-01	DIGITAL CELLULAR CARRIER SERVICES	3	\$ 540.00	\$ 1,620.00	N	0.00		
Total							\$ 24,701.25				

NOTE: Subject to change if machines or features are added



TOWN OF DURHAM

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AGENDA ITEM: **#8E TS**

DATE: October 7, 2024

COUNCIL COMMUNICATION

INITIATED BY: Todd Selig, Administrator

AGENDA ITEM: SHALL THE TOWN COUNCIL ACCEPT THE ADMINISTRATOR'S PROGRESS REPORT, AS OF SEPTEMBER 30, 2024, ON THE LIST OF APPROVED 2024/25 TOWN COUNCIL GOALS ADOPTED ON JUNE 3, 2024.

CC PREPARED BY: Karen Edwards, Administrative Assistant

CC PRESENTED BY: Todd Selig, Administrator

AGENDA DESCRIPTION:

On Monday, June 3, 2024, the Council adopted its goals for 2024/25. In order to measure the progress of the goals adopted by Council, the Administrator believes it is important to provide the Council with periodic status reports.

Attached for the Council's information is an updated progress report prepared by the Administrator which outlines the status of each of the goals as of September 30, 2024.

LEGAL AUTHORITY:

N/A

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

No formal action is required. Receive progress report of the 2024/25 Town Council goals updated by the Administrator as of September 30, 2024.



2024/25 Town Council Goals*
(Adopted 6/3/24)
Progress Report as of September 30, 2024

Mission

To provide ongoing stewardship for the Durham community including effective and efficient municipal services.

Core Values

Excellence, Honesty, Integrity, Justice, Resilience, Respect, Transparency

Goals

- 1. Facilitate optimal functioning of Town government through continuous improvement, new efficiencies, waste reduction, and inter-agency collaboration.**
 - a. Move forward with key infrastructure projects.

DPW: Goal Achieved and Ongoing- Durham Public Works is actively managing the design, permitting and/or construction of several projects including Madbury Road Complete Streets Project, 2025 Road Program, Bickford Chesley House Restoration, Wastewater Treatment Plant Major Components Rehabilitation, Pedestrian Crosswalk Improvements (RRFB's), Sewer Collection System upgrades, Solid Waste and Recycling Automated Collection Conversion, Bagdad Road/Main Street/Dover Road Sidewalk Rehabilitation, Wagon Hill Farm Living Shoreline Phase 2 Design and Permitting, Bennett Road Woodman and Corsey Brook Culvert Rehabilitation, Spruce Hole and Lee Well Pump Station, PD and DPW Emergency Generator Project, Water Storage Tank Mixing System Project, Madbury Road Water and Sewer Main reconstruction, Transfer Station Improvement Project - inclusive of new compactors for solid waste and single stream recycling, Edgewood and Madbury Road Major Culvert Reconstruction and Stormwater System Improvements, Technology Drive Water Booster Station Improvements, Technology Drive water distribution system improvements.

- b. Utilizing the UNH Sustainability Fellow program, update the Town's Climate Action Plan in 2024/25 and integrate conclusions into the Town's long-term planning efforts by involving committees and departments and encouraging them to actively suggest ideas and spearhead initiatives.

Sophie Goodwin: Sophie will be in person at an upcoming Council meeting to report on this goal. The various Town committees involved with the effort have been surveyed and have been provided an opportunity to provide feedback. This is being integrated into a working draft document and format. We have also reviewed examples of recent CAP plans from communities such as Nashua and Portsmouth for ideas.

- c. Strategize on ways to effectively advertise and fill vacant alternate and regular positions on Town boards/committees and positions at the polls and ensure a sufficient number and diverse mix of volunteers.

Admin: A survey was sent out to current board members to see how they heard about the vacancy they filled. The top two answers were 1.) Word of mouth and 2.) The Friday Updates. A permanent link was added to the Friday Updates that takes one to a listing of all Board/Committee/Commission vacancies on the Town webpage. In addition, an effective approach is to have a Councilor or existing board member ask a prospective candidate if they would be interested in serving.

- d. Expand outreach around services, amenities, information, and programs provided by the Town.

Admin: We continue to utilize the Friday Updates as the primary medium of informing individuals about services and opportunities in the community along with, to a lesser degree, social media, which pull info. from the Friday Updates. We continue to look at an update to the web site but this has met some technical, time, and cost challenges that staff is working to overcome.

Parks & Rec: Currently, Parks & Rec utilizes Facebook, Instagram, an emailed newsletter, and flyers posted on bulletin boards at the Town Hall, Library and Jackson's Landing Kiosk to advertise programs for both children and adults.

- e. Continually evaluate cybersecurity risks and take steps to address potential vulnerabilities. Consider providing Town Councilors with town email addresses.

IT: IT is continuing the roll-out of Identity and Access management through Jumpcloud. As of today, we have 97 "active" users, three verified SSO applications, and one synced directory.

Implementation has shifted to hardware for the next few months. When that phase is complete, we will be implementing multi-factor authentication at both the desktop (where possible) and application level and enforcing conditional access policies.

IT Manager Luke Vincent has continued to attend monthly calls for MS-ISAC (Multi-State Information Sharing & Analysis Center) which cover both new and emerging threats as well as migration strategies. MS-ISAC is also responsible for the NCSR (Nationwide Cybersecurity Review), which will begin with a kick-off event on October 1st. September's meeting focus was both on the upcoming election cycle and implementing DMARC (a step Durham has already taken) for protecting email sources.

In addition, IT Manager Luke Vincent was able to attend a local Primex-hosted event for NH Municipal Leadership. At this event, the morning focus was a deep dive into business email account compromise given by Peter Laroche of the U.S. Secret Service. Peter provided some insight from his long career in law enforcement as well as some tips of expediting information and investigation of cyber events.

Regarding Council email, all Council members were offered a login through JumpCloud with a corresponding Microsoft 365 account which includes a "ci.durham.nh.us" email address in late August. Currently 5 of 9 councilors have successfully create their initial login and thereby been granted access to their official mailbox. One Councilor encountered a technical issue on attempting to login, to which a workaround has been suggested. Leaving three others that have not attempted to login. The council@ci.durham.nh.us alias has not been repointed to the official emails yet. IT will be following up

with Councilors as time allows before redirecting mail away from individually registered personal email boxes.

- f. [Fill the vacant Assessor position and work to ensure a smooth transition.](#)

Admin: COMPLETE After the departure of Jay Ferreira, Jim Rice returned to the position of Assessor. Through his networking, he contacted the Assessor in Rochester, Darcy Freer, and was able to convince her to apply for the position in Durham. She was hired at the end of June. Jim Rice continued to work until mid-July to ensure a smooth transition. Darcy has been a wonderful asset to Durham.

2. Conduct planning and take steps as necessary to protect public health and safety and provide ongoing service continuity given the anticipated impacts of climate change, the post-pandemic era, and general operational challenges.

- a. [Align long-range capital improvement planning \(CIP\) with the recently approved 2024 Durham Multi-hazard Climate Mitigation Plan and the 2023 Climate Adaption Chapter of the Master Plan.](#)

DPW: CIP planning and execution is aligned with Climate Mitigation and Climate Adaptation Goals including stormwater system operation and design, wetland permitting and sea level rise considerations, urban forestry and tree planting program, infrastructure flood resiliency, water system long term planning and wastewater system upgrades.

- b. [Work to begin updating long-term feasibility planning with UNH on the future Durham Fire Station capital project to be located on Waterworks Road.](#)

Fire: On June 24, 2024, Chief Emanuel met with Ken Weston, Bill Janelle, Mike Mason, Chris Sands, and Mark Guether from UNH at the Durham Fire station to discuss the Durham fire station capital improvement project and status of the fire station on the UNH Master Plan.

The group discussed financial aspects and bond options which included:

- Town bonding of the fire station project
- UNH fund and manage the project and bill the Town for Town's portion

The group discussed that the Service Building as a fire station is the limiting factor on service delivery and on-duty staffing for the fire department. The group discussed the FY2025 budget request to increase staffing levels and the department's need for additional space for 6-7 people on duty. This additional staffing requires a minimum of at least two additional beds and eight additional personal lockers in the living space. The group discussed acquisition of additional space from Sponsored Research and the need for Durham/UNH to dust off or revisit the emergency services building needs, requirements, and facility location. Chief Emanuel requested that the fire station be added to the UNH Master Plan document, and that consideration be given to outlining the current needs for the facility and/or potential service partner interest.

The group identified a plan and need to:

- Acquire additional space in the Service Building for the fire department
- Expand Master planning for the fire department and/or emergency services between the Town and Campus.

- c. [Maintain Durham Police Department national accreditation through the Commission on Accreditation for Law Enforcement Agencies \(CALEA\) with an upcoming cyclical review date of spring 2025.](#)

Police: The Police Department is on track to obtain national accreditation through the Commission on Accreditation for Law Enforcement Agencies (CALEA) for the Spring 2025 review and in person Assessor visit.

CALEA works off a four-year cycle, conducting virtual annual reviews by a CALEA Compliance Service Member (CSM) to ensure our department remains in compliance with over 800 “Advanced” National Standards that govern our policies and procedures. In addition, every 4th year in the cycle, CALEA requires an in-person assessment conducted by a higher-ranking CALEA Assessor. The Assessor will visit our department for several days to conduct interviews with personnel and inspect the building to ensure that our officers are following CALEA standards and that our building is in compliance with CALEA standards.

The Durham Department underwent virtual reviews in July 2022, July 2023 and July 2024, and these reviews were very positive. In fact, it was communicated to us by one CSM that our department could be used as a benchmark agency, one in which others should strive to be. The Department's next virtual review will be in February 2025 and the in-person Assessor visit will take place in April 2025.

3. Pursue long-term economic strength and resiliency, anticipating the community’s, the region’s, and the nation’s economic characteristics and opportunities.

- a. [The Council and Administrator, working together, will strive to hold the municipal tax rate at the 2024 level plus inflation \(CPI-U for Boston-Cambridge-Newton, MA-NH\) or less, and continue to make an effort to control spending, enhance revenues, broaden the tax base, and explore innovative ways to stabilize or reduce the municipal tax rate.](#)

Admin: Departments have provided their FY 2025 budget requests to the Business Office and Administrator, who are in the process of reviewing same. Although flagged as a concern for several years, Durham’s tax base growth remains relatively flat (1%), which is insufficient to offset natural growth in the Town’s spending. The CPI-U target (see goal language above) as of July 2024 (most recent data available at this time) is 3.5%. Current budget requests show a 11.17% increase in spending requests translating to a \$.94 or a 16.29% increase in the municipal portion of the tax rate. Department requests are relatively flat aside from wages (driven in large part by recent inflationary pressures, fallout from the Pandemic, and the need to pay a competitive rate to attract and retain qualified personnel as evidenced through collective bargaining, etc.). As noted by Mr. Selig many times in the past, without meaningful growth in the tax base, it will become more and more challenging to meet Council budget goals and hold the tax rate.

- b. [Thoughtfully develop and adopt an ordinance that advances efforts to create increased availability of a full range of housing types by April 2025.](#)

Planning: Progress is being made. A revised draft was presented to the Planning Board on September 25, 2024. The Board then scheduled a new public hearing for October 9.

- c. Encourage downtown business development and growth of the tax base and housing opportunities within the commercial core through the application of smart growth principles focusing on planned economic and community development that attempts to curb urban sprawl in a sustainable manner, to include the future of 66 Main St. and the Town-owned Pettee Brook parking lots.

Planning: The Town continues to pursue various options and talk with different developers - Torrington Properties, the owner of Mill Plaza; working to win court the court case for 74 Main Street, the approved mixed-use project at the corner with Pettee Brook; and to explore ways to develop 66 Main Street, including determining the right timing to actively pursue development. A meeting was held between Durham and UNH representatives on 9/30/24 to discuss 66 Main St. There was consensus that it made sense to have UNH include 66 Main St. as part of its RFP process relative to The Edge at West End to see what developers thought in terms of the parcel's potential. UNH also wants to ensure that that The Edge takes into consideration ensuring a healthy downtown Durham. The Housing Task Force has created a committee composed of task force and Planning Board members to explore expanding housing opportunities in the downtown to support the downtown.

- d. Collaborate with UNH on The Edge at West End project to include the development and adoption of a Planned Unit Development (PUD) Zoning Overlay District, evaluation of the long-term buildout for necessary infrastructure supporting Town and UNH economic expansion, and myriad other aspects concerning the initiative including research, public-public-private opportunities, mixed-use, and housing.

Planning: We continue to work with Ken Weston, UNH Campus Architect on the plans. We will submit a proposed Planned Unit Development ordinance to the Planning Board very soon. We have a good draft and are awaiting comments from UNH before presenting the draft.

- e. Look at Federally owned properties in Durham (US Post Office and US Fish & Wildlife) and evaluate whether there is opportunity for redevelopment.

Planning: US Fish and Wildlife property is part of a long-term lease arrangement with UNH. There is not potential there at this time. Admin. Selig has reached out to the USPS. At present they have no plans to change current operations. USPS reps. note the need to retain parking/loading space around the existing building.

- 4. Pursue long-term environmental sustainability and resiliency, taking into account existing and predicted impacts of climate change in multiple areas including drinking water, wastewater, stormwater, agriculture, food, society, transportation, ecology, solid waste, and economy.
 - a. Work toward continued Town-wide reductions in solid waste on a resident generation per pound basis through full implementation of a volume-based collection system.

DPW: Diesel Emissions Reduction Act Grant Funding for EV Solid Waste Vehicles Notice to Proceed received from NHDES, Solid Waste Collection Vehicles and Collection Carts specified, Chapter 118 Solid Waste Ordinance revisions finalized for Town Council review and public hearing. Upon approval of ordinance, Durham Public Works will begin procurement of trucks, carts and public outreach phase.

