

**D-R-A-F-T**

**DURHAM TOWN COUNCIL  
MONDAY, APRIL 17, 2017  
DURHAM TOWN HALL - COUNCIL CHAMBERS  
7:00PM  
MINUTES**

**MEMBERS PRESENT:** Council Chair Kitty Marple; Council Chair Pro tem Ken Rotner; Councilor Firoze Katrak; Councilor Wayne Burton; Councilor Jim Lawson; Councilor Al Howland; Councilor Alan Bennett; Councilor Sally Tobias; Councilor Carden Welsh

**MEMBERS ABSENT:** None

**ALSO PRESENT:** Administrator Todd Selig; Senator Martha Fuller Clark; Town Moderator Christopher Regan; Director of Public Works Michael Lynch; Police Chief David Kurz

**I. Call to Order**

Chair Marple called the meeting to order at 7:00 pm.

**II. Approval of Agenda**

Chair Marple said the Agenda would be amended to remove Item VIIB, regarding the Master Fee schedule, and said it would be put on a future agenda.

*Councilor Rotner MOVED to approve the Agenda as amended. Councilor Lawson SECONDED the motion, and it PASSED unanimously 9-0.*

The Council agreed that Senator Fuller Clark's comments would be heard before the Council and Town Administrator Roundtable.

*Councilor Rotner MOVED to amend the Agenda to reflect moving up Senator Fuller Clark's comments. Councilor Lawson SECONDED the motion and it PASSED unanimously 9-0.*

**III. Special Announcements - None**

**IV. Public Comments(\*)**

**Rep. Marjorie Smith, Piscataqua Road,** said she realized that no matter what the Council did, there would always be someone who wasn't happy. She said one tool she

had found that worked the best was transparency, and said with it, members of the public could accept most things, even if they didn't agree with particular positions.

She said she wasn't able to come to the Council meeting two weeks ago, but knew a public hearing on the Zoning amendments would be scheduled. She said she was surprised to then learn that the Council had decided not to have a hearing, and said she wasn't the only resident who'd counted on having the hearing in order to be able to discuss the future of Durham's downtown. She asked the Council to think before taking an action that would make it impossible for citizens to have the opportunity to express their views. But she said she realized how difficult it was to accommodate everyone.

**Bill Hall, Smith Park Lane**, spoke in detail about an situation that had occurred concerning a loading zone near his property. He also spoke against installing speed bumps, which he said would damage fire trucks, etc., and noted that Chief Landry had brought this to the attention of Administrator Selig.

Mr. Hall said now that the EPA would be cut back, and DES would have a new DES administrator, a lot of the MS4 matter would come to a screeching halt. He also spoke in some detail about the water tower lawsuit.

**Lisa Cote (correct name ??) Strafford Ave**, thanked the Council for the draft Resolution in opposition to SB3 and said she supported it. She said she'd worked with hundreds of young people who exercised their right to vote in Durham, and said SB3 would intimidate and obstruct their right to vote as well as the rights of other populations in the state. She thanked the Council for supporting the young people of the community.

V. **Approval of Minutes** - None

IX. **Presentation Items**

- A. Update regarding legislative matters of interest to the Durham community and the region  
- Senator Martha Fuller Clark

Senator Fuller Clark said she was present to bring the Council up to speed on a number of bills before the Legislature, and to encourage them to bring the voice of Durham to speak out on various pieces of legislation, whether in favor or in opposition. She noted that Durham had strong local representatives to represent the Town's interests on various committees.

She spoke in detail about the Budget process, and as part of this spoke about the resources the NH Fiscal Policy Institute provided concerning this process. She noted that the House had not passed its version of a Budget this year, and said the Senate had then needed to add amendments to two insignificant House bills and make them into the

Budget bills. She spoke in detail about key issues that had come up including the actual amount of money they had to work with; possibly sending money back to towns to make up for losses because of downshifting over the past several years; and funding full day kindergarten.

Senator Fuller Clark also spoke in detail about several key, controversial bills, including SB3, which she noted put burdens on local communities to follow up with individuals to verify their place of domicile/residency. She suggested that in addition to the Council passing a Resolution on this, people should testify at the hearing.

In answer to a question from Councilor Rotner, Senator Fuller Clark and Rep. Marjorie Smith discussed the school voucher bill from a few years back compared to the current voucher bill. Councilor Burton noted that he was on the Education Committee, and said the House had taken the religious provision out of its version of the voucher bill, but the Senate put it back. He said there would have to be a Supreme Court decision on this. He said the current bill would take \$86 million out of public school funding so parents could send their kids to unregulated schools.

