



TOWN OF DURHAM
15 NEWMARKET ROAD
DURHAM, NH 03824-2898
Tel: 603/868-5571
Fax: 603/868-5572

AGENDA

DURHAM TOWN COUNCIL
MONDAY, MARCH 15, 2010
DURHAM TOWN HALL - COUNCIL CHAMBERS
7:00 PM

NOTE: THE TOWN OF DURHAM NEEDS 48 HOURS NOTICE IF YOU
REQUIRE SPECIAL COMMUNICATION AIDS

- I. Call to Order
- II. Approval of Agenda
- III. Swearing in of Council Members
- IV. Selection of Council Chair and Chair Pro Tem
- V. Special Announcements
None
- VI. Approval of Minutes
February 1, 2010
- VII. Councilor and Town Administrator Roundtable
- VIII. Public Comments (NLT 7:30 PM)
- IX. Unanimous Consent Agenda (*Requires unanimous approval. Individual items may be removed by any councilor for separate discussion and vote*)
 - A. RESOLUTION #2010-04 establishing regular Town Council meeting dates for April 2010 through March 2011
 - B. RESOLUTION #2010-05 creating the "Cemetery Maintenance Fund"
 - C. Shall the Town Council, upon recommendation of the Town Administrator, approve a sewer abatement for the fall of 2008 in the amount of \$128.78 for property located at 5 Beard's Landing and authorize the Town Administrator to sign said abatement?
 - D. Shall the Town Council, upon recommendation of the Town Administrator, approve a water abatement for the fall of 2009 in the amount of \$432.48 for property located at 2 Old Piscataqua Road and authorize the Town Administrator to sign said abatement?

- E. Shall the Town Council, upon recommendation of the Town Administrator, approve the reduction of an appraisal of property owned by Susan Herhold at 6 Glassford Lane and grant a property tax abatement for Tax Year 2008?

X. Committee Appointments

None

XI. Presentation Items

None

XII. Unfinished Business

- A. Discussion relative to residency requirements for membership on Town non-statutory boards, committees, and commissions
- B. Continued discussion on next steps for commercial core and B. Dennis strategic plan
- C. Receive update on meeting with Oyster River Cooperative School District officials
- D. Discussion regarding the rental of parking spaces within the Town of Durham

XIII. New Business

- A. Annual appointments of Council representatives to the various Town boards, commissions, and committees
- B. Discussion regarding the development of Town Council goals for 2010/11
- C. Other business

XIV. Nonpublic Session (if required)

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

XVI. Adjourn (NLT 10:30 PM)



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AGENDA ITEM: # **4**
DATE: March 15, 2010

COUNCIL COMMUNICATION

INITIATED BY: Durham Town Charter

AGENDA ITEM: SELECTION OF CHAIR AND CHAIR PRO TEM

CC PREPARED BY: Jennie Berry, Administrative Assistant

PRESENTED BY: Durham Town Council

AGENDA DESCRIPTION:

Section 3.3 in the Durham Town Charter addresses the procedures for the selection of a Chair and Chair Pro Tem. This section reads as follows:

"The Council shall, by the affirmative vote of at least five (5) members, at its first regular meeting following each election, choose one of its members Chairman for a term of one (1) year. The Council shall choose one of its members Chairman Pro Tem, for a term of one (1) year, who shall act in the absence or disability of the Chairman. In the event of a vacancy occurring in the office of Chairman, the Council shall choose one of its members chairman at the next regular meeting to serve for the unexpired term. The Chairman shall be the official head of the Town for all ceremonial purposes, he shall preside at all meetings of the Council and may speak and vote at such meetings."

LEGAL AUTHORITY:

Section 3.3 of the Durham Town Charter.

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

The Town Council should select a Chair and Chair Pro Tem as the first item of business at Monday night's meeting.



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AGENDA ITEM: # **6**

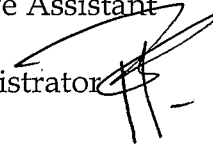
DATE: March 15, 2010

COUNCIL COMMUNICATION

INITIATED BY: Durham Town Council

AGENDA ITEM: APPROVE THE TOWN COUNCIL MEETING MINUTES FOR
FEBRUARY 1, 2010

CC PREPARED BY: Jennie Berry, Administrative Assistant

PRESENTED BY: Todd I. Selig, Town Administrator 

AGENDA DESCRIPTION:

Attached for the Council's review and approval are the minutes for the Town Council meeting held on February 1, 2010.

Please call Jennie Berry 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 any body or agency, or any subordinate body thereof, without exception."

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION:

The Durham Town Council hereby approves the Town Council meeting minutes of February 1, 2010 (as presented) (as amended).



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AGENDA ITEM: # **9A**

DATE: March 15, 2010

COUNCIL COMMUNICATION

INITIATED BY: Durham Town Charter

AGENDA ITEM: RESOLUTION #2010-04 ESTABLISHING REGULAR TOWN
COUNCIL MEETING DATES FOR APRIL 2010-MARCH 2011

CC PREPARED BY: Jennie Berry, Administrative Assistant

PRESENTED BY: Todd I. Selig, Town Administrator

AGENDA DESCRIPTION:

Attached for Council's review and consideration is a resolution establishing the regular Town Council meeting dates for April 2010-March 2011 in accordance with Section 3.7C of the Durham Town Charter.

It should also be noted for advance scheduling purposes that the Council typically schedules budget work sessions on each Monday in November and December when a regular meeting is not scheduled.

LEGAL AUTHORITY:

Section 3.7 (C) of the Durham Town Charter.

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION:

The Durham Town Council hereby adopts Resolution #2010-04 establishing the regular Town Council meeting dates for the period April 2010 through March 2011.



RESOLUTION #2010-04 DURHAM, NEW HAMPSHIRE

A Resolution Establishing Regular Town Council Meeting Dates for April 2010 through March 2011

WHEREAS, Section 3.7C of the Durham Town Charter states that regular meetings of the Council shall be, ".... Held on such day or days of each month at such time as the Council shall by ordinance or resolution direct.", and

WHEREAS, because of holidays, there is need to amend the regular meeting schedule of the Durham Town Council,

NOW THEREFORE, BE IT RESOLVED that the Durham Town Council does hereby adopt Resolution #2010-04 establishing the regular meeting schedule of the Durham Town Council for the period April 2010-March 2011 as follows:

Monday	April 5, 2010	Monday	October 4, 2010
Monday	April 19, 2010	Monday	October 18, 2010
Monday	May 3, 2010	Monday	November 1, 2010
Monday	May 17, 2010	Monday	November 15, 2010
Monday	June 7, 2010	Monday	December 6, 2010
Monday	June 21, 2010	Monday	December 20, 2010
Monday	July 12, 2010	Monday	January 10, 2011
Monday	July 26, 2010	Monday	January 24, 2011
Monday	August 2, 2010	Monday	February 7, 2011
Monday	August 16, 2010	Monday	February 21, 2011
Monday	September 13, 2010	Monday	March 7, 2011
Monday	September 27, 2010	Monday	March 21, 2011

PASSED AND ADOPTED this 15th day of March, 2010 by a majority vote of the Durham Town Council with ___ affirmative votes, ___ negative votes, and ___ abstentions.

, Chair
Durham Town Council

ATTEST:

Lorrie Pitt, Town Clerk



TOWN OF DURHAM
Business Department

15 Newmarket Road, Durham, NH 03824-2898

Tel: (603) 868-8043 # Fax: (603) 868-5572

AGENDA ITEM # 9B
Gail Jablonski, Business Manager
gjablonski@ci.durham.nh.us

DATE: March 15, 2010

COUNCIL COMMUNICATION

INITIATED BY: Trustees of the Trust Funds

AGENDA ITEM: RESOLUTION #2010-05 CREATING THE "CEMETERY MAINTENANCE FUND"

CC PREPARED BY: Gail Jablonski, Business Manager

PRESENTED BY: Todd I. Selig, Town Administrator
Gail Jablonski, Business Manager

AGENDA DESCRIPTION:

In 2005 the Trustees of the Trust Funds increased the prices for a cemetery plot from \$350 to \$500 then decided that for each grave sold \$350 would continue to be placed in the Cemetery Maintenance Trust Fund and the \$150 difference will be deposited into a Cemetery Maintenance Fund as a means of building a reserve for future capital costs and larger maintenance items. The funds in this trust shall remain available indefinitely and shall be held and administered by the Trustees of the Trust Funds.

