



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

AGENDA

DURHAM TOWN COUNCIL
MONDAY, DECEMBER 12, 2011
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. Special Announcements
- IV. Approval of Minutes - November 7, 2011
- V. Councilor and Town Administrator Roundtable
- VI. Public Comments (NLT 7:45 PM)
- VII. **Unanimous Consent Agenda** (*Requires unanimous approval. Individual items may be removed by any councilor for separate discussion and vote*)

Shall the Town Council, upon recommendation of the Administrator, reduce the appraisal of property owned by R.A.W. & J.M.W. Revocable Trusts located at Madbury Road and Davis Court from \$3,667,600 to \$3,403,700 for Tax Year 2009; grant a property tax abatement in the amount of 263,900 of assessed valuation to R.A.W. & J.M.W. Revocable Trusts; and authorize the Administrator to sign a settlement agreement between R.A.W. & J.M.W. Revocable Trusts and the Town of Durham Relative to Docket Number 25370-09PT?
- VIII. **Committee Appointment**

Shall the Town Council, upon the recommendation of the Durham Public Library Board of Trustees, appoint alternate library trustee Ann Windsor to fill the vacancy created by the resignation of regular library trustee Arthur P. Young until the March 13, 2012 Town Election?

IX. Presentation Items - None

X. Unfinished Business

Continued deliberation on the Administrator's proposed FY 2012 Operating, Capital, and Special Fund Budgets and the 2012-2021 Capital Improvement Plan and **ACTION ON RESOLUTION #2011-XX** approving and adopting the FY 2012 Operating, Capital, and Special Fund Budgets and the 2012-2021 Capital Improvement Plan

XI. New Business - None

XII. Nonpublic Session (if required)

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

XIV. Adjourn (NLT 10:30 PM)



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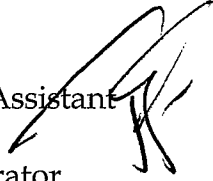
AGENDA ITEM: # 4

DATE: December 12, 2011

COUNCIL COMMUNICATION

INITIATED BY: Durham Town Council

AGENDA ITEM: APPROVE THE TOWN COUNCIL MEETING MINUTES FOR
NOVEMBER 7, 2011

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 Monday, November 7, 2011.

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 1:

The Durham Town Council does hereby approve the Town Council meeting minutes for November 7, 2011(as presented) (as amended).



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AGENDA ITEM: # 7

DATE: December 12, 2011

COUNCIL COMMUNICATION

INITIATED BY: Jim Rice, Durham Assessor

AGENDA ITEM: SHALL THE TOWN COUNCIL, UPON RECOMMENDATION OF THE ADMINISTRATOR, REDUCE THE APPRAISAL OF PROPERTY OWNED BY R.A.W. AND J.M.W. REVOCABLE TRUSTS, LOCATED AT MADBURY ROAD AND DAVIS COURT, FROM \$3,667,600 TO \$3,403,700 FOR TAX YEAR 2009; GRANT A PROPERTY TAX ABATEMENT IN THE AMOUNT OF \$263,900 OF ASSESSED VALUATION TO R.A.W. AND J.M.W. REVOCABLE TRUSTS; AND AUTHORIZE THE ADMINISTRATOR TO SIGN A SETTLEMENT AGREEMENT BETWEEN R.A.W. AND J.M.W. REVOCABLE TRUSTS AND THE TOWN OF DURHAM RELATIVE TO DOCKET NUMBER 25370-09PT?

CC PREPARED BY: Jim Rice, Durham Assessor

PRESENTED BY: Jim Rice, Durham Assessor
Todd I. Selig, Administrator

AGENDA DESCRIPTION:

The aforementioned owners appealed their assessments regarding the following student housing properties for tax year 2009:

| <u>PID</u> | <u>Location</u> | <u>Assessment</u> |
|------------|-----------------------------------|-------------------|
| 3-1-11A | 56/58/60 Madbury Road, Durham, NH | \$2,418,100 |
| 3-1-11B | 62/68 Madbury Road, Durham, NH | \$ 653,400 |
| 3-1-11C | 4 Davis Court, Durham, NH | \$ 128,100 |
| 3-1-11D | 3 Davis Court, Durham, NH | \$ 167,800 |
| 3-1-11E | 2 Davis Court, Durham, NH | \$ 161,400 |
| 3-1-11F | 1 Davis Court, Durham, NH | <u>\$ 138,800</u> |
| | | \$3,667,600 |

Briefly, the subject properties under appeal are comprised of six student housing buildings with approval for 110 students. There are also 73 parking spaces available. The property has been listed for sale since 2009 with an asking price of \$5,000,000. Effective 5/16/2011, the property was appraised for selling purposes for \$3,400,000.

