

This set of minutes was approved at the May 17, 2004 Town Council meeting.

**MONDAY, MAY 3, 2004
DURHAM TOWN HALL -- COUNCIL CHAMBERS
TOWN COUNCIL MINUTES
7:00 PM**

MEMBERS PRESENT: Chair Malcolm Sandberg; Arthur Grant; Neil Niman; Annmarie Harris; John Kraus; Gerald Needell; Karl Van Asselt; Peter Smith; Mark Morong

MEMBERS ABSENT: None

OTHERS PRESENT: Town Administrator Todd Selig; Fire Chief Ron O'Keefe

I. Call to Order

II. Approval of Agenda

Councilor Smith MOVED to approve the agenda as submitted. The motion was SECONDED by Councilor Morong.

Councilor Grant MOVED to amend the agenda to add Item VIII F on the Unanimous Consent Agenda, concerning the appointment of Roger Jaques to a one- year term on the Historic District Commission. The motion was SECONDED by Councilor Niman.

Councilor Grant noted that the Council had previously deferred action on this, pending possible other applicants, but gathered that no additional applications had been received. He said Mr. Jaques had expressed interest in being reappointed to a one-year term, and said that was his recommendation.

Councilor Kraus said he would not like this Item to be on the Unanimous Consent Agenda, and it was agreed that he could ask that it be taken off that agenda at the appropriate time.

The motion PASSED unanimously 9-0.

Councilor Niman said he would like to make two amendments to the Agenda, noting there were two issues he had brought forward in the past that were important to address because of time constraints. He said the first issue he would like to discuss was the first Item on the Economic Development Committee's list of recommendations, concerning the Durham Business Park.

Councilor Niman MOVED to amend the agenda to address Item IX D (concerning the Economic Development Committee's recommendations), no later than 9:30 pm. The motion was SECONDED by Councilor Kraus and PASSED unanimously, 9-0. Councilor Niman MOVED to amend the agenda to include as Item VIII G, under the Unanimous Consent Agenda, discussion or vote on a core goal to establish operational

efficiency for town staff, and make this one of the criteria used to evaluate employee performance. Councilor Kraus SECONDED the motion.

Councilor Niman noted he had proposed this several weeks ago, and was concerned that if the issue dragged on, it would be difficult to implement. He said the best time to move forward with it was now, so employees would have the maximum amount of time to reach this goal.

Councilor Smith said he opposed this amendment, noting that operational efficiency should start at the Council. He said he didn't see how the Council could operate its meeting efficiently by dealing with this issue separately from the Agenda Item IX on the Core Purpose, Values and Goals Statement.

Chair Sandberg asked if Administrator Selig was delaying holding Town staff to any level of efficiency pending the Council's consideration of this issue. Administrator Selig said it was important to get through Item IX E that evening, noting it had already taken too long to adopt the Core Purpose, Values and Goals Statement for 2004. He urged adoption of the core statement, and said Councilor Niman's proposal was a good one, and could be included as part of this.

Councilor Van Asselt said he assumed the motion did not preclude the Council from addressing IX E. that evening.

Chair Sandberg said there was nothing to preclude them from moving IX E. to the Unanimous Consent Agenda.

Councilor Smith said he was not suggesting that the issue Councilor Niman had raised should not be discussed, but that he did not want the discussion to be fragmented.

The motion FAILED 3-6. Councilors Niman, Kraus and Harris voting in favor of the motion. Councilors Smith, Grant, Morong, Sandberg, Van Asselt and Needell voting against the motion.

Councilor Kraus asked why Agenda Item IX B, the discussion regarding the Durham Public Library, was listed under Unfinished Business, noting he did not remember it had been considered as New Business at a prior Council meeting. He said he found it to be awkward to have something appear under Unfinished Business that never seemed to be officially New Business.

There was discussion about this, and Chair Sandberg said the Library was generally considered to be a project in progress.

Administrator Selig said he remembered this being an actual agenda Item approximately two years ago.

Councilor Kraus suggested that in cases like this, when it had been a relatively long time since an issue/project had been addressed, it would be useful to have a reference to the previous meeting when it was discussed.

The Agenda, as amended, PASSED unanimously 9-0.

III. Special Announcements

Fire Chief O'Keefe explained that various groups had been trying to raise money for the repair of the motor of the Town's 1931 Fire Engine, which was the first customized piece of fire equipment ever purchased by the Town. He said the goal was to get the truck, which was a piece of Durham's history, back on the road, and said the Durham Professional Firefighters and the Call Force had started raising money for this effort the previous year. He said Alpha Gamma Rho had decided this year to have a chili cook-off to help raise the necessary funds.

William Lenharth, Director of the Durham Call Force, said the Fire Department has had the truck since 1976, when the engine gave out, and had been slowly trying to bring it back. He said the fraternity had put together a cook-off that took place the previous weekend at their house.

Michael Ball, Jr. from Alpha Gamma Rho said the chili cook-off had raised \$1,200. He presented the check for this. He said that in the future, the fraternity hoped to get even more community involvement in the project. He said this had been a great educational experience, with a great turnout, and made people think more about the history of the community.

Call Fireman William Lenharth and Durham Professional Firefighter David Emanuel presented members of the Alpha Gamma Rho fraternity with a certificate of appreciation for their work on the cook-off.

