

DRAFT

DURHAM TOWN COUNCIL MINUTES MONDAY, OCTOBER 20, 2003 DURHAM TOWN HALL – COUNCIL CHAMBERS 7:00 P.M.

MEMBERS PRESENT: Malcolm Sandberg, Chair; Arthur Grant; John Kraus; Annmarie Harris; Mark Morong; Neil Niman; Katie Paine; Peter Smith

MEMBERS ABSENT: Patricia Samuels

OTHERS PRESENT: Town Administrator Todd Selig; other interested members of the public

I. Call to Order

II. Approval of Agenda

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

Councilor Grant MOVED that the agenda be amended so that a new Item VIII, on the Draft Document regarding the UNH riot, would supercede the present Item VIII – Unanimous Consent Agenda, and that that Item be moved to Item IX, and so on for other Items after that. The motion was SECONDED by Councilor Kraus, and PASSED unanimously.

III. Special Announcements
None

IV. Approval of Minutes
October 6, 2003

Councilor Kraus MOVED to approve the minutes. The motion was SECONDED by Councilor Niman and PASSED unanimously.

Page 3, under comments from Councilor Kraus about the Integrated Waste Management Committee, insert “with special kudos for the volunteer editor Jessie McKone” at the end of the first sentence.

Page 17 – first paragraph, should read “Administrator Selig said the reason for the change was that in recent years, the Department of Revenue Administration raised issues with present language.”

Concerning Page 17, under “Other Business”:

Councilor Grant Moved that the following sentence be added” The Council agreed unanimously, by consensus that the Group II issue should be addressed locally. The motion was SECONDED by Councilor Kraus, and PASSED unanimously.

Councilor Kraus MOVED to approve the minutes, as amended. The motion was SECONDED by Councilor Paine, and PASSED, with Councilors Harris, Smith and Morong abstaining.

V. Report of Administrator

Administrator Selig reported the following:

- Trick-or-Treating will take place on Thursday, October 30th, between 5:00 and 7:30 pm.
- The Durham Historic Association will be holding a meeting on Tuesday, Oct 28th at 7:00 pm in the Durham Evangelical Church. The focus of the meeting will be a presentation by Maryanna Hatch entitled “Between the Mountains and the Sea” on the paintings of John Hatch. The public is welcome to attend.
- The DCAT Committee has developed a short film on “Durham Day” which is currently running on community access television, at various times.
- The Packers Falls Bridge is scheduled to reopen in early November.

Administrator Selig commented on the riot which occurred on October 17, 2003 and also made the following observations:

- The efforts of the Durham police department on Thursday evening and the following morning were focused on preserving order and protecting public safety and public property, and noted that the Town did not have the resources to both disperse the riotous crowd and make numerous arrests. Administrator Selig said this was an essential point because even though only seven arrests made, yet there were hundreds of persons deserving of arrest, with more than 2000 others urging them on.
- The tone of the crowd has changed for the worse, and was downright aggressive toward authorities. Administrator Selig warned that if it continues, it will only be a matter of time before someone is seriously injured, or until a building is burnt to the ground.
- The professionalism and upstanding behavior of police and fire fighters was noteworthy. Administrator Selig explained that under conditions that were abominable, they responded appropriately, and with great restraint. He also noted that the efforts of student leaders and University officials, in planning alternative student activities and urging responsible behavior, deserved mention. Mr. Selig also said local businesses had come together during and after the event.
- Noting that the Council would be discussing the matter in greater detail that evening, Administrator Selig said Town staff had created a group which would come together to plan for the future. He noted that the Council had made it clear that Durham was not a playground for illegal activity, and said that the Town fully intended to work with the entire community to make it safe and preserve public order.

VI. Reports and Comments of Councilors

Councilor Kraus commended the UNH student newspaper, *The New Hampshire*, which came out the day after the riot occurred. He said its coverage was noteworthy for its restraint and non-inflammatory nature, and the Town appreciated this coverage, and their effort to lower the tone.

Councilor Kraus asked for a special, non public session the following Monday devoted exclusively to this civil disturbance, and to plan for the future. He said it was his understanding that a recent RSA change would provide for such a meeting relating to these situations to be held in non-public session.

