

This set of minutes was approved at the January 9, 2006, Town Council meeting.

**DURHAM TOWN COUNCIL
MONDAY, DECEMBER 5, 2005
DURHAM TOWN HALL – COUNCIL CHAMBERS
7:00 PM**

MEMBERS PRESENT: Chair Malcolm Sandberg; Neil Niman; Peter Smith; John Kraus; Gerald Needell; Julian Smith; Diana Carroll

MEMBERS ABSENT: Karl Van Asselt and Mark Morong

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

I. Call to Order

Chairman Sandberg called the meeting to order at 7:04 PM.

II. Approval of Agenda

Councilor Needell MOVED to approve the Agenda. The motion was SECONDED by Councilor Peter Smith, and PASSED unanimously 7-0.

III. Special Announcements

There were no special announcements.

IV. Approval of Minutes

A. October 31, 2005

Councilor Carroll MOVED to approve the October 31, 2005 Minutes as submitted. Councilor Julian Smith SECONDED the motion, and it PASSED unanimously 6-0-1 with Councilor Carroll abstaining because of her absence from the October 31, 2005 meeting.

B. October 31, 2005 (Nonpublic Session)

Councilor Needell MOVED to approve the October 31, 2005 Minutes for the Nonpublic meeting as submitted. Councilor Kraus SECONDED the motion, and it PASSED 6-0-1 with Councilor Carroll abstaining because of her absence from the October 31, 2005 Nonpublic meeting.

C. November 7, 2005

Councilor Kraus MOVED to approve the November 7, 2005 Minutes as submitted. The motion was SECONDED by Councilor Julian Smith.

Page 2, bottom paragraph, should read "She said that Durham departures and arrivals grew to 5,100 in September..."

Page 3, 5th paragraph, should say “10 Madbury Road”

Page 9, 2nd paragraph under X.A. should read “Chief Kurz provided background..” Also, same paragraph, should read “..to tow vehicles was not so far reaching...”

Page 14, 4th full paragraph, should read “Councilor Morong said it was clear...”

Councilor Kraus MOVED to approve the amendments to the November 7, 2005 Minutes. The motion was SECONDED by Councilor Julian Smith, and PASSED unanimously 7-0.

The November 7, 2005 Minutes as amended PASSED unanimously 7-0.

V. Report of Administrator

- Administrator Selig said he and Tom Johnson had recently attended a training session on mosquito control, in light of the fact that there had been quite a few positive tests in New Hampshire for West Nile virus and Eastern Equine Encephalitis in the past year. He said the Town had learned that it needed to look much more closely at developing a strategy for 2006 to deal with potentially problematic areas of the community, especially catch basins and bodies of water created by beaver dams. He provided details on this, and said it would be useful for the Council to discuss the extent to which the Town wanted to go to prevent the outbreak of these types of viruses.
- Administrator Selig said the Town had received a rebate of \$15,000 because of the excellent records the auditors found when they did the annual Town audit. He thanked the staff of the Business Office for their excellent work in providing assistance with the audit.

Chair Sandberg said the Council also wished to thank the Business Office staff for their work.

- Administrator Selig said the Integrated Waste Management Advisory Committee currently had two vacancies, and that citizens interested in serving on the Committee should contact Committee member Shelley Mitchell at 868-3352.
- Administrator Selig said the winter parking ban was in effect, and noted that parking in illegal locations hindered plowing efforts after snowstorms.
- Administrator Selig thanked the Durham Business Association, Town merchants, Town Council members, and others who organized and participated in the recent “Light Up Durham” celebration.
- Administrator Selig said a soils management company had been contracted to spread out contaminated soils that had been found under one of the Craig Supply buildings at the Depot Road site. He said this soil would be covered with geotech fabric in order to stabilize it in place, and said the plan was to have the site ready for paving in the spring so parking spaces could then be rented out. He said the process had taken longer than expected because of the need to strictly follow the EPA’s regulations, in order to qualify for the funding the Town was receiving from that agency.

- Administrator Selig said that at the previous Council meeting it was noted that there was some asbestos associated with the failed clarifier at the Wastewater Treatment Plant which had to be removed before the clarifier was dismantled. He said the Town had been in discussions with the engineering firm as to the cost for this, and about possible sharing of costs. He said the engineering company had indicated a willingness to do this, and the details were being worked out. He said the cost was estimated to be between \$30,000 and \$40,000 and when more specifics were available he would share these with the Council.
- Administrator Selig said the Jackson's Landing Committee had started work on plans for potential improvements to this area. He said the Committee was headed by the Chairs of the Conservation Commission and Parks and Recreation Committee, and the Committee would be asking for public input as it proceeded. Administrator Selig noted that Councilor Niman was a member of the Committee and would report back to the Council on its work.

