

**This set of minutes was approved at the May 2, 2005 Town Council meeting.**

**DURHAM TOWN COUNCIL  
MONDAY, APRIL 4, 2005  
DURHAM TOWN HALL -- COUNCIL CHAMBERS  
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 as presented. The motion was SECONDED By Councilor Julian Smith, and PASSED unanimously.*

**III. Special Announcements**

There were no special announcements.

**IV. Approval of Minutes**

There were no minutes.

**V. Report of Administrator**

- Administrator Selig informed Councilors that the auditors had been reviewing Town records for 2004, and would be providing a formal report that would then be presented to the Council. He noted that a concern raised by the auditors was there needed to be a policy concerning the use of funds by the Police Department to do its undercover drug work. He said that petty cash was presently used to finance this work.
- Administrator Selig said the Oyster River Jazz Band performance had been rescheduled.
- He said that compost bins were available from the Public Works Department, and said this was an excellent opportunity for residents to do backyard recycling.
- Administrator Selig said that he tentatively would be bringing forward the impact fee ordinance for Councilors to discuss at the April 18<sup>th</sup> meeting.
- Administrator Selig noted University planner Doug Benck's presentation to the Planning Board on March 9<sup>th</sup>, concerning the proposed expansion of the Gables Apartments, and the proposed southern underpass tunnel between Gregg Hall and Forest Park. He said he had asked Mr. Bencks to attend the April 13<sup>th</sup> Planning Board to allow continued discussion on these proposed developments.

- Administrator Selig said the Integrated Waste Management Committee's newsletter, "Down to Earth" was due out on Friday.
- Administrator Selig said the Town was in the process of putting together a community hazard mitigation plan, which was required in addition to the Town's Emergency Operations plan. He noted having this second plan in place was a prerequisite to getting grant funds, and asked Councilors who were interested in helping with this to let him know.

Councilor Morong said he might be able to help with this, depending on when the meetings would be held.

Councilor Kraus said he would be happy to be an alternate concerning this.

Councilor Morong suggested that he and Councilor Kraus could share the responsibilities for this.

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

Councilor Kraus said he had an email to read into the record, which he had received from former Councilor Arthur Grant, concerning Agenda Item IX B, and which he had permission to read out loud. The letter recommended strongly that Planning Board member Richard Kelley continue as a regular member of the Planning Board, noting that his work on the Board had been superb.

Councilor Needell noted that the previous week, the Planning Board had held a Public Hearing on the floodplain overlay, and would be holding a public hearing on the nonresidential portions of the Zoning Ordinance and other proposed Ordinance changes on Wednesday of the present week.

Councilor Peter Smith noted that the Conservation Commission had held some meetings the previous month to discuss in detail proposed changes to the shoreland and wetland overlay districts, and had provided numerous comments and suggestions to the Planning Board.

Councilor Van Asselt noted the summary he had provided of the Economic Development Committee's most recent meeting, and said he thought the Council might be interested in it. He noted there had been a discussion with the Kane Corporation on Friday on the Durham Business Park, and said a number of issues had been discussed, including the buildable land there; the impact of the new Zoning Ordinance; and traffic and related issues. He said it was a positive meeting, and said the company would like to see if it could bring to the Planning Board and the Council some ideas that would meet town requirements, and also a marketing plan. He said the Committee would like to work with a developer to develop a master plan for the Business Park.

Councilor Van Asselt said there was discussion about the type of businesses that might go in there (i.e., community related businesses, financial, day care, etc.) that would meet community needs. He said it was recognized that some of the unbuildable land might be able to address recreational needs, and also noted there was some adjacent land the Town perhaps could add on, to make more buildable land. He encouraged Councilors to come to these meetings every other Friday, and said it was important that the public understand what the Committee was trying to do. He said the goal was to get the Park to conform to the Town's interest and at the same time generate new revenue.

Councilor Needell asked if the Kane Company was looking at being the developer, and not the user of the property.

Councilor Van Asselt said that was correct. He noted he had worked with this company before, and said it had no interest in going any further unless there were design guidelines, etc. for the Business Park.

Chair Sandberg said the next step of the Economic Development Committee was to come up with these guidelines.

Chair Sandberg asked Administrator Selig to speak briefly about the status of the issue concerning stickers for the transfer station.