- b. Support public and active transportation alternatives to the automobile and continue taking steps to address downtown multi-modal options.

DPW: Goal Achieved and Ongoing - Installed 4 Rectangular Rapid Flashing Beacons - Locations: 66 Main Street, Newmarket Road, Church Hill, and the fourth to be installed this week on Dover Road at Young Drive. Reviewed development plans and included requirements for pedestrian connectivity and accommodations in PB site plan approval comments. Continued to prioritize pavement marking and stenciling program with sharrows, crosswalks, etc. Implemented plan for Pedestrian refuge islands on Pettee Brook and Madbury Roads. Currently constructing multi-use path for multi-modal use. Worked with UNH and Tighe and Bond to finalize Pedestrian Safety Study and began to implement recommendations and improvements.

Planning: This is an ongoing effort coordinating with Durham Public Works, the Traffic Safety Committee, enhancing bike paths, creation of sidewalks, and other supportive infrastructure, and the UNH Transportation Policy Committee to enhance bikeways, improve sidewalks, and support transit.

- c. Increase local food production in the short and long-term to support a regional goal of reaching 30% local food consumption for the Northeast.

Theresa Walker, Chair, Agricultural Commission: The Ag Comm's goal is to work with town boards and commissions to increase opportunities for more local food production with the understanding that it will take many years to do so.

Admin: Administrative Assistant Karen Edwards has signed up to receive the briefs from the NH Food Alliance as they seek to create the NH Food and Agriculture Strategic Plan.

- 5. Pursue long-term social resiliency and quality of life in Durham intended to strengthen the community in a welcoming and inclusive manner by supporting the needs of residents, families, and other identified stakeholders by offering a wide array of active and passive parks & recreation and library opportunities, programming, events, facilities, and publicly facing educational information celebrating the rich tapestry of Durham history.
 - a. Strive to be inclusive of all gender options within overall Town operations.

Admin: This remains an ongoing effort across departments including reviewing policies such as providing domestic partner health benefits for same sex couples (under review), gender neutral bathrooms within facilities, etc.

- b. Support the recreational, educational, and social needs of residents through Parks & Recreation, Durham Public Library, and social programming for all ages of life.

Admin: The Durham Public Library and Parks & Rec. both are offering programming and opportunities that accomplish this objective and transcend traditional roles for these departments.

- 6. Continue cooperative and collaborative efforts with UNH to enhance mutual intellectual, cultural, environmental, social, and economic benefits associated with hosting New Hampshire's flagship state university.

- a. Encourage the UNH administration to engage and work with Durham's Administrator in decision making and short & long-term planning that impacts UNH, the Town, local businesses, and local residents.

Admin: We have arranged for President Chilton and Chief of Staff Cronin to meet with the Council at a recent Council meeting and the Council has crafted a list of questions for consideration by President Chilton for discussion at a future meeting. Mr. Selig, Dir. of Planning Michael Behrendt, DPW Director Rich Reine, Town Engineer April Talon, and other reps. From the Town as appropriate interact with UNH on an ongoing basis across all disciplines including master planning, transportation, policing, fire, public safety, roads, water, wastewater, stormwater, and more. President Chilton recently hosted Councilors at a UNH home football game for a purely social encounter.

- b. Encourage UNH to actively advertise and solicit Durham resident awareness of and participation in athletic, cultural, social, health/fitness, recreation, and educational opportunities on campus.

Admin: This item is a work in progress though we endeavor to include opportunities for residents on campus as part of the weekly Friday Updates.

- c. Endeavor to establish Durham as an epicenter of off campus volunteerism and research by UNH students/faculty/staff.

Admin: This item is a work in progress through many connections/opportunities exist to include the UNH Sustainability Fellow program, UNH class review of EV at the Police Department, UNH ongoing graduate research at the Spruce Hole kettle bog, UNH students who work with the parking enforcement division at DPD, continued shoreline stabilization at Wagon Hill Farm let by UNH scientists, etc.

7. Leverage Town committees and subcommittees to develop tactical plans to align with the broader goals of the Council and encourage them to collaborate with each other and communicate as necessary with the community at large.

- a. Encourage all Town committees, boards, commissions, and departments to:
 - i. Become familiar with and develop programming/action steps, as appropriate, to prompt widespread community involvement in implementing Durham's Climate Action Plan;

Admin: The Climate Action Plan is currently under development for the next five-year period. Boards and Committees have been surveyed to obtain suggestions for areas to include.

- ii. Work toward supporting the development of a full range of housing types (workforce, seniors, missing middle) enabling a larger portion of Durham's workforce to live in town;

Planning: This is an ongoing effort of the Housing Task Force.

iii. Support an expanded and vibrant downtown business mix;

Planning: We work to support existing and new downtown businesses in any way that we can, including making the review process as easy as possible.

iv. Adopt a complete streets approach to transportation planning.

DPW: Goal Achieved and Ongoing - Implemented for Roadway and Sidewalk Improvement Projects including Madbury and Dennison Roads, Implemented ADA improvements with the installation and reconstruction of 12 ADA compliant curb ramps.

Planning: The complete streets approach is the guiding method for all transportation planning through the Planning Department.

- b. Periodically highlight the contributions of local elected and appointed officials serving on local committees to give praise and increase the attractiveness of civic participation.

Admin: Not yet being done. Time has not allowed. Will be a focus in the next quarter.



TOWN OF DURHAM

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AGENDA ITEM: **#8F**

DATE: October 7, 2024

COUNCIL COMMUNICATION

INITIATED BY: Durham Town Council

AGENDA ITEM: SHALL THE TOWN COUNCIL SIGN THE WARRANT FOR THE GENERAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 5, 2024?

CC PREPARED BY: Karen Edwards, Administrative Assistant

PRESENTED BY: Todd I. Selig, Administrator

AGENDA DESCRIPTION:

In accordance with RSA 658:1 the Durham Town Council is required to post an Election Warrant at least fourteen (14) days prior to the November 5, 2024 General Election. The Town Council must sign the original Warrant; after which one copy of the Warrant will be posted at the election site, one at the Town Hall, and one at the Durham Public Library. Attached for the Council's review is a copy of the General Election Warrant to be signed by Council members.

LEGAL AUTHORITY:

658:1 General Election. - At least 14 days before any state general election, the selectmen shall post a warrant at all the polling places and at the office of the town or city clerk or at the town hall. Said warrant shall prescribe the hour the polls are to open and the hour before which they may not close as provided in RSA 659:4 and RSA 659:4-a. It shall also state all offices and questions which are to be voted on and the location of the central polling place and of any additional polling places. If the selectmen neglect to issue a warrant for the state general election, or if they neglect to cause copies of such warrant to be posted agreeably to any vote of the town, they shall for each offense be guilty of a violation and any fines collected shall be remitted to the town.

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

The Durham Town Council hereby Approves the Signing of the Warrant for the General Election to be Held on Tuesday, November 5, 2024.

WARRANT

GENERAL ELECTION, TUESDAY, NOVEMBER 5, 2024

To the inhabitants of the Town of Durham, the County of Strafford, New Hampshire.

You are hereby notified to meet at the Oyster River High School Gymnasium, 55 Coe Drive, in said Durham, New Hampshire, on Tuesday, the fifth day of November, 2024. The polls will be open between the hours of 7:00 A.M. and 7:00 P.M. to act upon the following subjects:

To bring in your votes for President and Vice President of the United States, Governor, United States Representative, Executive Councilor, State Senator, State Representatives, and County Officers.

NOTE: Absentee ballots will be processed beginning at 9:00 AM.

Given under our hands and seal this seventh (7th) day of October, in the year of Our Lord two thousand and twenty-four.

Sally Needell, Chair

Darrell Ford

Joseph Friedman, Chair Pro Tem

Emily Friedrichs

James Bubar

Heather Grant

Wayne Burton

Eric Lund

Curtis Register

COUNCILORS OF DURHAM



TOWN OF DURHAM

8 Newmarket Road
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www.ci.durham.nh.us

AGENDA ITEM: **#8G TS**

DATE: October 7, 2024

COUNCIL COMMUNICATION

INITIATED BY: The Town Council & Energy Committee

AGENDA ITEM: SHALL THE TOWN COUNCIL APPROVE RESOLUTION #2024-21 COMMITTING FUTURE REVENUE FROM THE MUNICIPAL TRANSPORTATION IMPROVEMENT FEE FOR NET ZERO TRANSPORTATION INITIATIVES?

CC PREPARED BY: Em Friedrichs, Councilor

PRESENTED BY: Em Friedrichs & Eric Lund, Councilors

AGENDA DESCRIPTION:

In September the Energy Committee discussed and voted to request Todd and Rich's opinions on a potential TC Resolution that would affect the 2025 budget. The proposal would be to designate the funds raised by Durham's *EXISTING* [municipal transportation improvement fee](#) to be used for net-zero transportation initiatives. Examples of net-zero transportation initiatives might include active transportation infrastructure (aka sidewalks, bike lanes, multi-use paths), active transportation initiatives (aka Parks & Rec programming), public transport subsidies (aka Cat Tracks), or expanding and maintaining EV infrastructure at town-owned facilities (whether for Town-use only or for members of the public and town staff/guests to pay to use which would generate revenue for the Town but which still requires capital to be available for initial installation).

The Energy Committee feels this Resolution is valuable because of the Town's stated goal to reduce greenhouse gas emissions which are in significant part generated by transportation (43.5%). This proposal *NEED NOT* increase the Town's budget at all, although it might shift some spending priorities from the Town's general road program to net-zero transportation initiatives. The proposed net-zero transportation budget represents a very modest fund (the fee in question is \$5 per registered vehicle, or approximately \$55,000 total), and the Energy Committee suggests that modest

reductions in the road program might be made without a big impact on residents, while corresponding increases in spending on net-zero transportation could have a big influence. For example, last year Todd noted in his budget letter that the budget did not include a second two-handle EB charging station next to the existing array within the Pettee Brook metered lot due to budget goals. The proposed net-zero transportation budget would have covered the cost of that second EV charger. Similarly, UNH budget cuts this past year endangered the Cat Tracks bike share program, which was saved thanks to Todd's discretionary use of the Administrator's Contracted Service line (general fund budget). In a different budget environment, that discretionary funding might not exist, but having a net-zero transportation budget would make funds available to such a program. The Energy Committee feels this Resolution will help to build momentum towards our climate action goals by continuing to prioritize those initiatives. For example, it might help the Town to think about timely investments in electric infrastructure to coincide with repaving or other maintenance at Town properties if there were already a budget line for net-zero transportation.

Todd first replied to the DEC with his opinion about this proposed Resolution and copied the Council on 9/18/24 at 5:30PM with subject "Proposal for 2025 town budget from the Energy Committee".

At this week's Energy Committee meeting, Todd was present and participated in discussion and amending of this Resolution, which he now feels comfortable with as providing the necessary flexibility for him to meet budget needs as Administrator. At the meeting the Committee clarified that net-zero transportation does not refer only to EVs, but to all active transportation (infrastructure for bike lanes, sidewalks etc).

LEGAL AUTHORITY:

The relevant section of RSA **261:153** VI. (a) reads:

*Beginning on July 1, 1997, in addition to the motor vehicle registration fees collected under paragraphs I and V, the legislative body of a municipality may vote to collect an additional fee for the purpose of supporting a **municipal and transportation improvement fund**, which shall be a **capital reserve fund** established for this purpose and governed by the provisions of RSA 34 and RSA 35 for cities and towns, respectively. Of the amount collected, up to 10 percent, but not more than \$0.50 of each fee paid, may be retained by the local official designated by the municipal government or by the town or city clerk for administrative costs. The remaining amount shall be deposited into the municipal transportation improvement fund established to allow a community to fund, wholly or in part, improvements in the local or regional transportation system including roads, bridges, bicycle and pedestrian facilities, parking and intermodal facilities, electric vehicle charging stations, and public transportation. The funds may be used for engineering, right-of-way acquisition, and construction costs of transportation facilities, including electric vehicle charging stations, and for operating and capital costs of public transportation only. The funds may be used as matching funds for state or federal funds*

allocated for local or regional transportation improvements. Such funds shall not be used to offset any other non-transportation appropriations made by the municipality.

(b) The maximum fee charged under this paragraph shall be \$5. The municipality shall establish the required fee, up to the maximum amount allowable, based on anticipated funding needs for transportation improvements. The additional fee shall be collected from all vehicles, both passenger and commercial, with the exception of all terrain vehicles as defined in RSA 215-A:1, 1-b and antique motor vehicles, farm tractors, or motorcycles, as defined in RSA 259:4.

See <https://www.nhmunicipal.org/legislative-bulletin-article/municipal-transportation-improvement-fee>

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

Request to reallocate funds but no change to Town budget total.

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION:

The Durham Town Council does hereby adopt Resolution #2024-21 (as presented) (as amended) Committing Future Revenue from the Municipal Transportation Improvement Fee for Net Zero Transportation Initiatives.

