

# **DRAFT**

**MONDAY, MARCH 21, 2005  
DURHAM TOWN HALL -- COUNCIL CHAMBERS  
TOWN COUNCIL MINUTES  
7:00 PM**

**MEMBERS PRESENT:** Chair Malcolm Sandberg; Neil Niman; John Kraus; Karl Van Asselt; Peter Smith; Gerald Needell; Mark Morong; Diana Carroll; Julian Smith

**MEMBERS ABSENT:** None

**OTHERS PRESENT:** Todd Selig, Town Administrator

## **I. Call to Order**

## **II. Approval of Agenda**

*Councilor Kraus MOVED to approve the Agenda. The motion was SECONDED by Councilor Needell.*

Councilor Van Asselt noted that Agenda Item XIII A concerning the proposed conservation easement deed was to be heard as part of a public hearing, and asked why it would not be discussed in nonpublic session first.

Administrator Selig said that discussing land matters in nonpublic session was more typical. But he explained that this particular land matter was being brought forward under the guidelines of the Land Protection Working Group, and also said the Conservation Commission had already had a separate hearing on it. He said the information in Councilors' packets had been made public as part of that hearing process. Administrator Selig said it would certainly be possible to discuss this issue in nonpublic session. But he said he imagined the thinking of the Land Protection Working Group and Conservation Commission was that since Mr. Merrick had approached the Town with the desire to protect his property, and since this was such a phenomenal arrangement for Durham, negotiations were relatively unnecessary.

*Councilor Van Asselt MOVED to amend Agenda Item XIII E to add a brief discussion on the Durham Business Association. The motion was SECONDED by Councilor Kraus, and PASSED unanimously 9-0.*

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

## **III. Swearing in of Council Members**

Chair Sandberg explained that the two new Councilors, Julian Smith and Diana Carroll, had already been sworn in, but would be sworn in again, publicly.

Town Clerk Laurie Pitt swore in the new Councilors as well as the other Councilors.

Chair Sandberg congratulated the new Councilors, and thanked Ms. Pitt.

#### **IV. Selection of Council Chair and Chair Pro Tem**

***Mark Morong MOVED to nominate Malcolm Sandberg as Chair of the Town Council, and Neil Niman as Chair Pro Tem, for the upcoming year. The motion was SECONDED by Julian Smith.***

***The motion PASSED unanimously.***

Chair Sandberg thanked Councilors for the privilege of serving as Chair. He said he took this role very seriously, and hoped to do a good job as the Council moved forward. He said he had been a strong advocate of open, full participation, with dignity and respect around the table. He said the Council has been very good in that respect, and said he was looking forward to working with Councilor Niman for the good of the community.

#### **V. Special Announcements**

Chair Sandberg made note of the fact that School Superintendent Tom Carroll had passed away suddenly. He said the Town sent its condolences, and asked for a moment of silence.

Chair Sandberg also noted that former Town official, Phyllis Rochfort, who had served as the former Town Clerk, had passed away. He said the Town sent best wishes to her family.

#### **VI. Approval of Minutes**

##### Feb 21, 2005 Minutes

***Councilor Kraus MOVED to approve the minutes as submitted. The motion was SECONDED by Councilor Kraus.***

p. 19, 6<sup>th</sup> paragraph should say "... did **not** indicate he was not ...."

p. 22 bottom paragraph, should say " Councilor Van Asselt said what would get him to vote no was if he heard **again** that the Town was better off than it had been."

***Councilor Peter Smith MOVED to approve the amendments to the minutes. The motion was SECONDED by Councilor Kraus, and PASSED 6-0-3, with Councilor Julian Smith and Councilor Carroll abstaining because they were not yet on the Council at the February 21<sup>st</sup> meeting, and Councilor Morong abstaining because he was absent from that meeting.***

##### March 7, 2005 Minutes

***Councilor Van Asselt MOVED to approve the minutes as submitted. The motion was SECONDED by Councilor Kraus.***

Chair Sandberg noted that a new page one had been inserted in the minutes, which included the approval of the Agenda, and also placed the comments made by Chair Sandberg under “Special Announcements”.

Page 1, under Approval of Agenda, Councilor Smith asked that staff check the tape to see if Administrator Selig had indeed said that the reason the UNH agreements were not before the Council was that there **had been** resolution on them, instead of “had not” been resolution. Administrator Selig said his intention was to say that there had NOT been resolution to the agreements.

Page 12, 1<sup>st</sup> paragraph, should say “...and use the mere presence of its attorney at the meeting as a device to hold it in private, when it had no intention of engaging its lawyer in a discussion of legal issues.”

***Councilor Van Asselt MOVED to approve the amendments to the minutes of March 7, 2005. The motion was SECONDED by Councilor Morong and PASSED 7-0-2, with Councilors Julian Smith and Diana Carroll abstaining because they were not yet on the Council at the March 7<sup>th</sup> meeting.***

***Councilor Van Asselt MOVED to approve the minutes as amended. The motion was SECONDED by Councilor Kraus and PASSED 7-0-2, with Councilors Julian Smith and Diana Carroll abstaining because they were not yet on the Council at the March 7<sup>th</sup> meeting.***

## **VII. Report of Administrator**

- Administrator Selig described the process that had been worked out for the phased in co-pay for nonunion employees. He said it would be phased in over a 5-year period, where for those employees choosing Mathew Thornton, there would be a 2 % co-pay the first year, up to a 10% co-pay by the fifth year. He said for those employees choosing a more expensive plan, they would pay a 4% co-pay the first year, 8% the second year, 12% the third year, 16% the fourth year, and 20% the fifth year. He said at the end of five years, all employees would be contributing toward the co-pay for both health and dental insurance.

He said this process had generally been met with a favorable response from the non-union employees. He noted that two employees had opted out of the Town’s insurance program, and had opted instead to take advantage of the incentive payment encouraging them not to take advantage of the Town plan. He said this had already resulted in savings for the Town.

- Administrator Selig noted that the Town had completed its town-wide revaluation in 2003, the first time in 15 years. He said that this undertaking was a very complex and costly process, and also said that waiting 15 years to do the revaluation caused the market to be skewed in various parts of Town, so worked against taxpayers paying their fair share.

He said Town staff was instead endeavoring to put in place an ongoing review of properties. He said a quarter of properties would be reviewed annually, and said the goal was to keep at

100% valuation all the time. He noted that when building permits were requested, the Assessor would request that he be allowed to view the entire property.

Chair Sandberg asked if the four years had to be gone through before the database was updated.

Administrator Selig explained that property records were updated as the new data came in.

