



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

AGENDA

DURHAM TOWN COUNCIL

MONDAY, OCTOBER 17, 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
September 12, 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*)
 - A. Shall the Town Council, upon recommendation of the Town Administrator, approve the special event permit application submitted by the UNH Campus Recreation Department to close a portion of Main Street for the annual UNH Homecoming 5K road race on Saturday, October 29, 2011?
 - B. Shall the Town Council approve the Water and Sewer Warrant for fall 2011 totaling \$448,151.75 and authorize the Town Administrator to sign said warrant?
- VIII. **Committee Appointments**
 - A. Shall the Town Council appoint David Sietz, 37 Mill Road, to the Durham Energy Committee?
 - B. Shall the Town Council nominate residents Richard Horan and Jim Hornbeck, Town Engineer David Cedarholm, and UNH Water Utilities Operator Julianne Boucher for appointment by the NHDES Commissioner to the newly formed Oyster River Local Advisory Committee?

IX. Presentation Items

- A. Annual report of the Durham Energy Committee - Kevin Gardner, Chair
- B. Annual report of the Parks & Recreation Committee - Diane Moore, Chair
- C. Quarterly Financial Report through September 30, 2011 and follow up discussion regarding use of Fund Balance as part of the tax setting process - Gail Jablonski, Business Manager

X. Unfinished Business

PUBLIC HEARING AND ACTION ON ORDINANCE #2011-07 amending Chapter 153 "Vehicles and Traffic", Section 153-49 "Schedule XVII: parking prohibited certain hours and Section 153-46 "Schedule XIV: Parking prohibited at all times" of the Durham Town Code by prohibiting parking at anytime on a section of Woodman Road

XI. New Business

- A. **RESOLUTION #2011-19** requesting that Durham's legislative delegation support and introduce legislation that would allow municipalities to adopt, by ordinance, licensing and inspection requirements for non-owner occupied rental dwelling units
- B. Discussion of (a) possible Council-initiated amendments to the recently-adopted "Workforce Housing Option" and (b) possible amendments to the Durham Zoning Ordinance Table of Uses and the Table of Dimensional Requirements that would encourage the creation of workforce housing on existing properties in all zoning districts.

XII. Nonpublic Session (if required)

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

XIV. Adjourn (NLT 10:00 PM)



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Tel: 603/868-5571
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AGENDA ITEM: # 4

DATE: October 17, 2011

COUNCIL COMMUNICATION

INITIATED BY: Durham Town Council

AGENDA ITEM: APPROVE THE TOWN COUNCIL MEETING MINUTES FOR
SEPTEMBER 12, 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 meetings held on Monday, September 12, 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 September 12, 2011 (as presented) (as amended).



TOWN OF DURHAM
15 NEWMARKET ROAD
DURHAM, NH 03824-2898
Tel: 603/868-5571
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AGENDA ITEM: # **7A**

DATE: October 17, 2011

COUNCIL COMMUNICATION

INITIATED BY: Linda Hayden, UNH Campus Recreation Department

AGENDA ITEM: SHALL THE TOWN COUNCIL APPROVE A SPECIAL EVENT PERMIT APPLICATION SUBMITTED BY THE UNH CAMPUS RECREATION DEPARTMENT TO CLOSE A PORTION OF MAIN STREET NEAR THE FIELD HOUSE FOR THE ANNUAL UNH HOMECOMING 5K ROAD RACE ON SATURDAY, OCTOBER 29, 2011?

PREPARED BY: Jennie Berry, Administrative Assistant 

PRESENTED BY: Linda Hayden, UNH Campus Recreation Department

AGENDA DESCRIPTION:

Attached is a special event permit application submitted by Linda Hayden from the UNH Campus Recreation Department. Ms. Hayden is requesting that a portion of Main Street near the UNH Field House be closed from 9:00 to 10:00 AM on Saturday, October 29, 2011, for the annual UNH Homecoming 5k Road Race. Registration begins at 7:30 AM.

The UNH Campus Recreation Department began having the Homecoming 5k Road Race in 2003 and it has since become an annual event. The Town Administrator recommends approval of this Special Event Permit.

A representative from the UNH Campus Recreation Department has been asked to attend Monday evening's meeting to answer questions that Councilors may have relative to this permit application.

LEGAL AUTHORITY:

RSA 41:11 and RSA 47:17 authorize the Town Council to regulate the use of public highways.

LEGAL OPINION:

N/A.

Council Communication, 10/17/11

Re: Approve Special Event Permit - UNH Homecoming 5k Road Race

Page 2

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION:

The Durham Town Council hereby approves the special event permit application submitted by the UNH Campus Recreation Department requesting that a portion of Main Street near the UNH Field House be closed between 9:00 and 10:00 AM on Saturday, October 29, 2011 for the annual UNH Homecoming 5k Road Race.



TOWN OF DURHAM

TEL: (603) 868-5578

FAX: (603) 868-8063

PERMIT APPLICATION

TYPE OF PERMIT (Please check one):

- Special Event
- Road Closure Request
- Use of Town Property

Registration begins @ 7:30am

DATE OF EVENT: 10/29/11 TIME(S) OF EVENT: Race begins @ 9:00am.

NAME OF APPLICANT/ORGANIZATION: Linda Hayden
UNH Campus Recreation Department

PERSONAL CONTACT FOR THIS EVENT: Linda Hayden

ADDRESS: 128 Main St., Durham

TELEPHONE NO.: DAY: 862-4515 EVENING: 749-1514

EMAIL: LINDA.HAYDEN@UNH.EDU

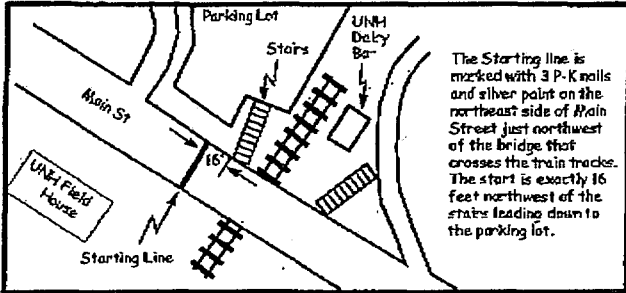
DETAILED DESCRIPTION OF REQUEST (Pertaining to amplified music, location, route of travel). Please attach maps denoting routes and road closures):

Participants line up on Main Street, when the police close the road at @ 8:55 AM. When the race begins, runners go toward town + turn left onto Garrison Rd. Runners cross Madbury Rd., pass ORMS, turn onto Loc Drive, pass ORHS, turn left onto Emerson Rd., turn left onto Edgewood Rd., turn right onto Main St. again and move onto the sidewalk in front of the Whittemore Center going around Memorial Field. Water stations provided near ORHS for Edgewood Rd.

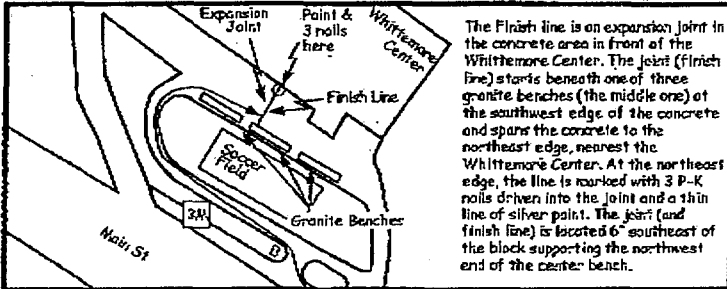
ANTICIPATED NUMBER OF PARTICIPANTS: 300-400, weather dependent

ANTICIPATED NUMBER OF VEHICLES: 2 lead + follow vehicles

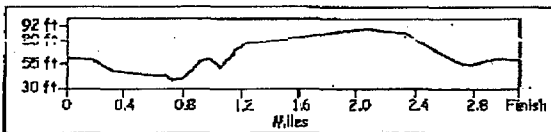
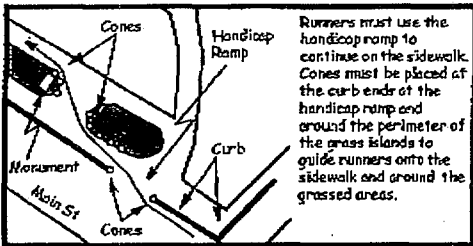
Starting Line



