



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

AGENDA

DURHAM TOWN COUNCIL
MONDAY, APRIL 1, 2013
DURHAM TOWN HALL - COUNCIL CHAMBERS
7:00 PM

NOTE: THE TOWN OF DURHAM REQUIRES 48 HOURS NOTICE IF SPECIAL COMMUNICATION AIDS ARE NEEDED

- I. **Call to Order**
- II. **Approval of Agenda**
- III. **Special Announcements**
- IV. **Approval of Minutes - February 18, 2013**
- 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, approve a road closure request submitted by the University of New Hampshire Events and Programs to close Garrison Avenue between Rosemary Lane and Main Street for the grand opening ribbon cutting celebration for the new Peter T. Paul College of Business and Economics on Friday, April 12, 2013?
- VIII. **Committee Appointments**

Begin the process for making annual citizen appointments to vacancies on various Town boards, commissions, and committees
- IX. **Presentation Item - None**
- X. **Unfinished Business**
 - A. **PUBLIC HEARING AND ACTION ON ORDINANCE #2013-03** amending Chapter 175 "Zoning", Sections 175-7 "Definitions", 175-53(A) "Table of uses", and 175-109 "Compliance Required" of the Town of Durham Code to allow the keeping of chickens and turkeys as an accessory use to single and two-family residences subject to various restrictions

- B. **PUBLIC HEARING AND ACTION ON ORDINANCE #2013-04** amending certain sections of Chapter 97 "Plumbing Code and Regulations", of the Durham Town Code to codify the Town's support for water conservation and water efficient plumbing relative to public water and sewer systems
- C. **PUBLIC HEARING AND ACTION ON RESOLUTION #2013-12** authorizing the acceptance and expenditure of \$16,042.06 in unanticipated revenues from the State of New Hampshire Department of Safety following the October 2012 Hurricane Sandy weather event and authorizing the Administrator to sign associated documents?

XI. New Business

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: April 1, 2013

COUNCIL COMMUNICATION

INITIATED BY: Durham Town Council

AGENDA ITEM: APPROVE THE TOWN COUNCIL MEETING MINUTES FOR
FEBRUARY 18, 2013

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, February 18, 2013.

Please call Jennie Berry with any grammatical/spelling changes prior to the meeting. Discussion at Monday evening's meeting should be limited only to substantive changes.

LEGAL AUTHORITY:

RSA 91-A:2 (II) specifies what must be contained in minutes of public meetings:
"Minutes of all such meetings, including names of members, persons appearing before the bodies or agencies, and a brief description of the subject matter discussed and final decisions, shall be promptly recorded and open to public inspection not more than 5 business days after the public meeting, except as provided in RSA 91-A:6, and shall be treated as permanent records of any body or agency, or any subordinate body thereof, without exception."

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION:

The Durham Town Council does hereby approve the Town Council meeting minutes for Monday, February 18, 2013 (as presented) (as amended).



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AGENDA ITEM: # 7

DATE: April 1, 2013

COUNCIL COMMUNICATION

INITIATED BY:

Patrice Russell, Director, University Events & Programs,
University Communications & Marketing

AGENDA ITEM:

SHALL THE TOWN COUNCIL, UPON RECOMMENDATION OF THE ADMINISTRATOR, APPROVE A SPECIAL EVENT PERMIT ROAD CLOSURE REQUEST SUBMITTED BY THE UNH EVENTS AND PROGRAMS DEPARTMENT TO CLOSE A PORTION OF GARRISON AVENUE BETWEEN ROSEMARY LANE AND MAIN STREET ON FRIDAY, APRIL 12, 2013 TO HOLD A GRAND OPENING RIBBON CUTTING CEREMONY FOR THE NEW PETER T. PAUL COLLEGE OF BUSINESS AND ECONOMICS?

CC PREPARED BY:

Jennie Berry, Administrative Assistant

CC PRESENTED BY:

Todd I. Selig, Town Administrator

AGENDA DESCRIPTION:

Attached is a special event permit application submitted by Patrice Russell, Director for University Events & Programs. The University is requesting that a portion of Garrison Avenue between Rosemary Lane and Main Street be closed on Friday, April 12, 2013 from 12:00 noon to 6:00 PM to hold a grand opening ribbon cutting ceremony for the new Peter T. Paul College of Business and Economics. The event is scheduled to occur between the hours of 3:30 and 5:00 PM.

The Administrator recommends approval of the permit request.

LEGAL AUTHORITY:

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

LEGAL OPINION:

N/A

Re: Approve Road Closure Request – Ribbon cutting ceremony for new UNH Peter T. Paul
College of Business and Economics

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION:

The Durham Town Council does hereby, upon recommendation of the Administrator, approve the road closure application submitted by the University of New Hampshire Department of Events and Programming requesting that a portion of Garrison Avenue between Rosemary Lane and Main Street be closed on Friday, April 12, 2013 from 12:00 noon to 6:00 PM to hold a grand opening ribbon cutting ceremony for the new Peter T. Paul College of Business and Economics.



TOWN OF DURHAM

TEL: (603) 868-5578

FAX: (603) 868-8063

Email:

publicworks@ci.durham.nh.us

PERMIT APPLICATION

TYPE OF PERMIT (Please check one):

Special Event _____
Road Closure Request X
Use of Town Property _____

DATE OF EVENT: April 12, 2013 TIME(S) OF EVENT: 3:30 - 5:00 pm

NAME OF APPLICANT/ORGANIZATION: University of New Hampshire

NAME OF EVENT: Paul College Ribbon Cutting Celebration

PERSONAL CONTACT FOR THIS EVENT: Patrice Russell

ADDRESS: 15 Strafford Ave, New England Center Durham

TELEPHONE NO.: DAY: 603-862-1087 EVENING: 603-397-9235

EMAIL: patrice.russell@unh.edu

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

Would like to close Garrison Avenue between Rosemary Ave and Main Street for the Grand opening Ribbon Cutting celebration for the new Peter T Paul College of Business and Economics. The event is scheduled from 3:30-5:00 so requesting road closure from noon - 6:00 pm

ANTICIPATED NUMBER OF PARTICIPANTS: 500

ANTICIPATED NUMBER OF VEHICLES: 100 - using C lot

CERTIFICATE OF INSURANCE INFORMATION

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

Insurance Carrier: on file - UNH
Policy Number and Expiration Date: _____

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

Patrice Russell [Signature] 3/11/13
Printed Name and Signature of Event Coordinator/applicant Date

Megan Davis [Signature] 3/12/13
Printed Name and Signature of Principal/Owner/Authorizing Authority Date

FOR OFFICIAL USE ONLY

- Reviewed by DPW: OK, need to provide signage
Comments: Barbicide
- Reviewed by PD: OK
Comments:
- Reviewed by FD: all set Cong lanes ^{up} 3/12/13
Comments:
- Reviewed by P&R: OK
Comments:

Approved: _____ Date _____
Todd I. Selig, Administrator

Janice Richard

From: Stefanie Frazee
Sent: Wednesday, March 13, 2013 4:31 PM
To: Janice Richard
Subject: RE: Road Closure Application

OK with P&R!

Stefanie Frazee
Parks & Recreation Director
Town of Durham

2 Dover Road
Durham, NH 03824
603.817.4074

From: Janice Richard
Sent: Wednesday, March 13, 2013 3:32 PM
To: Stefanie Frazee
Subject: FW: Road Closure Application

From: Rene Kelley
Sent: Wednesday, March 13, 2013 1:28 PM
To: Janice Richard
Subject: FW: Road Closure Application

Per Patrice's request I am forwarding this application to you.

Rene

From: Russell, Patrice [<mailto:patrice.russell@unh.edu>]
Sent: Wednesday, March 13, 2013 12:12 PM
To: David Kurz; Rene Kelley
Subject: Road Closure Application

Hi,

I am planning the Paul College Ribbon Cutting Celebration and would like to close Garrison Avenue between Rosemary and Main Street. Attached is the application for your approval and signature.

Please let me know if you have any questions.

-Patrice

* * *

Janice Richard

From: Rene Kelley
Sent: Wednesday, March 13, 2013 12:31 PM
To: Russell, Patrice; David Kurz
Cc: Douglas Bullen; Michael Lyczak; Janice Richard
Subject: RE: Road Closure Application

Hello Patrice: You will need to get with DPW to formulate a detour sign package (I have copied them on this e-mail) and you will need two detail officers for the event.

Rene

From: Russell, Patrice [<mailto:patrice.russell@unh.edu>]
Sent: Wednesday, March 13, 2013 12:12 PM
To: David Kurz; Rene Kelley
Subject: Road Closure Application

Hi,

I am planning the Paul College Ribbon Cutting Celebration and would like to close Garrison Avenue between Rosemary and Main Street. Attached is the application for your approval and signature.

Please let me know if you have any questions.

-Patrice

* * *

Patrice Russell

University Events and Programs |
15 Strafford Avenue | Durham, NH 03824 |
o: 603-862-1087 | c: 603-397-9235
patrice.russell@unh.edu

Client#: 490495

UNIVENEW

ACORD™

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

10/31/2012

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER: USI Insurance Svcs of NE, Inc. PO Box 6360 Manchester, NH 03108-6360 603 625-1100
CONTACT NAME:
PHONE (A/C, No, Ext): 603 625-1100 FAX (A/C, No):
E-MAIL ADDRESS:
INSURER(S) AFFORDING COVERAGE:
INSURER A: United Educators Ins, Recip Ris NAIC #: 10020
INSURER B: Acadia Insurance Company NAIC #: 31325
INSURER C:
INSURER D:
INSURER E:
INSURER F:

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

Table with columns: INSR LTR, TYPE OF INSURANCE, ADDL SUBR INSR WVD, POLICY NUMBER, POLICY EFF (MM/DD/YYYY), POLICY EXP (MM/DD/YYYY), LIMITS. Rows include General Liability, Automobile Liability, Umbrella Liability, and Professional Liability.

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)
Additional Insured Status Is Provided Where Required by Contract
Supplemental Names University of New Hampshire at Durham, University of New Hampshire at Manchester, Keene State College, Plymouth State University, NHPB, New Hampshire Public Television(NHPTV), University of New Hampshire Foundation, Inc., UNH Alumni Association, Center for Public Responsibility and Corporate Citizenship, Granite State College, New Hampshire Fiber Network, Inc.,(NHFN, Inc.) (See Attached Descriptions)

CERTIFICATE HOLDER: The Town of Durham 15 Newmarket Road Durham, NH 03824
CANCELLATION: SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE: [Signature]

DESCRIPTIONS (Continued from Page 1)

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.





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AGENDA ITEM: # **8**

DATE: April 1, 2013

COUNCIL COMMUNICATION

INITIATED BY:

Durham Town Charter

AGENDA ITEM:

**ANNUAL APPOINTMENTS OF CITIZENS TO VARIOUS TOWN
BOARDS, COMMISSIONS, AND COMMITTEES**

CC PREPARED BY:

Jennie Berry, Administrative Assistant

PRESENTED BY:

Durham Town Council

AGENDA DESCRIPTION:

Section 11.4 "Terms of Office" of the Durham Town Charter states that all terms of office for members of appointed boards shall begin on May 1 and end on April 30.

At the end of April, a number of vacancies will occur on various Town boards, commissions, and committees. These vacancies have been advertised and posted on the outside bulletin board at Town Hall and the Town web site, and published in the weekly "Friday Updates".

APPOINTMENT PROCESS - PART I:

The following is a list of citizens who have indicated their interest in being appointed to various Town boards, commissions, and committees. These boards and committees have **AT LEAST** the number of applicants for the number of vacancies to be filled.

DURHAM PUBLIC LIBRARY BOARD OF TRUSTEES

THREE ALTERNATE 1-YEAR TERMS, EXPIRE 4/30/14

Applicants:

Lisa Pfeiffer	Reappointment
Carolyn Singer	Reappointment
David Moore	New appointment

MOTION:

The Town Council does hereby, upon recommendation of the Durham Library Board of Trustees, appoint/reappoint Lisa Pfeiffer, Carolyn Singer, and David Moore to one-year alternate member terms on the Durham Public Library Board of Trustees, with said terms to expire on April 30, 2014.