This trust fund was never officially created by the Town Council, therefore, this resolution will formalize the creation of that Trust Fund.

LEGAL AUTHORITY:

RSA 31:19 allows for the establishment of trust funds with private donations.

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

\$150 of each grave sold shall be deposited directly to the Cemetery Maintenance Fund which shall be administered by the Trustees of the Trust Funds. There is currently \$8,476.53 in this fund.

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION:

The Durham Town Council does hereby ADOPT Resolution #2010-05 creating the Cemetery Maintenance Trust Fund for the future capital costs and larger maintenance items of the Town's cemeteries.





DRAFT

RESOLUTION #2010-05 OF DURHAM, NEW HAMPSHIRE

CREATING THE CEMETERY MAINTENANCE TRUST FUND

WHEREAS, the Trustees of the Trust Funds have determined that funds are required for future capital projects and large maintenance items at the Town of Durham cemetery; and

WHEREAS, RSA 31:19 allows the establishment of trusts for cemeteries and burial lots; and

WHEREAS, the Trustees of the Trust Funds have determined that the cost for one grave shall be \$500.00 and \$150.00 from each grave sold shall be set aside for cemetery maintenance,

NOW, THEREFORE, BE IT RESOLVED that the Durham Town Council, the governing body of the Town of Durham, New Hampshire approves Resolution #2010-05 authorizing the creation of the "Cemetery Maintenance Trust Fund;" and

BE IT FURTHER RESOLVED that the principle and accumulated interest shall be made available indefinitely and these funds shall be held and administered by the Trustees of the Trust Fund.

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

Chair
Durham Town Council

ATTEST:

Lorrie L. Pitt, Town Clerk

Town of Durham, NH
Cemetery Committee
April 20, 2005
5:30 pm –Council Chambers

Agenda Items & Discussion Points
Craig Seymour, Chair

1. Recent Activity

- A review of cemetery activity over the past couple of years.
- Report on this morning's NH Cemetery Association's annual meeting.

2. Grave Price Increase

It's been several years (1980's perhaps) since the Committee adjusted the cost of plots. Current prices are \$350 per grave for residents (\$375 non-residents) with small discounts for plots of 4 or more graves.

The NH Cemetery Association's recent survey indicates prices in other communities vary widely, with our prices generally in the lower half of the range (other cemeteries also offer a range of services that we do not).

I recommend that we should increase prices as shown below. For each grave sold, \$350 will go to the Municipal Cemetery Trust Fund (as is currently done) with the difference deposited to the Cemetery Maintenance Fund, which we established a few years ago, as a means of building a reserve for future capital costs and larger maintenance items.

No. of Graves Purchased	Resident Price	NonResident Price
1	\$500	\$750
2	\$1,000	\$1,500
3	\$1,500	\$2,250
4	\$1,800	\$3,600
6	\$2,500	\$5,000
12	\$5,000	\$10,000

3. Cemetery Policies

As far as I can tell, Durham has never had a formal "policy" for determination of what is and is not acceptable within the cemetery. Other cemetery's vary, ranging from detailed strict rules to none at all. I believe we need to establish some basic rules (other than "at the discretion of the cemetery trustees") in order provide some guidance and control over the property. These include:

Grave markers: Size, number per plot, design

Trees/bushes: Allowed but at Trustee's discretion

Decorations: size, types (e.g. plastic flowers), removal requirements

This has not proven to be a problem in the past, with the exception of a couple of oversize monuments, but we may want to formalize it.

4. Tree Cutting

Due to last year's winter-kill and their generally poor condition, we need to remove the tall Arborvitae located around flagpole, and replace with some other landscaping feature. Mike Lynch as suggested some shorter bushes and ground mulch

Also, several years ago Bill Hall had a forester mark some the tall pine trees around the perimeter of the cemetery as candidates for removal. He had hoped to get the UNH Forestry department to do it as part of a class, but that fell through (they're too big). I don't know if they really need to be taken down (to prevent a blow-down and damage at some future point in time), however, I suggest that we have them looked at again by a forester, perhaps when the Trustees of the Trust Funds hires one to re-evaluate the Doe Farm tree stand.

5. Expansion Planning

At the rate we are currently using the site, I estimate that we are good for another 40 or more years with the expansion and in-fill areas we have. Do we want to pursue a long-range strategy to acquire additional property for cemetery use beyond that horizon?

Also, with the shift in demand towards more cremations and the now-typical purchases one-or-two grave plots (vs. purchase of larger "family" plots), we need to think about how the remaining area of the cemetery should be designed, keeping in mind such things as monument placement, aesthetics, etc. I have attempted to find landscape architects that are knowledgeable in this area, but haven't had much luck (I am assuming that there is some body of knowledge that has thought about this before). At some point in the near future (1-3 years) we may want to consider hiring an "expert" to provide a design for the layout of graves.

6. Database/Records

We still need help to design an efficient database system and input the existing written records into it. I had started this process a couple of years ago with some UNH students, but we need to find either volunteer help or to perhaps hire someone with the skills needed to do this.

7. Other Business

Many of the discussion items above may require monetary resources to accomplish, hence the need for increasing prices. However, in addition we should consider approaching the Town with a line-item budget request for next year to fund some of these extraordinary items.



TOWN OF DURHAM
Business Department

15 Newmarket Road, Durham, NH 03824-2898

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Gail E. Jablonski, Business Manager
AGENDA ITEM #9C
gjablonski@ci.durham.nh.us

DATE: March 15, 2010

COUNCIL COMMUNICATION

INITIATED BY: Gail Jablonski, Business Manager

AGENDA ITEM: SHALL THE TOWN COUNCIL, UPON RECOMMENDATION OF THE TOWN ADMINISTRATOR, APPROVE A SEWER ABATEMENT FOR THE FALL OF 2008 IN THE AMOUNT OF \$128.78 FOR PROPERTY LOCATED AT 5 BEARD'S LANDING AND AUTHORIZE THE TOWN ADMINISTRATOR TO SIGN SAID SEWER ABATEMENT?

CC PREPARED BY: Gail Jablonski, Business Manager

PRESENTED BY: Todd Selig, Town Administrator

AGENDA DESCRIPTION:

In 2008 the owner/resident of 5 Beard's Landing contacted the Public Works Department after receiving the fall water and sewer bill. The resident spent much of the summer months working on her lawn and landscaping and used a substantial amount of water compared to what is normally used. She requested an abatement of a portion of the sewer charges that did not enter the system.

The Town Administrator implemented a Water and Sewer Abatement Policy in November of 2009 which allows for a one time consideration, at the Town's discretion, of an abatement request for sewer charges when it is established that the wastewater did not enter the sewer collection system. The abatement shall be equal to half of the water consumption above normal consumption (average of the previous three years' consumption) during the billing period in question.

Using this calculation the abatement for sewer is based on 2,467 cubic feet which equates to \$128.78.

LEGAL AUTHORITY:

N/A



LEGAL OPINION:

N/A

FINANCIAL DETAILS:

Sewer abatement \$ 128.78

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION

The Durham Town Council does hereby, upon recommendation of the Town Administrator, APPROVE the sewer abatement for the fall of 2008 in the amount of \$128.78 for property located at 5 Beard's Landing and authorizes the Town Administrator to sign said sewer abatement.



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**APPLICATION FOR ABATEMENT OF WATER/SEWER
FALL 2008 WARRANT**

ACCOUNT NO. 431 MAP/LOT 04-45-10

NAME AND ADDRESS OF APPLICANT AS SHOWN ON BILL:

Tifft Rev Trust, Patricia G.
5 Beards Landing
Durham, NH 03824

MAILING ADDRESS (If different than above):

LOCATION OF PROPERTY:

5 Beards Landing

**AN ABATEMENT IS REQUESTED UPON THE PROPERTY LISTED ABOVE FOR THE FALL
2008 WATER AND SEWER BILL**

IN THE AMOUNT OF... WATER: \$0.00 SEWER: \$128.78

FOR THE FOLLOWING REASON(S):

Water was used for landscaping and did not enter sewer system.

