

*This set of minutes was approved at the February 6, 2006, Town Council meeting.*

**DURHAM TOWN COUNCIL**  
**MONDAY, DECEMBER 19, 2005**  
**DURHAM TOWN HALL – COUNCIL CHAMBERS**  
**6:30 PM**

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

**MEMBERS ABSENT:** None

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

**I. Call to Order**

Chairman Sandberg called the meeting to order at 6:30 PM.

**II. Approval of Agenda**

*Councilor Julian Smith MOVED to approve the agenda as presented. The motion was SECONDED by Councilor Kraus and PASSED unanimously.*

**III. Nonpublic Session**

*Councilor Julian Smith MOVED to go into Nonpublic Session in accordance with RSA 91-A:3 II (b), the hiring of any person as a public employee. The motion was SECONDED by Councilor Kraus, and PASSED unanimously 9-0 on a roll call vote as follows:*

<i>Julian Smith</i>	<i>AYE</i>	<i>Neil Niman</i>	<i>AYE</i>
<i>John Kraus</i>	<i>AYE</i>	<i>Malcolm Sandberg</i>	<i>AYE</i>
<i>Diana Carroll</i>	<i>AYE</i>	<i>Mark Morong</i>	<i>AYE</i>
<i>Karl Van Asselt</i>	<i>AYE</i>	<i>Jerry Needell</i>	<i>AYE</i>
<i>Peter Smith</i>	<i>AYE</i>		

The Council returned to public session at approximately 7:15 PM.

*Councilor Kraus MOVED to seal the Minutes for the nonpublic session. Councilor Needell SECONDED the motion, and it PASSED unanimously 9-0.*

**IV. Special Announcements**

There were no special announcements.

**V. Approval of Minutes**

November 14, 2005

***Councilor Kraus MOVED to approve the November 14, 2005 Minutes as submitted.***

The following amendments were made:

Page 5, 3<sup>rd</sup> full paragraph, should read “..the proposed 12% increase in the Town Council expenditure.”

Page 6, for the first motion on the page, delete “*and PASSED unanimously*”.

Page 14, the motion to adjourn should say it was seconded by Councilor Morong.

***Councilor Kraus MOVED to approve the amendments to the Minutes. The motion was SECONDED by Councilor Carroll, and PASSED unanimously 9-0.***

***The motion, as amended, PASSED unanimously 9-0.***

November 21, 2005

***Councilor Kraus MOVED to approve the November 21, 2005 Minutes as submitted. The motion was SECONDED by Councilor Julian Smith.***

Page 1, first line: delete "Budget Work Session" (this was a regular meeting); also, under "MEMBERS PRESENT", indicate that Councilor Van Asselt arrived at 7:09 PM.; also, bottom paragraph should read “Director of Public Works Michael Lynch said that within the past year...”

Page 2, 3rd line, should indicate the time of Councilor Van Asselt's arrival-7:09); also, page 2, 2nd line of 3rd paragraph under Approval of Minutes, change the "m" after "Page 10" to a comma; also, second to last bullet at bottom of page, put an apostrophe and a comma in "Durham, It's Where U Live".

Page 6, second motion at top of page, in the first line of the motion, after the word "adopt", add "Ordinance 2005-10(A) to amend"; also, 5th paragraph should be amended to read "Councilor Kraus asked if the car were in motion, would it be towed?"

Page 7, 2nd paragraph, should read “Councilor Morong said the next sentence Councilor Niman had not read from the University Master Plan could be interpreted...” ; also, 7th paragraph should indicate it was Peter Smith who spoke.

Page 8, 7th paragraph, the spelling of Councilor Van Asselt's name in the first line should be corrected.

Page 10, the first sentence of last paragraph should be amended to read "elderly housing, either single family or duplex".

Page 12, between the 8th and 9th paragraphs, the information that "Councilor Niman called for a five minute break at 8:49 PM” should be added.

Page 13, the 4th paragraph from bottom should be amended to read "Councilor Niman said he didn't believe the town had the authority to prohibit hunting."

Page 15, the last line of first paragraph, the superfluous "and" should be deleted in the 3rd line of 7th paragraph, add "to" after "more able"; also, 3rd line of last paragraph, add "on" after "development".