APPOINTMENT PROCESS - PART II:

The following are boards and committees in which the number of interested applicants **IS LESS THAN** the number of vacancies.

CONSERVATION COMMISSION

TWO REGULAR 3-YEAR TERMS, EXPIRE 4/30/16
ONE ALTERNATE 3-YEAR TERM, EXPIRES 4/30/16
ONE ALTERNATE 3-YEAR TERM, EXPIRES 4/30/14

Applicants:

Peter Smith	Reappointment to alternate (requests alternate)
Coleen Fuerst	New appointment (requests alternate)

MOTION:

The Town Council does hereby reappoint Peter Smith to a three-year alternate member term on the Conservation Commission, with said term to expire on April 30, 2016.

MOTION:

The Town Council does hereby appoint Coleen Fuerst to a three-year alternate member term on the Conservation Commission, with said term to expire on April 30, 2014.

Two regular member vacancies remaining - Terms ending 4/16

DURHAM AGRICULTURAL COMMISSION

TWO REGULAR 3-YEAR TERMS, EXPIRE 4/30/16
TWO ALTERNATE 3-YEAR TERMS, EXPIRE 4/30/16
ONE ALTERNATE 3-YEAR TERM, EXPIRES 4/30/14

Applicants:

David Potter	Reappointment as regular
Carol Tuveson	Reappointment (requests alternate)
Michelle Whisnant	New appointment

MOTION:

The Town Council does hereby reappoint David Potter to a three-year regular member term on the Durham Agricultural Commission, with said terms to expire on April 30, 2016.

MOTION:

The Town Council does hereby appoint Michelle Whisnant to a three-year alternate member term on the Durham Agricultural Commission, with said terms to expire on April 30, 2016.

MOTION:

The Town Council does hereby reappoint Carol Tuveson to a three-year alternate member term on the Durham Agricultural Commission, with said term to expire on April 30, 2016.

One alternate member vacancy remaining - Term ending 4/14

DURHAM ENERGY COMMITTEE (NO TERMS)
TWO VACANCIES

Applicants:

Coleen Fuerst New appointment

MOTION:

The Town Council does hereby appoint Coleen Fuerst to the Durham Energy Committee.

One vacancy remaining - No term date

ECONOMIC DEVELOPMENT COMMITTEE
ONE REGULAR 3-YEAR TERM, EXPIRES 4/30/15
ONE REGULAR 2-YEAR TERM, EXPIRES 4/30/15
ONE ALTERNATE 2-YEAR TERM, EXPIRES 4/30/15

Applicants:

Ute Luxem Reappointment as regular
Renee Capicchioni Vannata Reappointment as regular

MOTION:

The Town Council does hereby reappoint Ute Luxem to a two-year regular member term on the Economic Development Committee, with said term to expire on April 30, 2015.

MOTION:

The Town Council does hereby appoint Rene Capicchioni Vannata to a 3-year regular member term on the Economic Development Committee, with said term to expire April 30, 2015.

One alternate member vacancy remaining - Term ending 4/15

PARKS AND RECREATION COMMITTEE

TWO REGULAR 3-YEAR TERM, EXPIRES 4/30/16
ONE REGULAR 3-YEAR TERM, EXPIRES 4/30/15
ONE ALTERNATE 3-YEAR TERM, EXPIRES 4/30/16

Applicants:

David Leach	Reappointment to regular
Diane Moore	Reappointment to regular
Jason Seaman	New appointment to regular

MOTION:

The Town Council does hereby reappoint David Leach and Diane Moore to three-year regular member terms on the Parks & Recreation Committee with said terms to expire on April 30, 2016.

MOTION:

The Town Council does hereby appoint Jason Seaman to a three-year regular member term on the Parks & Recreation Committee with said term to expire on April 30, 2015.

One alternate member vacancy remaining - Term ends 4/30/16

PLANNING BOARD

TWO REGULAR 3-YEAR TERM, EXPIRES 4/30/16
ONE ALTERNATE 3-YEAR TERM, EXPIRES 4/30/16
ONE ALTERNATE 3-YEAR TERM, EXPIRES 4/30/14

Applicants:

Lorne Parnell	Reappointment as regular
David Williams	Reappointment (requests regular)
James Bubar	New appointment (requests regular)

MOTION:

The Town Council does hereby reappoint Lorne Parnell and David Williams to three-year regular member terms on the Planning Board with said terms to expire on April 30, 2016.

MOTION:

The Town Council does hereby appoint James Bubar to a three-year alternate member term on the Planning Board with said term to expire on April 30, 2016.

One alternate member vacancy remaining - Term ends 4/30/14

ZONING BOARD OF ADJUSTMENT
TWO REGULAR 3-YEAR TERMS, EXPIRE 4/30/16
ONE REGULAR 3-YEAR TERM, EXPIRES 4/30/14
ONE ALTERNATE 3-YEAR TERM, EXPIRES 4/30/16

Applicants:

Sean Starkey	Reappointment as regular
Mark Morong	Reappointment (requests regular)

MOTION:

The Town Council does hereby reappoint Sean Starkey and Mark Morong to three-year regular member terms on the Zoning Board of Adjustment, with said terms to expire on April 30, 2016.

One regular member vacancy remaining - Terms ends 4/30/14
One alternate member vacancy remaining - Term ends 4/30/16

APPOINTMENT PROCESS - PART III:

There are currently no boards and committees in which the number of interested applicants **EXCEED** the number of vacancies.

LAMPREY RIVER ADVISORY COMMITTEE
TWO MEMBERS 3-YEAR TERM, EXPIRE IN 2016

Note: Appointments to the LRAC are made by the NHDES Commissioner, upon recommendation of the Town Council.

Applicants:

William Hall	Reappointment
Richard Lord	Reappointment
Ann Welsh	New appointment

MOTION:

The Town Council does hereby recommend for appointment _____ and _____ to three-year terms on the Lamprey River Advisory Committee with said terms to expire in 2016 in the month they are appointed by the NHDES Commissioner.

APPOINTMENT PROCESS - PART IV:

The following are boards and committees in which **NO APPLICATIONS** were received.

HISTORIC DISTRICT/HERITAGE COMMISSION

ONE REGULAR 3-YEAR TERM, EXPIRES 4/30/16

INTEGRATED WASTE MANAGEMENT ADVISORY COMMITTEE

THREE REGULAR VACANCIES, NO TERM EXPIRATION

ONE ALTERNATE VACANCY, NO TERM EXPIRATION

STRAFFORD REGIONAL PLANNING COMMISSION & MPO POLICY COMMITTEE

ONE DURHAM REPRESENTATIVE 4-YEAR TERM, EXPIRES 4/30/14

LEGAL AUTHORITY:

Section 11.4 "Terms of Office" of the Durham Town Charter
Conservation Commission - Section 11.1B of the Durham Town Charter
Durham Agricultural Commission - RSA 673:4-b and Resolution #2011-14 dated 7/11/11
Durham Energy Committee - March 13, 2008 Town Election. Voters passed a measure to adopt the New Hampshire Climate Change Resolution. Subsequently, on April 23, 2007, the Town Council adopted Resolution #2007-14 creating the Durham Energy Committee.
Economic Development Committee - Section 4-18(9) of the Administrative Code
Historic District/Heritage Commission - Section 11.1D of the Durham Town Charter and Section 4-18 (8) of the Administrative Code
Lamprey River Management Advisory Committee - State-formed committee
Parks and Recreation Committee - Section 11.1C of the Durham Town Charter
Planning Board - Section 11.1A of the Durham Town Charter
SRPC MPO Policy Committee - RSA 36:46 Formation of Regional Planning Commissions.
Zoning Board of Adjustment - Section 11.2 of the Durham Town Charter

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

Review applications of citizens interested in reappointments/appointments to various Town boards, commissions, and committees, and make appointments as appropriate.

Jen Berry

From: Doug Bencks <dbencks@comcast.net>
Sent: Saturday, March 23, 2013 2:45 PM
To: Jen Berry
Subject: Re: DPL Trustees Recommendation to Council for Alternate appointments

Hi Jen,

The Durham Public Library Board of Trustees recommend the following three individuals for Alternate Trustees for the coming year:

David Moore, who has just completed his second term as a regular Trustee, and chose not to run again this year but would like to continue as an Alternate Trustee.

Carolyn Singer, has served as an Alternate Trustee this past year.

Lisa Pfeiffer, has served as an Alternate Trustee for several years.

Let me know if there are any questions, and let me know if they need to attend the Town Council meeting.

Thanks,
Doug

From: [Jen Berry](#)
Sent: Thursday, March 07, 2013 8:29 AM
To: [Doug Bencks](#)
Subject: RE: DPL Trustees Recommendation to Council for Alternate appointments

Sounds like a plan. Thanks, Doug! ☺

From: Doug Bencks [<mailto:dbencks@comcast.net>]
Sent: Wednesday, March 06, 2013 9:53 PM
To: Jen Berry
Subject: Re: DPL Trustees Recommendation to Council for Alternate appointments

Hi Jen,

The Trustees will discuss this at their March meeting on March 21st. I'll get you the list right after that.

Doug

From: [Jen Berry](#)
Sent: Wednesday, March 06, 2013 3:58 PM
To: dbencks@comcast.net
Subject: DPL Trustees Recommendation to Council for Alternate appointments

Hi Doug,

Jen Berry

From: David W. Moore <dmoore62@comcast.net>
Sent: Monday, March 25, 2013 10:19 PM
To: Jen Berry
Cc: dbencks@comcast.net
Subject: Appointment as Alternate to Durham Public Library's Board of Trustees

To Members of the Town Council:

I have served as a regular member of the Library's Board of Trustees for two full terms (six years), and decided not to run for a third term. However, I am interested in being appointed for one year as an Alternate to the Board, in order to participate in the completion of the New Library Project – with the new building expected to open this summer.

Respectfully,

David Moore

4 Stevens Way

Durham



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: Coleen Fuerst Date: 3/14/13

Address: 220 Newmarket Rd., Durham, NH 03824

E-Mail Address: cfuerst@durhamboat.com

Home Telephone: 603-767-7238

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

1. Conservation Commission
2. Energy Committee
- 3.

Please provide a brief explanation for your interest in appointment to a particular board, commission or committee:

Have a keen interest in conserving land for future generations to enjoy.

Please provide brief background information about yourself:

BS Zoology - Syracuse Univ.
MSCE (Environment) UNH & MBA SUHU
Worked for 25 years in the environment/field
Worked for nearly 17 years in rowing industry

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

Name: Ann Marie Harris	Telephone: 603-868-5182
Name: Scott Bogle	Telephone: 603-397-5218
Name: Nancy Winterbottom	Telephone: 603-659-3110



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.

Jen Berry

From: David Potter <hdcwby@gmail.com>
Sent: Thursday, March 07, 2013 1:41 PM
To: Jen Berry
Subject: Agj com appointment

Jen, do I need to do more than this e-mail to request a re-appointment to the agricultural commission?

Thanks for your assistance.

David Potter

Sent from my iPad

Jen Berry

From: Carol Tuveson <ctuveson@msn.com>
Sent: Wednesday, March 13, 2013 4:29 PM
To: Jen Berry
Subject: ag com

Jenn,

I am interested in being on the Agriculture Commission again. I am currently filling the remainder of a term for an alternate, and find that I am really enjoying being a part of this team.

Sincerely,
Carol Tuveson

*Per telephone conversation on 3/25,
Carol desires to remain as an
alternate member @ this time,*



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: Michelle Whisnaut

Date: 3/4/13

Address: 165 Wednesday Hill Rd Durham NH 03824

E-Mail Address: Spirit Fawn@gmail.com

Home Telephone: 603 364-0907 (cell)

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

1. Agriculture
- 2.
- 3.

Please provide a brief explanation for your interest in appointment to a particular board, commission or committee: want to be a more active voice for our town.

Please provide brief background information about yourself: Small scale farmer
Holistic Farm Management graduate and also a
Natural Resource Steward.