WATER ABATEMENT APPROVED IN THE AMOUNT OF: \$0.00

SEWER ABATEMENT APPROVED IN THE AMOUNT OF: \$128.78

APPROVED BY: _____ DATE: _____

TODD SELIG, TOWN ADMINISTRATOR

APPROVED BY DURHAM TOWN COUNCIL MARCH 15, 2010

TOWN OF DURHAM – FINANCIAL POLICY

Effective Date: November 1, 2009

Policy No: FIN-2009-04

Revision Date: N/A

Approved by: Gail E. Jablonski, Business Manager

Subject: WATER AND SEWER ABATEMENT POLICY

A. PURPOSE

1. The purpose of this policy is to establish abatement procedures for customers who experience a high water bill resulting from an accidental, unpreventable water release.
2. This policy provides for a one time consideration, at the Town's discretion, of an abatement request for sewer charges when it is established that the wastewater did not enter the sewer collection system.
3. This policy creates procedures for installation of secondary water meters for which no sewer charges will be billed to customers.

B. ABATEMENT DETERMINATION POLICY

1. All customer requests to abate any portion of a metered water bill that is unusually high due to unpreventable leakage will be reviewed by the Department of Public Works (DPW) on a case-by-case basis. The customer must prove that the deficiency responsible for leakage has been repaired or corrected. All requests for abatements must be brought to the attention of the DPW within six months of the issuance of the bill in question. This policy only applies to leaks that have occurred within any previous, immediate six (6) month period.
2. In the event that a customer cannot determine the source or cause of the abnormally high consumption, the customer is required to hire a private licensed plumber to assist the customer in trying to determine the source or cause. If the plumber is unable to determine the source or cause of the abnormality, the Town can only speculate that the customer has located and repaired or corrected said source. If the customer claims that said source never existed, the DPW shall test the meter and make an adjustment to the bill for meters found to be over-recording. If the meter test reveals an

FINANCIAL POLICY FIN-2009-04
WATER AND SEWER ABATEMENT POLICY

accurate or under-recording meter, the customer shall be held responsible for the entire bill, as well as the fee for the testing of the water meter.

3. In the event the source or cause of the abnormally high consumption is related to a leak due to gross customer negligence such as the failure to maintain internal (private) plumbing fixtures in good repair and/or the failure of the customer to properly protect plumbing susceptible to freezing conditions, the customer shall be held responsible for the entire bill.
4. In the event the abnormally high consumption has occurred due to "unpredictable leakage" not caused by customer negligence, unawareness or unfortunate circumstances, as determined by the Department of Public Works, the Town shall consider granting a one-time abatement, per account, during any ten-year period, equal to at least half of the water consumption above normal consumption. Normal consumption shall be the average of at least the previous three years' consumption history (for similar billing periods) unless determined otherwise by the Town.
5. In the event that a customer believes that the abnormally high consumption has occurred due to an inaccurate water meter than has over-recorded the amount of water that was charged to them, the customer can request that the DPW test the meter for accuracy. If the meter is found to be over-recording, the Town will make an adjustment to the bill in accordance with the test results. If the meter test reveals an accurate or under-recording meter, the customer shall be held responsible for the entire bill, as well as the fee for the testing of the water meter.
6. In the event the abnormally high consumption has occurred due to an error in reading the meter by the DPW the Town will adjust the bill in accordance with the correct meter reading. If a difference exists between the outside reader and the inside water meter reading, the inside water meter reading shall prevail and the usage shall be adjusted accordingly.
7. In the event the customer is requesting an abatement request for sewer charges when it is established that the water did not enter the sewer collection system, the Town may consider this request on a case-by-case basis. Instances where the water may not have entered the wastewater system are for outside irrigation or filling of a swimming pool. The Town may grant a one-time sewer abatement, at its discretion, per account, during any ten-year period, equal to half of the water consumption above normal consumption during the billing period in question for these type of instances. Normal consumption shall be the average of at least the previous three years' consumption history (for similar billing periods) unless determined otherwise by the Town.

FINANCIAL POLICY FIN-2009-04
WATER AND SEWER ABATEMENT POLICY

C. CUSTOMER RESPONSIBILITIES

It is the responsibility of the customer to install an additional water meter to allow for the metering of water that is directed exclusively to irrigation or outside spigot or connection such as, but not limited to, the filling of a swimming pool. This additional water meter shall measure the volume of water used exclusively outside of the house that will not enter the sewer system, therefore, this water usage will not be applied into the calculation of the sewer portion of the bill. The DPW will provide guidelines for the installation of the additional water meter. The customer is responsible for the purchase, installation and maintenance of this secondary meter and backflow prevention devices as required.

D. TOWN RESPONSIBILITIES

The Town may issue a "make-up" bill for services that the customer received, but that was previously unbilled as follows:

1. If the "make-up" bill is for service that was unbilled because of an error made by the Town or a meter failure that could not reasonably have been detected by the Town or the user, the Town may bill or collect for services that occurred for one (1) year prior to the issuance of the "make-up" bill. The Town may allow the user to enter into a payment plan for the "make-up" bill for a period not to exceed one (1) year from the issuance of the "make-up" bill.
2. If the "make-up" bill is for service that was previously unbilled because of unauthorized use or fraud by the customer, then the Town may bill for service that occurred up to ten (10) years before the issuance of the "make-up" bill.
3. In all cases where actual flow data is unavailable, the DPW shall estimate the water usage based on historical usage, comparable facilities or engineering estimates.



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Business Department

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Gail E. Jablonski, Business Manager
AGENDA ITEM # 9D
gjablonski@ci.durham.nh.us

DATE: March 15, 2010

COUNCIL COMMUNICATION

INITIATED BY: Gail Jablonski, Business Manager

AGENDA ITEM: SHALL THE TOWN COUNCIL, UPON RECOMMENDATION OF THE TOWN ADMINISTRATOR, APPROVE A WATER ABATEMENT FOR THE FALL OF 2009 IN THE AMOUNT OF \$432.48 FOR PROPERTY LOCATED AT 2 OLD PISCATAQUA ROAD AND AUTHORIZE THE TOWN ADMINISTRATOR TO SIGN SAID WATER ABATEMENT?

CC PREPARED BY: Gail Jablonski, Business Manager

PRESENTED BY: Todd Selig, Town Administrator

AGENDA DESCRIPTION:

Following the mailing of the fall 2009 Water and Sewer bills, the owners of 2 Old Piscataqua Road contacted the Public Works Department to discuss concerns with their bill. Two issues were discussed – the first was their feeling that the usage billed was high and the second that the bill showed two separate charges for water and none for sewer. The Water Division of the Public Works Department researched their concerns and the results of their findings are as follows.

The Town removed and sent the water meter in question for testing at an American Water Works Association (AWWA) certified testing facility for accuracy as well as the possibility that the register was “jumping” digits. The test results determined that the meter was functioning within the AWWA standards for accuracy and no mechanical defects were found.

The listing of two charges for water was found to be an error in the Town’s billing system which has since been corrected. The Public Works Department has recommended to the Business Office that an abatement be issued for the second water charge of \$432.48.



LEGAL AUTHORITY:

N/A

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

Water abatement \$ 432.48

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION

The Town Council does hereby, upon recommendation of the Town Administrator, APPROVE the water abatement for property located at 2 Old Piscataqua Road for the fall of 2009 in the amount of \$432.48 and authorizes the Town Administrator to sign said abatement.