Page 18, 10th paragraph should indicate that Councilor Van Asselt, not Councilor Kraus, seconded Councilor Kraus's motion.

Page 20, bottom of the page: change the reference to adjournment to reflect that the meeting was continued.

***Councilor Kraus MOVED to approve the amendments to the November 21, 2005 Minutes. The motion was SECONDED by Councilor Peter Smith, and PASSED unanimously 8-0-1, with Chair Sandberg abstaining because of his absence from the November 21, 2005 meeting.***

***The November 21, 2005 Minutes, as amended, PASSED 8-0-1, with Chair Sandberg abstaining because of his absence from the November 21, 2005 meeting.***

## **VI. Report of Administrator**

Administrator Selig provided the following updates:

- Winter sand and salt mixture is available for residents, and can be obtained behind the Town Office in the old Public Works overhang.
- The Public Works Department has submitted the second grant application of \$200,000 for the former Craig Supply property (now know as Depot Road site) to the EPA.
- Residents should take note of an unusual act of cooperation in Town. The Town Council, Planning Board, and UNH jointly filed a request for rehearing of a variance application that had previously been granted by the ZBA. The request for rehearing was granted at the December 13<sup>th</sup> ZBA meeting, and the application was re-heard. The ZBA had voted unanimously to reverse the previous decision, based on the fact that the application did not meet the hardship criteria, and did not meet the spirit and intent of the Zoning Ordinance. This is a very positive outcome, from the Council's point-of-view.
- Item C of the Unanimous Consent Agenda involves two agreements - one concerning Jackson's Landing, and the other concerning the use of the UNH pool. A major change in the proposed new agreements was that the issue of boat trailers parked at Jackson's Landing had been linked to the use of the UNH pool by residents.

The Jackson's Landing agreement addresses issues that had developed over the years, including the need for lighting and trash receptacles, and the need for assurances that the crew team would keep the area in an orderly condition.

The UNH pool agreement assured the Town that the continuation of the outdoor pool was provided for in the UNH Master Plan and Strategic Plan. UNH agreed to provide the Town with user rates by October 31<sup>st</sup> of each year. The voucher system currently

in effect would continue, and users would be able to park free in the Woodside parking lot.

Administrator Selig noted that the pool was owned by the University, but said if UNH felt it was appropriate to close the pool for some reason, it would be obligated to give the Town timely advance notification. He said this would give the Town the opportunity to engage the University in discussion, and to make some decisions of its own as to how it might want to react.

- All Town Offices will be closed on Friday and Monday, in observance of the Christmas holiday. Offices would also be closed on January 2<sup>nd</sup>, 2006 in observance of New Years.
- The 2006 Recycling Center permits are available at the Public Works Department.

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

**Councilor Carroll** reported on increasing ridership on the Amtrak Downeaster, stating that there were over 6,000 departures and arrivals in October. She said preliminary figures for November were also good, and said this indicated that the Downeaster was continuing to be used by many people in the area, even with gas prices going down. She noted the many benefits of using the train as a means of transportation.

Councilor Carroll also encouraged residents to shop downtown and support local businesses during the last week of holiday shopping.

**Councilor Morong** said the Rental Housing Commission had met that week, and had received reports from the different Town departments. He said the police report indicated that arrests were up, which was seen as a positive thing in that it indicated that UNH was policing students more than it previously had. He said the report also said that noise complaints were down, but thefts were up.

Councilor Morong said the major focus of the meeting was to divide writing the update of the information booklet for owners of rental properties and have it ready by June 1<sup>st</sup>. He also reported that the new edition of the UNH Commuter Guide will be out this summer and ready for students when they arrive for the fall semester.

**Councilor Needell** said the Planning Board had approved a conditional use application for a building at 33 Madbury Road, which had most recently been used as a fraternity house. He said the use was changing to a six-unit apartment building, noting the original conditional use application for the property had been filed in the summer of 2004, but was then postponed after the initial public hearings.

Councilor Needell also said the Planning Board had worked on responding to the Town Council's requests for changes to Section B of the proposed Zoning Ordinance changes. He said these would be finalized in January.

