

D-R-A-F-T
DURHAM TOWN COUNCIL MINUTES
MONDAY, JUNE 6, 2005
DURHAM TOWN HALL -- COUNCIL CHAMBERS

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

MEMBERS ABSENT: Peter Smith

OTHERS PRESENT: Todd Selig, Town Administrator

I. Call to Order

II. Approval of Agenda

*Councilor Niman Moved to amend the Agenda and put discussion on the Zoning Rewrite under Other Business. The motion was **SECONDED** by Councilor Needell, and **PASSED** unanimously 8-0.*

*The original motion, as amended, **PASSED** unanimously 8-0.*

III. Special Announcements

Chair Sandberg noted the passing of Joe Michael, a Durham resident for 50 years who had served as District Court judge for many years and had also served as Town Moderator. He said that during the many years that he had served, his dry sense of humor had kept citizens focused during difficult meetings, and said he had conducted meetings with great finesse and expertise. Chair Sandberg noted that when the Aristotle Onasis oil refinery proposal had threatened the seacoast and had thrown Durham into the national spotlight, Joe earned everyone's respect by ushering the Town gracefully through the process. He said the Town mourned this loss with Joe's wife Shirley, and said Joe would be greatly missed.

IV. Approval of Minutes

V. April 18, 2005

*Councilor Kraus **MOVED** to approve the April 18th, 2005 Minutes as submitted. The motion was **SECONDED** by Councilor Van Asselt.*

Page 3, first bullet should say "...was available at the Public Works Department."

Page 20, 3rd paragraph, should read "Councilor Kraus said the University currently had no systematic..." 5th paragraph, should read "Councilor Needell said Councilor Niman made a very strong case for the cost of hosting the University..."

Councilor Kraus MOVED to approve the amendments to the April 18th, 2005 Minutes. The motion was SECONDED by Councilor Van Asselt, and PASSED unanimously 8-0.

The April 18th, 2005 Minutes as amended PASSED unanimously 8-0.

May 2, 2005

Councilor Morong MOVED to approve the May 2nd 2005 Minutes as submitted. The motion was SECONDED by Councilor Kraus.

Page 15, motion at top should read "Councilor Peter Smith MOVED to put..."

Page 18, 6th full paragraph, should read "...with the present a la carte menu for waivers from impact fees." Same page, 9th full paragraph, should read "He said the expenditures..."

Councilor Morong MOVED to approve the amendments to the May 2, 2005 minutes. The motion was SECONDED by Councilor Kraus, and PASSED unanimously 8-0.

The May 2nd, 2005 Minutes as amended PASSED unanimously 8-0.

May 16th, 2005

Councilor Needell MOVED to approve the May 16th 2005 Minutes as submitted. The motion was SECONDED by Councilor Kraus.

Page 6, 3rd paragraph, should read "She said this represented good peer pressure..."

Page 13, 3rd paragraph from bottom, should read "...and said the Council would be dealing with this soon."

Page 18, 3rd paragraph, should read "Councilor Julian Smith..."

Councilor Kraus MOVED to approve the amendments to the May 16th, 2005 minutes. The motion was SECONDED by Councilor Needell, and PASSED 6-0-2, with Chair Sandberg and Councilor Morong abstaining because of their absence from this meeting. The May 16th, 2005 Minutes as amended PASSED 6-0-2, with Chair Sandberg and Councilor Morong abstaining because of their absence from the meeting.

V. Report of Administrator

- Administrator Selig introduced Mike Blake and said he would be serving as the Interim Fire Chief while the Town was in the process of finding a new Fire Chief.
- Administrator Selig said he would be meeting with Chair Sandberg regarding public access issues concerning the Cedar Point boat ramp, and said the Council would receive an update on this issue.
- He expressed warm thanks to Richard Dewing and other Durham residents who had organized the Memorial Day parade, and thanked Councilors who had made some great comments at the parade.