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

Name: Sally Baker

Telephone: 659-2895

Name: Louann Corbin Briswald

Telephone: 659-6972

Name: Lauren Chase Rowell

Telephone: 443-7538

◆◆◆◆◆◆◆◆◆◆

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

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: Coleen Fuerst Date: 3/14/13

Address: 220 Newmarket Rd., Durham, NH 03824

E-Mail Address: cfuerst@durhamboat.com

Home Telephone: 603-767-7238

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

1. Conservation Commission
2. Energy Committee
- 3.

Please provide a brief explanation for your interest in appointment to a particular board, commission or committee:

Have a keen interest in conserving land for future generations to enjoy.

Please provide brief background information about yourself:

BS Zoology - Syracuse Univ.
MSCE (Environment) UNH & MBA SWHU
Worked for 25 years in the environment/field
Worked for nearly 17 years in rowing industry

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

Name: Annmarie Harris	Telephone: 603-868-5182
Name: Scott Bogle	Telephone: 603-397-5218
Name: Nancy Winterbottom	Telephone: 603-659-3110



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.

Jen Berry

From: Ute Luxem <ute.edc@gmail.com>
Sent: Wednesday, March 27, 2013 10:17 AM
To: Jen Berry
Subject: Request for appointment to the EDC

Dear members of the Town Council,

My term at the EDC is going to expire by the end of April 2013. I am interested in the reappointment for a two year term as a regular member.

Sincerely yours,

Ute Luxem
Chair of the EDC

Jen Berry

From: Renee Capicchioni Vannata <safaritour@comcast.net>
Sent: Monday, March 25, 2013 8:37 PM
To: Jen Berry
Subject: Re: Your EDC Reappointment

Yes, I'm taking the 3 year term seat. Thank you Jennie!

Renee Capicchioni Vannata
Email Me safaritour@comcast.net
Call Me (603)781-4074
Pin Me <http://pinterest.com/safaritour/>
Foursquare Me <http://foursquare.com/safaritour>
Like Me <http://www.facebook.com/renee.vannata>
Tweet Me <http://twitter.com/safaritour>
Instagram with Me <http://instagram.com/safaritour/>

----- Original Message -----

From: Jen Berry
To: safaritour@comcast.net
Sent: Monday, March 25, 2013 11:28 AM
Subject: Your EDC Reappointment

Hi Renee,

You didn't specify in your email...but, there is another regular member vacancy available. It's an unfilled 3-year term with an expiration of April 2015. Do you want me to put you in for that instead of continuing in the alternate position?

Jen-

Jennie Berry
Admin. Assistant
Town of Durham
15 Newmarket Road
Durham, NH 03824
(603) 868-5571

Jen Berry

From: bikeyooohoo@gmail.com on behalf of Nate Trauntvein <neh34@unh.edu>
Sent: Thursday, March 21, 2013 8:09 PM
To: Jen Berry
Subject: Fwd: DPR Appointment

Jen,

I just got this from David Leach. I was not sure if he let you know already, but it looks like he wants to stay on the committee for a couple more years. Let me know if there is anything else that I need to do.

Thanks,

Nate

----- Forwarded message -----

From: **David Leach** <david.leach@unh.edu>
Date: Thu, Mar 21, 2013 at 5:13 PM
Subject: RE: DPR Appointment
To: Nate Trauntvein <neh34@unh.edu>

I would be happy to be on the P&R committee for another 2yrs.

David C. Leach

Assistant Director

Campus Recreation Department

University of New Hampshire

128 Main St.

Durham, NH 03824

tel: [603-862-2056](tel:603-862-2056), fax: [603-862-4801](tel:603-862-4801)

<http://campusrec.unh.edu>

From: bikeyooohoo@gmail.com [<mailto:bikeyooohoo@gmail.com>] **On Behalf Of** Nate Trauntvein
Sent: Tuesday, March 12, 2013 3:24 PM
To: David Leach
Subject: DPR Appointment

Jen Berry

From: Diane B. Moore <dbm28_2000@yahoo.com>
Sent: Monday, March 18, 2013 9:03 AM
To: Todd Selig
Cc: Jen Berry; Stefanie Frazee; Nate Trauntvein
Subject: Durham Parks and Recreation

Good Morning Todd,

As I approach the end of my current 3 year volunteering commitment, I would like to stay on the committee an additional year to continue to see some of the goals and initiatives the committee is working on continue and help support the department. At our last committee meeting we discussed my staying on the committee for an additional year and the committee agreed to continue to have me participate.

If you would kindly consider a one year extension of my appointment, I (and the committee) would greatly appreciate the opportunity. Thank you for taking the time to consider this "non-traditional" option to retaining volunteers on the DPR committee.

Thoughtfully,
Diane Moore
603-659-5823
dbm28_2000@yahoo.com



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: JAYSON SEAMAN Date: 2-14-13

Address: 46 BAGOAD RD

E-Mail Address: jseaman@alumni.unh.edu

Home Telephone: 603-988-3554

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

1. Recreation
- 2.
- 3.

Please provide a brief explanation for your interest in appointment to a particular board, commission or committee:

Interest in serving my community; professional background;
Interest in getting kids involved in healthy activities

Please provide brief background information about yourself:

Educator for 20 years specializing in youth involvement
in out of school activities. Personally I enjoy outdoor recreation
& triathlon.

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

Name: Brent Bell Telephone: 862-3047
Name: Nate Trautwein Telephone: 862-0670
Name: _____ Telephone: _____



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.

Jayson Seaman, Ph.D.
46 Bagdad Road
Durham, NH 03824
Email: jseaman@unh.edu
Phone: (603) 862-1162

EDUCATION

Ph.D. Education, received 2006, University of New Hampshire
Dissertation: *Adventure Education as Cultural-Historical Activity: A Study of Experience, Learning, and Social Processes in Project Adventure Workshops*

RELEVANT PROFESSIONAL EXPERIENCE

Associate Professor, 2006-present
University of New Hampshire Kinesiology Department, Outdoor Education Option

Teacher and Program Administrator, 1994-2002
John Stark Regional High School, Weare, NH (1994-1997)
New Hampshire State Department of Education (1998-1999)
Rivendell Interstate School District, Orford, NH (2000-2002)

TEACHING FIELDS

Social and historical foundations of education; Experiential learning theories and methods; Sociological and psychological perspectives on outdoor adventure; Qualitative research methods; Cultural-historical activity theory

SELECTED AWARDS AND GRANTS

Expeditionary Learning Schools research grant, 2009
American Educational Research Association Distinguished Paper Award, 2008
New England Educational Research Organization Rubovitz Award, 2007

SELECTED PUBLICATIONS

- Rheingold, A., LeClerc, C., Seaman, J., and Middleton, M. (in press). Using academic notebooks to support achievement and promote positive environments in differentiated classrooms. Article forthcoming in the *Middle School Journal*.
- Seaman, J. (2012, December). Learning styles as a basis for paddlesports instruction: A review of the literature and some alternatives to add to the conversation. *Journal of Paddlesport Education*, 1-8.
- Smith, T., Knapp, C., Seaman, J., and Pace, S. (2011). Experiential education and learning by experience. In T. Smith & C. Knapp (Eds.), *Sourcebook for experiential education: Key thinkers and their contributions* (pp. 1-12). New York: Routledge.
- Seaman, J., Beightol, J., Shirilla, P., and Crawford, B. (2010). Contact theory as a framework for experiential activities as diversity education: An exploratory study. *Journal of Experiential Education*, 32(3), 207-225.
- Wright, S., Grenier, M., and Seaman, J. (2010). An interdisciplinary view and analysis of constructivism in Kinesiology. *QUEST*, 62(2), 202-217.

Jen Berry

Subject: FW: Planning Board

From: nlparnell@comcast.net

Sent: Thursday, March 14, 2013 11:36 AM

To: [Jen Berry](#)

Cc: [Michael Behrendt](#)

Subject: Planning Board

Town Council,
Town of Durham, NH

I understand that my current term on the Planning Board will expire on April 30, 2013 and, at that time, I would like to be reappointed to the Board. I feel that I can continue to make contributions to the decisions that the Board is asked to make.

Best regards,

Lorne Parnell.

David N. Williams
144 Packers Falls Rd
Durham, NH 03824

Telephone (603) 292-6307
Cell (603) 953-5798
Email home14@comcast.net

Thursday 14 March 2013

Durham Town Hall
Town Administrator
Mr. Tom Selig
15 Newmarket Road
Durham, NH 03824

Re Regular Member Position on Planning Board

Having served on the Planning Board as an Alternate Member since October 2012, I want to continue on the Board for a full three-year term (2013-2016) as a Regular Member beginning April 2013.

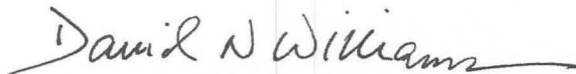
Should the Town Council re-appoint me to the Planning Board, I intend to focus my participation in the following ways:

Drawing out Board "ownership" of the Durham Master Plan, to wit, to strengthen the Master Plan's multi-year planning process as well as to further incorporation of its visions, analyses, and recommendations in Board decision-making;

Seeking greater Board understanding *and* deepening public appreciation of

- manifold, competing expectations of con-/preservation and development;
- and the *third millennium's* global cultural, economic, and political forces that both entice and pummel our town's *second millennium* identities, challenging and confusing us every which way.

Sincerely yours,



David N. Williams
Town Citizen

Cy to: Michael Behrendt



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: James A Bubar

Date: 14 March 2013

Address: 4 Old Piscataqua Road

E-Mail Address: james@bubar.org

Home Telephone: 603.397.0670

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

1. Planning Board
- 2.
- 3.

Please provide a brief explanation for your interest in appointment to a particular board, commission or committee:

I would like to utilize my professional background and experience to assist the Town in the important endeavors conducted by the Planning Board.

Please provide brief background information about yourself:

Regular member of the Agricultural Commission inception through 30 April 2013, also see attached.

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

Name: John Hart

Telephone: 603.285.1513

Name: William Schoonmaker

Telephone: 603.868.1797

Name: Charles Ricker

Telephone: 608.833.3659



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.

James A. Bubar

4 Old Piscataqua Road
Durham, NH 03824
Tel: 603.397.0670
Email: james@bubar.org

EXPERIENCE

- Vice President Customer Sales & Service Group TDS TELECOM **January 2001 to July 2004**

I managed a multi-disciplinary team accountable for the successful integration planning of our Chorus Communications Group Ltd., MCT Inc and Telecommunications Systems of New Hampshire acquisitions within TDS TELECOM's ILEC and CLEC organizations. Additionally, I provided general administration and oversight to the Pioneer Directory operations that were part of the Chorus acquisition. I managed the Chorus Business System Sales unit until it was fully integrated. I managed Pioneer Directories and worked closely with the TDS Corporate Development team to ensure successful disposal of the operations. I provided management oversight and direction to project managers for the replacement of a major facilities records system.

Primary Accomplishments:

- Maintained existing high levels of customer satisfaction throughout transition
- Produced an actionable transition plan with measurable results
- Created a transition plan that generated required financial returns
- Created a detailed transition project work plan

- Vice President Emerging Applications TDS TELECOM **January 1999 to Dec 2000**

I was responsible for the development of new products and services for our existing ILEC and CLEC territories and emerging markets. Data products and services were the main focus of the development activity. Products developed during this period were Consumer Long Distance, National Directory Assistance, Managed Network Services and xDSL product deployments. These products were expected to add revenues in excess of \$50 million.

Primary Accomplishments:

- Generated new revenue sources
- Created product families and product development road map
- Provided ongoing product family analysis and strategy

- Vice President and Chief Information Officer, TDS TELECOM **July 1994 to Dec 1998**

Accountable for the billing and operating support systems servicing the Company's telephone, internet, Competitive Local Exchange Carrier (CLEC) entity and other operations in over 100 business offices throughout 28 states. The annual budget exceeded \$40 million, including 150+ direct staff personnel. I set the direction to deploy NT throughout the Company, forming the foundation for our anytime, anywhere workforce mobility strategy. I developed a cost efficient Intranet model that encouraged departmental web based information sharing and content development. I set the Company's focus on early recognition of Year 2000 issues and implemented required programs to resolve all of the issues well in advance. Accountable for restructuring Information Systems from a customer billing support group to an integrated Information Systems

and Technology organization. I directed the implementation of a balanced measurement program to evaluate the progress and rate of improvement that has been delivered.