After inspecting the interior and exterior of these properties with the owner and Stephen Traub, ASA, CNHA, I recommend the following adjustments be applied to the assessments:

3-1-11A 56/58/60 Madbury Road:

- 1) Remove the "MA" condition adjustment with a 15% completion. These adjustments do not apply to the subject property.
- 2) Apply 20% functional depreciation due to design/layout. This building was originally a single family residence that has been added onto and connected to other outbuildings.

3-1-11B 62/68 Madbury Road, Durham, NH:

- 1) Adjust the code for the third floor unfinished area from Unfinished Half Story (UHS) to Expandable Attic Unfinished (EAU).
- 2) Apply 20% functional depreciation due to design/layout. This building was a dairy barn that was converted into student housing. Many of the interior partitions are made of old doors covered with plaster or plywood paneling.

3-1-11C 4 Davis Court, Durham, NH: No Change

3-1-11D 3 Davis Court, Durham, NH: No Change

3-1-11E 2 Davis Court, Durham, NH: No Change

3-1-11F 1 Davis Court, Durham, NH: No Change

These adjustments reduce these assessments as followed:

| <u>PID</u> | <u>Location</u> | <u>2009 Assessment</u> | <u>Revised Assessment</u> | <u>Difference</u> |
|------------|-----------------------|------------------------|---------------------------|-------------------|
| 3-1-11A | 56/58/60 Madbury Road | \$2,418,100 | \$2,340,800 | \$ 77,300 |
| 3-1-11B | 62/68 Madbury Road | \$ 653,400 | \$ 466,800 | \$186,600 |
| 3-1-11C | 4 Davis Court | \$ 128,100 | \$ 128,100 | \$ 0 |
| 3-1-11D | 3 Davis Court | \$ 167,800 | \$ 167,800 | \$ 0 |
| 3-1-11E | 2 Davis Court | \$ 161,400 | \$ 161,400 | \$ 0 |
| 3-1-11F | 1 Davis Court | \$ 138,800 | \$ 138,800 | \$ 0 |
| | | \$3,667,600 | \$3,403,700 | \$263,900 |

Council Communication, 12/12/11

Re: BTLA Settlement Agreement – R.A.W. and J.M.W. Revocable Trusts

The total assessment of all six properties is reduced from \$3,667,600 to \$3,403,700. Therefore, the Assessor recommends granting the appeal and abating the assessed value difference of \$263,900, or \$7,125.30 ($\$263.9 \times \27.00) for tax year 2009 only plus interest at six percent per annum from the date paid to refund date per RSA 76-17-a. **If the taxes have not been paid, then no refund or interest is due.** The taxpayer *did not* appeal tax year 2010, therefore no abatement is due.

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION:

The Durham Town Council does hereby, upon recommendation of the Administrator, reduce the appraisal of property owned by R.A.W. and J.M.W. Revocable Trusts, located at Madbury Road and Davis Court, from \$3,667,600 to \$3,403,700 for Tax Year 2009; grants a property tax abatement in the amount of \$263,900 of assessed valuation to R.A.W. and J.M.W. Revocable Trusts; and authorizes the Administrator to sign a settlement agreement between R.A.W. and J.M.W. Revocable Trusts and the Town of Durham Relative to Docket Number 25370-09PT.



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AGENDA ITEM: # **8**

DATE: December 12, 2011

COUNCIL COMMUNICATION

INITIATED BY: Durham Public Library Board of Trustees

AGENDA ITEM: SHALL THE TOWN COUNCIL, UPON RECOMMENDATION OF THE DURHAM PUBLIC LIBRARY BOARD OF TRUSTEES, APPOINT ALTERNATE LIBRARY TRUSTEE ANN WINDSOR TO FILL THE VACANCY DECLARED BY THE RESIGNATION OF REGULAR LIBRARY TRUSTEE ARTHUR P. YOUNG UNTIL THE MARCH 13, 2012 TOWN ELECTION?

CC PREPARED BY: Jennie Berry, Administrative Assistant

PRESENTED BY: Todd I. Selig, Administrator

AGENDA DESCRIPTION:

The Town has been notified by Durham Public Library Board of Trustees Chair Doug Bencks that regular library trustee member Arthur P. Young has resigned from the Board. The Trustees are recommending that alternate library trustee Ann Windsor be appointed by the Town Council to fill Mr. Young's vacancy until the March 13, 2012 Town Election. Mr. Bencks' correspondence is attached for the Council's information.

LEGAL AUTHORITY:

Revised Statute Annotated (RSA) 201-A:10 Library Trustees; Vacancies; Alternates - Vacancies occurring on any board of library trustees in a town shall be filled as provided in RSA 669:75. A vacancy occurring among the publicly elected members of the board of library trustees of a city library shall be filled by the city council or other appropriate appointing authority within 2 months of the notice by the remaining members of the board of trustees. The board of library trustees may recommend to the appointing authority names of persons for appointment to vacancies on expired terms. The board of library trustees may recommend to the appointing authority the names of no more than 3 persons who may serve as alternate members on the board when elected members of the board are unable to attend a board meeting. The alternate members shall be appointed to one-year terms.