Chair Sandberg noted that the Council would consider this matter in more detail that evening, under “Other Business”.

Councilor Niman said the next meeting of the Economic Development Committee would be held at the Police Station on October 23rd, at 7:00 pm. He invited members of the public and Council members to come to the meeting.

Councilor Niman also briefly updated the Council on the second meeting on school funding apportionment. He said the third meeting would be Tuesday, October 21, and said it was the big night when some decisions would be made as to whether fundamental changes would be made in the funding formula. He said he would like to give a more extensive report to the Council under “Other Business”. He also said he would like some advice from Council members in terms of suggestions on how I might best proceed at the meeting when they have a philosophical conversation on the meaning of fairness, he said he had already proposed several ideas that had not been warmly received,

Chair Sandberg said this discussion would be included under “Other Business”.

Councilor Paine reported on a conversation she had had the previous week while out of the country. She said she wanted to report both on the air and to the University that she had said in a kidding manner to a person from Minnesota that she was glad she would not be home because one never knew what was going to happen if somebody loses a game in New England. She said the person from Minnesota said, “Oh, you’re the school that does all the rioting”. Councilor Paine noted the implications of this for students graduating from UNH, when employers looked at their resumes.

Councilor Smith said legislative commission to study the right-to-know law is finally going to be meeting. He said the first meetings were scheduled for that week. He said he would keep the Council informed on its work.

VII. Public Comments

Megan McPherson, UNH student senate external affairs chairperson, read a prepared statement from the student government expressing their apologies about the civil disturbance on Thursday. She said they tried everything they could to keep the students on campus, and out of the downtown, to no avail, but said the student government would not give up on this situation. She said many students living in Durham took great pride in

being a part of the community. She noted the student body president and vice president would be strongly denouncing the students who chose to riot in the upcoming addition of the newspaper, and also said student senate would be entertaining a resolution denouncing the actions. Ms. McPherson said they would not give up on the Town, and asked it to not give up on them.

Chair Sandberg thanked Ms. McPherson for her comments.

VIII. Consideration of Draft Statement by the Town Council Concerning the October 17, 2003 UNH Civil Disturbance

Chair Sandberg noted that several Councilors had been working on this draft statement (on file with this set of minutes). He read the Draft Statement and asked the Councilors to provide additional comments and suggestions on the draft.

Councilor Paine MOVED to approve the Statement. The motion was SECONDED by Councilor Kraus, and the Statement was PASSED unanimously with minor changes.

Chair Sandberg noted the adoption of the Statement had been unanimous, and said the staff should feel free to ask the Council for support when it is needed, and anything the Council can do to pursue this issue will be considered.

Councilor Grant said he believed the statement commended all persons who helped contain the activities of the previous Thursday, but he thanked Chair Sandberg and Administrator Selig in particular for their hard work and dedication on Thursday and throughout the weekend in dealing with the situation as it unfolded. He said he and other Council members appreciated the attention they gave to their responsibilities.

IX. Unanimous Consent Agenda (NLT 7:45 PM)

(Requires unanimous approval. Individual items may be removed by any councilor for separate discussion and vote.)

- A. Shall the Town Council approve and sign the water and sewer warrant for the fall of 2003 as recommended by the Business Office?
- B. Shall the Town Council accept a 2003 Coastal Illicit Discharge Elimination and Municipal Storm Sewer Mapping Grant as recommended by the Town Engineer?

Councilor Niman MOVED that the Durham Town Council hereby approves Unanimous Consent Agenda Items IX A. and B. The motion was SECONDED by Councilor Kraus and PASSED unanimously.

X. Committee Appointment (NLT 8:00 P.M.)

Shall the Town Council appoint Charles Cressy, 13 Surrey Lane, as a member to the Economic Development Committee (EDC)?

Administrator Selig explained that the Economic Development Committee had been active in reaching out to people it feels might be good contributors to the effort, and that Mr. Cressy was interested in participating and had submitted an application to the committee.