- Administrator Selig said he had continued to pursue the idea of an impact fee ordinance, and said he would have an update on aspects of this at the next Council meeting.

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

Councilor Kraus said there had been an Integrated Solid Waste Advisory Committee meeting the previous Friday. He noted there had been additional discussion about the excessive amount of material that some residents left for trash pick up during spring cleanup, and said that citizens planning to put excessive quantities of stuff out should revisit that thought, because it would not be acceptable. He noted that this issue had been discussed at a previous Council meeting, and said the Committee would be working on some guidelines regarding it.

Councilor Needell received clarification that spring cleanup would still take place.

Chair Sandberg noted he had received an email that afternoon which had caused him some alarm and concern, and which he wanted to share with the Council. He read the email to Councilors, and said he would send it to them the following day. He said he found the nature of this email threatening, and counter to the interests of the Council, when there had been substantial efforts to encourage open communication so that no one was muzzled and every voice was heard.

Chair Sandberg said he would like to suggest that this issue should be raised at the next meeting, when the Council would be talking about its goals and objectives. He said one goal should be a very careful review of what the nature of deliberations should be, with respect to public and Council involvement. He said he was sharing this as a heads up that at least in his mind, there was an issue of some concern.

Councilor Kraus said he would like to speak to this, noting he had written the email Chair Sandberg was speaking about. He said the fact that this was raised in a kind of covert manner, not indicating who the sender was, was symptomatic of some of the difficulties there had been. He said the email was a personal email to Chair Sandberg, and was sent with all good intentions, and with the best of interests in mind. He said it was fine to raise this issue before the Council, although that was not his intention, and said this also offered an opportunity for the rest of the Council to speak to issues of a similar kind.

He said he found this situation unfortunate, stating again that he had sent a well-intentioned email. He noted he had not sent an email in a long time, and had chosen to do so now in the interest of moving things forward nicely in the Town. He asked how Chair Sandberg would have handled it if he had received this message by phone.

Councilor Kraus said he had already been on record that there was a kind of two party circumstance that existed, which needed to be worked through, and said many Councilors had talked about this among themselves in an effort to try to do that. He said it was Chair Sandberg's choice to bring this issue forward, and said that was fine, because it provided an opportunity to also bring forward a number of other circumstances that Councilors had found troubling. He thanked Chair Sandberg for doing so.

Chair Sandberg thanked Councilor Kraus.

## **IX. Public Comments**

**Paula Roy, 22 Davis Avenue**, said she wished to strongly support the need for the Council to work with parents and faculty to solve the parking issues at the Oyster River Middle School. She read a detailed letter concerning this to Council members, and provided copies of this letter to them.

**Dick Lord, 85 Bennett Road**, said he wished to thank former Councilors Arthur Grant and Annemarie Harris for their many years of service to the Town. He said they were owed a great debt of gratitude, and wished them well. He also congratulated Councilors Julian Smith and Diana Carroll for volunteering to serve the Town.

**Denise Day, Bagdad Road**, said she was present to support the proposal for permit parking on Dennison Road. She noted that he had been on crutches earlier in the year, and couldn't get near the school. She also said the lack of parking created a safety problem because people would park illegally in the fire lanes. He noted as well that disabled people were not able to get into the school because of the parking problems.

**Bill Hall, Smith Park Lane**, showed the Council a picture of some cars parked illegally next to the underpass to the Field House, noting that they blocked the egress of 3000 people from this building to the street. He said this was a serious problem, and provided additional details on the situation.

Mr. Hall also noted that there had been a discussion about the Northern Connector the previous week, when Doug Bencks of UNH had made a presentation before the Planning Board. He said it was correct to say that the Town had not made an impression upon the University regarding the Town's rights concerning this issue. He provided details on University traffic plans, and recommended that Councilors watch the Planning Board meeting to see Mr. Bencks presentation. He said the Northern Connector would be crucial to the Town as traffic continued to increase because of the University, and said it had to be carefully impressed upon the University that the Town was prepared to go to court over this issue. He said everything was in place to do so.

Chair Sandberg thanked Mr. Hall, and said this issue would come up during the Council's upcoming goals setting session.

Mr. Hall said the Council and staff hadn't gauged carefully enough who it was dealing with in this situation, and said the Town needed to carry a big stick.

Administrator Selig said that Fire Chief O'Keefe was present to speak about the issue of the fire lanes at the Field House.

Chief O'Keefe said he couldn't speak to Mr. Hall's photos, not having seen them. He said the Fire Department was spending a huge amount of time monitoring these fire lanes. He explained that the Field House was a unique building, and noted the codes had changed a lot since it had been built. He said having 20 ft fire lanes would be great but would require moving buildings in some cases. He said back walkways and snow banks were shoveled after every storm. He said there were no fire lane problems in Durham, but said that people would inevitably violate the law occasionally, unless there was 24-hour enforcement.

He noted the State Fire Marshall had reviewed the situation, and had given a preliminary conversation that there were no fire land issues they could see. He provided details on other measures being taken.

**Peter Brown 35, Sandybrook Drive** asked the Council to work with the Middle School on the parking problem, noting that his wife had received a parking ticket while volunteering at the school. He also noted that there were some buildings being built nearby which would make the parking situation worse, and asked the Council to work with the Middle School to resolve the current situation.

#### **X. Unanimous Consent Agenda**

- A. Resolution #2005-06: Establishing regular Town Council meeting dates for April 2005 through March 2006.
- B. Shall the Town Council approve the Special Events Permit application to close certain sections of Town roads to conduct a 5k road race on Saturday, April 9, 2005, as requested by the Oyster River High School "Friends of the Oyster River Track"?
- C. Shall the Town Council authorize the Town Administrator to sign the Supplemental 2004 Property Tax Warrant as requested by the Clerk-Tax Collector?

Councilor Van Asselt asked that Agenda Item XA be removed from the Unanimous Consent Agenda. Councilor Morong asked that Agenda Item XB be removed.

***Councilor Van Asselt MOVED to approve Unanimous Consent Agenda Item XC. The motion was SECONDED by Councilor Niman, and PASSED unanimously 9-0.***

Concerning Agenda Item XA, Administrator Selig explained that as a general rule, the Council met on the 1<sup>st</sup> and 3<sup>rd</sup> Mondays of the month, but he said there were times when meetings had to be moved around.

***Councilor Needell MOVED to ADOPT Resolution #2005-06: Establishing regular Town Council meeting dates for April 2005 through March 2006. The motion was SECONDED by Councilor Peter Smith.***

Councilor Van Asselt said he would like to include in the list of meeting dates a Town Council workshop, once a month, to be held the second Monday of each month. He noted that he had

talked about this idea twice before, and said the session he envisioned would allow the Council to discuss one or two topics at a meeting. He said it would be open to the public, would not involve taking actions on issues, and said that topics to be discussed would be determined by the Council's work plan.

