

D R A F T

DURHAM TOWN COUNCIL MINUTES MONDAY, SEPTEMBER 22 2003 DURHAM TOWN HALL – COUNCIL CHAMBERS 7:00 P.M.

MEMBERS PRESENT: Arthur Grant, acting Chair for Malcolm Sandberg; Neil Niman; Patricia Samuels; Mark Morong, John Kraus, Peter Smith

MEMBERS ABSENT: Annmarie Harris, Katie Paine and Malcolm Sandberg

OTHERS PRESENT: Paul Beaudoin, interested members of the public

I. Call to Order (7:00 pm)

II. Approval of Agenda

*Councilor Kraus **MOVED** to approve the agenda. The motion was **SECONDED** by Councilor Morong and **PASSED** unanimously.*

III. Special Announcements

Councilor Grant noted he would be filling in for Chair Sandberg for the evening. He took the opportunity to thank members of the Council for their contributions to a very successful Durham Day, and noted that every member participated in one way or another. He said the Public Works Dept. did a splendid job, and also said the Town appreciated very much the help from people in the community in making it such a special day.

Councilor Grant said he had had the pleasure of representing the Town Council, for 20 hours at the recent UNH conference on responsible celebrations. He read his specific comments on the conference for Council members and members of the public. He noted the theme of the summit centered on the kinds of situations that have led to large scale riots on or near campuses, including UNH. He said students from all colleges at the conference were equally concerned about student behavior in off campus neighborhoods, underage binge drinking, and the need to build respect and civility among all constituencies. Councilor Grant noted a summary of the weekend's discussions could be found at www.unh.edu.studentsummit. He said a more complete report would be available in about 30 days, and would provide information on short term and long range initiatives that might be pursued by the students to bring about a better standard of student conduct, both on the campus and in the community.

Councilor Grant said the University and its students faced a considerable challenge in trying to change the culture in which they, and we live. He quoted statistics that there had been 147 conduct related arrests in Durham since August 23rd, the beginning of the academic year; 87% of the arrests involved alcohol; and only half of those arrested were UNH students.

Councilor Grant spoke of various neighborhoods in Durham that had been disrupted by incidents, and said town personnel were taxed beyond reason trying to handle weekend disturbances. He emphasized that resources which could have been used to better the community were being consumed year after year simply to preserve peace and safety.

Councilor Grant said what the students at the summit had committed to was nothing less than a major change in campus culture, one that would hopefully also benefit the community beyond the campus. He said the summit and its aftermath offered a special opportunity, and expressed hope that the door would be opened to new cooperative efforts to bring about changes that could be of great importance to quality of life issues in the community.

Councilor Grant said the Town Council and government would continue to work to correct the problems that beset them, but that the task was huge, with no quick fix. He asked for the help of all groups, all people, saying there were bold opportunities for the Main Street program, Durham Business Association, the Durham Landlords Association, the Durham Neighborhood Alliance, the Planning Board, the ZBA, religious groups and civic organizations. He stressed the importance of creative thinking and listening, and being receptive to ideas that could improve relationships, and said he hoped everyone would make the best of this opportunity.

IV. **Approval of Minutes** September 8, 2003

The following amendments were made to the September 8, 2003 minutes:

14th page, 5th paragraph should read “Councilor Smith asked if this was inviting new statutory provisions for an impact fee charge.”

16th page, 3rd paragraph should read “.....violated the equal protective clause of the NH State Constitution...”

17th page, 4th paragraph, should read- ***“The motion passed 8-1, with Councilor Smith dissenting).***

Councilor Kraus MOVED to approve the minutes of September 8, 2003. The motion was SECONDED by Councilor Morong, and PASSED unanimously.

V. **Report of Administrator**

Arthur Grant noted that Town Administrator Selig was attending the National Conference of Town Administrators, and in his absence, acting Administrator Paul Beaudoin was present.