**Councilor Niman** said the Parks and Recreation Committee had met the previous week. He noted there was currently an opening on the Committee. He also said that the new director of the Oyster River Youth Association had spoken at the meeting, and said there was a lot of interest in turning that organization in a positive direction.

Councilor Niman said representatives from the Parks and Recreation Committee would come before the Council at its January 9<sup>th</sup> meeting to talk about a grant application to complete some walking bridges out on Longmarsh Road which would allow people to walk along from one end of Longmarsh to the other end. He said it was an exciting project.

Councilor Niman said the Jackson's Landing committee had met earlier that day, and was moving forward with the survey of the property. He said the Committee would be soliciting public input in February to determine the kinds of activities people would like to see at Jackson's Landing. He also said the Committee hoped to have a proposal to bring before the Council next summer.

## **VIII. Public Comments**

**Arthur Grant , 261 Mast Road,** noted that he had emailed Council members urging reconsideration of its decision the previous week to not use fund balance. In order to ease the burden on Durham taxpayers in 2006, he said he would like to repeat this request, as the Council prepared to take final action on the Budget. He described the local tax increase expected for his own property, if fund balance was not used, as well as the expected increase in school taxes and probably the county portion of taxes as well. He said these amounts added up to a \$600 increase in the average Durham property owner's taxes in 2006, and said this was a significant increase for one year.

Mr. Grant said he appreciated the fact that the municipal portion of the taxes was less than 25% of the total bill, and that a 5% reduction of the municipal portion of the tax bill through using a modest amount of fund balance would be just \$103. But he said in a year of soaring energy costs, healthcare costs, a struggling economy, and minimal increases in social security payments, he believed that all Durham property owners would welcome any reduction in property taxes.

Mr. Grant said that using \$276,000 of fund balance to reduce the 2006 tax burden, as recommended by the Town Administrator, would still leave more than \$1 million in the fund balance, which was enough to meet unexpected expenses. He also noted that the 2006 Budget already included \$100,000 in contingency funds to meet unexpected needs.

Mr. Grant said he found it interesting that the Town in New Hampshire with the lowest property taxes, Newington, maintained a fund balance of less than \$500,000, and said a \$1 million fund balance for Durham therefore should be adequate.

**William Hall, 1 Smith Park Lane,** provided details on a recent situation at Jackson's Landing, where UNH boat trailers were left parked there. He said this kind of thing engendered a poor attitude toward the Town, and said there was no reason why this had to happen. He provided details on alternative approaches that could be used by UNH.

Mr. Hall also spoke in detail on the fact that the Town currently paid the University \$65,000 in rent for the fire building. He said locating a new Fire station was a way the Council could save money, and said the sooner this was done, the sooner that money would go into paying for the Department's work, and not for rental of the building. He provided details on the appropriate part of Town to place a new fire station, on the periphery of the University campus, near the B lot.

Mr. Hall provided additional details on the frustration of trying to convince the Council and the Town Administrator on various issues. He said among other things that the Council should audit its past behavior in order to see where it went wrong.

**Marjorie Smith, 100 Piscataqua Road**, noted that she was a representative to the NH General Court for Durham, Lee and Madbury. She said she spent a lot of time in that capacity working on the State Budget, and said she had enormous sympathy for the Council as they deliberated on the Budget, stating that the difficulties were in part because of the downshifting process the State was going through. She said while the State had a number of options for raising funds, the local government had almost no options. She noted that the terms “home rule” and “local control” weren’t really true for New Hampshire, and said the Town only had the power the State had given it.

She provided details on the School District’s determination to accept SB2 as the means of voting. She said the people who pushed hard for this felt more people would turn out to vote if voting took place outside of the traditional school meeting, where those who turned out for school meetings were willing to pay for it. She provided details on what had resulted from this, and said there were many towns in NH who now wanted to revert back to the system used before SB2 went into effect. She said the Council might want to look at raising that issue within the School District, to think about whether a way could be found to increase public involvement in the making of the School budget.