TOWN OF DURHAM
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**APPLICATION FOR ABATEMENT OF WATER/SEWER
 FALL 2009 WARRANT**

ACCOUNT NO. 1211 MAP/LOT 11-11-2

NAME AND ADDRESS OF APPLICANT AS SHOWN ON BILL:

Jaques, Mary Margaret
 Jaques, Roger
 47 Dover Road
 Durham, NH 03824

MAILING ADDRESS (if different than above):

LOCATION OF PROPERTY:

2 Old Piscataqua Road

**AN ABATEMENT IS REQUESTED UPON THE PROPERTY LISTED ABOVE FOR THE FALL
 2009 WATER AND SEWER BILL**

IN THE AMOUNT OF... WATER: \$432.48 SEWER: \$0.00

FOR THE FOLLOWING REASON(S):

Water charges incorrectly listed twice on bill

WATER ABATEMENT APPROVED IN THE AMOUNT OF: \$432.48
 SEWER ABATEMENT APPROVED IN THE AMOUNT OF: \$0.00

APPROVED BY: _____ DATE: _____
 TODD SELIG, TOWN ADMINISTRATOR

APPROVED BY DURHAM TOWN COUNCIL MARCH 15, 2010



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AGENDA ITEM: # 9E

DATE: March 15, 2010

COUNCIL COMMUNICATION

INITIATED BY: Christina Murdough, Durham Assessor

AGENDA ITEM: SHALL THE TOWN COUNCIL, UPON RECOMMENDATION OF THE TOWN ADMINISTRATOR, APPROVE THE REDUCTION OF AN APPRAISAL OF PROPERTY OWNED BY SUSAN HERHOLD AT 6 GLASSFORD LANE AND GRANT A PROPERTY TAX ABATEMENT FOR TAX YEAR 2008?

CC PREPARED BY: Christina Murdough, Durham Assessor

CC PRESENTED BY: Christina Murdough, Durham Assessor
Todd Selig, Town Administrator

AGENDA DESCRIPTION:

The subject property is a 1955 Split Level style dwelling situated on .24 acres located at 6 Glassford Lane. The assessment for the 2008 appeal is \$262,900.

The Board of Tax and Land Appeals ordered parties to meet no later than June 1, 2010. On March 8, 2010, the Assessor met with Susan Herhold and her representative, Samuel Flanders at the property.

As a result of the Assessor's inspection, I recommend the following changes:

1. The unfinished attic area should be removed from the sketch as the only access to this area is by a ladder.
2. The overall condition is listed as Average and should be adjusted to Fair, which more accurately reflects the homes current condition. The dwelling has many areas of deferred maintenance as well as a dated kitchen and original bathrooms.
3. The land condition factor should be adjusted from 1.00 to .90 as there is a topography issue with the land. In addition, the driveway has a drainage issue causing it to erode.

4. A 5% functional depreciation should be added for the cost to replace the roof. This depreciation should only be for the 2008 and 2009 tax years as the roof was replaced in late June 2009.

These adjustment reduced the assessment from \$262,900 to \$224,700; a difference of \$38,200. The Assessor therefore recommends granting Ms. Herhold's abatement request, thereby settling the appeal. The Town Administrator has reviewed and concurs with the Assessor's recommendation.

LEGAL AUTHORITY:

LEGAL OPINION:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION:

The Durham Town Council does hereby, upon recommendation of the Town Administrator, reduce the assessment for property owned by Susan Herhold located at 6 Glassford Lane from \$262,900 to \$224,700 and grant a property tax abatement for 2008 in the amount of \$38,200 of valuation.



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12A
AGENDA ITEM:

DATE: March 15, 2010

COUNCIL COMMUNICATION

INITIATED BY: Durham Town Council

AGENDA ITEM: **DISCUSSION REGARDING RESIDENCY REQUIREMENTS FOR MEMBERSHIP ON NON-STATUTORY TOWN BOARDS, COMMITTEES, AND COMMISSIONS?**

CC PREPARED BY: Jennie Berry, Administrative Assistant

CC PRESENTED BY: Todd Selig, Town Administrator

AGENDA DESCRIPTION:

During the October 19 and November 2, 2009 Town Council meetings, the Council discussed the issue of whether individuals who are seeking appointments to non-statutory Town committees should be required to be residents. The Town does not have a policy that specifically requires residency, and unless it is a statutory-formed board or committee, state law is either silent or defers what the make-up of committees will be to the local legislative body.

Four non-statutory committees, whose bylaws currently require members to be residents, were asked to discuss this item at their respective meetings and provide recommendations on whether to keep their memberships as is, or change to allow for non-residents. The following responses and recommendations were received:

DURHAM ENERGY COMMITTEE - DEC 7, 2009

Dear Jennie,

I'm not sure if you heard back from the Energy Committee on this issue. If not, my apologies. **We unanimously supported opening membership to non-residents.** We felt that there may well be individuals active in Durham (business owners or landlords) who may be interested, and we could use their energy (ha ha), interest, and enthusiasm. I don't think we ever thought carefully about the wording of the

committee makeup when it was created. No one on the committee saw a downside to including non-residents.

Kevin

ECONOMIC DEVELOPMENT COMMITTEE - JAN 2, 2010

Jen,

The EDC feels that residency would be desirable, but if there was a non-resident candidate that brought specific skills and/or municipal economic development experience to the committee we would be open to it.

Some of the possible benefits of having a non-resident:

- More objective viewpoint as the member has no personal interest (unless of course they are a property or business owner in Durham)
- Wider possible member pool (hard to find residents to volunteer)
- Potential skills/experience not found in Durham

We would recommend allowing non-resident members on the EDC.

Thanks,
Chris

INTEGRATED WASTE MANAGEMENT ADVISORY COMMITTEE - DEC 1, 2009

Hi Jennie,

Also if you need our feedback regarding residence requirement it is that **IWMAC doesn't have a problem requiring a committee member also be a resident.**

CHURCHILL RINK AT JACKSON'S LANDING ADVISORY COMMITTEE - JAN 21, 2010

Hi Jen,

Sorry yes we did discuss it. I just failed to tell you.

Our committee was not comfortable speaking for any other Town of Durham body other than the Rink Committee. **We do not see any problem with non-residents sitting on the Churchill Rink Advisory Committee.** It was unanimous that we would feel differently if our committee directly spent tax dollars. You see, as organized by the town, our rink expenditures must match our income. Our budget is self sustaining.

Hope I'm saying what we mean? If not, 603-496-9045.

Thanks.

Mike Mullaney

LEGAL AUTHORITY:

N/A

LEGAL OPINION:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

No formal motion is required at this time. Discuss responses provided by the four non-statutory committees relative to non-residents serving on these committees and provide direction as needed.



TOWN OF DURHAM
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12B

DATE: March 15, 2010

COUNCIL COMMUNICATION

INITIATED BY: Durham Town Council

AGENDA ITEM: CONTINUED DISCUSSION ON NEXT STEPS FOR DURHAM'S
COMMERCIAL CORE AND B. DENNIS STRATEGIC PLAN

CC PREPARED BY: Jennie Berry, Administrative Assistant

CC PRESENTED BY: Todd Selig, Town Administrator *TS*

AGENDA DESCRIPTION:

At the March 1, 2010 Town Council meeting, Councilors received a presentation from Bill Dennis, B. Dennis Town Design, relative to the draft "Commercial Core Strategic Plan" developed by this firm as a result of the multi-day "Charrette" that was conducted during the week of November 5, 2009. On March 10th, the Planning Board will hold a work session with the Town Council and Economic Development Committee to further flesh out the plan.

At Monday night's Town Council meeting, the Council should continue its discussion on how to move forward the strategy plan provided by B. Dennis pertaining to Durham's commercial core.

LEGAL AUTHORITY:

N/A

LEGAL OPINION:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

No formal motion is required. Continue discussion relative to the B. Dennis draft "Commercial Core Strategic Plan" and how to move forward with the recommendations provided within the report.



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12C

AGENDA ITEM: March 15, 2010

COUNCIL COMMUNICATION

INITIATED BY: Durham Town Council

AGENDA ITEM: RECEIVE UPDATE ON MEETING WITH OYSTER RIVER
COOPERATIVE SCHOOL DISTRICT OFFICIALS

CC PREPARED BY: Jennie Berry, Administrative Assistant

CC PRESENTED BY: Todd Selig, Town Administrator
Neil Niman, Council Chair
Doug Clark, Councilor

AGENDA DESCRIPTION:

At the February 15, 2010 Town Council meeting, the Council passed Resolution #2010-02 requesting that the Oyster River Cooperative School District (ORCSD) direct the ORCSD administration to provide adequate documentation regarding the expenditure of surplus funds from the 2009 Fiscal Year.