- Administrator Selig said that UNH outdoor pool vouchers were on sale, and noted there were 430 vouchers available.
- He said the Farmers Market had opened its season that day, and would be located at the Pettee Brook Parking lot every Monday from 2:30-5:30 pm. He encouraged Durham residents to get out and support local growers.
- Administrator Selig provided a brief update on negotiations with the University on the various joint agreements shared with the Town. He said progress had been made on the fire and school agreements, and said they were still working through the water agreement, noting this was a very complex issue, and said he was pushing on behalf of the Council to have the University pay for the vast majority of any future water exploration.

He noted the University had hired a consultant to see if there were locations on campus where a well could be sunk that would be cheaper than Spruce Hole. He said the analysis of this would take 10 weeks, and said in the mean time the Town would proceed without that information. He noted that Town Engineer Bob Levesque felt it was unlikely the University would find a well location that was cheaper than Spruce Hole would be.

Councilor Kraus asked if the alternative well the University was looking to develop would be one that it would own and pump only for itself, or rather would pump water into the general system.

Administrator Selig said it would be used to pump water into the general system. He provided details on the current water situation between the University and the Town. He said the Town is virtually built out in terms of its footprint for water and that the driving force for new water for the Town would likely be new industrial development out by Heidelberg Harris. He said if that occurred, it would dramatically affect the Town's side of the equation.

- Administrator Selig said Durham Day would be held on September 18th, and noted that Nicole Moore had agreed to serve as coordinator for the event. He said this was a big job, and said people wishing to assist Nicole should contact her at 868-6775, or at snowyhemlock@yahoo.com.

VI. Reports and Comments of Councilors

Councilor Needell said the Planning Board would meet on Wednesday, and said the meeting would include the continued hearing on the Irving conditional use and site plan review applications.

Councilor Kraus said the Integrated Waste Management Committee was considering the pros and cons regarding the Town's spring and fall cleanup, and said it would develop a recommendation to bring before the Council at some time in the future.

Councilor Morong noted an article in the *Foster's Daily Democrat* about UNH Chancellor Stephen Reno's reaction to House Bill 695. Councilor Morong said that Chancellor Reno was quoted in the paper as saying he had sat with the Town Council and discussed certain Town/Gown issues. Councilor Morong asked when this had happened, since he has been on the Council for four years and did not remember any such discussions.

Chair Sandberg said that when the Town/Gown Committee was still active, Chancellor Reno had attended several of the Town/Gown Committee meetings when crowd control and riot issues were explored, not Town Council meetings.

Councilor Niman said the Library Site Selection committee meeting would be held on June 15th, and said that if anyone had good ideas for a library location, to please let the Committee know. He also said the Parks and Recreation Committee was developing a list of goals for the coming year, and invited residents to share their ideas on this with the Committee.

Chair Sandberg noted that the Economic Development Committee had recently met.

Councilor Morong said new Committee member Chris Wilson had gone over the guidelines for the Business Park, and had also discussed various possible approaches concerning a development plan for the site.

Councilor Niman said he had been at the meeting, and said the Committee discussed how to move forward with the land located off of Arthur Grant Circle. He said two key steps concerning this were discussed. He said the first was creation of a master development plan that said how many buildings there would be, where they would be located, how large they would be, what their architectural design would be, what kind of materials they would be constructed of, opportunities for passive recreation on the site, etc.

Councilor Niman said this plan could be presented to the Council, and if it were approved, an RFP could be sent out to see if there were companies interested in developing a marketing plan based on the development plan.

Councilor Needell asked if the Committee had looked at the proposed Zoning changes that would impact the Business Park.

Councilor Niman said Town Planner Jim Campbell had brought the Zoning map, and had showed what land would be lost as a result of the revised Ordinance.

Councilor Needell noted that the upcoming Council discussions on the Zoning Ordinance might have some impact on the plans for the Business Park.