Primary Accomplishments:

- Aligned Information Systems with TDS TELECOM's business strategy
 - Implemented performance and operational control metrics
 - Created pseudo cost allocation methodology
 - Created mechanism for prioritizing limited resources
 - Created method for business units to engage Information Systems resources
- Vice President-Mid-Central Division Manager, TDS TELECOM **November 1990 to June 1994**

Accountable for the Company's telephone and interconnect activities in Michigan, Ohio and Indiana. Division had over \$25 million in annual revenues, 160+ employees in 14 companies. Accountable for overall service quality, daily operations, budgeting, capital forecasting and planning as well as managed the regulatory and legislative affairs. The Division was consistently a leader in earnings and sales. Negotiated a three year labor contract with the Communications Workers of America (CWA). Testified in various regulatory proceedings and managed negotiations with other carriers. I was appointed by the State of Indiana as a founding Director of the Indiana Telecommunications Relay Association Corporation (Intrac), which was enabled by legislation to bring telecommunications services to the speech and hearing impaired. I served as the Corporation's Secretary until June 1994. I was a member of the Indiana Telephone Association's Board of Directors, 1991 through 1994.

Primary Accomplishments:

- Increased Return on Equity
 - Maintained high levels of customer service
 - Created an environment of high employee morale
 - Maintained legislative and regulatory relations
- General Manager, Somerset Telephone Company **February 1987 to October, 1990**

Managed the day to day operations of this TDS TELECOM 10,000+ customer subsidiary covering 1400 sq. miles in central Maine. Directed over 50 employees, including operator services, to provide improved customer service, increased sales activities and expanded public relations efforts. Managed the Company during its migration from mechanical to digital switching technology and extensive fiber optic cable deployment. Re-franchised the Company's cable television operations and facilitated the sale of that operation. Created a positive business case for purchase of poles from Central Maine Power that reduced pole rental charges and increase settlement revenues. Improved revenues and earnings while reducing the work force by approximately 30%. Member of the Maine Telephone Association's Board of Directors.

Primary Accomplishments:

- Increased Return on Equity
- Maintained high levels of customer service
- Improved employee morale

- Maintained regulatory relations
- Director - Financial Systems, Telephone & Data Systems, **June 1982 to January, 1987**

Managed replacement of Telephone & Data Systems' financial systems and implemented a financial infrastructure that facilitated the Company's rapid growth throughout the 1980s. Subsequent to completing the implementation of these systems in 1983, was accountable for the financial applications suite, conversion of newly acquired operations, training and end user reporting. Directed the development of a FOCUS based Ad Hoc reporting group to significantly restructure the approach to financial information management and internal reporting. Additionally, I assisted with the development of a Corporate Human Resource application, cellular billing system and paging billing system.

Primary Accomplishments:

- Upgraded the Company's financial application systems
- Supported and maintained the financial application systems
- Provided training on financial application systems usage
- Special Studies Manager, Western Region Telephone & Data Systems, **June 1981 to May 1982**
- Accounting Manager, Western Region Telephone & Data Systems, **Dec 1978 to May 1981**
- Staff Accountant, Northeast Region Telephone & Data Systems, **June 1977 to November 1978**
- Plant Accountant, Somerset Telephone Company, **August 1973 to May 1977**

Education:

- BA - Administrative Science, 1972
Colby College, Waterville, Maine
- Masters in Business Administration, 1989
Thomas College, Waterville, Maine

Certification:

- Certified Management Accountant (inactive)

Jen Berry

Subject: FW: Re-Up Zoning Board

Importance: High

From: Sean.O.Starkey@wellsfargo.com [mailto:Sean.O.Starkey@wellsfargo.com]

Sent: Wednesday, March 13, 2013 1:17 PM

To: Jen Berry

Cc: Todd Selig; robby@woodburnandcompany.com

Subject: FW: Re-Up Zoning Board

Importance: High

Hi Jen,

Please accept this as my request to renew my membership for another term for the Zoning Board of Adjustment.

Sincerely,

Sean

Jen Berry

From: MARK MORONG <mduffm@comcast.net>
Sent: Wednesday, March 06, 2013 7:58 AM
To: Jen Berry
Subject: ZBA

Hi Jennie---I would like to continue serving on the ZBA in either the alternate position that I now hold, or a regular member if the opportunity comes up. Thank You---Mark Morong



LOCAL RIVER MANAGEMENT ADVISORY COMMITTEE NOMINEE QUESTIONNAIRE

Please fill in the blanks below and email to: riversprogram@des.nh.gov, and please type "NOMINATION QUESTIONNAIRE" followed by your name in the subject line of the email. For questions contact the Rivers Coordinator at 271-2959

NOMINEE NAME: William
REPRESENTING: HALL RIVER NAME: Lamprey
MUNICIPALITY: Durham OTHER:

Nominee Contact Information:

Street Address: 3 Smith Park Lane
Town: Durham
Zip Code: 03824
Email: None
Phone (home): 603 868-7400 Phone (cell): N/A Phone (work): N/A

Is this a: New appointment or a Reappointment

Please state your interest(s) in serving on the Local Advisory Committee:

- Local Government
- Conservation
- Agriculture
- Business
- Recreation
- Riparian Landowners

Please include a short description of your relevant background knowledge of local river-related issues or general river management and protection-Begin typing below: Have been serving on the LRAC for 6 years and currently serve as its Treasurer.
What types of activities might you be interested in assisting the local advisory committee in completing (check all that apply):

- Management Plan Preparation/Implementation
- Event Organization
- Public Education
- Grant Writing
- Public Relations
- Committee Administration - Treasurer
- Other _____

Most Local Advisory Committees meet monthly. In some cases they may meet more frequently to complete specific tasks, while in other cases your attendance may not required at all meetings. Please check one of the boxes below to indicate your availability to attend regularly scheduled meetings.

- I can attend monthly meetings on any ~~most~~ weeknights
- I can attend monthly meetings only if scheduled on a specific weeknight
- I can only attend a limited number of monthly meetings
- I can only attend monthly meetings in a substitute capacity when the regular town representative(s) was unavailable.
- I cannot attend monthly meetings, but am willing to complete tasks on behalf of the Local Advisory Committee.



LOCAL RIVER MANAGMENT ADVISORY COMMITTEE
NOMINEE QUESTIONNAIRE

Please fill in the blanks below and email to: riversprogram@des.nh.gov, and please type "NOMINATION QUESTIONNAIRE" followed by your name in the subject line of the email. For questions contact the Rivers Coordinator at 271-2959

NOMINEE NAME: Richard H. Lord RIVER NAME: Lamprey Watershed
REPRESENTING: MUNICIPALITY: Durham OTHER: []

Nominee Contact Information:

Street Address: 85 Bennett Rd.
Town: Durham, NH
Zip Code: 3824
Email: RHLord@comcast.net
Phone (home): 603-659-2721 Phone (cell): none Phone (work): same as home

Is this a: New appointment [] or a Reappointment [x]

Please state your interest(s) in serving on the Local Advisory Committee:

- [] Local Government [] Business
[x] Conservation [x] Recreation
[x] Agriculture [x] Riparian Landowners

Please include a short description of your relevant background knowledge of local river-related issues or general river management and protection-Begin typing below:

I have been involved with preservation and protection of the Lamprey River for over 30 years and am one of the original members of the Lamprey River Advisory Committee. In addition to being a Durham representative to the expanded 18 town watershed-wide rivers advisory committee, I am also vice-chairman of the National Park Service Wild & Scenic Rivers sub-committee of LRAC and chair of the history sub-committee and member of the land conservation, outreach, recreation and wildlife sub-committees.

What types of activities might you be interested in assisting the local advisory committee in completing (check all that apply):

- [x] Management Plan Preparation/Implementation
[x] Event Organization
[x] Public Education
[] Grant Writing
[x] Public Relations
[] Committee Administration
[] Other

Most Local Advisory Committees meet monthly. In some cases they may meet more frequently to complete specific tasks, while in other cases your attendance may not required at all meetings. Please check one of the boxes below to indicate your availability to attend regularly scheduled meetings.

[x] I can attend monthly meetings on most weeknights



LOCAL RIVER MANAGMENT ADVISORY COMMITTEE
NOMINEE QUESTIONNAIRE

Please fill in the blanks below and email to: riversprogram@des.nh.gov, and please type "NOMINATION QUESTIONNAIRE" followed by your name in the subject line of the email. For questions contact the Rivers Coordinator at 271-2959

NOMINEE NAME: Ann Welsh RIVER NAME: Lamprey
REPRESENTING: MUNICIPALITY: Durham OTHER:

Nominee Contact Information:

Street Address: 3 Fairchild Drive
Town: Durham
Zip Code: 3824
Email: annwelsh@mac.com
Phone (home): 6038682996 Phone (cell): 6033977188 Phone (work):

Is this a: New appointment [X] or a Reappointment []

Please state your interest(s) in serving on the Local Advisory Committee:

- [X] Local Government [] Business
[] Conservation [] Recreation
[] Agriculture [] Riparian Landowners

Please include a short description of your relevant background knowledge of local river-related issues or general river management and protection-Begin typing below:

In 2006, I joined the NH Advisory Board of the Trust for Public Land. The Trust has been involved in preserving land to protect the Connecticutt and Androscoggin Rivers, as well as the Islinglass, The Piscaasic, and most recently, the Oyster River. I was a member of the Durham Conservation Commission from 2009-2012. As a member of the committee, I became familiar with wetlands and shoreline setbacks, stormwater management , water quality issues and invasive plant problems and mitigation. I am also a member of the Maine Volunteer Lakes Monitoring program, and have participated in watershed assessments of erosion and phosporus contamination .

What types of activities might you be interested in assisting the local advisory committee in completing (check all that apply):

- [X] Management Plan Preparation/Implementation
[X] Event Organization
[X] Public Education
[] Grant Writing
[] Public Relations
[X] Committee Administration
[] Other

Most Local Advisory Committees meet monthly. In some cases they may meet more frequently to complete specific tasks, while in other cases your attendance may not required at all meetings. Please check one of the boxes below to indicate your availability to attend regularly scheduled meetings.

- I can attend monthly meetings on most weeknights
- I can attend monthly meetings only if scheduled on a specific weeknight
- I can only attend a limited number of monthly meetings
- I can only attend monthly meetings in a substitute capacity when the regular town representative(s) was unavailable.
- I cannot attend monthly meetings, but am willing to complete tasks on behalf of the Local Advisory Committee.



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

AGENDA ITEM: **# 10A**

DATE: April 1, 2013

COUNCIL COMMUNICATION

INITIATED BY: Planning Board (The Agricultural Commission commenced the process and developed the basic ordinance.)

AGENDA ITEM: **PUBLIC HEARING AND ACTION ON ORDINANCE #2013-03 AMENDING CHAPTER 175 "ZONING", SECTIONS 175-7 "DEFINITIONS", 175-53(A) "TABLE OF USES", AND 175-109 "COMPLIANCE REQUIRED" OF THE TOWN OF DURHAM CODE TO ALLOW THE KEEPING OF CHICKENS AND TURKEYS AS AN ACCESSORY USE TO SINGLE AND TWO-FAMILY RESIDENCES SUBJECT TO VARIOUS RESTRICTIONS**

CC PREPARED BY: Michael Behrendt, Director of Planning and Community Development

PRESENTED BY: Michael Behrendt, Director of Planning and Community Development. (A representative of the Agricultural Commission should also be present to answer any questions.)

AGENDA DESCRIPTION:

Background information

The Agricultural Commission held a public meeting on August 13, 2012 to gauge the support from the public about permitting poultry as an accessory use to a residence. Numerous residents spoke at the meeting, largely in support of the proposal. The Agricultural Commission then developed an amendment to the Zoning Ordinance to permit the keeping of poultry and game birds as an accessory use to a residence. This original draft is dated September 20, 2012.