Finish Line



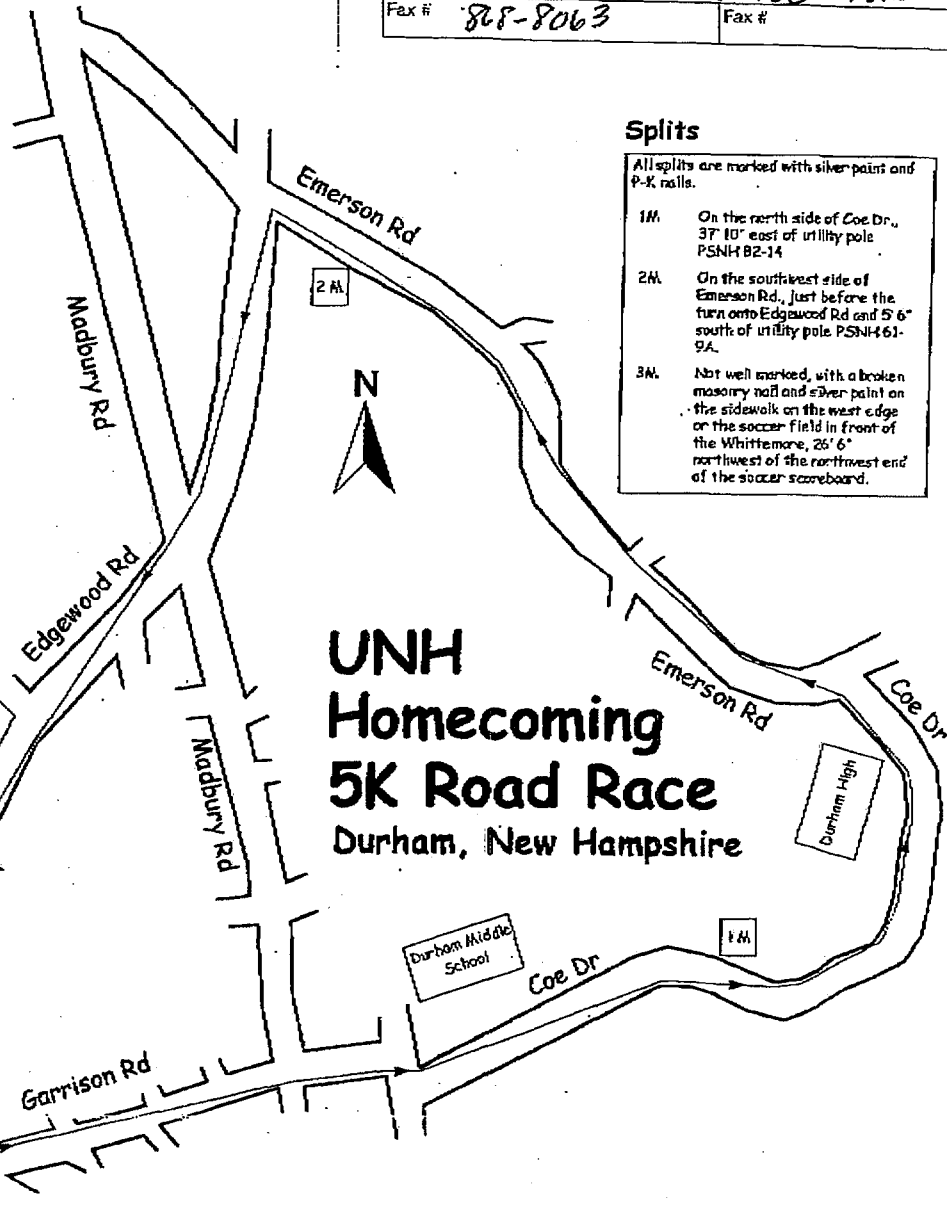
Sidewalk Transition



Post-It® Fax Note	7671	Date	9/22/11	# of pages	1
To	Janice Hoglund		From	Linda Hayden	
Co./Dept.		Co.	Campus Rec, UNH		
Phone #	868-5578		Phone #	862-4515	
Fax #	868-8063		Fax #		

Splits

- All splits are marked with silver paint and P-K nails.
- 1M. On the north side of Coe Dr., 37' 10" east of utility pole PSNH 82-14
 - 2M. On the southwest side of Emerson Rd., just before the turn onto Edgewood Rd and 5' 6" south of utility pole PSNH 461-9A.
 - 3M. Not well marked, with a broken masonry nail and silver paint on the sidewalk on the west edge of the soccer field in front of the Whittemore, 26' 6" northwest of the northwest end of the soccer scoreboard.



UNH Homecoming 5K Road Race
Durham, New Hampshire

DESCRIPTIONS (Continued from Page 1)

Plymouth State University, College for Lifelong Learning, New Hampshire Public Television (NHPTV), University of New Hampshire Foundation Inc., UNH Alumni Association, Center for Public Responsibility and Corporate Citizenship, Granite State College, NHPB

RE: UNH Homecoming Parade

The Town of Durham is named an additional insured on the General Liability policy for any University of New Hampshire-sanctioned event when required by the Town of Durham.



TOWN OF DURHAM
Business Department

15 Newmarket Road, Durham, N.H. 03824-2898
AGENDA ITEM # 7B
Phone: (603) 261-5573 • Fax: (603) 261-5572

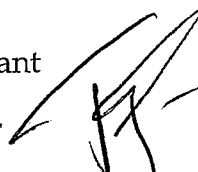
DATE: October 17, 2011
Gil E. Jablonski, Business Manager
gjablonski@ci.durham.nh.us

COUNCIL COMMUNICATION

INITIATED BY: Barbara Ross, Staff Accountant

AGENDA ITEM: SHALL THE TOWN COUNCIL APPROVE THE WATER AND SEWER WARRANT FOR FALL 2011 TOTALING \$448,151.75 AND AUTHORIZE THE ADMINISTRATOR TO SIGN SAID WARRANT?

CC PREPARED BY: Barbara Ross, Staff Accountant

PRESENTED BY: Todd I. Selig, Administrator 

AGENDA DESCRIPTION:

Attached for the Council's approval is the Water and Sewer Warrant for Fall 2011 totaling \$448,151,75 in accordance with RSA 38:22 II (a) which states: "A municipality may commit bills for charges to the Tax Collector with a warrant signed by the appropriate municipal officials requiring the Tax Collector to collect them." The commitment list is available for viewing in the Business Office and will be available at the Town Council meeting on Monday night.

LEGAL AUTHORITY:

RSA 38:22 II (a)

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

The warrant details are as follows:

Water	\$ 190,118.73
Sewer	\$ 258,033.02
Total	\$ 448,151.75

with interest at twelve percent (12%) on all sums not paid thirty days (30) from the due date.

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION:

The Durham Town Council does hereby approve the Fall 2011 water and sewer warrant totaling \$448,151.75 and commits the bills for charges to the Tax Collector for collection. The Durham Town Council further authorizes the Administrator to sign said warrant on its behalf.



**STATE OF NEW HAMPSHIRE
WATER/SEWER WARRANT – FALL 2011**

STRAFFORD SS

To Lorrie Pitt, Collector of Water and Sewer Taxes for the Town of Durham in said County.

In the name of said State, you are directed to collect the water and sewer taxes in the list herewith committed to you, amounting in all to the sum of

Water	\$ 190,118.73
<u>Sewer</u>	<u>\$ 258,033.02</u>
Total	\$ 448,151.75

with interest at twelve percent (12%) on all sums not paid thirty (30) days from the due date.

And we further order you to pay all monies collected, to the Treasurer of said Town at least on a weekly basis.

The list on the following pages is a correct list of the assessment of the Water and Sewer Taxes for Fall 2011.

Given under our hands and seal at Durham this 17th day of October, 2011.

Todd I. Selig, Town Administrator
Per Town Council vote on 10/17/11



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8A
AGENDA ITEM:

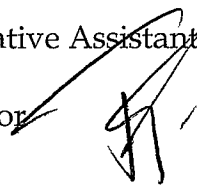
DATE: October 17, 2011

COUNCIL COMMUNICATION

INITIATED BY: David Sietz, 37 Mill Pond Road

AGENDA ITEM: SHALL THE TOWN COUNCIL APPOINT DAVID SIETZ, 37 MILL POND ROAD, TO THE DURHAM ENERGY COMMITTEE?

CC PREPARED BY: Jennie Berry, Administrative Assistant

PRESENTED BY: Todd Selig, Administrator 

AGENDA DESCRIPTION:

The Durham Energy Committee currently has one member vacancy.

Attached for the Council's review is a completed application for board appointment submitted by David Sietz, 37 Mill Pond Road, who is interested in being appointed to fill the vacancy. There are no term expirations for this committee.

Durham Energy Committee Chair Kevin Gardner was provided with Mr. Sietz's application for his information.

LEGAL AUTHORITY:

Durham Town Charter, Section 11.5 "Vacancies in Elected or Appointed Office" states:

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 APPOINT David Sietz, 37 Mill Pond Road, to the Durham Energy Committee.



Town of Durham

15 Newmarket Road
Durham, NH 03824-2898
Tel: 603/868-5571
Fax: 603/868-5572

Application for Board Appointment

Type of Appointment and Position Desired (Please select only one):

- New appointment/regular member New appointment/alternate member
 Reappointment/regular member Reappointment/alternate member

Name: David Sietz

Date: 9/28/2011

Address: 37 Mill Pond Road

E-Mail Address: davidsietz@yahoo.com

Home Telephone: 868-1730

Board/Commission/Committee you are interested in being appointed to. (Please list in order of preference, if interested in more than one appointment).

1. Energy Committee
- 2.
- 3.

Please provide a brief explanation for your interest in appointment to a particular board, commission or committee: Energy resources and consumption have been a long personal interest of mine, especially when considered on a large scale. With a bachelor's degree in Natural Science & Education, and with over a decade of experience in the IT and Project Management field, my skill set and innovation can prove valuable to the Town of Durham.