Councilor Paine said she was very much in favor of having Mr. Cressy serve on the EDC. She noted one of his areas of interest was market research, and one of the reasons for the success of Durham Marketplace was that he had done extensive research into the community and its needs. She said she hoped he would lend that expertise, and perhaps some of those resources to the community.

Councilor Kraus MOVED to appoint Charles Cressy, 13 Surrey Lane, as a member to the Economic Development Committee. The motion was SECONDED by Councilor Grant, and PASSED unanimously.

XI. Unfinished Business (NLT 8:15 P.M.)

Continued review and discussion of proposed Town Charter amendments for the March 2004 election ballot as presented by the Town Administrator

Administrator Selig described the process that had been undertaken to review the current Town Charter, and make recommendations for needed amendments to it. He noted this was a process the Council had requested two years ago. Administrator Selig then went through a list of recommended Charter amendments that had been developed, in part with input from the Council. He noted they covered a range of topics, and asked for additional input from the Council on each.

Chair Sandberg explained there was time to discuss this that evening and if needed, at the following meeting, and said a public hearing would eventually be scheduled so the public could be fully involved in the process.

Article 5, Section 5.2 “Borrowing Procedure”, subparagraph A

There was significant discussion about the wording in paragraph A. It was suggested that the wording should read “...provided that no bonds shall be issued by the Council in excess of five hundred thousand dollars (\$500,000) for any single project except by a two-thirds vote of all Council members, and not exceeding one million dollars (\$1,000,000) per project except by two-thirds vote of all Council members...”

Administrator Selig said he would like to refer back to the Business office on this recommended change. He said he was also concerned about the language “vote of all Council members”, because typically, it would be a vote of the Council, since it would be possible that not all members would be present for a vote.

Councilor Kraus commented that the format used to show the changes being proposed to the Charter was somewhat confusing for some people.

Administrator Selig said the Dept of Revenue Administration had raised this issue, so the Town had gotten a legal opinion from their bond counsel on the way we handled our

bond issues, He said frequently the Town will choose to bundle projects to get a better rate on the bond, noting it would be difficult for a resident to vote yes or no on a hodgepodge of projects bundled together to get a better rate. He said the DRA is looking at the issue of bundling projects and if the Town has been acting appropriately when it bundles projects that results in a bond issue of greater than a million dollars. He said further discussion with DRA was planned, but they had been slow in getting back to the Town. Mr. Selig said it might be possible to delete the suggested amendment altogether.

Councilor Smith said if the italicized language was accurate, then since the time when that State legislative change was made, the Town has been under a lawful obligation to have 2/3 vote, and if that is the case, we are talking about at least making it clear that any bond whatever, when it goes to the Council must have a 2/3 vote. He said a second change that might be needed to this section of the Charter related to who won the battle between the Council and the DRA.

Chair Sandberg also said the language regarding 2/3 vote of the Council present, or 2/3 of the Council, needed to be clarified. He said the Council would look for refinement on this Article language at the next meeting.

Councilor Kraus said it was very important that these language changes be clearly explained, and that this be tested with some citizens. He noted there were many people in Durham who were still quite sensitive about this issue, and if they were unable to understand the language, there could be some problems with the issue during election time. Councilor Kraus suggested that when the Item came up, that Administrator Selig's explanation could be available on DCAT.

Administrator Selig said it was important to note that there was nothing in the proposed language change that made it easier to bond items, and that it was only met to clarify the existing language. He said if anything, it made it more difficult to bond, because of the issue Councilor Smith had raised.

Chair Sandberg said the language should continue to be refined, and if there was still confusion during the public hearing process, the language could be refined further.

Article 9, Section 9.2 "Informational Town Meeting"

This concerns the deletion of the Informational Town meeting.

Councilor Grant said a particularly articulate constituent had persuaded him to withdraw his previous concerns about deleting the Informational Town meeting,

Councilor Paine suggested a way to measure the success of something was to remove it and see if anybody noticed, and said this approach made sense concerning the Informational Town meeting.

Chair Sandberg explained that removal would be recommended by the Council, and if after the public hearing, still believed it should be killed, the issue would be put on the

Town warrant, and entire citizenry would have the opportunity to vote on it, as a separate warrant Item from other Items relating to the Charter.