Senator Fuller Clark said the Senate continued to work on the school building aid issue, and provided details on this.

Rep Tim Horrigan, Rep Janet Wall and Rep Judith Spang next spoke in some detail about bills they were involved with. Councilor Burton also noted two education bills to be especially concerned about.

Chair Marple said the Councilor and Town Administrator Roundtable would be moved to the end of the meeting.

**VII. Unanimous Consent Agenda** (Requires unanimous approval. Individual items may be removed by any councilor for separate discussion and vote)

A. **RESOLUTION #2017-15** proclaiming the month of May 2017 as "Building Safety Month"

*Councilor Rotner MOVED that the Durham Town Council does hereby approve Unanimous Consent Agenda A. RESOLUTION #2017-15 proclaiming the month of May 2017 as "Building Safety Month". Councilor Howland SECONDED the motion and it PASSED unanimously 9-0.*

**VIII. Committee Appointments**

Shall the Town Council appoint Larry Brickner-Wood, 1 Colony Cove Road, to fill an unexpired regular member term on the Historic District/Heritage Commission?

*Councilor Bennett MOVED that the Durham Town Council does hereby appoint Larry Brickner-Wood, 1 Colony Cove Road, to fill an unexpired alternate member vacancy*

***on the Historic District/Heritage Commission, with said term to expire April 30, 2018. Councilor Tobias SECONDED the motion and it PASSED unanimously 9-0.***

- B. Presentation and possible action on a resolution opposing Senate Bill 3, an act modifying the definition of domicile for voting purposes and modifying requirements for documenting the domicile of a person registering to vote, and urging the House Committee to not advance this bill to the full New Hampshire House of Representatives

Chris Reagan, Town Moderator, provide background on SB3 and the issues involved. He said there was no voter fraud going on, and spoke in detail about the resulting extra paperwork and time that would be involved dealing with new voters in Durham before and on Election Day if the bill passed.

He said there was also the problem of what would happen after the election, when towns would be obligated to hunt people down if necessary. He spoke in some detail on this, and noted that he'd learned after hearing a presentation on the bill from the Legislature that there was no mechanism for funding this proposed operation. He said there was a downshifting to the towns of the responsibility to do this work, and said he didn't know how Durham, with the bill in its present form, could handle it.

Councilor Burton said there was no fraud, and said Secretary of State Bill Gardner had said he knew there was no fraud, but also said stricter voting rules were needed to prove this. Councilor Burton said this bill was designed to suppress the Democratic vote in the state, and said it was unfortunate that it could also cost NH the first in the nation primary. He said he hoped common sense would prevail.

Mr. Reagan said he intended to testify at the hearing. Resident Robin Mower, Mr. Reagan, Town Clerk Lorrie Pitt and Administrator Selig were thanked for the work they'd done on the Resolution.

***Councilor Rotner MOVED that the Durham Town Council does hereby adopt Resolution #2017-XX opposing Senate Bill 3, an act modifying the definition of domicile for voting purposes and modifying requirements for documenting the domicile of a person registering to vote, and urging the House Committee to recommend that this bill be found Inexpedient to Legislate to the full NH House of Representatives.***

It was noted that Councilor Rotner would be testifying at the hearing. There was discussion about whether, if SB3 passed and it was then found that Durham couldn't carry out the mandates because it didn't have the resources, Durham could say the Sec. of State's office would need to carry out the mandates. Mr. Reagan noted the significant amount of training of volunteers that would be needed in Durham to carry out the mandates.

Councilor Burton provided some history on SB3 and other similar bills before it. He said the current bill was clearly unconstitutional, and said it disenfranchised people who should be legally allowed to vote.

***Councilor Welsh SECONDED the motion, as amended.***

Councilor Katrak said he was sympathetic to the burden on the Town, but said he was trying to remove the politics from the discussion. He said as an Independent, and reading the bill as objectively as he could, it addressed two issues. He said it modified the definition of domicile, and modified the necessary documentation for domicile. He said it was important to ensure that the voting process had integrity, and said he didn't know how to resolve this.

He said he respected those in Concord to come up with the right balance regarding the second issue. He said that concerning the definition of domicile, clearly the word was being used in a way that was different from the way an English dictionary would define it.