Administrator Selig said the Town's solid waste regulations required that in order to access the Transfer Station, residents needed stickers on their vehicles. He said that typically residents were allowed a grace period in order to obtain the stickers, and noted the Town generally tried not to be too aggressive in enforcing the policy. But he said he had received reports that some people appeared to be abusing the policy, including people living outside of Durham who were using the facility.

He said the previous Saturday, a survey was done at the Transfer station, and it was found that 20 of 200 cars did not have stickers, and said a few of these were people pretending to be Durham residents. Administrator Selig said he would continue to monitor this situation, although politely, and asked residents not to be insulted when they were asked where their stickers were.

Councilor Peter Smith said that when he was at the dump on Saturday, he was surprised at the number of people there who didn't have stickers. He also said there was some evidence that some people were coming to the dump just to go the swap shop, and said it appeared not to be understood by some folks that they couldn't have access to the swap shop without a sticker.

## VII. **Public Comments**

**Bill Hall** said he had met with Administrator Selig, Planning Board Chair Steve Roberts and others regarding the northern connector issue. He said the Town, the University and the Highway Department had agreed on a specific route for the northern connector some years back because they didn't want to see 8,500 cars a day on Madbury Road and Edgewood Road. He noted that a State hearing on this was held at the time. He indicated the northern connector route on an old map, and said this was a designated route, not a proposed route. He also said the right of way across University property for the route was owned by the State of New Hampshire.

Mr. Hall also said he was happy to hear about the research being done concerning dump stickers.

Councilor Needell asked what the date of the state hearing was.

Administrator Selig said the hearing was held some time in 1961.

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

- A. Shall the Town Council approve a road closure request submitted by Marilyn J. Dewey to close a section of Packers Falls Road between Wiswall Road and Bennett Road for a relocation project of the Dewey House at 191 Packers Falls Road?
- B. Shall the Town Council amend **Resolution #2005-06** to change the regular Town Council meeting dates in October 2005 from October 3 and 10, 2005 to October 17 and 24, 2005?
- C. Shall the Town Council approve the amendments to certain sections of the employment agreement between the Town of Durham and the Town Administrator dated March 21, 2005?

***Councilor Van Asselt MOVED to approve Unanimous Consent Agenda Items A, B and C. The motion was SECONDED by Councilor Kraus, and PASSED unanimously 9-0.***

IX. **Committee Appointments**

- A. Shall the Town Council appoint Susan Roman, 16 Littlehale Road, and Katie Ellis, 26 Coe Drive, as alternate members to the Durham Public Library Board of Trustees for one-year terms as recommended by the Library Board of Trustees?

Administrator Selig provided details on this, and noted the Council had met Ms. Roman in the past. He said Ms. Ellis was not able to attend the evening's meeting.

***Councilor Kraus MOVED to reappoint Susan Roman, 16 Littlehale Road, as an alternate member to the Durham Public Library Board of Trustees for a one-year term; said term to expire April 30, 2006. The motion was SECONDED by Councilor Julian Smith and PASSED unanimously 9-0.***

***Councilor Julian Smith MOVED to appoint Katie Ellis, 26 Coe Drive, as an alternate member to the Durham Public Library Board of Trustees for a one-year term; said term to expire April 30, 2006. The motion was SECONDED by Councilor Kraus, and PASSED unanimously 9-0.***

Chair Sandberg thanked both women for their willingness to serve the Town.

- B. Meet with citizen candidates and make appointments to vacancies on the various Town boards, commissions and committees  
Administrator Selig explained that this had been divided this into three parts.

***Appointment Process – Part I:***

Administrator Selig said for the boards and committees listed under this category, the number of applicants and vacancies matched, and said it was therefore recommended that the Council approve the motions for these appointments that were included in Councilors' packets.

#### Historic District Commission

Erich Ingelfinger introduced himself to the Council. He noted he was a finish carpenter, working in Boston, and had been trained as a preservation carpenter. He said he would like to offer his services to the Commission.

***Councilor Kraus MOVED to reappoint Roger Jaques and Crawford Mills to a three-year term as regular members on the Historic District Commission with terms expiring on April 30, 2008. The motion was SECONDED by Councilor Morong.***

There was a brief discussion on whether Mr. Jaques would be able to attend most of the meetings, and it was determined that this wouldn't be a problem.

