

**DRAFT**  
**MONDAY, DECEMBER 6, 2004**  
**DURHAM TOWN HALL -- COUNCIL CHAMBERS**  
**TOWN COUNCIL MINUTES**  
**7:00 PM**

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

**MEMBERS ABSENT:**

**OTHERS PRESENT:** Todd Selig, Town Administrator; Business Manager Paul Beaudoin

**I. Call to Order**

Chairman Sandberg called the meeting to order at 6:30 PM. Chairman Sandberg noted that Councilors Kraus, Harris, and Van Asselt had not yet arrived.

**II. Approval of Agenda**

Councilor Grant MOVED approval of the agenda, as presented. The motion was SECONDED by Councilor Smith and PASSED unanimously.

**III. Nonpublic session**

*Councilor Smith MOVED to go into nonpublic session for the purpose of discussing the land matters IAW RSA 91-A:3 II (d) relative to the acquisition of property. The motion was SECONDED by Councilor Morong and PASSED 6-0 on a roll call vote as follows:*

*Smith, Aye; Kraus, Absent; Morong, Aye; Van Asselt, Absent; Grant, Aye; Sandberg, Aye; Needell, Aye; Harris, Absent; Niman, Aye*

Conservation Commission member Duane Hyde, Business Manager Paul Beaudoin, and Public Works Director Mike Lynch were also invited to attend nonpublic session.

The Town Council entered Nonpublic Session at 6:33 PM.

Councilors Kraus, Harris and Van Asselt arrived after the start of the Nonpublic Session.

The Town Council came out of Nonpublic Session at 7:10 PM.

*Councilor Smith MOVED to seal the minutes of the Nonpublic Session. The motion was SECONDED by Councilor Kraus and PASSED unanimously, 9-0.*

Chair Sandberg explained that the Council had been in nonpublic session since 6:30, and also noted that the Agenda for the meeting had already been approved.

#### **IV. Special Announcements**

##### **A. Introduction of New Firefighters Steven Jautais and Gary Kustra**

Fire Chief introduced the new firefighters to the Council and to the public. He explained that firefighter Jim Davis had recently retired, and that Paul Marcoux had been stationed in Iraq so would be gone for 18 months. He also introduced new Fire Department Administrative Assistant Melissa Perusse who was replacing Deb Quisumbing, who was going to attend nursing school.

##### **B. Presentations**

1. The Timberland Company for assisting the Town in assembling new playground equipment at the Woodridge Field Park.

Chair Sandberg presented Timberland employees with a certificate of appreciation from present at the meeting said this had been a wonderful opportunity for them as well.

2. Town Election Officials for their outstanding efforts during the 2004 General Election.

On behalf of the Council, Chair Sandberg thanked the various Election Officials for their hard work on Election Day.

3. Various Town departments, University of New Hampshire administrators, and University of New Hampshire student leaders for their outstanding efforts during the American Championship and World Series baseball games.

Kathleen Brogan – Executive Assistant to the President, UNH, and Rory Sheehan, External Affairs Coordinator of the UNH Student Senate, were present to accept the thanks of the Council for their efforts. Fire Department and Police Department personnel were also present to receive thanks from the Council.

4. PSNH presentation to the Town of Durham of a \$60,140.00 rebate for improvements made at the Wastewater Treatment Plant.

Administrator Selig explained that since 2003, several baseline improvements had been made to the facility. He said this had involved significant expense, but was mandated in order for the Town to comply with various regulations. He said the Town had been looking for various grant opportunities related to installation of energy efficient equipment and services, and had successfully secured rebate money from PSNH as a result of technological improvements made to the wastewater treatment plant that saved energy.

Donna Healey, account manager for PSNH, presented a check in the amount of \$60,140 to Public Works Director Mike Lynch. She said it had been a pleasure

working with him, and said she hoped PSNH could provide the Town with additional rebate money the following year.

## **V. Approval of Minutes**

November 1, 2004

*Councilor Grant MOVED to approve the November 1, 2004 Minutes as submitted. The motion was SECONDED by Councilor Kraus, and PASSED 7-0, with Councilors Harris and Morong abstaining because of their absence from the November 1, 2004 meeting.*

November 15, 2004

*Councilor Grant MOVED to approve the November 15, 2004 Minutes as submitted. The motion was SECONDED by Councilor Kraus.*

It was noted that the spelling of the name Rory Sheehan should be corrected in the minutes.

