

*These minutes were approved at the May 20, 2002 meeting.*

**DURHAM TOWN COUNCIL  
MONDAY, APRIL 15, 2002 - 7:00 PM  
DURHAM TOWN HALL – COUNCIL CHAMBERS**

**Members Present:** Mal Sandberg, Chair; Katie Paine; Annmarie Harris; Peter Smith; Mark Morong; Pete Chinburg, Art Grant and Mike Pazdon

**Members Absent:** Eileen Fitzpatrick

**Also Present:** Todd Selig, Town Administrator; Interested Members of the Public

**I. Call to Order**

Chairman Sandberg called the meeting to order at 7:00 PM.

**II. Approval of Agenda**

*Councilors Paine MOVED, SECONDED by Councilor Morong to approve the agenda. The motion PASSED unanimously.*

**III. Special Announcements**

Chairman Sandberg announced the appointment of the new UNH President, Anne Weaver Hart.

**IV. Approval of March 25, 2002 Minutes**

*Approval of the March 25, 2002, minutes, which were a continuation of the March 18, 2002 meeting, was MOVED by Councilor Grant and SECONDED by Councilor Harris. The following amendments were made:*

Page 1: School rates or false alarm fees – change “or” to read “and”.

Page 3, 3<sup>rd</sup> paragraph from the bottom, third to last line Selig: the word muted  
Correct the spelling of Annmarie Harris’ name throughout the minutes

*Grant MOVED to approve the minutes of March 25, 2002, as amended. Councilor Harris SECONDED the motion and it PASSED unanimously.*

## **V. Report of Administrator**

- The second Council workshop session has been scheduled for April 22, 2002 to establish goals and objectives for 2002.
- The UNH is hosting a spring carnival at the end of April.
- The Fire Chief has been given the national designation of "Chief Fire Officer", based on several competitive criteria.
- The Court House lease expires on June 30, 2002. Town Administrator Selig intends to renew the lease on the same terms for a one-year period thru June 30, 2003.
- The Department of Public Works will hold a public forum regarding Bennett Road Bridge at the Public Works Garage on April 29, 2002. It will be taped for broadcast.
- Dave Pease, Jim Campbell, and Todd Selig met with UNH representatives about the new proposed UNH police station. The Planning Board will receive a letter addressing the vast majority of its concerns raised at the public hearing. A presentation by the UNH is scheduled for the May 6, 2002 Council meeting on this issue. A Memorandum of Understanding was discussed on how such projects would be processed in the future so that the Town would have an opportunity early on in a process to provide input and voice concerns. Town staff is also working to educate the University regarding information typically provided by applicants to the Planning Board.
- The 2001 annual audit has concluded. The Business Manager will give a quarterly financial report at the end of the Town Council meeting.

## **VI. Reports and Comments of Councilors**

Councilor Smith commented on the Courthouse building lease. He felt the Town should look at the long-term use of that building. He said that the court's continued use of that building did not serve a long-term benefit to the Town. It is a historic building, a historic site, and houses a Historical Association that is in dire need of an accessible facility and additional space. He noted that this matter was discussed at length in connection with the Master Plan, and that consideration should be given over the next year as to whether or not the Town desires to rent that facility or some other facility to the court, and use that facility for more appropriate uses.

Councilor Morong reported on the April 11 Conservation Commission. The proposed Mill Pond dredging was discussed and the evaluation of species possibly affected by the project. Dick Weyrick of the Oyster River Watershed Association was present to discuss the coordination of volunteer help for the dredging project. Wetland crossing issues were also discussed, and plans for shoreline restoration at Wagon Hill Farm were reviewed.

Councilor Paine reported on the recent meeting of the DCAT committee. The committee would like to encourage participation through a proposed DCAT version of The Citizen's Exchange. The committee is formulating plans to come back with a discourse breakfast to provide background and other information. Anyone interested should contact Councilor Paine. Training sessions that were scheduled did not happen due to lack of participants. People interested in the training sessions can obtain application forms from

the Town Clerk. There are two vacancies on the board. Citizens interested should contact Town Administrator Selig for information.