VII. Public Comments

Bill Hall, Durham reviewed past dealings with the University concerning water issues, most specifically regarding the Wiswall Dam. He said the real issue now was that the Town should figure out how much it paid the University for water that was never used, and that they never processed. He said this might be a good arguing tool in current negotiations, and said he didn't feel the Town was well represented on this issue. He said the Town needed to be a lot more hard nosed in its dealings with the University, noting here was a case the Town should take the University to court on, but this wasn't happening.

David True, Foss Farm Road noted the Town had recently been doing some paving off of Foss Farm Road, and when his driveway got messed up as a result of this work, the Public Works Department was out to his house within six hours to fix the problem. He said the Town had been very accommodating, and he appreciated this.

Councilor Kraus said the record should show that Doug Bullen was the Public Works Department employee who had assisted Mr. True.

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 permit application submitted by the Durham Business Association to conduct the annual Young Artist Showcase on Saturday, August 20, 2005?
- B. Shall the Town Council approve a special event permit application submitted by New Hampshire Ducks Unlimited to conduct its “Ducker’s Day” event on Saturday, September 10, 2005?

Councilor Julian Smith MOVED to approve Unanimous Consent Agenda Items A and B. The motion was SECONDED by Councilor Kraus, and PASSED unanimously 8-0.

IX. Committee Appointment

Shall the Town Council appoint Diane Woods, 21 Garden Lane, to the Rental Housing Commission?

Administrator Selig noted that a neighborhood resident position had been added for the Rental Housing Commission, and Diane Woods had agreed to serve.

Councilor Morong said Ms. Woods had been to a number of Rental Housing Committee meetings, and said she would make a good member of the Committee.

Councilor Morong MOVED to appoint Diane Woods, 21 Garden Lane, to the Rental Housing Commission. the motion was SECONDED by Councilor Carroll.

Councilor Carroll said she would like to underscore what Councilor Morong had said. She said Diane did a good job at whatever she undertook, and would be a real asset to the Committee.

The motion PASSED unanimously 8-0.

Chair Sandberg expressed the Council's gratitude for Ms. Wood's willingness to serve.

X. Presentation Item

Report from the Durham Cable Access Channel (DCAT) Governance Committee – Peter Brown

Tom Merrick, Vice Chair of the DCAT Committee, said he would speak on Mr. Brown's behalf, because he was unable to be at the meeting. Mr. Merrick said he had been on DCAT for a year, and generally found the Committee was working in uncharted territory.

Progress

- Mr. Merrick said there was currently a full complement of members on DCAT .
- He said there was now staff to cover all of the televised Town meetings, and said that currently, 12 Town board meetings per week were televised, including live meetings and rebroadcasts.

- He noted that all Oyster River School District meetings were covered, and amounted to 10 hours a week of programming.
- He said DCAT had simplified the process for applying to have programming aired, and also said the Committee had established program standards. He said about an hour of local programming was broadcast on DCAT every week.
- He noted the Town website listserv was used to advertise special programming.
- He said the guidelines for music programming had been revised.
- He said DCAT had held a meeting with the Durham Business Association, for the purpose of generating more community based, sponsored programming. He noted that the Oyster River School District 50th anniversary celebration had been televised on DCAT.
- He noted that Craig Stevens had hired work study students in order to provide coverage.
- He said a Program log had recently been established.

Goals:

- Mr. Merrick said DCAT anticipated maintaining an accurate program guide on the Town website.
- He said a voice-over for the Community Bulletin Board was planned so residents could hear as well as see this information.
- He said DCAT planned to air more community events.

The Future:

- He said DCAT hoped to add a current weather statement to scroll on the TV screen.
- He said the Committee was reviewing the existing system of video equipment, and was looking into possible equipment upgrades in the future. He noted that a Mini DV camera would be well used by DCAT. He also said equipment was needed to be able to monitor copies as they were being made.