Chair Sandberg thanked representatives of the various organizations for their efforts, and said this was the kind of cooperation with the University community that the Town very much appreciated.

IV. Approval of Minutes

March 29th minutes:

Councilor Kraus MOVED to approve the March 29th minutes as submitted. The motion was SECONDED by Councilor Grant.

Councilor Needell MOVED to amend the minutes by deleting the word "concerning" on Page 3, 2nd paragraph from the bottom. The motion was SECONDED By Councilor Kraus, and PASSED 8-0-1, with Councilor Morong abstaining because of his absence from the meeting.

The motion to approve the March 29th minutes, as amended, PASSED 8-0-1, with Councilor Morong abstaining because of his absence from the meeting.

April 12th, 2004 minutes:

Councilor Grant MOVED to approve the April 12th minutes as corrected. The motion was SECONDED by Councilor Kraus, and PASSED unanimously.

Page 1, 1st paragraph, should read “..of the hearing because of a scheduling problem, and said the meeting was being taped.”

Councilor Van Asselt noted his name had been misspelled on page 1.

Page 10, 1st paragraph, should read “..but not like being excluded from the process.”

The motion PASSED unanimously, 9-0.

April 19th, 2004 minutes

Councilor Kraus MOVED to approve the April 19th minutes as corrected. The motion was SECONDED by Councilor Van Asselt,

Page 13, 1st paragraph, should read “chair Sandberg said this Item...”

p. 21, 2nd full paragraph, should read “..and said he would not do so,.”

The motion PASSED unanimously.

V. Report of Administrator

- Administrator Selig said that the Packers Falls Bridge Citizens committee had been working hard coming up with alternatives for possible changes to the bridge, as well as looking at the process which resulted in the unsatisfactory structure that was presently there. He said the next meeting of the committee would be held on May 3rd at 3:30 pm at the Public Works Department.
- Administrator Selig also noted that the Oyster River School Board’s joint meeting of Selectmen from Lee and Madbury and Councilors from Durham would be held on May 6th, at 7:00 pm. He said the issues to be discussed were fields, as well as other potential issues that might be brought forward by those attending.

VI. Reports and Comments of Councilors

Councilor Niman noted that one of the agenda items for the School Board meeting on May 6th was tuition rates. He said Council members should be sensitive to what these rates were, noting that at the last Board meeting, the superintendent had proposed to raise the rate, which had historically been below the cost of educating students, by 40%. He said this was important for Durham because at present, UNH only reimbursed the Town at 75% of the tuition rate, which had cost the Town \$185,000 the previous year.

He said it would be beneficial if the rate were as high as possible, but said there seemed to be resistance at the last School Board meeting to have the tuition rate reflect the actual cost of educating students. Councilor Niman said for every dollar the tuition rate was below the actual cost of educating the students, the taxpayers paid \$0.75, if the agreement with UNH wasn't negotiated. He said he had sent an email to Jack Quinn, Chair of the Board, that the tuition rate was important to the Town and asked Council members to listen carefully about this issue at the Board meeting.

Councilor Kraus noted that spring cleanup had begun that day, and reminded everyone that there would be no leaf pickup as part of this cleanup. He said the Integrated Waste Management Advisory Committee had met that morning and had discussed issues surrounding the cleanup. He said it was a logistical nightmare for the Public Works Department to accomplish the cleanup every year, and distracted the department from its other duties, including road repairs.

Councilor Kraus said the Committee had discussed whether Durham could perhaps do what Newmarket did--provide an open period of time at the dump when people could drop off their goods while still providing house pickup for elderly people who requested this. He said this approach should be considered.

Chair Sandberg asked if the Committee would be making a recommendation on this, noting that there had been concern for quite some time about this issue, including the fact that the cleanup meant Durham littered its streets for a prolonged period of time in the spring. Councilor Kraus said the Committee was planning to get additional information on possible alternative approaches.

VII. Public Comments

Ken Andersen, Chair of the Durham Parks and Recreation Committee, said he was there to support the proposed work on the tennis courts and play fields, noting a key goal of the committee was to promote the health of all of Durham's citizens by promoting non-sedentary activities. He said the courts would be rebuilt, not just resurfaced, and also said the vote to rebuild 4 tennis courts had not been a split vote, as previously indicated, but had been unanimous. He noted that restoration of existing facilities was in keeping with the Town's policy to renovate existing facilities rather than building new ones. He said the Town had two tennis facilities, the courts at the High School and the 5 courts at Woodridge, which would be reduced to 4. He also said there might be fewer tennis players than a few years ago, but said a significant number of people still played the game.

Mr. Andersen also said the committee had solicited comments by email from the Oyster River parents of pre-schoolers, and received support for the rebuilding of the playground. He said the Committee had done a search for appropriate equipment for the playground, and was well on the way to redoing it. He urged the Council to support both of these projects.

Councilor Smith said the question had come up at the previous meeting about the reasoning behind the decision to take some of the space devoted to tennis courts and

attach it to the space utilized for the playground facility. He asked Mr. Andersen to explain this reasoning. Mr. Andersen said the 5th court was just a backboard, and said this backboard concept would be incorporated into the 4th tennis court. He said the area not used for tennis would provide a buffer area from the playground area.

Megan Donogan – 14 Strafford Ave, said she was there to discuss an issue that was important to the community. She said she had listened to previous Council discussions on Young Drive, and was aware of the problems there concerning underage drinking, students driving while drunk, etc.