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

***Councilor Kraus MOVED to appoint Erich Ingelfinger to a one-year term as a regular member on the Historic District Commission with a term expiration date of April 30, 2006. The motion was SECONDED by Councilor Carroll, and PASSED unanimously 9-0.***

#### Parks and Recreation Committee

***Councilor Kraus MOVED to reappoint Kenneth Andersen and Jane Crooks to three-year terms as regular members on the Parks and Recreation Committee with terms expiring on April 30, 2008. The motion was SECONDED by Councilor Needell, and PASSED unanimously 9-0.***

***Councilor Needell MOVED to reappoint Denny Byrne to a three-year term as an alternate member on the Parks and Recreation Committee with a term expiration date of April 30, 2008. The motion was SECONDED by Councilor Kraus, and PASSED unanimously 9-0.***

#### Zoning Board of Adjustment

***Councilor Morong MOVED to reappoint Ted McNitt to a three- year term as a regular member on the Zoning Board of Adjustment with a term expiring on April 30, 2008. The motion was SECONDED by Councilor Kraus, and PASSED unanimously 9-0.***

***Councilor Kraus MOVED to reappoint Michael Sievert to a three- year term as an alternate member of the Zoning Board of Adjustment. The motion was SECONDED by Councilor Morong, and PASSED 7-2, with Chair Sandberg and Councilor Peter Smith voting against the motion.***

Chair Sandberg said he had voted against this motion for the reasons he had previously stated.

Administrator Selig noted that there was one more alternate vacancy on the ZBA, and said appointments would be made as additional applications came in

**DCAT Governance Committee**

***Councilor Needell MOVED to reappoint Thomas Merrick and Carol Camp to three-year terms as regular members on the DCAT Governance Committee with terms expiring on April 30, 2008. The motion was SECONDED by Councilor Julian Smith, and PASSED unanimously 9-0.***

***Appointment Process – Part II***

Administrator Selig noted that for the following boards and committees, the number of applicants exceeded the number of vacancies.

Chair Sandberg said Councilors would be given a ballot to vote for two of the people on the list they had been give. He said this would not involve a secret ballot.

**Conservation Commission**

**Shelley Mitchell, 5 Denbow Road**, said she had been a resident of Durham for over six years, had worked at NH Public Television, and now worked for a seacoast land trust, working with private landowners to conserve their land. She noted that she had a Bachelors Degree in Forestry.

Councilor Kraus received clarification that Ms. Mitchell's first choice for a committee appointment was to be on the Conservation Commission, her second choice was to be on the Integrated Solid Waste Management Committee, and her third choice was to be on the Economic Development Committee.

**Nancy Hubbe, 86 Madbury Road**, said she had been a Durham resident for 19 years. She noted she had started out as a mapmaker, and now had a small business as an artist. She said that when she had lived in Maine, she had served on the planning board there, and said she had a great interest in the outdoors. She noted she had been to many of the places in Durham that were considered valuable from an environmental perspective.

**Sean Moriarty, 8 Durham Point Road**, said he had attended UNH, majoring in Wildlife Management. He said he had worked for NH Fish and Game, still worked for them part time, and now worked for NH Soil Consultants. He said he was aware of the challenges the Town faced, and wanted to be part of smart land use planning.

**Beryl Harper, 7 Davis Avenue**, said she would love to be on the Conservation Commission again. She said the candidates all seemed to be wonderfully qualified people, and said if they were not appointed that evening, she would hope they would be involved on subcommittees of the Commission.

Chair Sandberg noted that each committee established its own rules, and asked if when people attended Conservation Commission meetings, they were invited to engage in the dialogue. Ms. Harper said they were.

Councilor Peter Smith said he had shared Ms. Harper's dilemma when he had gone through the applications for the Commission. He said there were real riches in Durham in this area, and noted that Ms. Harper had been appointed as an alternate and had later moved up to be a full member of the Commission. He said he had been extremely impressed with the work she had done, and also said he was amazed at how much work the subcommittees of the Commission had done. Councilor Smith also spoke about current Commission Chair Dwight Baldwin, noting he had known him for a long time, and was happy when he was appointed because of his expertise. He said he had been interested to observe that his talent went well beyond groundwater expertise, extending to running meetings, and said he couldn't speak highly enough about him.