Councilor Burton said the definition of domicile was in the State Constitution and in State law.

Councilor Katrak said he wasn't saying he was agreeing or disagreeing with the bill language, but said there had been a lot of battles on the domicile definition issue. He said he was looking for a way to figure out what was meant by it, get a bipartisan agreement on this, and determine the best legislative process to address it. He said he was not in favor of the Resolution.

Councilor Rotner said the Resolution didn't challenge the definition as stated in the bill. He said the question being raised here was whether the bill placed an onerous burden on the Town, in fact an unfunded mandate, with a process that would make the Town unable to live up to what was mandated, and make it that much harder for people to vote because of long lines, and maxing out volunteers to carry out the process. He said he didn't look at this through a political lens. He also said there had been no demonstrated significant percentage of voter fraud in the State.

Councilor Lawson called the question. Councilors with the exception of Councilor Katrak voted in favor of calling the question. Councilor Rotner read the Resolution.

***The motion PASSED 8-1, with Councilor Katrak voting against it.***

- C. Presentation and action on awarding a bid in the amount of \$180,800 to Mark C. Smith of Madbury, NH for the Wagon Hill Farm Barn Restoration project - Mike Lynch, Director of Public Works

Mr. Lynch said traditionally this would be a Unanimous Consent agenda item, but said there were a few issues to discuss. He said the Town had only received one bid, but noted that they hadn't expected a lot of bidders since it was a special project. He also said the bid came in over budget, and said he had a solution for this. He asked if there were any questions.

Councilor Katrak said he'd like to see the before and after of the project. Mr. Lynch said the entire process would be filmed by DCAT.

Councilor Lawson said he would vote in favor of the motion, but said he was leery about hiring a person as a consultant to evaluate the bids who was also responding to the proposal and being awarded the project. He said he realized there was a set of circumstances' in this case, but said this kind of situation should be avoided in the future.

Mr. Lynch provided details on how he'd come to work with Mr. Smith. He said Mr. Smith was asked to be a consultant to look at the barn and design a plan for restoring it and develop an RFP. He said Mr. Smith worked on this for 3 days, and was paid \$500.

Councilor Lawson said given Mr. Smith's expertise, he didn't have an issue with hiring him now. Mr. Lynch said the idea of hiring Mr. Smith came up later in the process, and he spoke further on this. But he said he'd expected at least a few more bids to come in. There was discussion about the fact that it was a specialized project.

Councilor Rotner asked if there was any opportunity to get some grant money for the project, and Mr. Lynch provided details on this.

***Councilor Lawson MOVED that the Durham Town Council does hereby, upon recommendation from the Administrator, award the 2017 Wagon Hill Farm Barn Renovation project to Mark C. Smith Woodworking of Madbury, NH and authorizes the Administrator to sign said contract with funds coming from account #07-1775-801-36-000. Councilor Rotner SECONDED the motion and it PASSED unanimously 9-0.***

Administrator Selig said another reason he and Mr. Lynch had wanted the Council to discuss this this evening was so residents would know what was going on when they saw the barn being worked on.

## **X. Unfinished Business**

- A. **PUBLIC HEARING AND ACTION ON ORDINANCE #2017-03** amending Section 124-4, Chapter 124 "Street Vending, Peddling, and Soliciting" of the Durham Town Code to prohibit street vending operations on certain streets in the downtown area

***Councilor Rotner MOVED that the Durham Town Council does hereby OPEN the Public Hearing on Ordinance #2017-03 Amending Chapter 124 "Street Vending, Peddling, and Soliciting" of the Durham Town Code to prohibit street vending operations on certain streets in the Downtown area. Councilor Lawson SECONDED the motion, and it PASSED unanimously 9-0.***

Chief Kurz said this ordinance was the result of a situation in the spring, where students sold their books to vendors parked on Main St. He said the vendors set up on the sidewalks and for various reasons created safety issues. He said the Town had tried to work with the vendors on how they should set up, but said this had fallen upon deaf ears.

There was discussion about notifying vendors about the Ordinance if it passed.

Councilor Katrak said he liked the proposed Ordinance and would vote for it. He asked if there was a chance that the vendors could move somewhere else, which would create the same or a different problem, which meant that some other roads should be included in this Ordinance. There was discussion on other possible roads where vendors would set up. Administrator Selig said if the vendors moved to another street, the Town would evaluate whether there were safety issues there as well. He spoke about the safety issues on the streets listed in the Ordinance, and the need for the Ordinance.