Councilor Carroll said the DCAT programming she had seen was wonderful, but said she wondered if DCAT could be utilized more to let residents know more about what was going on at UNH. She noted the wonderful Celebrity Series at UNH, which was open to the community, and said it would be great if DCAT could be used to let residents to know about things like this. She suggested that something like "This week at UNH" might be effective, and also said a heading like "Did You know?" for things like classes available for people over 65 could allow people to take better advantage of the wonderful resources in Durham.

Mr. Merrick said he would be happy to bring this up with DCAT. He said the Committee would like to see more involvement with UNH, but said the fiber cable, which would allow easy exchange of programs with UNH, was yet to be operational. He noted that the cable system serving the dorms was different than the one serving the Town, but said there was an excellent connection with the School District.

Councilor Morong noted new productions listed on DCAT, and asked if these had been done by Oyster River students.

Mr. Merrick said some, but not all of them had come from the School.

Councilor Morong said the School currently had quite a facility for this, and asked if it was available for residents to use.

Mr. Merrick explained that the School needed to have its own control set, so forward movement on this was slow for the time being. He provided details on this.

Administrator Selig asked how Durham residents interested in getting more involved with DCAT could go about this.

Mr. Merrick said they should speak with Craig Stevens about working on televised town meetings, and should speak with Peter Brown and George Kachadorian on programming, both of whom would be happy to help people get training. He noted that DCAT's facilities could be used to record various Town events, even if they would not necessarily be planned for broadcast.

Chair Sandberg thanked Mr. Merrick for his presentation, and asked him to extend the Council's thanks to DCAT for the important work it did for the community.

XI. Unfinished Business

A. Discussion on Ordinance #2005-04 amending the Durham Town Code by adding a new chapter, Chapter 75, and sections 75-1 through 75-13, entitled "Impact Fees"

Administrator Selig noted that at the closure of the public hearing on May 2nd, Councilors had made a few minor amendments to the ordinance, which had been incorporated into the document now before them. He also said the Council had decided to continue its discussion at that meeting because of some language questions.

There was discussion on the status of the draft ordinance. It was noted that action on the ordinance had been postponed previously. Chair Sandberg said the original motion to approve the Impact Fee Ordinance had been amended in two areas, under 75-6 and 75-7. He said there had been discussion about a third motion to amend it - concerning an age change for waiver requirements, which was made by Councilor Van Asselt, but he said the vote on this motion had not yet been taken.

Councilor Van Asselt said he was surprised to see that the redraft of the Ordinance now said the waiver could be allowed for developments with senior citizens age 55 or over.

Chair Sandberg agreed that this was incorrect, and in fact the motion presently before the Council concerned this matter. He asked Councilor Van Asselt to provide his rationale for the proposed change in the age requirement for the waiver from age 62 or over to age 55 or over.

Councilor Van Asselt said Mr. Campbell had told him that in the Town's other ordinances, the definition of senior citizen was 55 or over, not 62 or over. Councilor Van Asselt also said that if the Town was going to encourage senior housing, allowing developments with

residents age 55 or over made them more marketable because of the younger age at which people were retiring. He said doing this was not uncommon, and said that although the minus could be that there might be some people who would have children at this age, he didn't see this as a concern.

Regarding Section 75-9(A), Councilor Van Asselt said a suggestion had been made at the last Council meeting to remove the age restriction from the ordinance and leave it to the Planning Board to do. He said that Town Planner Jim Campbell informed him that by state statute, the Planning Board couldn't do this, and that the Town Council needed to do this if it wanted it included in the ordinance.

Councilor Sandberg said if a developer came in with a proposal to build a development for a 55 or older age group, the implication was that there would be no impact, resulting in no impact fee.

Councilor Van Asselt noted that the development might be exempt from the school impact fee, but not from the other impact fees.

Chair Sandberg asked what the rationale would be for granting a waiver for 55 or over developments.

Councilor Van Asselt said it would be the desire to encourage senior citizen housing, and earlier buyers. He said if the Town was not interested in encouraging this, this provision probably shouldn't be in the Ordinance. He said having it there didn't guarantee this kind of development would be built, but it encouraged it. He said putting this language in said there was interest in doing this.