Please provide brief background information about yourself:

1994-1999 High School Physical Science Instructor - Rutland, VT
 2000-2005 Software Developer - Muenchen Germany
 2005-Present Princ. Software Developer - Dover, NH

Please provide below the names and telephone numbers of up to three personal references:

Name: Derek Sowers

Telephone: 603-397-5999

Name: Brent Bell

Telephone: 603-868-1913

Name: James Hagan

Telephone: 603-828-7884



Thank you for your interest in serving the Town. Please return this application, along with a resume, if available, to: Town Administrator, 15 Newmarket Road, Durham, NH 03824.

DAVID K. SIETZ
37 Mill Pond Road
Durham, NH
03824

(603) 868 - 1730
davidsietz@yahoo.com

OBJECTIVE

PRINCIPAL SOFTWARE ENGINEER

HIGHLIGHTS OF QUALIFICATIONS

- **Workflow / Process Management & Design:** CRM (Clarify), ERP, System Integration, OLTP Database Modeling
- **Business Intelligence:** Business Objects (Crystal), Hyperion (Brio), SAS BI, SQL Server Reporting Service
- **Data Warehousing:** MySQL, Oracle, SQL Server, Teradata, Informatica, PL/SQL, OLAP
- **Analysis and Design:** UML, OO, J2EE Design Patterns, Hooks & Plug-ins
- **Systems and Application Development:** C++, JAVA, VB, Clear Basic, Shell Script
- **System / Application Architecture:** Client / Server (Fat & Thin Client), Multi-tier, J2EE Framework
- **Web development:** HTML/DHTML, CSS, XML/XSL, JavaScript, Apache, PHP, Perl, Tomcat, JSP, Servlets
- **Management:** Project management, Resource management, Agile & Waterfall Development Lifecycles, Estimated Time-to-Market, ROI Analysis, Road Mapping, Team Leadership
- **Environments:** MS-Windows 2000/NT/98/95/3.1, LINUX, AIX
- **Business Environments:** Health & Property Insurance, Telecommunications, Animal Health Care, Antiquities, Consulting

PROFESSIONAL EXPERIENCE / WORK HISTORY

LIBERTY MUTUAL GROUP
Portsmouth, NH

2005 to present

Princ. Software Engineer (01/09 – present)

Lead a development team of 5 developers that supported the company's internal tools and process administration including the change request system, project management system and controlling & reporting.

- **Mentoring:** Mentored 3 interns in over a 3 year period in the areas of databases, programming, security, documentation, engineering principles, and release management.

- **Innovation:**
 - Designed and implemented a “home-grown” project, planning, and resource management web 2.0 application, *easySUITE*, for Personal Market IT that resulted in:
 1. Increased visibility and retrieval of projects’ status
 2. Increased visibility and auditing efficiency of project deliverables and signoffs, as approved by the Audit & Compliance department
 3. Reduced the annual planning and budgeting process by 2 months
 4. Quantified and tracked individual technical training based on project demand, reducing training cost by identifying possible group training
 5. Adopted as an IT Enterprise standard tool as recommended by a contracted 3rd party evaluation

Spec: PHP, MySQL, Apache, SiteMinder

- Architectural Data Modeler for a “home-grown” automated test flow construction and data management utility, *ATLAS*, used by the Personal Market IT Quality Assurance department. Its benefits are:
 1. 100% data driven testing
 2. Flexible and dynamic data management and assignment
 3. Automated framework independence

Spec: SQL Server

- **Architecture:** Worked with architectural director and legal department to bring in-house a new web2.0 JavaScript library, *DHTMLSuite*, as an approved Personal Markets IT standard.
- **Data Warehousing:** Designed and implemented a strategic IT Enterprise data warehouse for system availability reporting using the ServiceCenter incident/problem management system. Spec: Oracle, Microsoft SQL Server Reporting Services.

Sr. Software Engineer (09/05 – 01/09)

Lead a development team of 5 developers that supported the company's internal tools and process administration including the change request system, project management system and controlling & reporting.

- **Mentoring:** Mentored an intern for over 2 years in the areas of databases, programming, security, documentation and engineering principles. Mentored a non-corporate experienced developer in the ways of architectural integrity, security, the LMSDP Project Lifecycle, and the consultation of project managers and business analysts.
- **Leadership:** Conducted technical interviews for positions for operational support and project resources across a wide range of skill-sets resulting in 7 hires. Initiated and lead a bi-weekly Tech Admin Developers meeting to improve consistence of architectural standards, the development lifecycle,

consultation with the business partners, awareness of project deliverables, and the sharing of new technology, skills and lessons learned. Trained 3 new developers in the self-monitoring of glide plane stage dates and ticket management.

- **Architecture:** Reviewed and documented application architectures to ensure that company standards and best-practices are adhered to during the development design process. Consulted and assisted development teams in the delivery of architectural artifacts.
- **Data Warehousing:** Designed and developed a tactical reporting data warehouse for the Mantis Change Request System, a low cost 2 tier (Stage, DM) data warehouse for the IT PlanIT (Clarity) Project Management system, and a strategic multi-tier (Stage, ODS, DM, BI) data warehouse for the Personal Markets IT internal operational reports. Spec: MySQL, ODBC, MS Excel, Oracle, ODBC, Hyperion, Teradata, Informatica, SAS BI

PHP / MySQL Developer (05/05 – 08/05)

Responsible for support, management and development of the support systems' change request tracking tool.

- **Resolved the backlog of tickets in the Mantis change request system:** Resulted in pragmatically resolving 100% more high priority tickets compared to company's previous 2 releases with a 2-week early construction date and 1.5 % defect ratio. Spec: PHP, MySQL, CVS, RedHat Linux
- **Architected, Constructed, Implemented and documented the strategic design of the new Mantis system:** Included configuration and migration of the application and services to two new servers. Designed and implemented an automated deployment system for testing, and production environments. Initiated a one-to-one replication of the production mantis environment to the test environment to ensure a more accurate testing environment which reduced the risk of unforeseen defects due to environmental differences.

TELEFÓNICA GERMANY (Formally HighwayOne Germany)
Munich, Germany

2000 to 2005

System Developer (12/00 – 05/05)

Responsible for development and implementation of company wide automated workflows. Integrated workflow application databases and initiated cross application automation, including product management and financial reporting.

- **Improved Customer Relations Management (CRM) application development, projects and resources:** Reorganized and trained in house resources to undertake project development and project management for Clarify CRM System, resulting in an 87% reduction in consultant costs and saved over \$240,000 in maintenance contracts in a two year period.

- **Organized and developed essential inter-departmental business workflows:** Configured an automated pro-active notification system for customer service, resulting in a 20% reduction in customer cancellations within a one-year timeframe. Utilized the company's Clarify CRM System to create an automated employee workflow for the preparation of new employees, which reduced acclimation time by two weeks, and resulted in no additional expenses.
- **Implemented an automated reporting system:** Implemented a Crystal Reports Enterprise system for the Munich, Verl and United Kingdom branch offices, which provided automated monitoring product lifecycles and financing controlling. Spec: Crystal Reports Enterprise, Oracle, PL/SQL
- **Conducted department specific software training programs:** Eliminated the need for external training contracts, annually saving the company over \$10,000. Spec: Clarify, Crystal Reports, Billing Tool, SQL, XML
- **Integrated company applications and databases:** Lead a team of 4 consultants over a 2-year project to integrate the former company's software, including: CRM, SDSL Provisioning, Billing, Domain and IP Management. After the corporate merge, worked in a team of 13 developers on a SUN J2EE bus system for to integrate the inter-company CRM, and reporting system. Spec: VB, Oracle, PL/SQL, PHP, Perl, Java, XML (XSL), J2EE (JMS, JAXB, JAXP, SAX, DOM, EJB)

Customer Support Specialist (10/00 – 12/00)

Responsibilities included technical response and support for customer networking, including DSL Lines, Leased Lines, and Dial-Up Connections.

- **Customer support:** Managed over 50% of the customer requests, with a response time less than 15 minutes. Coordinated support with partnering telecommunications companies, including Duetsche Telecom and Telebel.

LINCKERSDORFF GMBH
Berlin, Germany

2002 to 2003

Independent part-time consultant (09/02 – 03/03)

Worked in cooperation with small business own to plan, develop, implement and document a customized web-based CRM for B2C eCommerce.

- **Custom website development (B2C):** Developed a customer shopping website with SSL secure login, product search engine, client side shopping cart functionality. Spec: MySQL, SQL, PHP, JavaScript, HTML
- **Custom CRM development:** Developed a SSL secure CRM backend for the customer website to handle user administration, product management, inventory, and order management. Spec: MySQL, SQL, PHP, JavaScript, HTML

SUEDDEUTSCHE TRUTHAHN AG
Straussdorf, Germany

2000 to 2001

Independent part-time consultant (09/02 – 03/03)

Worked with poultry veterinarian to develop a client support management system.