There were no members of the public who came forward to speak.

***Councilor Rotner MOVED that the Durham Town Council does hereby CLOSE the Public Hearing on Ordinance #2017-03 Amending Chapter 124 "Street Vending, Peddling, and Soliciting" of the Durham Town Code to prohibit street vending operations on certain streets in the Downtown area. Councilor Bennett SECONDED the motion and it PASSED unanimously 9-0.***

Councilor Rotner said they were talking specifically about textbook vendors with the Ordinance, but said he could imagine food truck vendors causing similar issues. He suggested Whereas language for the Ordinance concerning food vendors.

***Councilor Rotner MOVED that the Durham Town Council does hereby ADOPT Ordinance #2017-03 Amending Chapter 124 "Street Vending, Peddling, and Soliciting" of the Durham Town Code to prohibit street vending operations on certain streets in the Downtown area.***

Councilor Welsh asked why food vendors would be singled out as compared to craft vendors for example, and said this could be negative inference that other vendors would be ok. Councilor Rotner agreed to take out the Whereas he'd suggested.

***Councilor Katrak SECONDED the motion and it PASSED unanimously 9-0.***

- C. **PUBLIC HEARING AND ACTION ON RESOLUTION #2017-17** authorizing the acceptance and expenditure of a New Hampshire Department of Environmental Services grant in the amount of \$15,000 for water system asset management planning and authorizing the Administrator to sign a grant agreement and associated documents

***Councilor Lawson MOVED that the Durham Town Council does hereby OPEN the public hearing on Resolution #2017-17 authorizing the acceptance and expenditure of a NHDES Grant in the amount of \$15,000 for Water System Asset Management***

***Planning and authorizing the Administrator to sign a grant agreement and associated documents. Councilor Tobias SECONDED the motion and it PASSED unanimously 9-***

No members of the public came forward to speak.

***Councilor Lawson MOVED that the Durham Town Council does hereby CLOSE the public hearing on Resolution #2017-17 authorizing the acceptance and expenditure of a NHDES Grant in the amount of \$15,000 for Water System Asset Management Planning and authorizing the Administrator to sign a grant agreement and associated documents. Councilor Howland SECONDED the motion and it PASSED unanimously 9-0.***

***Councilor Lawson MOVED that the Durham Town Council does hereby ADOPT as presented Resolution #2017-17 authorizing the acceptance and expenditure of a NHDES Grant in the amount of \$15,000 for Water System Asset Management Planning and authorizing the Administrator to sign a grant agreement and associated documents. Councilor Rotner SECONDED the motion and it PASSED unanimously 9-0.***

D. Continued discussion regarding development of the 2017 /18 Town Council goals

Administrator Selig noted the most recent version the Council was working with, and said he'd tried to take into consideration feedback from the Council at the previous meeting, including developing priorities.

Councilor Bennett asked whether the Seacoast Reliability Project should perhaps have a higher level of priority. Administrator Selig said that was fine, but he noted that it would be driven by the SEC process, so was something the Council didn't have a lot of control over. Councilor Bennett noted that there were a number of residents who were working very hard on this issue, including on the citizen petition, so making it a higher priority would acknowledge this.

Councilor Burton said the Town had taken the legal steps it could take, and said there was nothing more Administrator Selig could do right now before the SEC. There was further discussion.

Administrator Selig said the Town was poised to put in a request to delay the technical review sessions scheduled by the SEC until after DES draft permits, etc. were issued. He spoke in detail about plans to ask follow up questions based on the revised application submitted by Eversource. He said these questions included determining if an alternate approach than jet plowing would be possible (shear plowing). He said they would also ask about doing directional boring from the end of the shoreline out beyond the mudflats.



In addition, he said they would ask if Eversource could use wooden poles rather than steel poles.

Councilor Lawson suggested that under Standards of Performance, #5 it should read “..continue revitalizing the commercial core.” He also said he liked the wording on “sense of community”, but said it should say something about aligning the Zoning Ordinance and other programs with the new Master Plan. He said he thought they could take out “maintaining small town character, rural gateways, cultural history” since they were talking specifically here about revitalizing the commercial core. Chair Marple said she understood why that language was there, There was discussion about keeping this language but separating it out. Administrator Selig said he’d do some work on this language.