Mr. Beaudoin noted the following:

- On December 2nd, an engineer from the National Highway Safety Administration will be conducting a site visit to Durham, and meeting with the Durham Police Dept and other stakeholders to develop viable solutions to the downtown pedestrian safety problems. The general objective of the session was to bring the key stakeholders together and ensure that by the end of the day, they understood what walkability was, and would have a solution for the existing problems downtown.
- Halloween trick-or- treating will be taking place on October 30th in Durham from 5-7:30 pm
- University planners are still considering the potential of installing a roundabout (traffic circle) at the intersection of Mast Rd. and Main St. It is likely that on October 8th, an out of state consultant would be addressing the Durham Traffic Safety Committee on this matter. No time and place for presentation yet, but if interested in attending, please contact Jenny Berry.
- The Durham Listserv is up and running. 49 people are currently enrolled. When matters of interest to the community come up, the Town does a broadcast email to those enrolled. Anyone interested in subscribing should send an email to town_of_Durham@ci.durham.nh.us and in the subject line, put subscribe, and you will automatically be subscribed to the listserv. In order to unsubscribe, send an email to the same address, and put unsubscribe in the subject line.

Councilor Smith asked Mr. Beaudoin if UNH representatives, including students, would be attending the meeting on December 2nd. Mr. Beaudoin said they would, and that the idea was to get as many stakeholders involved in the issue as possible.

VI. **Reports and Comments of Councilors**

Mr. Beaudoin noted that the Agenda had been organized somewhat differently so that any councilors who are on committees would have a regular opportunity to give feedback to the Council about the activities of these committees.

Councilor Kraus questioned whether this was the best evening to do this, since some council members, who were solely responsible for some of the committees, were not present.

Councilor Grant said that Councilors should have the opportunity to make comments if they wished to, and asked that if any recent significant activities had taken place on their committees, Councilor should mention them in their comments.

A. Cemetery Committee - Councilor Smith

Councilor Smith said he willingly went to meetings of this committee when called, but said there had been no calls for a couple of years, which he said he took as a good sign.

B. Conservation Commission – Councilor Smith

- A representative from the Great Bay Nature Conservancy came before the commission to discuss a major survey the Conservancy is doing of natural resources in this area. He explained detailed site surveys would be done and the data would be put on GIS maps so it would be available for a variety of reasons. He said the commission had committed \$2000 for the project and noted they had voted to release that money from their budget, subject to approval of the Town Administrator.
- Councilor Smith noted there was a significant natural feature in the western part of town called the Spruce Hole bog, a rare kettle bog, which was getting a lot of attention from national agencies that wanted to come to honor Durham for preserving it. He said he suggested the Conservation Commission might want to contact Administrator Selig about having some kind of formal presentation before the Council.
- Councilor Smith said there had been further discussion about the dredging of Mill Pond. He said the commission was waiting for the engineering report from NH Soils. He also noted that the engineering unit scheduled to do the work had not yet returned from Iraq.
- He there had been discussion on the issue of feeding swans, and whether the Town should pass an ordinance. He said the commission's view was that it wasn't the swans that were causing almost all of the water to disappear from Mill Pond, and that there is a more serious issue of nutrient loading that is causing the Pond to fill in.

Councilor Samuels said she had seen some brush clearing going on around Mill Pond, where the swans were, and wished to thank whoever was doing the work.

Councilor Smith said a subcommittee of the Conservation Commission had developed and started to implement a project to clear brush around Mill Pond, and that the goal was to do the entire shoreland. He said only about 10% of the work had been completed, and noted that in the past few weeks, a program involving volunteers from UNH had been doing much of the brush cutting, and had been very helpful.

I. Integrated Waste Management Advisory Committee – Councilor Kraus

Councilor Kraus said he was an active member of this very active eight member committee which met once a month. He said the group periodically produced the Down to Earth newsletter, together with the Public Works Dept. which went out to citizens of Durham, and was produced and delivered in a cost-effective manner. He also noted the committee's active promotion of integrated waste management activities at events such as the recent Durham Days where they had a display on composting, leaf bags and various other environmental efforts related to waste management. Councilor Kraus said it was a pleasure to serve on the committee, and said that in order to assist them, he had brought several committee initiatives before the Council.

F. Rental Housing Commission – Councilor Morong

Councilor Morong said the commission was set up as liaison between the landlords of Durham, the citizens and the Town Council. He explained that if citizens had a question or problem about landlord, in their neighborhood, the commission would like to be made

aware of this so they could field the concern to the proper person in town. He said they would also like to know which landlords were causing problems for citizens.