- ***Custom client support system development:*** Developed a trouble ticketing system to handle client cases, medicine administration and inventory, user administration, and case load management. Spec: MySQL, SQL, C++ Visual, MFC

PLS LERNSTUDIO
Munich, Germany

1999 to 2000

Business English Language Instructor (06/99 – 03/00)

Prepared and implementing lesson plans for personalized adult group instruction for intermediate, advanced, and Business level English for native German clients.

- ***Pre-Sales:*** Successfully negotiated with difficult clients to obtain a 25K Euro contract.
- ***Professional training and instruction:*** Trained additional instructors accounting for 10% of company's income. Prepared clients to negotiate in English with American firms.
- ***On-Site planning:*** Reorganized transportation and accommodation plans for on-site training, resulting in 15% reduction in company expenses.

RUTLAND PUBLIC SCHOOLS
Rutland, VT

1994 to 1999

Chairperson of the Curriculum and Instruction Committee for the accreditation of Rutland Middle School (09/98 – 06/99)

- ***Evaluated and implemented a team improved science curriculum:*** resulting in a 10 year re-accreditation of Rutland Middle School, serving over 400 students per year.
- ***Negotiated for equipment:*** Acquired laboratory safety repairs and scientific equipment, which was 5 years over-due.
- ***Team management:*** Lead a diverse team of 8 educators and completed the accreditation project 3 months early.

High School Physical Science Instructor (01/94 – 06/99)

Implemented and prepared lessons for lectures, activities, and laboratory work.

- **Instruction:** Annually instructed over 100 students, resulting in 30% of the students earning 90% or higher on quarterly exams.
- **Team integration:** Implemented 2 integrated team projects per year with other educators from the 5 core subjects: English, science, mathematics, history, and fine arts.
- **Student involvement:** Increased student involvement in extra-curricular activities by 15%, over a five-year period.

PROFESSIONAL EDUCATION AND TRAINING

Classes: formal training: WebSphere Overview, Websphere Process Server, SAS BI, Informatica, Introduction to Project Management, J2EE, Crystal Reports, Clarify
certified training: MCSE, A+, and Netware 5 Administration.

School: Castleton State College
Major: Secondary Education & Natural Science
Minor: Chemistry

Awards: Liberty Mutual Bravo Silver Award
Liberty Mutual Bravo Platinum Award
Liberty Mutual Bravo Emerald Award

REFERENCES

Available upon request



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

AGENDA ITEM: # **8B**

DATE: October 17, 2011

COUNCIL COMMUNICATION

INITIATED BY: New Hampshire Department of Environmental Services

AGENDA ITEM: SHALL THE TOWN COUNCIL NOMINATE RESIDENTS RICHARD HORAN AND JIM HORNBECK, TOWN ENGINEER DAVID CEDARHOLM, AND UNH WATER UTILITIES OPERATOR JULIANNE BOUCHER FOR APPOINTMENT BY THE NHDES COMMISSIONER TO THE NEWLY FORMED OYSTER RIVER LOCAL ADVISORY COMMITTEE?

CC PREPARED BY: Jennie Berry, Administrative Assistant

PRESENTED BY: Todd Selig, Administrator

AGENDA DESCRIPTION:

In 2011, legislation was enacted by the State Legislature to designate segments of the Oyster River as a protected river under New Hampshire Revised Statutes Annotated (RSA) 483, New Hampshire Rivers Management and Protection Program (RMPP). When the designation became effective on June 2, 2011, the Oyster River joined a select group of rivers already designated under the RMPP. Designation calls for protection and management of New Hampshire's outstanding rivers through a two-tiered approach: state protection of instream values, and local management of riparian lands. The RMPP is administered by the Department of Environmental Services (DES) under RSA 483.

In the spring of this year, the Town received notification from DES requesting that the Town identify at least three individuals to serve on an Oyster River Local Advisory Committee. The Committee must be composed of at least seven members. All must reside in New Hampshire in the vicinity of the Oyster River and represent a broad range of interests. These interests must include, but are not limited to, local government, business, conservation, recreation, agriculture, and riparian landowners (those who own property adjacent to the river). Each member, to be nominated by their respective local governing body, serves a term of three years.

An item was placed in the weekly "Friday Updates" asking citizens interested in serving on the Oyster River Local Advisory Committee to complete and submit an application for board appointment. Two applications were received: one from Richard Horan, 14 Riverview Road, and the other from Jim Hornbeck, 19 Woodridge Road. Mr. Hornbeck has asked to be nominated to represent the interests of "conservation" and "riparian landowner". Mr. Horan is requesting nomination to represent the interests of "conservation", "recreation", and "riparian landowner".

In addition to Messer's Horan and Hornbeck, the Town's Water, Wastewater, and Solid Waste Committee recommends that Town Engineer David Cedarholm be nominated to serve the interest of "local government", "recreation", and "business", and that UNH Water Utilities Operator Julianne Boucher be nominated to serve the interest of "local government" and "riparian landowner".

The duties of the local advisory committee under RSA 483:8-a include:

1. To advise the commissioner, the advisory committee, the municipalities through which the designated river or segment flows, and municipalities within tributary drainage areas on matters pertaining to the management of the river or segment and tributary drainage areas. Municipal officials, boards, and agencies shall inform such committees of actions which they are considering in managing and regulating activities within designated river corridors.
2. To consider and comment on any federal, state, or local governmental plans to approve, license, fund or construct facilities that would alter the resource values and characteristics for which the river or segment is designated.
3. To develop or assist in the development and adoption of local river corridor management plans under RSA 483:10. The local planning board, or, in the absence of a planning board, the local governing body, may adopt such plans pursuant to RSA 675:6 as an adjunct to the local master plan adopted under RSA 674:4. No such plan shall have any regulatory effect unless implemented through properly adopted ordinances.
4. To report biennially to the advisory committee and the commissioner, and annually to municipalities on the status of compliance with federal and state laws and regulations, local ordinances, and plans relevant to the designated river or segment, its corridor, and tributary drainage areas.

LEGAL AUTHORITY:

New Hampshire Revised Statutes Annotated (RSA) 483, New Hampshire Rivers Management and Protection Program (RMPP).

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION:

The Durham Town Council does hereby nominate for appointment by the Commissioner, New Hampshire Department of Environmental Services, the following individuals (with indicated representation of interests) to the newly formed Oyster River Local Advisory Committee:

Richard Horan, 14 Riverview Road:

conservation, recreation, and riparian landowner

Jim Hornbeck, 19 Woodridge Road:

conservation and riparian landowner

Town Engineer David Cedarholm:

local government, recreation, and business

UNH Water Utilities Operator Julianne Boucher:

local government and riparian landowner



Town of Durham

15 Newmarket Road
Durham, NH 03824-2898
Tel: 603/868-5571
Fax: 603/868-5572

Application for Board Appointment

Position Desired (Please circle only one):

New Reappointment Regular Alternate

Name: Richard Horan Date: 5-23-11

Address: 14 Riverview Road

E-Mail Address: rjhoran@gmail.com

Home Telephone: 868-2489

Board/Commission/Committee you are interested in being appointed to. (Please list in order of preference, if interested in more than one appointment).

1. Local River Management Advisory Committee
- 2.
- 3.

Please provide a brief explanation for your interest in appointment to a particular board, commission or committee: My home is on the Oyster River. I am an active user of the river for various water activities

Please provide brief background information about yourself: NH native, small business owner, Active water enthusiast

Please provide below the names and telephone numbers of up to three personal references:

Name: Sean O'Connell Telephone: 868-1224

Name: Pete Cathay Telephone: 868-9619

Name: Laura Hafner Telephone: 868-8089

◆◆◆◆◆◆◆◆◆◆

Thank you for your interest in serving the Town. Please return this application, along with a resume, if available, to: Town Administrator, 15 Newmarket Road, Durham, NH 03824.



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

AGENDA ITEM: # **9A**

DATE: October 17, 2011

COUNCIL COMMUNICATION

INITIATED BY: Durham Town Charter

AGENDA ITEM: RECEIVE ANNUAL REPORT FROM DURHAM ENERGY COMMITTEE – KEVIN GARDNER, CHAIR

CC PREPARED BY: Jennie Berry, Administrative Assistant

PRESENTED BY: Kevin Gardner, Chair, Durham Energy Committee

AGENDA DESCRIPTION:

Section 11.1 (I) of the Durham Town Charter requires that the Town Council meet annually with all Chairpersons of standing Town committees to review significant actions taken by the committees, projects currently under discussion, and anticipated activities for the coming year.

Durham Energy Committee Chair Kevin Gardner will be present at Monday night's meeting to provide a brief update to the Town Council regarding current activities of the Committee.

LEGAL AUTHORITY:

Section 11.1 (I) of the Durham Town Charter.

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

No formal action is required. Hear presentation from Kevin Gardner regarding the Durham Energy Committee and hold question and answer session if desired.



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

AGENDA ITEM: # **9B**

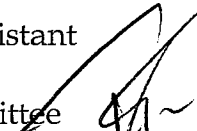
DATE: October 17, 2011

COUNCIL COMMUNICATION

INITIATED BY: Durham Town Charter

AGENDA ITEM: RECEIVE ANNUAL REPORT FROM PARKS AND RECREATION COMMITTEE – DIANE MOORE, CHAIR

CC PREPARED BY: Jennie Berry, Administrative Assistant

PRESENTED BY: Diane Moore, Chair, P&R Committee 

AGENDA DESCRIPTION:

Section 11.1 (I) of the Durham Town Charter requires that the Town Council meet annually with all Chairpersons of standing Town committees to review significant actions taken by the committees, projects currently under discussion, and anticipated activities for the coming year.