***Councilor Van Asselt MOVED to amend the motion, to read the Town Council hereby adopts Resolution #2005-06 establishing the regular Town Council meeting dates for the period April 2005 through March 2006, and Council work sessions for the period April 2005 through March 2006. The motion was SECONDED By Councilor Julian Smith.***

Councilor Van Asselt said he had seen a number of situations at Council meetings where there wasn't enough time to discuss particular topics. He said by having these meetings on the schedule as an option, it would force the Council to think about having sessions on important topics.

Councilor Peter Smith said he was trying to figure out what the Council would do at these meetings, as compared to regular meetings, and also what the additional dates would do to Councilors' schedules. He said he was not prepared, especially knowing that the Council held weekly meetings during the Budget session, to add another 13 meetings to his schedule, noting he hadn't contemplated having to do this when he ran for the Council.

Councilor Julian Smith asked if it was Councilor Van Asselt's intention that the Council would actually meet on these additional dates, or if the dates would simply be available as needed. Councilor Van Asselt said he was thinking they would be used as needed, when there was an issue that needed to be discussed in more detail. He said he would defer to the Chair as to whether such an added meeting would be needed.

Councilor Needell said he had no objection to scheduling extra meetings, noting they were needed, but questioned whether the Council had to make a decision to add these dates to the schedule at the present meeting. He said that perhaps how this should be handled should be discussed at the upcoming workshop.

Councilor Morong said he was confused as to whether these would be work sessions or meetings where more time was needed, noting the latter would be more formal than a work session.

Councilor Van Asselt said these would be discussion sessions. He said there were several substantive issues the Council had not come to resolution on. He noted this was no one's fault, but said that with the regular agenda, there often wasn't time to discuss important issues in enough detail so that the Council reaches a decision.

Councilor Morong asked if this would be an extension of a tabled item from a meeting, or if perhaps the Council could also use these meetings to discuss issues before they were Agenda items.

Councilor Van Asselt noted the Economic Development Committee had ideas it wanted to bring before the Council, and said this would be an ideal example of the need for a work session. He

said again that it would be up to the Chair as to whether the Council would meet on all of these proposed dates.

Councilor Peter Smith said he would hope that the Council could discuss this when it did planning for the following year. He noted most of the time at regular Council meetings was spent discussing issues, not voting, and said the schedule Councilor Van Asselt had proposed represented a 50% increase in the Council's meetings. He said it didn't do any good to him to say a particular meeting might be canceled, because he would have already had to include it on his schedule. He said the proposed change in scheduling should be carefully considered.

Chair Sandberg said the motion under consideration was to amend the motion on Resolution #2005-06, and said the Council could vote it up, down, or could postpone acting on it. He noted that once he and Councilor Niman mapped out their strategy, the approach could be re-designed.

Councilor Van Asselt said he would be happy to put this item at the top of the list for the work session to be held the following week.

Administrator Selig noted it was important to vote on the schedule outlined in Resolution #2005-06 that evening.

Chair Sandberg recommended adopting the present schedule, and revisiting the idea of additional meeting dates later.

Councilor Julian Smith asked if a quorum would be needed at these additional meetings.

Chair Sandberg said a workshop could be held with fewer than six Councilors, but said votes couldn't be taken at such a meeting because there wouldn't be a quorum.

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

***The original motion PASSED unanimously 9-0.***

Concerning Unanimous Consent Agenda Item XB, Councilor Morong asked for clarification on what was meant by the fact that certain sections of Town roads would be closed.

Coach John Parsons, representing the "Friends of Oyster River Track, provided details on this.

***Councilor Van Asselt MOVED to approve the Special Events Permit application to close certain sections of Town roads to conduct a 5k road race on Saturday, April 9, 2005, as requested by the Oyster River High School "Friends of Oyster River Track". The motion was SECONDED by Councilor Carroll.***

Councilor Peter Smith asked that there be clarification for the Public Works Department, Fire Department and the Police Department concerning this application.

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



## **XI. Presentation Item**

Presentation by members of the ORCSD Parent Teachers Association (PTA) regarding restricting parking on Dennison Road except by permit only for Oyster River Middle School staff.

Administrator Selig provided background on this issue. He said the representatives from the PTA had met with the Police Department, and himself and other public officials, and he said it was decided the issue was one that only the Council could solve.

Shaune Shields and Laura Bahl, Co-Chairs of the ORMS Parent Teacher Association spoke before the Council. Ms. Shields said the PTO was requesting an ordinance which designated Dennison Road as permit parking only for the Oyster River Middle School from 7-4 pm, on the days school was in session. She noted the permits would be distributed by ORMS and would be available for ORMS visitor parking. She provided details on the current parking situation on Dennison Road, and the difficulties this caused.

She said she wanted to take exception to the Council communication that the parking would be for staff of the school. She said the staff already had adequate parking, and said the main issue of concern was safety, as well as providing parents with adequate access to the school. She said that because of the lack of adequate parking, vehicles were sometimes parked illegally near the school, which could cause problems if the Police Department or Fire Department had to respond to an emergency. She also said there was increased traffic on Dennison Road because of “non-ORMS” drivers trying to find a parking spot, and noted that some of these drivers drove much too fast in this area.

Ms. Shields provided additional details on the current parking situation, and explained that parents and volunteers who had business at the school needed to be able to safely and dependably park at ORMS during the school day. She noted that staff did not currently have a problem finding parking.

Ms. Bahl provided pictures and maps of the current parking situation on Dennison Road. She noted the Woodman neighborhood where there was permit only parking, and said she imagined this was done for the same reasons the PTA had for asking for permit only parking on Dennison Road.

Ms. Shields said she disagreed with the findings of the Traffic Safety Committee, that there were no safety issues that would be eliminated by the implementation of the parking permit system. She said if non Oyster River Middle School people didn't have to continue to drive around looking for parking spaces, traffic would decrease, and the area would inherently be safer.

She said the PTA had met with a number of people to see if there were other options available. She said it was realized that an ordinance had been brought before the Council previously concerning this parking issue, and that the issue was contentious. She said this was not an issue related to the fact that there was a Cooperative School District. She also said this was not an issue of supplying parking for school staff.