Councilor Grant asked Councilor Morong the best way to get information or requests to the commission. Councilor Morong said they could call him or Mark Henderson, who was the Chair of the commission.

H. Economic Development Committee – Councilors Niman and Samuels

Councilor Niman, Chairman of the newly conformed committee, said their first meeting the previous week had focused on organizational issues, and was productive. He noted the committee was still looking for members, and also welcomed people to come and sit in the audience, so as many people as possible could participate and provide input. He said the next meeting would be September 29th, at 7:00 pm, and then would meet twice in October, on the Monday evenings the Council wasn't in session. Councilor Niman said after that, the committee would try to find another night they could meet on a regular basis.

He explained that at the next meeting, the committee hopes to work on the following: starting to inventory available parcels of land; discussing issues surrounding potentially developing land; exploring different development philosophies; and try to determine what the priorities of the committee are.

Councilor Samuels said this was a very dynamic committee, and encouraged members of the public and Council members to participate at meetings so that a variety of different philosophies would be represented.

E. Planning Board – Councilors Grant and Harris

Councilor Grant explained that he served on the Planning Board as the Council representative. He said the Board was totally engaged in developing revisions to the Zoning Ordinance. He noted three parts of the Ordinance revisions were in draft form, along with the Zoning map for residential zones and performances standards in the conservation subdivision, and said the third public hearing would be held in October and would be posted and advertised. He said the Board hoped it was nearing the completion of work on these parts of the ordinance, and anticipated they would come before the Council by January 1st. Councilor Grant said additional work on the Zoning ordinance, involving the overlays and certain other provisions, would come forward after this.

Councilor Grant said the Planning Board meetings continued to be busy, and mostly involved boundary line adjustments and some minor subdivisions, involving just a few lots. He noted there had recently been a public hearing on mounting cell phone broadcasting antennas on the UNH water tower off Strafford Ave and Edgewood Road, and said considerable public objection was expressed concerning the proposed construction, especially from abutters. He said the hearing had been continued to the next Planning Board meeting, and the University had been asked to pay particular attention to the subject at hand.

VII. Public Comments

Hillary Scott, thanked the Council for providing a section on the Agenda for public comments. She addressed the Council on several issues:

- She suggested that members of the public should have the opportunity to comments at other board and committee meetings about general process issues and questions. She said the only way she knew to discuss these things was to write a letter to the particular board or committee, and that it would be more efficient, and would be preferable to be able to come to a meeting and give comments so thoughts could be shared with members of the community. She said she had written a letter to one board and was told she would get a response, and never did. She noted some committees had full agendas, but said even 5-10 minutes for public comments would be worthwhile.
- She pointed out that the room needed a microphone because it was now larger, and it was sometimes very hard for members of the public in the audience to hear what board members were saying.
- Ms. Scott noted that an Agenda Item for the evening was to discuss the role of Council representatives appointed to other town boards, and commented that Councilors Grant and Harris were great assets to the Planning Board, providing invaluable input and perspective at meetings. She suggested that this kind of representation should occur at ZBA meetings if possible. She noted she had attended a ZBA meeting in September on a particular agenda item and that if a Town Council representative had been there, perhaps what took place might have turned out differently. She thanked Council members for their efforts on other committees.

Councilor Grant thanked Ms. Scott for her comments, and asked Mr. Beaudoin to look into the audio issue. Mr. Beaudoin said this problem had been addressed, explaining that speakers had been installed in the ceiling out in the audience, which would amplify the voices of board members once the wiring had been completed. Mr. Beaudoin also said a microphone would be installed on the new podium.

Councilor Grant asked Councilor Smith to respond to Ms. Scott's comment on the Town Council relationship to the ZBA, as it related to having representatives of the Council attend ZBA meetings

Councilor Smith said Ms. Scott's inquiry was a good one. He noted the ZBA was different than other committees that sprang forth under the Town charter, being constitutionally mandated if the Town had zoning laws. He explained that the ZBA was an entity whose exclusive job was to sit as a quasi-judicial body to make judicial type decisions.