*The motion PASSED 8-0, with Councilor Harris abstaining because of her absence from the November 15, 2004 meeting.*

## **VI. Report of Administrator**

Administrator Selig noted that the annual “Light up Durham Day had taken place on December 3<sup>rd</sup>. He also said a pot-luck supper, to which Councilors had been invited, would be held by the UNH Student Senate on Monday, December 13th.

Administrator Selig reminded citizens that the Town was entering the snow season, and asked everyone to drive carefully.

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

Councilor Needell said that on Nov 30<sup>th</sup>, 2004, the MainStreet reconstruction project had held two public hearings on the proposed project. He said there had been limited, but significant public participation, and also said there would be additional future meetings in 2005. He encouraged citizens to participate, and noted there was a link to the project website at the Town of Durham web site, and said public comments could be provided there. He also said any questions could be directed to the Public Works Department.

Councilor Smith updated the Council on the status of the Right to Know Commission report, and said it was available at the NH Municipal Association website, [nhlga.org](http://nhlga.org). He said a bill would be introduced in the NH House and Senate simultaneously that would contain all of the changes that had so far been agreed upon by the Commission.

Councilor Smith said that comments were welcome regarding the Bill, which would bear substantially on what local town boards did, and asked Councilors to take an interest in it.

Councilor Smith also said he hoped members of the Council would turn out for the UNH Student Senate event. He said it was the first such event since he had been on the Council, and said it was a great move on their part.

Councilor Morong said he wished to speak about the fallout regarding the Council's library discussion a few weeks back. He said he had heard he was on the Library Board of Trustees "hit list", and also said he had received a number of emails on the library issue which seemed to be saying that by this vote the Council was either supporting or not supporting the library. He said he didn't like being painted with a broad brush, and said he and the other Councilors were working hard on this issue. He said he had not spoken to a Councilor who was outright for or against the library, and said they were all looking to find a solution to this issue. He said he wished the citizenry would understand this was not a simple issue, and said he for one was not for or against the library.

Councilor Van Asselt asked Administrator Selig to provide some clarification at the meeting and in his weekly Administrative Notes on a statement made by Fosters Daily Democrat that the Town had voted to clean up the Craig Supply Site. He also noted that UNH had written an article to this effect. He said the perception that the Town had gone ahead and made specific plans regarding the site was not correct, and said he wanted to make sure the public understood this.

Administrator Selig explained that the Town has taken possession of the site, and was working with NHDES to evaluate a number of options. He said the Town had applied for a brownfields grant relating to the site, and had laid out a potential scheme for covering the costs of the cleanup while also raising additional revenue. He said that no specific course of action had been chosen yet.

## **VIII. Public Comments**

**Lucy Gardner**, a Trustee of the Durham Public Library Board of Trustees, said Board Chair Doug Wheeler was unable to attend the Council meeting, and said she would therefore like to read a letter from him. In the letter, Mr. Wheeler acknowledged that the proposed Town Hall site for the new library had been rejected, and said the Trustees would therefore look for another site for the library. He said they would seek to make the next site selection a joint cooperative effort, with input from the Council and from Town staff, and said the public was also invited to participate in the process of selection and confirmation of a site. He also said the Trustees were grateful to the Council and Administrator Selig for the proposed full funding for the existing library, and said he hoped this would become a reality.

**William Hall** noted that there had been discussion about the need for work on the water pipes on Madbury Road going back to 1992, and said it was important not to wait until 2007 to do this work, as proposed in the CIP. He said the project would not get any cheaper over time, and said that technically speaking, it was very important to dig the streets up at the same time the sidewalks were being rehabilitated.

Mr. Hall also said there had been an important discussion at the previous Council meeting about ratings regarding fire stations, and noted that he had not previously been able to get the Town to listen to him about this issue. He said the Town was several times to the southeast what it was to the northwest of the fire station, and said the station should therefore be moved as much to the southeast as possible without losing the current rating. He said the way to accomplish this was to put the station at the B lot, and he provided additional details about

this idea. He said that by planning to move the station there, the Town could avoid having to put a substation in.