She explained that she had been arrested for trespassing the previous weekend as she was leaving Young Drive, and cutting through a nearby property. She said she had not been drinking, and said it did not make sense that 3 police officers were present as she was arrested, while the rest of Young Drive was in complete mayhem. She noted that she had been told that there had been some problems in the past with trespassing in that location, but said that drunk drivers were much more of a threat to the community than 2 people trespassing on private property.

Councilor Harris asked if Ms. Donogan had any suggestions for how the Town might be more effective in dealing with the existing problems on Young Drive, where under-age drinking parties were hosted on a regular basis, on a dead end street. Ms. Donogan said she understood that the Town would not want students to be trespassing on private property, but said she didn't have any suggestions concerning the drinking problems. She also noted that Durham was after all a college town, and said that any college town faced issues like this.

Chair Sandberg said he would take Ms. Donogan's comments under consideration, and thanked her for coming.

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

Councilor Kraus asked that Item VIII F, concerning the Historic District Commission appointment, be removed from the Unanimous Consent Agenda.

Councilor Van Asselt said Item VIII D should also be removed from the Unanimous Consent Agenda.

Councilor Morong said he had thought that appointments to local boards would not be put on the Unanimous Consent Agenda, as a matter of practice.

Chair Sandberg said this Item had been placed on the Unanimous Consent Agenda because it involved a reappointment, and Mr. Jaques was known to the Board

Councilor Morong clarified that he was speaking specifically about David Langley's appointment to the DCAT committee.

- A. Shall the Town Council appoint David Langley as a regular member to the DCAT Governance Committee and Paul Gasowski as the ORCSD representative to the DCAT Governance Committee?
- B. Shall the Town Council authorize the Town Administrator to sign Recommittal Warrants to the newly elected Town Clerk-Tax Collector, Lorrie Pitt, for uncollected outstanding balances on warrants previously committee to Linda Ekdahl?
- C. Shall the Town Council approve a permit application submitted by Seacoast Growers' Association to conduct its Farmer's Market during the period June 7-October 3, 2004?
- D. Shall the Town Council authorize the Town Administrator to finalize an easement agreement with the Town of Newmarket for the purpose of granting access across Map 18, Lot 11-8 for the purpose of locating a cell tower on land owned by the Town of Newmarket, in Newmarket, and further to authorize in principle a 40/60 split on proceeds earned by the Town of Newmarket for lease of Town facilities as they pertain to this transaction; 40% Town of Durham and 60% Town of Newmarket?

Councilor Niman MOVED to approve Unanimous Consent Agenda Items A, B, C, and E. The motion was SECONDED by Councilor Kraus and PASSED unanimously.

- A. Shall the Town Council Adopt a Land Conservation Policy as recommended by the Town Administrator?

Councilor Van Asselt spoke about the amendments that had been made to the Land Conservation Policy document, said he wanted it to be clear that 8 C., which discussed the costs to be born by the Town, would only come into play when the Town actually chose to pursue a piece of property. He said he thought this was implied in the wording, but wanted to be certain this was clear.

Councilor Grant MOVED to adopt the revised "policy for Acquiring Legal Interest in Conservation/Open Space Land" dated April 26th, 2004, that was developed by the Land Protection Working Group and recommended by the Town Administrator, as presented. Councilor Kraus SECONDED the motion.

Councilor Smith said that Councilor Van Asselt had identified a defect in Section 8 C. and explained that this provision would allow any citizen to ask for a study and bill the Town, thus opening it up to the exact problem Councilor Van Asselt had suggested. Councilor Smith recommended proposing an amendment to the language in 8 C. and said this wording change would deal with the problem according to the procedures already put in place.

Councilor Smith MOVED to change the wording in 8 C. to read as follows: "All costs associated with preparing a proposal initiated by the Conservation

Commission for Town Council consideration, whether initiated by the Town Government or by a private person or group, will be borne by the Town unless a third party, including the landowner, is willing to fund all or part of these costs.” The motion was SECONDED by Councilor Van Asselt.

Councilor Smith explained that this language would accord with the policy already in effect.

Chair Sandberg asked if Administrator Selig had any concerns about this wording change, and Administrator Selig said he did not.

The motion PASSED unanimously 9-0.

Councilor Smith said he was concerned about some of the language in 8 B. and had asked Duane Hyde to review it. He included the wording changes suggested by Mr. Hyde in a motion.

Councilor Smith MOVED to substitute the following language for the existing language of 8 B: “When reviewing proposed projects, the Conservation Commission and Town Council shall give special attention and consideration to proposed projects that attract non-Town funds for the purchase and/or maintenance of the land in question”. The motion was SECONDED by Councilor Grant.

Councilor Needell said he liked the change, having felt the original wording of 8 B. was somewhat unnecessary, and potentially limiting.

Councilor Smith said the purpose of this was to get across a clear policy of the importance of looking for other funding sources, while simultaneously not jacking up disproportionately the idea of maximizing.

The motion to amend the language in 8 B. PASSED 8-1, with Councilor Niman voting against the motion.

The original motion, as amended, PASSED unanimously 9-0.

F. Appointment of Roger Jaques to a one-year term on the Historic District Commission

Councilor Kraus asked for some background information on why this was happening, given the fact that other candidates had previously applied for the position.