Councilor Peter Smith asked Administrator Selig if the cost sharing he had mentioned was related exclusively to the asbestos issue. Administrator Selig said it was.

Councilor Smith asked what the basis was for saying there would be cost sharing.

Administrator Selig said the fact that there was asbestos in the exterior wall of the clarifier was not noted explicitly in the bid documents developed by the engineering firm, so the cost for the asbestos removal was therefore not anticipated when the Town awarded the bid. He said any additional costs associated with the abatement would come out of the contingency account that was part of the bid award the Town awarded some weeks ago.

He said the Town was trying to mitigate, to the extent possible, that additional cost. He said they had made the argument to the engineering firm that it should have anticipated the fact that there was asbestos in the exterior wall, and had produced some documents to make that case. He said the engineering firm had a different perspective, and said the Town was currently working through this issue with the company.

Councilor Peter Smith asked if this was the same engineering firm that was involved a number of weeks back concerning the estimate for the replacement of the clarifier.

Administrator Selig said it was.

Councilor Peter Smith asked if any progress had been made in terms of the responsibility of the engineering firm for costs resulting in the Town reaching a settlement less than otherwise would have been the case concerning the clarifier.

Administrator Selig said progress had been made in terms of in-kind services the firm had agreed it would provide going forward on projects. He said the Town was still waiting for a response to the proposal made to the firm some weeks ago.

Councilor Peter Smith asked if the argument from this second chapter with the engineering firm strengthened the argument concerning the first chapter. Administrator Selig said the Town had endeavored to do this.

Councilor Needell asked if the asbestos had been removed, and if not, if this was holding up the project.

Administrator Selig said the asbestos had been abated and was not holding up the project, but that there was a delay. He said the construction company had taken advantage of a clause in the bid that allowed a delay of the major part of the construction until springtime, which would result in approximately a savings of \$30,000 to the Town. He said it was essentially a penalty to the construction company.

He said the potential detriment was if there was a catastrophic failure of the number one clarifier, it could be very problematic for the Town. But he noted there were some contingencies in place to protect against that kind of failure, although nothing was guaranteed.

VI. Reports and Comments of Councilors

Councilor Kraus said he endorsed Councilor Peter Smith's line of questioning concerning the clarifier issue.

VII. Public Comments

Bill Hall, Smith Park Lane, noted that increased parking at the Wiswall Dam parking area was one of the things proposed to be eliminated in the list developed by Administrator Selig. He said he thought it was an error that this line item was in the Budget to begin with since there was a parking fund, and said there was no reason why the over \$1,000 from parking tickets given out that year in the area of the dam should not be used to provide the increased parking.

He also spoke about the money spent on video camera equipment in Durham, and said if there was that much leeway in how the trust funds were spent, the Town certainly could spend parking funds for a parking lot in an area where tickets had been given out.

Mr. Hall also spoke in opposition to the proposed zero frontyard setback for the Church Hill District. He said this was in absolute conflict with the 10 ft. setback required from high voltage lines, and could impact the Fire Department and various contractors who might be working in buildings in this district. He said he had previously talked to the Town Engineer about this.

Mr. Hall said he thought it would be very prudent if there were a 15 ft. frontyard setback. He said he was the only person in this district who owned property and actually lived there, and hoped to send a firm message that the setbacks there should be the same as for every other roadway in Town. He also said he thought the sideyard setback should not be less than 10 ft.

John Caulfield, 8 Woodside Drive, and Treasurer of the Library Board of Trustees, said he was present to speak against any cuts to the Library budget. He said the Town had fully funded the Library budget for the first time in 2005. He explained why the Board of Trustees had increased its expenditure request for 2006, noting that the Library Director had left and also that energy prices had increased. He said the new Library Director would take the Library to the next level so it was an investment for the present as well as the future. He also said that all other expenses associated with the Library had been kept the same or reduced in order to offset the increase in wages.

He said the Library had recently been asked to remove \$20,000 from its budget. He provided details on this and said if these cuts were made, the Library would be unable to maintain the current level of service or to meet basic needs.

Councilor Needell provided clarification that the Council did not vote to decrease the 2006 Budget by \$200,000 but rather had solicited input on ways that this could possibly be done.

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 schedule a public hearing for Monday, December 19, 2005, relative to the additional amendments made by the Durham Planning Board to Ordinance #2005-06, Section 2005-06 (A) “to address questions with prior amendments” of the Durham Zoning Ordinance?
- B. Shall the Town Council accept a non-industrial sewer connection/extension application submitted by Courthouse Ventures, LLC and refer the application to the Water, Wastewater, and Solid Waste Committee?