## **VII. Public Comments**

**Jay Gooze, 9 Meadow Road**, spoke on the proposed ordinance regarding parking in the Meadow Road neighborhood. He felt that the ordinance should also apply to Maple Street, and noted that UNH has reduced its available parking, which has forced some UNH parking into the area neighborhoods. This has expanded to Meadow Road. He was concerned that this could be a fire hazard as there may not be enough room for a fire truck to pass down the street under those circumstances.

**Janet Wall, legislative representative in Concord**, commented on the Durham District Court issue. She said the original intent was that Durham would do long-range planning to determine where it would want the court to be ultimately placed in Durham. She said that she respected the Durham Historical Association and was aware that the Association would like to expand its residency in the building. She said she would be happy to work with the Council, as will the State, and hoped that at some point soon there would be a meeting to begin the process for determining where to have the court in the future.

**Garron Heller, Seacoast Growers Association representative**, wished to address the issue of paying extra fees in the parking lot on Pettee Brook Lane. He felt that an extra \$4 each week would possibly chase growers away to other markets. The market may be suffering from a lack of participation and he requested that the Council waive the fees.

**Bill Woodward, Madbury Road**, spoke on the Seacoast Growers Association permit application request. He felt it was clear to the growers and to the Main Street board that the result of the dollar-an-hour per meter fees, as part of the ordinance, was that the Town would lose the presence of the farmer's market. He suggested amending the fees from \$855 to perhaps \$100, where Seacoast Growers has been making a token contribution.

**Glenn Dekraker, 24 Meadow Road**, supported limits on the neighborhood parking. He said that there is no room to walk on the sidewalks, which makes it very dangerous.

**Matt David, Maple Street**, asked that Maple Street also be included in the ordinance previously discussed.

**Nate Grove, Packers Falls Road**, read from a prepared statement regarding the recusal of Councilor Paine, in which he stated that continual recusals agreed to for frivolous reasons would discourage citizens from running for office. He felt that Councilor Paine should not be recused simply because she thought about a land development issue prior to her appointment to the Council.

**Robin Rousseau, Packers Falls Road**, also addressed the issue of recusal. She said that Councilor Paine's integrity was unquestionable. She indicated that the letter Councilor Paine had written simply asked Ms. Collier if she would consider putting it into conservation, which Ms. Rousseau felt was logical for Councilor Paine to do on behalf of

the Town and in the best interests of the Town. She felt that Councilor Paine had no personal or financial interest in the property, and there was no reason why she could not decide the issue. She felt that attorneys should not be allowed to manipulate the process in the best interest of their proposals.

**Attorney Malcolm McNeill, 44 Colony Cove Road**, also commented on the recusal. He felt that a member of the Council, on a personal and public capacity, wrote to the owner of the property asking that she not do what the owner is now applying to the Council to do. He doubted that the entreaty actually reflected the authority of the Town Council. At the end of the letter, the developer was asked to donate her land for conservation and "keep this property out of development." Now she was on the board as a regulator of an application to develop that property. He felt the board was sitting in a judicial capacity as a regulator, and that the judicial standard was more stringent. The standard therein addresses whether the person has formed or stated an opinion, which he asserted had been done, therefore indicating prejudice on the issue. She expressed that opinion in writing. He therefore felt that she was not qualified to act as a juror on this issue or sit on the Planning, Zoning, or Council boards. If a person is disclosed by conflict of interest and votes, it invalidates the action of the Council, and not only that person's vote alone.

**Dick Lord, Bennett Road**, asked the Council to refer specifically to the agenda items so that television viewers would be clear on what the items are.

**Nancy Smath, 89 Packers Falls Road**, commented also on the recusal issue. She felt that Councilor Paine had strong integrity, and that her letter was following the Master Plan in which the Town was asked to increase conservation land to save the Town money. She also believed that the letter was written prior to her knowledge that this issue would come before the Council.