Administrator Selig explained that Catherine Leach, who had applied for the Commission, had decided to be an alternate on the Library Board of Trustees, and preferred not to be on both boards. He also said Sally Basset had provided a letter of interest in serving on the HDC, but had not returned her application.

Councilor Harris explained that Andrea Bodo had initially said she would consider rejoining the Commission, but had ultimately declined the opportunity.

Administrator Selig said there were three vacancies, a 3 year, a 2 year and a 1 year position available.

Councilor Kraus clarified that with Mr. Jaques taking the 1 year position, and conceivably Sally Basset taking one of the other positions, there would still be one open position left on the Commission.

Councilor Grant MOVED to appoint Roger Jaques for a one-year term to the Historic District Commission. The motion was SECONDED by Councilor Harris.

Councilor Smith said he understood that Commission was short on membership, but was concerned that Mr. Jaques might not be able to be present for some of the meetings.

Administrator Selig said he had talked with Mr. Jaques early in the appointment process about the fact that his time was limited. He said the Town had tried to find other citizens willing to serve on the Commission, but since this effort was not successful, Mr. Jaques had said he would continue to serve.

The motion PASSED unanimously 9-0.

IX. Unfinished Business

- A. Public Hearing on and Adoption of Ordinance #2004-03: Amending Chapter 68 “Fire Prevention” of the Durham Town Code by Adding Article V Entitled “Mutual Aid” which Authorizes the Fire Department to Go to the Aid of Another City, Town, Village or Fire District, from Within or Without the State, for the Purpose of Extinguishing a Fire, Rendering Other Emergency Assistance, or Performing any Detail, as Requested, in Accordance with NH RSA 154:24-30 and to Authorize the Fire Chief to Enter Into Such Agreements.

Administrator Selig said that this was essentially a housekeeping matter. He explained that he had been unable to find authorization in his records on this, and said that although RSA 154:24 could be interpreted to mean that the Town Administrator could grant this authority, he was more comfortable having the Council provide this authority. He said he discussed at great length whether it would be more appropriate for the Fire Chief or the Town Administrator to sign off on those agreements, and said both had agreed it was more appropriate for the Fire Chief to do so.

Administrator Selig said Council authorization could be accomplished through an ordinance, or by a Council Resolution, and said it was up to the Council to decide on this. He said he thought that changing the ordinance would make it very clear that this issue had been decided on by the Council.

Councilor Kraus MOVED to open the public hearing. The motion was SECONDED by Councilor Grant, and PASSED unanimously 9-0.

No members of the public wished to speak on this matter.

Councilor Smith MOVED to close the public hearing. Councilor Kraus SECONDED the motion, and it PASSED unanimously 9-0.

Councilor Smith MOVED to ADOPT Resolution #2004-11 authorizing the Durham Fire Department to go the aid of another city, Town, Village or Fire District, from within or without the State, for the purpose of extinguishing a fire, render other emergency assistance, or perform any detail as requested, in accordance with NH RSA 154:24-30 and to authorize the Fire Chief to enter into such agreements. The motion was SECONDED by Councilor Van Asselt.

Councilor Smith noted he had said, at the meeting when Administrator Selig was out of the country, that this matter could be handled by having the Town Administrator instruct the Fire Chief as to what he could and could not do. He said he was comfortable with the fact that the Administrator would like the Council to authorize the Fire Department to provide mutual aid, but said creating an ordinance to that effect did not make sense. He said he had examined RSA 154-30-a and did not find anything in it that required that an ordinance be passed to accomplish this.

Councilor Needell said he saw no problem with passing the resolution, but wanted to make it very clear that this in no way reflected a decrease in the importance of this role.

Councilor Grant said he would prefer to adopt a one paragraph ordinance, which would be clear cut concerning the policy, for years to come. He said if this were done by resolution, someone challenging when the approval was given might have a hard time finding it.

Chair Sandberg asked Fire Chief O' Keefe to speak about how such a resolution would be recorded. Chief O'Keefe said if passed as a resolution, the document would be inserted in the Town code, and would be included in the Town Administrator's file on agreements.

Councilor Kraus said this resolution would stand by itself, and would also be listed in the Town Report, so might actually be easier to find.

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

IX B. Discussion regarding Durham Public Library – Doug Wheeler, Chair of Library Board of Trustees

Administrator Selig provided background on this issue. He said that he had a number of discussions with Mr. Wheeler, and based on these discussions and also

Council discussion at the visioning session, Mr. Wheeler had agreed to come and speak with the Council.

Mr. Wheeler said his main goal was to find a site for the new library that everyone was happy with, and to move ahead and purchase the site. He said would like to complete the site selection process within the year. He said it was unfortunate that the Town was forced to pay approximately \$51,000 a year to rent the space where the current library was located, which didn't contain enough space, and didn't have space to grow.

Mr. Wheeler described the two main sites being considered for the new library:

1. Behind Town Hall, on the old Public Works site. He said the site had a number of advantages: it was Town owned, large enough to hold the building that had been designed, and it was within the Historic District. He said the location had some obvious advantages, but also noted the fact that Route 108 was heavily trafficked. He said a key goal of the library was to attract young readers, and said ideally they would be able to walk there. Mr. Wheeler said his own view of this was that the location, relative to Route 108 presented some problems, but suggested that a tunnel or a small bridge could help make the site more accessible. He also said the future needs of Town Hall were important to consider.