The Agricultural Commission first presented the draft to the Planning Board on October 10, 2012. The Planning Board then held public hearings on the draft on October 24 and November 14 (when it closed the public hearing), and held a site walk on Saturday, December 1 visiting four houses in town where chickens were being kept. On December 12 the Planning Board requested that the Agricultural



LOCAL RIVER MANAGMENT ADVISORY COMMITTEE
NOMINEE QUESTIONNAIRE

Please fill in the blanks below and email to: riversprogram@des.nh.gov, and please type "NOMINATION QUESTIONNAIRE" followed by your name in the subject line of the email. For questions contact the Rivers Coordinator at 271-2959

NOMINEE NAME: Ann Welsh RIVER NAME: Lamprey
REPRESENTING: MUNICIPALITY: Durham OTHER:

Nominee Contact Information:

Street Address: 3 Fairchild Drive
Town: Durham
Zip Code: 3824
Email: annwelsh@mac.com
Phone (home): 6038682996 Phone (cell): 6033977188 Phone (work):

Is this a: New appointment [X] or a Reappointment []

Please state your interest(s) in serving on the Local Advisory Committee:

- [X] Local Government [] Business
[] Conservation [] Recreation
[] Agriculture [] Riparian Landowners

Please include a short description of your relevant background knowledge of local river-related issues or general river management and protection-Begin typing below:

In 2006, I joined the NH Advisory Board of the Trust for Public Land. The Trust has been involved in preserving land to protect the Connecticut and Androscoggin Rivers, as well as the Islinglass, The Piscaasic, and most recently, the Oyster River. I was a member of the Durham Conservation Commission from 2009-2012. As a member of the committee, I became familiar with wetlands and shoreline setbacks, stormwater management, water quality issues and invasive plant problems and mitigation. I am also a member of the Maine Volunteer Lakes Monitoring program, and have participated in watershed assessments of erosion and phosphorus contamination.

What types of activities might you be interested in assisting the local advisory committee in completing (check all that apply):

- [X] Management Plan Preparation/Implementation
[X] Event Organization
[X] Public Education
[] Grant Writing
[] Public Relations
[X] Committee Administration
[] Other

Most Local Advisory Committees meet monthly. In some cases they may meet more frequently to complete specific tasks, while in other cases your attendance may not required at all meetings. Please check one of the boxes below to indicate your availability to attend regularly scheduled meetings.

- I can attend monthly meetings on most weeknights
- I can attend monthly meetings only if scheduled on a specific weeknight
- I can only attend a limited number of monthly meetings
- I can only attend monthly meetings in a substitute capacity when the regular town representative(s) was unavailable.
- I cannot attend monthly meetings, but am willing to complete tasks on behalf of the Local Advisory Committee.

Commission rework the draft based upon comments made at the public hearings, emails and letters from the public, and comments made by Planning Board members. The Planning Board and Town Planner prepared a list of those comments and issues for consideration by the Agricultural Commission.

The Agricultural Commission reworked the draft and, I believe, addressed all of the concerns effectively. The revised draft was brought back to the Planning Board on January 23, 2013 for review. On February 13 another public hearing was held and the Planning Board voted unanimously to recommend adoption of the revised draft (with a few small changes from the Agricultural Commission's reworked document).

Note that amendments to the Zoning Ordinance may be initiated only by the Planning Board, Town Council, or citizen petition. Thus, the Agricultural Commission worked with the Planning Board to develop a draft that the board thought appropriate to initiate.

The Agricultural Commission trimmed back its original draft significantly in order to put forward a document that it believed would be acceptable to the community. A substantial number of emails and letters and testimony had been submitted in support of the keeping of poultry and game birds, and presumably in support of the original document. However, various concerns were also expressed and there was a sense of the Planning Board and Agricultural Commission that the draft should be modified in response (as outlined immediately below).

Changes from the original draft

Here are the *significant items* that were changed from the original proposed ordinance:

- Poultry. "Poultry" includes only chickens and turkeys. *The original draft* also allowed ducks, geese, guinea hens, pheasants, pigeons, and quail.
- Zoning Districts. This accessory use would be permitted in the four residential zones, Office Research, MUDOR, and ORLI. *The original draft* allowed them in every zone including the five core commercial zones.
- Roosters. Roosters would be permitted only in the Rural Zone excluding lots smaller than 20,000 square feet that were part of a conservation subdivision. *The original draft* allowed roosters in every zone. The new provisions in Article XX applying to poultry would also apply to roosters in the Rural Zone.
- Residences. This use would be permitted only for single and two family dwellings. *The original draft* allowed poultry with any residence.

- Housing. The housing structures would be in the rear or side yards and not forward of the primary façade of the house facing any street, except in the Rural Zone. *The original draft* did not have any restrictions on location.
- Containment. The animals would be confined (by any appropriate means) to the rear year and side yard and may not go closer to the street than the primary façade of the house facing any street, except in the Rural Zone. *The original draft* required only that they be kept on the subject property.
- Fencing. Fencing would be restricted to the rear and side yards except in the Rural Zone. *The original draft* required only a one foot setback for fencing.
- Slaughtering. Slaughtering would be done in accordance with best management practices (BMP's). *The original draft* did not address slaughtering.
- Selling. Eggs could be sold on the premises in accordance with BMP's, but other poultry products may not be sold. *The original draft* did not address selling.
- Complaints. The process is clarified so that the Agricultural Commission may assist in the handling of complaints but it occurs under the aegis of the Code Enforcement Officer. *The original draft* provided for the commission to investigate and resolve complaints on its own.
- Noise. No changes to the noise ordinance are proposed (probably not needed since roosters would be permitted only in the Rural Zone and the present noise ordinance is probably sufficient to deal with that). *The original draft* restricted noise between 10:00 p.m. and 7:00 a.m., probably necessary since it allowed roosters in any zone.

Town Planner Recommendation

I believe that the Planning Board and Agricultural Commission effectively addressed the concerns and recommend adoption of the proposed ordinance, as is or with appropriate changes that the Town Council sees fit to make.

On Monday, March 4, 2013, the Council moved Ordinance #2013-03 on First Reading as presented and scheduled a public hearing. A public hearing notice was published in the *Foster's Daily Democrat* on Thursday, March 21, 2013. The notice was also posted on the public bulletin board located outside of the Town Hall, as well as at the Durham Public Library and the Department of Public Works.

Attached for the Council's consideration is Ordinance #2013-03, an amendment formally initiated by the Durham Planning Board, to amend Chapter 175 "Zoning", Sections 175-7 "Definitions", 175-153 (A) "Table of Uses", and 175-109 "Compliance

Required”, of the Durham Zoning Ordinance to permit the keeping of chickens and turkeys as an accessory use to single and two-family houses subject to various restrictions.

LEGAL AUTHORITY:

RSA (Revised Statutes Annotated) 21:34-a, RSA’s 425 through 439, RSA 674:32-a, RSA 672:1, RSA 674:32-b and c, and RSA 674:44-e. Durham Zoning Ordinance Section 175-14 (C).

LEGAL OPINION:

I do not see any red flags with the ordinance. If requested, the ordinance will be forwarded to the Town Attorney for review.

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION 1:

The Durham Town Council does hereby OPEN the public hearing on Ordinance #2013-03, an amendment formally initiated by the Durham Planning Board, to amend Chapter 175 “Zoning”, Sections 175-7 “Definitions”, 175-153 (A) “Table of Uses”, and 175-109 “Compliance Required”, of the Durham Zoning Ordinance to permit the keeping of chickens and turkeys as an accessory use to single and two-family houses subject to various restrictions.

MOTION 2:

The Durham Town Council does hereby CLOUSE the public hearing on Ordinance #2013-03, an amendment formally initiated by the Durham Planning Board, to amend Chapter 175 “Zoning”, Sections 175-7 “Definitions”, 175-153 (A) “Table of Uses”, and 175-109 “Compliance Required”, of the Durham Zoning Ordinance to permit the keeping of chickens and turkeys as an accessory use to single and two-family houses subject to various restrictions.

MOTION 3:

The Durham Town Council does hereby ADOPT (as presented) (as amended) Ordinance #2013-03, an amendment formally initiated by the Durham Planning Board, to amend Chapter 175 “Zoning”, Sections 175-7 “Definitions”, 175-153 (A) “Table of Uses”, and 175-109 “Compliance Required”, of the Durham Zoning Ordinance to permit the keeping of chickens and turkeys as an accessory use to single and two-family houses subject to various restrictions.

ORDINANCE #2013-03 OF DURHAM, NEW HAMPSHIRE

AMENDING CHAPTER 175 "ZONING", SECTIONS 175-7 "DEFINITIONS", 175-53(A) "TABLE OF USES", AND 175-109 "COMPLIANCE REQUIRED" OF THE TOWN OF DURHAM CODE TO ALLOW THE KEEPING OF CHICKENS AND TURKEYS AS AN ACCESSORY USE TO SINGLE AND TWO-FAMILY RESIDENCES SUBJECT TO VARIOUS RESTRICTIONS

WHEREAS, numerous state statutes promote and protect agricultural, in particular RSA 21:34-a, RSA's 425 through 439, RSA 674:32-a, RSA 672:1, RSA 674:32-b and c, and RSA 674:44-e; and

WHEREAS, The Town Council established a new Agricultural Commission on July 11, 2011 whose purpose included, among other things, conducting "activities to recognize, promote, enhance, and encourage agriculture, agricultural resources, and agricultural-based economic opportunities" ; and

WHEREAS, The Agricultural Commission held a public meeting on August 13, 2012 to gauge the level of support for permitting poultry as an accessory use to a residence and numerous residents spoke in favor of the idea; and

WHEREAS, The Agricultural Commission developed a draft ordinance, dated September 20, 2012, to allow poultry and game birds as an accessory use to a residence and presented it to the Planning Board on October 10, 2012; and

WHEREAS, The Planning Board held public hearings on the draft on October 24 and November 14 (when it closed the public hearing), and held a site walk on Saturday, December 1 visiting four houses in town where chickens were being kept; and

WHEREAS, Many resident spoke at the public hearings in favor of the keeping of poultry and game birds as an accessory use and many also submitted emails and letters in support; and

WHEREAS, On December 12, 2012, notwithstanding the level of support, in general, for the keeping of poultry, and, in particular, for the draft ordinance, that had been expressed, the Planning Board requested that the Agricultural

Commission rework the ordinance based upon various substantive concerns that had also been expressed; and

WHEREAS, At the request of the Planning Board the Agricultural Commission effectively reworked the draft, incorporating numerous changes, as appropriate, and then brought it back to the Planning Board for reconsideration; and

WHEREAS, The Planning Board reviewed the revised draft on January 23, 2012, held another public hearing on February 13, 2013, made several changes to the revised draft, and then voted unanimously to recommend adoption of the revised draft; and

WHEREAS, the members of the Agricultural Commission, Planning Board, and Town Council meticulously reviewed the proposed ordinance paying due attention to the concerns expressed by citizens,

NOW, THEREFORE BE IT RESOLVED that the Durham Town Council, the governing body of the Town of Durham, New Hampshire does hereby adopt Ordinance #2013-03 and does hereby amend Chapter 175 "Zoning", Sections 175-7, 175-53(A), and 175-109 to permit the keeping of chickens and turkeys as an accessory use to a single-family or two-family residence in certain zoning districts, and subject to a number of restrictions. The proposed changes are shown below. Existing wording proposed to be deleted is shown in this manner: ~~to be deleted~~. New wording proposed to be added is shown in this manner: to be added.

CHAPTER 175

ZONING

(Zoning Amendment Regarding the Keeping of Poultry)

❖ 175-7. Definitions.

ACCESSORY AGRICULTURAL ACTIVITIES – Non-commercial agricultural activities such as gardening and the raising of flowers and ornamental plants conducted by the occupants of a residence primarily for their own use or consumption. These activities shall not include any use that is defined as animal husbandry, commercial agriculture, or the keepings of pigs, chickens, or fowl. The excess products of this activity may be sold so long as the volume of sales does not result in excessive noise,

traffic, or other adverse impacts on the neighborhood or constitute a commercial operation that requires the filing of a Schedule F as part of the owner's or operator's federal income tax return. (See Section 175-109(A))

ANIMAL HUSBANDRY - LIVESTOCK, ACCESSORY – The breeding and/or raising of livestock ~~or fowl~~, not including poultry (as defined herein), for noncommercial purposes in conjunction with a residence. (See Section 175-109(B))

ANIMAL HUSBANDRY - POULTRY, ACCESSORY – The breeding and/or raising of poultry for noncommercial purposes in conjunction with a residence. (See Section 175-109(C))

ANIMAL HUSBANDRY, COMMERCIAL – The commercial breeding and/or raising of livestock. Animal husbandry does not include any activity that is defined as a kennel, stable, animal feed lot, or the keeping of pigs, chickens, and fowl for commercial purposes. Any activity that requires the filing of a Schedule F as part of the owner's or operator's federal income tax return shall constitute a commercial operation.