Councilor Morong said he liked the Informational Town Meeting, did not find it a waste of time at all, but if citizenry says it does not want it, then he would go along with it.

Councilor Paine said she would find it useful to have information relating to the cost for the Town to conduct the Informational Town Meeting; at least in hours needed by town staff to prepare.

Councilor Kraus said since the implementation of the DCAT channel, there is more information available to citizens on a bi-weekly basis and reports received by staff are available for citizens to see, so in a certain way the new technologies have made the Informational Town Meeting somewhat unnecessary.

Council consensus was to place this amendment on the ballot in March.

Article 11, Section 11.1 “Administrative Committees”, subparagraphs A, B & F.

Subparagraph A “Planning Board”

Administrator Selig explained that language had been inserted that not more than five alternate members would be appointed to the Planning Board, and that wording had also be added that alternate members to the Planning Board would be appointed by the Council for terms of three years. He noted they have simply included in the Charter the practice that is currently followed.

Councilor Smith noted that the practice of having alternates for the Town Councilor who serves on the planning board causes confusion, and said no state statute came to grips specifically with this. He said he didn’t think it was a problem of having alternates, and having one of those alternates be the alternate for the regular council member. But he did say he didn’t think it would be appropriate if that alternate council member served as one of the voting members of the board when a regular board member wasn’t present. Councilor Smith said that perhaps the Charter language didn’t have to be changed, but said he raised the issue in case it needed to be looked at further.

Chair Sandberg suggested they propose to have not more than five alternates, one of whom shall be a Town Councilor, who may vote in the absence of the designated Councilor. Councilor Smith said he would like to run that by the Town attorney, because statutory authority for appointing a Town councilor did not cover that, although it perhaps could be implied.

Councilor Grant said his concern was with the language “this representative shall have all the rights of membership.....” He said that since the individual is designated as an ex-officio member, it doesn’t presently indicate whether that individual has the right to vote, and that that should be included. Chair Sandberg read from Robert’s rules that ex-officio did have the right to vote.

Subparagraph B “Conservation Commission”

Councilor Paine said concerning subparagraph B that she had a problem with when the “first meeting” was to be held. Councilor Kraus noted the ambiguous language “annually at the first meeting” appears in several places in the Town charter.

Chair Sandberg explained that if a Council member was going to be appointed to, say the Conservation Commission, that had to be done at the first meeting, but he said if the Council was going to appoint a non-Council member to the Conservation Commission, that didn’t necessarily have to be done at the first meeting under the current language, but under proposed language, it did have to be done.

Councilor Paine said she had strong objections to this, noting that at her first meeting she was too inexperienced and overwhelmed to be able to clearly consider the appointments and then vote on them at the same meeting. She suggested the language should say “within 30 days following the annual town election”, which would give new Council members 30 days to breath and learn their job.

Councilor Smith said he wanted to keep track of whether appointments should be made before or after elections. He noted the Council has opted for after, which he felt was most consistent with the democratic process. He noted old as well as new councilors are rushed at that time, and said he want to be sure there was a clear message that the Council takes seriously who we appoint, and the process therefore needs to reflect that.

Councilor Smith also suggested language “person shall remain in office until Town Council appoints successors..”, saying he would still want the timing to make sense so to avoid problems resulting from emptying of boards.

It was agreed that the language in Article 11.1 B on Conservation Commission members needed clarification.

Subparagraph F “Board of Library Trustees”

Concerning wording related to the Board of Library Trustees, Administrator Selig said the Town attorney recommended it should be the Town Council that appointed alternates. He said clarification on that was still needed. Councilor Smith said language put in by the Town attorney was consistent with alternate members being appointed either by the Town Council or by official ballot, so his memo did not really clarify that issue.

Article 11, Section 11.4 “Terms of Office”

Concerning Sec 11.4, it was agreed that the language should read “ the term of the member shall begin on May 1st and end on April 30th. It was agreed that Sec 11.3 could also incorporate this language.