Councilor Needell noted that this waiver would only apply to school impact fees. He also provided clarification that his previous suggestion had been not that the waiver authority be given to the Planning Board, but that the fee structure could address the same thing as the waiver, so the language waiver might not be needed.

Councilor Van Asselt said if the Council wanted to grant this kind of waiver, it should be done at the Council level, should not be given to the Planning Board, and also should not be done through a fee schedule.

Councilor Kraus said he had heard the term elder senior citizens used in the discussion, and said he found this interesting. He also asked if other Town documents said residents 55 or older were senior citizens. There was discussion about this.

Councilor Van Asselt said he was relying on what Mr. Campbell had said about other Town documents.

Councilor Morong noted in some other areas, such as pool vouchers, age 62 was considered the breakpoint.

Councilor Van Asselt MOVED to change the age requirement in 75-9(A) "Waivers" from age 62 or over to age 55 or over. The motion was SECONDED by Councilor Kraus.

Councilor Van Asselt noted the language in 75-9-A said "may request", so was not required,

but said unless it was done here, it wouldn't happen.

Councilor Carroll said to her this was more of a fairness issue, and said it made sense to look at whether it was fair for residents to have to pay a school impact fee when they didn't have children in school.

The motion PASSED 6-2, with Councilor Julian Smith and Councilor Morong voting against it.

Councilor Van Asselt MOVED to amend 75-6, Standards and Basis of Assessment, to add the following language to B "The methodologies and schedule will be approved by the Town Council." Councilor Niman SECONDED the motion.

Councilor Van Asselt said 75-9 (B) gave the Planning Board the responsibility for setting the basis for the schedule for impact fees, which was the hard part. But he said this was something that ought to be supported by the Town Council. He said the schedule was not unlike fees for parking downtown, and said he was not interested in negotiating what the fee should be. He said it would only be done one time, and once it was set up, it would be applied, and the applications wouldn't come to the Council. He said this was a policy issue, and not one an appointed board should deal with. He said some communities handled this through the planning board, but others did it through the Council, and he said he felt the latter was the correct way to do it.

Chair Sandberg noted the Council had made amendments to ordinances to include fees in the master fee schedule, and asked if there should be language to say the fee schedule should be incorporated into the master fee schedule, to be reviewed annually.

Councilor Van Asselt said they could, but noted the Board would look at the schedule once a year.

Administrator Selig said he was concerned that the methodology would be harder to represent in the master fee schedule. He said he would like to do this separately, and then see later how it melded with the master fee schedule.

Councilor Needell agreed the Council should allow some time to see how this worked out before moving it into the master fee schedule.

Councilor Van Asselt said that in other communities where they have left it to the Planning Board, the developers and those to whom the assessment is applied have come knocking at the Council table, so it was better to approve the policy up front at the Council level.

Councilor Needell said he was in favor of the motion.

The motion PASSED unanimously 8-0.

Councilor Van Asselt MOVED to amend 75-7, by amending the last sentence to say - "after a public hearing by the Planning Board on the proposed change and approved by the Town Council." Councilor Kraus SECONDED the motion.

Councilor Van Asselt said the reason for this amendment was to fit with the change to 75-6

B. He said with this amendment, when significant changes were made to the assessment schedule, the Council would approve those changes.

Councilor Needell noted that the Council couldn't amend the fee assessment schedule, and would either have to accept or reject it.

Councilor Van Asselt said that was his intent.

Chair Sandberg said the changes the Council was now making were substantive enough to require another public hearing.

Administrator Selig agreed this was appropriate especially because of the age change concerning waivers.

The motion PASSED unanimously 8-0.

Councilor Van Asselt noted the wording in 75-8 D should say "post surety" not post security. Councilors agreed this correction should be made.