BEST MANAGEMENT PRACTICES FOR AGRICULTURE (BMPs) – Refers to those practices and procedures described in the Manual of Best Management Practices (BMPs) for Agriculture in New Hampshire, distributed and periodically updated by the New Hampshire Department of Agriculture, Markets, and Food, as revised

[Reference - <http://agriculture.nh.gov/divisions/markets/documents/bmp.pdf>]

COMMERCIAL AGRICULTURE – The use of land for commercial agricultural purposes including tilling of the soil, raising of crops, pasturage, and including the necessary accessory structures and uses normally associated with such uses. Commercial agriculture includes the raising of flowers but does not include any activity that is defined as animal husbandry, an animal feedlot, a plant nursery, or the keeping of pigs, chickens, and fowl. Any activity that requires the filing of Schedule F as part of the owner's or operator's federal income tax return shall constitute a commercial operation.

KEEPING OF PIGS, CHICKENS, AND FOWL FOR COMMERCIAL PURPOSES – The commercial breeding and/or raising of pigs, hogs, chickens, ducks, turkeys, and similar fowl. Any activity that requires the filing of a Schedule F as part of the owner's or operator's federal income tax return shall constitute a commercial operation.

POULTRY – For the purpose of this ordinance the term “poultry” refers to chickens and turkeys only.

❖ 175-53. Use Standards

A. Table of Uses

CATEGORY OF USES	RESIDENTIAL ZONES				RETAIL/COMMERCIAL ZONES					RESEARCH/INDUSTRY ZONES			
	Rural (R)	Residence A (RA)	Residence B (RB)	Residence C (RC)	Central Business (CB)	Professional Office (PO)	Church Hill (CH)	Courthouse (C)	Coe's Corner (CC)	Office Research - Route 108 (OR)	Multitunit Dwelling Office Research (MUDOR)	Office Research Light Industry (ORLI)	Durham Business Park (DBP)
II. RURAL USES													
A. Principal Uses													
Commercial agriculture	P	X	X	P	X	X	X	X	X	P	P	P	X
Commercial animal husbandry	P	X	X	P	X	X	X	X	X	P	P	P	X
B. Uses Accessory to Commercial Agriculture and Animal Husbandry													
Retail sales of farm products	P	X	X	P	X	X	X	X	X	CU	CU	CU	X
III. RESIDENTIAL USES													
A. Principal Uses													
Residence, single-family	P	P	P	P	X	P	P	X	X	X	CU	CU	X
Residence, duplex	X	X	X	X	X	X	X	X	X	X	CU	CU	X
Residence, multi-unit	X	X	X	X	X	CUA	X	X	X	X	CU	CU	X

CATEGORY OF USES	RESIDENTIAL ZONES				RETAIL/COMMERCIAL ZONES					RESEARCH/INDUSTRY ZONES			
	Rural (R)	Residence A (RA)	Residence B (RB)	Residence C (RC)	Central Business (CB)	Professional Office (PO)	Church Hill (CH)	Courthouse (C)	Coe's Corner (CC)	Office Research - Route 108 (OR)	Multituit Dwelling Office Research (MUDOR)	Office Research Light Industry (ORLI)	Durham Business Park (DBP)
Elderly housing, single family	P	P	P	P	X	X	P	X	P	CU	CU	CU	X
Elderly housing, duplex	P	P	P	P	X	X	P	X	CU	CU	CU	CU	X
Elderly housing, multiunit	P	P	P	P	CU	P	P	P	CU	CU	P	CU	X
Manufactured housing	P	X	X	X	X	X	X	X	X	X	X	X	X
Eldercare facility	P	X	CU	P	X	X	P	P	P	P	P	P	P
Nursing Home	X	X	X	X	X	X	P	P	P	P	P	P	CU
B. Uses Accessory to Any Residential Use													
Accessory agricultural activities in accordance with the provisions of Article XX	P	P	P	P	X	X	X	X	X	P	P	P	X
Accessory animal husbandry = <u>livestock</u> - in accordance with the provisions of Article XX	P	P	P	P	X	X	X	X	X	CU	CU	CU	X

CATEGORY OF USES	RESIDENTIAL ZONES				RETAIL/COMMERCIAL ZONES					RESEARCH/INDUSTRY ZONES			
	Rural (R)	Residence A (RA)	Residence B (RB)	Residence C (RC)	Central Business (CB)	Professional Office (PO)	Church Hill (CH)	Courthouse (C)	Coe's Corner (CC)	Office Research - Route 108 (OR)	Multitunit Dwelling Office Research (MUDOR)	Office Research Light Industry (ORLI)	Durham Business Park (DBP)
<u>Accessory animal husbandry - poultry - in accordance with the provisions of Article XX</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>X</u>

❖ **175-109. Compliance Required.**

This article establishes performance standards for specific uses. These standards must be met for all activities involving the specified uses.

A. ***Accessory Agricultural Activities.*** Accessory Agricultural Activities shall conform to the following standards:

1. The total area cultivated shall not be more than thirty-five (35) percent of the total lot area.
2. The amount of herbicides, pesticides, and similar chemicals stored on the property shall not be greater than the amount associated with normal residential usage.
3. Any facilities for the sale of excess agricultural products shall be temporary, shall be located so as not to create a traffic hazard or obstruct vehicular or pedestrian traffic, and shall be used only during the period of the actual harvesting of the product.
4. No products that are not grown, raised, or produced on the premises shall be displayed or sold.

B. ***Accessory Animal Husbandry – Livestock, not including poultry.*** Accessory Animal Husbandry – Livestock shall conform to the following standards:

1. The lot on which the use is located shall have a minimum lot size of one hundred twenty thousand (120,000) square feet of area
2. No area or structure for the housing, stabling, or feeding of animals shall be located within one hundred (100) feet of any property line
3. No animals shall be pastured within twenty-five (25) feet of any property line

C. ***Accessory Animal Husbandry – Poultry. The following terms and conditions apply to Accessory Animal Husbandry – Poultry:***

1. **Roosters.** Roosters are permitted only in the Rural Zoning District. However, they are not permitted on lots in the Rural Zoning District smaller than 20,000 square feet that were/are created as part of a conservation subdivision.
2. **Single/Two Family.** The keeping of poultry is permitted as an accessory use only to single family and duplex residences.
3. **Number of animals.** A maximum of 12 animals may be maintained per lot. There is no limit on the number of animals in the Rural Zoning District, except on lots smaller than 20,000 square feet that were/are created as part of a conservation subdivision.
4. **Housing structure.** An appropriate fully-enclosed structure for housing animals shall be provided in accordance with University of New Hampshire Cooperative Extension Housing and Space Guidelines. The structure shall be designed to prevent

access from predators. Poultry shall be maintained in the structure from sunset to sunrise.

[Reference - http://extension.unh.edu/resources/files/Resource000471_Rep493.pdf]

5. Housing structure setbacks. The structure for housing animals shall meet all setbacks applicable to structures under this zoning ordinance. The structure shall be placed in the rear yard or side yard and may not be placed closer to any public street than the primary facade of the house facing that street (including for corner lots). However, in the Rural Zoning District the structure may be placed forward of the primary facade of the house provided it is set back at least 50 feet from the front (or side, for corner lots) property line.
6. Manure. Manure, compost from manure, and odor from the animals shall be handled in accordance with best management practices as specified in Best Management Practices for Agriculture in New Hampshire, as revised. Manure must be removed from the structure and immediate area housing the animals and composted or disposed of in a timely manner.
7. Feed. Feed shall be stored in fully enclosed and secured containers in order to prevent pests and predators.
8. Yards. Animals shall be confined to the rear yard and side yard, and may not go closer to any public street than the primary facade of any house facing any public street (including for corner lots). However, in the Rural Zoning District animals may inhabit the area forward of the primary facade of the house provided they are kept at least 50 feet from the front (or side, for corner lots) property line. Animals shall be maintained on the subject property and kept under the control of the owner.
9. Fencing. Poultry owners may install a chicken wire fence or other appropriate barrier in the rear and side yards (as delineated above) on their property. In the Rural Zoning District the fencing or barrier may be placed forward of the primary facade of the house provided it is set back at least 50 feet from the front property line. Otherwise, there is no required setback for such fence or barrier. Any such fence or barrier shall not exceed 6 feet in height.
10. Slaughtering. Any slaughtering of poultry on the subject property must be carried out in accordance with best management practices.
11. Selling. Eggs may be sold on the premises provided the activity is conducted in accordance with the New Hampshire Department of Agriculture, Markets, and Food's Guidelines for Selling Shell Eggs and any signage conforms with the standards for residential accessory signs. The commercial sale of live poultry and poultry products other than eggs is prohibited.

[Reference - <http://agriculture.nh.gov/divisions/markets/documents/egg-guidelines.pdf>]

12. Complaints. When a complaint is issued regarding the keeping of poultry as an accessory use, at the option of the Town’s enforcement official, the complaint may be referred to the Agricultural Commission which may then investigate the complaint and seek to resolve it, as appropriate. When such a complaint is reviewed by the Agricultural Commission, regardless of the outcome of the Agricultural Commission’s review, the Town’s enforcement official shall nonetheless maintain responsibility for ultimate disposition of the complaint, in accordance with Town law. The Town’s enforcement official and the Agricultural Commission may refer to the Manual of Best Management Practices (BMPs) for Agriculture in New Hampshire, as revised, and pertinent NH RSA’s for guidance in this process, as appropriate.

13. Best Management Practices. The enforcement official shall use his/her reasonable judgment in applying the required best management practices (BMPs) that are referred to in this section C. Practices included in the BMP’s which clearly should not pertain in the implementation of this ordinance, based upon his/her reasonable judgment, shall not apply. Where the relevance of a particular practice is debatable, the enforcement official, at his option, may consult with the Agricultural Commission for nonbinding guidance, as appropriate.

14. Permits. Please note that a building, fence, and/or sign permit may be required depending on specific circumstances. See the Code Enforcement Officer for clarification, where appropriate.

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

Jay B. Gooze, Chair
Durham Town Council

ATTEST:

Lorrie Pitt, Town Clerk

MEMORANDUM

TO: Durham Town Council

FROM: Peter Wolfe, Planning Board chair

DATE: February 27, 2013

SUBJ: Chicken Ordinance

In accordance with Section 175-14 A. of the Durham Zoning Ordinance, I wish to let the Town Council know that the Planning Board, on February 13, 2013, voted to formally initiate the proposed amendment to the Durham Zoning Ordinance regarding the Keeping of Poultry. I understand that this item is being presented to the Durham Town Council on March 4, 2013 for first reading.

A handwritten signature in blue ink, appearing to read "Peter Wolfe". The signature is written in a cursive style with a large initial "P" and "W".



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

10B

AGENDA ITEM:

DATE: April 1, 2013

COUNCIL COMMUNICATION

INITIATED BY:

Robin Mower, Councilor

AGENDA ITEM:

**PUBLIC HEARING AND ACTION ON ORDINANCE #2013-04
AMENDING CERTAIN SECTIONS OF CHAPTER 97 "PLUMBING
CODE AND REGULATIONS" OF THE DURHAM TOWN CODE TO
CODIFY THE TOWN'S SUPPORT FOR WATER CONSERVATION
AND WATER EFFICIENT PLUMBING RELATIVE TO PUBLIC
WATER AND SEWER SYSTEMS**

CC PREPARED BY:

Robin Mower
Thomas Johnson, Director of Planning, Zoning and
Code Enforcement
David Cedarhom, Town Engineer

PRESENTED BY:

Robin Mower

AGENDA DESCRIPTION:

Discussion focus

Over the past year, in particular, the Council has focused on protecting the capacity and resiliency of its public water supply, the maintenance of its water infrastructure, the effectiveness and efficiency of its wastewater treatment facility and sewer infrastructure, and the health of the Great Bay Estuary, in part as a means to address the Environmental Protection Agency's concerns about water quality in the Great Bay Estuary.