He said he was disappointed that since 1969, the Town had not been competent enough to find the best place to put the fire station, and noted the significant increase in traffic in the western part of Town. He said the northern connector was not even mentioned at the Council meeting on November 30<sup>th</sup>.

**Dick Lord, 85 Bennett Road**, said it seemed to him that what the Council had been presented with concerning the new library was a specific plan with a building footprint. He said he saw Town Engineer Bob Leveque trying to fit that onto the Town Hall lot, and said it seemed like the Trustees had a building plan before they had a lot to put the building on. He said he hoped that two questions could be answered, and said the first was whether the Trustees were so enamored with their existing plan that they were inflexible. He said the second question was whether the Council was ok with having another footprint at the Town Hall site.

**Paul Allen, 148 Packers Falls Road**, said that even though taxes in Durham were too high, he didn't think funding for Fire Department personnel should be cut. He provided details on the work the Fire Department did, and spoke specifically about how department staff had put out a fire at his mother's house. He said the situation could have turned out differently if the Town had been short staffed.

Chair Sandberg provided clarification that the Council had not passed any motions concerning this issue.

**Julian Smith, 246 Packers Falls Road**, noted that the previous Thursday, six Library Trustees, three Council members and Town Staff had met to discuss the library, and the Trustees were advised to move on to find another site. He said he personally was not quite ready to move on concerning this issue, and explained that he still felt the Town Hall site was the best site. He said the Trustees were told at that meeting that the site didn't have enough parking spaces based on the zoning Ordinance. Mr. Smith said he had asked why the Town could not exempt itself from town codes regarding parking in order to provide benefits to its citizens, and was told that historically, the Town had set an example by following its own ordinances.

Mr. Smith said if the Council continued to reject the idea of creating a compact Town Center by building a library at the present Town Hall site, he was concerned that a future Council would decide to establish a Town center with a big parking lot, far from the center of town in a remote location that was primarily accessible by car.

He said this would set a very bad example, and said the Town government might instead consider that it could set a good example of beginning to planning for the future by not assuming that everyone would arrive at a convenient location by automobile. He said not everyone needed to be able to do this.

He said he was suggesting that the Council ask the voters in March if they were willing to build a library at this site, even if it meant they might have to walk to the site, or plan to come to the library at times and days when there were more likely to be parking spaces.

Mr. Smith said there were enough intelligent and cooperative citizens in Durham to know there were other solutions than simply paving over a great amount of space in order to comply with an ordinance. He said the Town should set an example for the future by considering other alternatives.

Chair Sandberg said the issue of whether to use the Town Hall site for the library could be brought back before the Council, if a Councilor who had voted on the prevailing side in the previous vote on the issue wished to do so. He also noted that a citizen referendum could be initiated, in accordance with the Town Charter.

**Scott Hovey, 41 Canney Road**, noted that he had had business at the Court the previous Tuesday, and there were not enough parking spaces. He said the Courthouse brought in a lot of money to the Town, and also said the Town had had to fight to keep it there. He said if the library were put at the Town Hall site, there would not be adequate parking for the Courthouse.

William Hall said he had been present when the Town voted to take the Town library out of UNH, and said one of the most compelling arguments for this at that time was the parking issue. He said if it hadn't been for this issue, he didn't think the library would have been taken out. He also noted it was said at that time that if the library got away from UNH, there would never be requests for money from the Town in the future.

## **IX. Unanimous Consent Agenda**

Shall the Town Council accept the proposed 2005 Holiday Schedule submitted by the Town Administrator in accordance with the Town's Personnel Plan?

***Councilor Grant MOVED that the Town Council accept the proposed 2005 Holiday Schedule submitted by the Town Administrator in accordance with the Town's Personnel Plan. The motion was SECONDED by Councilor Kraus, and PASSED unanimously.***

## **X. New Business**

- A. First Reading on Ordinance #2004-11 amending Chapter 153 "Vehicles and Traffic, Section 153-32 "Penalties for Offenses" of the Durham Town Code by increasing the parking fine structure

Administrator Selig introduced Police Chief Kurz to provide details on this ordinance. Chief Kurz said the last time the Town's parking penalty was changed was 1996. and noted the current penalty was \$15. He said the University penalty was \$25 and said the two penalties should at least stay close to one another, so he was recommending the Town increase it's penalty to \$20.