There was discussion about the rationale for requiring a super majority. Administrator Selig, noted a questioned was posed some time back by Councilor Morong as to whether it was a good idea to make appointments without having a full house present. Administrator Selig said this led to the idea of requiring a super majority for all appointments, where 6 councilors would have to be present, and all 6 would have to vote.

Councilor Smith said he understood the possible rationale for this, but said the Town Council should think long and hard before adopting a super majority.

Councilor Paine said a simple majority of a bare quorum was not appropriate, and suggested this issue was worth putting before the voters.

Councilor Kraus said all of these appointments, for all the boards, needed to be carefully thought out in terms of their timing and how this would affect the various issues the boards were dealing with.

Administrator Selig said if the Town had the additional thirty days to appoint board members, as recommended, that would give them flexibility to wait until there was a full house present at a meeting.

Chair Sandberg said this discussion would be continued at the next meeting.

Article 11, Section 11.5 “Vacancies in Elected Office”

Chair Sandberg noted that the words “or regularly scheduled appointment” should be added at the end of the new language, saying it wouldn’t make sense to wait until the next town election in order to fill them.

There was discussion on this new language, and some confusion this might be causing. Councilor Smith that the new language explicitly noted that one of the functions of a Council was to fill the terms of expired appointments for boards in the same way as for elected officials.

XII. New Business (NLT 9:30 PM)

- A. **Resolution #2003-20:** Establishing rules of attendance and forfeiture of office for all Town-appointed boards, commissions and committees in accordance with Section 3.16 of the Durham Town Charter

Administrator Selig said the Town has had situations occasionally where members of Boards stop attending meetings due to illness or loss of interest and that language had been developed which was similar to the language presently in existence for Town Council members.

Councilor Grant MOVED that the Town Council adopt Resolution #2003-20: Establishing rules of attendance and forfeiture of office for all Town-appointed boards, commissions and committees in accordance with Section 3.16 of the Durham Town Charter. Councilor Paine SECONDED the motion.

Councilor Kraus asked if this resolution included the ZBA, as a semi-judicial board. Administrator Selig said this was researched, and it applied to all the boards.

Chair Sandberg questioned what taking leave meant . Administrator Selig said it would imply acceptance that the person was unable to attend for a period of time, and individual had asked for permission to be away.

Councilor Kraus noted it was important that the Chair always be made aware when other Council members could not attend meetings.

Chair Sandberg agreed, but said he did not think this courtesy needed to be mandated.

The motion PASSED unanimously.

Chair Sandberg call for a five-minute RECESS.

The meeting reconvened at 8:45 PM.

B. Other Business

1. Proposed Consideration Next Monday to discuss issues of police action

Chair Sandberg noted that Councilor Kraus had asked to have a special non-public meeting the following Monday to discuss his proposal on this issue.

Councilor Kraus asked if he was correct that there was a provision in State statute that permitted such a meeting in non-public session.

Administrator Selig said there was such a statute, that had been developed after September 11th terrorist bombing, which allows for Homeland security type issues. He said that in the broadest sense, it was their opinion this issue would fall under that category.

Chair Sandberg read the new language inserted in RSA 91-A:3 in January of 2003 that could allow such a meeting. He said the Council could discuss what that meant to them and the other question was whether or not it was appropriate to have a meeting under the call of what issue.

Councilor Kraus said his thought was that many aspects of the police planning and critiques were not really appropriate as general public information. He said there were issues Council members could be better informed about in non-public session so the Town Administrator, Police Chief and others could get clear guidance from the Council on appropriate strategies for dealing with the crowd behavior.

Councilor Smith noted an additional provision of RSA 91-A whose phraseology indicated it was passed explicitly in response to 911. He said that notwithstanding the severity of what happened, he did not believe it was a fair reading of the new State statute provisions to say that what was involved here was something that is referred to in the Homeland security language. He said he could not accept the premise that the Council could hold a non public session based on this language, and said they should seek the opinion of the Attorney General before contemplating doing this.

Chair Sandberg clarified that he read RSA 91-A:3 as the rationale for keeping minutes private or not. He said it was his impression that the wording in subparagraph iii – could include dealing with the bands of individuals who were loosely organized, but organized enough to collectively mount an assault on police officers.