Councilor Needell said he understood how difficult it was for a citizen to step forward to serve the Town, and said that if applicants were not appointed that evening, they should still continue their interest in serving by being involved on subcommittees.

***The ballot vote was taken of Council members, and Chair Sandberg declared that Dwight Baldwin and Beryl Harper had been chosen to serve the three-year terms as regular Conservation Commission members.***

He encouraged the other applicants to please feel encouraged to be involved with the Conservation Commission.

### **Planning Board**

Administrator Selig said the Board could have up to five alternates although this was not required, noting the number had increased from three to five a few years ago as a result of the zoning rewrite process. He said Chair Roberts preferred that there be no more than four alternates because any more than this tended to be unwieldy. Administrator Selig said that he personally also recommended that there be three alternates, but said whether to have more than that was the Council's decision.

Chair Sandberg said in reviewing State statute, it was clear that each appointment was for a three year term, and he said the system was set up so that each year, one third would be replaced.

**Susan Fuller, 68 Bennett Road**, said her first choice was the Economic Development Committee, and said she would prefer to be an alternate on the Planning Board. She noted that she had previously run for the Town Council, and said she had a real desire to serve the community.

Councilor Peter Smith said procedurally speaking, he tended to favor no more than three alternates, because otherwise it got crowded at the table. He also noted that attendance could be affected when there were more, and said it was important that there be good alternate attendance. He said another procedural issue was whether the alternate terms should be staggered, and said as he read the statute, this was authorized.

There was discussion about this, and Administrator Selig said it was appropriate to do this. He provided details on how this could be done.

Councilor Niman asked how many Board members there were at present. Administrator Selig said there were five regular members currently, and one alternate.

Councilor Needell received clarification that whether there were five or three alternates was discretionary.

Councilor Morong said there were three alternates on the Board when he sat on it, and said he was not sure about how unwieldy five would be.

Councilor Kraus said considering the turnover of members, some depth on the Board would be helpful, so he would prefer more alternates, rather than less.

Councilor Needell noted that the Board had been serving for quite some time with only one alternate, which had been somewhat problematic. He said that perhaps they could appoint three that evening, and could add more alternates later if this was desired.

Chair Sandberg said former Councilor Grant's sense was that three alternates was best, and any more was unwieldy. Chair Sandberg said his sense was that Chair Roberts would prefer three, but no more than four alternates. He said from his own experience, three alternates, appointed in a staggered fashion, was best.

***Councilor Kraus MOVED that the Council make four alternate appointments to the Planning Board. Councilor Van Asselt SECONDED the motion.  
Councilor Peter Smith MOVED to amend the motion, to change it to three alternates.***

There was no second to Council Smith's motion.

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

Administrator Selig said that he recommended that the Council vote on who should be appointed as regular members of the Planning Board.

Councilor Peter Smith said he endorsed that Richard Kelley be reappointed to the Board. He said that from all he had observed, he had done an outstanding job on



the Board so far. Councilor Smith said his second vote would be for Arthur Grant because his experience as the Council representative to the Planning Board had been extensive, crucial, and very important to the ongoing work of Board. Board, including the work on the Zoning rewrite.

Councilor Needell said he agreed with Councilor Smith, but had spoken with Councilor Grant, would be willing to serve but would not want to prevent Bill McGowan from being chosen as a regular Board member. He said he would support Mr. McGowan as a regular member, and would support Mr. Grant as an alternate.

There was discussion as to whether Mr. Grant wanted to be regular member of the Planning Board or not.

Chair Sandberg said Mr. Grant was willing to serve as either. He said it was up to the Council to determine what was in the best interest of the Town.

Councilor Kraus said Councilor Grant's email had indicated he would be happy either way. He said he would vote for him as an alternate in order to give him a bit of rest, noting that he had served the Town diligently.

Councilor Morong said he wouldn't give Grant a rest, noting this would be in the best interest of the community.

Chair Sandberg said that was also his sentiment.

***The vote was taken. Richard Kelley (8) and Arthur Grant (5) received the most votes, so were chosen to serve as regular Planning Board members, for 3-year terms that expired on April 30, 2008.***

Chair Sandberg explained that there were various possibilities for appointment of alternates, and there was detailed discussion about this.