***Councilor Kraus MOVED to approve on first reading, as presented, Ordinance #2004-11 amending Chapter 153 “Vehicles and Traffic, Section 153-32 “Penalties for Offenses” of the Durham Town Code by increasing the parking fine structure. Councilor Smith SECONDED the motion, and it PASSED 8-1, with Councilor Grant voting against the motion.***

## **XI. Unfinished Business**

### **A. Discussion regarding options for the Packers Falls Bridge**

[This discussion was removed from the agenda, and will be brought forward at the Dec 20<sup>th</sup>, 2004 meeting.]

### **B. Discussion and deliberation on proposed FY 2005 Operating Budgets and 2005-2014 Capital Improvements Program**

Chair Sandberg made reference to Councilor Niman’s presentation at the previous Council meeting, and noted that no specific motion was made at that time.

Councilor Van Asselt said he had some broad questions to ask concerning the Budget that were unrelated to Councilor Niman’s comments.

Councilors agreed to continue with Councilor Niman’s presentation before hearing from Councilor Van Asselt.

Councilor Niman said it was his contention that the Fire Department, but not just that department, was not being run as efficiently as possible. He said that when he originally brought forward the idea of operational efficiency, which the Council did adopt as part of its goals, he had hoped to see, by the time the Budget was deliberated on, considerable progress in refining the way the Town operated some of its departments, in order to keep the tax rate down.

He said he did not bring this forward because he wanted to lay off firefighters, or to be a rabble-rouser. But he noted that every chance he had, he expressed his disagreement with expenditures and the tax rate. He also said citizens often came up to him asking him to do something about them.

He said he was hoping to at least begin a process to look at these things, and to try to find a new ways of doing things, so there wouldn’t be a mass exodus of residents who couldn’t afford to live in Durham anymore.

Councilor Niman noted that he was not an expert in this area, but said he had four recommendations he would like to present to the Council. He provided a handout to Councilors that listed these recommendations:

1. Reduce the amount of overtime
2. Consolidate Assistant Fire Chief and Training Officer positions.

3. Move the Fire Marshal or Inspector to Special Events and Develop a Fee for Service Schedule to Recover the Personnel Costs
4. Hire an outside consultant selected by the Town Administrator with monies from the Fire Department Budget to evaluate personnel needs, potential operational efficiencies, and areas for responsible budget cuts.

Councilor Niman noted again that he was not an expert in this area, but was simply concerned about the size of the budget. He said he would at least like the Council to clear up the misconceptions and uncertainties regarding this issue, so people could feel they were getting good value for their tax dollars.

Chair Sandberg asked Councilor Niman if he wanted to make a specific motion to cut the Budget by \$118,307, as his handout had recommended.

***Councilor Niman moved to reduce the Budget as outlined in Item 1 on the sheet received by Councilors, in the amount of \$22,045 for overtime, \$92,262 for shift coverage, and \$4,000 for fire prevention, 0 for Training, and 0 for Special Events, for a total of \$118,307. The motion was SECONDED by Councilor Kraus.***

Councilor Niman said he had been seeking not to reduce the five-person shift, but instead to find a way to economize on overtime. He said that over the course of the last few months, he had proposed various ways to achieve this. He said he hadn't made headway on that, so was now suggesting that the Council change its policy from mandating a five person shift all the time, to maintaining this when personnel were available.

He said the cut of \$22,045 in overtime he had recommended reflected that he didn't understand why, if someone assumed additional responsibility as part of his job, this automatically assumed the Town would pay him overtime. He said he wasn't sure why these kinds of responsibilities couldn't be assigned to personnel as part of their regular duties. He proposed that the Town continue to support overtime for callbacks, holdovers and town events, but not for functions like those of the EMS coordinator.

Councilor Niman said that proposing the reduction in shift coverage reflected that there might be times when the department could drop to a four-person shift and not jeopardize the safety of citizens, perhaps in the summer. He said that alternatively, perhaps the department could use call firefighters, police officers and public works employees to man the five-person shift. He said the idea was to find creative ways to maintain safety and also reduce costs. He noted that by reducing the overtime budget, this might prompt the Fire Department to find alternative ways to staff their shifts.