She said the issue should not be confused with any frustrations about the school funding formula, noting they all felt these frustrations. She said the funding formula had nothing to do with the traffic problems, and said this was not an issue of raising revenue for the Town. She also said that the Council had had to manage the impact of traffic from the University on other streets in Town, and Dennison Road represented the same kind of problem. She asked that the Council review the need for permit parking on Dennison Road with the same objectivity used for past traffic issues. She also noted that Durham children attended elementary schools in Madbury and Lee, and said both towns provided parking for parents so they could be involved in their children's school.

Ms. Shields said over 170 Durham taxpayers had signed the letter supporting this proposal. She also said the cost of implementing the permit parking involved no out of pocket expense. She thanked the Council, and also thanked the people who had come to the Council meeting to support the PTA's proposal.

Chair Sandberg described the process to be followed by the Council regarding the proposal. He asked if Councilors had any questions about it.

Councilor Van Asselt asked how many spaces would be obtained as a result of the Ordinance, and was told there would be 81 parking spaces. He also asked who would enforce the parking permits.

There was additional detailed discussion on the spaces that would be available.

Ms. Shields said the reason the PTA wanted the whole street to be permitted was in order to decrease the traffic volume on that road.

Councilor Peter Smith said he would like to see a common statement between school staff and the Traffic Safety Committee that included data on safety, including details on the nature of the safety issues. He said he would also like to know how many parking spaces the School would need, not to meet the most extreme situations, but to reasonably meet the needs of visitors as well as persons with disabilities. He said there must be visitor parking, but said the question was how much there should be, and how this should be prioritized with parking for people with disabilities and other needs.

Councilor Julian Smith said it would be very useful to know, in some detail, who would be enforcing this ordinance.

Administrator Selig said the School would issue the permits, and the Police Department would issue tickets.

Councilor Julian Smith said it would be useful to know the cost versus the benefit of this policing.

Councilor Niman said he would like to know if there was an alternate solution to the parking problem. He questioned whether a permit system would be needed, if parking overnight was banned and parking during the day was limited to two hours.

Chair Sandberg said the Council could schedule the public hearing on the ordinance for a future date, and could receive answers to these and other questions at that time.

Councilor Peter Smith asked that at the appropriate time, representatives of the Traffic Safety Committee be present concerning this issue.

Councilors agreed to schedule the public hearing concerning the proposed ordinance.

Chair Sandberg declared a break at 8:37 PM.

The meeting reconvened at 8:45 PM.

## **XII. Unfinished Business**

**Resolution #2005-05** approving an employment agreement between the Town of Durham and the Town Administrator and establishing the salary for the Town Administrator over the period of the three-year contract.

Chair Sandberg proposed that this Item be tabled so members of the public would have the opportunity to provide comments at the upcoming public hearings.

***Councilor Julian Smith MOVED to table Agenda Item XII until after the Public Hearings. The motion was SECONDED by Councilor Morong, and PASSED unanimously 9-0.***

## **XIII. New Business**

- A. Public Hearing and Action authorizing the Town Administrator, on behalf of the Town of Durham to enter into a proposed Conservation Easement Deed with Thomas B. Merrick to expend \$90,000 of Town conservation funds for a conservation easement on a portion of a parcel of land located at 7 Canney Road containing approximately 21.5 acres of land, as recommended by the Conservation Commission.

There was discussion among Councilors and Administrator Selig about whether to go into nonpublic session, with Chair Sandberg noting there was always the option to do so.

Councilor Peter Smith noted this was an unusual circumstance in which the normal reasons for wanting to have a nonpublic session did not really apply, and said this would become apparent when Mr. Hyde made his presentation. He said he suspected there might be other situations like this as a result of the Town's Open Space program.

Councilor Van Asselt said his concern was that somebody had to make the choice each time this kind of situation came along, but noted that if this was not be a problem for other Councilors, he would defer on this.

Chair Sandberg stressed again that at any point, a Councilor could move to go into nonpublic session under RSA 91:A.

Duane Hyde spoke before the Council, representing the Town's Land Protection Working Group. He said the LPWG had been working with Thomas Merrick, who had generously offered to place a conservation easement on a 21.5 acre portion of his 23.5 acre property, which was bounded by Canney Road, Route 108, Bagdad Road, and Route 4. He noted that Mr. Merrick had previously spoken in favor of the Open Space bond, and had said at that time that he would be willing to pursue the conservation of his own property.

Mr. Hyde provided details on the property, noting it was zoned RA, included many small pedestrian walking trails, some old stone quarries a spring, and a Christmas tree farm. He said the Merricks would continue to own the property but said there would be a proposed restriction on the property to ensure it stayed in an open state. He said it met all the criteria for Conservation/Open Space established by the Council except the one relating to "building upon, creating and connecting large blocks and corridors of un-fragmented land". He said the property was in a more developed portion of the Town, and provided important open space to those living in the area. He said it was very generous of Mr. Merrick that he wanted public pedestrian access on the property to be part of the conservation easement. He also noted that the easement required that the scenic vista and rural character provided by the property would be maintained, and also said natural resources would be protected, providing various benefits to the Town.

Mr. Hyde provided additional information on uses that would be prohibited and allowed. He said Mr. Merrick had agreed to sell the parcel of land for \$75,000. He said with 2000 ft. of frontage, and \_ acre zoning, approximately 27 house lots would be possible on the property, and said this was therefore essentially almost a donation of the property.

He said the long-term stewardship of the property would be the responsibility of the Conservation Commission, but noted that the easement stewardship could be contracted out to the Rockingham Land Trust or another local land trust, or the easement itself could be transferred to one of these entities, with the Town having an executory interest.

Mr. Hyde provided additional details on the process to be followed concerning approval by the Council of the conservation easement.

Chair Sandberg asked if Councilors had any points of clarification before the Public Hearing was opened.

Councilor Van Asselt asked if this had gone to the Conservation Commission before coming before the Council, and Mr. Hyde said it had, which was appropriate. There was discussion about this.

***Councilor Needell MOVED to open the Public Hearing on the proposal y the Conservation Commission to expend \$90,000.00 in Town Conservation funds for a conservation easement on a portion of a parcel of land located at 7 Canney Road containing approximately 21.5 acres of land, currently owned by Thomas B. Merrick Revocable Trust, with Thomas B. Merrick as Trustee. The motion was SECONDED By Councilor Peter Smith, and PASSED unanimously 9-0.***

Bill Hall said he was concerned that only firewood would be taken out of the forested area of this property, and that timber harvesting would not be allowed. He noted the difficulty that mature trees could cause in terms of negotiating wooded areas if a fire had to be put out. He also described some of his previous experience in fighting fires, and said it was important to keep the fuel source down. Mr. Hall said blocking out the possibility of timber harvesting in a conservation area was shortsighted, and said he hoped it would be allowed on all of the Town's conservation areas.