RESOLUTION #2024-21 OF DURHAM, NEW HAMPSHIRE

COMMITTING FUTURE REVENUE FROM THE MUNICIPAL TRANSPORTATION IMPROVEMENT FEE FOR NET ZERO TRANSPORTATION INITIATIVES

WHEREAS, last year the Town Council approved [Resolution #2023-25](#) recognizing October 2–October 8, 2023 as NH Week Without Driving, and while this year’s dates of Sept 30–Oct 6 have already passed, the spirit of inviting Durham residents and staff to learn about and advocate for accessible and environmentally responsible transportation is very much celebrated in Durham; and

WHEREAS, since at least 2013 NH has been encouraging residents and visitors to use sustainable transportation options during the month of October by celebrating the #BusesBikesandBrooms challenge; and

WHEREAS, since 2021 the Town of Durham has committed to reducing its carbon footprint through participation in the Global Covenant of Mayors for Climate and Energy, which requires the Town to monitor and report its emissions through a community-wide greenhouse gas (GHG) inventory with a goal of reducing GHG emissions by 42.8% by 2030 and achieving net zero emissions by 2050; and

WHEREAS, transportation alone makes up [43.5% of Durham’s](#) and [45.9% of NH's](#) greenhouse gas emissions; and

WHEREAS, Durham has for many years made use of the [Municipal Transportation Improvement Fee](#) enabled by RSA 261:153 VI. (a), which enables “a community to fund, wholly or in part, improvements in the local or regional transportation system including roads, bridges, bicycle and pedestrian facilities, parking and intermodal facilities, electric vehicle charging stations, and public transportation. The funds may be used for engineering, right-of-way acquisition, and construction costs of transportation facilities, including electric vehicle charging stations, and for operating and capital costs of public transportation only. The funds may be used as matching funds for state or federal funds allocated for local or regional transportation improvements. Such funds shall not be used to offset any other non-transportation appropriations made by the municipality”; and

WHEREAS, in past years’ Town budgets, even modest net-zero transportation initiatives have sometimes been deprioritized or said initiatives have had to be funded discretionarily by the Town Administrator using the Town Administrator's Contracted Service line (general fund budget); and

WHEREAS, for the intent of this Resolution, net-zero transportation shall include all forms of active transportation and electric vehicles;

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 #2024-21** resolving that future revenue from the Municipal Transportation Improvement Fee be used solely for net-zero transportation.

PASSED AND ADOPTED by the Town Council of the Town of Durham, New Hampshire this 7th day of October, 2024 by ___ affirmative votes, ___ negative votes and abstentions.

Sally Needell, Chair
Durham Town Council

ATTEST:

Rachel Deane, Town Clerk-Tax Collector



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AGENDA ITEM: **#8H TS**

DATE: October 7, 2024

COUNCIL COMMUNICATION

INITIATED BY: The Town Council & Energy Committee

AGENDA ITEM: SHALL THE TOWN COUNCIL APPROVE RESOLUTION #2024-22
RECOGNIZING CEH DAY AND ACKNOWLEDGING THE
#BUSESBIKESANDBROOMS CHALLENGE AND NATIONAL WEEK
WITHOUT DRIVING?

CC PREPARED BY: Em Friedrichs, Councilor

PRESENTED BY: Em Friedrichs & Eric Lund, Councilors

AGENDA DESCRIPTION:

This Resolution is inspired and accompanied by a call to acknowledge three upcoming NH sustainability celebrations. The first is [Children's Environmental Health \(CEH\) Day](#) on October 11th, which is also being promoted by NH Healthy Climate and has been submitted for a proclamation in several NH municipalities. The second is the recently concluded [National Week Without Driving](#) which Durham [acknowledged and promoted last year](#). The third is the [#BusesBikesandBrooms Challenge](#) which Durham residents, staff, and guests are invited to participate in.

LEGAL AUTHORITY:

N/A

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION:

The Durham Town Council does hereby Adopt Resolution #2024-22 (as presented) (as amended) Recognizing CEH Day and Acknowledging the #BusesBikesandBrooms Challenge and National Week Without Driving.

RESOLUTION #2024-22 OF DURHAM, NEW HAMPSHIRE

RECOGNIZING CEH DAY AND ACKNOWLEDGING THE #BUSESBIKESANDBROOMS CHALLENGE AND NATIONAL WEEK WITHOUT DRIVING.

WHEREAS, the Town of Durham prides itself on providing a healthy environment and encouraging a healthy lifestyle for all residents and visitors, but especially for children, as evidenced by its environmental commitments, Parks and Recreation Department, and support for the Oyster River School District; and

WHEREAS, Children's Environmental Health (CEH) Day was created by the Children's Environmental Health Network in 2016 and has since been observed on the second Thursday in October by individuals, non-profit organizations, and government agencies in order to raise awareness about the importance of clean air and water, safe food and consumer products, healthy environments, and stable climates to children's health and development; and

WHEREAS, last year the Town Council approved [Resolution #2023-25](#) recognizing October 2–October 8, 2023 as NH Week Without Driving, and while this year's dates of Sept 30–Oct 6 have already passed, the spirit of inviting Durham residents and staff to learn about and advocate for accessible and environmentally responsible transportation is very much celebrated in Durham; and

WHEREAS, since at least 2013 NH has been encouraging residents and visitors to use sustainable transportation options by celebrating the #BusesBikesandBrooms challenge; and

WHEREAS, since 2021 the Town of Durham has committed to reducing its carbon footprint through participation in the Global Covenant of Mayors for Climate and Energy, which requires the Town to monitor and report its emissions through a community-wide greenhouse gas (GHG) inventory with a goal of reducing GHG emissions by 42.8% by 2030 and achieving net zero emissions by 2050; and

WHEREAS, transportation alone makes up [43.5% of Durham's](#) and [45.9% of NH's](#) greenhouse gas emissions;

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 #2024-22** resolving that:

1. Thursday, October 11th, 2024 be recognized as Children's Environmental Health (CEH) Day.
2. Sept 30–Oct 6, 2024 be acknowledged for the National Week Without Driving.

3. Oct 1-Oct 31, 2024 be acknowledged for NH's Sustainable Transportation #BusesBikesandBrooms Challenge, to be publicized in Friday Updates and on the Town's social media.

Be it further resolved that a copy of this resolution be sent to Durham's state representatives, to NH Commute Smart as sponsor of the #BusesBikesandBrooms challenge of last year's NH Week Without Driving, and to NH Healthy Climate as advocate for CEH Day.

PASSED AND ADOPTED by the Town Council of the Town of Durham, New Hampshire this 7th day of **October, 2024** by ____ affirmative votes, ____ negative votes and abstentions.

Sally Needell, Chair
Durham Town Council

ATTEST:

Rachel Deane, Town Clerk-Tax Collector



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AGENDA ITEM: **#10A**

DATE: October 7, 2024

COUNCIL COMMUNICATION

INITIATED BY: Todd Selig, Administrator

AGENDA ITEM: RECEIVE ANNUAL REPORT FROM THE TRUSTEES OF THE TRUST FUNDS – TED HOWARD, CHAIR

CC PREPARED BY: Karen Edwards, Administrative Assistant

PRESENTED BY: Ted Howard, Chair, Trustees of the Trust Funds

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.*

Ted Howard has been invited to attend Monday night's Town Council meeting to provide a brief update to Council members regarding the Trustees of the Trust Fund's current activities.

Normally, the Chair of the Cemetery Committee would also present to the Council at this meeting. However, the Cemetery Committee has not met this year, and there is nothing to report per the Chair, Tom Bebbington.

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 Trustees of the Trust Funds Chair, Ted Howard, and hold question and answer session if desired.



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AGENDA ITEM: **#10B**

DATE: October 7, 2024

COUNCIL COMMUNICATION

INITIATED BY: Dr. Robert Shaps, Superintendent, ORCSD

AGENDA ITEM: PRESENTATION ON THE OPENING OF THE OYSTER RIVER
COOPERATIVE SCHOOL DISTRICT 2024/25 SCHOOL YEAR – DR.
ROBERT SHAPS, SUPERINTENDENT

CC PREPARED BY: Karen Edwards, Administrative Assistant

PRESENTED BY: Dr. Robert Shaps, Superintendent, ORCSD

AGENDA DESCRIPTION:

Dr. Robert Shaps, Superintendent of the Oyster River Cooperative School District, has been invited to attend Monday evening's Town Council meeting to provide Councilors with an update on the beginning of the Oyster River Cooperative School District 2024/25 school year to date.

LEGAL AUTHORITY:

N/A

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

No formal action required. Receive progress report from Superintendent Dr. Robert Shaps relative to the Oyster River Cooperative School District and hold discussion, if desired.



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AGENDA ITEM: **#10C**
DATE: October 7, 2024

COUNCIL COMMUNICATION

INITIATED BY: Jen Czysz, Executive Director, Strafford Regional Planning Commission

AGENDA ITEM: PRESENTATION ON CURRENT STRAFFORD REGIONAL PLANNING COMMISSION BY EXECUTIVE DIRECTOR, JEN CZYSZ.

CC PREPARED BY: Karen Edwards, Administrative Assistant

PRESENTED BY: Jen Czysz, Executive Director, Strafford Regional Planning Commission

AGENDA DESCRIPTION:

Jen Czysz, Executive Director of the Strafford Regional Planning Commission, has been invited to attend Monday evening's Town Council meeting to provide Councilors with an update on SRPC's transportation, economic development, land use and environmental planning projects that are being worked on in Durham as well as larger scale regional projects.

LEGAL AUTHORITY:

N/A

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

No formal action required. Receive presentation from Jen Czysz and hold discussion, if desired.



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AGENDA ITEM: #12
DATE: October 7, 2024

COUNCIL COMMUNICATION

INITIATED BY: Durham Town Council

AGENDA ITEM: APPROVE THE TOWN COUNCIL MEETING MINUTES FOR SEPTEMBER 9, 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 September 9, 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 #1:

The Durham Town Council does hereby approve the Town Council meeting minutes for September 9, 2024 (as presented /as amended).



TOWN OF DURHAM

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AGENDA ITEM: **#14 TS**
DATE: October 7, 2024

COUNCIL COMMUNICATION

INITIATED BY: Durham Public Works and the Integrated Waste Management Advisory Committee (IWMAC)

AGENDA ITEM: SHALL THE TOWN COUNCIL APPROVE ON FIRST READING, ORDINANCE #2024-08 AMENDING CHAPTER 118 "SOLID WASTE" OF THE DURHAM TOWN CODE, REFLECTING CURRENT OPERATING PLANS TO ACCOMMODATE PLANNED SOLID WASTE PROGRAM CHANGES, AND SCHEDULE A PUBLIC HEARING FOR NOVEMBER 4, 2024?

CC PREPARED BY: Richard Reine, Public Works Director
Samuel Hewitt, Assistant Public Works Director
John Baker, Administrative Assistant

PRESENTED BY: Richard Reine, Public Works Director

AGENDA DESCRIPTION:

The general purpose of the Town of Durham Municipal Code: Chapter 118 "Solid Waste" is to describe the procedures and requirements for the management, handling, and disposal of solid waste generated in the Town of Durham. These provisions apply, but are not limited, to all activities at the Transfer Station, recycling, curbside collection, the prohibition, and enforcement of requirements relative to solid waste management. State and Federal statutes additionally apply to activities in the geographical bounds of the State of New Hampshire and the United States.

The proper management of solid waste is necessary to protect the health, safety, and welfare of the citizens, property owners, and visitors to the Town of Durham.

The Town Council delegates to the Administrator the authority and responsibility to develop and implement such rules, regulations and procedures as are necessary for the

implementation and execution of Chapter 118 “Solid Waste” and the effective and efficient operation of the solid waste management program.

Chapter 118 “Solid Waste” was first implemented in March of 1999 when the Town of Durham created the Code of the Town of Durham, NH. Since implementation, the Chapter has been amended with Articles and Sections.

Since April 2023, Durham Public Works has conducted a thorough reading of Chapter 118 and identified outdated and redundant information. In considering amendments, a complete revision was deemed prudent to reflect operational changes accommodating planned solid waste management program changes as approved by the Town Council in Resolution #2023-30 and restructure previously amended Sections into existing Articles.

Resolution #2023-30 approved the Administrator’s proposed FY 2024 Operating, Capital, and Special Fund Budgets, and the 2024-2033 Capital Improvement Plan as amended on December 4, 2024. Two of the Capital Improvement Plan (CIP) requests approved within the Fiscal Year 2024 budget included a transition to an Automated Curbside Collection Program and Transfer Station Facility Improvements.

Automated Curbside Collection Program Background

The Durham Public Works Curbside Municipal Solid Waste Collection Program consists of two diesel-powered collection vehicles that operate four days per week. Each vehicle is operated by a single collection equipment operator and services approximately 1,900 collection points, collecting an average of twenty tons of household trash and twelve tons of recycling per week. Continuous wear and tear on these vehicles since their 2014 and 2015 in-service dates has resulted in unplanned downtime and significant investments in the electrical, mechanical, hydraulic, and diesel exhaust fluid treatment systems in recent years. Photos of the two front line collection vehicles Durham Public Works operates today are shown below for your reference.



While these semi-automated collection vehicles are capable of mechanically hoisting certain containers, most of the containers setout curbside by our customers require manual loading by the single collection equipment operator. Collection efficiencies are further reduced by uncontained household trash and recycling which is frequently windblown, lending itself to unsightly areas and animal scavenging. These factors significantly reduce the Department's ability to maintain right-of-way cleanliness and community satisfaction. Over the past two years, Durham Public Works, and the Integrated Waste Management Advisory Committee (IWMAC) focused on this issue and explored potential program improvements with the implementation of state-of-the-art solid waste collection technologies. The focal point surrounded the potential advantages that would result from the transition to what has become an industry standard of a fully automated curbside collection program, complete with standardized collection carts servicing both solid waste and single stream recycling, often utilizing a split body collection vehicle. Automated Collection Equipment Operators of automated curbside collection vehicles utilize a remotely operated arm from the driver's seat to unload material carts, eliminating the need to exit the vehicle at each collection point. Additionally, the use of these vehicles would result in a safer working environment by minimizing physical strain and reducing the risk of operator injuries while increasing their longevity in the position. This is a critical objective of Durham Public Works' current employee retention and hiring strategies.