Councilor Niman said that regarding inspections, and paying overtime for this, he didn't understand why on-duty fire fighters couldn't do this. He said that since they had pagers, they could do inspections and yet still would be able to respond if there was a fire.

Councilor Needell said he was totally uncomfortable pursuing this discussion more than necessary, and said he agreed with Councilor Niman that he was not an expert in firefighting. He said Councilor Niman had not attempted to understand how the Fire Department operated. He also noted that he had stated several times that he had brought

up alternative budget approaches at other meetings, but these had gone nowhere. Councilor Needell said there was a message in this, - if there wasn't support from the Council as a whole for these approaches, it was important to move on.

Councilor Needell also commented on Councilor Niman's statement that Fire Department staff tended to focus on one thing. He said his experience so far was that the staff wore many hats. He said the department was somewhat unique in that it was incredibly broadly trained, which was a great benefit to the Town, and he said he valued this tremendously. He said he opposed Councilor Niman's entire notion, and said if there were to be talk about cutting the budget, the Fire Department needed to be given advance notice, and to be involved in the discussion. He said he didn't see how this could be accomplished with only two weeks left in the budget process.

Councilor Kraus said there were at least three Councilors who had said they would be in favor of moving to a four-person shift, so the tenor of Councilor Needell's conversation was a little excessive. He said that having served on the Council over time, and seeing previous discussion on the 4-person shift, the decision to have a 5-person shift was questionable, and deserved revisiting.

He said what Councilor Niman had suggested here was a different approach regarding staffing which focused on overtime so Fire Department personnel could work this out themselves, and said this meant that sometimes there might be five persons and sometimes there might not be. He said the recommendation was an important effort to look at aspects of the budget that had escalated greatly, and said he supported it.

Councilor Van Asselt said based on what Councilor Niman had presented to Councilors, one would conclude that what the Town was doing ought to be changed. But he said there must be another side to this, and said at a minimum, the Council should ask that the Fire Chief and Administrator Selig respond to the numbers Councilor Niman had presented.

He said he was disappointed there was a motion on this, and said he would prefer to have this discussion about all of the departments, including the collection of garbage every week. He said it was not clear the Council had the time to talk about all of this at present, and said he believed Councilor Niman would agree the Council should hear from the Fire Department what the cuts would mean. But he said he didn't dismiss that the Council should have this kind of discussion about these kinds of very real policy questions. He noted that the Council had spent more time talking about the railing on the Packers Falls Bridge than on these kinds of issues.

Councilor Morong said he sympathized with Councilor Niman's frustration, but said introducing these recommendations at that time bordered on being irresponsible. He said he would, however, support him on having this discussion at another time. He said the only one of the four recommendations he could support at present was #4, concerning the idea of hiring an outside consultant. He said the irresponsible part of what Councilor Niman had done was presenting this information, even though he claimed not to be an expert. He said information had a pretty long shelf life in Town, and said he would rather have good information than misinformation to work with.

Councilor Smith made note of the fact that some time ago, he was not persuaded as to why the five-person shift should be maintained. He said he had read the Fire Department's report, and had requested to see the national standards, and said that although there might be a case to be made for the five-person shift, he didn't believe it was made by the Fire Chief.

Councilor Smith also said he remembered that based on the Council's vote the past year, he had seen this as an issue the Council didn't want to get into further. But he said he would like to get back into a discussion on this issue.

He noted that the Town Administrator had recently said the timing on this was not good because the Town had just hired some new firefighters. He said Administrator Selig's view on this was persuasive. But he said to him, the discussion needed to go beyond "something needs to happen", and said there needed to be evidence one way or the other so Councilors could vote for or against staffing reductions. He said he was in favor of having additional discussion on this, but said it was impossible to expect the Town Administrator to responsibly handle this in the course of the next two weeks.

Councilor Harris said she would like to suggest, based on having listened to other Councilors on this issue, that if the recommendation did not go forward at that time, the Council should schedule further discussions on this issue in January or February. She also said it would be interesting to have an outside consultant evaluate the issue.