Among the measures taken, the Council has pursued the development of a new public water supply (the Spruce Hole well), together with the protection of the nearby Oyster River and Spruce Hole aquifer via acceptance of legal interest in the so-called Sprucewood Forest. In addition, the Town has initiated an Oyster River Integrated Watershed Management Plan in partnership with UNH as a means of addressing the Great Bay's water quality problems with a sustainable and comprehensive watershed approach to federal discharge permit compliance.

This Resolution acknowledges and builds on those efforts in recognizing the need to address anticipated additional demands on the public water and wastewater systems as the Town moves into the future.

David Cedarholm, the Town Engineer, provided a note for inclusion in this Communication: “This amendment was developed in consultation with the Town Engineer who confirmed that the added references to more efficient fixtures and appliances will over time result in both reduced per capita water consumption and reduced flows to the wastewater treatment plant with the ultimate goal of preserving water supply and wastewater treatment capacity.” If lower maximum flow fixtures are already in use during times of stress, such as late summer/early autumn, they will reduce demand on the public water supply at those critical times, perhaps forestalling or delaying the need to impose emergency controls. (Technical details associated with processing waste at a lower dilution level are beyond the scope of this Communication.)

Relevant Council actions and Goals

On January 24, 2011 the Town of Durham adopted, via the Town Council, changes to Chapter 38 of the Town Code, “Building Construction,” to codify the Town’s support for *energy efficiency building standards* by establishing as a building construction efficiency standard the current International Energy Council Code for Climate Zone 6. Those standards are a direct outcome of the Council’s adoption on May 2, 2011, of Goal #1:

“Pursue long-term economic and environmental sustainability by embracing the concept of sustainability in its broadest terms, including regional concerns, implementation of continuous improvement ‘Kaizen’ principles, encouraging thoughtful development and redevelopment, diversifying and expanding the tax base, preserving and protecting Durham’s limited natural resources, exploring the possibility of an Agriculture Commission, ensuring the long-term viability of financial strategies, and implementing “new urbanism” principles where appropriate.”

This Resolution would codify the Town’s support for *water conservation and water-efficient plumbing fixtures* with connections to the Town’s public water and sewer systems, a direct outcome of the Council’s adoption on May 7, 2012, of Goal #2:

“Pursue long-term economic and environmental sustainability and resiliency, anticipating the community’s and the region’s future needs through a “continuous improvement” framework that formally integrates the consideration of multiple elements: society, ecology, economics, food and drinking water, climate, and energy resources.”

Current and proposed standard, industry movement

The State of New Hampshire adopted the 2009 International Plumbing Code (one of the International Construction Codes) which currently serves as the standard for the Town of Durham. However, “Chapter 97. Plumbing Code and Regulations” of the Town Code references the (1990) Building and Code Administrators (BOCA) Codes, which is no

longer the standard. It should also be noted that adoption of construction codes lags both society’s demands for greater efficiency and the plumbing fixture industry’s independent response, i.e., movement toward lower-flow fixtures. Indeed, some in the home building industry, which is about making money, note that the industry driver over past few decades has shifted from efficient *process* to efficient *homes*.

The Green Building Council’s LEED certification standards include so-called ultra-low-flow fixtures. The 2012 International Green Construction Code (IgCC)’s “Water Efficiency Provisions” reflects a greater awareness of the need to conserve potable water and serves as the basis for this Resolution’s recommended standards.

For examples, see the table below for a comparison of existing and proposed flow rates for non-public use fixtures, where:

- gpm = gallons per minute
- gpc = gallons per flushing cycle
- gpf = gallons per flush
- psi = pressure per square inch

**Maximum Flow Rates and Consumption
for Plumbing Fixtures and Fixture Fittings**

Plumbing Fixture or Fixture Fitting	Maximum Flow Rate or Quantity	
	Current (2009 IPC)	Proposed
Lavatory [faucet], private	2.2 gpm at 60 psi	1.5 gpm
Showerhead	2.5 gpm at 80 psi	2.0 gpm
Urinal	1.0 gallon per flushing cycle	0.5 gpf
Water closet [toilet], private	1.6 gallons per flushing cycle	1.28 gpf

Note: The Resolution itself specifies a more complete set of standards.

Availability and cost of fixtures

Homeowners and contractors alike will find readily available fixtures that are lower-flow than the current standard. For example reviewing product offerings at manufacturers’ website shows a similar number of 1.6 gpf and 1.28 gpf toilets at a range of price points, as do local retailers. See attachments for examples and customer reviews.

Policy considerations

Public water and sewer services are paid for only by users. As usage drops, rates will increase since fixed infrastructure costs must still be met by the same number of users. This is one of the challenges of conservation. However, the cost to society as a whole of maintaining a healthy watershed and natural resources such as the Great Bay Estuary is rarely if ever made explicit. Similarly, the cost of providing energy to deliver water and

sewer services typically is a hidden cost. The EPA notes on its WaterSense website, "What Is Water Efficiency?":

- "It takes a considerable amount of energy to deliver and treat the water you use every day. For example, letting your faucet run for five minutes uses about as much energy as letting a 60-watt light bulb run for 22 hours.
- "...homes with high-efficiency plumbing fixtures and appliances save about 30 percent of indoor water use and yield substantial savings on water, sewer, and energy bills."

[<http://www.epa.gov/watersense/our_water/why_water_efficiency.html>
(accessed March 12, 2013)]

When the Energy Committee discussed the similar aforementioned 2011 proposal amending the Town's building construction code to require greater energy efficiency, it noted that, like any public policy, this change would have associated costs and benefits. Points considered relative to this water conservation proposal include:

Upside

- Benefit to Town water and sewer users: Potential delay in water or sewer infrastructure upgrades
- Town identity: perception as a state leader in water and energy conservation
- Town identity: perception as a model town for inspection and construction practices

Downside

- Potential marginal additional one-time installation cost
- Some specific brands and/or models may not be locally available, although choices will be available for all categories
- Perception of Durham, NH as a challenging place to build

On Monday, March 18, 2013, the Council voted to schedule a public hearing on this Ordinance for Monday, April 1, 2013. A public hearing notice was published in the *Foster's Daily Democrat* on Friday, March 22, 2013. The notice was also posted on the public bulletin board located outside of the Town Hall, as well as at the Durham Public Library and the Department of Public Works.

LEGAL AUTHORITY:

RSA 674:51 (I): The local legislative body may enact as an ordinance or adopt, pursuant to the procedures of RSA 675:2-4, additional provisions of the state building code for the construction, remodeling, and maintenance of all buildings and structures in the municipality, provided that such additional regulations are not less stringent than the requirements of the state building code....

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION 1:

The Durham Town Council does hereby OPEN the Public Hearing on Ordinance #2013-04 amending Chapter 97 “Plumbing Code and Regulations,” Sections 97-1, 97-3, 97-4, 97-5, 97-10, and 97-24 of the Durham Town Code to codify the Town’s support for water conservation and water efficient plumbing relative to public water and sewer systems.

MOTION 2:

The Durham Town Council does hereby CLOSE the Public Hearing on Ordinance #2013-04 amending Chapter 97 “Plumbing Code and Regulations,” Sections 97-1, 97-3, 97-4, 97-5, 97-10, and 97-24 of the Durham Town Code to codify the Town’s support for water conservation and water efficient plumbing relative to public water and sewer systems.

MOTION 3:

The Durham Town Council does hereby ADOPT (as presented) (as amended) Ordinance #2013-04 amending Chapter 97 “Plumbing Code and Regulations,” Sections 97-1, 97-3, 97-4, 97-5, 97-10, and 97-24 of the Durham Town Code to codify the Town’s support for water conservation and water efficient plumbing relative to public water and sewer systems.

ORDINANCE #2013-04 OF DURHAM, NEW HAMPSHIRE

AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 97 "PLUMBING CODE AND REGULATIONS" OF THE DURHAM TOWN CODE TO CODIFY THE TOWN'S SUPPORT FOR WATER CONSERVATION AND WATER-EFFICIENT PLUMBING RELATIVE TO PUBLIC WATER AND SEWER SYSTEMS

WHEREAS, on May 7, 2012 the Durham Town Council adopted the following as one of its goals: "Pursue long-term economic and environmental sustainability and resiliency, anticipating the community's and the region's future needs through a 'continuous improvement' framework that formally integrates the consideration of multiple elements: society, ecology, economics, food and drinking water, climate, and energy resources"; and

WHEREAS, through various initiatives and measures, the Town continues to seek to protect the capacity and resiliency of its public water supply, as well as to maintain the quality of its water infrastructure; and

WHEREAS, through various initiatives and measures, Town continues to seek to protect the capacity and effectiveness of its wastewater treatment facility, as well as to maintain the quality of its wastewater and solid waste infrastructure; and

WHEREAS, the number of Town water and sewer users has increased in the past few years and is projected to increase further in the next few years; and

WHEREAS, plumbing fixtures and water-consuming appliances significantly influences a built structure's use of water throughout its life; and

WHEREAS, the Town seeks to reasonably and sustainably comply with its federal Environmental Protection Agency discharge permit requirements (wastewater "NPDES" permit, and stormwater "MS4" permit); and

WHEREAS, the Town seeks to continue to lead the Seacoast region with results-driven approaches to addressing the water quality issues impacting the Great Bay Estuary; and

WHEREAS, on April 23, 2007 the Durham Town Council, the governing body of the Town of Durham, New Hampshire, adopted Resolution #2007-14 creating an advisory committee called the Energy Committee Steering Committee, now known as the Energy Committee; and

WHEREAS, the Energy Committee has considered the benefits to the Town of reducing energy use through the reduction of water consumption and advises the Durham Town Council to take measures to do so; and

WHEREAS, RSA 36-A:2 establishes the purpose of a municipality's conservation commission, i.e., "for the proper utilization and protection of the natural resources and for the protection of watershed resources of said city or town;" and

WHEREAS, the Durham Conservation Commission has considered the benefits to the Town of reducing demand on our water and watershed resources through the reduction of water consumption and advises the Durham Town Council to take measures to do so; and

WHEREAS, the Town Engineer and the Director of Zoning, Building Codes & Health both acknowledge the benefit to the Town of requiring that a lower maximum flow rate would be beneficial to the Town of Durham; and

WHEREAS, Chapter 97, Section 97-1. "Purpose" does not currently encompass the impacts of flow rates on the public water supply capacity and resiliency and the efficient functioning of its wastewater treatment facility and the related delivery and collection systems; and

WHEREAS, Chapter 97, Section 97-4. "Plumbing Code" references an outdated set of codes as adopted by the State of New Hampshire, i.e., the 1990 Building Officials and Code Administrators (BOCA) codes; and

WHEREAS, Chapter 97, Section 97-5. "Additional Requirements" includes outdated technical requirements, as noted by the Town Engineer and the Director of Zoning, Building Codes & Health; and

WHEREAS, Chapter 97, Section 97-10 (A). "Permit Fee" does not currently reflect the authority of the town Administrator; and

WHEREAS, Chapter 97, Section 97-24. "Fees for Plumbing Permit" is outdated and will be redundant, given Section 97-10, as amended above; and

WHEREAS, the Town Council held a duly posted Public Hearing on the proposed ordinance on April 1, 2013;

NOW, THEREFORE BE IT RESOLVED that the Durham Town Council, the governing body of the Town of Durham, New Hampshire hereby adopts Ordinance #2013-04 amending Chapter 97 "Plumbing Code and Regulations," Sections 97-1, 97-3, 97-4, 97-5, 97-10, and 97-24 of the Durham Town Code, thereby codifying the town's support for water conservation and water efficient plumbing.

Wording to be omitted is annotated with ~~strikeout~~ type. New wording is annotated with underscoring.

97-1. Purpose.

The purpose of these regulations is to provide practical safeguards for sanitation to protect the public health against inadequate, defective or unsanitary plumbing installations and to enhance

both the Town's public water supply capacity and resiliency and the efficient functioning of its wastewater treatment facility and the related delivery and collection systems.

97-3. Authority.