A Mack Automated Collection Vehicle with Labrie Body and 96-gallon Toter® Cart NTS



To further understand the details of the current program, Durham Public Works undertook a series of comprehensive curbside audits targeting the network of approximately 1,900 collection points. These audits were designed to gather information on metrics such as program participation, quantity of disposed materials, recycling participation and contamination levels. This exercise allowed the Department to determine the optimum container size for both solid waste and recycling collection. The Department found that there was a large disparity between the lowest and greatest volumes of usage between households for our curbside collection program. Furthermore, the analysis confirmed that a 64-gallon solid waste container will satisfy 93% of the collection points and 96-gallon single stream recycling container would satisfy 100% of the collection points. The Automated Curbside Collection Program with

standardized carts will further incentivize recycling and allow for a prediction of maximum capacity for each collection day allowing for the proper vehicle selection and size to service each route. Additionally, the Department arranged consultations with surrounding municipalities who have established similar programs and solicited input from automated collection vehicle manufacturers.

On November 14th, 2023, the Integrated Waste Management Advisory Committee (IWMAC) formally endorsed the modernization of the solid waste operation and the transition to the Automated Curbside Collection Program with single stream recycling. These program improvements were presented to the Town Council during the 2024 budget process and included within the approved 2024 Capital Improvement Plan.

Throughout 2023, Durham Public Works also explored the potential integration of alternative fuel refuse collection vehicles into its solid waste and recycling collection fleet. This evaluation included compressed natural gas and battery electric vehicles (BEV) with DCFC stations. It was determined that the utilization of battery electric collection vehicles would offer a range of benefits to the community and advance Durham's commitment to environmental sustainability and resiliency. Reduced environmental impacts would be realized through zero tail pipe emissions and noise reduction. Improvements in public health through emission reduction and decreases in particulate generation would result in improved air quality, a reduction in respiratory complications and improved overall health. Furthermore, an increase in energy efficiency through regenerative braking would lead to a reduction in energy waste and make the collection process more efficient.

Recognizing these benefits and in need of additional information, Durham Public Works communicated with truck dealerships, body manufacturers, private refuse collection companies utilizing battery electric Refuse Collection Vehicles, charging station providers, electrical utility providers, electrical contractors, the US Department of Energy, and the NH Department of Environmental Services (NHDES).

Durham Public Works analyzed the electrical distribution infrastructure at its current facilities, and the requirements of BEV solid waste collection vehicles. An analysis was completed to further understand the run-time capacity of selected BEV's, including the simulation of current routes using proprietary software provided by Mack Trucks.

With these findings, Durham Public Works submitted an application through the NHDES for a NH Clean Diesel Program Grant funded through the EPA's DERA. The DERA program funds projects that protect human health and improve air quality by reducing harmful emissions from diesel engines. The specific grant applied for by Durham Public Works provides up to 45% in funding for replacement of existing class 8 diesel vehicles with a Zero-Tailpipe Emission Power Source (such as BEV's) and the infrastructure to charge these vehicles.

On September 26th, 2023 Durham Public Works was notified that the Town of Durham’s project proposal to replace two (2) 2015 Diesel Refuse Trucks with two (2) 2024 BEV equivalents was selected for funding for the requested amount totaling \$723,681. Discussions with the NHDES DERA Program Manager continued while the Durham Public Works undertook continued due diligence steps to further evaluate BEV technology and the feasibility of integrating this equipment into the Solid Waste and Recycling Collection Program. The largest concerns centered around vehicle range per charge, impacts due to number of cart lifts per stop, the influence of extreme high and low temperatures on battery performance, life cycle cost of equipment, expected longevity and disposal costs of batteries, complexity and cost of maintenance, and the Department’s operational flexibility to implement a transition to BEV solid waste collection vehicles.

The vehicles involved in this project will service the 61 miles of public roadways within the Town on a weekly basis. Refuse collection points are distributed throughout, and are concentrated more heavily near the more developed urban central/north section of Durham. With a reported standard operating range of 100+ miles, Durham Public Works has determined that a Mack LR64 BE or a vehicle with similar capabilities could potentially handle the Town's collection routes under favorable conditions i.e. absent of extreme high and low temperatures where battery performance can be impacted. The longest collection route is 82.1 miles, which is inclusive of transportation to the Turnkey Landfill in Rochester, NH. The current routes would be optimized for new capacities and ranges, as some routes have more collection points but fewer miles.

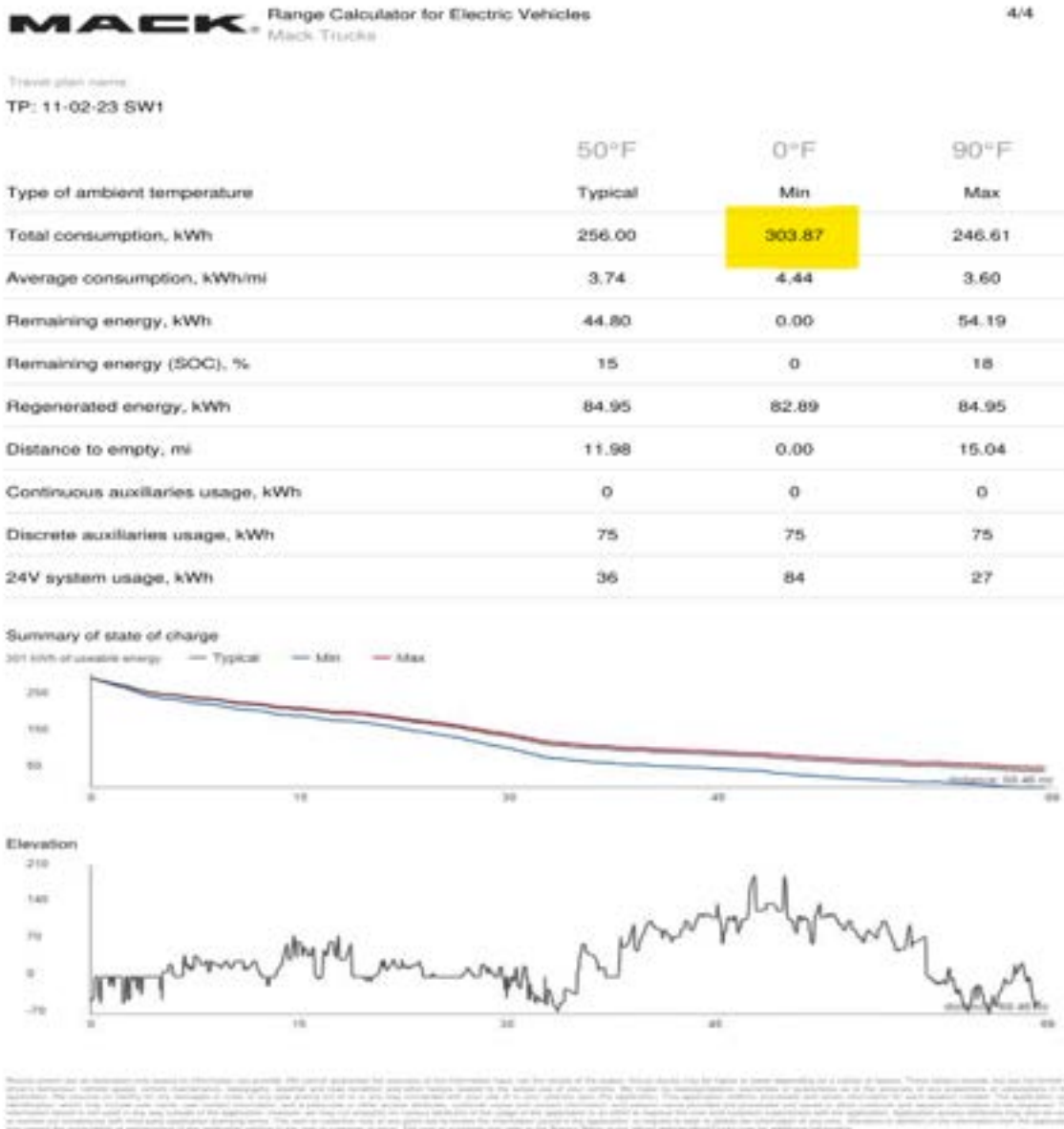
The Mack LR 64R BE specification sheet claims 375 kWh of energy is available at a full charge, however simulated data is run against 80% state of charge due to the limitations of batteries. This allows for about 300 kWh of usable consumption.

In simulations using Mack Trucks proprietary modeling software, the data shown below indicates our collection routes appear to be viable during normal operating conditions (50-90° F).

Town of Durham, NH Summary										
Date	Miles	Total Consumption kWh	kWh/Mile	Stops	Stops/Mile	kWh				
						Propulsion	Body	Aux	Regen	
10/23/2023	82.1	228.3	2.78	266	3.24	224.2	45.0	37.0	77.9	
10/24/2023	52.7	208.8	3.96	369	7.00	165.6	63.0	35.0	54.8	
10/25/2023	75.9	238.3	3.14	327	4.31	227.7	56.0	36.0	81.4	
10/26/2023	68.1	238.3	3.50	385	5.66	216.9	65.0	34.0	77.7	
11/2/2023	68.5	256.0	3.74	444	6.49	219.5	72.0	29.0	64.5	
Totals	347.2	1169.7		1791		1053.9	301.0	171.0	356.2	
Averages	69.4	233.9	3.37	358	5.16	kWh/mile				
						3.04	0.87	0.49	1.03	

However, when looking at the simulation in temperatures of 0° F, the data below suggests operational challenges related to available battery capacity could be encountered.

The simulation below uses a Thursday collection route under three (3) temperatures. This route has 444 stops which represents a heavier Thursday, but not a maximum of 100% participation. At 0° F, the kWh consumption for the route is 303.87 kWh, exceeding the available capacity of 300 kWh. Available energy is further depleted with two container tips per residential stop. As the batteries age, the maximum available energy will gradually decrease with each charge, further constraining the vehicles range over time.



A benefit of the Durham solid waste and recycling collection program is the operational flexibility we maintain. This includes expansion of collection to 5 days per week, returning to the transfer station to recharge as needed and disposing of materials the following day with a full charge.

As previously noted, these vehicles perform a critical task within Durham Public Works which must be completed each day without failure. Notwithstanding this operational flexibility and understanding this technology is evolving at a rapid pace, it would be imprudent to rely solely on BEV vehicles, recognizing the challenges noted above. Given these facts, Durham Public Works recommended the acceptance of the New Hampshire Clean Diesel Grant as presented on March 18, 2024, with the intention of procuring one of the two vehicles approved in the NH Clean Diesel DERA grant. The Department would move forward with procurement of the 2nd vehicle, as approved in the 2024 Capital Plan. This second collection vehicle would be specified with an EPA Certified Diesel Engine which ensures compliance with EPA's emissions standards, while providing consistent performance, unimpacted by temperatures or weather events.

The Durham Town Council held a Public Hearing on April 15, 2024 on Resolution #2024-13 Authorizing the Acceptance and Expenditure of Funding from the NH Department of Environmental Services (NHDES) NH Clean Diesel Grant Program, Funded Through the U.S. Environmental Protection Agency's (EPA) Diesel Emission's Reduction Act (DERA), for Up to Two (2) Battery Electric Refuse Collection Trucks and Up to Two (2) Direct Current Fast Charging Stations (DCFC) That will Operate in Durham, New Hampshire to Reduce Diesel Emissions. Funding shall Equal an amount not to exceed 45% of the Cost of Each Eligible Vehicle and Charger Or a Total Not to Exceed \$723,681, Whichever is Less, and Authorize the Administrator to Sign and Submit Grant Paperwork on Behalf of the Town of Durham.

No members of the public came forward to speak about the resolution, and upon closing the public hearing the Town Council adopted, as presented, Resolution #2024-13.

On June 26, 2024 the New Hampshire Governor and Executive Council convened to discuss Governor and Council item #137 authorizing the NH Department of Environmental Services (NHDES) to enter into a grant agreement with the Town of Durham, NH (VC# 177383-B001) totaling \$723,681 for partial funding of two (2) Electric Refuse Truck replacements and the installation of two (2) Direct Current Fast Charging (DCFC) stations to serve them, effective upon Governor and Council approval through September 30, 2025. Subsequently, New Hampshire Governor Chris Sununu signed said item #137.

On July 3, 2024 Durham Public Works received a "Notice to Proceed" from the NHDES. This is an official notification that all requirements, regulations, provisions, terms, and

conditions of the Federal Grant Agreement are in full force. This allows the Town of Durham to expend funds and be reimbursed, with the project being completed by September 30, 2025.

Summary of Changes to Chapter 118 “Solid Waste”

Services described in the revised Chapter 118 remain dedicated to continued Solid Waste Management for residential properties and recycling services for eligible commercial entities. To accommodate Automated Collection of Solid Waste, certain guidelines must be outlined for users and operators. Similarly, the improvements at the Transfer Station also need to be reflected in Chapter 118. These changes are reflected in Article 03 and Article 04 of the proposed language.

Article 01: “General” remains structurally similar to the current language. A Statement of purpose has been added in 118-1, and 118-3 has been added to delegate responsibilities regarding the Chapter.

- 118-4: “Definitions” has been addressed to include language regarding appropriate containers and automated refuse collection. A Formal Notice of Non-compliance has also been defined to allow for methods of working with Code Enforcement when issues arise.

Article 02 only contains one paragraph in the current language discussing Recycling Policy. This has remained unchanged in the proposed language. However, 118-6 through 118-12 have been proposed to be added here to clarify the implementation of Policy.