Chair asked if standard management would be prohibited.

Mr. Hyde said a fair amount of cordwood would be allowed for the owner, and said removal of hazard trees would also be allowed. He said the goal here was to create more of a natural forested area on the property.

**Beth Olshansky, Packers Falls Road**, thanked Mr. Merrick for his generosity, and said she hoped the Town realized what an incredible gift this was. She discussed the cost savings to the Town that would result because there would not be homes on this property, and also said that allowing the property to be open to the public made it even more of a gift.

Mr. Merrick thanked Mr. Hyde for providing background information on the proposed easement to the Council. He noted that Townspeople had commented over time that they enjoyed the natural area on the property, and he said he wanted to preserve that. He described the features of the property and the various kinds of wildlife found there, including gray foxes, a few bears, and plenty of wild turkeys. He said he would like to see non-mechanized recreational activities there, such as snow-shoeing and cross-country skiing.

Mr. Merrick said it had been a working forest for some years, but said he was not in favor of cutting timber there now. He noted there were three trails traveling the length of the property which allowed quite a lot of access to it, and said he hoped he could get some help in keeping these clear. He said that by granting this easement, \_ acre zoning would never happen on the property, and said he would like the land to function as nature intended it to. He said some mechanized maintenance would be allowed, and also said a bit of agriculture would be a great use of some of the open space. Mr. Merrick thanked the Council for considering the proposed easement, and said he hoped people would enjoy themselves on the property.

***Councilor Kraus MOVED to close the Public Hearing on the proposal by the Conservation Commission to expend \$90,000.00 in Town Conservation funds for a conservation easement on a portion of a parcel of land located at 7 Canney Road containing approximately 21.5 acres of land, currently owned by Thomas B. Merrick Revocable Trust, with Thomas B. Merrick as Trustee. The motion was SECONDED By Councilor Peter Smith, and PASSED unanimously 9-0.***

***Councilor Peter Smith MOVED to authorize the Town Administrator to enter into the proposed Conservation Easement Deed with Mr. Thomas B. Merrick, as presented, on behalf of the Town of Durham for a conservation easement on a portion of a parcel of land located at 7 Canney Road containing approximately 21.5 acres of land. The motion was SECONDED by Councilor Julian Smith.***

Councilor Peter Smith noted that he sat on the Conservation Commission, so had the privilege of learning about other features of this property. He said this was a beautiful piece of property, close to downtown Durham, and said Mr. Merrick had performed an act of extraordinary generosity. He congratulated the Land Protection Working Group, and also the Merricks, and said he hoped there would be a celebration after the closing. He said this was one of the most wonderful things to happen to the Town in some years, and said the Merricks were owed a great debt of gratitude.

Councilor Kraus noted that although the property did not meet the criteria of being contiguous with other conservation parcels, the location of the property made it an elegant piece of land in itself. He said it was good to have a tract like this amidst other properties that were already built up. He said the proposed easement certainly met the spirit of what was intended by the criteria.

Mr. Merrick noted that there was land that might be joined with his property eventually.

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

Chair Sandberg said the Council was unanimous in its appreciation of the generosity of the Merricks, and said the Town looked forward to seeing this project go forward, and enjoying the property.

- B. Public Hearing** pursuant to RSA 231:161-163 and adoption of **Resolution #2005-07** relative to the amending of all presently issued and outstanding pole licenses, and seeking to add the provisions of RSA 72:23 I (b) providing for payment of properly assessed real and personal property taxes on Town-owned property used by public utilities serving the Town of Durham, as indicated under the license agreements.

Administrator Selig said that Town Assessor Robb Dicks was to provide a brief overview on this issue, and to describe what was being asked of the Council.

Mr. Dix said the Supreme Court's decision on this had been pretty clear that properties like this must be assessed. He said in order for the Town to amend the licenses and to have the ability to assess, this had to be done by April 1<sup>st</sup> of any given year.

He said the Town was still waiting for two issues to be addressed by the Court. He explained that the Supreme Court had remanded these issues to Superior Court, one relating to equal protection, and the other concerning what methodology should be used. He said the Supreme Court did not like methodology the city of Rochester had chosen to use, so the matter had gone to Superior Court to clarify that.

Councilor Needell asked where the financial details had come from, concerning the values of the properties.

Mr. Dix said that Conway had been doing this for 3 years, using a particular methodology. He provided details on this, and said it was used to develop the Durham numbers, but he said it was not clear if this method was acceptable.

Councilor Peter Smith asked if the Town would wait to see what the Superior Court stated concerning an acceptable methodology.

Mr. Dix said he would continue to research the methodologies. He also said if the Town got what it felt was clarification concerning an acceptable methodology, it would be able to move forward.

Councilor Peter Smith asked Mr. Dix who worked had worked with him on this, and was told it was Attorney Tim Bates.

***Councilor Julian Smith MOVED to OPEN the public hearing pursuant to RSA 231:161-163 relative to the amending of all presently issued and outstanding pole licenses, and seeking to add the provisions of RSA 72:23 I (b) providing for payment of property assessed real and personal property taxes on Town-owned property used by public utilities serving the Town of Durham, as indicated under the license agreements. The motion was SECONDED by Councilor Van Asselt, and PASSED unanimously 9-0.***

There were no public comments.

***Councilor Peter Smith MOVED to CLOSE the public hearing pursuant to RSA 231:161-163 relative to the amending of all presently issued and outstanding pole licenses, and seeking to add the provisions of RSA 72:23 I (b) providing for payment of property assessed real and personal property taxes on Town-owned property used by public utilities serving the Town of Durham, as indicated under the license agreements. The motion was SECONDED by Councilor Van Asselt, and PASSED unanimously 9-0.***

***Councilor Kraus MOVED to ADOPT Resolution #2005-07 amending the language contained with the Town of Durham's pole licenses to require that entities using the Town's right-of-ways be responsible for the payment of all properly assessed real and personal property taxes effective April 1, 2005. The motion was SECONDED by Councilor Niman.***

Administrator Selig noted that one of the reasons the Town was pursuing this was the goal set by the Council to broaden the Town's tax base. He noted it was Mr. Dix who had expresses a desire to look into this issue, and said Durham was one of the leaders in this effort. He said that the Town of Hanover had voted in the past to amend its licenses, and was considering moving forward now, but he said Hanover too was waiting for an agreed upon methodology within the assessing community.

Administrator Selig said the movement to bring this matter forward in Durham represented a great deal of study. He said the Town wanted to be aggressive in broadening the tax base, but at the same time would not put Durham in a position that would jeopardize it.