Councilor Harris asked Councilor Kraus if there was some kind of constructive result he was looking for in a non-public forum.

Councilor Kraus said he wasn't focused on the details of the event, but more the forward looking strategies, and mechanisms that might be best to use in these circumstances; he noted one of the ultimate strategies would be to declare martial law, which was not something the Town would necessarily want to do, but other approaches – for example working with the University. He said that based on Councilor Smith's comments, legal review might be needed, because RSA 91-A:3 might not be an appropriate provision for allowing a non public session.

Chair Sandberg asked Administrator Selig for his perspective on this. He explained that the following week a meeting would be held with key players to talk about their response as they going forward. He said they were planning to ask a few Town Council members to participate. He said holding the non-public meeting the following Monday would be premature, and they would have the information needed by the next planned meeting, in November. He said it was clearly terrorism that drove the addition of the new provisions to RSA 91-3, but said that what was experienced the previous Thursday was as close to terrorism one could find. He said there appeared to be an organized attempt to create chaos. He said personally, that given these circumstances it would be appropriate, if needed to have such a meeting. He said the town attorney had not yet been consulted on this, and noted that no other community is dealing with this in New Hampshire, in terms of the violence experienced and the number of people involved.

Councilor Kraus noted the Attorney General had offered to help, and could provide some assistance on this.

Councilor Niman described some comments from students before the playoff game, about plans to riot after the game, regardless of who won or lost. He said they appeared to be looking forward to the riot, and he said that as compared to last April, confronting the police and destroying things appears to have become something that has high entertainment value for the students. He said they were consciously making the decision to go into Town and cause trouble, and was no longer a spontaneous event, but appeared to constitute deliberate action.

Chair Smith said he took very seriously what had happened, but said it was not the equivalent of the level of terrorism contemplated in State statute. He suggested another way to look at it was that non-public sessions were appropriate for police officers and other appropriate officials, with some Town Council members present. He said he did not feel it was the Council's role to determine the logistics of dealing with rioting behavior, but instead they should be making policy statements and recommendations. He said there were certain issues like techniques to deal with violence that did represent a

public policy matter as well as a police matter. He said it would be appropriate for the Council to discuss them and create guidelines, and was the kind of discussion that should be held publicly. He said he did not want the Town to be cutting new ground here in a way that would be fundamentally contrary to an important new State statute.

Councilor Paine said she agreed with Councilor Smith. She said she had not doubt the rioting behavior was considered cool, and was intentional, but that she personally had nothing to contribute to discussion of police tactics, etc. She said it was clear what the intent of the Town Council was concerning this issue, and said she didn't support pushing the envelope on what constituted non-public and terrorism. She said she didn't want to waste time on debate on these terms.

Councilor Morong said had no problem making public his philosophy on how the situation should be handled. He said that is what the Council should be discussion, not micromanaging the situation.

Councilor Kraus said it was not his intention to micromanage, but to look at overall strategies in a broader way. He agreed that a non-public session might be unnecessary, and saw there was question about whether it would be correct or not. He said it might be appropriate to determine this for the Council's understanding.

Chair Sandberg noted that Administrator Selig had said any meeting of the Council would be premature, and asked him to determine if such a discussion would be appropriate, and if so, to seek the advice from higher legal authorities on this.

2. Report on School Funding Issues

Councilor Niman told Council members that the meeting the following evening would be addressing the fairness issue. He said one philosophical perspective on this was that all the Towns were members of a larger community. He said the other perspective was that they were independent towns working in partnership, and primarily should be looking at what contribution was fair to particular town and not to individual households. He said these differing perspectives were making it difficult to reach a consensus. Councilor Niman said his perspective was that things should go back to where they used to be, prior to 1999, when it was more balanced. He said he showed the group how the numbers had gotten out of whack. Councilor Niman went through these same number with Council members, and said he was trying to find a way to take things back to the way they used to be. But he noted that the response he was getting was that the other town representatives liked the situation the way it is now.

He noted that one of his points of analysis has been that although Durham may have more property, they have additional expenses associated with this, especially those associated with hosting UNH. He said he was trying to make the point on the committee it was important to look at relative burdens the different towns bear, and that there should be some consideration for this. Councilor Niman said the response he had gotten was that this was not the problem of Lee and Madbury, so why should they share the burden. He said another response was – who cares, these things shouldn't even be taken into account.