Councilor Smith suggested that the Council appoint three new alternates, one position to expire in 2006, another to expire in 2007, and the third position to expire in 2008.

It was noted that Bill McGowan was presently serving a term as an alternate, which would expire in 2007, so that one of the four alternate positions was already filled, leaving three open alternate positions.

***Councilor Van Asselt MOVED that the Town Council appoint three new alternates, one position to expire in 2006, another to expire in 2007, and the third position to expire in 2008. The motion was SECONDED by Councilor Peter Smith, and PASSED unanimously 9-0.***

Councilor Needell asked if Ms. Fuller had a preference, and she said she did not.

***Councilor Van Asselt MOVED to appoint Annmarie Harris to serve as an alternate on the Planning Board until April 30, 2006, Susan Fuller to serve as an alternate on the Planning Board until April 30, 2007, and Lorne Parnell to serve as an alternate on the Planning Board until April 30, 2008.***

Chair Sandberg noted that Annmarie Harris had served on the Planning Board previously, and the Council knew of her work. He said his sentiment was therefore to put her on the Board as an alternate for three years, to put Susan Fuller on the Board for two years, and to put Lorne Parnell on the Board for one year. Councilor Van Asselt said he hadn't been sure what kind of a long-term commitment Annmarie Harris wanted to make, and this was the reason for his motion.

***Councilor Carroll amended the motion, to have Lorne Parnell serve as an alternate to the Planning Board until April 30, 2006, to have Susan Fuller serve as an alternate to the Planning Board until April 30, 2007, and to have Annmarie Harris serve as an alternate to the Planning Board until April 30, 2008. The motion was SECONDED by Councilor Morong.***

Councilor Peter Smith said that while Annmarie Harris might have to miss some meetings, he was confident that she had not tired of serving the Town.

Councilor Carroll said a reason she had made the amendment was that plans could change, and said if this happened, she knew Annmarie Harris would want to continue on the Planning Board.

***The amendment PASSED 7-2, with Councilor Kraus and Councilor Van Asselt voting against it.***

***The amended motion PASSED 8-1, with Councilor Van Asselt voting against it.***  
Administrator Selig suggested that the Council do the IWMC appointment first, which would narrow down the field for the Economic Development Committee.

### **IWM Committee**

***Councilor Julian Smith MOVED to appoint Shelley Mitchell as a member of the IWM Committee. The motion was SECONDED by Councilor Kraus, and PASSED unanimously 9-0.***

### **Economic Development Committee**

**Chris Wilson, 9 Coldspring Road**, spoke before the Council. He said he had lived in Durham for six months and was a neighbor of Councilor Niman's. He said he had specifically chosen the Town as one he wanted to live in, and said it was where he wanted to plan his future. He said he would like to make a contribution to the Town.

***Councilor Kraus MOVED to appoint Susan Fuller and Chris Wilson to the Economic Development Committee. The motion was SECONDED by Councilor Van Asselt. And PASSED unanimously 9-0.***

***Part Three – Appointment Process***

Administrator Selig said there were no applicants for the neighborhood representative position on the Rental Housing Commission, or for either of the positions on the Strafford Regional Planning Commission.

**X. Presentation Items**

**A. Update regarding clarifier malfunction at the Wastewater Treatment Facility – Bob Levesque, Town Engineer**

**B.**

Mr. Levesque first described the two clarifiers used as part of the secondary treatment process at the wastewater treatment plant, and explained that one of the clarifiers was not aligned properly and was therefore not working. He said there were various theories as to how this had happened, and noted that during construction of the clarifier, groundwater infiltration into the clarifier had been observed. He provided details on this, and said that based on observations that had been made, the Town was taking the position that the problem was the contractor's fault. He said the estimated replacement cost for the clarifier was \$700,000.

Councilor Kraus asked if the wastewater treatment plant was currently operating with one clarifier.

Mr. Levesque said that was correct, and said the one clarifier was presently operating at about 150% of its capacity. He said it was doing well, noting that fortunately it was new. But he said if a motor or other component broke down, there was no backup. He said this was a huge concern. He provided additional details on the situation, and said he would like to replace the clarifier as soon as possible.