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

Councilor Grant asked that Item 8A be removed for discussion. Councilor Chinburg asked that Item 8D be removed. Town Administrator Selig asked that 8B be removed for discussion. Councilor Paine asked that Item 8C be removed, leaving items E and F to be considered for approval by unanimous consent.

**Councilor Chinburg MOVED, and Councilor Harris SECONDED the motion that Items E and F be Approved. The Motion PASSED unanimously.**

- A. Shall the Town Council approve the permit application for the Seacoast Growers' Association to conduct a weekly farmers' market in the Pettee Brook Parking Lot?

Councilor Grant asked Town Administrator Selig on what basis the fee was established. He felt that the Council should consider the request made by the public on deferring a portion of those fees. Town Administrator Selig responded that last year there had been complaints to restrict the duration of the market, but the Town decided to restrict parking instead. However, leasing last year did not occur at any charge. This year the charge was based on

a fee determined by the Police Department, which is essentially what the cost is in terms of lost revenue from the meters.

Councilor Grant felt the market served a good community purpose and that discouraging vendor participation acts against the benefit of the Town. He asked that a lower fee be recommended.

Councilor Paine noted that the original complaints came from downtown businesses, yet the MainStreet Program was supporting the endeavor.

***Councilor Paine MOVED, SECONDED by Councilor Harris, to approve the proposal of the Seacoast Grower's Association to run the farmers' market as delineated, and to provide 15 parking spaces, as outlined in the permit.***

Councilor Smith asked if those meters were normally fully occupied during that time period. Chief Kurz stated that most of the parking in that area was for people with business permits who do not deposit money in to the meters. In the summer the need for the meters diminishes, though it becomes more of a stress after September 1<sup>st</sup>.

Councilor Morong felt the market was a benefit to the Town. He also stated his concern that they had not funded the MainStreet Program, one argument being that it was a private enterprise, yet they would be funding this project as a private enterprise.

***Councilor Paine MOVED that the fee be amended to \$275, and the Motion was SECONDED by Councilor Grant.***

Councilor Smith asked what the loss of revenue would be, because if there was no lost revenue, then he would view the issue very differently. Town Administrator Selig replied that he did not know the exact amount of lost revenue that might result from waiving or deferring the parking fees at this time. He felt that it was important to act on this issue at this meeting to allow the Seacoast Growers' Association to move forward in some way.

***The Motion, as amended to reduce the fee to \$275.00, PASSED unanimously.***

- B. Shall the Town Council confirm the appointment of William Bowes as Deputy Town Treasurer as recommended by the Town Treasurer?

Town Administrator Selig indicated he had received queries from Councilors asking if it was appropriate for the Council to appoint a Deputy Town Treasurer. He said that RSA 41:29A states that, among other things, the Deputy Treasurer should be appointed by the Town Treasurer with the approval of the Town Selectmen. Durham has a Council, not a Board of Selectmen, form of government. His sense was that the Council could make this appointment. He recommended that the Town make the appointment, and if he discovered any problem with that, he would notify the Council.

***Councilor Grant MOVED to confirm the appointment of William Bowes as Deputy Town Treasurer, as recommended by the Town Treasurer. Councilor Chinburg SECONDED the motion.***

Councilor Smith asked if there was a statutory provision authorizing the Town to appoint a Treasurer, and if it used the same language. Town Administrator Selig indicated that the language did not differentiate between Selectmen and Council, though there was some differentiation between a city and a town. In the Durham Charter, there is language that describes the Town as a municipal corporation. Because the precedent of appointing the Treasurer has been by election, and since Durham is a Town, he felt the applicable provision allowed Durham to approve the appointment.

***The motion to confirm the appointment of William Bowes as Deputy Town Treasurer PASSED unanimously.***

- C. Shall the Town Council approve retaining the services of Cole, Layer and Trumble to provide data collection assistance to the Town Assessor for conducting a townwide revaluation?