2. A 0.56 acre double lot on 24-26 Dennison Road, which was for sale. He said the site contained enough space for the basic library and parking. Mr. Wheeler said his concern about this lot was whether it would be large enough to accommodate future expansion of the library, noting that a library would be a part of the community for the long term. He said the main strength of the site was that it was within walking distance of the High School and Middle School, and noted that the building would be visible from Madbury Road.

Mr. Wheeler said there was strong interest in both sites. He said the goal was to firm up the details of a couple of strong sites and come to the Council with the research already done, and to then ask the Council to begin to consider the library project.

Councilor Kraus noted that library funding had been taken out of the current CIP, and said if there was a plan to fund the library, he was not aware of it.

Councilor Van Asselt said he had walked the second property, and said it appeared to be a difficult place to get to because of traffic.

Mr. Wheeler said one would have to walk on sidewalks to and from the schools, but said the site's proximity to the schools was an advantage.

Councilor Van Asselt noted that a significant amount of traffic was generated by the schools, and might make it difficult for younger and older people walking in this area.

Chair Sandberg asked if the Library Committee had dismissed the Smitty's Sunoco property as a possible site, noting that the Town had been looking seriously at this property for the library and possible future expansion of the Town offices, etc. Mr. Wheeler said the committee had not dismissed this site, but said one of the concerns was timing. He said the annual amount paid to rent the library space was a big issue and if an appropriate site could be found, this should be done sooner rather than later.

Chair Sandberg asked whether, if the Town owned this property within 6 months, the committee would be happy about this. Mr. Wheeler said the committee would look very seriously at this site.

Chair Sandberg spoke about pictures of the site that had been presented to the Town a year ago, and asked if that concept was favorably received by the Library committee. Mr. Wheeler said the committee was not fully manned yet, but would hopefully have a full complement at the next meeting, and would look into this.

Councilor Smith asked if the committee was currently considering any other properties. Mr. Wheeler said the Mill Pond Center property was being considered, and also noted the Davis property on Oyster River Road. Concerning Councilor Kraus' comment, Mr. Wheeler said the issue of financing was extremely important. He said the committee needed to get the site figured out, and get support for that site, before the financing could be organized. He said if they could get the site, and didn't have any legal or ecological impact issues to deal with, they could then embark on successful fundraising.

Councilor Harris asked if the committee still had the Gangwer property adjacent to the Pettee Brook parking lot on its list. Mr. Wheeler said it did, but said the issue was cost, and whether the site was for sale. He also spoke about a property at 10 Madbury Road, and there was also a discussion about a property on Dennison Road.

Chair Sandberg thanked Mr. Wheeler for his presentation.

- C. Shall the Town Council award a bid for the tennis court renovations at Woodridge Field as recommended by the Public Works Department?

Administrator Selig provided background information on this issue. He noted a number of questions had been raised about it at a previous Council meeting, and said a number of individuals were present to help answer those questions.

Councilor Needell MOVED, upon recommendation by the Town Administrator, to award the bid and authorize the reconstruction of the Town's Tennis Courts to Advantage Tennis, Inc. of Passumpic, Vermont for the sum of \$56,804 with the expenditure to be paid from the Capital Fund account #07-4800-2000-000-04. The motion was SECONDED by Councilor Grant.

Councilor Needell said this project was based on recommendations of the Public Works Department and the Parks and Recreation Committee.

Councilor Van Asselt said he continued to have some concern about this project. He said he understood the need to resurface the courts, but said while there were now 5 courts, when someone was practicing on the new practice court, there would be only 3 courts for two people to play tennis on. He asked how much it would cost to put the playground area in place of the portion of the tennis court area, and where the money for this was coming from.

He also said Woodridge Park appeared to be coming about piece by piece, for example, as part of the tennis court renovation, rather than as a result of a plan for the park. He said it would be good to see the big picture for Woodridge Park.

Chair Sandberg noted that if they approved just the resurfacing, the remaining items all came under \$25,000 individually.

Administrator Selig said the project for resurfacing of the tennis courts had been forwarded to him for the last few years, but said he had not supported it until this year. He said in keeping with his philosophy, it made sense to reclaim the tennis courts, a facility that currently existed and was worthy of being reclaimed.

He noted that an item in the CIP for renovating playground equipment at the Woodridge Field was also moved forward to 2004, and said the two projects weren't necessarily linked but were somewhat linked simply because of their proximity to one another, and the fact that they both would be addressed in the same year. He said the Parks and Recreation Committee input for these projects had been important, and said the committee came up with the plan to link the two projects as a way of maximizing what was on the site.

Chair Sandberg asked Mr. Van Asselt if his question had been answered satisfactorily. Councilor Van Asselt said it had, but said a smaller item was that if additional space was being opened for the playground, this would encourage spending money for playground equipment, and said he was curious about the cost of this.

Mr. Lynch said \$49,000 was available for playground equipment.

Councilor Van Asselt suggested that when dealing with one of the Town's better park areas, the goal should be to improve it, not just to add things on to it.

Administrator Selig said he viewed this as an opportunity to overhaul the tennis courts, to get by with 4 rather than 5 courts, and to save \$35,000 at the same time. But he said the plans for the tennis court and the playground were not coming forward together, and said he would not necessarily be willing to support using those funds for playground equipment, at least at the present time.