Councilor Kraus MOVED that the Town Council postpone final action on the Impact Fee Ordinance until after an additional hearing on the Ordinance as amended, and schedule the public hearing for June 20th. The motion was SECONDED by Councilor Van Asselt.

Councilor Kraus said it was a very good idea to give the public, including junior as well as senior citizens, the opportunity to weigh in on the amendments.

Councilor Needell asked if at the end of the public hearing, the Council would be in a position to adopt the Impact Fee Ordinance in its entirety.

Chair Sandberg said it would.

Councilor Needell asked if these changes had addressed Councilor Van Asselt's earlier concerns about the ordinance.

Councilor Van Asselt said they had, and had made it a workable ordinance.

The motion PASSED unanimously 8-0.

Recess from 8:25 to 8:30

- B. Continue discussion regarding the development of the 2005 Council Core Purpose, Value, and Goal Statement

Councilor Niman provided background on how he had developed a one page statement summarizing the discussions the Council had been having on goals. He said he had created value statements, and noted the six he had listed were those the Council had talked about at the previous meeting on this. He said Councilors had also talked about concrete action steps needed to go along with these value statements, and said he had therefore put the value statements into an action format.

Councilor Kraus said this approach did reflect what he had suggested at the previous

meeting.

There was discussion on the differences between the two most recent drafts of the larger goals document. It was noted that the 4/26 document was what the Council had worked with and refined at its last meeting, and that Councilor Niman had developed his one page summary based on this document. There was discussion that the 5/26 draft had been developed by Administrator Selig, and was somewhat confusing.

Councilor Van Asselt said he had found that the 5/26 draft was quite reflective of what had been discussed at the previous Council meeting, and said he was not interested in throwing it away and having only the one page summary document..

Councilor Niman said the problem with the 5/26 document was that it still included a number of things the Council had taken off the 4/26 list for various reasons, although not because they were not important.

Councilor Van Asselt said he thought they needed the 5/26 document as a reference document to work with.

Councilor Niman said he hoped that Administrator Selig would put together his goals and values, and said the administrative items from the Council's list should be on his list. He said other items that had been taken off the Council's list could be brought forward individually by Councilors and placed on the meeting schedule.

Chair Sandberg said the values statements on the one page document didn't sound like values anymore, and said they perhaps should be called goals.

Councilor Niman said he had no problem with calling them something else, and there was discussion about this. Councilors agreed the value statements should be called goals.

Chair Sandberg read through the list of values statements (goals), and then asked if these were the ones the Council had agreed to, and also whether they were enough.

Councilor Van Asselt suggested the Core Values from the 5/26 draft should be included in the one page document.

Councilor Kraus noted his statement recorded in the May 16th minutes, in which said he would like to see vision goals and action goals, with a ranking of these goals in terms of priorities. He said he liked the one page document because it clearly laid these things out, and was not some kind of bureaucratic matrix.

Chair Sandberg said it seemed they should keep clear what the Council goals were as compared to the Administrator's goals. He also said there was something to be said for having the larger document for guidance, to go with the smaller document.

Councilor Needell noted that taking some of the items off of the 4/26 draft list didn't mean these things were not important or should not be done, but simply meant it wasn't the Council's responsibility to further them.

Preserve open space, vistas and farmlands

Action step:

- Enact remaining zoning ordinances.

Chair Sandberg suggested this goal possibly should include an action step concerning the work the Land Protection Working Group was doing.

Councilor Van Asselt said he disagreed, noting the actions steps were supposed to be things that were presently on the table, and that the Council was trying to do this year. But he agreed it was important to include the larger document as a backup to the action plan. He said the zoning piece was something the Council needed to get done soon.

There was discussion about making the 5/26 document an appendix..

Maintain the integrity of our neighborhoods

Action step:

- Develop a housing policy that includes: seniors, students and working people.

Chair Sandberg noted he had not been at the previous meeting, and asked for clarification on this action step.

Councilor Van Asselt said Councilors had decided that the Council as a body needed to develop a policy on this. He said the action step would be to see if this could be done.