Councilor Kraus MOVED to approve Unanimous Consent Agenda Items A and B. The motion was SECONDED by Councilor Julian Smith, and PASSED unanimously 7-0.

IX. Presentation Item

Global Information System (GIS) – Bob Levesque and Peter Tardie

At the request of Town Administrator Selig, Public Works Director Michael Lynch provided a brief introduction on Global Information System (GIS) and then introduced new Town Engineer Dave Cedarholm to speak in detail on it.

Mr. Cedarholm explained that Global Positional System (GPS) equipment allowed collection of field data at various locations in Town, and said this data could be combined with other data in a variety of ways to create a three dimensional model. He also explained that existing two-dimensional AutoCAD data could be introduced into GIS and thus seen in 3 dimensions.

He provided an example of how this kind of data could be used by the Planners Office or the Assessor’s Office. He also noted how the Public Works Department had used GIS in regard to repairs to the Wiswall Dam. He said an inundation map was created which demonstrated in detail what would happen to properties in Town if the dam broke.

Former Town Engineer Bob Levesque said he was a great supporter of GIS for Durham, and noted that he had worked on several GIS-related projects in Durham. He spoke in detail of a schematic that had been developed of the proposed fish passage on the Lamprey River, and said it had provided a much better idea of the size of the project and the significant extent to which it would impact the River. He said when the Army Corps of Engineers was shown this, it determined that it needed to redesign the fishway.

He said this was a great example of how GIS allowed the various parties involved in a project to see what the project would turn out to be like.

Mr. Levesque noted that another important GIS project the Town had undertaken was the storm water project. He said the various catch basins and culverts located throughout Town had been mapped, and said that among other things, having this information readily available allowed the Public Works Department to keep track of which structures needed to be cleaned in a given year. He noted that this was especially important given recent concerns about mosquito control, and

also said the mapped information allowed for greater efficiency in the Department. He said the Town's water and sewer infrastructure had also been mapped and allowed for more efficient management of these systems.

Mr. Levesque said that if the entire Town road system could be geo-coded, this would allow quicker response by the Police Department in case of emergencies. He said the information could be used to determine patterns of where calls came from, where problem areas were.

He said another application of GIS was and use by the Fire Department in mapping locations of water resource and hydrant locations. He said the GIS system was mobile, noting as an example that a Fire Department employee could use it to find a fire hydrant in the middle of a snowstorm.

Mr. Levesque said GIS was a useful resource for the entire community. He said Town staff would like to get the information on the Town web site so it would be available to the public and Town boards. He noted that the data would be restricted to use only, and that no editing would be possible.

Councilor Kraus said the catch basin scheme looked interesting, and asked how the GPS system located them.

Mr. Tardie said this could be done with varying degrees of accuracy, and provided details on this. He said the use of GIS was not just limited to critical infrastructure, and said the possible applications were everywhere.

Chair Sandberg asked what this technology cost the Town.

Mr. Levesque said the Public Works Department had been trying to move forward with GIS at \$20,000 per year over the past three years. He said they had done a tremendous amount with that money, and one of the great advantages was that Mr. Tardie had become available to the Town.

Councilor Peter Smith said he remembered when money was first appropriated for GIS in Durham and that he had asked, in terms of costs and benefits, if there was some way of knowing how this technology would pay for itself – by saving money in the long run or by making gains that might not be directly transferable to money but that were worth more than the money spent. He suggested that this still needed to be talked about.

Councilor Smith also said something that was becoming more of a concern, in this and other realms, was how information technology impacted privacy. He said that in a world of ever-greater complexity, there were benefits to this technology but said there could also be some real losses as well. He asked if perhaps, as an analogy to the medical field, there should be some kind of entity to look at whether the technology crossed certain lines that shouldn't be crossed. He noted he was raising this question for future discussion.

Councilor Carroll said she agreed with Councilor Smith, and said that although it was not the time for detailed discussion on this, the GIS experts present could perhaps make some brief comments on the issue that had been raised.

Mr. Levesque said there had been discussion on this issue, and it was realized that some data was sensitive. He said only the data that was approved would be displayed, and provided details on

how this would be determined. He also said that as the Town moved toward providing this data to the public, specific procedures should be set up.

Chair Sandberg said this would be an important topic for present and future Councils.

Councilor Kraus provided clarification that the concern being expressed here was about how mapping various features could impact privacy, and not about how GPS could impact privacy by being used to locate people.

Administrator Selig said when GIS was brought forward four years ago, the vision he had was to use GIS to empower land use boards to make good decisions. He provided details on how aerial photos could be used to create a visual image of what a proposal would look like. He said the issue he felt could be problematic was if the Town was to link assessing data, including the floor plan of a house, with aerial photo data, and said the question was to what extent one would want to make that data available. He noted that Code Enforcement Office Tom Johnson had been able to use this data to see that structures that were supposedly grandfathered were not.