Councilor Paine said that she had approved the budget with the understanding that this cost would be taken out of the Town budget. Town Administrator Selig clarified that what had been intended was that the Town Assessor would conduct the revaluation himself. However, because of the amount of discrepancies in the data upon which the Assessor is basing his data collection, the process was taking much longer than anticipated. He explained that the Town is required to come into full compliance with the Department of Revenue's standards of revaluation by the end of 2003. If the project were to be contracted out with an assessing firm, the information would remain private. However, by sending the Town Assessor out to each property, the Assessor is obligated to make any changes in the record. Selig said that it was unfair to address half the properties in Durham this year and half next year, and that he would like to expedite the process in a fair manner. This could entail hiring and training a part-time staff member or a professional assessing firm, so that the firm would work under the direction of the Assessor and collect the data all in 2002. Then, all the adjustments could be done in 2002, with the revaluation phase occurring in 2003.

***Councilor Harris MOVED to approve awarding the contract to Cole, Layer and Trumble to provide data collection assistance to the Town Assessor for conducting a town-wide revaluation. The motion was SECONDED by Councilor Chinburg.***

Councilor Paine asked where the money would come from. Town Administrator Selig indicated that \$9,000 had been budgeted for the secretary's overtime for the project and for some education for her on the project, and to purchase a new computer for people to access property information online. There was also \$40,000 in the budget that was not used for plowing roads.

Councilor Morong asked about the issue of consistency between Mr. Dix's assessments and those of the firm. Mr. Dix explained that the person involved would be doing the most basic tasks. They would not be making the data valuation determinations, but would be primarily collecting data. Mr. Dix will do the final valuation and the components that make up that valuation, enabling him to ensure consistency.

Councilor Smith expressed concern about non-objective factors that can affect the valuation. He asked how it could be assured that non, purely mechanical, judgments of the firm and of Mr. Dix would be the same. Mr. Dix indicated that the only real variable of that nature would be interior inspections, which will reveal issues respecting overall conditions. He stated that he would be doing the final valuations. There will only be 10-20% of the cases where the notes would present a possibility of conditions varying from average. He is also familiar with the work of the contractor being considered.

***At 8:15 PM Councilor Grant made a MOTION to call the question and move on to Item #9. The motion was SECONDED by Councilor Chinburg and PASSED unanimously.***

- D. Shall the Council award the bid for design and construction drawings of a new transfer station to Underwood Engineering as recommended by the Public Works Director?

Councilor Pazdon felt that the low bidder should have been selected for the transfer station work, and asked Administrator Selig why that had not occurred. Selig responded that in conducting the reference checks, it was felt that Underwood had the type of experience desired, and that the low bidder, MSJ company, did not possess the breadth of experience in this area. He noted that the Town had worked with Underwood in the past, that they were currently involved in the landfill capping project, and that they are familiar with the site.

***A MOTION to award the bid for construction and design services for the transfer station to Underwood Engineering was made by Councilor Pazdon and the motion was SECONDED by Councilor Morong.***

Councilor Paine asked why one of the other low bidding companies was not selected. Town Administrator Selig replied that the Department of Public Works rated Underwood as an excellent proposal, while ratings for the other companies varied.

Chair Sandberg asked why the proposed scales for the site were not mentioned in the proposal. Mike Lynch indicated that the item had accidentally been omitted from the RFP. Chair Sandberg asked if action on the proposal should be deferred until that item could be added into the request. Mike Lynch indicated that the dollar value of the proposal would not be affected, and that it would be factored in to the actual cost of the construction.

Councilor Smith said he did not have any basis to make an independent assessment of any quality of who should get this contract.

Councilor Paine stated that she would vote against this due to inadequate information provided.

Councilor Chinburg said that he had sat in on the valuation of the proposals and reviewed each of the proposals, and that there were variances in the proposals submitted. He felt that Mike Lynch's job was to evaluate the proposals, and that he had done just that. He agreed with Mike Lynch's assessments, and said he would like to think that the Council would value the experience of its professionals and move forward.