Chair Sandberg said that time was of the essence.

Councilor Morong noted the void problem had been discussed some months back, and Mr. Levesque provided details on this as it related to the current situation.

Councilor Kraus asked if the functioning clarifier failed, whether the Town had a backup. Mr. Levesque said it did not.

Councilor Peter Smith asked what the Town would do if the clarifier that was still operating failed.

Mr. Levesque said the Town would mitigate the situation as much as possible, but said there would be a period of time when there would only be primary treated effluent. He said there were plenty of backup parts available to get back online, so he didn't think there would be a prolonged period of time when there would be substandard effluent.

Councilor Peter Smith said if this occurred over an eight-hour period, it would be in violation of law. He said to describe this situation as a crisis was an understatement, and asked for more detail on where negotiations on the issue were likely to go.

Mr. Levesque said his opinion was that this would be litigated. He provided details on this, and said he didn't think this would be an easy fix. He said there would be a better sense of this in a couple of weeks, but he said if the Surety said it wasn't doing anything, and litigation was necessary, he would come back to ask for funding through the wastewater emergency fund, because the problem was that important.

Councilor Van Asselt said there appeared to be no way that this wouldn't be going to court. He said if that was going to happen, the bigger question was where the Town would find the funding to fix it. He said if the Town did the work, it could get the compensation for this after the court ruled.

Chair Sandberg said this was a pending environmental disaster the Town needed to take every possible step to avoid.

Administrator Selig said part of the purpose of this discussion was to apprise the Council of the situation, as well as to prepare it for a \$500,000-700,000 request for a new clarifier.

Mr. Levesque said there was the possibility that the Surety could say it would pay the bill, noting the Town's contract was with this company, not the contractor. Councilor Julian Smith asked how long it would take to remove the broken clarifier and to put in a new one.

Mr. Levesque said they didn't have the numbers on this yet, but said that if the bid documents went out in May or June, the startup of the new clarifier could take place by December.

Councilor Peter Smith told Administrator Selig that it seemed that the two most immediate crisis issues were: going ahead immediately with an emergency plan for the worse-case scenario, which hopefully wouldn't occur; and meeting with competent legal counsel to get a very quick decision on how quickly the Town could move with litigation, in a manner that didn't jeopardize the possibilities for prevailing. He noted there were all sorts of moves that could be made, both litigation-wise, and physically at the site, which could jeopardize claims the Town would have. He asked if special counsel would be looking at this.

Administrator Selig said that Attorney Walter Mitchell had met with Town staff, and had received various correspondences on the issue. He noted that specialized legal counsel had been sought the previous year concerning the bankruptcy issue, and said it remained to be seen whether this would be needed again.

Councilor Needell asked whether if the functioning clarifier broke down, there would be a time period during which discharge of primary treated water would not occur. He also asked if there were total failure of the system, how serious the impact would be. Mr. Levesque said that any discharge would have an impact. He also explained that if the clarifier wasn't working, the primary treatment/ aeration process would take place, but sludge would build at the bottom of the tank, and would be discharged if there were a significant amount of water going through system. He said even if a major mechanism broke down, he didn't think the system would be down for more than about five days. He also noted that if flows were low, like they were in summer, the system could probably be maintained for 3-4 days.

Chair Sandberg said an emergency plan needed to be in place to avert disaster, and asked if Mr. Levesque need further direction than this from the Council.

Mr. Levesque said if the Council wished, the Public Works Department could get a proposal from the consultant for a new design for this particular clarifier. He said it was his opinion that the existing clarifier should be left in place, because if any excavation took place, this would remove evidence of what the problem was. Councilor Van Asselt said he was concerned about possible accusations about who was at fault in this situation. He also asked if the bidding process could be waived in an emergency situation like this.

Administrator Selig said the Town could waive the requirements, and could also shorten the bidding process.

Councilor Kraus asked if anyone had looked into the possibility of a mobile sewage treatment facility for an emergency situation like this. He said he believed such a piece of equipment, although expensive, might exist, and could be brought to Durham quickly if needed.

Mr. Levesque said, in response to Councilor Van Asselt, that when the problem first happened, he had contacted the Surety as well as the Town's insurance company. He said that numerous engineers had looked at the situation, including the State, so it was not just himself or Wright Pierce who was involved in this from a technical perspective.