She said she had watched the Council proceedings the previous week, and noted that a subject of conversation was the idea of possibly withdrawing from the School District. She said the State had laid out a very complicated procedure the Town would have to follow if it wanted to do this, in the hope of providing quality education at an affordable price. She provided details on this, and urged the Council to think about what it wanted to accomplish, so Durham could continue to stand tall in terms of the quality of education provided, while recognizing the incredible burden being placed on taxpayers to pay for this education.

Chair Sandberg thanked Representative Smith, and asked that the Council receive copies of the references she had made.

**Tom Richardson, Little Hale Road**, said he would like to publicly thank members of the selection committee for their work in choosing the new Fire Chief.

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

Board members agreed Unanimous Consent Agenda Items B and D could stay on the Agenda, and that Items A, C and E should be removed.

- B. Shall the Town Council approve a sewer abatement request for property located at 53 Edgewood Road?
- D. Shall the Town Council approve a non-industrial sewer connection/extension application submitted by Courthouse Ventures, LLC as recommended by the Water, Wastewater, and Solid Waste Committee?

***Councilor Kraus MOVED to approve Unanimous Consent Agenda Items B and D. The motion was SECONDED by Councilor Julian Smith, and PASSED unanimously 9-0.***

- A. Shall the Town Council confirm the appointment of Peter O’Leary to the position of Fire Chief, as recommended by the Town Administrator?

Chair Sandberg noted that the Council had had a nonpublic session that evening to discuss this recommendation. He provided details on the process by which the Fire Chief was chosen, noting that two Council members had participated on the selection committee, and that the actual selection was made by the Town Administrator. He said the Council’s role, as required by the Town Charter, was to give advice and consent on the selection.

Administrator Selig said that the selection of Department heads was one of the most important ways the Town Administrator could have a lasting impact on the community. He provided details on this. He said a national search was undertaken to find the new Fire Chief, and described the process that was undertaken by the Town to find the right person for the job.

He noted among other things that he had traveled to Wheaton, Illinois, where Mr. O’Leary presently worked, to learn more about him. He spoke in detail about Mr. O’Leary and the key qualifications he brought to the job, stating that Mr. O’Leary’s advanced education was essential in Durham in order to relate to an educated population.

Administrator Selig asked the Council to grant its consent to hire Mr. O’Leary as the new Fire Chief.

***Councilor Kraus MOVED that the Town Council hereby grants its “advice and consent” to the appointment of Peter O’Leary to the position of Fire Chief, as recommended by the Town Administrator. Councilor Peter Smith SECONDED the motion, and it PASSED unanimously 9-0.***

Chair Sandberg thanked all those who had participated in this process, and said the Council would appreciate the support of Town staff in welcoming Mr. O’Leary to Durham in January.

- C. Shall the Town Council authorize the Town Administrator to sign the University of New Hampshire Outdoor Swimming Pool Use Agreement and the Jackson’s Landing Boat Launch Agreement between the Town of Durham and the University of New Hampshire?

Councilor Peter Smith said in many respects, the current agreement followed the previous one, although it was much improved. But he said that some of the paragraphs in section 7 were stock paragraphs, with no legal significance, and also said that some of the paragraphs could possibly lead to trouble in terms of whether there was Town or University responsibility for the things that were being discussed in the agreement, and provided details on this. He said perhaps these paragraphs didn’t belong in the agreement.

Chair Sandberg asked Councilor Smith if it was therefore premature to be considering the agreement, given the language before the Council. There was discussion about this.

Councilor Peter Smith also noted that unlike the previous agreement, which was between the Town and the University of New Hampshire, the new agreement was said to be between the Town, the University of New Hampshire and the “University System of New Hampshire”, as indicated on the signature page. He provided details on this, and also said he had some additional minor comments about the agreement.

Chair Sandberg said that perhaps the two agreements should be dealt with in two separate motions.

***Councilor Julian Smith MOVED to authorize the Town Administrator to sign the University of New Hampshire Jackson's Landing Boat Launch Agreement between the Town of Durham and the University of New Hampshire. Councilor Peter Smith SECONDED the motion.***

There was detailed discussion about the paragraphs in Section 7 Councilor Peter Smith had referred to. Administrator Selig provided details on the thinking behind each of them, and said he felt all were important to include for one reason or another. Administrator Selig also explained the reason why the signature page of the agreement was handled the way it was, noting that some boilerplate language was being used in all the agreements with the University, including the signature page. He said the goal was simply to provide consistency in all the documents.