ORCSD Superintendent Howard Colter was provided with a copy of the resolution and subsequently invited the Town Administrator, Town Council Chair, and Vice Chair to attend a meeting with the ORCSD Business Manager, School Board members, and himself. The meeting was held on Monday, March 8, 2010 at the SAU office. In attendance were Town Administrator Todd Selig, Councilors Neil Niman and Doug Clark, Town Business Manager Gail Jablonski, Superintendent Howard Colter, ORCSD Business Manager Blaine Cox, and ORCSD Board members Jennifer Rief, JoAnn Portalupi, and Jocelyn O'Quinn.

At Monday night's Town Council meeting, the Administrator and Councilors Niman and Clark will provide the Council with a brief update on the meeting.

LEGAL AUTHORITY:

N/A

LEGAL OPINION:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

No formal motion is required. Receive update from Administrator Selig, Councilor Niman, and Councilor Clark relative to the meeting held on March 8th with ORCSD representatives.



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12D

DATE: March 15, 2010

COUNCIL COMMUNICATION

INITIATED BY: Neil Niman, Town Councilor

AGENDA ITEM: DISCUSSION REGARDING THE RENTAL OF PARKING SPACES
WITHIN THE TOWN OF DURHAM

CC PREPARED BY: Neil Niman, Town Councilor

PRESENTED BY: Neil Niman, Town Councilor

AGENDA DESCRIPTION:

Recently, an application before the Planning Board was denied in part because the owner of the property was leasing some of his parking spaces to students who attend the University of New Hampshire. This was interpreted to be a change in use and thus requires Planning Board approval. However, there are a number of properties (whether they are a church, business, or single-family residence) that rent parking spaces to UNH students. In fact, any physical piece of property in close proximity to the University appears to be a ripe revenue opportunity for the shrewd landowner. However, it would seem that if a change of use is required on one property, then any landowner who similarly chooses to rent spaces to UNH students and does not possess the requisite approvals from the Planning Board, should be subject to the same rules and regulations.

This raises the policy question of whether the Town of Durham is going to selectively enforce its ordinances, or is going to uniformly apply them to all property owners who are renting spaces and have not applied to the Planning Board and received approval for a change in use. It appears that the options are as follows: 1) try to identify every property that is currently renting parking spaces to UNH students and compel them to either apply to the Planning Board in order to conform to existing town ordinances or cease renting those spaces; 2) change the ordinance to allow the renting of parking spaces as an accessory use under certain conditions (e.g., cars are not parked in the front yard setback); or 3) engage in the practice of only targeting certain properties for compliance with the zoning ordinance.

The purpose of this communication is to hold a Council discussion in order to establish a clear policy direction for handling what has become the widespread practice by landowners (who are in close proximity to the University) of renting parking spaces to UNH students.

LEGAL AUTHORITY:

N/A

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

No formal action is required. This is a general discussion seeking to determine what public policy position the Council wishes to take in terms of handling the widespread renting of parking spaces by landowners who are in close proximity to the University. Possible outcomes might be for the Council to:

1. Request the Administrator to have the Code Enforcement Officer identify and take the appropriate action against any and all landowners who are renting parking spaces without the appropriate Town approvals;
2. Ask the Planning Board to develop a change in the existing ordinance that would allow property owners in close proximity to the University to rent parking spaces; or
3. Develop a selective list of properties where the Town wishes to enforce the existing ordinance and a rationale for why some properties are being selected for code enforcement and others are not.



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AGENDA ITEM: # **13A**

DATE: March 15, 2010

COUNCIL COMMUNICATION

INITIATED BY: Durham Town Charter

AGENDA ITEM: ANNUAL APPOINTMENTS OF COUNCIL REPRESENTATIVES TO TOWN BOARDS, COMMISSIONS, AND COMMITTEES

CC PREPARED BY: Jennie Berry, Administrative Assistant

PRESENTED BY: Todd I. Selig, Town Administrator *TS*

AGENDA DESCRIPTION:

Section 11.1, subparagraphs A-E of the Durham Town Charter addresses the procedure for appointment of Town Council representatives each year to various Town Boards, Commissions, and Committees. In addition to those appointments outlined in the Charter, there are other Town working committees that Council representatives serve on for one-year terms.

CHARTER/ADMINISTRATIVE CODE-ESTABLISHED BOARDS

Council representatives shall be made to the following standing Town Boards, Commissions, and Committees for one-year terms:

<u>COMMITTEE</u>	<u># OF COUNCIL REPS.</u>	<u>TERM EXPIRES</u>	<u>MEETING NIGHTS & TIMES</u>
Cemetery Committee	3 reps.	03/11	As needed
Cons. Commission	1 rep.	03/11	2 nd Thursday of each mo./7:00 PM and 4 th Thursday (if needed)
Economic Development Comm.	1 rep.	03/11	4 th Monday of each mo./7:00 PM
Historic Dist. Commission	1 rep.	03/11	1 st Tuesday of each mo./7:00 PM
Parks & Rec. Committee	1 rep.	03/11	3 rd Thursday of each mo./7:00 PM
Planning Board	1 reg. rep. 1 alt. rep.	03/11 03/11	2 nd and 4 th Wednesday of each mo./7:00 PM
Rental Housing Comm.	1 rep.	03/11	As needed; typically meets quarterly

TOWN WORKING COMMITTEES

Council representatives shall be made to the following Town working committees for one-year terms:

<u>COMMITTEE</u>	<u># OF COUNCIL REPS.</u>	<u>TERM EXPIRES</u>	<u>MEETING NIGHTS & TIMES</u>
DCAT Committee	1 rep.	03/11	2 nd Wednesday of each mo./7:00 PM/DPD Community Room
Durham Energy Committee	1 rep.	03/11	2 nd Monday of each mo./7:30 PM
Integrated Waste Management	1 rep.	03/11	1 st Tuesday of each mo./7:30 AM

LEGAL AUTHORITY:

Section 11.1, subparagraphs A-E of the Durham Town Charter.

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

APPOINTMENTS TO CHATER-ESTABLISHED BOARDS

MOTION #1:

The Durham Town Council hereby appoints _____, _____, and _____ to the Cemetery Committee for one-year terms, said terms to expire March 2011.

MOTION #2:

The Durham Town Council hereby appoints _____ to the Conservation Commission for a term of one year, said term to expire March 2011.

MOTION #3:

The Durham Town Council hereby appoints _____ to the Economic Development Committee for a one-year term, said term to expire March 2011.

MOTION #4:

The Durham Town Council hereby appoints _____ to the Historic District Commission for a term of one year, said term to expire March 2011.

MOTION #5:

The Durham Town Council hereby appoints _____ to the Parks and Recreation Committee for a term of one year, said term to expire March 2011.

MOTION #6:

The Durham Town Council hereby appoints _____ as the regular Council representative and _____ as the alternate Council representative to the Planning Board for one-year terms, said terms to expire March 2011.

MOTION #7:

The Durham Town Council hereby appoints _____ to the Rental Housing Commission for a term of one year, said term to expire March 2011.

APPOINTMENTS TO TOWN WORKING COMMITTEES

MOTION #1:

The Durham Town Council hereby appoints _____ to the Durham Cable Access Television (DCAT) Governance Committee for a term of one year, said term to expire March 2011.

MOTION #2:

The Durham Town Council hereby appoints _____ to the Durham Energy Committee for a term of one year, said term to expire March 2011.

MOTION #3:

The Durham Town Council hereby appoints _____ to the Integrated Waste Management Advisory Committee for a term of one year, said term to expire March 2011.



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13B

AGENDA ITEM: March 15, 2010

COUNCIL COMMUNICATION

INITIATED BY: Durham Town Council

AGENDA ITEM: DISCUSSION REGARDING THE DEVELOPMENT OF TOWN COUNCIL GOALS FOR 2010/11

CC PREPARED BY: Jennie Berry, Administrative Assistant

CC PRESENTED BY: Todd I. Selig, Town Administrator *TS*

AGENDA DESCRIPTION:

This item was placed on the agenda so that the Council may begin discussing the process for the development of its goals for the upcoming year.

Councilors should begin to review the attached adopted 2009/10 goals list with a progress report (as of 1/7/10) prepared by the Administrator. The 2009/10 Council goals, unlike in some past years when the Council and Administrator worked to identify projects which could with high probability be completed in only twelve months, were specifically intended to serve as a two to three-year focus for the community.