He noted the Planning Board also made judgments at times as part of their work, but also acted largely as a political body in developing legislation - working on ordinances, and he said the Town Council, with the sole exception (as of the moment) of reviewing conditional use applications, sat exclusively as a political/legislative body.

Councilor Smith said he would find it problematic, and it would probably be illegal, for a Town Council member, playing essentially a political role, to at the same time play a judicial role on the ZBA. He said however that the issues Ms. Scott raised were important ones, and noted the Council had commented, including recently, on the importance of training for ZBA members. He said it had also come up in recent months whether the Town of Durham, which in most situations is a party to a dispute before the ZBA, should have a representative there, just as an applicant would bring their attorney, in order to achieve greater accuracy in decision making out of the adversarial process.

He said he was sympathetic with her concerns, and there was much to be done in this area.

Councilor Morong restated that the conflict came in combining legislative and judicial roles.

Councilor Samuels asked if the Code enforcement officer attended ZBA meetings.

Councilor Grant said he did, and also said he shared Councilor Smith's concerns that the Town needed to have someone on the ZBA who was an advocate for its position, which could be the Code Enforcement officer, if he understood that was his role. He said at present, Mr. Johnson had not been so instructed, and said he was not sure if this would present a conflict for him. Councilor Grant noted to Mr. Beaudoin that this matter should be discussed further at a future meeting. Regarding Ms. Scott's first question concerning public comment opportunities at other board meetings on general process issues/questions, Mr. Grant asked Mr. Beaudoin to ask Administrator Selig if he or Chair Sandberg could send a letter to town boards suggesting they provide a brief public comment session early in their meeting.

VIII. **Unanimous Consent Agenda - 7:55 pm**

Resolution #2003-18 authorizing the issuance of one million nine hundred thousand dollars (\$1,900,000) in Tax Anticipation Notes.

Councilor Samuels MOVED to remove the Item from the Unanimous Consent Agenda in order to discuss it. The motion was SECONDED by Councilor Smith, and PASSED unanimously.

Councilor Grant asked acting Town Administrator/Business Manager Paul Beaudoin to explain the purpose of the resolution.

Mr. Beaudoin explained the Town needed money to operate during the year, and borrowed money at times when there was a negative cash flow. He said earlier this year, the Town had borrowed \$7 million in a unique situation, at a rate that was lower than what was being received for deposits (1.15% vs. 1.5% on deposits). He said that in order to avoid arbitrage issues, the Town couldn't borrow money for longer than what was

needed for a 6-month period, in other words, it had to spend that money within 6 months. He said that since the Town needed to borrow more than \$7 million, it needed to go out again for a second TAN.

Mr. Beaudoin said he knew there would also have to be a bond for the capital projects this fall, with the understanding that both the bond and the TAN would be issued together, in hopes of getting better pricing for the two of them. He said an interesting note was that in setting up the cash flows for the beginning of the year, not enough money had been anticipated that was going to the Oyster River School District, so the Town probably would have come up short on cash, and would have had to do the BAN a little sooner. He said the situation worked out well because the Town received a good interest rate on the money.

Councilor Grant asked Mr. Beaudoin if he was saying the Town operates on last year's money until the tax money comes in this December to cover 2003 operations. Mr. Beaudoin said that was correct, and was the way most communities operated unless they had a very strong fund balance, they did tax billing differently, or they had a different fiscal year. He said there were many ways to adjust for this, but said that with the amount that is borrowed, and the interest rate, generally there isn't much difference between operating on a "pay as you go" basis as compared to borrowing money to operate during the year. He said the tax rate for 2003 would be set soon and will raise money for 2003 operations in December when the tax bills are sent out, but this money has already been spent throughout the year, including sending money to the County and the Oyster River School District.

Councilor Niman MOVED that the Durham Town Council hereby adopts Resolution #2003-18 authorizing the issuance of One Million Nine Hundred Thousand Dollars (\$1,900,000) in Tax Anticipation Notes. The motion was SECONDED by Councilor Kraus, and PASSED unanimously. (6-0) (Samuels, Morong, Grant, Kraus, Smith, Niman)

Councilor Kraus noted he had just checked the Town Charter and found wording regarding the ZBA on the very last page of the charter. He said the charter described the ZBA as a judicial board that was different than administrative boards, and also said the ZBA "Shall have all the powers granted to such boards under State law" and that it "shall not have any members who also serve on the Planning Board, Conservation Commission, or Historic District Commission."