Councilor Peter Smith said the problem here was that the wording in this section of the agreement was obscure, and said whomever it was who wanted to take responsibility, whether it was the Town or the University, this should be stated in the appropriate paragraphs in Section 7 of the agreement. He said this was otherwise an agreement looking for people to make arguments about later on.

Councilor Smith said he was all right with having three parties sign the agreement. He also noted 8 B, concerning indemnity, and asked how injury caused by private persons would be handled.

Administrator Selig said this would mean that private groups would be required to carry insurance before being allowed to use the facility. He said that private individuals wouldn't be required to have this kind of insurance.

Councilor Peter Smith said given that this was a property owned by the Town, the building was owned by the University, and there was joint usage, the agreement should be clear as to who would be required to do what concerning private persons. He said if the Town viewed this as its obligation, this should be specified. He said he wanted to avoid future conflict between these two public entities, if a private entity damaged the property.

Councilor Van Asselt said he agreed with Councilor Smith, and asked if it would be possible to write Section 7 in a way that made it clear what the responsibilities were.

Councilor Julian Smith asked if Councilor Peter Smith would be willing to suggest revised language that would take care of the problems with some of the paragraphs in Section 7 of the agreement.

***Councilor Van Asselt MOVED to postpone action on this matter, and to direct Councilor Peter Smith and the Town Administrator to address and refine the language in the agreement, and to bring it back to the Town Council at a future date. Councilor Julian Smith SECONDED the motion.***

Councilor Morong asked why, as Item 7 G indicated, the proceeds from fees charged for the use of the Public Space should be split with the University. He said it was the Town's space, and asked why it was fair to split revenues that might be generated with this space.



Administrator Selig said that the building itself was owned by the University. He noted the fee was a carryover from the past.

Councilor Peter Smith said an additional reason it was a good idea to postpone voting on the agreement was if the Town Administrator felt that further thought needed to be given to it, given the Town's plan to move forward with the work of the Jackson's Landing Committee. He said perhaps there might be things that came along in the next year concerning the use of that property, so there should be some things in this agreement that could prevent problems related to this.

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

Chair Sandberg said those who had further insights on the agreement should share these with Councilor Peter Smith and Administrator Selig.

#### **D. UNH Pool Agreement**

***Councilor Van Asselt MOVED to authorize the Town Administrator to sign the University of New Hampshire Outdoor Swimming Pool Agreement between the Town of Durham and the University of New Hampshire. Councilor Julian Smith SECONDED the motion.***

Councilor Peter Smith said that on Page 1, the first five words should be deleted at the bottom of page 1, and should start with "The current...."

He said that on Page 2, Item 5 should read "...UNH shall grant residents of the Town..."

Councilor Smith said Item 7 should read "However, UNH acknowledges and appreciates that the Town..."

Councilor Smith said the wording in Item 8 that the operation of the pool was grandfathered was probably legally wrong, noting the exception to grandfathering was health and safety, which most likely applied here.

Administrator Selig said this had been an issue with NHDES a few years back, when the pool did not meet State standards. He said Durham had intervened at that time, stating the pool was an historical asset, and should be allowed to continue to operate as a grandfathered site. He said NHDES did give some dispensation to the site, stating he wasn't sure the word grandfathered was used for this, but it was the word the Town and the University used. He said he could get some clarification on this.

Councilor Peter Smith said the word did have some specific legal meaning, and said in this circumstance, it was more of a matter of grace.

***Councilor Peter Smith MOVED to postpone action on this agreement until the grandfathering issue could be researched. The motion was SECONDED by Councilor Julian Smith, and PASSED unanimously 9-0.***

Councilor Van Asselt asked Administrator Selig to be sure that when the two agreements came back to the Council, they came back together.

- E. Shall the Town Council schedule a Public Hearing for Monday, January 9, 2006, on an Initiative Petition submitted by Ed Valena to "encourage the Durham Town Administrator to modify the

current Public Works dress code so as to allow workers at the Town Transfer Station to wear short pants on days which the facility is open to the public during the hot summer months (as safety allows).”