Attached for the Council's information is a written report submitted by Parks and Recreation Committee Chair Diane Moore. Ms. Moore will be present at Monday night's meeting to provide a brief update to the Town Council regarding current activities of the Commission.

LEGAL AUTHORITY:

Section 11.1 (I) of the Durham Town Charter.

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

No formal action is required. Hear presentation from Diane Moore regarding the Parks and Recreation Committee and hold question and answer session if desired.

Durham Parks and Recreation Committee 2011

Committee Members:

Diane Moore – Chair, Sara Wilson-Vice Chair, Jenna Roberts – Secretary,
Neil Niman - Town Council Representative, Mike Sievert, Mike Mengers,
David Leach and Nate Trauntvein

Vision:

Durham Parks and Recreation committee: Provide residents of all ages, abilities and interests a wide variety of recreational, leisure activities and services which will enhance a healthy lifestyle and build a sense of community.

Long Term Goals:

1. Provide a better public awareness of existing town parks, events, programs and water resources.
2. Enhance the growth of the Durham Parks and Recreation services that will continue to better serve the town residents.
3. Collaborate with other local groups to increase attendance and popularity of events/programs offered by Durham Parks and Recreation.
4. Support and assist Parks and Recreation Director in achieving programming goals.
5. Study and implement opportunities to make Wagon Hill a more used and appreciated recreational park.

Partnerships:

Oyster River Parents and Preschoolers (ORPP)	Durham Public Works (DPR)
Oyster River Youth Association (ORYA)	Durham Library
UNH Campus Recreation Department	Durham Conservation Commission
UNH Recreation & Management Policy Dept.	Eagle Scouts
Oyster River Cooperative School District (ORCSD)	Girl Scouts

2011 Accomplishments:

- Assisted Parks & Recreation Director in the coordination of, advertising and staffing events hosted by DPR
- Winter Festival/Chili Cook-Off at Mill Pond
- Annual Easter Egg Hunt at Old Town Landing
- Memorial Day Parade
- Summer Series – Music By the Bay – July and August
- Durham Day
- Supported Eagle Scouts by funding trail enhancements at Wagon Hill
- Provided playground mulch for Jackson Landing and Woodridge Playgrounds through DPW

Anticipated for the end of 2011

- Host Annual Thanksgiving Day Turkey Trot at Wagon Hill
- Continue focus on Wagon Hill improvements and Stolworthy Trail clean up



TOWN OF DURHAM
Business Department

15 Newmarket Road, Durham, NH 03824-2898

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

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

DATE: October 17, 2011

COUNCIL COMMUNICATION

INITIATED BY: Gail Jablonski, Business Manager

AGENDA ITEM: **QUARTERLY FINANCIAL REPORT TROUGH SEPTEMBER 30, 2011 AND FOLLOW UP DISCUSSION REGARDING USE OF FUND BALANCE AS PART OF THE TAX SETTING PROCESS**

CC PREPARED BY: Gail Jablonski, Business Manager

PRESENTED BY: Gail Jablonski, Business Manager

AGENDA DESCRIPTION:

In compliance with section 5.6 of the Durham Town Charter attached for the Council's review and consideration is a financial report for 2011 through September 30, 2011. General Fund information is broken down by function which may be helpful for analysis and for the purpose of discussion at the Town Council Meeting. Revenue and expense reports for all other funds are presented in summary format.

LEGAL AUTHORITY:

Durham Town Charter Section 5.6

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

General Fund:

Revenues:

Our revenues are showing 58.4% collected as of September 30th. It is estimated that our revenue will be under projections by \$75,000. This loss in revenue is mainly attributed to motor vehicle permit fees, interest earned, and court fines.

In addition, the taxes revenue line reflects the amount paid out for abatements. It is anticipated Council will have approved up to \$300,000 in abatements by December 31st. We had budgeted for an estimated \$125,000 which will require either an increase to the overlay line at tax setting time by approximately \$175,000 or the use of fund balance. Please see the attached sheet outlining the 2010 tax rate and the 2011 projected rate when the budget was approved, as well as two options for 2011 - an increase to the overlay line or the use of fund balance. The amount of fund balance shown will bring the tax rate down to what was projected, however, more or less can be used to adjust it as desired.

One thing to note is that we are projecting \$300,000 for overlay in 2012 as well due to the number of large multi-unit appeals which are still pending.

We have begun receiving building permit fees from Capstone within the last few months which, although unbudgeted for, have been taken into consideration when estimating out revenues for the year. In addition, we had also planned to offset additional construction code compliance inspections with a portion of the funds.

Expenses:

The Town's expenditures as of September 30, 2011 show a total expenditure of \$8,053,034 or 73.1% of the total approved budget.

At this point the areas which are showing a large percent expended include:

- Legal line
- DCAT line due to the installation of equipment to allow the replaying of meetings on-line costing \$12,488 (anticipate offsetting this cost with funds budgeted in the Town's contingency line).
- MIS due to the need to rewire the Police Station to allow for the installation of new computers at a cost of \$14,328 (anticipate offsetting this cost with funds budgeted in the Town's contingency line).
- Police Department due to the increase in retirement costs.
- Building Inspection and Public Works Engineering due to the hiring of additional support staff to perform inspections at the Capstone project.
- Communication Center and Ambulance Services have been paid in full for the year.
- Direct Assistance (welfare) is currently over expended. Based on past history we had budgeted \$10,000 for 2011, however, due to the economic times we have seen an increase in the number of individuals requiring assistance.

- Approximately \$70,000 is being held in reserve within the Town's contingency line associated with additional engineering oversight for the Wiswall dam/ fish ladder project.

Earlier in the summer we placed a spending freeze on non-essential items for all departments. We have postponed the hiring of a new police officer to take over the position that was left unfilled upon the retirement of Captain Sean Kelly, as well as transferring the Fire Inspector over to the vacant firefighter position and not filling the Fire Inspector position. We will be postponing the Capital Improvements Project to evaluate the Main Street Railroad Bridge. This project was budgeted for \$34,500 in operating funds in 2011. Other capital projects will also be reevaluated and possibly delayed until future years.

At this point in time, with all departments continuing to spend only as necessary, we anticipate being able to make up the overages within the existing budget allocation.

Our current undesignated Fund Balance is \$978,635. The General Fund's annual budget for 2010 was \$24,241,802 which would require a 5-8% minimum of \$1,939,344. When the policy was adopted we knew we were running below the desired minimum, but were anticipating being able to slowly increase this percentage. Unfortunately, with the economic times, downshifting from the state, and abatements, this has not been possible.

Other Funds:

The Town's Water, Sewer, Parking, Depot Road, Churchill Rink, and Library Funds are all performing as expected with nothing abnormal to report.

2010 Audit:

Greg Colby of Plodzik and Sanderson will be in attendance at the November 7th Council meeting to present the 2010 audit.

SUGGESTED ACTION OR RECOMMENDATIONS:

No formal action is required. This report is presented as information to keep the Council informed on the Town's financial position.

**FY2011 Budget/Estimated
January 1 - September 30, 2011**

GENERAL FUND

REVENUES	FY2011 Estimated Revenue	Revenues Ending 09/30/11	Revenues Under (Over) 2011	Percent of Revenue Collected
Taxes	\$6,539,637	\$3,069,817	\$3,469,820	46.9%
Permit Fees	\$924,650	\$750,705	\$173,945	81.2%
State/Federal Revenues	\$931,702	\$227,216	\$704,486	24.4%
Intergovernmental Revenues	\$56,000	\$56,000	\$0	100.0%
UNH - Omnibus, School, Fire & Debt	\$1,925,105	\$1,856,516	\$68,589	96.4%
Departmental Income	\$350,472	\$329,760	\$20,712	94.1%
Miscellaneous Revenue	\$293,377	\$145,298	\$148,079	49.5%
Fund Balance	\$0	\$0	\$0	0.0%
Total General Fund	\$11,020,943	\$6,435,312	\$4,585,631	58.4%

EXPENDITURES	FY2011 Council Budget	Expended Through 09/30/11	Expenditures Under (Over) 2011	Percent of Total Expended
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GENERAL GOVERNMENT

Town Council	\$137,088	\$57,165	\$79,923	41.7%
Town Treasurer	\$6,035	\$5,819	\$216	96.4%
Town Administrator	\$257,606	\$214,310	\$43,296	83.2%
Elections	\$7,389	\$5,440	\$1,949	73.6%
Tax Collector/Town Clerk	\$200,789	\$146,492	\$54,297	73.0%
Accounting	\$266,837	\$197,680	\$69,157	74.1%
Assessing	\$69,447	\$51,899	\$17,548	74.7%
Legal	\$55,000	\$55,915	(\$915)	101.7%
Planning	\$207,993	\$139,314	\$68,679	67.0%
Boards/Commissions/Committees	\$80,228	\$35,205	\$45,023	43.9%
DCAT	\$28,016	\$25,205	\$2,811	90.0%
MIS	\$268,763	\$215,362	\$53,401	80.1%
Building Inspection	\$144,373	\$108,566	\$35,807	75.2%
Other General Government	\$164,677	\$117,774	\$46,903	71.5%
General Government Total	\$1,894,241	\$1,376,146	\$518,095	72.6%