X. New Business

Councilor Samuels requested that a future Council meeting include discussion on the proposal concerning the evangelical church.

Councilor Smith asked what the proposal was about. Councilor Grant explained that the pastor of the Evangelical Church had asked the Town Administrator, for the convenience of the church's long term planning, if the Town might be interested in purchasing the

property if at some point the church decided it needed to grow, move somewhere else. He said specific reference was made to the possibility that the Library might be interested, or might serve as a Town center of some kind. Councilor Grant emphasized this was a long range planning that was being contemplated, and asked Mr. Beaudoin to make a note to the Town Administrator about it.

- A. **Public Hearing on Resolution #2003-19** authorizing the issuance of long-term bonds or notes not to exceed five hundred ninety-nine thousand three hundred eighty-one dollars (\$599,381) for the purpose of bonding 2003 Capital Fund projects.

Councilor Kraus MOVED to open the public hearing on Resolution #2003-19 authorizing the issuance of long-term bonds or notes not to exceed Five Hundred Ninety-Nine Thousand Three Hundred Eighty-one Dollars (\$599,381) for the purpose of bonding 2003 Capital Fund projects. The motion was SECONDED by Councilor Niman and PASSED unanimously.

Councilor Grant asked Mr. Beaudoin to explain the purpose of the resolution.

Mr. Beaudoin said that as part of the 2003 budget, capital projects, generally large purchase items and projects, were approved by the Council. He explained that certain items on the budget were moving forward in the immediate future and would need to be funded. He noted one item on the 2003 budget that was not presently going to be actively moving forward was the purchase of the Route 108 Sunoco station, and said it was therefore not included under this bond.

Mr. Beaudoin said another issue that meant a change in financing was the funding of the new transfer station. He said it was originally intended to be added into this bond issue, but the application to the State for revolving loan funds for the capping of the landfill and building of the new transfer station was approved. He noted this might mean better financing for the Town.

Councilor Grant noted what the bond amount would go toward:

Financial Software	125,000
Dredge Mill Pond	35,000
Packers Falls Bridge Rehab	199,381
Dump Truck 33,400 GVWR	87,000
Four Wheel Drive Tractor	43,000
Recycling Collection Vehicle	110,000

Councilor Smith MOVED to close the public hearing on Resolution #2003-19 authorizing the issuance of long-term bonds or notes not to exceed to exceed Five Hundred Ninety-Nine Thousand Three Hundred Eighty-one Dollars (\$599,381) for the purpose of bonding 2003 Capital Fund projects. The motion was SECONDED by Councilor Samuels, and PASSED unanimously.

Councilor Morong moved to adopt Resolution #2003-19 authorizing the issuance of long-term bonds or notes not to exceed to exceed Five Hundred Ninety-Nine Thousand Three Hundred Eighty-one Dollars (\$599,381) for the purpose of bonding 2003 Capital Fund projects. The motion was SECONDED by Councilor Smith.

Councilor noted that the Council was not acting on these items per say at that point, and had done this previously in the course of budget hearings last fall and early winter, and the items were discussed as they were put into the budget, debated and approved at that time.

Councilor Smith noted he had not brought his approved capital budget, and asked if the amounts were the same, or was there any variation from what had been previously approved. Mr. Beaudoin said the numbers were the same as what was approved.

Councilor Smith asked if there was any reason to believe the amounts approved would be inadequate, based on new knowledge. Mr. Beaudoin noted he had received numerous proposals for municipal financial software, and at some point would recommend the best one for the Town's purposes. He said the prices for the software varied, so depending on what was chosen, the money budgeted for it might be sufficient, or might require dipping into the 2004 capital budget, upon the Council's approval.

Councilor Kraus asked if, among the software programs, there were a few that could sort by object code, and Mr. Beaudoin said they should all be able to do that.

Councilor Morong asked what the life expectancy was for the dump truck. He noted it was bonded for 10 years, and said this seemed like a long time for such a vehicle. Mr. Beaudoin said the truck's life expectancy was 12-15 years, and explained it was bonded because it would be a vehicle that would be used as a capital piece of equipment well into the future, so it made sense to "pay for it as you go".