- 118-6 discusses how to educate residents on policy before the use of Notices of Non-compliance. 118-7 aims to describe the limits of geographic acceptance of Solid Waste: both from an operational and permitted aspect.
- 118-8 and 118-9 aim to describe what responsibilities and permissions are allocated for the Town and Users of the Solid Waste program.
- 118-10 expands on current language in Article 03: 118.12.
- 118-12 describes the methods in which the violations will be handled.

Article 03 has received the greatest number of revisions, reflecting the changes from non-standardized container semi-automated refuse collection to standardized container automated refuse collection.

- 118-13 describes the “Base Level Service” available and the criteria for eligibility to participate in the curbside collection program.
- 118-14 outlines the transition between the current and the automated collection systems.

- 118-15 describes the approved containers for automated collection, and how material should be stored in said containers for efficient collection. Utilizing automated curbside collection, operators will not be able to handle overflow material outside of the collection container.
- 118-15 also describes special circumstances that may require a modification in size or number of eligible containers. Durham Public Works realizes that although historical and audit data guide policy, extenuating circumstances may exist.
 - 118-15: 4) allows the Director of Public Works to evaluate a request for modification to container allotment. This is intended to be on a case-by-case basis, and only with sufficient evidence of hardship.
 - As described in 118-15: 1), “Property owners who meet the criteria in (4) below may purchase an additional standardized container from the Town to be utilized with a 6-month subscription sticker purchased at a cost based on the current disposal rate stipulated in the town’s municipal solid waste contract and other related costs as approved within the annual budget. This Town issued sticker is valid for the half year, prorated monthly, based on purchase date, and must be prominently displayed on the cover of the container.”

The cost of this subscription sticker aims to counteract the extra disposal, labor, and transport associated with greater production of refuse above the base level of service.

Durham Public Works considered the length of subscription and aims to allow flexibility for property owners that spend large portions of the year away from Durham. Six (6) month subscriptions, prorated monthly, allow for property owners to buy a subscription during the periods that they produce refuse above the base level service.

This subscription cost will be evaluated annually, and included in the Operating Budget for the Sanitation Division.

- 118-16 continues to describe the preparation of materials for collection.
- 118-17 describes the placement of containers such that the automated collection vehicles can access the containers.

Article 04 remains effectively similar to current language, while streamlining current Section 1 into the Article. The biggest change here is to tie the fee structure to the approved annual budget, rather than a specific cost in the Code. This allows for the fee structure to be modified on an annual basis, or more frequently if required, due to the Town’s municipal solid waste contract, and other related costs encountered.

- 118-27 describes the Site Utilization and Hours of Operation of the Transfer Station. Subsection H describes the proposed changes to the Fee Structure. Durham Public Works proposes allowing for annual review of the fees in the Operating Budget.

Additionally, Durham Public Works recognizes regional complications with the disposal of mattresses in particular. Neighboring states have banned the landfilling of mattresses entirely. While New Hampshire continues to allow the practice of landfilling mattresses, it is not known how long this will continue and the current disposal fee for mattresses is \$302.91/Ton. This compares with the price of \$104.31/Ton of disposal for all other Bulky Waste and Demolition debris.

Durham Public Works aims to specify fees related to mattresses as to separate them from loads of other bulky items. In the past, mattresses could be brought up as a load with a bulky item coupon.

- “H”. Bulky Waste Coupon – A bulky waste coupon will be required to dispose of non-metallic bulky waste and construction/demolition debris. These coupons will be sold at Durham Public Works using the following fee schedule:

1. Single Item cost - as stipulated in approved annual budget
2. Regular Sized Pick-up Truck Load cost - as stipulated in approved annual budget
3. 1-Ton Sized Pick-up Truck Load cost - as stipulated in approved annual budget
4. Dump Trailer Sized Load cost - as stipulated in approved annual budget

Coupons or stickers in sections G and H above will be priced based on the current disposal rate stipulated in the Town’s municipal solid waste contract, and other related costs as approved within the annual budget. A list of these prices will be available on the Town Website, at the Transfer Station, and at the Durham Public Works office.

Mattresses and box springs require special handling. A bulky waste coupon described in (H) above will allow for disposal of one set, which includes either a mattress with its box spring or just a mattress or box spring alone. Each additional set will require its own “single item” coupon.”

Article 05 remains unchanged describing the penalties for violation of the Ordinance **except** language in Article 05: 118-33 (d) has been rewritten to remove extraneous wording.

Article 06 replaces the current Section 01, regarding Taxpayer/Resident stickers. Section 01 was outdated to state that a sticker costs \$10.00, while in practice it is currently without cost.

Some language in Section 01 has been discussed in proposed Article 04, and removed from proposed Article 06.

Article 07 discusses the Commercial Curbside Recycling Program. The service provided for commercial curbside recycling will change in the proposed language to require recyclables to be placed in containers on a “Public Way” that can be received by the Automated Refuse Collection Vehicle.

Endorsement of Language by IWMAC

Throughout the second quarter of 2024, draft versions of Chapter 118 “Solid Waste” have been provided by Durham Public Works to the Integrated Waste Management Advisory Committee (IWMAC). Through discussions with committee members, suggestions have been considered and drafts updated to reflect changes.

The IWMAC officially endorses the current updated draft presented today.

Durham Public Works respectfully requests the Town Council’s approval of this recommendation.

LEGAL AUTHORITY:

NH RSA 149-M:17, and Chapter 004 of the Town of Durham Municipal Code.

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION:

The Durham Town Council does hereby Approve on First Reading, Ordinance #2024-08 Amending Chapter 118 “Solid Waste” of the Durham Town Code, reflecting current operating plans to accommodate Planned Solid Waste Program Changes, and Schedule a Public Hearing for November 4, 2024.

ORDINANCE #2024-08 OF DURHAM, NEW HAMPSHIRE

AMENDING CHAPTER 118 “SOLID WASTE” OF THE DURHAM TOWN CODE, REFLECTING CURRENT OPERATING PLANS TO ACCOMMODATE PLANNED SOLID WASTE PROGRAM CHANGES

WHEREAS, the Town of Durham created the Code of the Town of Durham, NH in March of 1999; and

WHEREAS, there have been amendments made to said Code over the years; and

WHEREAS, Durham Public Works has conducted a thorough reading of Chapter 118 and identified outdated and redundant information; and

WHEREAS, revision of Chapter 118 may increase clarity and understanding by all parties; and

WHEREAS, Resolution #2023-30 Approving the Administrator’s proposed FY 2024 Operating, Capital, and Special Fund Budgets, and the 2024-2033 Capital Improvement Plan as amended was passed on December 4, 2023, including upgrades to Solid Waste Collection Vehicles and Transfer Station Facility Improvements requiring operational changes; and

WHEREAS, Resolution #2024-13 Authorizing the Acceptance and Expenditure of Funding from the NH Department of Environmental Services (NHDES) NH Clean Diesel Grant Program, Funded Through the U.S. Environmental Protection Agency’s (EPA) Diesel Emission’s Reduction Act (DERA), for Up to Two (2) Battery Electric Refuse Collection Trucks and Up to Two (2) Direct Current Fast Charging Stations (DCFC) That will Operate in Durham, New Hampshire to Reduce Diesel Emissions. Funding shall Equal an amount not to exceed 45% of the Cost of Each Eligible Vehicle and Charger Or a Total Not to Exceed \$723,681, Whichever is Less, and Authorize the Administrator to Sign and Submit Grant Paperwork on Behalf of the Town of Durham was adopted on April 15, 2024; and

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 #2024-08 and does hereby amend the following sections of the Code. Wording to be deleted is annotated with ~~striketthrough~~ type. New wording is annotated with underlining. Unaltered text that was moved is noted in previous location with ~~green double striketthrough~~ and in new location with green double underlining.

CHAPTER 118 SOLID WASTE

[HISTORY: Adopted by the Town Council of the Town of Durham as Ordinance #93-24 on January 10, 1993. Regulates the Solid Waste Management Facility and the Disposal of Solid Waste, Bulky Waste and Recyclable Materials.].

Article I GENERAL

118-1 Statement of Purpose

The general purpose of this Chapter is to describe the procedures and requirements for the management, handling, and disposal of solid waste generated in the Town of Durham. These provisions shall apply, but not be limited, to all activities at the Transfer Station, recycling, curbside collection, prohibition, and enforcement relative to solid waste management. State and Federal statutes additionally apply to activities in the geographical bounds of the State of New Hampshire and the United States.

The proper management of solid waste is necessary to protect the health, safety, and welfare of the citizens, property owners, and visitors to the Town of Durham.

This revised solid waste ordinance is intended to address operational changes to the Transfer Station and Curbside Collection Program.

~~118-1~~ 118-2 **Authority to Establish Rules and Regulations**

The Town Council, pursuant to NH RSA 149-M:17, hereby delegates to the Town Administrator [hereinafter the “Administrator”] the authority and responsibility to develop and implement, ~~with the advice and consent of the Town Council~~, such rules, regulations and procedures as are necessary for the implementation and execution of this Ordinance and the effective and efficient operation of the solid waste management program.

118-3 Administration of Chapter 118

The Director of Public Works [hereinafter the “Director”] shall have responsibility for the administration of this Chapter subject to the direction and control of the Administrator. As deemed appropriate by the Director, certain responsibilities may be delegated to the Assistant Director or other appropriate staff. As outlined in Article 02, the Director shall have the full authority to make and enforce certain policies and procedures to effectuate the purpose of this Chapter.

118-2 118-4 Definitions

The following definitions shall apply in the interpretation and enforcement of this chapter. Unless otherwise expressly stated, the following terms shall, for the purpose of this chapter, have the meanings indicated in this section. Words used in the present tense include the future. The singular number includes the plural, and the plural the singular. Where terms are not defined in this article, they shall have their ordinary accepted meanings or such as the context may imply. The words “shall” and “must” are mandatory, the word “may” is permissive, and the word “should” indicates a preferred or encouraged, but not a required course of action.

Accepted Public Way – A street or road which has been accepted and approved by the Town Council for public use, and which is maintained by the Town.

Administrator – The Administrator for the Town of Durham.

Appropriate Containers – Curbside collection containers that conform to the specifications in Article 2 of this ordinance.

Ash – The residue of any household fuel after such fuel has been consumed by fire.

Automated Collection Program – The curbside solid waste collection program implemented by the Town of Durham which utilizes automated, or semi-automated, collection trucks to hoist specialized containers and collect their contents with mechanical arms.

Base Level of Service – The collection service being provided to eligible properties, as defined in the Ordinance, for the collection and disposal of trash and recyclable materials.

Bulky Waste – Items that cannot be handled by normal solid waste collection, as determined by the Director, that require special handling and a bulky waste coupon from Durham Public Works. Some examples include, but are not limited to rugs, furniture, large rigid plastic items, and mattresses.

Bulky Waste Coupon – A coupon required at the ~~SWMF~~ Transfer Station for disposal of items as specified in ~~the Implementing Rules, Regulations and Procedures~~ Article 04 of this ordinance.

Commercial – Business enterprises or activities in business with a profit motive, including apartment buildings and condominiums, containing three or more dwelling units.

~~**Commercial Use** – A use operated for profit or compensation.~~

Courtesy Notice – A notice, issued by the Director or Code Enforcement Officer under the Enforcement provision of Article 02, to inform a resident or property owner that they are not in compliance with one or more provisions of this Ordinance. This notice **may be** used as the first step in the overall enforcement process and is intended to be an education and informational reminder for the proper handling and management of solid waste by the property owner.

Demolition / Construction ~~[Construction/Demolition]~~ **Waste** – Solid waste resulting from new building construction, additions to existing buildings, renovations, repairs, modifications

~~and/or maintenance of existing buildings and/or appurtenances,~~ demolitions, and/or maintenance of existing building and/or appurtenances. These items cannot be handled by normal solid waste collection, as determined by the Director, require special handling and a bulky waste coupon from Durham Public Works. The term does not include asbestos waste, trash, asphaltic pavement, electrical fixtures containing hazardous liquids such as fluorescent light ballasts or transformers, furniture, appliances, tires, drums and containers, scrap metal, and fuel tanks. This is not intended to be a complete list of excluded items, and further clarification can be obtained from Durham Public Works.

Disposal – The discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or onto any land or water with the possible result that such solid waste or any constituent of it may enter the environment, be emitted into the air, or be discharged into any waters, including groundwater.

Durham Resident Sticker – A dated decal issued annually by the Town to a resident, as defined in this ordinance.

Electronics/Appliance Sticker – A sticker required at the ~~SWMF~~ Transfer Station for disposal of items as specified in ~~the Implementing Rules, Regulations~~ Article 04 of this ordinance.

Formal Notice of Non-Compliance – A notice, issued by the Town’s Code Enforcement Division under the Enforcement provision outlined in Article 02, to inform a resident or property owner that they are not in compliance with one or more provisions of this Ordinance. This notice may be used as the first or second step in the overall enforcement process, and the issuance of multiple formal notices can result in loss of service, penalties, or enforcement actions as outlined in this Ordinance.

Hazardous Waste: – Waste materials that have been identified by the State of New Hampshire in RSA 147-A:2, VII.

~~**Landscapers Temporary Permit:**—A dated and numbered paper permit that allows a landscaping contractor working for a Durham taxpayer to enter the SWMF.~~

Integrated Waste Management Advisory Committee (IWMAC) – The committee established by the Town Council to advise the Administrator and Director of policy related issues.

Multi-Unit – A building and accessories thereto principally used, designed, or adapted with three (3) or more dwelling units, each of which has separate living quarters.