Councilors should also consider whether or not to amend the current goals list, and if so, what items will need to be added, removed, or changed in order to keep the listing up-to-date and in keeping with the broad perspective of the Council. In some years the Administrator has provided the Council with an initial goal setting proposal which was subsequently amended by the Council and ultimately adopted. In other years, the Council and Administrator have undertaken goal setting as part of a more consensus-building process.

LEGAL AUTHORITY:

N/A

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

No formal motion is required. Discuss and determine the process for developing the Council's goals for FY 2010/11.



TOWN OF DURHAM

2009-2010 Council Goals

Approved May 18, 2009

(Amended 10/9/09) (Updated as of 1/07/09)

CORE PURPOSE: To be effective leaders in ensuring Durham residents are provided with a high quality level of ongoing municipal services and by integrating our daily operations and strategic projects with our long-term vision and objectives. This is the Town Council's highest priority and the underlying theme in all actions.

CORE VALUES:

- Fair and open-minded approach to issues
- Excellence in all endeavors
- Trust and respect
- Honesty and integrity
- Justice

The following three goals have been identified as being high priority items for the Town Council/Administrator in 2009-2010:

GOAL

STATUS AS OF 12/31/09

❖ **ADOPT A STRATEGIC PLANNING PROCESS AND MOVE FORWARD WITH EFFORTS TO INCREASE TAXABLE VALUE AND SOCIAL CAPITAL IN THE CENTRAL BUSINESS DISTRICT AND DOWNTOWN COMMERCIAL CORE** while maintaining our small Town character and sense of history through the encouragement of thoughtful new development or reinvestment that serves the year-round population, better integrates the presence of the University, targets the global marketplace, and is potentially inclusive of workforce housing opportunities, all intended to foster a critical mass of residential, commercial, and retail activity to revitalize Durham's downtown.

After conducting a Request for Proposal process, the Town selected B. Dennis Town Design Sole Proprietorship to conduct a comprehensive analysis focusing upon our downtown core to determine whether we have met the goals as outlined in the 2000 Master Plan as implemented through existing zoning regulations. B. Dennis conducted a three and one-half day charette (Nov 5-8, 2009), to provide residents with the opportunity to give feedback with respect to our downtown central commercial core. The B. Dennis team is now busily working to prepare a report outlining the results of the charrette for presentation and discussion with the Planning Board, Town Council, and staff. B. Dennis is also contracted to develop a strategic plan to carry forward outstanding 2000 goals as well as direction discerned from the charette process and as a result of conversations with the Planning Board and Town Council. Finally, the RFP was crafted in such a manner that we anticipate B. Dennis will be in a strong position to assist the Town with its long-term visioning and planning to include updating identified chapters of the Master Plan for the next 10-year period. Key Master Plan chapters initially targeted will be the downtown and community core, environmental and cultural resources, tax stabilization, land development regulations, and energy.

As a result of the Economic Development Committee's recent SWOT analysis focusing on the Strengths, Weaknesses, Opportunities, and Threats facing the community, the Administrator recommended that the Council revisit this goal and include a specific mention of

GOAL

STATUS AS OF 12/31/09

finding businesses which market not only to the community, but also the world, in order to take advantage of the global economy. This change was executed by the Council.

- | | |
|--|---|
| a. Support efforts to position the downtown area in becoming more vibrant, varied, pedestrian-friendly, and attractive to potential new businesses/investment and the community as a whole by revisiting existing zoning regulations within the Central Business District. | See above comments |
| b. Consider the possibility of a more detailed strategic planning process (see Councilor Clark's example from 4/6/09) and move forward as appropriate. | See above comments |
| c. Adopt RSA 79-E to support the substantial revitalization of downtown structures. | Completed |
| d. Support continued efforts to encourage Mill Plaza redevelopment. | Despite the Town's ongoing effort to engage the plaza owner, there continues to be no movement in this area. |
| e. Support continued discussion concerning potential downtown location for new UNH Business School and UNH Performing Arts Center. | The University has identified a downtown site for its UNH Business School at the request of the Town.

The University has indicated an interest in a new Performing Arts Center and desires a location approximate to the downtown area as a potential venue in concert with the desire of the Town. |
| f. Facilitate continued discussion concerning the development of a new Hotel/Conference Center within the downtown area. | Significant energy continues to be dedicated to facilitating interest in the location of the new Hotel with conference capabilities within the downtown core, specifically at the site of the Alpha Tau Omega (ATO) Fraternity on Main Street. The ATO alumni are presently marketing the property to determine whether the price offered by the hotel project partners is acceptable to them or whether another potential buyer should be considered. There is nothing more the Town can do at this juncture to facilitate the project moving forward. |
| g. Infrastructure planning to support downtown core redevelopment (water, wastewater, stormwater, roads, sidewalks, traffic improvements, and structured parking). | Work ongoing |
| h. Facilitate various development and redevelopment projects. | Numerous redevelopment projects have either been approved by the Planning Board, are in the Planning |

GOAL

STATUS AS OF 12/31/09

Board process, or are soon to move before the Planning Board. Some projects are presently under active construction. Examples include: the Houghton's Hardware site, the Don Thompson Real Estate site, Rosemary Lane, the Perry Bryant project on Mast Road, Rivers Edge, downtown hotel facility. Positive progress is being made in this area.

In addition, significant work has been done by Durham Public Works and UNH to address the wastewater bottleneck at the West End of town in the general vicinity of the RR Tracks. A near term solution to increase West End sewer capacity by approximately 30% has been designed and is currently awaiting NHDES review in Concord.

- i. Mitigate the impact of UNH on-campus, tax exempt, for profit, retail operations on downtown Durham.

The Town worked with the DBA to coordinate a forum in the spring with UNH and local businesses to discuss this issue further. In addition, the negotiations with UNH relative to cost impacts for the Town linked to hosting UNH have included this topic and ways in which new UNH capital investment can also support our downtown area, as well as serving to stimulate the broadening of the local tax base.

- j. Evaluate the development of architectural and design standards for the downtown core that reflect comprehensive design standards.

Identified as part of the November 2009 charrette process. B. Dennis Town Design Sole Proprietorship will assist us in this area.

- ❖ **REVISIT LONG-TERM VISION FOR DURHAM** through the update of five chapters of the 2000 Master Plan to include Downtown and Community Core Chapter, Environmental and Cultural Resources Chapter, Tax Stabilization Chapter, Land Development Regulations Chapter, and Energy Chapter. The updated plan will serve as a guide in considering policy changes, land use planning, economic development efforts, the development of affordable housing stock, budget preparation, and capital improvement planning as follows:

Please refer to goal item above, "**ADOPT A STRATEGIC PLANNING PROCESS AND MOVE FORWARD WITH EFFORTS TO INCREASE TAXABLE VALUE AND SOCIAL CAPITAL IN THE CENTRAL BUSINESS DISTRICT AND DOWNTOWN COMMERCIAL CORE**"

- a. *Downtown and Community Core Chapter* – Identify issues important to creating a vibrant and diverse downtown and commercial core, seamless public transportation system linking the downtown to other parts of Durham and the University, and the development of additional housing within this urbanized area.

GOAL

STATUS AS OF 12/31/09

- b. Environmental and Cultural Resources – Work with the Conservation Commission and Historic District Commission/Heritage Commission in identifying and studying resources vital to the vision of the Master Plan.
- c. Tax Stabilization – Work with the Economic Development Committee to develop strategies to expand and diversify Durham's tax base and to explore a wide range of methods to increase revenues and decrease costs in order to mitigate the tax burden upon residents without adversely impacting the character of the community.
- d. Land Development Regulations – This will include review of the current land use map, analyzing existing land use patterns and regulations to determine what Durham's build out should look like, and developing a future land use map.
- e. Energy – Work with the Energy Committee to develop an energy section that identifies issues within Durham and outlines steps necessary to develop a more sustainable energy system. The issues and topics of this chapter are envisioned to be integrated into the other chapters of the Master Plan.

[This item will be undertaken with support from a UNH Cooperative Extension grant and with the assistance of B. Dennis Town Design. It will involve the Planning Board, EDC, Energy Committee, Council, Conservation Commission, HDC/Heritage Commission, and active citizen focus groups with a time horizon extending through the spring of 2010.]