Chair Sandberg asked how this was different than the policies expressed in the Zoning Ordinance.

Councilor Van Asselt said the Council should have a policy on what it wanted concerning housing, and one that looked at all of these housing related issues together.

Councilor Needell said housing policy was tied to the Zoning Ordinance changes, especially regarding the MUDOR zone. But he said that what Councilor Van Asselt was speaking about was a broader discussion on policy, which would consider such things as whether the Council would encourage private development of student housing.

Chair Sandberg noted that the Council didn't have the authority to say the University would have 70% of undergraduate housing on campus, but he said it could say what the contingency plan for the Town would be if the University didn't do this.

Encourage a new permanent library

Action steps:

- Act on the recommendations of the site selection committee
- Assist in the development of a funding plan
- Oversee the construction of a facility

Councilor Van Asselt said he found the Council's action plan as outlined in the action steps was good.

Nurture Vibrant Downtown

It was noted that no action steps were listed under this goal.

Councilor Niman said the Council had said this was something it would like to see happen, but had not suggested anything concrete the Council could do toward this goal. He said it was essentially a placeholder for now or the future.

Chair Sandberg suggested one of the ways the Council had nurtured the downtown was through the beautification program, noting that all taxpayers contributed substantially to this. He also spoke about the sidewalk improvement policy, and noted design ideas for the Pettee Brook Road area. He said the Council might want to consider ideas like this in order to encourage a wider variety of entrepreneurs to consider businesses downtown, and said an action step could be to continue the enhancement program for downtown infrastructure

Councilor Niman suggested adding an action step entitled "Create an Infrastructure Improvement Plan."

Enhance revenues and/or improve operational efficiency

Councilor Niman read through the Action Steps under this goal.

- Resolve the status of the land at the W. Arthur Grant Circle - (revenue enhancement)
- Enact an impact fee ordinance and fee schedule - (revenue enhancement)
- Develop the Craig Supply site - (revenue enhancement - parking)
- Commission a review of the DFD and act on recommendations for improving the operation efficiency of the Fire Department - (operational efficiency) Councilor Niman noted there had been extensive Council conversation about the possibility of cutting the Fire Department budget. He said this action step meant a review should be done by the Council and action should be taken on the recommendations brought forward.
- Decide whether the town should reduce the EMS role of the Durham Fire Department or merge the Fire Department and Durham Ambulance Corps. (operational efficiency) (work to be done by the Council)
- Encourage continued discussion on whether the Town would be better served with one rather than two police departments and act on an implementation plan if change is desired. - (save money and increase operational efficiency)

Councilor Van Asselt said he had come to the conclusion that Administrator Selig addressed operational efficiency items on a daily basis.

Councilor Morong noted the dispatch move was something the Council would be doing this year, yet it wasn't on the list.

Councilor Niman said at the previous meeting, the Council had talked about this as something already in process, which would be brought to the Council for a decision. He noted this was similar to the approach with the Packers Falls Bridge issue.

Councilor Needell said he didn't recall the Council ever considering this issue. He said it was driven by the Town Administrator, and would come to the Council for approval later.

Chair Sandberg said that was correct but he said the Council had been kept abreast of this situation. He said there was an unspoken assumption that if the Council had an objection concerning it, it would indicate this. He said if Councilors did have objections concerning the dispatch issue they should say this.

Councilor Needell said he had previously said there were concerns, and provided details on this, including comments and ongoing discussion among some town officials about this issue.

Chair Sandberg said considering Councilor Needell's comments, perhaps the Council should have a discussion soon on this issue.

Administrator Selig said when he got to the appropriate point during the Budget process, he would bring this issue forward to the Council.

Councilor Van Asselt said the present discussion on this issue was a great example of why attachment of the larger goals document was important.

Administrator Selig said he was trying to envision how the two documents would be merged. He noted among other things that all the items listed on the cover sheet should also appear on the larger document. There was discussion on how the two documents could be merged.