Administrator Selig said that what was determined concerning the fishway provided information so that the Town wouldn't get into the kind of situation that happened with the Packers Falls Bridge. He stressed that his initial support for GIS was not the potential dollar savings, it was its potential usefulness for planning issues. He said he was very excited about this process.

Councilor Carroll asked if Mr. Tardie could add something to this.

Mr. Tardie said that the science of GIS was very capable, and said the key was to put shape and structure to the technology. He said the applications of GIS were endless, and Durham had a lot of information available for use in GIS, so the proper protocols needed to be applied to it.

X. Unfinished Business (NLT 8:00 PM))

- A. Public Hearing on and Adoption of Ordinance #2005-11 amending Chapter 175 "Zoning", Section 175-7 "Word Usage; Definitions" of the Durham Town Code relative to fraternity/sorority houses.

Administrator Selig explained that this proposed Ordinance was an offshoot of a recent ZBA variance decision concerning 10 Madbury Road. He provided details on this.

Councilor Needell noted the correct spelling of "bona fide".

Councilor Kraus MOVED to open the Public Hearing on Ordinance #2005-11 amending Chapter 175 "Zoning", Section 175-7 "Word Usage; Definitions" of the Durham Town Code relative to fraternity/sorority houses. The motion was SECONDED by Councilor Needell, and PASSED unanimously 7-0.

University of New Hampshire Student Senate External Affairs Chairman Nate Smith thanked the Council for holding the hearing on this Ordinance after Thanksgiving. He said he had spoken with Code Enforcement Officer Tom Johnson about the proposed Ordinance, and provided details on how his previous concerns about the ordinance had been alleviated.

There were no other members of the public who spoke concerning the proposed Ordinance.

Councilor Kraus MOVED to close the public hearing. The motion was SECONDED by Councilor Needell, and PASSED unanimously 7-0.

Councilor Kraus MOVED to Adopt Ordinance #2005-11 amending Chapter 175 “Zoning”, Section 175-7 “Word Usage; Definitions” of the Durham Town Code relative to fraternity/sorority houses. The motion was SECONDED by Councilor Needell.

Councilor Niman said he wanted to be clear on what he was voting for. He asked for clarification on what “bona fide member” meant, questioning whether if someone wanted to rent a room, and as a condition of the lease, agreed to join a fraternity, if this person would be a bona fide fraternity member.

Councilor Needell said he thought the reason that wording was put in was so that any attempt to use subterfuge would be invalid.

Councilor Peter Smith said he had suggested the use of that word because this was an area subject to abuse, and fraught with game playing. He said the message here was to not to try to get around this.

Chair Sandberg said the purpose of the change in this definition was to prevent fraternity houses from becoming rooming houses by renting living space to non-members.

Councilor Peter Smith said this provision was not before the Council because it was determined the law needed to be changed, it was because its meaning as previously written was challenged as meaning something other than what various people thought it meant. He said the ZBA had upheld the Zoning Administrator’s construction of the definition, which was exactly what this provision now said. He said the provision removed any further opportunity to muddy up the waters. Councilor Smith stressed that this action did not represent a new statute from which certain people were grandfathered.

There was detailed discussion by the Council of the wording of the revised definition.

Councilor Needell read the definition of fraternity, which included the fact that it had to be recognized by the University, and explained that fraternity house captured that definition.

Councilor Julian Smith asked if in recognizing a fraternity, the University imposed certain standards that had to be met. There was discussion about this.

UNH student Nate Smith said his understanding was that certain standards were imposed, and provided details on this.

Councilor Julian Smith asked if there was any code of conduct requirement that had to be met by a fraternity in order to maintain its standing as a recognized fraternity.

Chair Sandberg said he wasn’t sure this was germane to the present Agenda Item.

Councilor Julian Smith said his question was if the definition of fraternity included the requirement that it was recognized by the University, as part of keeping this recognition, were there any standards for the conduct of students?

Chief Kurz said the Police Department had a lot of interaction with the University concerning this. He provided details on this, and said the University did have a lot of control over conduct that occurred at fraternity houses.

Councilor Needell MOVED to change the spelling of “bona fied” to “bona fide”. The motion was SECONDED by Councilor Peter Smith, and PASSED unanimously 7-0.

Councilor Carroll asked if Nate Smith could perhaps share what students were saying about this proposed Ordinance.

Mr. Smith said that the main issue the Greeks were concerned about was that if all the beds of a fraternity/sorority house were not filled, renting out a few rooms allowed them to increase their revenues so they could maintain a functioning house, and provide the benefits of fraternity life.

The motion PASSED 7-0.