Administrator Selig said the Town was moving rapidly on this issue, and said the purpose of coming before the Council that evening was to not leave the Council in the dust concerning it.

Chair Sandberg thanked Mr. Levesque for his presentation, and wished him luck as he pursued this issue.

- C. Update regarding ongoing quarterly revaluation process** – Robb Dix, Assessor  
Administrator Selig noted that Mr. Dix had previously given a brief update on this issue. He said some questions had arisen as a result of the presentation, and so a follow-up presentation seemed to be a good idea.

Mr. Dix explained that the process that had been undertaken by his Department was a data verification process. He said the plan was not to do a reassessment of a quarter of homes every year, but to verify data on a quarter of properties every year. He said the only time an assessment would change as a result of this would be if a change in the property was found, and he noted the assessment might go up or down based on this.

Mr. Dix noted that when the effort was undertaken in 2002, it was found that virtually every property had something that needed to be updated. He said the goal was to not have another 15 year gap in data, because the further away in time one got from the baseline, the more foggy things got, and the more unfair assessments could be.

Councilor Kraus said it did appear that if one was getting a building permit, that this was an invitation for a wider view of a structure. He said this would have the effect of reassessing the property, if additional work that hadn't been reported was noted.

Mr. Dix said that would be true, whether there was a building permit or not. He said the purpose of doing the walk-through when there was a building permit was to get it out of the way at that time, thus avoiding having to do an additional walk-through a few years later.

Councilor Peter Smith said from the perspective of taxpayers, they wanted to know if anything the Assessor was doing would impact their taxes. He said that if a walk-through occurred on a property as a result of a building permit, or came up every four years as part of the schedule, if the Assessor discovered something about the property that was different than what was on the tax card, the card would be corrected. He also said that the Assessor would determine whether any changes seen on the property would affect the amount of tax a person would pay.

Councilor Smith said that therefore, the only difference between what had been done two years ago and now was that the Assessor wouldn't be looking at the property in question in terms of the comparative sales process. But he said that, to the extent that changes had been made to the property, they would be reflected in a different assessment, and a different tax bill than would be the case if the Assessor hadn't gone to that house.

Mr. Dix said that since all houses in Town had been gone through recently, he was very hopeful that if the job had been done right in 2002, the number of changes noted in properties would be very small, so nothing much would change in terms of assessment.

Councilor Morong asked whether, if the walk-through was done and changes were found, if there would be communication with other Town departments about this, -for example, to determine if the changes were up to code.

Mr. Dix said yes, noting that some of these changes could have happened innocently. But he said that if there was a code issue, communicating to the Code Officer was important, especially for safety reasons.

Councilor Needell said he wanted to clarify that this process had nothing to do with market values, and also, that if a change in a property wound up being reflected in taxes, the existing appeal process would be available to the property owner. Mr. Dix said both statements were correct.

Councilor Peter Smith said he believed Mr. Dix had previously said that approximately 85% of homeowners allowed entry for inspections.

Mr. Dix said it was about 88-90% of homeowners. He said that multiple letters were sent to homeowners, which resulted in more inspections.

Councilor Peter Smith asked if Mr. Dix had additional plans for situations where homeowners did not allow entry for inspections.

Mr. Dix said the only thing to do was to send out a second and third letter, with repeated requests for compliance. He said that any other maneuver was onerous, and was not something Town staff wanted to go through. He noted some people had very strong feelings on this issue, and also said he realized there was some built in inequity to this process. But he said the goal was to have as high an entry rate as possible, without being intrusive.

Administrator Selig said the purpose of the process was to ensure assessments were accurate. He also said that quarterly inspections negated the need for a large-scale revaluation process, which could cost over \$100,000, so were an important part of the Town's cost savings efforts.

**XI. Unfinished Business**

**XII. New Business**

- A. Begin process for establishing Town Council goals and objectives for 2005  
Chair Sandberg introduced the discussion. He noted that he and Councilor Niman had laid out a plan for working with Administrator Selig on this, and then asked Administrator Selig to speak.

Administrator Selig recommended that each Councilor start putting his/her top ideas down on paper, so they could begin to weave that list into a specific goal statement.

Chair Sandberg noted an email had been sent to Councilors asking them to list approximately three goals.