PUBLIC SAFETY

Police Department	\$2,186,257	\$1,684,163	\$502,094	77.0%
Fire Department	\$3,168,171	\$2,242,926	\$925,245	70.8%
Communication Center	\$20,000	\$21,435	(\$1,435)	107.2%
Ambulance Services	\$18,363	\$18,363	\$0	100.0%
Public Safety Total	\$5,392,791	\$3,966,887	\$1,425,904	73.6%

PUBLIC WORKS

Administration	\$300,941	\$210,386	\$90,555	69.9%
Engineer	\$144,075	\$120,135	\$23,940	83.4%
Town Buildings	\$114,096	\$87,552	\$26,544	76.7%
Town Cemeteries & Trusted Graveyards	\$16,382	\$9,481	\$6,901	57.9%
Wagon Hill & Parks & Grounds Maintenance	\$148,654	\$101,573	\$47,081	68.3%
Equipment Maintenance	\$193,947	\$175,168	\$18,779	90.3%
Roadway Maintenance	\$128,404	\$95,308	\$33,096	74.2%
Drainage & Vegetation	\$57,196	\$50,024	\$7,172	87.5%
Snow Removal	\$204,093	\$146,845	\$57,248	72.0%
Traffic Control	\$145,631	\$132,138	\$13,493	90.7%
Bridges & Dams	\$151,982	\$98,778	\$53,204	65.0%
Public Works Total	\$1,605,401	\$1,227,388	\$378,013	76.5%

SANITATION

Solid Waste Administration	\$132,757	\$85,883	\$55,268	64.7%
Rolloff Vehicle Operation	\$41,440	\$33,903	\$25,311	81.8%
Curbside Collection & Litter Removal	\$207,585	\$150,113	\$91,515	72.3%
Recycling	\$114,871	\$82,488	\$53,665	71.8%
Solid Waste Management Facility (SWMF)	\$99,258	\$58,676	\$39,108	59.1%
Sanitation Total	\$595,911	\$411,063	\$264,867	69.0%

EXPENDITURES	FY2011 Council Budget	Expended Through 09/30/11	Expenditures Under (Over) 2011	Percent of Total Expended
HEALTH & WELFARE				
Health Inspector	\$1,500	\$0	\$1,500	0.0%
Administration & Direct Assistance	\$30,719	\$38,744	(\$8,025)	126.1%
Health & Welfare Total	\$32,219	\$38,744	(\$6,525)	120.3%
CULTURE & RECREATION				
Public Library	\$272,264	\$263,864	\$8,400	96.9%
Durham Day	\$3,000	\$1,454	\$1,546	48.5%
O.R.Y.A.	\$36,230	\$27,173	\$9,057	75.0%
Resident Pool Rebate	\$20,200	\$20,112	\$88	99.6%
Parks & Recreation Department	\$70,845	\$49,579	\$21,266	70.0%
Parks & Recreation Committee	\$6,000	\$4,402	\$1,598	73.4%
Memorial Day	\$1,500	\$801	\$699	53.4%
Conservation	\$3,767	\$1,588	\$2,179	42.2%
Culture & Recreation Total	\$413,806	\$368,973	\$44,833	89.2%
DEBT SERVICE				
Principal	\$629,686	\$265,592	\$364,094	42.2%
Interest	\$190,589	\$131,941	\$58,648	69.2%
Interfund Transfers	\$266,300	\$266,300	\$0	100.0%
Debt Service Total	\$1,086,575	\$663,833	\$422,742	61.1%
TOTAL GENERAL FUND	\$11,020,944	\$8,053,034	\$3,047,929	73.1%

OTHER FUNDS SUMMARY

Water Fund	FY2011 Estimated	Ending 09/30/11	Under (Over) 2011	Percent Collected/ Expended
Revenues	\$531,983	\$281,706	\$250,277	53.0%
Expenses	\$531,983	\$287,766	\$244,217	54.1%

Sewer Fund	FY2011 Estimated	Ending 09/30/11	Under (Over) 2011	Percent Collected/ Expended
Revenues	\$1,747,964	\$1,547,141	\$200,823	88.5%
Expenses	\$1,747,964	\$1,166,632	\$581,332	66.7%

Parking Fund	FY2011 Estimated	Ending 09/30/11	Under (Over) 2011	Percent Collected/ Expended
Revenues	\$143,300	\$110,065	\$33,235	76.8%
Expenses	\$143,300	\$53,461	\$89,839	37.3%

Depot Road Fund	FY2011 Estimated	Ending 09/30/11	Under (Over) 2011	Percent Collected/ Expended
Revenues	\$55,400	\$74,563	(\$19,163)	134.6%
Expenses	\$55,400	\$1,841	\$53,559	3.3%

Churchill Rink Fund	FY2011 Estimated	Ending 09/30/11	Under (Over) 2011	Percent Collected/ Expended
Revenues	\$163,850	\$83,558	\$80,292	51.0%
Expenses	\$163,850	\$82,454	\$81,396	50.3%

Library Fund	FY2011 Estimated	Ending 09/30/11	Under (Over) 2011	Percent Collected/ Expended
Revenues	\$283,564	\$271,564	\$12,000	95.8%
Expenses	\$283,564	\$205,062	\$78,502	72.3%

2011 TAX RATE SCENARIOS

		2010	2011 ESTIMATED TAX RATE IN APPROVED BUDGET	2011 ESTIMATED With Increase to Overlay	2011 ESTIMATED with Use of Fund Balance
TOTAL BUDGET		\$ 16,374,236	\$ 16,841,463	\$ 16,841,463	\$ 16,841,463
REVENUES	less	\$ 10,456,567	\$ 10,482,521	\$ 10,408,806	\$ 10,408,806
FUND BALANCE	less		\$ -	\$ -	\$ 130,000
OVERLAY	add	\$ 364,588	\$ 125,000	\$ 300,000	\$ 125,000
WAR CREDITS	add	\$ 68,800		\$ 68,200	\$ 68,200
TOTAL TO BE RAISED BY TAXES		\$ 6,351,057	\$ 6,483,942	\$ 6,800,857	\$ 6,495,857
VALUATION		\$ 892,139,835	\$ 896,600,534	\$ 898,183,433	\$ 898,183,433
TAX RATE		\$ 7.12	\$ 7.23	\$ 7.57	\$ 7.23
DOLLAR INCREASE			\$ 0.11	\$ 0.45	\$ 0.11
PERCENTAGE INCREASE			1.58%	6.36%	1.59%
DOLLAR INCREASE FOR \$300,000 HOME			\$ 34	\$ 136	\$ 34



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

AGENDA ITEM: # **10**

DATE: October 17, 2011

COUNCIL COMMUNICATION

INITIATED BY: David L. Kurz, Police Chief

AGENDA ITEM: PUBLIC HEARING AND ACTION ON ORDINANCE #2011-07 AMENDING CHAPTER 153 "VEHICLES AND TRAFFIC", SECTION 153-49 "SCHEDULE XVII: PARKING PROHIBITED CERTAIN HOURS AND SECTION 153-46 "SCHEDULE XIV: PARKING PROHIBITED AT ALL TIMES OF THE DURHAM TOWN CODE BY PROHIBITING PARKING AT ANYTIME ON A SECTION OF WOODMAN

CC PREPARED BY: David L. Kurz, Police Chief

PRESENTED BY: David L. Kurz, Police Chief

AGENDA DESCRIPTION:

Attached for the Council's consideration is a draft ordinance recommended by the Police Department that would enact changes to certain sections of Chapter 153 "Vehicles and Traffic" of the Durham Town Code.

This ordinance will prohibit parking on a section of Woodman Road. The high volume of traffic utilizing Woodman Road to gain access to the Middle School and High School at all hours of the day and evening as well as the addition of a bicycle lane in combination with the narrow width of Woodman prompts this ordinance. The proposed ordinance change will affect the southerly side of Woodman Road between Madbury and Dennison Roads where currently parking is allowed only between the hours of 6PM to 1AM.

The Traffic Safety Committee reviewed this proposal during its August 31, 2011 meeting, concurred with the conclusions presented by the Public Works Director, and recommended action to the Town Administrator who concurs.

On October 3, 2011, the Town Council moved this ordinance on First Reading, as presented, and scheduled a Public Hearing for its meeting on Monday, October 17, 2011. A Public Hearing notice was published in *Foster's Daily Democrat* on Thursday,

October 6, 2011. The notice was also posted on the public bulletin board located outside the Town Hall, as well as at the Durham Public Library and the Department of Public Works.

Attached for the Council's review and consideration is draft Ordinance #2011-07. The Council may want to give consideration to allowing parking Sunday morning for church services. We are hopeful public comment at the hearing will address this nuance.