Councilor Van Asselt said he hoped the committee would provide the Council with an overall plan so it would have the proper context when there was a request for money.

Councilor Smith asked Denny Byrne of the Parks and Recreation Committee about the current use of the tennis courts. Mr. Byrne said use of the courts was not heavy, and was sporadic. He noted that the High School would be redoing its courts, and also spoke about the University's tennis courts. He said there were 16-18 courts available in Durham for members of the community.

Councilor Needell clarified that there was a plan for Woodridge Park, from the Parks and Recreation Committee's perspective. He also said that while this proposal did come in at less money than was proposed for paving the tennis courts, and the committee would like to see some of that money kept in the program, the decision to go to 4 courts was not related to the decision about the playground. He stressed that the decision to make the playground bigger was made separately.

Councilor Harris said she had been incorrect in saying at a previous Council meeting that the vote of the Parks and Recreation Committee on the tennis courts was a split vote. She also said she wasn't convinced that completely reconstructing the courts in this location at this time was the way to proceed, when the Town had other large requests, including the library, before it.

The motion PASSED 8-0-1, with Councilor Harris abstaining because of her uncertainty as to whether the project should proceed.

Chairman Sandberg called for a 5-minute recess.

D. Economic Development Committee

Administrator Selig said this committee had been working hard since its inception the last year, and had come up with a list of recommendations for the Council to consider. He said he believed the Committee felt it was important to get some additional direction from the Council in order to continue its work.

Councilor Niman said the committee had held a number of meetings, and had identified several important issues. But he said it was difficult to make significant progress with limited support from Town staff, and when it was unclear to what extent support could be garnered from the Council.

Councilor Niman noted that the Report from the committee had listed 6 recommendations which were listed in the Council communications, and he provided details on each.

He said would like to discuss all or perhaps just the first Item, concerning development of a marketing plan for the Business Park and aggressively seeking a buyer for the property. He said there needed to be decision on what should happen at this site, ideally that evening, especially in light of a letter of interest in

potentially purchasing the property and locating elderly housing along with Seacoast Hospice at the site. He said that if a goal was to improve the tax base, the Town should be more aggressively marketing the Business Park.

Councilor Grant said he supported this approach, but wondered what was meant by more aggressive marketing. He said he thought the Business Park site was being actively marketed by a realtor who had been retained by the Town.

Administrator Selig said the Town had not retained a realtor, and had not been actively marketing the site for the last 3 years, explaining that he had been uncertain since the Powerspan proposal fell through how the Council envisioned that piece of land. He noted that a number of people had investigated using the property, and said Seacoast Hospice had come forward with a proposal.

Councilor Grant noted that the Kane Company had marketed the Business Park at one time, and said he thought he had heard the company mentioned recently in regard to more aggressive marketing of the property.

Councilor Niman said the company had expressed an interest in formulating a development plan some months back, and said a recent update was that they had not completed it. He asked whether the company should be encouraged to complete this plan, or if some other marketing approach should be taken.

Chair Sandberg noted that a question given to the Committee the previous June was to evaluate the viability of the Business Park and to make a recommendation about what role it should play in the future.

Councilor Niman said the recommendation was that it should be developed for commercial purposes in order to broaden the tax base, noting there was very little land in Durham that people could agree would be suitable for office and research. He said one of the goals should be to diversify Durham's economy, and said given the lack of land that a majority of people agreed upon should be used for office and research, it was paramount that the site should not be turned over to elderly housing. He said the committee had not come up with more specific marketing recommendations in light of the possibility that Seacoast Hospice would occupy the site.

Councilor Kraus said another option for the site appeared to be to decide not to decide about it. He said this appeared to be what the Council continued to do concerning the site, which was a beautiful property.

Councilor Smith said he had felt for a long time that using the property for commercial purposes was a mistake and that the Town must sell the property because of the need to reimburse the sewer users. He said this was what would be done with the money if the property was sold, and said to keep in mind who would get 60% of that money. He said he had felt the property was a mistake for a long time, and said that unless the Town wanted to violate its shoreland protection ordinance, there was a maximum of 5 acres of developable land there.

He also noted the site was located near some of the Town's important recreation areas.

Councilor Smith noted that the Master Plan had identified approximately 400 acres to be zoned for commercial development, and said he believed they had been barking up the wrong tree for a long time. He said the Business Park was more suited for recreation, and had substantial potential for a playground. He said he had been somewhat enthusiastic about a discreet project involving Seacoast Hospice because of the social benefit, although there would not be a substantial economic benefit from this project.

Councilor Harris asked what suitable use could the Council imagine, and said she had considered whether this might be a place to build a Civic Center complex for the Town.

Administrator Selig said when the Power Span project fell through, he had asked the Public Works Department to put together a plan for ball fields for the site. He said this plan was developed, and then the Seacoast Hospice proposal came forward. He noted the Council was enthusiastic about this, with the exception of Councilor Niman, and had asked him to enter into negotiations with Seacoast Hospice. Administrator Selig provided details on the negotiations, but said they were unable to come to terms. He said that subsequent to this, there was some additional discussion with Seacoast Hospice board members about utilizing the site for elderly housing because of the scenic nature of the location. He also noted the possibility of tying in a ball field at the site.