Chair Sandberg declared a five-minute recess at 8:27 PM.

The meeting resumed at 8:35 PM.

B. Continued deliberation on the proposed FY 2006 Operating Budgets and 2006-2015 Capital Improvement Plan

Chair Sandberg said he had not been present when the Council had last discussed the Budget. He said it was his understanding that action on the Budget was essentially postponed, pending a response from Administrator Selig of a prioritized list of how the Budget might be reduced by approximately \$200,000.

He said the Council now had before it a list of 47 suggestions, and said Administrator Selig would go over the list. But he said that in order to amend the Budget, there would need to be suggestions from Councilors on specific cuts that should be made. He said Councilors should therefore be thinking of what their own personal lists should include.

Administrator Selig said he had asked Town Departments to forward to him their prioritized lists of possible cuts. He said he assigned each department amounts he wanted to see, and noted that the total amount of possible cuts he had requested exceeded \$200,000. He provided details on his thinking concerning this.

Administrator Selig said he had then assembled this information into a spreadsheet in the order that made the most sense to him. He said he had tried to take into account the Council's goals, and to include things that would have the least impact. He provided details on the process he had gone through in developing the list, and said the goal was to empower the Council to make good decisions. He said the list showed how \$500,000 could be cut from the Budget. He said there were other areas that could be cut but were not on the list, because he tried to bring to the Budget process a great deal of discipline. He provided examples of this.

Chair Sandberg said the motion before the Council was to approve the Budget, and said he welcomed Councilors' motions to amend this original motion.

Administrator Selig noted that a spreadsheet of the fiscal forecast was available for Councilors to work with at the meeting, to see the impacts of different decisions. He also noted that if the use

of fund balance was dropped down to zero this year, this would increase the tax rate by about 10.5%. He said the Town could then get away with using no fund balance for the ensuing years, and the highest increase in the tax rate would be about 3.5%

Chair Sandberg said there seemed to be two perceptions of the fund balance. He said some people saw it as a way to hide the fact that the tax rate was going up, while others saw it as a shock absorber, to avoid big spikes in taxes from one year to the next. He said the Councilors had had a debate on this each year, but seemed to have come back to feeling that it was a shock absorber, therefore anticipating it might fluctuate from one year to the next.

Councilor Niman asked Administrator Selig what he had done in 2002, when the Council had voted to cut \$100,000 from the Budget.

Administrator Selig said he had looked at cutting programs that would have the least impact.

Councilor Kraus noted Chair Sandberg's previous words in the Minutes of 12/08/03 that it was in the best interest of the Town to maintain the fund balance at around \$1.5 million, and was presently on the wrong side of the curve. He said it wasn't clear if Chair Sandberg now had in mind a lesser amount, and how the shock absorber would play.

Chair Sandberg said it was his sense that the target should be \$1.5 million, but said he had also consistently said it was a shock absorber, so had to have some flex in it. He said he had imagined that plus or minus \$200,000 would be the shock absorber. He said he shared the concern of others that the fund balance amount would go down as low as \$909,000, but said this was out at 2008-2009. He said he was not in favor of locking in the fund balance number at \$1.5 million at this point, if it was needed to avoid big spikes in the tax rate. He said that by smoothing out the tax increase spikes, the tax burden got spread out over a greater population.

Councilor Needell said to raise the fund balance to \$1.5 million this year was not reasonable, so the best the Council could discuss now was to not use any fund balance this year, which would leave the fund balance at \$1.3 million. He said using \$277,000 right now would bring it down to \$1.1 million, and asked if the Council decided not to use \$135,000 instead of the \$277,000, what that would do to the \$900,000 fund balance value anticipated three years from now.

Mr. Beaudoin said that when the fund balance was adjusted for 2006, this affected the outer years, and demonstrated this with the spreadsheet.

Chair Sandberg said the Council could affect spending this year by making specific cuts. He said the other way to address the issue was just to discuss the fund balance, and to decide to either use less or more of it, which would cause the tax rate to go either higher or lower. He noted that in the past, the Council had gone through the line items in the Budget, and then had discussed the appropriate use of fund balance.

Councilor Needell said he would be happy to defer the discussion on fund balance.

Councilor Peter Smith said he would hope this discussion would be deferred to the end, but said this would depend on how individual Councilors viewed the fund balance as a device. He said he personally was convinced at the last meeting that the only sound purpose of fund balance was to deal with spikes, and that this was a socially useful thing to do, given how taxing occurred.

He said that before making a decision on the fund balance, the Council should look at the amount of money it would be spending this year. He said that since the Council had asked Town Administrator to develop a list of cuts, it should look at this list.

