

Durham Police Department
86 Dover Road
Durham, New Hampshire 03824

MEMORANDUM

April 1, 2014

To: Tom Johnson, Code Enforcement

From: Dave Kurz, Chief of Police

Re: Young Drive – Police Interaction with Young Drive LLC

I am aware that Young Drive LLC will be before the ZBA within the next several weeks and while it may not be under the purview of the ZBA, I felt it was important to articulate the efforts of the police department to work with the new owners of Young Drive, d/b/a Young Drive LLC and the seemingly lack of tangible responses.

- **May 10, 2013**

The Durham Police are notified through the Planning Department that ownership has been transferred to Young Drive LLC.

- **May 30, 2013**

I sent the following letter to Mr. Ken Wilson, Managing Partner:

Dear Mr. Wilson:

I sent two emails to the contact we were provided at chd5100@gmail.com and have yet to have a response to my inquiry. Consequently via this letter I am hoping to reach you, the new owner of Young Drive.

Good afternoon.....this email address was provided to me as a way to reach the new owners of Young Drive. I would like to schedule a meeting in the immediate future to discuss what we know as a police department about Young Drive and some of the nuances that you may be interested in hearing from the police perspective. I also wanted to discuss your providing us with a viable telephone contact as the Durham Police attempted to contact the owners this weekend via a telephone number provided to us by the Fisher's. Although messages were left for someone to call us back due to ongoing incidents of burning couches and disruptive tenants, no one called us back. I understand that during transition of ownership things like this may occur, but in the future, once we formulate a mechanism to contact each other, this will be unacceptable

and I would be forced to engage the Town Ordinance on Disorderly Houses. I sincerely look forward to working with you in the future and look to arrange a meeting soon. Please let me know what dates and time work for you via this email or the telephone listed under my name. Thanks.....

Again, it is my sincere desire that Young Drive LLC will be an exceptional corporate partner not only to the police department but to all of Durham. I look forward to a meeting at your earliest convenience to discuss issues of mutual importance.

- **August 5, 2013**

I sent the following correspondence to Mr. Wilson:

Dear Mr. Wilson:

I prefer not to begin correspondence in a negative fashion but I am frustrated at the continuing silence from you regarding issues this agency is attempting to resolve on Young Drive since you have taken ownership.

This summer the Durham Police have responded twice to noise complaints on Young Drive where officers found large groups at several addresses. Beer cans and other debris littered several properties (pictures enclosed). These events occurred on July 12-13, 2013 and again on August 3, 2013. As is per our agency policy, on both occasions we notified Mr. Chase via email that police have responded to Young Drive for disruptive activity and we have had no communication from Mr. Chase for either event.

On May 30, 2013, I sent you a letter after having no response to two earlier emails sent the email address you provided the Town of Durham after you assumed ownership of Young Drive. While I had no response from you, I was able to contact Mr. Chase by telephone and set up a meeting for June 12, 2013 at the Durham Police facility for 11AM at which meeting I was advised by Mr. Chase, you would attend. On the 12th at 11:30AM, after neither you nor Mr. Chase arrived for the meeting, I called Mr. Chase's cell phone number and he apologized profusely and came to the meeting offering excuses for your absence.

At that meeting I expressed my concerns about Young Drive and your LLC's inaction at seeking opportunities to work collaboratively with us to lessen disorderly actions. Mr. Chase profusely promised that the Young Drive LLC was desirous of a positive working relationship with the Town and committed to working towards that end.

It is clear to me that I have been relying upon the expectation that Mr. Chase's commitments to the Durham Police to operate a responsive LLC on Young Drive have been erroneous. Since I have seen no evidence that indicates any desire to meet that commitment, I am notifying you that disorderly events are continuing on Young Drive. I would like you to advise me in writing of your plan to attend a meeting at the Durham Police facility within the next 14 days.

- **August 19, 2013**

A meeting with Mr. Wilson and Mr. Chase occurred where they apologized for their failure to communicate with me and reinforced their commitment to work with the Durham Police to make Young Drive a positive attribute of the community. Mr. Wilson affirmed that Mr. Chase, his uncle, was the on-site person and would respond as requested to any issue at the property.

- **September – December 2013**

During the beginning of the fall academic year there were eight (8) calls for police response to Young Drive during this period compared with six (6) in 2010 and nine (9) in 2012. Mr. Chase and his son were observed on a number of occasions monitoring the activity and at one point attempted to place snow fencing along the commonly used path from Dover Road into Young Drive. This attempt at curtailing foot traffic via this wood path failed as the fencing was torn down very quickly.

- **January 2, 2014**

During Winter break there were several rambunctious gatherings that resulted in the necessity of police response to Young Drive. The timing concerned me as the vast majority of students were absent from Durham and yet police response was necessary even before the semester began! Subsequently I scheduled a meeting with key partners including UNH, Code Enforcement and staff from the Durham Police. The following memo was provided to Todd Selig:

As you are aware Young Drive student housing has posed a challenge over the years regarding excessive noise, disruptive behavior and other activity all is necessitating numerous police responses. On January 2nd, Kevin O'Connell, a resident of adjacent Bayview Drive wrote a lengthy letter outlining years of these types of problems as only an immediate neighbor to Young Drive could. With new ownership of the Young Drive properties, the police administration has been optimistic that this change may offer an opportunity to implement steps that would change the culture that seems to have taken hold of the property. While several meetings with Francis Chase, the property manager and Ken Wilson the managing partner, where we offered our assistance and provide

suggestions that have shown success at other properties have occurred, problems at the property still occur!

At this meeting there were various strategies discussed all designed to lessen the demands for police intervention:

- Property Manager Francis Chase informed the group that he has implemented meetings with each unit and the residents discussing lease regulations, expectations of the property owners and the need to have respect for adjacent property owners. During that meeting he has shown the movie "Choices", as he found this to be a very good example of what may happen when students made bad choices.
- There was discussion regarding past efforts to erect fencing along a commonly used path from Dover Road into Young Drive which is just east of Bayview. The snow fencing did not last a weekend as young people traversing the path collapsed the fencing. Code Enforcement Director, Tom Johnson discussed the possibility of the management team erecting an "interior fence" along the property line of residential homes on Bayview. Although Mr. Johnson pointed out that anything over 6' feet high would constitute a structure under Durham zoning regulations, a fence erected multiple feet within the property line of Young Drive would most likely be widely embraced as a positive step.
- While he and his son have patrolled the property during key periods, the group urged them to consider a more permanent presence on Thursday, Friday and Saturday evenings by employing a security officer/s. This strategy would foster an expectation of resident's behavior with consistent oversight by management and reinforcing accountability. As Deputy Chief Rene Kelley articulated, short of the implementation of on-site security, "we're just spinning our wheels!"
- There was general consensus that Young Drive should not intersect with Bayview and should remain as it is currently intended, a difficult, impassable, and extinct egress.
- Anne Lawing reinforced the University of New Hampshire's willingness to be a partner in any collaborative efforts to change the culture of Young Drive

I will keep you updated as our discussions continue. In the interim, if you have any questions, please feel free to contact me.

- **February – March 2014**

There have been several calls for police response to loud parties/gatherings at Young Drive. Each police response to Young Drive generates an email notification to Mr. Francis Chase to notify him of the issue so that he may deal with it appropriately. During this time, I have personally sent several emails to Mr. Chase with only one requesting a response. As of this memo's date, I have not had a response.

If you have any questions, please feel free to contact me.