669:75 Vacancies in Other Offices – Vacancies in the offices of constable, sewer commissioner, town assessor, overseers of public welfare, library trustee, and any other optional offices where no other method of filling a vacancy shall be provided by vote of the town shall be filled by appointment made by the board of selectmen.

Durham Town Charter, Section 11.5 “Vacancies in Elected or Appointed Office”- Unless otherwise specified in this Charter, in the event of a vacancy in an elected or appointed office, board, commission or committee of the town, the Town Council shall fill that vacancy by appointment, such appointment to continue until the next town election for elected positions or the remainder of a person’s term if an appointed position.

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION:

The Durham Town Council does hereby, upon recommendation of the Durham Public Library Board of Trustees, appoint alternate library trustee Ann Windsor to fill the vacancy declared by the resignation of regular library trustee Arthur P. Young, until the March 13, 2012 Town Election.

Jen Berry

Subject: FW: trustee vacancy

From: Todd Selig
Sent: Friday, December 02, 2011 3:05 PM
To: Jen Berry
Subject: FW: trustee vacancy

Todd I. Selig, Administrator
Town of Durham, NH
T. 603.868.5571 || F. 603.868.5572
tselig@ci.durham.nh.us || www.ci.durham.nh.us

Everyone can tackle climate change. How can you reduce your carbon footprint?

From: Doug Bencks <dbencks@comcast.net>
Date: Fri, 2 Dec 2011 17:55:39 +0000
To: Todd Selig <tselig@ci.durham.nh.us>
Cc: Tom Madden <tmadden@ci.durham.nh.us>
Subject: Re: trustee vacancy

Todd,

On behalf of the Durham Public Library Board of Trustees I would like to put forward the following recommendations to fill board positions due to the departure of Art Young, who is moving to Dover. The Board is recommending Ann Windsor, 16 Riverview Road to fill Art's position on the Board. Ann is currently an alternate and has previously been a full board member. She is leading our fund raising effort and has been a leader for the library in many other ways as well.

We also recommend Carolyn Singer, 5 Woodridge Road, to serve as an Alternate Trustee in place of Ann. Carolyn is involved with our fund raising and is working with businesses in town to promote the library project.

Please let me know when the Town Council will be able to act on this.

Thanks,
Doug Bencks



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#10

DATE: December 12, 2011

COUNCIL COMMUNICATION

INITIATED BY: Todd Selig, Administrator
Gail Jablonski, Business Manager

AGENDA ITEM: **RESOLUTION #2011-23 APPROVING AND ADOPTING THE FY 2012 OPERATING, CAPITAL, AND SPECIAL FUND BUDGETS AND THE 2012-2021 CAPITAL IMPROVEMENT PLAN**

PREPARED BY: Gail Jablonski, Business Manager

PRESENTED BY: Todd Selig, Administrator
Gail Jablonski, Business Manager

AGENDA DESCRIPTION:

In accordance with Section 5.2 of the Durham Town Charter, the Town Administrator is required to submit to the Town Council his/her recommended budget for the upcoming Fiscal Year "...no later than the last workday prior to November 1 of the current year." Councilors were provided with the proposed 2011 Operating Budgets and 2011-2020 Capital Improvement Plan on October 29, 2010.

At the November 7, 2011, Council members were given a presentation on the proposed FY 2012 Operating, Capital, and Special Fund Budgets and the 2012-2021 Capital Improvement Plan by Administrator Selig and Business Manager Gail Jablonski.

On Monday, November 14, 2011, the Council held a Public Hearing on the proposed budget in accordance with Section 5.3 of the Durham Town Charter which requires that the Town Council hold a public hearing on the budget at least fourteen (14) days prior to its adoption.

At this time it is recommended, if the Council desires, that the Council continue its discussion concerning the proposed FY 2012 Operating, Capital, and Special Fund Budgets and the 2012-2021 Capital Improvement Plan and at the conclusion of its discussion adopt Resolution #2011-23 approving the FY 2012 Operating, Capital, and Special Fund Budgets and the 2012-2021 Capital Improvement Plan.

LEGAL AUTHORITY:

Durham Town Charter, Sec. 5.4. Final date for budget adoption.

The budget shall be adopted not later than the last workday of the preceding fiscal year, unless another date shall be fixed by ordinance. Failure by the Council to adopt a budget by the deadline established in this section will establish the budget as recommended by the Administrator as the adopted budget.

Durham Town Charter, Sec. 5.8. Capital Improvement Plan.

A. The Town Administrator, after consultation with the Planning Board, shall prepare and submit to the Council a capital improvements plan at least one (1) month prior to the final date for submission of the budget.