Chair Sandberg said he had suggested that this Item come off the Unanimous Consent Agenda, because it was not clear what the public hearing would be on. He said he had read the petition as a statement of encouragement, and said it was his sense that the Council could welcome citizens to come to a meeting to speak on this. He questioned the appropriateness of having a public hearing on this issue.

Councilor Peter Smith and Councilor Needell agreed there was a problem with the language of the petition, and provided details on this. Councilor Needell suggested that the Council accept the petition, pass it to Administrator Selig, and ask for his response. He also asked that it be relayed to the petitioners that they there were invited to make a presentation on this issue as an Agenda item or under the Public Comments portion of the meeting. He said it would be appropriate if a request were made at that point for the Town Council to weigh in.

***Councilor Needell MOVED to refer this petition to the Town Administrator for his response. The motion was SECONDED by Councilor Van Asselt.***

Councilor Kraus noted that two Council members had already signed the petition, and questioned how this related to voting on the issue.

Chair Sandberg said this was a political initiative, and said the Council as a body had no authority to take action on this kind of thing. He said he might have signed it, noting he liked the idea of a relaxed dress code. But he said his sense was that if the Council voted on this, it would be micromanaging the situation, and would be violating the Town Charter.

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

Councilor Carroll asked if this should perhaps be an Agenda item at a future meeting, since public comments were only supposed to last 5 minutes, and Mr. Valena might like to speak longer. There was discussion about this.

Councilor Julian Smith asked if it would be improper for the Council to encourage, as opposed to direct, in this instance.

Chair Sandberg said the Council could ask the Town Administrator to reevaluate the policy and report back to the Council with his logic on this. It was agreed that in essence this was what the Council had just done.

Councilor Kraus said he had voted against this because he felt it was a picayune issue, and said this was problematic.

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

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

Chair Sandberg spoke about the lengthy deliberation on the Budget and CIP in the past few weeks. He said the Council had run out of proposed amendments the previous week, and said the final decision of the meeting had to do with the use of fund balance. He said the vote was

7-1 to not use any fund balance, and said the documentation on this was in Councilor's packets.

Councilor Van Asselt noted that Administrator Selig had made frequent reference to the fact that the UNH agreements made a difference in terms of new revenues for the Town. He asked Administrator Selig to provide some detail on what that meant.

Administrator Selig said the water and sewer agreement was not designed to result in new revenues. He said the fire agreement and the school agreement would generate revenue, which would go into the General Fund, and said these numbers were reflected in the fiscal forecast.

Councilor Van Asselt asked if the increase in revenues from the school agreement would go to the operation of the School District.

Administrator Selig said the agreement was between the University and the Town, so payments under the School agreement went directly to the Town and not to the School District.

Councilor Van Asselt asked if this money would go into the General Fund, and Administrator Selig said it would be in 2006. Councilor Van Asselt said the new money for the school agreement and fire agreement coming to the Town totaled about \$200,000 in revenue for the Town to work with in its General Operating Budget.

Administrator Selig said this was money that would help offset increases in spending.

Councilor Peter Smith asked if that figure was based on full implementation of the agreements, or just the first year.

Administrator Selig said the figure was based on the first year of the agreement, and said the amount increased in the second and third years.

Chair Sandberg noted that the Town would have to raise \$200,000 more in taxes if it didn't have the revenue from these agreements.

Councilor Needell pointed out that in the last year's Budget, the surplus of \$100,000 was returned back to fund balance. He noted that the use of \$440,000 of fund balance was authorized the previous year, and said it was not clear to him what was actually used.

Mr. Beaudoin explained that in the 2005 budget, \$440,000 in fund balance was used in setting the tax rate. He said it wasn't yet known how much of this would actually be used, and said he would get the definitive number when the annual audit was done.

There was discussion on the fund balance numbers in the Budget document.

Mr. Beaudoin said the fund balance carryover generally averaged \$100,000 a year, and came from various sources. He noted that because of the action of the Council the previous year because of the Packers Falls Bridge issue, money that would have been left over was diverted to that project. But he said that generally, some money could be found, either from more revenues or less expenditures. He explained how the fund balance numbers in the Budget reflected this.