Councilor Peter Smith MOVED to reduce line item 3 from \$5,000 to \$2,500, and to adopt the Town Administrator's proposal to reduce line Item 19 by \$9,000. Councilor Niman SECONDED the motion.

Councilor Smith said he was in favor of the concept of having a separate line item for the ZBA legal fees, noting that it should have access to funds independently of the rest of the executive department for legal services, if necessary.

But he said that in knowing what the duties of that entity are, he felt that based on last year's experience, \$2,500 was more than enough to put in the Budget for this. He provided details on this.

Councilor Peter Smith said that concerning line Item 19, there was currently \$10,000 proposed in the Budget to do surveys, appraisals, etc. for the Conservation Commission. He said there were already significant funds available for this work, and said it was therefore somewhat artificial to have more than \$1,000 in this line item for those matters. He noted that the Conservation Commission was somewhat unique in having immediate access to other funds.

Councilor Needell said that supporting this motion did not indicate any lack of support for the Conservation Commission, or the worthiness of the expenditures they came up with. He said it was simply that there was plenty of other money currently in hand.

There was detailed discussion on funds available to the Conservation Commission, and what these funds should be used for.

Administrator Selig said the amount of \$5,000 for ZBA legal fees was appropriate, noting he had discussed this with Councilor Peter Smith. He provided details on the funding of the ZBA in recent years. He also said that the 10 Madbury Road matter had brought to light the issue of the autonomy of local boards.

Councilor Niman said perhaps a different way to get where Councilor Peter Smith wanted to go was to cut the legal budget down to \$60,000, since much of the funding that had been allotted hadn't been used.

Chair Sandberg noted that if this funding was not used, it wound up in the fund balance. He also asked if Councilors were perhaps fooling themselves by suggesting that this money be taken out, when the numbers were a best guess anyway.

There was additional detailed discussion about the motion on the table.

The motion PASSED 6-1, with Chair Sandberg voting against it.

Councilor Needell asked if it was appropriate to go beyond Administrator Selig's list of possible cuts, and was told it was.

Councilor Needell MOVED to remove \$10,000 in contracted services for the Planning Department. Councilor Niman SECONDED the motion.

Councilor Needell said his understanding was that the Planning Board would soon be looking at the Master Plan, but that it was premature to hire a consultant to assist with updating the Master Plan in the coming year. But he said he would like to hear more about this.

There was discussion on this, and Administrator Selig suggested postponing action on the motion until the Council found out what the intention of the Planning Board was concerning this.

Councilor Niman said it was his understanding that the Planning Board planned to revise 1-2 chapters of the Master Plan per year. He noted that the Parks and Recreation Committee had volunteered to work on one of the chapters, but didn't plan to use a consultant for this.

Administrator Selig said Councilor Niman's understanding was the same as his. He noted that the Parks and Recreation Committee had requested funds to get help in looking at the recreational parts of the Master Plan, and said he had told the Committee the Planning Board was going to be looking at the Master Plan anyway, so they should come up with a joint way of approaching this, using the same funds.

Councilor Peter Smith asked how much had been spent on the consultant who was assisting the Planning Board in updating the Zoning Ordinance.

Administrator Selig said \$27,000 had been expended in 2004, and \$14,800 had been spent through October of 2005, also noting the most recent costs had not been included in this figure.

**Councilor Needell withdrew his motion, pending research to be done on this matter.
Councilor Niman agreed the motion should be withdrawn.**

Administrator Selig stressed that he had made it clear to department heads that if money wasn't really needed for a project, it shouldn't be spent, and that it wasn't a "use it or lose it" situation.

Councilor Needell said he thought the cart might be before the horse on this issue, but said he could be mistaken, so would like to get some clarity on it first.

Councilor Julian Smith noted that Administrator Selig had asked the Library to cut \$20,000. He said he was happy to see that what Administrator Selig proposed to cut was only \$11,500, but said there shouldn't be any cuts in the Library budget.

Chair Sandberg said that if a Councilor didn't want to delete something from the Budget, he/she didn't have to say anything about a particular line item.

Administrator Selig said he agreed with Councilor Julian Smith. He said the proposed cut to the Library budget was to the adult collections, explaining that the existence of UNH Library resources caused this to make more sense than cutting the children's collection.

Councilor Kraus noted he had made the original request to cut the Budget, and said he would like to propose a motion concerning this.

Councilor Kraus MOVED to adopt line items 1-36 which included subtracting out the \$11,500 recommended by Councilor Smith, for a total of \$189,820. Councilor Niman SECONDED the motion.

Councilor Kraus said he respected Administrator Selig's ranking of this. He said the amount would be \$189,820 because the Council had already agreed to reduce the Budget by \$11,500 based on Councilor Peter Smith's motion.