The motion PASSED unanimously. (6-0) (Samuels, Morong, Grant, Kraus, Smith, Niman).

B. Discuss role of Council representatives appointed to boards, commissions & committees.

Councilor Grant noted the people who had initiated this were out of town, and asked Mr. Beaudoin what the discussion should be about.

Mr. Beaudoin said he was involved in the discussion with the Town Administrator and Town Council Chair on this matter, and said the question had arisen many times, from many sources, what role a Council representative on a board should be. He suggested several possible approaches, and said the Town Council needed to consider them.

Councilor Grant said that in his participation on the Planning Board, there had been individuals who had hoped he could provide guidance from the Council regarding the writing of the new zoning ordinance. He said he had resisted providing this guidance,

because the Council had not as a body discussed revisions they would like to see in the Zoning Ordinance. He also said he had resisted because he felt it was the responsibility of the Planning Board, through the public hearing process, to tell the Council what the community would like to see in its new Zoning Ordinance. Councilor Grant noted the ordinance would be subject to public hearings at the Council, and further review by the Council. He said he felt it was important that Council members be seen as a liaison between the Council and the other boards, and said that he personally did not want to be seen as representing the Council's desire on a particular issue. He said he had tried to make this clear on boards he had served on.

Councilor Morong said it was unlikely the discussion on this issue could be completed that evening because of the absence of some Council members. He said he had found when he was on the Conservation Commission that being a liaison between that group and the Council was an important job. He noted he had not personally been in the same position as Councilor Grant, having to explain himself as a Council member, and said he sat as an individual on other committees. He said committee members did sometimes asked him how the Council did things, and what its function was, and said it was important to provide guidance on that, including how to present issues before the Council.

Councilor Kraus said it was easy for him to be an advocate as part of his role on the Integrated Waste Management committee, but noted an important aspect of his role was as a liaison between the Council and the committee, helping them to appreciate the processes in the Town as they related to the goals of the committee. He gave the example of the introduction of leaf bags. Councilor Kraus stressed that different committees required different roles for Council members. He said it was appropriate to play an advocacy role on this Integrated Waste Management committee, as compared to other committees, where a councilor would need to be totally neutral.

Councilor Smith said one role was messenger. He went to a Conservation Commission meeting and if asked about the Council, he explained, and in turn made sure the Council knew what he heard when he was there. He said the second potential role was that the Councilor fully participated in the substantive work of the board, discusses, issues, argues positions, votes. He said that if the second role conflicted with the first role, plainly the Councilor is there not as the council, but as a majority of the Council, but also not as a private citizen, because he wasn't put there because he was a private citizen, he was put there because he was a member of the Council. He said that as long as what the other boards were doing were doing policy types of work, he saw no difficulty with a Councilor playing both of those roles, and in fact, thought it was a good thing, because so much of what another board did would eventually have to come before the Council and for a member of the Council to become well educated on what that board did and be able to bring that information to the full Council, made for better policy making. He said the potential problems arose when a Councilor serves in both roles on the Planning Board. He said he personally had not done that, because there were delicate issues that the Council needed to discuss. He emphasized he was not talking about work on the zoning ordinance, but was speaking instead about reviewing applications, which over the years

was the primary work of the Planning Board. He said this was well worth exploring whether a Councilor should be serving as a full participating voting member on the Planning Board. He said as of the moment, it was clear one of the difficulties of that was that the Council was also playing a quasi-judicial role as part of the conditional use permitting process, and said that piece troubled him the most.

Chair Samuels agreed with what had been said, but said in her experience as a Council member and simultaneous board member, she had seen herself as a full, active participant, and otherwise was occupying a seat that someone else should be sitting in. She said she also saw her councilor role as providing perspective about budgetary issues for someone with a project, so that it would have a greater chance of passing. She said someone promoting a project was not obligated to listen to what a Councilor had to say, and shouldn't necessarily let this stop them.