Administrator Selig said that under the Craig Supply Site action step, it should be noted that the Brownfields grant had been awarded to the Town.

Foster a cooperative relationship with UNH based on fair and equitable agreements

- Ratify new agreements (water, wastewater, fire, school)
- Have the Administrator negotiated surcharges for ticket sales, rental and lease fees
- Encourage payments to the town by 'for profit' companies using UNH facilities not related to it's educational mission

Councilor Needell said it was important to see the action step there concerning encouragement of payments to the Town from the University. He noted that at the Planning Board's quarterly meeting, University planner Doug Bencks had given a presentation on the Campus Master Plan, and had spoken about the possibility of having convenience stores near the new Gables apartments. Councilor Needell said Town Planner Jim Campbell had said at that meeting that if the University went that route, he wanted to see those companies pay taxes to the Town.

Councilor Van Asselt said he would like to argue for a fourth action step - payment in lieu of taxes, as a Council interest. But he said that instead, he would bring the Council information on this approach.

Other

Action steps:

- Ask the Planning Board to analyze the Northern and Southern Connectors and make a recommendation
- Develop recommendations for changing the structure of meetings to make them more efficient.

Chair Sandberg said he would hope the action step regarding the structure of meetings didn't need to be on the list, noting suggestions concerning this were always welcome. There was a brief discussion about this.

Chair Sandberg suggested that at the next meeting, the Council could polish the one page document and the 5/26 document, and could then bring them forward to vote on.

XII. New Business

Other Business - Zoning Ordinance discussion - how to proceed with the process.

Councilor Needell said he thought it was the intent of the Planning Board that sections would be acted on individually so there would not be an all or nothing approval. He said the nonresidential piece probably couldn't be broken up, but said he thought the Council should address pieces of the Ordinance that were as small as possible.

There was detailed discussion about the best approach to use to discuss the various pieces of the revised Zoning Ordinance.

Councilor Needell said he was concerned about having everything presented together, noting that massive changes had been recommended concerning the non residential zoning provisions. He suggested that there be a separate public hearing for this, and to make housekeeping amendments. He said the floodplain, shoreland, wetland, aquifer, etc overlay provisions could be combined into one public hearing. He also noted that the Council needed to have a first reading before scheduling the public hearing.

Chair Sandberg said the Council could have the first reading on June 20th, and at that time could consider how to break out sensibly the recommended changes to the Ordinance. He said the public hearing could be continued over four hearings dates.

Councilor Niman asked if members of the Planning Board and Mr. Campbell could be present on the 20th, noting he had some questions he would like to ask them at that time.

XIII. Nonpublic Session

Councilor Kraus MOVED to go into nonpublic session in accordance with RSA 91-A:3 II (d)

for the purpose of discussing the consideration of the acquisition, sale or lease of real or personal property. The motion was SECONDED by Councilor Carroll and PASSED 7-1-1 on a roll call vote as follows:

Julian Smith, ABSTAINED; John Kraus, AYE; Diana Carroll, AYE; Karl Van Asselt, AYE; Neil Niman, AYE; Malcolm Sandberg, AYE; Mark Morong, AYE; Gerald Needell, AYE; Peter Smith, ABSENT.

Councilor Julian Smith said he was abstaining because he was not sure why the Council had to go into nonpublic session on this issue. He said he wouldn't know this until after the session.

The Council entered into Nonpublic Session at 9:45 PM.

The Council re-entered public session at 10:27 PM.

Councilor Kraus MOVED to seal the minutes of the Nonpublic Sessions. The motion was SECONDED by Councilor Carroll and PASSED unanimously 8-0.

XIV. Adjournment

Councilor Kraus MOVED to adjourn the meeting. The motion was SECONDED by Councilor Van Asselt, and PASSED unanimously 8-0.

The meeting ADJOURNED at 10:30 PM.

Victoria Parmele, Minutes taker