Councilor Needell asked if the Council voted on this now, when the methodology was arrived at, would the Council be required to approve or comment on that?

Administrator Selig said he believed the tax warrant Town staff would ask the Council to approve in October-November would be reflective of this added value.

Chair Sandberg said that it might be expected that the utility's increased costs from paying pole taxes would be passed through to consumers, and therefore questioned whether this approach was worth it.

Administrator Selig explained that while the potential change would impact all taxpayers in Durham, it would likely spread out to a larger geographic area than Durham. He also noted that those residents who didn't have land lines wouldn't have to pay any increase.

He said that over time there had been a great deal of lobbying in Concord to reserve the exemption on taxation of these lines, and said the issue was still being fought about. He said the city of Rochester had found a way to get at assessing utilities in a way the utilities hadn't thought of, and he predicted there would be a great deal of effort to close this loophole. He said it might turn out that the Town could never actually assess the tax, but said he was urging the Town to do so for as long as it could.

Councilor Peter Smith said the utility, legally and practically, could not seek to recoup the money from the citizens of Durham, noting that the rate commissions would not allow this. He also said that although the Town might get ahead of the curve and make some money, he wanted to be sure it was not just Mitchell and Bates making the money.

Councilor Julian Smith said he agreed with Administrator Selig. He noted that the utility companies that used these lines did not pay the full social and physical costs associated with them, and said it was the taxpayers who ate the costs resulting from these poles being located in the public right of way.

Councilor Niman said he agreed with Administrator Selig, and said that competition would prevent the utility from passing these costs forward. He also noted that the greatest user of these services, the University, didn't pay property taxes, so this would be a way of getting them to help the Town shoulder the burden.

Councilor Needell said he supported this, with the full knowledge that the tax burden would be shifted from the property tax to the users of the service.

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

## **XII. Unfinished Business (continued)**

**Resolution #2005-05** approving an employment agreement between the Town of Durham and the Town Administrator and establishing the salary for the Town Administrator over the period of the three-year contract.

Chair Sandberg noted the motion on this had already been made, and there was one amendment to it, to delete Paragraph 14 E. He asked if there were any further amendments to the motion.

***Councilor Van Asselt MOVED to amend the original motion, to insert in paragraph 4, A) a base annual salary of \$89,497; B) a base annual salary of no less than \$89,497.00 for 2006; the annual salary amount may be increased by the Town Council by resolution, following***



***the Administrator's annual review, but in no event later than March 1, 2006; and C) a base annual salary of no less than the base annual salary established by the Town Council in 2006 by resolution for 2007; the annual salary amount may be increased by the Town Council by resolution, following the Administrator's annual performance evaluation. The motion was SECONDED by Councilor Niman.***

Councilor Van Asselt said this would protect Administrator Selig from the next Council in 2006 paying him any less than \$89,497, but also allowed the Council to pay him more in the next two years.

Councilor Needell said he fully supported this idea, but noted the letter from the Town Attorney with suggested additional language on this. He suggested it should be incorporated into the motion.

Administrator Selig said he had a handout that melded the language together.

Chair Sandberg noted Administrator Selig had previously said he would prefer this approach to the 5% annual increase approach.

Administrator Selig provided detailed discussion on how things had evolved. He said for a three year agreement, it would be better if he would know what to expect in each of the three years. He said he believed the market would likely outpace the 5% increase, but said he would like to have certainty on what he was receiving. He noted this would also allow him to determine how he would have to budget to pay the insurance co-pay.

Administrator Selig noted the issue of use of a Town vehicle, and said many Town Administrators had use of such a vehicle. He asked the Council, if it was considering Councilor Van Asselt's motion, to allow him the use of such a vehicle, providing details on why this was a good idea, and how it would work.

Chair Sandberg said the agreement could be amended at any time, and was not cast in stone to the extent that it was perceived. He noted the Council could change the rate of salary increase to higher than 5% if it wanted to.

Councilor Needell said he would like to re-evaluate what the salary should be each year, to keep up with the market.

Councilor Niman asked Administrator Selig asked if setting the bar at a 5% annual increase would create labor union problems.

Chair Sandberg said the responsibilities carried out by the Town Administrator were substantially different than those shouldered by other employees, noting that he operated on a day-to-day basis at the whim of the Council. He said this was an altogether different realm, and said he therefore didn't think this should be a problem.

Councilor Morong said it was an issue of supply and demand, noting that Town Administrators were currently in short supply. He said the same thing could happen with department heads.

Councilor Van Asselt said he didn't think the salary should be set at present for what Administrator Selig should make in future years. He questioned why the Council should go through the evaluation process if the future salary was already set.

Councilor Morong suggested that the words "at least" could be included with these figures, to provide Administrator with some security. He said the amounts could represent a base line, and could be raised if the Council decided to do so.

Councilor Peter Smith said if the Council was interested in retaining the Town Administrator, and the reality of what it cost the Town to have a highly competent Town Administrator, it would be difficult to ignore the need to discuss an increase in salary. He said what had been handed out met all of those standard.

Councilor Carroll received clarification from Administrator Selig that the current 4 A,B, and C met the needs of Administrator Selig better than the amendment to paragraph 4. She said it seemed to meet the needs of the Town better.

Councilor Needell said this was important information to know, and impacted his decision somewhat. He asked if Administrator Selig would consider it an affront if the Council did not revisit his salary, if the current agreement was accepted.

Administrator Selig said he would not. But he noted the agreement could be opened again by mutual consent. He provided additional suggestions on how things might be handled.

Councilor Niman suggested that perhaps the Council could provide Administrator Selig with assurance by saying he would not have to pay the insurance co-pay. He said this might make sense given the policy determination that the Town Administrator position was truly different

Chair Sandberg said he agreed it was difficult to do this kind of thing by committee. He said the language before Councilors originally met all the requirements of the proposed amendment, because they provided Administrator Selig and his family with security, but the numbers could be renegotiated every year. He said if it looked like the Town was falling behind compared to other towns, the annual percentage rate could be increased. He said he would vote against the amendment.

***The motion FAILED 2-7, with Councilors Van Asselt and Niman voting for it.***

***Councilor Morong MOVED to delete the adjournment time of 10:00 pm, and to extend the meeting until 10:30 pm. The motion was SECONDED by Councilor Kraus, and PASSED unanimously 9-0.***

***Councilor Van Asselt MOVED to amend paragraph 14 C to read "by giving three (3) months notice to the Town.". The motion was SECONDED by Councilor Niman.***

Councilor Van Asselt said 6 months was too long a time to ask Administrator Selig to give notice, and said that 3 months was more than adequate. He said he assumed that if Mr. Selig

found another job, the Town would immediately go through the process of finding a new Town Administrator, and someone like Mr. Beaudoin could fill in during that period of time.