- A. Pursuant to RSA 674-51 New Hampshire State Statutes, the Town of Durham, N.H. hereby adopts the following regulations for the control of all matters concerning the design, demolition, alteration and installation of all components of water distribution systems and all components of waste disposal systems.
- B. The Town Administrator is hereby given the authority to enforce the provisions of this ordinance.
- C. Administrative Responsibility: The authority to administer this Ordinance is hereby vested in the Town Administrator, who is also empowered to appoint a Code Enforcement Officer.
- D. Definitions:
 1. *Town Administrator*: The Town employee who is appointed by the Council to manage the Town affairs.
 2. *Code Enforcement Officer*: The Town employee who enforces and administers the Building, Electrical and Plumbing Codes.
 3. *Owner*: The person or persons listed as the owner(s) of record of a property.
 4. *Plumbing Contractor*: The Master Plumber responsible for obtaining the permit, supervising the work, and contacting the Code Enforcement Officer for inspection of work.
 5. WaterSense: A program of the U.S. Environmental Protection Agency (EPA) designed to identify and promote water-efficient products and practices.

97-4. Plumbing code.

All work on water distribution systems and waste disposal systems, whether the removal, alteration, enlargement, or ~~and~~ installation thereof, within the Town of Durham, NH, shall conform to the current International Plumbing Code and the International Mechanical Code as adopted by the State of New Hampshire -Building and Code Administrators (BOCA) Codes with the State of New Hampshire Plumbing Board Amendments and Town of Durham amendments. However, the standards in the table below shall be the standards for "Maximum Fixture and Fitting Flow Rates" for all connections to public water and/or sewer systems when associated with a new building permit, unless otherwise approved by the Director of Zoning, Building Codes & Health. ~~and~~ All work shall be performed by a plumber licensed by the State of New Hampshire Plumbing Board as prescribed in RSA 329-A.

Maximum Fixture and Fitting Flow Rates for Reduced Water Consumption

<u>Fixture or Fixture Fitting Type</u>	<u>Maximum Flow Rate</u>
Showerhead (a)	2.0 gpm and WaterSense labeled
Lavatory faucet and bar sink—private	1.5 gpm
Lavatory faucet—public (metered)	0.25 gpc
Lavatory faucet—public (nonmetered)	0.5 gpm
Kitchen faucet—private	2.2 gpm
Kitchen and bar sink faucets in other than dwelling units and guestrooms	2.2 gpm
Urinal	0.5 gpf and WaterSense labeled
Water closet—public and remote (c)	1.6 gpf
Water closet—public and nonremote	1.28 gpf average (d, e)
Water closet—tank type, private	1.28 gpf and WaterSense labeled (d)
Water closet—flushometer type, private	1.28 gpf (e)
Prerinse spray valves	1.3 gpm
Drinking fountains (manual)	0.7 gpm
Drinking fountains (metered)	0.25 gpc(b)

For SI: 1 foot =304.8 mm, 1 gallon per cycle (gpc) = 3.8 Lpc, 1 gallon per flush (gpf) =3.8 Lpf, 1 gallon per minute (gpm) = 3.8 Lpm.

- a. Includes hand showers, body sprays, rainfall panels and jets. Showerheads shall be supplied by automatic compensating valves that comply with ASSE 1016 or ASME A112.18.1/CSA B125.1 and that are specifically designed to function at the flow rate of the showerheads being used.
- b. Gallons per cycle of water volume discharged from each activation of a metered faucet.
- c. A remote water closet is a water closet located not less than 30 feet upstream of other drain line connections or fixtures and is located where less than 1.5 drainage fixture units are upstream of the drain line connection.
- d. The effective flush volume for a dual-flush water closet is defined as the composite, average flush volume of two reduced flushes and one full flush.
- e. In public settings, the maximum water use of a dual flush water closet is based solely on its full flush operation; not an average of full and reduced volume flushes.

97-5. Additional requirements.

- A. Water services connected to the Durham Municipal Water System shall be "K" type copper or ductile iron pipe. Black iron, galvanized, plastic, etc. are not acceptable.
- B. If copper piping is used for interior water distribution systems it shall be "L" type copper.
- €A. The casings of drilled wells shall be metallic. PVC and ABS plastic or other non-metallic casings are not acceptable.

DB. A building that is connected to a private well and/or a private water system shall have the water tested by a state certified laboratory for safe drinking quality prior to the issuance of a Certificate of Occupancy.

~~E. An air or water test is required on new installations of both waste disposal systems and water distribution systems. Air test shall be six (6) to eight (8) pounds for wastewater disposal systems and 100 pounds for water distribution systems on town water; 80 pounds if on private water systems.~~

97-10. Permit fee.

- A. *Establishment of Permit Fee:* The Town Council Administrator, with the advice and consent of the Town Council, shall establish the plumbing permit fee schedule and it shall be included within the Town-wide Master Fee Schedule.
- B. *Fee For Work Started Without a Permit:* Any person who is found to have demolished, altered, removed or installed any component of water distribution systems or waste disposal systems without the benefit of a plumbing permit shall, upon issuance of said permit(s), be assessed a permit fee of twice the normal rate of the actual permit.
- C. *Payment of Fee:* The plumbing permit fee (per fee schedule) is to be paid prior to any plumbing permit being issued. The fee is to be paid to the Building Inspector's Office or other centralized receipt agent as determined by the Town.
- D. Fire suppression (sprinkler, alarm, etc.) installation permits shall be obtained from the Durham Fire Department.
- E. No permit or fee shall be required for minor repairs or maintenance necessitated by ordinary wear and tear, such as replacing a valve, a faucet, or resetting a new water closet, etc. This does not include changing the sanitary sewer lines.

~~97-24. Fees for plumbing permit.~~

- ~~A. *Plumbing as part of a building which includes other work:* All cost is included in the building permit fee.~~
- ~~B. *Plumbing work as stand-alone plumbing project (\$10.00 minimum fee):* \$10.00 plus \$15.00/\$1,000 of plumbing contract price.~~

PASSED AND ADOPTED by the Town Council of the Town of Durham this ___ day of _____ by ___ affirmative votes, ___ negative votes, and ___ abstentions.

Jay B. Gooze, Chair
Durham Town Council

ATTEST:

Lorrie Pitt, Town Clerk



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

AGENDA ITEM:

10C

DATE: April 1, 2013

COUNCIL COMMUNICATION

INITIATED BY: Public Works Department

AGENDA ITEM: PUBLIC HEARING AND ACTION ON RESOLUTION #2013-12
AUTHORIZING THE ACCEPTANCE AND EXPENDITURE OF
\$16,042.06 IN UNANTICIPATED REVENUE FROM THE STATE OF
NEW HAMPSHIRE DEPARTMENT OF SAFETY (FEMA
DECLARATION # 3360) FOLLOWING THE OCTOBER 2012
HURRICANE NAMED SANDY

CC PREPARED BY: Michael Lynch, Public Works Director

PRESENTED BY: Todd Selig, Town Administrator
Michael Lynch, Public Works Director

AGENDA DESCRIPTION:

On October 26, 2012 the State of New Hampshire suffered damages from high winds and saturating rain in several of its counties, including Strafford County. On November 5, 2012 the President of the United States declared a major disaster and issued Incident Number FEMA-3360-DR-NH. Following this declaration, Hazard Mitigation Grant program funding became available to the designated counties in the State of New Hampshire. Under this disaster order, several types of assistance became available including:

- Public Assistance - Assistance to state and local governments for the repair or replacement of disaster-damaged public facilities;
- Individual Assistance - Assistance for individuals and households that provides housing and other needs assistance;
- Hazard Mitigation Assistance - Assistance to State and local governments for actions taken to prevent or reduce long term risk to life and property from natural or technological hazards.

On November 14, 2012, in an effort to offset substantial unanticipated costs, the Town of Durham submitted a letter of intent/request for reimbursement for FEMA Disaster #3360-DR-NH for costs associated with this event. In addition to Public Works labor, equipment, and material costs, labor and equipments costs from the

Police and Fire Departments were included. The State of NH Division of Emergency Services notified the Town that it was eligible for reimbursement of expenses. This amount represents the Federal Share (75%) of eligible costs plus an administrative allowance. Reimbursements to date have been placed into the Other Federal Grants & Reimbursements Revenue Account of the General Fund (01-3319-000-01-000).

The Town was fortunate and did not receive major damage but Town Staff opened the Emergency Operations Center and had emergency responders on duty to react to mostly power outages and road closures.

On Monday, March 18, 2013, the Council voted to schedule a public hearing on this resolution for Monday, April 1, 2013. A public hearing notice was published in the *Foster's Daily Democrat* on Thursday, March 21, 2013. The notice was also posted on the public bulletin board located outside of the Town Hall, as well as at the Durham Public Library and the Department of Public Works.

Attached for the Council's consideration is a draft resolution authorizing the acceptance and expenditure of \$16,042.06 in unanticipated revenue from the State of New Hampshire Department of Safety following the October 2012 hurricane (Sandy) event.

LEGAL AUTHORITY:

NH RSA 31:95-b authorizes the Town Council to apply for, accept and expend, without further action by the town or village district meeting, unanticipated money from the state, Federal or other governmental unit or a private source which becomes available during the fiscal year if it first adopts an article authorizing this authority indefinitely until specific rescission of such authority. Resolution #99-19 was adopted which grants this specific authority to the Town Council.

RSA 31:95 III. (a) Also states that: "For unanticipated moneys in the amount of \$5,000 or more, the selectmen or board of commissioners shall hold a prior public hearing on the action to be taken. Notice of the time, place, and subject of such hearing shall be published in a newspaper of general circulation in the relevant municipality at least 7 days before the hearing is held."

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

The Public Works, Police and Fire Departments expended approximately \$28,613 on emergency services during hurricane Sandy.

The Town recently received \$16,042.06 from the State of New Hampshire Department of Safety to offset those storm-related expenses.

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION 1:

The Durham Town Council does hereby OPEN the Public Hearing on Resolution #2013-12 authorizing the acceptance and expenditure of \$16,042.06 in unanticipated funds from the State of New Hampshire following the October 2012 Hurricane Sandy event.

MOTION 2:

The Durham Town Council does hereby CLOSE the Public Hearing on Resolution #2013-12 authorizing the acceptance and expenditure of \$16,042.06 in unanticipated funds from the State of New Hampshire following the October 2012 Hurricane Sandy event.

MOTION 3:

The Durham Town Council does hereby ADOPT Resolution #2013-12 authorizing the acceptance and expenditure of \$16,042.06 in unanticipated funds from the State of New Hampshire following the October 2012 Hurricane Sandy event.

RESOLUTION #2013-12 OF DURHAM, NEW HAMPSHIRE

AUTHORIZING THE ACCEPTANCE AND EXPENDITURE OF \$16,042.06 IN UNANTICIPATED REVENUE FROM THE STATE OF NEW HAMPSHIRE DEPARTMENT OF SAFETY FOLLOWING THE OCTOBER 2012 HURRICANE SANDY STORM EVENT

WHEREAS, on October 26, 2012 the Town of Durham suffered minor damage due to high winds and saturating rains from hurricane Sandy;

WHEREAS, on November 5, 2012, Strafford County was deemed eligible for assistance under Disaster FEMA-3360-DR-NH, October 2012, Hurricane Sandy Event;

WHEREAS, on November 14, 2012, the Durham Department of Public Works submitted a request for reimbursement for the October 2012, Hurricane for all costs associated with this event;

WHEREAS, these unanticipated revenues totaling \$16,042.06 were received from the State of New Hampshire, Department of Safety;

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

NOW, THEREFORE, BE IT RESOLVED, that the Durham Town Council, the governing body of the Town of Durham, New Hampshire does hereby, after holding a Public Hearing on April 1, 2013, does hereby adopt Resolution #2013-12 authorizing the acceptance and expenditure of \$16,042.06 from the State of New Hampshire for Disaster FEMA-3360-DR-NH for the purpose of debris removal and accrued overtime usage by the Police, Fire and Public Works Departments during the October 2012 Hurricane Sandy storm and authorizing the Administrator to sign said associated documents.

PASSED AND ADOPTED this ____ day of _____ by a two-thirds majority vote of the Durham Town Council with _____ voting in favor, _____ voting against, and _____ abstaining.

Jay B. Gooze, Chair
Durham Town Council

ATTEST:

Lorrie Pitt, Town Clerk-Tax Collector