Councilor Morong indicated that upon hearing Mike Lynch's statements and being made aware that Councilor Chinburg had been involved in the assessment, he felt more comfortable.

*Chair Sandberg called for a vote. The motion, as presented, FAILED on a vote of 3-2-3 (Councilors Chinburg, Morong, and Chair Sandberg voted in the affirmative; Councilors Smith and Grant abstained for reasons of inadequate information, and Councilors Pazdon, Harris, and Paine voted in the negative).*

- E. Shall the Town Council approve the purchase of a new street/roadway sweeper as recommended by the Public Works Director?
- F. Shall the Town Council approve an extension to the UNH's industrial wastewater discharge permit #99-04 for the outdoor pool through the 2003 summer season as recommended by the the Water, Wastewater and Solid Waste Committee?

*The above two Items PASSED with Unanimous Approval under Unanimous Consent.*

## **VII. Unfinished Business**

- A. Public Hearing: Ordinance #2002-04 rescinding Chapter 96, Permanently Disabled Exemptions; rescinding Chapter 52, Elderly Exemptions; for the Durham Town Code, and renaming Chapter 52 Exemptions. Codifying all existing adopted property tax exemptions; adopting and codifying the optional standard of a standard reduction tax credit and providing spouse/veteran tax credit, and codifying and modifying the income amounts and asset limits for the disabled and elderly exemptions.

Town Administrator Selig informed those present that this ordinance, in accordance with state statutes, could not be voted on at this meeting. It was for public input only, to assist in the decision which would occur at the May 6, 2002 Council meeting.

*Councilor Grant MOVED and Councilor Paine SECONDED a motion to OPEN the public hearing on Ordinance #2002-04. The motion PASSED unanimously.*

Richard Lord, Bennett Road, asked for clarification on the definition of assets that are part of the judgment in qualification for the elderly exemption.

Town Administrator Selig gave a brief overview of all the different types of exemptions that are covered in this ordinance.

*Councilor Harris MOVED and Councilor Grant SECONDED a motion to CLOSE the public hearing on Ordinance #2002-04. The motion PASSED unanimously.*



- B. Public Hearing: Ordinance #2002-05 amending Chapter 138 "Taxation" of the Durham Town Code to remove the Elderly Exemption, Solar Energy Exemption and Exemption for the Blind

Town Administrator Selig explained that the purpose for this ordinance was to consolidate and clarify the Town's exemptions.

*Councilor Paine MOVED to OPEN the public hearing on Ordinance #2002-05. The motion was SECONDED by Councilor Grant and PASSED unanimously.*

There were no public comments on this item.

*Councilor Grant MOVED to CLOSE the public hearing on Ordinance #2002-05. The motion was SECONDED by Councilor Pazdon and PASSED unanimously.*

*Councilor Harris MOVED to ADOPT #2002-05 amending the Durham Town Code by removing references to the blind, solar, and elderly. The motion was SECONDED by Councilor Paine.*

Councilor Pazdon felt that the ordinance should be reviewed at some point in the future regarding the language on tax liens.

*The motion to ADOPT Ordinance #2002-05 was unanimously APPROVED.*

- C. Shall the Town Council re-enter discussion with Powerspan regarding their future plans, and schedule a presentation with Powerspan for May 6.

Town Administrator Selig requested guidance from the Council. He said that he had spoken with Powerspan representatives, and he felt that they were not willing to provide more of a deposit if the old agreement was followed. Powerspan would like to continue the old agreement or something similar for another 12 months. Selig said that Powerspan would be willing to come in and go over its current proposal point-by-point in relation to the Durham Business Park Guidelines. If the Council felt there were conflicts with the guidelines, then Powerspan would be willing to discuss those issues and go back to the Planning Board to resolve those issues. Otherwise, they were prepared to walk away if the Council wants a larger deposit or something substantially different from the original agreement.