Councilor Peter Smith asked Administrator Selig what he thought about this.

Administrator Selig said he agreed that 6 months was a real burden.

Chair Sandberg said he was an advocate for 6 months, noting he had been on the Council when it was looking for a new Town Administrator. He provided details on this, and said this was no easy task, and said that given that experience, he encouraged requiring 6 months notice. He said he had every confidence that Administrator Selig would give the Town as much notice as he possibly could.

***Councilor Julian Smith CALLED the question. The motion was SECONDED by Councilor Kraus, and FAILED 2-7.***

Councilor Peter Smith asked what the rule was for how much it cost for a town trying to find a town administrator.

Councilor Needell said the purpose of the contract was to offer security to Administrator Selig and also to the Town. He said the understanding was that Administrator Selig wouldn't be looking for a job during the term of most of the contract. He said he didn't see the six month requirement as punitive, and said it was simply cautionary.

Councilor Morong said he tended to agree with Councilor Needell, as long as it was all right for Administrator Selig to move on without penalty at the end of his contract.

Councilor Niman said he agreed that 3 months was better, noting that if Administrator Selig didn't want to stay, those last 3 months would be miserable for everyone. He suggested that the Town Administrator should develop a succession plan, so that if for some reasons he left, there could be someone who could fill in, which would eliminate the problems of the past.

Councilor Morong said he would like to amend Councilor Van Asselt's motion to make it 4 months notice, as a compromise position.

Councilors Van Asselt and Niman agreed to make this a friendly amendment. The motion now reads:

***Councilor Van Asselt MOVED to amend paragraph 14 C to read "by giving four (4) months notice to the Town.". The motion was SECONDED by Councilor Niman.***

***The motion PASSED 5-4, with Councilors Julian Smith, Carroll, Van Asselt, Niman and Morong voting for the motion.***

***Councilor Van Asselt MOVED to replace paragraph 7 with the following: Selig's duties require that the Town shall provide to him during the term of his employment the unrestricted use at all times of a town automobile of Selig's choice to be selected from the Town's inventory. The Town shall be responsible for paying for liability, property damage and comprehensive insurance, and for the purchase of operation, fuel, maintenance and repair,***

***and regular replacement of said automobile. In the event that Selig utilizes his personal automobile for Town business, he shall be reimbursed for the mileage at the then prevailing IRS reimbursement rate. The motion was SECONDED by Councilor Niman.***

Chair Sandberg noted this expanded the agreement to allow Administrator Selig use of a Town automobile for business as well as personal use.

Councilor Van Asselt said this was a common benefit around the country for comparable positions.

Councilor Julian Smith said he was sympathetic to this amendment, but asked what the objections would be to it.

Chair Sandberg said reactions were likely to occur when a government car showed up at the mall or movie theatre, and Councilors would simply have to say this was something they had authorized.

Councilor Morong said he would like to see the use of the auto restricted to New England.

Councilor Peter Smith said he would vote against this, and would prefer to discuss giving Administrator Selig a salary increase instead of this.

Councilor Kraus said he thought the amendment was fine as it was. He said it was a contract with Administrator Selig, who was known to Councilors.

Councilor Morong noted this could set a precedent for the future.

Chair Sandberg said this was not a template for all future contracts.

There was discussion about use of Town automobiles by other Town employees in Durham. Administrator Selig provided details on this. He said if this motion passed, he would endeavor to set an example by taking the low car on the fleet list. He said his view was that this would involve minimal cost to the Town, but would be of great benefit to him. He acknowledged there could be some controversy over this, however.

Councilor Needell said he was troubled with the concept and the precedent, and would prefer to deal with this in a dollar way than in the vehicle format.

Councilor Peter Smith asked Administrator Selig if this was something of importance and convenience to him in terms of allowing him to drive to and from work. He said he was sympathetic for this purpose, but would rather not see it used otherwise.

Administrator Selig said if this was approved, his family would become a one-car family, and this would be the car he would utilize. He said he would use it during the week, but would usually use the family car on the weekend, but he said this language would allow him to use the Town car on the weekend if necessary, wherever he needed to go. He said for example if he needed to go to Boston, and the family car was not available, he would use the Town car.

Councilor Kraus said it was time to "cut bait" on this and vote.

Councilor Morong said he would vote against this, and said if it did fail, he would move to set a dollar amount of approximately \$5,000 that would allow Administrator Selig to lease a car.

Administrator Selig said voting for or against this would not hurt his feelings, noting this could be a controversial issue in a town.

***The motion FAILED 4-5, with Councilors Julian Smith, Kraus, Van Asselt and Niman voting for it.***

***Councilor Morong MOVED to amend the contract language to allow a \$5,000 per year stipend for the purpose of personal automobile use. Councilor Van Asselt SECONDED the motion, and it PASSED 5-4, with Councilors Julian Smith, Kraus, Van Asselt, Morong and Sandberg voting for it.***

Chair Sandberg noted that the Council was mandated by the Charter to make an appointment for committees at the meeting, or to continue the meeting to a future date where the Council would continue with the same Agenda.

***Councilor Van Asselt MOVED to change the language in 14 D to say " six months of base salary". The motion was SECONDED by Councilor Niman.***

Councilor Van Asselt said one year of severance was not a good idea politically. He said he was not aware of anyone in Durham who had this kind of severance, and also noted that surrounding communities had had difficulties on this issue.

***Councilor Needell MOVED to delete the requirement to adjourn at a specific hour. Councilor Julian Smith SECONDED the motion.***

Councilor Kraus said this was a fairly significant issue, and noted that it was getting late to decide on it. He said the Chair made an excellent suggestion that the meeting could possibly be continued.

***The motion to delete the requirements to adjourn at a specific hour PASSED 7-2, with Councilors Kraus and Niman voting against it.***

Councilor Needell said he would vote against Councilor Van Asselt's motion. He said he thought the current language prevented the Council from acting precipitously.

Chair Sandberg said he would also vote against it. He noted there could be up to three new people on the Council every year, and said the Town Administrator needed to have security and confidence that he would not be pushed out the door. He said the Council knew Mr. Selig, but he didn't know what a particular Council would do.

Councilor Van Asselt said he had a difficult time talking to residents about this issue, and said politically and publicly, a year of severance was too long. He said this was no reflection on Mr. Selig personally, but noted he was not irreplaceable.