Councilor Grant said that although he believed the amount that had been budgeted for overtime over a number of years was excessive, he didn't feel competent or capable of suggesting what this amount should be. He said he thought the Council should, as part of future discussions, ask the Fire Department to figure out the best places they could save money in the overtime area. He noted that what they were talking about was \$2,000 per man in overtime, just for shift coverage, and said it might be more cost effective to employ another firefighter to fill in at normal pay. But he said that at present, he was not in favor of making cuts, the implications of which he didn't understand.

Chair Sandberg said that building the Budget had been a length process for Town staff, noting that Administrator Selig and Mr. Beaudoin had started this in June. He said the budget was built based on guidance from the Council, and said Town staff had worked diligently to work within the directive the Council had given them. He said he was always looking for ways to cut the Budget, but looked at everyone as being on the same team.

Chair Sandberg said to make this kind of proposal at this point in time seemed to be nothing but adversarial and demoralizing. He said he agreed with other Councilors who said this conversation should have taken place in May, and who also said there should be future discussion on it in January, relating to the 2006 budget. He said it seemed impossible and unfair to expect Fire Department staff to go back and figure out how to cope with a \$118,000 Budget cut, and to expect other departments to cope with cuts as well. He said he believed this motion should not be passed at present, although this was not to say that the Council shouldn't explore the merits of the argument that had been made.

***Councilor Morong called the question, and it FAILED 1-8, with Councilor Morong voting in favor of it.***

Councilor Niman said he would like to withdraw his motion.

Chair Sandberg asked if Administrator Selig would like to speak about this issue.

Administrator Selig said he appreciated Councilor Niman's vigilance in trying to make operation more efficient. He said his goal was to serve the Council to provide excellent services in accord with past decisions of past Councils.

He referred to the Council's budget guidelines that said services should be maintained at the same level as in 2004. He said there was an urban myth that Towns could reduce funding and yet still maintain levels of service, and said although the Town tried hard to accomplish this, this was much easier said than done. He noted Councilor Niman said he might or might not be expert on firefighting, and said he in fact was not an expert. He said there were misconceptions in some of the material, and much of the information was not meaningful.

He said have tried to find ways to make departments more efficient, and gave examples of this. He said the five-person shift had been a close issue every year, but the Council had voted against it every year. He noted the Fire Department had been able to bring in grant money. He also said Town staff had actively tried to address the overtime issue, noting that staff had carefully studied whether it was more beneficial to use overtime than to hire additional person, and had found that it was more efficient to use overtime. He provided detailed discussion on this. He also spoke about various issues relating to staffing that Councilor Niman had not considered, such as the Town's insurance rating.

Administrator Selig said that if Councilor Niman was intent on having this discussion, the Fire Department should be brought directly into this discussion. He said that Councilors would find that there were very specific safety requirements the Town had to meet. But he said it was very problematic to change the budget in the extreme at the present time.

Chair Sandberg noted that Councilor Niman had offered to withdraw his motion, but said the proper thing to do was for the Council to vote on it. He said that a note should be made to put this issue on the agenda for January, so that it didn't get lost.

Councilor Kraus said those same words had been used time and again, but noted that issues didn't come back before the Council so readily. He said several Councilors had raised the idea of having this discussion earlier that year, but it was derailed by other issues. He said the Council needed to have a serious, nitty-gritty discussion on this, and said Councilors were experts, at least of a sort, in working through these issues. He said the Council was now out of time, but said that Councilor Niman had gone to a lot of trouble to address this issue. He said he was for the motion on the table.

Councilor Needell said Councilor Van Asselt was correct that if one heard the previous week's meeting, one would come to the conclusion that the Fire Department was

fundamentally flawed. He provided details on why he had problems with the way the information was presented by Councilor Niman. But he said he was looking forward to a future discussion with the Fire Department on these issues.

Councilor Smith said he would appreciate it if Administrator Selig would consider whether this was an instance when it would be useful to have advice from outside experts. He said he agreed with Councilor Kraus that Councilors were experts of a sort, but only of sort, in that they had lived in Town, could sort through evidence and could exercise judgment. He said the it would be good to have an outside consultant look at the Fire Department's operations, among other reasons, to get beyond issues of self-interest.

Administrator Selig said Fire Department staff was ready to talk to the Council that evening if this was desired.