Chair Sandberg said the Council found itself constantly reacting to proposals, rather than creating its own vision. He noted that the Zoning Ordinance provided zoning for various business activities in Town, including the area down by Heidelberg Web, which had been designated as an industrial zone. He said to help the Council formulate a vision about some of these other properties, he had asked the Economic Development Committee to put together an inventory, and noted the proposed Zoning map indicated that substantial acreage was being designated for office research.

Councilor Sandberg said he was concerned about forcing the issue just about the Business Park, when it would be more useful to look at less controversial parcels. He noted that the Master Plan had said up front that the scenic vistas as one came into town should be guarded, while it agreed that it was important to increase the tax base, spend less money, and improve the quality of life. He said his vision was to take the commercial/industrial park area on both sides of Route 4 and push development there, noting the Town had made a big investment in that area.

Councilor Grant said the Master Plan was emphatic that the Business Park be developed for office uses. He said this was one of the most attractive corporate headquarters sites in Town, and if a project was done to the design standards that had been set out, it could be extremely attractive. He said he would prefer that the committee concentrate as a top priority on Technology Drive, but said it was

following the precedent of the last 10 years where the Master Plan ruled, it should also try to locate the right tenant at the Business Park property.

Councilor Kraus said what Councilor Niman was bringing forward was vitally important, and said the Chair's perspective might be diverting Council members from the fact that they needed to focus and resolved what the Business Park should be used for as soon as possible.

Councilor Van Asselt asked if the Economic Development Committee would be an ongoing entity regardless of whether the Council decided anything.

Chair Sandberg explained that the committee had been asked to respond to nine specific questions, and to prepare a report to the Council. He said once that task was completed, the committee as originally developed would cease to exist, but would anticipate the committee would be recharged. He said his personal opinion as a Councilor was that it did not have the answers to the questions that would help the Council to provide the direction the committee was seeking.

Councilor Van Asselt noted that no one had suggested the Town should not pursue economic development to increase the tax base, although there was disagreement as to where that should take place. He asked whether, if the committee was going to continue, it would be appropriate to ask it to come back with a specific plan, and the Council could vote yes or no on this. He said he would like to recharge the committee to move forward.

Councilor Grant explained that the committee was frustrated, noting he had attended some Committee meetings. He said it was the general perception that any item that came before the Council, if not endorsed before it started looking at it, would get bogged down. He said Items 1-6 were ambitious, and said the Committee had not had sufficient staff support to accomplish its objectives. He said even if only a few of the recommendations, which were in effect recharges to the committee, were adopted, this would mean significant staff and committee time. He said the question was whether the Council wanted to proceed with economic development or not, and here were some approaches.

Councilor Morong said it was unfortunate that the Town lost Powerspan. He said he would like to see another similar project pursued for that site, and at the very least would like to see the Town get its money out of this site.

Councilor Kraus stressed again that the Council needed to make a decision on this, and said perhaps the hidden agenda was that it didn't want to have a business at the Business Park site. He said if this was the case, it needed to acknowledge this, and plan to use the site for some kind of recreational activity.

Chair Sandberg said the hidden agenda charge was not fair, and said the Council had discussed this issue up front. He said a proactive rather than a reactive approach was needed, and if the Town had a committee to develop firms,

industries that could take advantage of Durham's particular assets, this would be the way to bring people on board with economic development.

Councilor Smith said there was more acreage at the Technology Drive site than at the Business Park, and described other advantages of this site. He suggested that if Items 1 and 2 on the list of recommendations were reversed, there would probably be agreement by the Council on this.

Councilor Needell MOVED to amend the agenda to adjourn no later than 10:30 pm. The motion was SECONDED by Councilor Morong.

Councilor Smith MOVED to amend the agenda to require conclusion of the discussion on IX D. no later than 10:00 pm. Councilor Morong SECONDED the motion, and it PASSED 8-1, with Councilor Kraus voting against it.

Councilor Needell's motion PASSED 7-2, with Councilor Kraus and Chair Sandberg voting against it.

Councilor Kraus said these kinds of critical issues should be at the very forefront of future agendas, to allow more complete and less compressed discussion.

Councilor Niman said what was different about the Business Park was that the Town owned it, while it did not own any of the land on Technology Drive. He said he agreed that if the Town sold the Business Park land, it would have to give 60% of the money to UNH, but said it was not about how much the Town would get for the land, it was about the income stream, and property taxes. He said that with respect to re-forming the committee, he agreed with Councilor Grant that the level of frustration on the committee was enormous, and said a vote on this would achieve some resolution. He said this would motivate the committee to get more specific about marketing.

Chair Sandberg noted that the Council had asked the committee to evaluate the viability of the Business Park, so had demonstrated its interest in the site and moving forward with it. He said it was not clear why that charge was not adequate.

Councilor Niman said this was because the Council had moved forward with Seacoast Hospice.

Chair Sandberg said the reactive approach was what the Council was left with, absent a better offer or other ideas.

Councilor Niman said that if everyone agreed with Councilor Smith, the committee didn't need to look for a better offer.

Councilor Smith noted that he had been largely alone in his position, and had held this position about the Business Park long before he joined the Council. He said

he did not understand the excuse for not coming back with a proposal, given the resolution passed by the Council the previous summer.

Councilor Van Asselt said the committee should continue and should be asked to come back and describe various options for the Business Park and the Industrial Park. He also said he didn't think the options were as black and white as business or parks and recreation, noting there was elderly housing programs that could generate real tax income.