*Councilor Paine MOVED to schedule a presentation from Powerspan at the May 6, 2002 Council meeting. The motion was SECONDED by Councilor Harris. The motion PASSED on a vote of 6-2 (Councilors Smith and Sandberg voting against).*

Councilor Grant asked if the deposit was refundable. Town Administrator Selig indicated that in the expired agreement, Powerspan had given a refundable deposit. Grant asked what would happen to the deposit if discussions culminate in a new agreement and completion of the project. Town Administrator Selig said that the deposit is an advance on the purchase price and would therefore go to the Town as part of the purchase price. Grant

said he had been under the impression that the money was earnest money and had been a reason to hold the land open during the process. Powerspan has unequivocally stated that if asked to modify the deposit, it would not comply with such a request.

Responding to Councilor Paine's concerns that Powerspan was not in compliance with the Town's guidelines, Town Administrator Selig said Powerspan was aware that it was not in compliance with some guidelines, but was willing to try and address the Council's concerns about those guidelines.

- D. Public Hearing: Planned Unit Development and Conditional Use Permit Application submitted by Jones & Beach Engineers, Inc. on behalf of J.R. Collier Corp. for a planned unit development and conditional use permit in the rural district for property located on Packers Falls Road.

Councilor Chinburg recused himself from the hearing due to personal familiarity with the applicants. Councilor Morong recused himself due to possible financial interests in the application. Councilor Pazdon had left the table. The Chair called for a brief recess.

When Councilor Pazdon returned to the table, Councilor Paine spoke on the controversy over her letter. She explained that she had chosen to recuse herself from the hearing to avoid any possible legal or administrative conflicts, which left the Council without a quorum to act on the issue. She said that the Council would be appointing a replacement for Councilor Fitzpatrick between now and May 6. For lack of a quorum, the Chair declared a 10-minute recess of the meeting, and then move on to the next agenda item.

## **X. New Business**

- A. Appoint citizen to fill Town Council vacancy

Councilor Smith noted that if the Council proceeded this evening to discuss the matter, the appointment would not actually occur at this meeting. He said the most that could be achieved this evening was to agree on a candidate.

Councilor Morong nominated Ed Valena. Councilor Grant nominated Scott Hovey.

*Councilor Harris MOVED that nominations be closed. Councilor Pazdon SECONDED the motion, and the nominations were closed.*

Councilor Smith stated he would oppose the motion if any other Councilors were interested in making further nominations, since a few other citizens had apparently expressed an interest in the position.

*All were in favor of closing the nominations, and the motion PASSED.*

Mr. Valena was invited to address the Council. Mr. Valena said that he had expressed his feelings about being appointed to the Council in a letter confirmed as received by the Council members. He elaborated briefly.

The Councilors voted as follows:

Smith:	Hovey
Morong:	Valena
Harris:	Hovey
Grant:	Hovey
Chair:	Hovey
Pazdon:	Hovey
Chinburg:	Valena
Paine:	Hovey

Chair Sandberg declared that the vacancy would be filled by Scott Hovey and that the appointment would be effective until the March 2003 election.

- B. First Reading: Ordinance #2002-08: Amending Section 153-49, Chapter 153 Vehicles and Traffic of the Durham Town Code by creating a Resident Only parking system in the Meadow Road neighborhood.

Police Chief Kurz addressed the board regarding the parking problems in the neighborhoods. He said that the neighborhood residents had reached a general consensus on how they would like the conflict to be addressed. He recommended that staff be allowed to change the wording to include Maple Street for the two residents who had asked for that to be included.

***Councilor Grant MOVED to pass, on first reading, Ordinance #2002-08 creating a resident-only permit parking system in the Meadow Road and Maple Street Neighborhoods and schedule a public hearing for May 6, 2002. The motion was SECONDED by Councilor Pazdon.***

Councilor Smith asked if the Town was following a uniform system in terms of dealing with matters of special permits for residents. Chief Kurz replied not at this time. He said that currently the Town reacts to the needs of the neighborhoods as they are expressed, and that discussion had been around a parking plan, but no such plan was currently in place. Councilor Smith said that he wanted to ensure the policy was fairly assessed and implemented.