Councilor Niman said he would be more than happy to wait until January to have this conversation. He also said that concerning the question of whether he was being irresponsible in bring these recommendations forward, he was desperate, since he had previously made very little progress on these issues. He said he was just trying to represent the people who voted for him, and to move these issues forward, so there could be this conversation.

***The motion FAILED 2-7, with Councilor Niman and Councilor Kraus voting in favor of it.***

Chair Sandberg asked Councilor Niman if he wanted to defer the rest of the recommendations he had made, and Councilor Niman said yes.

***Councilor Van Asselt MOVED to add up to \$25,000 to the Budget, for the Town Administrator to hire an outside consultant to look at the issues of overtime, consolidation of positions, fee for services, and other things appropriate to the issues concerning the Fire Department raised by Councilor Niman. Councilor Morong SECONDED the motion.***

Councilor Van Asselt said Administrator Selig and other Councilors had said these were issues that needed to be looked at, for all departments, and said Councilor Niman had presented a great deal of information. He said the issue of overtime clearly needed to be looked at, and also said consolidation of positions was one way to save real money. He said he thought an outside person could help look at this, and also said that fee for service clearly needed to be addressed, for various Town departments. He said it would make sense to hire a consultant to look at all of these things so Administrator Selig would have some guidelines to work with.

Councilor Kraus said he would vote against this motion, which would add \$25,000 to the budget. He said the Council should have discussions on these issues, see what came forward, and then, if it was deemed appropriate, the Town could spend more money on this.

Councilor Grant said he would like to see a decrease in the tax rate, so if there were going to be a study, the Town should use contingency money to pay for it.

Councilor Smith asked Councilor Van Asselt if he would consider including in his motion that consideration be given to postponing hiring a consultant until after Administrator Selig could determine if this would make sense, and would be a good investment of money. He said if not, he would vote against the motion. Chair Sandberg said a motion to postpone would be problematic, because it would put the whole Budget process into January. He explained that if one voted no on the existing motion, it didn't mean the idea couldn't be raised again in January.

Councilor Needell said he would vote against this. He said that although it could be a good idea to bring in a consultant, he would like this to happen after there were discussions with the Fire Department.

Councilor Van Asselt said he was willing to wait on this, as long as the Council did have this discussion. He said his main concern in making the motion was that he was afraid the idea would otherwise get lost. He said if there was general agreement this discussion would take place, he would encourage Councilors to therefore vote no on his motion.

***The motion FAILED unanimously 9-0.***

#### Additional Discussion on the Budget

Councilor Van Asselt asked about the amount of fund balance to be used for 2005, \$440,000, and Mr. Beaudoin explained that the Town was using \$440,000, but was putting another \$200,000 back in. There was additional discussion on this, as well as what the fund balance goal was.

Councilor Grant asked what amount of tax money was required to raise \$1,000.

Mr. Beaudoin said there was \$800,000,000 in taxable property, so \$800,000 represented a dollar on the tax rate. He said \$200,000 represented \$0.25 of tax rate.

Chair Sandberg said it would be good if by the next regular Council meeting on December 20<sup>th</sup>, Budget and CIP deliberations could be concluded, and Town staff could have the necessary documentation ready for the Council to vote on. He asked Councilors how much more time they needed for deliberations, asking them to please think in terms of efficiency.

Councilor Morong said he would like to reopen the discussion on Spruce Hole, and to recommend cutting \$60,000 from the Budget.

***Councilor Morong MOVED to remove \$60,000 for the Spruce Hole aquifer study from the proposed 2005 Budget. Councilor Grant SECONDED the motion.***

Councilor Morong said he kept thinking about the times in recent years when there was a lack of rainfall, and while there were warnings that the Town might have to impose water

restrictions, this didn't actually happen. He noted that most portions of Town that had water and sewer were pretty well built out. He also said if additional lines were added in the future, impact fees ideally would be charged, and the money for the Spruce Hole study could come out of them. He said water and sewer users were presently looking at significant rate increases.

Councilor Morong used the analogy of having a very large generator to run everything, when the power only rarely went out, and said he personally wouldn't mind having a water restriction once in awhile if necessary. He also asked if a study done now would even be valid down the road, noting that some land uses might significantly affect the supply of water in the aquifer.