Councilor Morong asked what the State recommended that the Town carry for fund balance.

Mr. Beaudoin said there was a wide range of recommendations on setting the tax rate. He said the State based the fund balance on a percentage of the Town's total tax liability, and provided details on this.

Administrator Selig said the Department of Revenue Administration provided guidance on percentages that were appropriate, and said that based on this, the Town had targeted the 5% level, which was \$1.436 million.

Councilor Morong said that was the lowest recommended percentage. He also noted that when the Budget revenues had been projected for 2005, the Town was contemplating moving to the dispatch center and receiving about \$200,000 in revenues as a result of this.

Mr. Beaudoin said the Town had anticipated a reduction in costs of \$200,000 from the shared Dispatch Center.

Councilor Van Asselt said there was a 4% increase in user fees for water, and a 2.9% increase for sewer. He asked how long these fees would keep going up before they would level off.

Administrator Selig noted that page 145 of the Budget showed this, and provided details on the information there.

Chair Sandberg said the water fees would increase until 2012, at a rate of about 8%.

Administrator Selig pointed out that there were increases as well as decreases in sewer fees out to that time, and said these tracked along with improvements being made to the system.

Councilor Van Asselt said that for those residents like him who used Town water and sewer, the increases represented a significant amount. He said there apparently was not much that could be done about this, but said it was quite a chunk of money over a 10-year period.

Administrator Selig noted that the staffing component of this cost was relatively flat, and said it was the capital improvements that caused the cost increase. He said when one looked at the long-term cost of running the wastewater treatment plant, these would depend on the choices that were made in terms of long-term upgrades, and provided details on this. He said at present, the Town was trying to work with NHDES to get as much as possible out of the plant with improvements that had already been made, without having to make additional improvements.

He noted the improvements planned for the Wiswall Dam, saying there was hope there would be some grant funds, but that this was not assured. He also spoke about the water line improvements needed for Madbury Road, and the collection system upgrades and other things needed for the sewer infrastructure. He said the Town would look for cost savings where it could, for these projects.

Councilor Van Asselt said other revenues needed to be found to help pay for these improvements.

Chair Sandberg said Town staff should look closely at possible grant moneys for these improvements, pointing out that other Towns took advantage of this.

Councilor Morong asked if Administrator Selig saw the Town hitting the wall in the future, in terms of the EPA and the Wastewater Treatment Plant. He said it didn't look like the CIP numbers took into account when the Town might have to make major improvements to the plant.

Administrator Selig said the \$3.3 million in the CIP for 2008 did take into account major improvements on the horizon. He said the idea was to bond a significant portion of that.

Councilor Morong asked if this included the ideas of a regional outfall pipe, or dredging of the river, and Administrator Selig said he believed it did.

Councilor Peter Smith referred back to the issue of the fund balance, and the recommendations of the Department of Revenue Administration. He asked if the range of recommendations considers the form of government a particular community had.

Mr. Beaudoin said they did not, and also said the Department provided guidelines rather than recommendations, and said these guidelines simply explained what communities did, and the reasoning behind this.

Councilor Smith noted that one of the motivating concerns was that a major taxpayer might go belly-up, and asked if the guidelines took into account the odds of such an event happening based on the sorts of taxpayers in a community.

Mr. Beaudoin said it did not.

Councilor Needell said that as one of the Councilors who voted on the motion to remove the use of fund balance the previous week, he would like to make a motion to reconsider that vote.

***Councilor Needell MOVED to reconsider the vote to remove the use of fund balance. Councilor Carroll SECONDED the motion.***

Councilor Needell said he had struggled with this issue since the Council had voted on it the previous week. He said the vote had been well considered, but said he felt this was an important issue. He also noted that the Council had received a heartfelt letter from Arthur Grant, a member of the community who he respected, and said he wanted to acknowledge the importance of his comments.

Councilor Peter Smith said he also would like the previous vote be reconsidered. He pointed out that the questions he had asked Mr. Beaudoin were asked in order to suggest further supporting evidence for that position.