Councilor Niman agreed with Councilor Samuels, that a councilor could theoretically bring a broader perspective, and ideally would be more in tune with the major issues in Town because they spoke regularly with the various constituencies. He said in his role on the Economic Development committee, he didn't speak for the Council, but did have a sense of how the Council felt about certain issues. He said Councilor Smith raised a valid potential concern about the Planning Board, but also said that on the other hand, a Councilor could make a great contribution to the Board by helping it place its decisions within the broader context of what was going on in the Town. He said he as a councilor had an obligation to serve the people, and bring the general public view forward in any committee he served on.

Councilor Kraus agreed that Councilors could bring a wider perspective on committees, and added it was incumbent on the Council to try to fit the councilor to the committee, to avoid conflicts and other problems.

Councilor Morong noted there were two councilors on the Planning Board, which served on the most problematic board.

Councilor Grant noted that one Councilor served as an alternate, and functioned only in the discussion but did not vote unless the regular member was absent.

Councilor Smith said he was not questioning the legality of this current practice, but only the wisdom of the policy. He said it was clear that when the Charter was developed, the decision was made that there should be council representation on the Planning Board, including an alternate so there would always be representation in case one council member was absent.

Councilor Morong said he had served on a planning board, and had seen situations come up where one would have to wear two different hats, and that switch could be difficult to make. He also said that if one was a voting member of the board, it was a duty to fully participate.

Councilor Grant said there had been conversations regarding the roles of alternates, and said it was clear the majority of Planning Board members feel the alternates should be fully engaged in the discussions, and only vote when filling position of someone absent. He said this was a matter that merited discussed by the full Council, and asked Mr. Beaudoin to note the conversation took place and that it should be continued at a future meeting.

Councilor Smith asked Mr. Beaudoin to provide an adequate write-up of what had been discussed, so that when the conversation was continued, they would be up to speed. Councilor Grant said the minutes should serve that purpose.

C. Other Business

Mr. Beaudoin distributed copies of the Town Administrator's working draft proposal for the Capital Improvement Program. He asked Council members look it over and provide feedback before it became official. He said the CIP should mesh with the budget process that will be coming up in October.

Councilor Morong noted that he was impressed with the new facility at the school, and said his son had reported it seemed less crowded than the previous year.

Councilor Samuels asked whether, when the Planning Board was looking at large subdivision, if they looked at recreational fields, as part of this.

Councilor Grant said in his experience on the Planning Board this had not been done, but said past planning boards had done that. He said there were several pieces of property held by the Town that had been given, or reserved to the Town, in conjunction with development in various neighborhoods, expressly to provide playing fields and other activities. He said the Board had recently been informed that the Town had been asked if it would be interested in selling one of those properties for the purpose of residential development. He said the Council should discuss this issue.

Councilor Samuels said if a large subdivision was coming in, and for example, the Town needed a soccer field, and they were planning on having a certain amount of open space, was that something the Planning Board would consider, in terms of the Town's overall needs, as part of negotiations.

Councilor Smith asked if it would be fair to say that to the extent they do, they do it in the role of policymakers in developing changes in zoning, when those things are being thought about, especially when designating permitted uses in various zones. But he said during the application process it probably at times did sneak in during negotiations, but not in a direct way because this would not be legally proper.

Councilor Samuels asked if consideration about playing fields might be appropriate to include in the zoning ordinance.

Councilor Grant said this was a good point, and invited her to come to the zoning rewrite committee meeting to address this. In response to her comment that this was an old issue, he noted there was significant opposition from neighborhoods when the topic of recreation fields came up.

Councilor Niman noted an upcoming Town Council meeting theoretically would include consideration of possible adoption of an Impact Fee Ordinance. He said this discussion might cover some of the issues Councilor Samuels had raised

Mr. Beaudoin said he was not sure a draft ordinance would be ready by the October 6th meeting. He said perhaps there could be preliminary discussion on it.

Councilor Grant explained the Impact Fee Ordinance was originally assigned to the Planning Board several years ago, and nothing materialized. He said now that the Town Administrator was handling it, he was sure the Council would have something to respond to in the near future.

XII. Adjourn (NLT 8:40 PM)

Councilor Smith MOVED to adjourn. The motion was SECONDED by Councilor Kraus, and PASSED unanimously.

Victoria Parmele, Minutes taker