Councilor Needell MOVED to amend Councilor Kraus's motion, by dividing it up into 36 parts and discussing each part individually. Councilor Peter Smith SECONDED the motion.

Councilor Needell said he was entirely opposed to the original motion, and said he had proposed his motion because he felt the Council had to take responsibility for these individual items.

Councilor Peter Smith said no one wanted to cut provisions in the Budget, but said since the Council and Administrator Selig had to go through this exercise, Councilors should take positions concerning the list of possible cuts.

Councilor Niman said he was fully prepared to make some cuts, and was fully prepared to go beyond the list Administrator Selig had developed. But he said he would like to speak in opposition to the original motion, explaining that there were things in items 1-36 that he did not want to be cut.

Chair Sandberg said he agreed with Councilor Needell and Councilor Peter Smith, and would vote against the original motion. He also said he would vote against the proposed amendment, stating there was no need to discuss every item in 1-36.

Councilor Carroll said she agreed with what Councilor Smith had said. She said democracy could be a long, slow process, and said she saw a shortcut being attempted here.

The motion to amend FAILED 2-5, with Councilor Needell and Councilor Peter Smith voting in favor of it.

Councilor Niman spoke against the original motion, and said there were other ways to get money out of the Budget. He said he didn't share Administrator Selig's views concerning some of the 1-36 items.

Councilor Kraus noted that many people had said that Administrator Selig knew more about what was going on in Town, and said it was in that spirit that he had proposed this motion. He also said he wanted to get beyond the nickel and dime approach.

The original motion FAILED 1-6, with Councilor Kraus voting in favor of it.

Chair Sandberg asked what Councilor Niman would choose to cut, and not necessarily looking just at Administrator Selig's list.

Councilor Niman said he was supportive of the MIS position, but said he didn't understand how it was being implemented in the Budget. He suggested ways in which the MIS person could perhaps assist in the work of other departments, for example, compiling arrest data for the Police Department (item 34 on the list - \$4,950).

Chair Sandberg asked if Councilor Niman wished to reduce the Budget by a certain amount.

Councilor Niman said he was not sure how much of the \$4,950 in line item 34 pertained to reports.

Chief Kurz provided details on this, and on the data itself.

Administrator Selig said he hadn't looked into savings in this area, using the MIS position.

Councilor Niman also asked if perhaps the MIS person could reduce some computer related expenditures of the Fire Department, noting an overtime line item of \$9,450 in the Budget related to this. He said the GIS presentation had showed the possibilities of better integration of data between departments, and suggested that the Fire Department could be charged for the use of the MIS person for computer related projects.

Mr. Beaudoin provided details on the fact that they were planning to split the MIS job between departments, and to charge this out accordingly.

Councilor Niman MOVED to reduce \$2,000 from the Police Department Budget relative to line item 34, and to cut the overtime budget of the Fire Department by \$9,450. The motion was SECONDED by Councilor Kraus.

Councilor Niman said he thought this was a way to reduce the Budget without reducing services for citizens.

Councilor Needell said he would like some clarification concerning the proposed cut to the Police Department Budget. He said it was not clear, given what Chief Kurz had said, that it was as simple as tweaking the database, or if it was appropriate for the MIS person to do this work. He also said he would like information on the Fire Department portion of the motion.

Administrator Selig said he had made a reduction to the Fire Department Budget, given the MIS position. But he said it wasn't yet clear which functions were more appropriate for the MIS person to take on.

Councilor Peter Smith said he would like to see the Police Department information.

Chief Kurz said he felt he had presented a lean budget for the Police Department, although he said an additional \$2,000 cut was doable. But he said if this item were cut, it would impact the information the Department could readily provide to the Council. He provided details on this.

Councilor Peter Smith asked what percentage of the \$2,000 was devoted to the computer data work that work study students did, and Chief Kurz said about half of this amount was spent on this.

Chair Sandberg noted that the Council had asked for this data, so it came down to an un-funded mandate if the Council didn't fund this.

Councilor Julian Smith MOVED to delete the 10:00 pm adjournment time. The motion was SECONDED by Councilor Needell, and PASSED 7-1, with Councilor Kraus voting against the motion.

Administrator Selig noted that the Town paid for only 25% of the cost of these work study employees, which was a real benefit to the Town.

Councilor Peter Smith said for him, a much higher standard had to be met in cutting items from the Fire Department Budget, as compared to other departments. He also said the Town was in the

process of hiring a new Fire Chief, and said he felt a central role of the new Chief would be to go through the Department's budget and see how money could possibly be saved.

Councilor Carroll asked what other benefits there were from using interns at the Police Department.

Chief Kurz provided details on this, and said this was one of the ways in which the University provided benefits to the Town.