***The Motion PASSED unanimously.***

Councilor Harris asked if in the interim a comparison of costs involved, with no parking signs, could be researched as well as the issue of generally issuing resident permits as opposed to installing "no parking" signs. Chief Kurz responded that there is usually only a sign at the entrance to the neighborhood, to minimize sign pollution.

- C. Receive the Quarterly Financial Report as provided by the Business Manager

Paul Beaudoin, Business Manager, provided the following financial report:

- The financial status is looking good; revenues are on target.
- The Town has experienced some savings due to a light winter.
- The Tax Anticipation Note is expected to be received in early May.
- Building permit fees are at \$43,000+ received on a \$50,000 anticipated budget for revenues.
- An insurance rebate was received due to a less than anticipated exposure from workmen's compensation.
- The Police Department has received more than double the anticipated revenues from the court.
- The audit was satisfactory. The auditors praised the staff and the financial recordkeeping and practices.

Councilor Paine asked about the building permits, expressing concern that so many of the year's permits are already assigned. Town Administrator Selig indicated that was mostly related to the Sprucewood development. Councilor Morong asked if the Fitts Farm project had a similar situation, and Town Administrator Selig responded in the affirmative.

Chair Sandberg asked what might be areas of financial stress. Beaudoin responded possibly the Fire Department in terms of injuries. Councilor Smith asked about expenditure of legal fees, to which Beaudoin responded that legal fees had not been bad at all. Legal services were only expended at 14% of the amount budgeted.

Councilor Paine congratulated Administrator Selig for the Town being in such good shape, and also congratulated the business office for the audit being completed in less than 4 days, which is considered an exceptionally successful and efficient audit.

D. Report by the Superintendent of Water and Wastewater, Guy Hodgdon

Administrator Selig summarized that his goal was to bring forward all the divisions of the Town to give an overview of what happens in the departments, outside of the budget process, in a more timely and leisurely way. Guy Hodgdon made a presentation followed by an opportunity for the Council to ask questions about the Water Division.

The Water Division presentation included a summary of Hodgdon's background and qualifications. A PowerPoint presentation was given, summarizing the structure of UNH/Durham water system. System data on water flow was provided to familiarize the Council with the Division's function.

Councilor Paine expressed concern that a "prankster" might be able to tamper with the computer systems, inspired by the revelation that the Water Division can access status information through P.C. anywhere. Councilor Smith asked about the water table of the Lee Well decreasing over recent years.

Councilor Grant suggested that the Town's system was small and the operating costs may be raised disproportionately by that fact. He said that before the Lee Well was being

pumped, water was purchased from UNH, which the Town may again have to do during the shutdown/recharge study project. He said that the UNH rate had been very low in dollars.

Public Works Director, Mike Lynch, said that over the past three years there had been a drop in some of the observation wells. Councilor Smith asked what the drop could be attributed to and what concerns should arise. Lynch said that the levels fluctuate. He said that an analysis had never been done of how quickly the recharge would be if the Lee well were taken off line, which is a project that would be undertaken during the upcoming week to assess the recharge capability of the well.

Councilor Smith also asked for clarification on water ownership rights of the Lamprey River. He said that UNH claims it owns water rights to the Oyster River, and Durham owns rights to the Lamprey River. UNH had not been able, upon request, to produce documentation supporting its claim of ownership rights of the Oyster River. Lynch said he was not aware of any such documentation. Councilor Smith charged Administrator Selig with researching that issue.

*Councilor Paine MOVED to adjourn. The motion was SECONDED by Councilor Pazdon and PASSED unanimously.*

*The Meeting was ADJOURNED at 10:00 PM.*

Marie MacDonald, Minute Taker