Councilor Lawson said for #6, he questioned if there were initiatives Durham could undertake to promote public transportation, unless they were specifically talking about the rail system. He said he thought there should be specific language on just the rail system. There was discussion about UNH’s bus system in Durham. Administrator Selig agreed that the Town wouldn’t be adding a bus system, but said when UNH came to the Town to talk about bus pullouts, etc. and ask for support on this, he checked the Council’s Goals document. Councilor Lawson said he was fine with keeping the public transportation language, now that he understood the context for this.

Councilor Lawson said under Key Objectives and Goals, #3 currently read like there was a plan for structured parking. There was discussion on what the proper wording was concerning this. Councilor Welsh suggested that it should say “developing a plan” rather than “developing a solution”, and other Councilors agreed.

Councilor Lawson suggested that wording regarding considering Zoning changes, etc. to achieve the Master Plan could also mention collaborating with UNH.

Councilor Rotner said under Key Objectives, he thought the first bullet should include wording on aligning with approved Master Plan chapters. He also suggested that there should be an objective on the work being done by committees to increase the usage of Durham town lands by residents and visitors. Administrator Selig asked Councilor Rotner to send him the exact language he was proposing on this.

Councilor Ktrak said under Objectives, #8 regarding Mill Plaza, the last part of the sentence talked about being consistent with the Master Plan. He suggested adding wording on being consistent with the legal settlement. He also said he didn’t have a problem with the language concerning developing a capital budget, under Standards of Performance, but he asked if it would be possible to see projected increases in revenue and changes in assessment so there could be discussion on this before the Budget process was underway. There was further discussion.

Councilor Welsh said he liked the idea of having an objective to keep the tax rate flat, so there would be some flexibility because of the various factors that went into this, including revenues from assessments, fees, costs, etc. He said it was a better fiscal target.

Councilor Katrak said he agreed with this philosophically, and then spoke about how the current language was arrived at. He suggested that if they went with the tax rate, they should make an effort to consider whether the tax rate was flat or increasing based on changes in revenue.

Councilor Lawson said he would have to think more about that proposal and do some research. He noted among other things that there could be a significant increase in spending yet the tax rate would be the same. Councilor Rotner said he wasn't ready to talk about the Budget details, and said he'd appreciate doing this as a separate agenda item at a future meeting.

Councilor Welsh said he was fine however they went on the language. But he said he thought it was a failure to have so many goals, and said it was clear they hadn't been able to focus on the key goals. He also said one thing residents really wanted was for the Council not to raise the tax rate.

Councilor Burton said people who spoke with him were concerned about the school tax rate, or the whole tax bill, but he agreed that the Town should do its part.

Councilor Howland said he agreed concerning respecting the taxpayers, but said he wanted a goal to be realistic.

Chair Marple said the Council would see one final cut of the Goals document.

**XI. New Business**

Other Business

**XII. Nonpublic Session (if required)**

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

Councilor Tobias reported on the Agricultural Commission. She said resident Ellen Karelitz would be hosting a food friendly yards session tomorrow evening, and provided details on this. She also said the Commission was working on its bee friendly program. She said the Farmers Market would open at Jacksons Landing in early June, and she described the Agricultural Commission's plans to participate on Memorial Day.

She said HDC member Andrea Bodo came to the recent Conservation Commission meeting to discuss the Mill Pond dam, and requested that the Commission send a

representative to the HDC to discuss this issue. Councilor Tobias also noted that there were two likely new Conservation Commission members.

Councilor Bennett said the issue of a Zoning change for 10 Newmarket Road was discussed at the recent HDC meeting. He said this was approved by the HDC and would now move on to the Planning Board. He noted that there were 5 possible properties that could be included in this Zoning change and become part of the Church Hill District.

Councilor Bennett spoke about a proposal that homeowners would only be allowed to put one truck load of rubbish out for the DPW to pick up as part of the spring cleanup.

He said there was a meeting of the subcommittee that was looking at Mill Pond issues, and said they asked Mr. Lynch to find out if the dam gates could be kept open. He noted that there were no plans to move forward with any work at this point.

Councilor Rotner said with the recent turn in the weather, residents living in in-town neighborhoods were feeling the effects of student activity. He said he'd realized that with all the building downtown in recent years, outdoor open space hadn't been provided for people to congregate in nice weather, and said rental properties up Madbury Road had become the place everyone was going to. He spoke in detail on this, and said among other things that his neighbors with young children were concerned about the activity. He said he'd spoken with Chief Kurz about the problems.