Councilor Van Asselt MOVED that the Economic Development Committee be reconstituted and continued and be charged with Items 1 and 2 from the Economic Development Committee report, and specifically within this, to encourage the Committee to come back with recommendations as to what will fit in the Durham Business Park and in the Industrial Park property. The motion was SECONDED by Councilor Grant.

For clarification, Chairman Sandberg read the two Economic Development Committee items referenced in Councilor Van Asselt's motion as follows: 1) Develop a marketing plan for the Durham Business Park and aggressively seek a buyer for the property in order to take what has been an unproductive piece of property and utilize it to help expand the tax base; and 2) Establish development guidelines for the area around Technology Drive and determine the cost of extending water and sewer to the properties abutting Beech Hill Road along with transforming the roadway to a Class V road in an effort to increase the stock of property suitable for an expansion in office/research activity designed to expand the tax base.

Councilor Kraus said the purpose of this appeared to be to have the committee come back with specific recommendations, and said the flaw was that the process was circular, so that ultimately the Council hadn't taken a stand on this issue.

Councilor Grant suggested that if Council members voted on Items 1 and 2, they were stating a clear position.

Councilor Grant called the question. Councilor Niman SECONDED the motion, and it PASSED 8-1, with Councilor Needell voting against it.

Councilor Van Asselt's motion PASSED 7-2, with Chair Sandberg and Councilor Kraus voting against it.

- E. Shall the Town Council adopt the Core Purpose, Values and Goals Statement for 2004 as established during its visioning session on March 27, 2004 (and establish a procedure for conducting the annual Town Administrator evaluation process)?

Administrator Selig provided background information, and noted some additions to the statement had been suggested a proposal regarding operational efficiency, and a suggestion concerning revising the core purpose of the document. He also noted some changes suggested by Councilor Van Asselt.

Councilor Van Asselt MOVED to ADOPT the “Core Purposes, Values and Goal Statement” encompassing the ideas established during the 2004 Council “visioning” session held on Saturday, March 27, 2004. The motion was SECONDED by Councilor Kraus.

Councilor Van Asselt said the suggestions he had made involved essentially a reorganization of the Work Plan, noting that as part of this he had created a new Work Area entitled Management Improvement. He said he would like to see this third Work Area included in the Work Plan, and suggested that Councilor Niman’s recommendation concerning operational efficiency could be incorporated into this section.

Councilor Van Asselt MOVED to revise the core purpose to read “to be effective leaders in insuring that Durham residents are provided with a high quality level of ongoing municipal services. This is the Town Council’s highest priority, and the underlying theme in all actions. The motion was SECONDED by Councilor Kraus, and PASSED unanimously 9-0.

Administrator Selig said it was important to focus on the content of the vision statement, and said the formatting could be amended subsequent to this.

Councilor Van Asselt MOVED to add a new Work area to the goal statement – Management Improvement, and to include 7 specific goals: effective process for Town Administrator evaluation; process for self-evaluation of the Town Council; improved communications (Council-Council , Council-Administrator); new format for Council Goals Statement; reduce “paper distribution” throughout town government processes; and electronic filing of Town records/documents. The motion was SECONDED by Councilor Kraus.

Chair Sandberg asked Administrator Selig if he had a problem with the timeframes for the goals in the Work Area, but said instead of developing a conversion plan for electronic filing of town records/documents, there might simply be updates on how this process was going.

There was discussion about the difficulty of achieving this. Councilor Van Asselt said he would like to at least see a blue print of how such a conversion plan would be put in place.

Councilor Needell said given the complexity of Items 5 and 6, he was concerned about giving them the same level of priority as other Items. He said it made sense to consider them as of secondary importance, and to get the other Items in place more immediately.

Councilor Van Asselt said he had confidence that Administrator Selig would sort these Items out in terms of priority.

Councilor Needell said Item 7, establishing operational efficiency as a core goal, was a real departure from the other Items, and imposed requirements on how the

Town Administrator interacted with staff. He said having the Council reach beyond the Administrator to the staff made him uncomfortable

Councilor Smith said no one could disagree with this goal, but measuring whether it was being achieved was difficult.

Councilor Morong said he believed this was one of several criteria Administrator Selig already used, but had no problem including it in the statement.

Chair Sandberg said this seemed to border on micromanagement.

Councilor Needell proposed to amend Item 7 to read “establish operational efficiency as a core goal of town staff.” Councilor Smith SECONDED motion.

Councilor Needell asked Administrator Selig if he considered this to be a core goal. Administrator Selig said he was already looking for operational efficiencies on a case-by-case, and said he supported this amendment.

Councilor Morong said it was important to make this an ongoing priority.

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

The motion to include the new Work Area - Management Improvement, PASSED unanimously.

Councilor Smith said the library issue on page 3 and the issue of Smitty's on page 4 should be at the same level of priority.

Van Asselt MOVED to change the word “secondary” to “high” on page 4. The motion was SECONDED by Councilor Harris and PASSED unanimously.

Councilor Smith MOVED to remove the strikeouts from the section on page 6 under Dialogue with UNH to Problem Solve Issues of Mutual Interest., The motion was SECONDED by Councilor Kraus and PASSED unanimously.

The motion as amended to approve the Core Purpose, Values and Goal Statement PASSED unanimously 9-0.

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

The meeting ADJOURNED at 10:30 pm

Victoria Parmele, Minute Taker