Councilor Niman gave Council members additional description of the arguments he had presented to the committee. He then asked for their ideas on how best to articulate this need for fairness.

Councilor Grant suggested that the analysis concerning the University should be taken out, at least in discussions with the Towns, and said he could understand the feelings from other towns on this. He also said that there was no concrete basis for the concept of equalized valuation, and also questioned the adjustment factor thrown in for each community. He said the Town of Durham could withdraw from the Oyster River School district and send all its students to the Oyster River district as tuition students at less cost, which was absolutely ridiculous. He said he personally, and felt he represented other people who wanted to get back to the fairness issue that existed prior to the State's involvement, which he said had been a complete smokescreen that no one has understood. He said it was meant to confuse the public and lead them on, and suggested that they could make a compelling argument for 60-40%, which would at least be a first step.

Councilor Kraus noted what Councilor Niman was trying to do was tell people the world was round, when they think it is flat. He acknowledged that was a difficult argument he was trying to make, when people were dealing with a financial dogma.

Councilor Harris said that what Councilor Niman was saying was something Councilors agreed was fair and reasonable, but his question was how to sell this to people who don't want to hear it. She said it was very hard to think of how he could be more effective, especially because the subject was complex. She asked if he was comfortable that the people he was dealing with understand what he was presenting.

Councilor Niman said he was trying various methods to make his points, but acknowledged he was disheartened after the last meeting.

Councilor Smith asked if there had been discussion on the issue of looking at what the relative wealth of the permanent residents of the community was based on adjusted gross income. Councilor Niman said a gentleman from Lee had considered this, but had not been at the last meeting.

Councilor Paine said the question was whether the Council should remain firm as to our philosophy, and Councilor Niman should go fight for it, even if it is meeting strong opposition, or is the philosophy that we want to make things a little better, and come out with something at the end.

Chair Sandberg said if Councilor Niman wanted to articulate what was fair, and you advocate that and fail, which would be anticipated, the question would be where you go from there. He said the question would be if the fairness philosophy could prevail as reflected in a warrant article.

Councilor Niman said he had been trying to look for a middle ground, and no one was working toward this with him.

Councilor Harris noted, with two more meetings planned, that if there was no positive movement at the next meeting, perhaps it was time to play hardball.

Councilor Niman said he was willing to go the distance.

Councilor Morong said he appreciated the way Councilor Morong was handling the situation, and said it was the way he wanted to start the negotiation.

Councilor Kraus MOVED to extend the meeting until 10:10 pm. The motion was SECONDED by Councilor Harris and PASSED unanimously.

XIII. Nonpublic Session

Land matters IAW RSA 91-A:3 II (d) relating to the proposal of Seacoast Hospice to purchase property at the Durham Business Park

Councilor Paine MOVED to enter into NONPUBLIC SESSION under RSA 91-A: 3 II (d) for the purpose of discussing the proposal of Seacoast Hospice to purchase property at the Durham Business Park. Councilor Morong SECONDED the motion and it PASSED on a roll call vote of 8-0 as follows:

Councilor Niman – aye, Councilor Harris – aye, Councilor Sandberg – aye, Councilor Grant – aye, Councilor Paine – aye, Councilor Morong – aye, Councilor Kraus – aye, Councilor Smith – aye.

The Council entered into Nonpublic Session at 10:00 PM.

Councilor Kraus MOVED to come out of Nonpublic Session. The motion was SECONDED by Councilor Smith and PASSED unanimously.

The Council came out of Nonpublic Session at 10:16 PM.

Councilor Grant MOVED to seal the minutes of the nonpublic session. The motion was SECONDED by Councilor Kraus, and PASSED unanimously.

XIV. Adjourn (10:15 PM)

Councilor Harris MOVED to adjourn the meeting. The motion was SECONDED by Councilor Paine, and PASSED unanimously.

The meeting ADJOURNED at 10:18 PM.

Victoria Parmele, Minutes Taker