The motion FAILED 3-4, with Councilors Niman, Kraus, and Julian Smith voting in favor of it.

Councilor Kraus MOVED to cut the Swan funds. Councilor Niman SECONDED the motion.

Councilor Kraus said although this was a small amount, the funding was in opposition to the present signage at the pond, so seemed to be contrary to what the Town's policy was.

Councilor Needell said this was an historical service being provided, and said he had no interest in removing it from the Budget. He said the existence of the sign was irrelevant.

Councilor Carroll said Marjorie Milne, Durham's Swan Keeper, said this Budget item was important, because the swans liked the nutritious grain and thus came back to Durham each year.

Councilor Peter Smith said this was a picayune amount, and could be the most foolish vote the Council would take all year long. He said Marjorie Milne was very important to Durham, and said if Councilors wanted to pass this motion, they would be penny wise and pound foolish.

Councilor Kraus said this was why he had brought this motion forward, to show the eccentricities of the Town.

Councilor Julian Smith said he would vote against this motion, and also said he would like see the signs removed. He said the signs were mean-spirited, and also asked when the Council would start talking about some serious money.

Chair Sandberg said he would vote against this motion.

The motion FAILED 0-6-1, with Councilor Kraus abstaining.

Councilor Kraus said he had abstained out of fear, given the implication of Councilor Peter Smith's comments on the repercussions of voting in favor of the motion.

Councilor Niman said he didn't understand item #5, concerning the consultant for the Zoning Rewrite process.

Administrator Selig said he didn't want to take the chance of not having the money available if the Zoning Ordinance didn't get adopted in January.

Regarding Item 4, a third telephone line, Councilor Niman asked if the Town could look at the possibility of shifting to voice over IP, to reduce the number of land lines needed for the Town, and to reduce telecommunications costs.

Mr. Beaudoin said the Town Hall was rewired with the future capability of doing this, and provided details on this. He said they would be moving in this direction in the future.

Administrator Selig noted that health insurance cost increases had been higher than anticipated, so an additional \$16,758 needed to be added to the General Fund Budget. He asked the Council to consider adding this amount to the Budget.

Councilor Peter Smith noted that in past years there had been a gap between the estimated and the actual amount of increase, and there was discussion about this.

Councilor Needell asked what the implication was if the Council didn't vote to add this to the Budget.

Administrator Selig provided details on this, and explained that the Town was contractually obligated to pay this amount.

Councilor Needell MOVED to add \$16,758 to the Budget to cover insurance increases.

The motion was SECONDED by Councilor Peter Smith.

Councilor Needell said this was not an expenditure that was discretionary, and explained that this was his reason for supporting it in his motion.

The motion PASSED 5-2, with Councilor Kraus and Councilor Julian Smith voting against it.

Councilor Julian Smith MOVED to cut the line item concerning the "Durham: It's Where U Live" program. Councilor Niman SECONDED the motion.

Councilor Smith said this program was a well-intentioned effort to prettify relations between the Town and UNH, but he said the University should be doing this anyway, so the Town didn't need to support them in that effort.

Councilor Carroll said she took exception to this. She said it was one way to look at things, but said there was a lot going on with the program, noting she had attended a couple of their meetings. She said the program provided a wonderful opportunity for the Town and University to meet under the same umbrella, and to do some important things.

Councilor Needell said this was a token amount of money, and said it was important to collaborate with the University where possible. He said students were aware of the program, and also said it was important to the Durham Business Association, which also helped to fund it.

Chair Sandberg said this represented a moderate investment, and noted there had been improvements in Town/student relations in recent years.

Councilor Peter Smith asked Administrator Selig if he felt the money for the program was well spent.

Administrator Selig said that at the present time, he felt the program was valuable, and had been useful in reducing problems with the neighborhoods.

The motion FAILED 1-6, with Councilor Julian Smith voting in favor of it.

Administrator Selig noted that he was also requesting an increase of \$1,921 to the Water Fund Budget and \$2,758 to the Wastewater Fund Budget because of insurance increases.

Councilor Needell MOVED to approve an increase of \$1,921 to the Water Fund Budget and an increase of \$2,758 to the Wastewater Fund Budget. Councilor Peter Smith SECONDED the motion.

Councilor Carroll received clarification from Administrator Selig that these funds would have to be used.

The motion PASSED unanimously 7-0.

Chair Sandberg said the Council would meet the following Monday to continue this discussion on the Budget and CIP.

XI. New Business

None

XII. Nonpublic Session (if required)

None

XIII. Adjourn (NLT 10:00 PM)

Councilor Niman MOVED to adjourn the meeting. The motion was SECONDED by Councilor Peter Smith, and PASSED unanimously 7-0.

Adjournment at 10:30 pm

Victoria Parmele, Minutes taker