Neglect – The misuse of a Town-issued container that results in breakage or other damage to the container so it cannot be properly used to store materials. For instance, the lid of the container is removed, the lid or container body is significantly cracked, the wheels do not function, it cannot be picked-up by the collection vehicle, the container is defaced, or it is otherwise rendered inoperable.

~~**Non-Recyclable Bulky Waste:** Any item or material the size, weight or construction of which precludes or complicates handling by adopted curbside collection methods and is not specifically designated as recyclable in our program.~~

~~**Non-Recyclable Waste:** Those types of waste products entering the waste stream not specifically designated as “recyclable.”~~

Permit – A document issued by the New Hampshire Department of Environmental Services’ Solid Waste Division that regulates the operation of the Transfer Station.

~~**Recyclable Bulky Waste:** Any item or material the size, weight or construction of which precludes or complicates handling by adopted curbside collection methods and is specifically designated as recyclable in our program.~~

~~**Recyclables Container:** A container clearly labeled “recyclables” for the collection and storage of recyclable materials as specified in the implementing regulations for this ordinance.~~

Recyclable Materials – For the purposes of this Ordinance, this is collectively all the materials accepted by the Town for recycling and which will be transported to firms contracted by the Town for recycling purposes. Acceptable items may change due to market and economic conditions as specified by the Director.

~~**Recyclable Waste:** Those types of waste products specifically identified herein as suitable and acceptable for recycling.~~

~~**Resident:** – A Durham resident is someone who owns property in Durham, has legal identification showing Durham as their place of residency, or registers their motor vehicle in Durham, or registers to vote in Durham and/or meets the requirements of resident as generally defined in NH RSA 654:1 21:6.~~

Residential Unit – An individual residential unit used for habitation. A single-family home is one unit; a two-family structure is a two-unit building; and a multi-unit building, or complex, is designated by the number of individual units.

Scavenging – The removal of, or the rummaging through, any form of solid waste (any recyclable or non-recyclable material) from any container that has been placed at the curbside for collection by the Town or deposited at the Transfer Station.

Solid Waste – Any abandoned or discarded material, excluding hazardous waste, nuclear waste, sludge and septage, certain types of point source discharges, and yard waste. For further exclusions to solid waste regulations, see NH RSA 149-M, and EPA 40 CFR section 261.4(a). These excluded forms of waste have other regulations beyond solid waste.

~~**Solid Waste Management Facility (SWMF):** That location specified by the Department of Public Works for the acceptance, processing and transferring of solid waste within the Town.~~

Street – Any public highway, road, street, lane, alley, square, place, thoroughfare, or way within the Town of Durham.

~~**SWMF Entrance Sticker:** A dated and numbered decal issued annually by the Town to a taxpayer of Durham in accordance with regulations adopted by the Town Council.~~

~~**Temporary Construction Permit:** a dated and numbered paper permit that allows a contractor working for a Durham taxpayer to enter the SWMF.~~

Temporary Entrance Letter – A dated paper letter from Durham Public Works that allows an alternate vehicle, and/or person, to utilize the Transfer Station on behalf of a resident. This permit will state the reason for an alternate vehicle to be utilized and may require a verification of material origin if required by the director.

Town – The Town of Durham, New Hampshire.

Town Council – The legislative body for the Town.

Transfer Station – A Town owned parcel of land located at 100 Durham Point Road, known as the Raymond A. LaRoche Sr. Transfer Station and Recycling Center. This is a solid waste collection, storage, and transfer facility, which collects, stores, and transfers solid waste, including non-recyclable waste.

Trash – The general non-recyclable household solid waste that is generated by a residential dwelling unit or a commercial property, excluding commercial and industrial waste, bulky items, construction and demolition debris, food waste, electronic waste, non-hazardous contaminated soils, asbestos waste, end-of-life motor vehicles, infectious waste, or animal carcasses.

Yard Waste – ~~Organic material from yards or gardens~~ Leaves, grass clippings, garden debris, and small or chipped branches.

Unacceptable and Unapproved Waste – Waste designated by an applicable Town Ordinance, any State or Federal statute, law, permit, or by firms contracted with the Town to handle and dispose of the collected solid waste.

Article II

IMPLEMENTATION OF POLICY

~~118-3~~ 118-5 **Recycling Policy**

It shall be the policy of the Town to collect or receive only recyclable and non-recyclable waste that is fully segregated. The ~~town administrator~~ Administrator or their designee shall provide guidance to users in understanding and implementing this policy. The Town reserves the right to refuse to accept waste that is not segregated into recyclable and non-recyclable categories.

118-6 **Education**

The Town, along with interested individuals, IWMAC, and civic organizations, will work to educate, inform, and encourage the residents and business owners on all recycling efforts. Educational outreach programs and information will be made available on the Town website, in local schools, at community events, in cooperative efforts with local businesses, and in the local media. The Town hopes for the cooperation and assistance of all residents in continuing to be a leader in recycling programs.

118-7 Unlawful Disposal; Out of Town Refuse; Unacceptable/Prohibited Materials

It shall be a violation of this Chapter for any individual, business, property owner, or other person or entity to unlawfully dispose of any solid waste in a manner not in accordance with the provisions of this Chapter, any policy or regulation established hereunder, or any applicable state statute or regulation. The dumping or disposal of any solid waste generated from any location outside of the boundaries of the Town shall also be considered a violation. The previous sentence notwithstanding, actions approved by the Director, Administrator, and approved State Permit or Operating Plan shall be exempt from the restrictions of this Section. The penalties for any violation of this Chapter will be outlined below and in Article 05.

118-8 Obligation of Parties

The Town assumes no obligation under this Chapter to remove trash, recyclables, or other solid waste that is not managed and containerized properly by the property owner in conformance with this Chapter. It shall be the duty of any person owning, or having under their control, any property in the Town to keep the same free from solid waste that it may be a fire hazard, obnoxious or dangerous to the general health, safety, or welfare of the public in accordance with, among others, Chapter 72 of the Town Code.

118-9 Use of Containers by Others

The use of containers intended for the management of solid waste which are issued, or designated for use, by the Town, whether for residential or commercial purposes and found on the subject property, is limited to the property owner, tenants, lessees, or individuals with direct permission from the property owner, tenant, or lessees. No unauthorized person shall place or dispose of any solid waste in said containers and any such placement or disposal shall be considered a violation of this Chapter and subject to the enforcement provisions of Article 05. The containers issued by the Town for the automated curbside collection program shall not be defaced, altered, exchanged, or used by any individual for any other purpose other than the collection of recyclables or trash generated from within the Town at their designated residence.

118-10 Anti-Scavenging

Unless otherwise approved by the Administrator or Director, all acceptable solid waste and recyclable materials that have been placed on the curbside for collection or brought to the Transfer Station are considered to be the property of the Town and no scavenging of the materials is permitted. This section notwithstanding, the proper management of the materials placed on the curbside for collection is the responsibility of the property owner, directly or through any tenant or lessee, as outlined in 118-8 above, and Article 03 of this Ordinance.

118-11 Policies and Procedures

The Director shall have the authority to create, and modify as needed, policies and procedures necessary and appropriate for the effective implementation of the provisions of this Chapter. These policies or procedures are intended to address specific sections of this Chapter outlined below, or the general management and disposal of the overall solid waste stream, and shall apply to the curbside collection program or the operation of the Transfer Station. This authority is deemed necessary due to the variety of factors including, but not limited to: economic conditions, any changes to applicable state or federal law or regulation that affects the disposal of solid waste and recyclables, or the availability of end markets and/or disposal sites for either solid waste or recyclable materials.

118-12 Enforcement

The violation of any provision of this Chapter shall be considered a violation of the Codes of the Town of Durham and may result in the issues of notices, fines, penalties, or prosecution through the appropriate court of jurisdiction. Each violation shall be considered a separate offense and each day a violation exists shall be a separate violation. The Town shall seek compensation from the violator for the costs of any prosecution associated with the enforcement of this Chapter. Per Town Code Chapter 001, Article 02: General Penalties, the fines shall not exceed those outlined in Article 05: Penalty and Prohibition. The Director reserves the right to issue Courtesy Notices intended to inform the property owner that certain materials are not authorized for pick-up or disposal. If two (2) Courtesy Notices are issued to an individual property within the previous six (6) months, then the next violation shall result in the issuance of a Formal Notice of Non-compliance from the Town's Code Enforcement Division. This foregoing sentence notwithstanding, the Town's Code Enforcement Division is authorized to issue formal notices at any point in time if deemed as an appropriate enforcement action. Following the issuance of any formal Notice of Non-compliance, the Director is authorized to order a discontinuance of the curbside pick-up for the subject property or to prohibit the offending individual from utilizing the Transfer Station. If such an order is issued no curbside collection service or privileges for the Transfer Station shall be restored until the offender meets with the Director or his/her designee to discuss the violations and establish a mechanism to restore necessary compliance, and the Director is satisfied that a workable solution is achieved.

The Town reserves the right to conduct visual and physical audits of curbside containers, any solid waste entering/leaving the Transfer Station, and any other waste before collection for the purpose of reviewing rates of recycling and whether individual properties are in compliance with this Chapter.

Article III **CURBSIDE COLLECTION PROGRAM**

~~118.4 Curbside Collection~~

~~Curbside collection of recyclable and non-recyclable waste shall be provided to each non-commercial and non-multiunit residence within the Town. Curbside collection of recyclable waste shall be provided to each commercial / multiunit enterprise within the Town. The collection schedule shall be determined by the Town's Public Works Director.~~

~~118.5 Commercial / Multiunit Disposal Fee Subsidy Prohibited~~

~~The Town shall not pay commercial / multiunit disposal/tipping fees unless the Town contracts such haulers.~~

~~118.6 Private Ways Excluded~~

~~Unless a written agreement exists to the contrary, approved by the Public Works Director, Town waste collection vehicles shall not travel on private ways.~~

~~118.7 Use of Approved Refuse and Recyclables Containers Required~~

~~All solid waste to be collected at curbside as part of the regular municipal collection schedule shall be in approved Refuse and Recyclables Containers. The Town shall supply recyclables containers as specified in the implementing regulations of this ordinance.~~

~~118.8 Community Cleanup~~

~~The Town's Public Works Director shall have the authority, on a case-by-case basis, to provide non-profit, volunteer community cleanup organizations with free disposal of solid waste.~~

~~118.9 Subsidized SWMF Entrance Permit and Disposal Fees~~

~~The Town Business Manager shall have the authority to provide SWMF Entrance Permit and Disposal Fees at reduced rates to residents who are otherwise eligible for assistance under RSA Chapter 165.~~

118-13 Base Level Service

The implementation of the automated curbside collection program is carried out through the creation of a base level of service that is available to properties identified below. Properties not covered under the base level of service will rely upon individually contracted commercial services for material storage and disposal. The base level service will be carried out utilizing specific containers to be provided by the Town. See 118-15 below for a description of the types and sizing of the containers to be used.

- A. The following collection points, all of which must be located on accepted public ways, are eligible for base level curbside collection services provided by the Town:
 - 1. Single and two-family homes.
 - 2. Commercial properties for the collection of recycling only as detailed in Article 07.

- B. The following types of properties are not eligible for the base level automated curbside collection service:
 - 1. Condominium/apartment buildings or complexes, or multi-family buildings with three (3) or more individual residential units.
 - 2. Properties that do not/cannot conform to the container requirement discussed in 118-15 below.

118-14 Transition Between Current and Automated Collection Systems

Until such time that the standardized carts for the automated collection system program are distributed, the current curbside collection practices and procedures will remain in effect. The Town reserves the right to phase in the implementation of the automated curbside collection program in order to more efficiently deal with and address operational issues.

118-15 Approved Containers for Base Level Service; Sizing; Maximum Weekly Pick-up; Maintenance

- A. The base level automated curbside collection program will be accomplished utilizing specialized containers designed for automated collection. The Town will distribute and maintain one trash and one recycling container for each property eligible for the base level of service at no charge. Property owners who meet the criteria in (4) below may purchase an additional standardized container from the Town to be utilized with

- a 6-month subscription sticker purchased at a cost based on the current disposal rate stipulated in the town’s municipal solid waste contract and other related costs as approved within the annual budget. This Town issued sticker is valid for the half year, prorated monthly, based on purchase date, and must be prominently displayed on the cover of the container.
- B. Only Town distributed containers shall be used by properties eligible for the base level of service.
 - C. Containers not conforming to (B) above will not be eligible for the base level of service. Non-conforming materials or ones which do not fit within the volume of the container must be disposed of at the Transfer Station during normal operating hours or held for collection the following week.
 - D. Special circumstances as determined by the Director may warrant a specific evaluation resulting in a modification in size or number of eligible containers.
 - E. Eligible containers are the property of the Town and are assigned to a street address. They are not to be removed from the property even in the event of a change in ownership or resident status.
 - F. Any repairs to the containers will be performed by the Town. The property owner shall contact Durham Public Works to report damage and request a repair. Containers damaged beyond repair shall be replaced by the Town.
 - G. The terms of paragraph (F) above aside, if the containers are subject to neglect by the property owner or other damage as determined by the Director, the Director may issue a Notice of Non-Compliance letter to the owner and/or resident indicating that the next repair necessary due to neglect or abuse will result in a charge for the repair or replacement. Similarly, if the containers are improperly removed from the property, the owner may be charged for the next replacement container. The property owners are the ultimate party responsible for all damages or removed containers and the owner should work to educate household members and/or tenants on the proper use and maintenance of the containers.
 - H. If a container is missing from a specific property, the owner or resident shall contact Durham Public Works and request a new container. Review of container history will indicate replacement eligibility.

118-16 Preparation of Materials for Collection.