He said the key point he wanted to make was that the Town didn't really need this capacity at this time. He acknowledged that the University would be paying for 2/3 of the study, but said he couldn't really support any money being spent that added to the burden for water and sewer users.

Administrator Selig said the Spruce Hole study was one of the recommendations from the Dufresne Henry study, and said the purpose was determine how much water was there, and how much it would cost to harness this water. He said that although the actual development of the Spruce Hole aquifer might not happen for several years, he was uncomfortable that the Town presently had no figures as to what it would cost to develop it.

Councilor Morong asked who would benefit from developing the aquifer other than the University.

Administrator Selig said it was like having an insurance policy for Durham, and said if there were drought conditions, it would be helpful to have this information sooner rather than later. He said the Town didn't have to do the study at present, noting the present focus on possible additional draw down of the Lamprey River. But he said he was trying to promote good practice.

Councilor Morong said he would like to see the cost for the study built into impact fees.

Councilor Needell said he had found the Dufresne Henry report alarming, and noted that the Town's water supply at the end of the summer was marginal at best. He said there were alternatives to Spruce Hole, such as drawing down the Lamprey River further, but he said with future economic development in Town, there would be a demand for water. He said this study represented a relatively modest expenditure, and 2/3 of it would be paid for by the University. He noted that the idea of using the Lamprey River to charge the Spruce Hole aquifer was also a possible part of the equation, and said the whole water supply issue needed a lot more study, so should not be put off.

Councilor Harris said she had been approached by a resident regarding the fact that water rates had been going up. She also noted that when there had been near drought conditions, the University was running some of its lawn sprinklers. She said she believed the Council could wait a year to fund the study.

Councilor Grant said Administrator Selig had indicated it would not be a serious problem to wait on this study. He said there were other recommendations in the Dufresne Henry study that should be acted on first, and said the Town was presently imposing substantial impacts on 1000 water users. He said anything the Council could do to temper those rates would be good, and said he favored deferring the study on Spruce Hole for one year.

There was friendly agreement between Councilor Morong and Councilor Grant that the motion should say the study should be deferred for one year.

***Councilor Morong MOVED to defer \$60,000 for the Spruce Hole aquifer study one year, moving it one year to the right. The motion was SECONDED by Councilor Grant.***

There was discussion among Councilors and Mr. Beaudoin as to how and why the water rates had changed in recent years.

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

The meeting recessed at 9:30 pm.

Council Harris left the meeting at this time.

## **XII. Nonpublic Session**

***Councilor Smith MOVED to go into nonpublic session for the purpose of discussing the land matters IAW RSA 91-A:3 II (d) relative to the acquisition of property. The motion was SECONDED by Councilor Morong and PASSED 8-0 on a roll call vote as follows:***

***Smith, Aye; Kraus, Aye; Morong, Aye; Van Asselt, Aye; Grant, Aye; Sandberg, Aye; Needell, Aye; Harris, Absent; Niman, Aye***

The Town Council entered into Nonpublic Session at 9:35 PM.

The Town Council came out of Nonpublic Session at 9:58 PM.

***Councilor Smith MOVED to seal the minutes. The motion was SECONDED by Councilor Van Asselt, and PASSED unanimously 8-0.***

Councilors Niman and Kraus left the meeting at this time.

Chair Sandberg asked if there were additional issues Councilors wanted to raise.

Councilor Van Asselt said he would like to talk about some economic development ideas, explaining that he continued to believe there wasn't enough in the Budget to pursue economic development, in order to get at the property tax issue,

Chair Sandberg asked Councilor Van Asselt to put something in writing about this, and Councilor Van Asselt said he would do this.

Councilor Smith asked if the Council could meet at 7:30 the following week, in order to allow Councilors to attend the UNH potluck supper being held that night.

***Councilor Smith MOVED to change the Town Council meeting time on December 15<sup>th</sup> from 7:00 to 7:30 pm. Councilor Van Asselt SECONDED the motion, and it PASSED unanimously 6-0.***

### **XIII. Adjournment**

***Councilor Van Asselt MOVED to adjourn the meeting. The motion was SECONDED By Councilor Morong, and PASSED unanimously 6-0.***

Meeting adjourned at 10:15 pm

Victoria Parmele, minutes taker