LEGAL AUTHORITY:

The Town Council may enact Ordinances pursuant to Section 3.8 of the Durham Town Charter.

LEGAL OPINION:

No legal opinion was sought, as this is the standard format for ordinances of this type to be issued.

FINANCIAL DETAILS:

Several signs will be required advising of "No Parking" in this area at an approximate cost of \$100 each.

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION 1:

The Durham Town Council does hereby OPEN the Public Hearing on Ordinance #2011-07 amending Chapter 153 "Vehicles and Traffic", Section 153-49 "Schedule XVII: parking prohibited certain hours and Section 153-46 "Schedule XIV: Parking prohibited at all times of the Durham Town Code by prohibiting parking at anytime on a section of Woodman Road.

MOTION 2:

The Durham Town Council does hereby CLOSE the Public Hearing on Ordinance #2011-07 amending Chapter 153 "Vehicles and Traffic", Section 153-49 "Schedule XVII: parking prohibited certain hours and Section 153-46 "Schedule XIV: Parking prohibited at all times of the Durham Town Code by prohibiting parking at anytime on a section of Woodman Road.

MOTION 3:

The Durham Town Council does ADOPT (as presented) (as amended) Ordinance #2011-07 amending Chapter 153 "Vehicles and Traffic", Section 153-49 "Schedule XVII: parking prohibited certain hours and Section 153-46 "Schedule XIV: Parking prohibited at all times of the Durham Town Code by prohibiting parking at anytime on a section of Woodman Road.



ORDINANCE #2011-07 OF DURHAM, NEW HAMPSHIRE

AMENDING CHAPTER 153 "VEHICLES AND TRAFFIC", SECTION 153-49 "SCHEDULE XVII: PARKING PROHIBITED CERTAIN HOURS AND SECTION 153-46 "SCHEDULE XIV: PARKING PROHIBITED AT ALL TIMES" OF THE DURHAM TOWN CODE BY PROHIBITING PARKING AT ANYTIME ON A SECTION OF WOODMAN ROAD

WHEREAS, Woodman Road is a major connector roadway from the downtown business area to the Oyster River Schools, and

WHEREAS, events at the Middle School and High School occur with great frequency, and

WHEREAS, with the addition of a bicycle lane on the southerly side of Woodman Road in conjunction with the Safe Routes to School initiative, and

WHEREAS, the roadway is not of sufficient width to safely accommodate parking on either side, and

WHEREAS, the Traffic Safety Committee reviewed this proposal during its August 31, 2011 meeting, concurred with the conclusions presented by the Public Works Director, and recommended the action to the Town Administrator who concurs; and

WHEREAS, anyone who violates this ordinance shall be subjected to fines in accordance with the provisions of the Durham Town Code Article V:153-32, Penalties as amended;

NOW, THEREFORE BE IT RESOLVED that the Durham Town Council, the governing body of the Town of Durham, New Hampshire does hereby adopt Ordinance #2011-07 amending Chapter 153 "Vehicles and Traffic", Sections 153-49 and 153-46 of Chapter 153 "Vehicles and Traffic" of the Code of the Town of Durham by removing the listing of Woodman Road (between Madbury Road and Dennison Road) from its current location in Section 153-49 with hourly parking restrictions and placing it in Section 153-46 to prohibit parking at anytime on this section of Woodman Road as indicated below. Wording to be omitted is annotated with ~~strikeout~~ type. New wording is annotated with underscoring.

153-49. Schedule XVII: Parking prohibited certain hours.

In accordance with the provisions of 153-20, no person shall park a vehicle between the hours listed upon any of the following described streets or parts of streets, with the exception of Durham resident parking permits where indicated with an asterisk (*) and Oyster River High School parking permits where indicated with two asterisks (**).

Name of street	Side	Hours/Days	Parking prohibited
Woodman Road	Both	7:00 a.m. to 6:00 p.m.	From Madbury Road to Dennison Road

153-46. Schedule XIV: Parking prohibited at all times.

In accordance with the provisions of 153-17, no person shall park a vehicle at any time upon any of the following described streets or parts of streets:

Name of street	Side	Location of Prohibited Parking
<u>Woodman Road</u>	<u>Both</u>	<u>From Madbury Road to Dennison Road</u>

PASSED AND ADOPTED by the Town Council of the Town of Durham this day of ____ October 2011 by _____ affirmative votes and ____ negative votes.

Diana Carroll, Chair
Durham Town Council

ATTEST:

Lorrie Pitt, Town Clerk-Tax Collector



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

AGENDA ITEM: # **11A**

DATE: October 17, 2011

COUNCIL COMMUNICATION

INITIATED BY: Jay Gooze, Councilor

AGENDA ITEM: RESOLUTION #2011-19 REQUESTING THAT DURHAM'S LEGISLATIVE DELEGATION SUPPORT AND INTRODUCE LEGISLATION THAT WOULD ALLOW MUNICIPALITIES TO ADOPT, BY ORDINANCE, LICENSING AND INSPECTION REQUIREMENTS FOR NON-OWNER OCCUPIED RENTAL DWELLING UNITS

CC PREPARED BY: Jennie Berry, Administrative Assistant

PRESENTED BY: Todd Selig, Administrator

AGENDA DESCRIPTION:

Throughout 2010, the impact of UNH students renting properties located within neighborhoods once again become a focus for various Town departments, the Rental Housing Commission, and residents living within affected neighborhoods. Included as part of this ongoing challenge were the matters of parking, noise, vandalism, and crime in general.

The Rental Housing Commission (on which Jay Gooze served as Council representative) worked diligently to develop potential ways in which to address these various issues, including the creation of a rental registry, a property maintenance code, a large gathering permit, amending the Town's current Noise Ordinance, and adoption of a Disorderly House Ordinance.

An ordinance amending certain sections of the Town's Noise Ordinance was introduced to the Council and adopted on June 21, 2010. In addition, a Disorderly House ordinance was adopted by the Town Council on September 13, 2010, the focus of which is not on tenants, but on property owners with the idea that ultimately the owner needs to be responsible for the behavior occurring on his/her property.

Councilor Jay Gooze has been in contact with attorney Cordell Johnston, counsel for the Local Government Center, to craft draft legislation language that would allow

municipalities to adopt, by ordinance, requirements for annual licensing and inspection of non-owner occupied rental dwelling units. Town attorney Laura Spector has also been working with attorney Johnston to revise the language.

Members of Durham's legislative delegation were invited to the October 3, 2011 Town Council meeting where they were provided an update on the status of legislation which passed during last year's session and any legislation being considered that may be of particular interest to Durham or the surrounding area. At that meeting, Councilor Gooze asked Senator Amanda Merrill about the idea of introducing the draft legislation crafted by attorney Johnston. Senator Merrill indicated that she would be willing to consider this draft legislation for introduction as a Senate Bill.

Attached for the Council's consideration is a draft resolution (Resolution #2011-19) requesting Durham's legislative delegation to support and introduce legislation that would allow municipalities to adopt, by ordinance, annual licensing and inspection requirements for all non-owner occupied rental dwelling units as well as requiring the annual renewal of such licenses to ensure compliance with local laws, ordinances, codes, and regulations.

LEGAL AUTHORITY:

The draft legislation language was crafted by LGC attorney Cordell Johnston and has been reviewed by Town attorney Laura Spector, Mitchell Municipal Group.

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION 1:

The Durham Town Council does hereby ADOPT Resolution #2011-19 requesting that Durham's legislative delegation support and introduce legislation that would allow municipalities to adopt, by ordinance, annual licensing and inspection requirements for all non-owner occupied rental dwelling units as well as requiring the annual renewal of such licenses to ensure compliance with local laws, ordinances, codes, and regulations.



DRAFT

RESOLUTION #2011-19 OF DURHAM, NEW HAMPSHIRE

REQUESTING THAT DURHAM'S LEGISLATIVE DELEGATION SUPPORT AND INTRODUCE LEGISLATION THAT WOULD ALLOW MUNICIPALITIES TO ADOPT, BY ORDINANCE, LICENSING AND INSPECTION REQUIREMENTS FOR NON-OWNER OCCUPIED RENTAL DWELLING UNITS

WHEREAS, the Town of Durham has a substantial amount of non-owner occupied rental dwelling units; and

WHEREAS, these non-owner occupied rental dwelling units are often in violation of the Town's Zoning Ordinance which specifies that no more than three (3) unrelated occupants may occupy a dwelling unit in a number of the Town's zoning districts, to include its Residential District; and

WHEREAS, chronic unlawful or nuisance activity of various kinds often occurs in and around areas where there are non-owner occupied rental dwelling units; and

WHEREAS, disorderly activity diminishes the quality of life in neighborhoods where this activity occurs, and

WHEREAS, the preponderance of Durham's non-owner occupied rental housing stock is 50-75 years old and is not subject to regular health and safety inspections; and

WHEREAS, the non-owner occupied rental housing units in Durham are typically occupied by young college students who have limited life experience and are not aware of basic life, safety, and health requirements; and