- A. All trash and recyclables shall be placed in the appropriate containers so that the lid can be securely shut.
- B. Materials that are placed beside appropriate containers, or are not in appropriate containers, are not eligible for the base level of service. The containers shall not be overfilled or arranged in any manner that will prevent the lid from remaining closed at all times.

- C. Any materials spilled from the appropriate containers shall be the responsibility of the property owner.
- D. Trash contained within the appropriate containers shall be bagged to receive the base level of service.
- E. Recyclables contained within the appropriate containers shall not be bagged to receive the base level of service. The Town encourages property owners to flatten or cut their cardboard boxes into pieces in order to maximize the volume of the containers. All recyclable items shall be emptied and cleaned prior to placing them into the container.

118-17 Placement of Containers

- A. Containers set out for collection shall be placed as close to the street curb as possible without obstructing the roadway or sidewalk, and, in any case, the Director shall have the power to designate the precise point at which containers shall be placed for collection.
- B. Unless approved by the Director in accordance with Departmental established requirements, no trash or recycling collection vehicle, under contract to or owned by the Town, shall enter a privately owned driveway, roadway, or lane for the purpose of collection of residential solid waste from a privately owned property.
- C. Containers shall be set out for collection by the time designated by the Director.
- D. No containers shall be set out for collection prior to the day before collection and no later than 7AM, Eastern local time, on the day of collection. All containers shall be removed from the street by the end of the day established for collection.
- E. To reduce litter in periods of emergency or bad weather, the Director is authorized to make changes to collection hours, collection routes and the setting out of trash and recyclable materials.
- F. No containers shall be placed within the travelled way. Town staff will not cross over private property to pick-up containers, unless approved by the Director.
- G. The container handle must be facing inward towards the residence to allow for the collection vehicle to properly handle the container.

~~118-10~~ ~~118-18~~ Placement or Storage of Recyclable and Non-Recyclable Waste Containers

Except on the day of or the night before scheduled curbside collection, no person shall place any containers of recyclable or non-recyclable waste in any street, alley, or other public place within the Town. At all other times, containers of recyclable or non-recyclable waste shall be stored on private property in such a manner as to be screened (ie. obscured from obvious view) from any public way. Applications for relief from the provisions of this section may be made to the ~~Town~~ Administrator, with a recommendation from the Public Works Director, which may be granted for good cause shown.

118-19 Collection Schedule

The collection schedule for routine pick-up shall be prepared by the Director and the schedule will be available digitally on the Town website or in paper form at Durham Public Works. The holiday collection schedule for the current year shall be determined by the Director and posted by the end of December of the previous year. It shall be available digitally on the Town website or in paper form at Durham Public Works.

118-20 Commercial / Multiunit Disposal Fee Subsidy Prohibited

The Town shall not pay commercial / multiunit disposal/tipping fees unless the Town contracts such haulers.

118-21 Community Cleanup

The Director shall have the authority, on a case-by-case basis, to provide non-profit, volunteer community cleanup organizations with free disposal of solid waste.

~~118-11~~ 118.22 Offensive Matter

No owner or person having control of a property shall place, leave, or cause to be placed or left, in or near a highway, street, alley, public place, or wharf or on private property any substance liable to become putrid or offensive, or injurious to the public health, or deposit ~~garbage, refuse or solid~~ waste ~~(including but not limited to recyclable waste, recyclable bulky waste, non-recyclable waste and non-recyclable bulky waste)~~ in containers or on premises not designated for ~~recyclable or non-recyclable~~ solid waste disposal.

~~118.12~~ — ~~Unauthorized Removal of Recyclable Waste Curbside~~

~~Unauthorized removal of recyclable waste curbside is prohibited.~~

118-23 Collectors Not to Enter Premises

No collector shall be required to enter any house, apartment house or other building or ascend or descend any stairway or enter any elevator, hoist or loading platform for the purpose of collecting or removing trash or recyclable materials.

118-24 Waste Not Collected by the Town

Materials eligible for the base level of service in excess of that set out in 118-15 and 118-16 hereof shall be prepared for collection and shall be disposed of by and at the expense of the owner by causing the same to be delivered to the Transfer Station, or a private alternative, as directed by the Director.

~~118-13~~ 118-25 Items ~~NOT~~ Not Acceptable for Curbside Collection During Weekly Operations Include but Are Not Limited to:

- Waste materials not properly segregated for recycling
- Hazardous Waste
- Fireplace ash
- Waste Oil / Oil Filters
- Antifreeze
- Bulky Waste

- Yard Waste
- Rocks, dirt, gravel, asphalt, bricks, concrete, sand and other such solid fill
- [Construction and Demolition Debris](#)
- [Appliances](#)
- [Electronics](#)
- [Tires](#)
- [Unacceptable and Unapproved Waste \(as defined in Article 01\)](#)

Article IV

~~SOLID WASTE MANAGEMENT FACILITY~~ [TRANSFER STATION](#)

~~118-14~~ [118-26](#) Authority to Operate

Pursuant to the authority granted to municipalities in RSA 31:39 and RSA 149-M:17, the Town ~~of Durham~~ operates the ~~SWMF~~ [Transfer Station](#). This ~~SWMF~~ [Transfer Station](#) is operated under a ~~license~~ [permit](#) issued by the New Hampshire Department of Environmental Services, Solid Waste Management Division. The ~~SWMF~~ [Transfer Station supervisor, or on-site attendant](#), shall act as the agent for the ~~Town's Public Works~~ Director.

~~118-15~~ [118-27](#) Site Utilization and Hours of Operation

- A. Access Regulated – Access to the ~~SWMF~~ [Transfer Station](#) shall require the display of a ~~SWMF Durham Resident Sticker or Temporary Entrance Permit. Permits shall be purchased at a location to be specified by the Town's~~ [Letter from Durham Public Works Director](#), either of which can be obtained at [Durham Public Works](#).
- B. Trespassing Prohibited – Public use of the ~~SWMF~~ [Transfer Station](#) during hours other than the posted hours of operation is prohibited.
- C. Acceptance of Waste Limited by Geographic Boundaries – Only materials generated within the geographic boundaries of the Town shall be deposited in the Town's ~~SWMF~~ [Transfer Station](#). [The materials may require a verification of material origin if requested by the director.](#)
- D. Hours of Operation Regulated – The days and hours of operation shall be set by the ~~Town's Public Works~~ Director.
- E. On-Site Management of Waste Material – All material brought to the ~~SWMF~~ [Transfer Station](#) for disposal shall be deposited in the location and manner directed by the ~~SWMF~~ [Transfer Station](#) attendant. ~~SWMF~~ [Transfer Station](#) employees are not required to offload private vehicles.
- F. Unauthorized Removal of Materials – Unauthorized removal of material from the ~~SWMF~~ [Transfer Station](#) is prohibited.

G. Electronics/Appliance Sticker – An electronics/appliance sticker will be required to dispose of items that require special handling and processing. Refrigerators, air conditioners and dehumidifiers contain toxins such as chlorinated fluorocarbons (freon) and shall be identified for proper disposal. Computer monitors and televisions require additional processing by an outside agency. ~~These items in accordance with the Rules, Regulations and Procedures for Implementing the Provisions of this Ordinance.~~ This process, called “de-manufacturing,” is necessary because of the presence of lead and other metals that would otherwise contaminate landfills. One sticker per item is required. These stickers will be sold at Durham Public Works.

1. Electronics/Appliance sticker cost as stipulated in annual budget.
2. A Durham Resident Sticker is required to drop off items.
3. Disposal of computer systems will also include the monitor, CPU, keyboard, mouse, speakers, and printer as one item.

A current list of items that require an Electronics/Appliance Sticker can be obtained on the Town Website, and at Durham Public Works.

H. Bulky Waste Coupon – A bulky waste coupon will be required to dispose of non-metallic bulky waste and construction/demolition debris. These coupons will be sold at Durham Public Works using the following fee schedule:

1. Single Item cost - as stipulated in approved annual budget
2. Regular Sized Pick-up Truck Load cost - as stipulated in approved annual budget
3. 1-Ton Sized Pick-up Truck Load cost - as stipulated in approved annual budget
4. Dump Trailer Sized Load cost - as stipulated in approved annual budget

Coupons or stickers in sections G and H above will be priced based on the current disposal rate stipulated in the Town’s municipal solid waste contract, and other related costs as approved within the annual budget. A list of these prices will be available in on the Town Website, at the Transfer Station, and at the Durham Public Works office.

Mattresses and box springs require special handling. A bulky waste coupon described in (H) above will allow for disposal of one set, which includes either a mattress with its box spring or just a mattress or box spring alone. Each additional set will require its own “single item” coupon.

~~H.I.~~ Unacceptable Materials - The ~~Town’s Public Works~~ Director shall provide information describing methods for disposing of unacceptable material. Unacceptable materials include but are not limited to: Asbestos containing materials, Infectious Waste, Hazardous Waste, sludge or septic waste, ash residue, and solid fill ~~shall not be accepted at the SWMF~~ unless specifically provided for by State Permit.

~~H.J.~~ Other Material - Any material ~~which~~ that constitutes a hazard to users of the ~~SWMF~~ Transfer Station, to the property of the Town, to adjacent property, to water sources, to the operation of the ~~SWMF~~ Transfer Station or is prohibited by Federal or State statute

shall not be accepted at the ~~SWMF~~ Transfer Station unless provided for by the Town’s facility State Permit.

118-16 118-28 Burning at ~~SWMF~~ Transfer Station

The ~~B~~urning of brush ~~and other combustible material~~ shall be allowed at the ~~SWMF~~ Transfer Station by authorized personnel at the discretion of the Town’s Fire Department and regulated through a special permit issued by the State of New Hampshire’s Forest Protection Bureau.

118-17 118-29 Firearms

The discharge of firearms is prohibited at the ~~SWMF~~ Transfer Station.

118-30 Subsidized Transfer Station Disposal Fees

The Town Business Manager shall have the authority to provide disposal fees at reduced rates to residents who are otherwise eligible for assistance under RSA Chapter 165.

118-31 “Swap Shop”

The Town maintains a swap shop at the ~~SWMF~~ Transfer Station. Certain items may be left in the swap shop area for possible reuse. Holders of a valid Durham Resident Sticker as defined in Article 6 are welcome to use this area to leave off or collect items, after checking in with the attendant and Swap Shop volunteers. Rules for the orderly operation of the swap shop are in place and implemented as needed with approval by the Director.

118-32 Bulky Waste Disposal for Certain Commercial Residential Properties

For a period of no more than four (4) days per calendar year as scheduled by the Director, the Transfer Station will accept bulky waste at no charge from apartment buildings and condominium style properties which contain three (3) or more individual dwelling units. The Director, or their designee, maintains discretion to limit quantity and type of material disposed at no charge by any one property per calendar year, including limitations on disposal of mattresses and boxsprings.

Article V
Penalty and Prohibition

118-18 118-33 Penalty

~~(a)~~ A. Pursuant to RSA 31:39, III, any person guilty of violating this ordinance shall be fined as follows:

- 1st offense - \$ 150.00
- 2nd offense - \$ 300.00
- 3rd and subsequent offenses - \$ 1,000.00

~~(b)~~ B. For the purpose of this ordinance, each day that a violation continues following notice of the violation shall constitute a separate and new offense subject to an increased fine.

~~(c)~~ C. The ~~Town~~ Administrator may waive imposition of any fine for good cause shown.

~~(d)~~ D. Any owner of a property ~~not having control of the property (i.e., a landlord)~~ who is notified of a violation on the property and who does not take reasonable steps to immediately

correct the violation shall be guilty of violating this ordinance and shall be subject to fines as set forth above.

~~118-19~~ 118-34 Roadside Dumping Prohibited

Roadside dumping is prohibited in the Town of Durham as per State RSA 163- B.

~~118-20~~ 118-35 Burning and Incineration of Waste on Private Property Prohibited

Except as may be authorized pursuant to any applicable Federal or State law or Town ordinance, no person or entity shall dispose of any waste material on private property by any process involving burning or incineration.

**REGULATIONS FOR IMPLEMENTING
THE PROVISIONS OF ORDINANCE # 2002-09 “SOLID WASTE”
OF DURHAM, NEW HAMPSHIRE
(Last Amended: 9/10/07)**

The following Regulations have been established by the Town Administrator, under authority and powers granted by Ordinance # 2002-09 of the Town of Durham, to implement and carry out policies prescribed by the Durham Town Council in that ordinance.

~~SECTION 1 – SOLID WASTE MANAGEMENT FACILITY (SWMF) ENTRANCE
STICKER~~

Article VI
Durham Resident Sticker

118-36 Transfer Station Entrance: Durham Resident Sticker or Temporary Entrance Letter

This ~~dated and numbered~~ Town issued sticker or temporary entrance letter, allows a Durham resident or taxpayer to enter the ~~SWMF~~ Transfer Station and drop off ~~the following~~ items for disposal/~~swap shop: household refuse, cans, bottles, paper, newspaper, cardboard, textiles, tires, brush, leaves, lawn clippings, motor oil, and decontaminated metals. Also included~~ originating from the residential property in Durham from where they reside, in accordance with Article 04. ~~with this entrance sticker a Durham resident or taxpayer will receive one (1) bulky waste coupon which allows the resident or taxpayer to drop off one item or up to a pickup truck load of non-recyclable bulky waste items such as stuffed furniture, insulation, and mattresses. Following the above criteria, a bulky waste coupon will also allow the drop off of recyclable items such as clean construction lumber, sheet rock and roof shingles. The cost of the SWMF Entrance Sticker shall be \$10.00. The proposed implementation date is January 1, 2007. This list is not intended to be a complete list of every item accepted at the SWMF.~~

- A. ~~Upon receipt of a completed permit application, which requires proof that the applicant is a resident or taxpayer of the Town of Durham, a one-year numbered permit shall be issued by the Town of Durham Department of Public Works. This permit may be rescinded for failure to adhere to the rules and regulations posted at the SWMF. (The last sentence in this subsection was added on 9/10/07 through advice and consent of DTC).~~ Proof of residency is required to receive a one-year resident sticker issued by the Town of Durham. This sticker may be rescinded for failure to adhere to the rules and regulations outlined in the Town’s facility operating permit, and this Ordinance.
- B. ~~One (1) bulky waste coupon shall be given for each SWMF entrance sticker sold.~~ If desired, residential property owners can receive one (1) no charge Transfer Station annual bulky waste coupon. This coupon will allow each residential property to dispose of up to a dual axle dump trailer size load, or its equivalent, of bulky waste items, on a single day. This coupon will be valid within the calendar year of issuance. The Director or their designee has discretion to inspect and refuse any load, or portion of load, determined to be inconsistent with the intent of this program.
- C. ~~The cost of the permits shall be ten dollars. (\$10.00)~~ The sticker is valid from January 1st – December 31st of the year issued.