❖ **IDENTIFY A SITE AND DEVELOP A PLAN FOR A POSSIBLE TOWN CENTER, LIBRARY, AND POTENTIAL RECREATIONAL OPPORTUNITIES.**

Significant efforts have been deployed with respect to the location of a new Town Center to include a library, Town Hall, youth center, and recreational opportunities. At this time, the Jaques parcel and The Greens (the Gangwer site on Madbury Road) are the two primary candidates. Various scenarios are in the process of being crafted for each site. An appraisal has been received for the Jaques parcel and we anticipate receipt of an appraisal report for the Gangwer parcel in the very near future.

GOAL

STATUS AS OF 12/31/09

The following fifteen items are included to denote areas of general importance for the Town Council/Administrator in 2009-2010:

- o **PROVIDE CLEAR DIRECTION ON BUDGET GOALS** for FY 2010 as part of June 2009 Council budget work session and support Administrator in his efforts with departments to develop service delivery innovations intended to increase efficiencies, reduce costs, and enhance service satisfaction.

On June 15, 2009, the Town Council held a budget work session with the Town Administrator and provided guidance as part of the ongoing budget process. The budget process ultimately concluded in December 2009 and was generally perceived as being a very productive one. Goal complete.

The Administrator continues to move forward with educating himself and staff with regard to the implementation of Kaizen/Lean manufacturing practices into the workplace. It is anticipated that a team from Durham including the Administrator will attend a week-long TQM training session in March 2010 in conjunction with the Maine Department of Labor in Augusta.
- o **CONTINUE TO EXPLORE COOPERATIVE EFFORTS WITH UNH** to enhance the intellectual, cultural, and potential future economic benefits of being a university town to include the following:
 - a. Complete policing cost negotiation. Goal completed bringing in an additional \$2 million+ over the next 10 years.
 - b. Investigate ways to mitigate the impact that UNH on-campus, tax-exempt, for-profit enterprises have on downtown businesses. Working with the Durham Business Association, a forum was organized with officials from the University to discuss on-campus operations as well as fostering dialogue with respect to this item. (See description above).
 - c. Reconsider what constitutes the appropriate balance of on-campus vs. off-campus student housing and promote desirable student housing opportunities to broaden the tax base and preserve traditional residential neighborhoods. This is an item that the Durham Rental Housing Commission will presumably move forward in the coming months. At this time, the Administrator has made it clear to the University that the Town does not advocate additional on-campus housing to be created until this matter can be further evaluated. The Rental Housing Commission has become sidetracked to a certain degree in its efforts to address the impact of student housing within our traditional residential neighborhoods. Therefore, this topic has not been actively discussed. We have extended the leases for the Store 24 and Strafford Avenue parking lots for additional six-month terms. The goal is to integrate these leases into broader plans for the downtown area.
 - d. Negotiate continued use by Town of Store 24 Lot or other potential win-win uses for the parcel.
 - e. Continue collaborative efforts to address joint infrastructure issues to include water (401 Certificate, Lamprey Instream Flow Study, Spruce Hole Well development), wastewater (west end bottleneck, treatment plant upgrades, The Town and University, through the joint Water, Wastewater, and Stormwater Committee continue to address this item. We have retained the services of Environmental Attorney, Dana Bisbee, who briefed the Council in the Fall 2009 on this item. The Town is taking all reasonable steps to preserve its water

GOAL

Great Bay Estuary nitrogen study),
stormwater (new regulations and
monitoring requirements, etc.)
Inflow/Infiltration issues, etc.

STATUS AS OF 12/31/09

interests as well as our natural resources within the
Lamprey River.

As a result of the Town's assertive position, the
state has authorized the Town to draw the reservoir
on the Lamprey River down to 18" (increased from
6") below the lip of the Wiswall dam, as well as to
take up to 1" (up from 1/2") per day of water. 1" of
water per day represents approximately 1 million
gallons. The state has also worked with the Town
on its monitoring requirements on the Lamprey.
These are major accomplishments for the short-
term. It is our understanding that these restrictions
will be superseded by the Instream Flow
Regulations on the Lamprey once they are adopted
by the state and therefore continued engagement by
the Town is paramount.

We also continue to plan/implement solutions
intended to address the wastewater bottleneck
issue at the west end in the vicinity of Cowell
Stadium and the railroad tracks as described earlier
in this document.

Public Works and UNH Facilities staff are working
jointly to monitor a myriad of other regulatory issues
and potential issues that may have an impact upon
our joint infrastructure operations.

The Economic Development Committee continues
to have an interest in this item. It was recently
identified as part of the EDC's internal SWOT
analysis.

- f. Explore the viability of locating
potential technology spin-off ventures
developed at UNH within taxable
parcels located off campus in Durham.

- g. Development of a performing arts
center in the vicinity of the downtown
area.

(See above)

- h. Locating a new business school in the
vicinity of the downtown area.

(See above)

A definitive downtown site has been identified at
the Town's urging at Rosemary and Garrison.

- i. Development of a hotel/conference
facility in the downtown area.

(See above)

- j. RFI for Leawood Orchard site to
encourage affordable housing for junior
faculty, staff, and graduate students at
UNH.

The Town continues to have discussions with the
University with regard to the Leawood Orchard site.
It is anticipated that a Request for Proposal will be
distributed by the University in the coming months
for this site. An RFI had been issued at the Town's
urging in 2009. We anticipate UNH will issue an
RFP in the first quarter 2010.

- o **WORK TOWARD THE ADOPTION OF A SET OF**

On August 3, 2009, the Council received a

GOAL

SUSTAINABILITY PRINCIPLES THAT WILL INFORM TOWN DECISION MAKING.

- **WORK IN SUPPORT OF THE LIBRARY BOARD OF TRUSTEES'** efforts to address issues relating to site selection, space requirements, cost issues, and site-specific negotiations associated with the establishment of a new Durham library facility at the Mill Plaza or at potential alternate locations as determined appropriate
- **DETERMINE FUTURE LOCATION OF THE FIRE DEPARTMENT.** Perform preliminary site/facility design for Fire Department once location selected and establish site by resolution.
- **WORK TO MORE CLOSELY ALIGN EFFORTS OF BOARDS AND COMMITTEES** with broad goals of Town Council **AND STRENGTHEN COMMUNICATION AND COLLABORATION BETWEEN** committees.
- **EXPAND RECREATIONAL OPPORTUNITIES** by increasing and/or defining opportunities in recreation to include walking trails, playing fields, programs, facilities, and additional regional offerings, and by continuing to explore cooperative efforts with existing entities serving the community.

STATUS AS OF 12/31/09

presentation from UNH Professor Bert Cohen on The Natural Step for Communities process. Generally speaking, the Town's departments and committees are aware of the importance of sustainability in their various practices. They are also being mindful of cost drivers. The Administrator also arranged for the Town's department heads to receive a presentation on the topic in October 2009. The Durham Energy Committee continues to evaluate issues concerning sustainability.

See comments above under "Identify a Site and Develop Plan for a Possible Town Center, Library, and Potential Recreational Opportunities."

Staff brought forward an initiative to amend the approved 2009 budget in order to bring on an architectural firm to assist the Town in both the design and potential site layout for various sites for a new Fire Station. Representatives from the Fire Department attended a national educational session relative this item to give them the tools needed to make more informed decisions on behalf of the community. Subsequently the Town engaged the services of LeMay Erickson Wilcox Architects out of Reston, VA to assist the department. The firm's findings were presented to the Council in December 2009. We presently await an appraisal for the department's preferred site and design at 17 and 21 Madbury Road.

In response to this item, we organized an orientation session for all Town boards, commissions, and committees in which we not only talked about rules and responsibilities but also were able to introduce the Chair and Vice Chairs of the committees to one another, as well as walking thorough the Council goals and making it clear that the Council goals should be integrated into the work of the various Town boards and committees.