He suggested resurrecting a group to start to look at the problems and how the Town could get on top of them. He said the developments downtown had not restored the neighborhoods. He said UNH needed to be part of the discussion, and said all kinds of solutions needed to be considered. He spoke further on this.

Councilor Bennett noted the emails Councilors were receiving on this issue. There was discussion on the need for strategic planning so student behavior that was happening on a regular basis that wasn't breaking the law didn't disrupt the neighborhoods.

Councilor Tobias said she'd wondered if more could be done with the landlords of the properties involved. There was discussion about issues in the Davis Court area as well as others.

Councilor Katrak said he'd like to help with looking at the problems and how to resolve them.

Councilor Lawson noted how Cinquo de Mayo had become an issue, and now drinking during the day and during the week had become problems when the weather was good. He said he liked the idea of coming up with solutions beyond using police resources, and said he would like to work on that effort.

Councilor Howland spoke about the rise of drinking during the day, including after the first big snow. He said the parties centered up by the Middle School, and noted that the school buses needed to be rerouted for Cinquo de Mayo. He said the impacts of this activity were really harmful. Councilor Rotner provided further details on this, and there

was additional discussion. Councilor Burton noted the influence of social media on the activity.

Councilor Welsh said when Robbi Watson owned the property on Davis Ave, there weren't these issues. He said the POP officer and the in-town development hadn't solved the problems, and said perhaps there was a way to take action more aggressively with the landlords. He said perhaps the Council needed to look at the Budget, and personnel needed to allow the Town to be more aggressive.

Councilor Rotner said it sounded like there was consensus to put together a group to look at these problems.

He noted that this past week, a highly respected teacher at Oyster River High School, Pam Raiford had passed away. He said she'd been an incredible inspiration to those who knew her.

Councilor Rotner noted that Parks and Recreation would see a redesign for the Jackson's Landing ice rink from two different architectural firms. He also noted coordination between the schools and Parks and Recreation concerning summer recreation programming.

He provided details on the great work Ellen Snyder was doing as the Land Stewardship coordinator. He also noted issues that were addressed at the Committee's recent meeting.

He provided details on the recent Water/Wastewater committee meeting, including the project where water would be supplied from the Lee well to properties at the Lee Traffic Circle. He said it would be important to minimize negative impacts on the Town's water system, and said the cost to remediate any negative consequences would be addressed. He also said there was continued discussion at the meeting on possibly moving with UNH to an integrated MS4 permit.

Councilor Rotner said one of the thoughts concerning Mill Pond was to open the gates, keep the dam, and restore the river, which could then become tidal and healthy again. But he said nothing had been decided or would be decided without a lot of public input.

Administrator Selig said it might make more sense to wait until there was a plan for all of this before taking specific actions. There was further discussion.

Councilor Burton said the Energy Commission was recently invited to hear a panel discussion in Kensington on renewable solar energy. He said he'd attended the event, and there was excellent discussion. He said the people there were very concerned about the current pressures to emphasize petroleum based fuels over renewable energy.

He noted a request from a member of the public a few months about having an indigenous peoples' day. He suggested that Administrator Selig should pull those comments out of the Minutes and take them to the Human Rights Commission, and should then come back to the Council on whether this was a viable idea.

Councilor Lawson said at the most Planning Board meeting, the Board approved an adaptive reuse application for the sorority building next to Stoke Hall. He noted that a condition of approval was that there would be no alcohol allowed in the sorority.

He said there had been a lot of discussion about downtown planning, because of the recent Zoning proposals, but said the Planning Board had indicated that it didn't want to take the lead on this.

He said Mill Plaza was scheduled to appear before the Planning Board in June. He said the next time the Planning Board would meet would be in May.

Councilor Welsh said he was at the recent IWMAC meeting, and said members didn't want to address the DCAT issue until there was a quorum.

Chair Marple said she and Administrator Selig attended the meeting of the NH Commission on Native American Affairs, and discussed the Post Office mural issue. She said what to do with the mural was in the hands of the Federal Post Office, but said most people at the meeting were in favor of altering the mural to make it less negative toward the Native American population. She said nothing had been decided, and said the Town had little say on what it would be.

There was discussion about what the proposed changes to the mural might entail. Administrator Selig provided details on discussion on possible changes to the mural based on public input that had been received.