- D. ~~Permits, other than paper permits,~~ The resident sticker shall be affixed to the lower left (driver's) side of the vehicle windshield.
- E. There shall be no charge for a replacement ~~permit sticker~~ if a vehicle is replaced, provided the old ~~permit sticker~~ is returned to ~~the Durham Public Works Department.~~ In the case that the old sticker is not provided, circumstances will be evaluated to determine eligibility for a replacement sticker.
- F. Additional ~~permits stickers~~ for vehicles from the same residential ~~household unit~~ are available at no ~~additional~~ cost.
- G. ~~Hours of operation of the SWMF shall be set by the Public Works Director.~~ Temporary Entrance Letters may be obtained at the Durham Public Works by a resident who wishes to utilize an alternate vehicle and/or person to deliver acceptable solid waste, generated within the geographical boundaries of the Town of Durham, to the Transfer Station.
- H. ~~A second bulky waste coupon can be purchased for \$15.00 per coupon. Additional bulky waste coupons in excess of two can be purchased for \$65.00 per coupon.~~
- I. ~~A bulky waste coupon will be collected for all waste disposed of in the bulky waste containers. A bulky waste coupon shall be presented at each visit to the SWMF whether it is for a pick-up truckload or a single item.~~
- J. ~~Commercial, Multiunit and Apartment buildings will follow the same criteria as above for bulky waste items.~~
- K. ~~A resident is someone who owns property in Durham, has legal identification showing Durham as their place of residency, registers their motor vehicle in Durham, or registers to vote in Durham as generally defined in RSA 654:1.~~

SECTION 2—ELECTRONICS /APPLIANCE STICKER

~~A numbered sticker is required for the disposal of items that require special handling and processing. Refrigerators, air conditioners and dehumidifiers contain toxins such as chlorinated fluorocarbons (freon) and shall be identified for proper disposal. Computer monitors and televisions require additional processing by an outside agency. This process, called "demanufacturing," is necessary because of the presence of lead and other metals that would otherwise contaminate landfills. One sticker per item is required. These stickers will be sold at the Department of Public Works. The cost is \$10.00 per sticker. The proposed implementation date is January 1, 2003.~~

- ~~A. Electronics/Appliance sticker will cost \$10.00 per item.~~
- ~~B. Prior purchase of a SWMF entrance sticker is required to drop off items.~~
- ~~C. A sticker is required on all items regardless of the drop off point (curb side during spring clean-up or at the SWMF).~~
- ~~D. Proposed implementation date is January 1, 2003.~~
- ~~E. Disposal of computer systems will also include the monitor, CPU, keyboard, mouse, speakers, and printer as one item.~~

SECTION 3—TEMPORARY CONSTRUCTION PERMIT

~~This dated and numbered paper permit allows a contractor working for a Durham taxpayer or resident to enter the SWMF. Demolition waste that results from new building construction, additions to existing buildings, renovations, repairs, modifications, and/or maintenance of existing buildings and/or appurtenances may be dropped off. Prior purchase of a SWMF entrance permit by the taxpayer or resident is required. All materials shall be separated and unloaded in the proper areas as directed by the SWMF attendant. This permit allows for a~~

~~maximum of a 1-ton truck full of demolition waste to be dumped one time. The permit will be valid for 6 days from the date of issuance. **The taxpayer or resident, at a cost of \$65.00, shall purchase this permit.** These permits will be sold at the Department of Public Works and surrendered upon use or expiration date. Proposed implementation date is January 1, 2003.~~

- ~~A. A temporary construction permit can be purchased for \$65.00 at DPW.~~
- ~~B. Valid for 6 days from issuance.~~
- ~~C. The **taxpayer or resident** shall purchase the permit.~~
- ~~D. Proposed implementation date January 1, 2003.~~
- ~~E. Prior purchase of a SWMF entrance sticker by the taxpayer or resident is required.~~
- ~~F. Materials dropped off shall be separated at the SWMF.~~
- ~~**G. Permits will be surrendered upon use.**~~

~~SECTION 4 – LANDSCAPERS TEMPORARY PERMIT~~

~~This dated and numbered paper permit allows a landscaping contractor working for a Durham taxpayer or resident to enter the SWMF to drop off common yard waste generated from this taxpayer or resident’s property. Only lawn clippings, leaves, pine needles, and brush will be accepted. This permit will be valid for one day and is free provided the **taxpayer or resident has purchased** a SWMF entrance permit. These permits are available at the Department of Public Works.~~

- ~~A. One day permit will be good for yard waste only.~~
- ~~B. Permit is free with a SWMF entrance sticker and available at the DPW.~~

~~SECTION 5 – MATERIALS RECYCLED AT THE SWMF~~

~~Certain items are recycled through the SWMF. For example:~~

- ~~_____ Co-mingled recyclable containers as outlined in Attachment A~~
- ~~_____ Fiber Recyclables as outlined in Attachment A~~
- ~~_____ Textiles as outlined in Attachment A~~
- ~~_____ Metal items free of rubber, wood, plastic or other contaminant.~~
- ~~_____ Car / Truck Battery~~
- ~~_____ Passenger car and small truck tires (without rim)~~
- ~~_____ Waste Oil / Oil Filters~~
- ~~_____ Oil Based Paint and Stains (in original container with label)~~
- ~~_____ Water Heaters / Dryers / Dishwashers~~
- ~~_____ Clothes Washers / Ranges~~
- ~~_____ Lawn Mowers / Bicycles (without tires or seats)~~
- ~~_____ Leaves & Grass Clippings (not in bags)~~
- ~~_____ Brush (under 5” diameter)~~
- ~~_____ Computer Systems (monitor, cpu, keyboard, mouse, speakers, printers)~~
- ~~_____ Copiers & Fax Machines~~
- ~~_____ VCR~~
- ~~_____ Construction and Demolition waste~~

~~_____ This list is not intended to be a complete list of every item accepted at the SWMF~~

~~SECTION 6 – “TYPICAL” BULKY WASTE ITEMS ACCEPTED AT THE SWMF~~

- ~~_____ Rugs— rug pads~~
- ~~_____ Stuffed Furniture— chairs, couches, futons, etc.~~
- ~~_____ Mattresses— box springs~~
- ~~_____ Insulation~~
- ~~_____ Ceiling tiles~~
- ~~_____ Rubber and plastic items— unusable toys, tarps, planters, kiddie pools, barrels, etc.~~
- ~~_____ Unusable clothing and cloth items— drapes, comforters, blankets, etc.~~
- ~~_____ Vinyl siding~~
- ~~_____ Wiring— coils of wire, demolition wire rip outs, etc.~~
- ~~_____ Non-decontaminated metals— items still having non-metal material attached— bicycles, lawn chairs, etc.~~
- ~~_____ Unusable Electronic Items that are not part of our electronics Recycling program— stereos, speakers, record players, “boom” boxes, etc.~~
- ~~_____ Any other item that is acceptable at the SWMF but doesn’t fit into any other category.~~

~~This list is not intended to be a complete list of every item accepted at the SWMF~~

~~SECTION 7— MATERIALS NOT ACCEPTED FOR CURBSIDE COLLECTION OR AT THE SWMF~~

~~_____ A. Asbestos Materials~~

~~_____ Examples: asbestos siding, floor tile, pipe insulation, fire resistant board.~~

~~_____ B. Infectious Waste~~

~~Examples: Wound and skin isolation wastes, pathology wastes, laboratory wastes and animal carcasses.~~

~~_____ C. Hazardous Wastes~~

~~_____ Generally, those common products which:~~

- ~~_____ (a) — burn easily (examples: kerosene, gasoline, turpentine and other solvents)~~
- ~~_____ (b) — can explode (examples: gun powder)~~
- ~~_____ (c) — are corrosive (examples: drain and oven cleaners, battery acid, metal polish)~~
- ~~_____ (d) — are toxic or can be harmful or fatal to organisms and plants (examples: anti-freeze, pool chemicals, paints, insect sprays, weed killers)~~

~~_____ D. Sludge or Septic Waste~~

~~Examples: sludge from septic tanks, wastewater or water treatment, earth materials from spent leach fields.~~

~~_____ E. Ash Residue~~

~~Examples: from wood stoves, incinerators or waste to energy facilities.~~

~~**F. Solid Fill**~~

~~Examples: rock, gravel, brick, concrete, dirt.~~

~~**SECTION 8 – CURBSIDE COLLECTION**~~

~~A. Curbside Collection of Non-recyclable Waste—collection shall consist of a single weekly curbside collection of household waste in approved refuse containers. Containers must be waterproof and sturdy and they shall not exceed 50 pounds when filled. Barrels or plastic bags that are of 32-gallon capacity or less are approved containers and are recommended. The Town will refuse to collect curbside waste in any container that is in excess of the 50-pound weight limit. This regulation is in effect to help prevent injuries to the collection workers. Residents using toter containers having a capacity larger than 32 gallons SHALL BAG their trash before placing it in the toter and each bag shall have no more than 50 pounds of weight. Plastic bags shall be tied shut securely. All barrels and toters shall have secured lids.~~

~~The Town reserves the right to refuse to collect curbside waste that is in excess of a reasonable volume per household. A reasonable household volume is no more than four 32-gallon barrels or eight 32-gallon bags per household per week. The Town reserves the right to refuse to collect waste that is not separated into recyclable and non-recyclable categories.~~

~~B. Curbside Collection of Recyclables—the Town shall supply each residential unit served by the municipal collection program with one “blue box” specifically for recyclable materials as outlined in Attachment A. Residents may purchase additional “blue boxes” at the Public Works Department or may use other similar containers with bottom drainage holes provided the containers are clearly marked “RECYCLABLES”. Recycling containers placed at the curb shall not exceed a loaded weight of 50 pounds. The two types of recyclables shall be collected on alternate weeks as outlined in Attachment B.~~

~~C. Placing Out and Bringing In Containers—ALL CONTAINERS AND PLASTIC BAGS SHALL BE CURBSIDE BY 7:00 AM on scheduled collection days. (see Attachment C to determine which areas of town are serviced on particular days). Collection vehicles may take different routes on collection days depending on varying conditions. Therefore, residents should not try to gauge the time of day that the collection vehicle will arrive at their property. Return trips for material put out late shall not be made. Waste and recycling containers shall be removed from the curb within 24 hours of any collection.~~

~~D. Disposal of Needles, Syringes and Other Sharp Objects—For the safety of the collection personnel, it is required that the following guidelines be observed:~~

- ~~1. Place sharp objects in a puncture proof container.~~

- ~~2. Tightly secure the top of the container with a lid and reinforce the closure with heavy-duty tape.~~
- ~~3. Place the container in the center of your normal trash so as to enclose the container.~~

~~E. Ownership of Recyclables—Recyclable materials shall become the property of the Town of Durham at such time that the materials are properly placed at the curbside for collection.~~

~~F. Winter Operations—collection operations normally occur even during inclement weather. Material for collection shall be visible and accessible from the road. If collection is cancelled it will be announced on local radio stations, public access channel 22 and the Town’s web site.~~

~~SECTION 9—COMMERCIAL / MULTI UNIT RECYCLING PROGRAM~~

Article VII Commercial Curbside Recycling Program

118-37 Commercial Recycling Program

- A. Commercial ~~and multi-unit buildings~~ Properties shall have a recycling program provided and paid for by the Town in accordance with article 3 as applicable.
- B. Each ~~building program participant~~ shall be provided with ~~2-30-gallon~~ up to two (2) eligible containers, ~~one each for each category of recyclables as outlined in Attachment A. Additional containers shall be available from the Town at a separate fee to be charged directly to the building owner.~~
- C. Additional approved containers, specified by the Town, may be purchased, maintained, and used by the property owner. The Town assumes no liability for damage caused to privately used containers.
- ~~C. D.~~ Containers shall be dumped once a week on a schedule provided by the Town, defined in 118-19. Exclusions during weeks of Town Holiday’s may apply as defined by the Director.
- ~~D. E.~~ Each building property is responsible for placement of the eligible containers on their property as directed collection day in a location defined by the Town Director and in accordance with the rule 118-17 of this ordinance.
- F. Properties that do not/cannot comply with the container requirements as detailed above shall not be eligible for collection or Town funded program.

~~SECTION 10—“SWAP SHOP”~~

~~The Town maintains a swap shop at the SWMF. -. Holders of a valid SWMF Entrance Permit are welcome to use this area to leave off or collect items. Rules for the orderly operation of the swap shop may be developed and implemented as needed with approval by the Town Administrator.~~

PASSED AND ADOPTED this ____ day of **October, 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