In February/March 2009, the Council adopted the proposal put forward by the Parks and Recreation Committee to establish a new part-time Parks and Recreation Director position. We subsequently hired a part-time Director who has worked with the P&R Committee to initiate a number of programs. In addition, the former Durham District Court facility is now quickly becoming a hub for recreational activity

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- as we have moved the Durham Parks and Recreation office as well as the Oyster River Youth Association office to that location. This should put recreation on the map in Durham in terms of a definitive physical location as well as space for indoor programming to take place. Durham can be proud it has a viable, fledgling recreational program in place. Mission complete to date.
- **PRESERVE AND MAINTAIN OPEN SPACE, VISTAS, FARMLAND, FOREST, AND CONSERVATION LANDS** through land and easement purchases utilizing conservation bond and land use change tax proceeds in such a manner as to balance the benefit of such acquisitions against the broader tax implications these acquisitions and other municipal priorities have upon the community as a whole.

We continue to work with the Trust for Public Lands regarding their interest in fostering a public/private collaborative program for the land in and around the Spruce Wood area owned by Jack Farrell and David Garvey. In addition, we are involved with discussions regarding the Thompson parcel along the Lamprey River, as well as over the long term the Colasante parcels adjacent to Spruce Hole bog.
 - **ENGAGE THE OYSTER RIVER COOPERATIVE SCHOOL BOARD** in an effort to support educational excellence while at the same time providing tax relief for Durham taxpayers.

The Oyster River School Board has embarked upon a goal-setting process involving representatives from Durham, Lee, and Madbury. In addition, we have recently begun to engage the ORCSD more actively regarding the issue of drugs and alcohol in the school district and in the community at large. The Town Administrator, Business Manager, Superintendent, and School Business Administrator meet quarterly in an overt effort to keep lines of communication open.
 - **ENHANCE AFFORDABILITY FOR DURHAM'S CITIZENS.**

Significant effort has been devoted to the topic of holding the line on the municipal side of the local tax rate amidst a period of declining revenues and increased costs. A conservative budget development for FY 2010 was instrumental in setting the tone for the second consecutive year in this regard particularly given the economic downturn and its impact upon residents.

 - a. Work to make Durham more affordable for residents

See comment above. In the long run, expansion of the tax base will be critical in meeting this objective. Progress has been made in this regard as outlined herein.
 - b. Evaluate elderly exemption and veteran tax credit amounts and qualifications currently in place and make modifications as necessary

The Town revisited and updated the elderly exemption program for 2010. Complete.
 - c. Work to broaden the tax base

Staff and committees are actively working to broaden the tax base, make our departments more user-friendly, and our processes more predictable.
 - d. Strive for the development of workforce housing opportunities;

We continue to talk about workforce housing. The issue of a Durham Housing Authority is likely to be

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- discussed again in the near future.
- e. Identify strategies to attract young families to the community;
Our 2009 promotional video for the Town specifically targets items in which young families would have an interest. These include some of our key recreational sites, the quality of our school system, and the Oyster River Parents of Preschoolers organization, as well as expanded recreational opportunities.
 - f. Explore group purchasing cooperative approach to acquiring targeted services for Durham community;
Each of our departments continues to be interested in controlling costs to include cooperative purchasing. The Administrator has also engaged in the Oyster River School District in thinking through possible areas for joint purchasing.
 - g. Other strategies to be determined.
In 2009 Town embarked upon the development of a promotional video highlighting various aspects of Durham that included Durham's history, its downtown commercial base, recreation, and education. We are hopeful that this will attract businesses to the boarder community and have actually received quite a bit of positive feedback.
- We have also moved forward with applying to the NH Department of Resources and Economic Development to establish an Economic Revitalization Zone (ER-Z) in Durham and our application is presently pending with the state.
- o **MAINTAIN THE INTEGRITY OF DURHAM NEIGHBORHOODS** through the development of new desirable opportunities for student housing, consistent enforcement of zoning regulations, other initiatives, and through continued collaborative relationships with the University of New Hampshire, the Durham Landlords Association, the Rental Housing Commission, and neighborhood residents.
The Durham Rental Housing Commission, Durham police, the Code Enforcement Officer, and the Fire Department continue to dedicate substantial energies toward the impact of student housing within our residential neighborhoods – particularly non-owner, occupied student rentals. The Town has brought on a part-time, temporary staff member to assist with enforcement in response to an ongoing outcry from affected pocket neighborhoods in and around our downtown core.
 - o **MONITOR STATUS OF THE DURHAM BUSINESS PARK AND STONE QUARRY DRIVE TIF PROJECTS.**
Chinburg Builders, with whom the Town has a purchase and sales agreement for the Durham Business Park, has been approached by Northeast Rehabilitation Health Network to construct a \$13 million +/- facility at the site. Conversations are presently ongoing at this time.
- a. Consider zoning changes within the Durham Business Park Z.O. District to enhance the marketability of the parcel and/or consider alternate uses such as affordable housing or mixed use development given existing economic conditions.
Some initial dialogue has taken place but the Council recently amended the P&S Agreement with Chinburg Builders to make the project more economically viable so a zoning change may be unnecessary.

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- b. Monitor status of Stone Quarry Drive TIF as needed.

The owner has yet to provide the required surety bond to allow this 2007 project to proceed.

- o **CONDUCT ANALYSIS ON USE OF INTERNAL AND EXTERNAL PROFESSIONAL RESOURCES TO ENCOURAGE ENHANCED PRODUCTIVITY AND COST CONTAINMENT AND/OR TO MOVE PROJECTS ALONG EFFICIENTLY.**

The Department of Public Works conducted a detailed analysis focusing upon the manner in which we presently perform engineering services and ultimately proposed the addition of a junior engineer to be funded in part through the elimination of targeted contract engineering for certain projects. The junior engineer position was integrated into the FY 2010 budget and we are presently developing an advertisement for the position.

Other similar initiatives are presently in process and will continue into the future.

- o **EXPLORE AVENUES TO CREATE "MUNICIPAL WEALTH."**
 - a. Renewable energy

The Public Works Department and Energy Committee have evaluated the efficacy of wind power in Durham. Due to substandard wind velocities here, wind power does not appear to be viable for our community.

Solar and geothermal power, however, may be a potential.

In early 2009 the Energy Committee discussed a concept whereby the municipality would issue a bond that could subsequently be used to support low interest loans to residents to provide energy-efficient upgrades to properties. Under this program, the loan would be attached to the property, reimbursed annually through the local tax bill, and the debt would belong to the parcel rather than the owner. At this juncture, this type of program is not currently allowed under the New Hampshire statutory framework. The Administrator has discussed this idea with a few members of Durham's legislative delegation and we do plan to offer support of law changes to this effect in Concord over the coming months

 - b. Clean transit

We continue to engage UNH Transportation Services with respect to the idea of broadening its route structure to include more Durham neighborhoods. The Police Department is presently in the process of facilitating a meeting with potentially affected neighbors who have traditionally not wanted loud buses to come through their neighborhoods (re: Edgewood, Emerson, and Madbury Roads).

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In the interest of finding balance and encouraging energy efficiency, and given the fact that the UNH's new bus fleet is much quieter and less odiferous than in the past, we are moving this issue forward administratively. The University has the largest transit system in the state and is located here in Durham. Durham must find ways to take better advantage of it for the benefit of citizens.

- c. Leverage our natural resources for recreation and commerce

Durham's promotional video focused on Durham's natural resources and great beauty.

- d. Develop a marketing plan for Durham

The Economic Development Committee engaged the services of a UNH marketing class which focused specifically on the kinds of products that might be effective in Durham as well as at the shopping plaza. The EDC will be developing a marketing plan, and just recently completed an internal SWOT analysis. The recent promotional video is a part of this program as well.

Over the next several months, I anticipate it will be necessary to conduct an economic feasibility analysis to guide the work of the B. Dennis Town Design team as we work to update the master plan and revise existing zoning regulations. Councilors should keep this in the back of their minds.

- e. Make Durham a tourist destination

(See above)

- f. Invest in infrastructure to promote long-term affordability

Given the present economic downturn and our desire to keep the tax rate stable, it is becoming increasingly difficult to make needed investment in municipal infrastructure, at least in the short-term.

Longer term, we have and will continue to actively build in infrastructure investments in order to promote long-term affordability in Durham.

- o **WORK TOWARD BROADENING THE TAX BASE BEYOND THE SINGLE FAMILY HOME.**

Please reference significant work done in myriad areas noted above.