Councilor Katrak said he had some concerns about the process. He said he would prefer to leave the mural alone, and certainly would object to destroying it. He said social justice agitators should not be catered to just because they showed up. He said if the Town was going to take a position, there should be a public hearing to get a very clear Town viewpoint.

Chair Marple said she didn't disagree with this, but said it wasn't the Town's decision to make.

Administrator Selig spoke about the process so far, and said the Town had been acting as a convener on this issue. He said he'd been clear with the Post Office that the vast majority of the feedback received was in favor of retaining the historical image.

Councilor Burton spoke about the history involved, and said they should make sure the impression people got of the history from the mural was accurate. He said he didn't think the image reflected what had happened historically.

Councilor Katrak asked if it would help the process to frame a Resolution that the mural would stay as it was. Administrator Selig said before making such a statement, he thought there should be a hearing on this. There was further discussion, including on language changes that had been suggested for the wording that went with the mural. Administrator Selig said they would see how the Post Office responded to the feedback it had received, and take it from there.

Administrator Selig provided a number of updates. He said the Human Rights Commission met recently, and worked on language for a Resolution to proclaim Durham as a welcoming community, which would be brought to the Council. He also said the Commission felt it would be good to do some welcoming signage.

In addition, he said Commission members did an analysis of whether there was more that Durham could do to welcome international students, and said they learned that Durham was perceived as a very welcoming community. He said international students they'd spoken with said they liked the idea of keeping the language in the Resolution broad, and not focusing specifically on immigrants.

He said Durham United, a group of residents, was interested in looking at police policies related to immigration. He said the Police Department was putting together information and a memo on this to give to the group, and said the Department would address this at an upcoming meeting of the Human Rights Commission. He noted that this was not an effort to go around Durham's decision not to become a sanctuary city. Councilor Katrak asked that the Council see the memo that was prepared.

Administrator said at the recent Traffic Safety Committee, they decided to move forward with one speed table on Madbury Road. Councilor Lawson said there was a plethora of data that validated the concerns expressed by residents on Madbury Road that there was a need for a speed table.

Administrator Selig noted the upcoming Land Use forum, and the marketing being done on this.

He said a Right to Know session was going to be held soon.

He said many of the traffic markings downtown had worn off and would be reapplied at the end of April.

He said Ellen Snyder recently provided a wonderful overview of her efforts as the Land Stewardship coordinator.

He said last week, he attended a meeting with presidents of the UNH fraternities and sororities, and said he made a plea about responsible student behavior. He said there was a good discussion.

He said the Forest Society was putting together a working group to address trails, management etc. for the Powder Major property.

He said the conference rooms at the Town Hall would be outfitted with DCAT equipment.

He said there was a great turnout for the recent Easter egg hunt, and provided details on the event.

***Councilor Burton MOVED to continue the meeting beyond the 10:30 pm adjournment time. Councilor Lawson SECONDED the motion and it PASSED unanimously 9-0.***

Councilor Burton noted that Rep. Marjorie Smith had leveled some criticism at the Council for not having a public hearing on the proposed Zoning changes for the Central Business District. There was discussion that the Planning Board had held public hearings on the proposed Zoning changes, but the Council did not.

Councilor Lawson said there had been the opportunity to consider going to first reading, but said the Town Charter had the option to not go to public hearing. He said the Council made a decision on this, and said the Planning Board had held public hearings from November through March. But he said he would continue to consider the feedback received from Rep Smith.

Councilor Katrak said he agreed that according to the Charter, the Council didn't do anything wrong. But he said many people didn't go to the Planning Board hearings, on the assumption that they would get to speak before the Town Council.

Chair Marple said that was true, but said the Town had given people the opportunity to say their piece. There was further discussion on this.

Councilor Bennett said he thought the community had known what was going on. He noted all of the emails received on this and said he thought residence had the chance to voice their opinions. He said the comments indicated that it was about 50/50 on whether the Zoning proposals should pass.

Councilor Rotner said it was a painful, divisive process, and said the Council's vote signified that they were going to move in a different direction than the Zoning proposals.

#### **XIV. Adjourn**

*Councilor Howland MOVED to adjourn the meeting. Councilor Tobias SECONDED the motion and it PASSED unanimously 9-0.*

Adjournment at 10:38 pm

Victoria Parmele, Minutes taker