Councilor Van Asselt said he didn't mind proceeding that way. But he said that whatever got put into the work plan, the Council needed to be more specific as to where it wanted to go than was the case the previous year. He noted issues like University agreements, the Housing Commission, the Library, etc. where the Council and Town Administrator got good grades for effort, but did not reach their goals concerning these issues.

He said the Council needed to be realistic in its work plan, and said that items put on the list should also indicate when they could be accomplished. He noted that Councilor Morong's idea of a five year plan made a great deal of sense.

Chair Sandberg said there were over fifty items that the Town Administrator had given the Council, and said he would expect that Town staff would keep working on some of these things. He noted that Councilors would each have particular goals they wanted to accomplish during their tenures, and should give a sales pitch on these. He said out of these, the Council could decide what it wanted to own, and could use staff to accomplish some of these goals.

He said there might be some distinction between what the Council expected staff to do on a day to day basis, and what the Council, as elected officials, would like to accomplish in terms of altering the ship of state.

Councilor Van Asselt said that for the goal of Revenue enhancement, what could be done in 2005 were ideas for the Business Park, and what couldn't be done in 2005 was payment in lieu of taxes from the University of NH. He said the work plan should reflect this.

Councilor Kraus said the first step the Council should take was to group the existing list of ideas so they could be looked at in a cohesive way. He said in this way, the Council could order them and pick the two most important things for a particular category such as Revenue enhancement, Operations, etc.

Chair Sandberg agreed it could be very helpful to think categorically about the various ideas/issues.

Councilor Needell said some of these things were clearly multi-year problems, and said Councilor Morong's idea of a having a five-year plan was a good way to address this.

Chair Sandberg noted some of the more compelling issues were very time-sensitive.

Councilor Niman said in addition to developing Council goals, he thought individual Councilor should also set some personal goals, and take leadership on these issues so that perhaps they could be accomplished in the coming year.

Chair Sandberg noted there were some roles Councilors played where they sat on a committee as an agent of the Council, as opposed to when they sat on a committee and were carrying out their personal agendas. He said he was not sure where the line should be drawn on this.

There was discussion about this among Councilors.



Councilor Niman noted that the idea of more playing fields had been in the CIP for some time, but had not gone anywhere. He said he would like to work to turn this into a reality.

Councilor Kraus said he was having trouble seeing how some of the items listed in the handout were goals of the Council, and he provided details on this. He said that perhaps there was a difference between goals, priorities, and guidance to staff. He said he sometimes heard the word micro-manage used, and said he wasn't personally fond of it. He said the Council should provide some general guidance to staff. He also said a goal like cutting the Fire Department budget by \$400,000 would be very tangible, and was one that the Council could perhaps say it had achieved at the end of the year.

Chair Sandberg asked how a workshop could best be organized in order to draw out the kinds of issues Councilors wanted to talk about.

Councilor Van Asselt suggested that blank sheets on the broader categories could be provided for Councilors to list issues on. He suggested Housing; Revenue Enhancement; Planning; Community services; UNH; Operations; etc.

Chair Sandberg said this would help to begin to organize thoughts, and would allow brainstorming on a variety of ideas.

Councilor Kraus said the brainstorm idea was fine, but said it should be agreed that the Council would come out of the session with five or so measurable, achievable goals, as compared to more global and, in the end, meaningless statements.

Councilors agreed to meet the following Monday, to do this brainstorming. Councilor Carroll said it would be good to leave the room knowing what would happen next, - would these ideas show up on future agendas, would there be benchmarks, etc.

Chair Sandberg noted that this process didn't all have to happen at one meeting, and said it would be good if something were ready by the beginning of May.

Councilor Morong said it would be good to standardize this process, so the Council didn't have to struggle to figure it out every year.

Chair Sandberg said the process this year was improved from the previous year, and said if Councilors could provide input as part of it, that would be great.

**B. Other Business**

None

**XIII. Nonpublic Session (if required)**

None

**XIV. Adjourn (NLT 10:00 PM)**

***Councilor Kraus MOVED to adjourn the meeting. The motion was SECONDED by Councilor Inman, and PASSED unanimously 9-0.***

The meeting ADJOURNED at 9:45 PM.

Victoria Pamela, minutes taker