WHEREAS, the Town of Durham has a substantial and compelling interest in protecting the health, safety, and quality of life of its citizens and tenants within rental units,

NOW, THEREFORE BE IT RESOLVED that the Durham Town Council, the governing body of the Town of Durham, does hereby adopt Resolution #2011-19 requesting its legislative delegation to support and introduce legislation language that would allow municipalities to adopt, by ordinance, licensing and inspection requirements for all non-owner occupied rental dwelling units as well as requiring

the annual renewal of such licenses to ensure compliance with local laws, ordinances, codes, and regulations. The proposed language is as follows:

Amend RSA chapter 31 by inserting after section _____ the following new section:

31: ___ Licensing of Rental Dwelling Units

- I. Any college town, as defined in this section, may, by ordinance adopted by its legislative body, require the licensing of all non-owner occupied rental dwelling units with the town, and may require the renewal of such licenses not more often than annually. The ordinance may establish a license fee not to exceed \$50.00 annually per unit as a condition to granting or renewal of a license. Any such ordinance shall not apply to (a) housing owned or managed by the college, or (b) units in an owner-occupied building containing a total of four dwelling units or fewer.
- II. For purposes of this section, a "college" means a private or public post-secondary degree-granting educational institution with more than 500 students in residence, and a "college town" means any town or city in which a college is located unless all students are required to live in housing owned by the college.
- III. A local ordinance adopted hereunder may provide for inspection of licensed rental dwelling units by an authorized officer of the town for compliance with all laws, ordinances, codes, and regulations. Any such inspections shall be performed not more often than annually, unless the authorized officer has reasonable cause to believe that the unit is in violation of any such law, ordinance, code, or regulation. The inspecting officer shall be required to give the landlord at least 24 hours' notice of all inspections.
- IV. Licensing and inspection requirements under any ordinance adopted under this section shall not apply to any dwelling unit that is subject to regular inspections by another governmental authority for legal compliance under state or federal law.
- V. An ordinance adopted under this section may contain such additional provisions, not inconsistent with this section or with other laws, as may be necessary to carry out the intent of the ordinance.
- VI. Violation of any ordinance adopted under this section shall be deemed a violation.

PASSED AND ADOPTED by the Town Council of the Town of Durham,
New Hampshire this _____ day of **October, 2011** by _____ affirmative votes,
_____ negative votes, and _____ abstentions.

Diana Carroll, Chair
Durham Town Council

ATTEST:

Lorrie Pitt, Town Clerk-Tax Collector

Subject: Re: Proposed RSA 31 Amendment

Date: Thursday, October 6, 2011 10:34:40 PM Eastern Daylight Time

From: Jay Gooze

To: Bill Cote

CC: Todd Selig, Diana Carroll, pestanhope@stanhopegroup.com, Kitty Marple, Jim Lawson, RMower, neil.niman@gmail.com, whalerock@owl.smith-family.com

Further response to question 6: Section II defines "College Town" as "Town or City in which a college....."

That takes care of all municipalities. Jay

On Tue, Oct 4, 2011 at 6:14 PM, Jay Gooze <jgoozetc@gmail.com> wrote:

Bill, here are my answers to your questions: Bill, here are my comments concerning your questions. We can discuss this further at the October 17th Council meeting.

Q1: Purpose is to monitor Health and Safety of tenants AND to assure conformance of local ordinances including occupancy numbers.

Q2: This would be the definition of a particular Town that decides to use this enabling legislation to enact an Ordinance. In Durham the definition is: DWELLING UNIT – One (1) or more rooms arranged, designed or used for residential purposes for one (1) household and containing independent sanitary and cooking facilities. The presence of cooking and sanitary facilities conclusively establishes the intent to use for residential purposes.

Q3: Correct, Neil has suggested changing "in good standing with the college" to "officially recognized by the college."

Q4: A landlord would not be able to request a delay in inspection if the minimum 24 hours is written into a Town Ordinance.

Q5: Not registering a rental dwelling unit would be a violation and trigger a fine (to be determined by a Town Ordinance and hopefully with enough teeth to ensure compliance.

Q6: Town or Town/Municipality – whichever is correct (Town attorney looked at this and did not mention Town as being incorrect, but we can check again).

Q7: Standard fare for enabling legislation. Severability does not apply, but would be written into the Town Ordinance if an Ordinance was to be passed based on this enabling legislation.

Q8: -Q11: All deal with the specific Town Ordinance that might be passed if this enabling legislation were to become law. This would entail discussion when a specific Town Ordinance was brought forward.

Jay

On Tue, Oct 4, 2011 at 9:48 AM, Bill Cote <bcotetc@gmail.com> wrote:

I reviewed the proposal and rather than weigh in with opinion, I decided to be rather Socratic and ask questions:

Q: What is the intent of this amendment? Is it to find "illegal" occupants? Is it to monitor the health and safety of tenants? Is it simply another source of revenue for the town?

Q: What defines a dwelling unit? Is it a bedroom, an apartment?, a house? one side of a duplex? Should Section II include a specific definition?

Q: In addressing fraternities and sororities, is "good standing" a universal category? Would "recognized" be a better definition?

Q: Is it realistic to believe that, with 24 hours notice, an inspection will reveal the usual living conditions of a unit? Would a landlord knowing that living conditions may not be ideal or even legal, simply delay any request to inspect until conditions are satisfactory?

Q: How does one know if a landlord has not licensed a unit and what will be done about it? Obviously, known apartment buildings and rooming houses are apparent but what about the former SF home now occupied by 3 - 5 tenants?

Q: In Section III, should the word "town" not be replaced with the word "municipality"?

Q: In Section V, should there not be some legal clause about severability? Does this section as written seem vague and open for administrative abuse and burden?

Q: Will administration of this ordinance create additional personnel costs for the town? If so, will the license fee cover all fully burdened costs?

Q: What dollar amount of a violation will offset a landlord deciding not to register (license) and rent to more than legally allowed?

Q: Should a violation be issued on a per day basis? For example, a \$100 per day per violation?

Q: What constitutes a violation under this ordinance? Is it for not licensing? Is it for living conditions? If other law, ordinance or code violation is found, they likely have their respective remedies.

I look forward to a lively discussion on this matter.

Bill Cote, Town Councilor

Sent from my iPad



TOWN OF DURHAM
15 NEWMARKET ROAD
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AGENDA ITEM: # **11B**

DATE: October 17, 2011

COUNCIL COMMUNICATION

INITIATED BY: Julian Smith, Councilor

AGENDA ITEM: DISCUSSION OF (A) POSSIBLE COUNCIL-INITIATED AMENDMENTS TO THE RECENTLY-ADOPTED "WORKFORCE HOUSING OPTION" AND (B) POSSIBLE AMENDMENTS TO THE DURHAM ZONING ORDINANCE TABLE OF USES AND THE TABLE OF DIMENSIONAL REQUIREMENTS THAT WOULD ENCOURAGE THE CREATION OF WORKFORCE HOUSING ON EXISTING PROPERTIES IN ALL ZONING DISTRICTS

CC PREPARED BY: Julian Smith, Councilor

PRESENTED BY: Todd Selig, Administrator

AGENDA DESCRIPTION:

At its October 3rd meeting, the Council cut short discussion of the proposal to amend the zoning ordinance by adding a new Workforce Housing Option (WHO) section to "Article XIX. Conservation Subdivisions" and voted five to four to adopt that amendment as presented.

I would like the Council to consider amending the Workforce Housing Option by adding the Residential Coastal (RC) and Multiunit Dwelling/Office Research (MUDOR) districts to the "Applicability" section.

Why RC? Because continuing to exclude this district may leave the impression that the Council and the Town have a bias against workforce housing in the area where land prices tend to be highest, whereas inclusion is the ostensible goal. (The development of the WHO was facilitated through the Inclusionary Zoning Implementation Program, designed "to assist NH communities create and adopt inclusionary zoning ordinances.") In addition, there is a considerable amount of undeveloped open space in that district.

Why MUDOR? Because much of that district is owned by UNH and requires a minimum lot size of 40,000 square feet, as opposed to the 150,000 required in Rural (R) and RC. If UNH is serious about helping to provide affordable housing near campus for faculty, staff, and married graduate students, the amendment I suggest would make the MUDOR district attractive to a developer for purchase and thus attractive to UNH for sale.

I also think that the Council should ask the Planning Board to clarify what is meant by the "Alternative Lot Sizing" section of the WHO, which stipulates that "The Planning Board may authorize variations from the minimum lot sizes and lot dimensions specified by standards of the underlying zone through the Conditional Use Permit . . ." That is, what range or limit of variation might be considered? Under what conditions?

Among possible amendments to the Table of Uses in our Zoning Ordinance, I would suggest including several new categories of use: "Workforce Housing Duplex," "Workforce Accessory Apartment," and "Workforce Housing Accessory Dwelling Unit." These new uses would, of course, require new definitions. In the case of accessory apartments and accessory dwelling units, it may also be useful to make changes to the performance standards and to amend the Table of Dimensional Controls.

LEGAL AUTHORITY:

N/A

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

Hold discussion and decide whether or not to initiate amendments or recommend that the Planning Board do so.