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

Please refer to the Town Administrator's proposed FY 2012 Operating, Capital, and Special Fund Budgets and the 2012-2021 Capital Improvement Plan. Included in attached Budget Resolution.

LEGAL AUTHORITY:

Article 5 Sections 1-4 of the Durham Town Charter outlines the budget process for the Council and Section 5.8 outlines the Capital Improvement Program process. A formal vote with simple majority of the legislative body is required for approval.

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION:

The Durham Town Council hereby ADOPTS Resolution #2011-23 approving and adopting the FY 2012 Operating, Capital, and Special Fund Budgets and the 2012-2021 Capital Improvement Plan.



RESOLUTION #2011-23 OF DURHAM, NEW HAMPSHIRE

TOWN COUNCIL APPROVAL OF THE FY 2012 GENERAL OPERATING BUDGETS, THE CAPITAL FUND BUDGET AND THE 2012-2021 CAPITAL IMPROVEMENT PLAN, AS AMENDED

WHEREAS, the Town Council of Durham, New Hampshire, in accordance with Article 5 of the Durham Town Charter, has reviewed the proposed FY 2012 budget and conducted a public hearing on November 14, 2011 on the proposed FY 2012 Town Budget; and

WHEREAS, the Town Council hereby approves the General Fund Budget in the amount of \$11,277,208 with an estimated property tax rate of \$7.61 per thousand of assessed valuation; and

WHEREAS, the Town Council is appropriating \$159,550 from the Community Development Expendable Trust Fund for Economic Development in the 2012 Budget; and

WHEREAS, the Town of Durham will be using approximately \$20,000 from the Municipal Transportation Improvement Fund (established under RSA 261:153) to offset a portion of the Public Works Roadway Maintenance Program and approximately \$60,000 will be transferred from the Depot Road Fund in 2012 to the General Fund; and

WHEREAS, funds may be available in the 2012 budget to be allocated by the Administrator for the compensation of exceptional non-union employees based upon an annual performance review as a one time bonus; and

WHEREAS, the Town Council hereby approves the Water Fund Budget in the amount of \$532,495 and hereby sets the water rate at \$3.97 per hundred cubic feet of metered water usage effective 01/01/12; and

WHEREAS, the Town Council hereby approves the Sewer Fund Budget in the amount of \$1,935,208 and hereby sets the sewer rate at \$5.75 per hundred cubic feet of metered water usage effective 01/01/12; and

WHEREAS, the Water and Wastewater System Agreement between the Town of Durham and University System of New Hampshire reads "the jointly funded capital reserve fund for the wastewater system, in the custody of the Town of Durham's Trustees of the Trust Funds, should not exceed \$800,000."; and

WHEREAS, it further states "The parties agree to contribute, on a prorated basis, \$40,000 annually to the fund to be comprised of all connection fees received by the Town and the balance to be funded at the cost share ratio outlined....."; the Council after reviewing the FY 2012 Sewer Fund Budget agrees to the transfer of funds not to exceed \$13,334 and 100% of the Sewer Entrance/Connection Fees to the Sewer Capital Reserve with the condition that the amount to be transferred will not exceed the surplus available at the end of the year;

WHEREAS, the Town Council hereby approves the Parking Fund Budget in the amount of \$135,215; and

WHEREAS, The Town Council hereby approves the Capital Fund Budget in the amount of \$7,671,208, with \$5,652,287 to be raised in revenues from bonds, notes, and other forms of long-term debt, \$364,899 to be raised through property taxes and user fees and \$1,654,022 to be raised through other revenue sources; and

WHEREAS, the Town Council hereby approves the Depot Road Parking Lot Fund Budget in the amount of \$70,500; and

WHEREAS, the Town Council hereby approves the Churchill Rink Fund Budget in the amount of \$160,600; and

WHEREAS, the Town Council hereby approves the Library Fund Budget in the amount of \$283,567;

NOW, THEREFORE BE IT RESOLVED by the Durham Town Council that an estimated amount of \$6,952,204 be raised by taxation which together with estimated operating revenues of \$15,113,797 for the aggregate amount of \$22,066,001 is hereby raised and appropriated for the use of the several departments of the town government for the fiscal year beginning January 1, 2012.

BE IT FURTHER RESOLVED that the Town-Council of the Town of Durham, New Hampshire hereby adopts **Resolution #2011-23 APPROVING** the FY 2012 General Operating Budgets, Capital Fund Budget, and 2012-2021 Capital Improvement Plan, as submitted, by a majority vote of the Durham Town Council.

PASSED AND ADOPTED this 12th day of December, 2011 by a majority vote of the Durham Town Council with _____ affirmative votes, _____ negative votes, and _____ abstentions.

Diana Carroll, Chair Pro Tem
Durham Town Council

ATTEST:

Lorrie Pitt, Town Clerk