Councilor Morong said he didn't think that most people in Durham had as political a position as Administrator Selig did, and unlike him, would not have to move to another Town in order to get new employment. He noted that most town administrators were expected to live in the town in which they worked.

***The motion FAILED 2-7, with Councilors Van Asselt and Niman voting for it.***

Chair Sandberg asked if there were further amendments to the agreement.

***Councilor Peter Smith said that under paragraph 14 A, the words "for the conviction of a felony" should be stricken. The motion was SECONDED by Councilor Van Asselt.***

Councilor Peter Smith said this wording was redundant.

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

***Councilor Peter Smith MOVED that under paragraph 23 of the agreement, the words "The United States District Court for the District of New Hampshire" should be deleted.***

He said that if a court were specified, it had to be Superior Court.

Chair Sandberg said his understanding was the reason why this language was included was that if the Administrator moved out of state and was out of the reach of the Superior Court, it would have to go to another court.

Councilor Peter Smith said the Administrator would also be beyond the subpoena power of the District Court. He said he had discussed this with Attorney McKittrick.

Councilor Needell said he probably agreed with this point, but asked if the Councilor should be overriding the guidance of the Town's legal counsel, for a purely technical legal matter. He said he would prefer to ask the Town Attorney to review this section and suggest that it be deleted if he concurred, but said he was reluctant to mandate this.

Chair Sandberg asked Councilor Smith if this were left in for the time being, if it would negate any other part of the contract.

Councilor Peter Smith said it would not because of the existence of the severability clause.

Chair Sandberg said it was a non-substantive issue, and received clarification from Councilor Smith that he wouldn't object if the Town Attorney reviewed the matter further. He said that before final signing, the Council could ask that the issue raised by Councilor Smith would be addressed.

Administrator Selig asked if Councilor Morong's amendment concerning auto usage would be listed as 7 B in the agreement.

Councilor Morong said that sounded like a good idea.

Chair Sandberg said there would be no need for the contract to come back to the Council.

***The Employment Agreement, as amended, PASSED unanimously 9-0.***

Chair Sandberg thanked Councilors for their work in making this a better document.

Councilor Van Asselt asked if a motion could be made to continue the meeting, to meet the requirements outlined by Chair Sandberg. There was discussion about this.

Chair Sandberg said there was a working model for filling the vacancies for Council representatives to the various Town boards, and said it seemed the business could be finished that evening. There was discussion about this.

### **XIII New Business**

- C. Shall the Town Council appoint Council representatives to the various Town boards, commissions and committees as indicated on the proposed "Slate of Appointees"?

#### Cemetery Committee:

***Councilor Van Asselt MOVED to appoint Councilors Mark Morong and Julian Smith to the Council representatives to the Cemetery Committee. The motion was SECONDED By Councilor Julian Smith and PASSED unanimously 9-0.***

#### Conservation Commission:

Councilor Kraus said he would like to serve as the Council representative on the Conservation Commission. He noted that he had expressed this to Chair Sandberg two years ago, and at that time had been slated to be on the Committee. He said that subsequently, Councilor Peter Smith had expressed an interest in the Committee, and Councilor Kraus said he stepped aside at that time. But he said he would now like to serve.

He said he was very committed to conservation, and noted that his parents had donated over 80 acres of virgin woodland in Ohio. He said he had foregone substantial inheritance because of his dedication to conservation, and would like an opportunity in his last year on the Council to carry forward this dedication to conservation.

Councilor Peter Smith said he would like to continue in his position on the Commission, and said he believed he was a valuable member of the Commission.

Councilor Carroll asked if it would be possible to have two Council appointees for this position. There was detailed discussion about how to handle this.

A vote was taken of Council members on who should serve as Council representative to the Conservation Commission. There were 5 votes for Councilor Peter Smith – Councilor Julian

Smith, Councilor Carroll, Councilor Sandberg, and Councilor Peter Smith; and there were 4 votes for Councilor Kraus – Councilor Van Asselt, Councilor Niman, Councilor Morong, and Councilor Kraus.

Historic District Commission:

***Councilor Peter Smith MOVED to appoint Councilor Karl Van Asselt as Council representative to the Historic District Commission. The motion was SECONDED by Councilor Kraus and PASSED unanimously 9-0.***

Parks and Recreation Committee:

***Councilor Van Asselt MOVED to appoint Councilor Neil Niman as Council representative to the Parks and Recreation Committee. The motion was SECONDED by Councilor Julian Smith and PASSED unanimously 9-0.***

Planning Board:

***Councilor Van Asselt MOVED to appoint Councilor Jerry Needell as primary Council representative to the Planning Board, and to appoint Diana Carroll as alternate Council representative to the Planning Board. The motion was SECONDED by Councilor Morong, and PASSED unanimously 9-0.***

Rental Housing Commission:

***Councilor Kraus MOVED to appoint Councilor Mark Morong to be the Council representative to the Rental Housing Commission. The motion was SECONDED by Councilor Niman, and PASSED unanimously 9-0.***

DCAT:

***Councilor Van Asselt MOVED to appoint Councilor Julian Smith to be the Council representative on the DCAT Committee. The motion was SECONDED by Councilor Niman, and PASSED unanimously 9-0.***

Economic Development Committee:

***Councilor Needell MOVED to appoint Councilor Mark Morong and Councilor Karl Van Asselt to the Economic Development Committee. The motion was SECONDED by Councilor Niman, and PASSED unanimously 9-0.***

Integrated Waste Management:

***Councilor Van Asselt MOVED to appoint Councilor John Kraus as Council representative to the Integrated Waste Management Committee. The motion was SECONDED by Councilor Niman, and PASSED unanimously 9-0.***

Durham Public Library Site Selection Committee:

***Councilor Van Asselt MOVED to appoint Councilor Neil Niman as Council representative to the Durham Public Library Site Selection Committee. The motion was SECONDED by Councilor Kraus, and PASSED unanimously 9-0.***

Strafford Regional Planning Commission:

***No Council representatives were chosen to the Commission.***



Councilor Carroll suggested that the former Pool Committee should be re-established, and there was discussion about this.

- D. Establish a date for a goal setting session for the Durham Town Council  
Councilors agreed to hold this session the following Monday, March 28<sup>th</sup>, at 7:00 pm.

E. Other Business

Councilor Van Asselt asked that a discussion on the Durham Business Association be put on the Agenda for the April 18<sup>th</sup> Council meeting.

**XIV. Adjournment**

***Councilor Kraus MOVED to adjourn the meeting. The motion was SECONDED by Councilor Van Asselt, and it PASSED unanimously.***

Adjournment at 11:20 pm

Victoria Parmele, minutes taker