***The motion FAILED 4-5, with Councilors Carroll, Sandberg, Needell, and Peter Smith voting for the motion.***

***Councilor Morong MOVED to cut \$196,000 out of the Proposed 2006 Budget. Councilor Niman SECONDED the motion.***

Chair Sandberg said the Council had already had the discussion on this, but said perhaps there was a different \$200,000, and that Councilor Morong could be specific about where this would come from.

Councilor Morong said the motion was strictly to cut the money. He said he had read Mr. Grant's letter, and did understand what he was up against. But he said he didn't think the problem was the use of fund balance, it was the 10% increase in the budget. He said they had been told the cost of living increase was going up about 3.5%, and said to jump from that to 10% seemed excessive.

He said he would like to cut 2% out of every department for everything in department budgets: 2% less paper, 2% less overtime, etc. He said he didn't want to take anything away from any department, but said he thought the departments could operate on 2% less. He said in this way, the increase in expenditures would be 8%, not 10%. Councilor Morong said he would like to set this as the goal, noting that perhaps departments wouldn't reach the goal, and said at that point, the Council could convene and use the fund balance it hadn't used to meet debts at the end of the year.

He said he saw that there had actually been more than a 10% increase in expenditures, noting that it had been projected that the shared dispatch center would cut costs by \$200,000, which didn't happen.

There was discussion that the increase in expenditures was only up 4.7%.

Chair Sandberg said the reason the tax rate was projected to go up was to make up for the fact that fund balance had been used in the past.

There was additional discussion on this.

Councilor Needell said the spending increase was 4.8%, but said the reason the tax rate jumped so much was that the previous year, in order to keep the tax rate what it was, \$440,000 in fund balance was allocated. He said this year, if there were no change in spending, and no use of fund balance, there would still be an increase in the amount to be made up by taxes of \$440,000, unless that amount continued to be pumped in.

He said the fund balance decreased the amount that had to be raised by taxes, and said there was nothing deceptive about this, but it showed up glaringly when the Town stopped using it. He said it had nothing to do with the spending side, and said it would be a mistake to say that spending had increased by 10%.

Councilor Needell said he would oppose the motion, because he thought an across-the-board cut was ill advised. He said most of the Town's largest expenditures were ones that couldn't be cut in this way. He said in order to effect an overall 2% cut in the Budget, this would mean that a much larger cut would have to be made on those things that could be cut, and said that philosophically, this was the wrong way to trim a budget.

Councilor Peter Smith said this was exactly why it became incumbent on the Council to state what things should take a big hit. He noted that the Council couldn't say it didn't have the recommendations of the Town Administrator on this.

Councilor Kraus said he agreed with Councilor Morong, and endorsed his motion.

Councilor Van Asselt said Councilor Needell's explanation was correct, but said Mr. Grant was also correct - that taxes paid on the Town portion of the Budget would go up 10.3%.

Councilor Morong said he was uncomfortable with the 10% increase in the tax rate, as well as bringing the fund balance down to \$1.1 million, when the lowest recommended fund balance was \$1.4. He also said he didn't see any easy way to reconcile this.

Chair Sandberg noted that the motion the previous week to use half of the \$276,000 fund balance amount the Town Administrator had recommended, which would have meant that the fund balance over time would not drop so low and the impact on the tax rate wouldn't go up as much as 10.3%, had failed. He said when they were alarmed about the rate at which taxes were going up, that could be mitigated in part by the use of fund balance, to act as a shock absorber to get the Town through rough patches.

Councilor Peter Smith said the function of fund balance depended to a great deal on things that were particular to different communities. He noted that a town like Newington with a major company that provided a significant amount of taxes potentially could face a larger risk than a town like Durham had. He said those factors were relevant to the practical consideration of whether it was more or less dangerous to have the fund balance at a particular amount.

Councilor Needell said the issue before them was the motion.

Councilor Niman pointed out that the Town actually did have a taxpayer that represented somewhere between 15-20% of revenues in Town, so there was a certain amount of exposure because of this.

Administrator Selig said the company was Goss International, and Mr. Beaudoin said this company paid about 14-15% of Durham's taxes.

Councilor Niman said perhaps what Councilor Morong was concerned about was that the Budget was going up by \$1 million every 2 years, and said he fully understood this concern. He said he applauded the effort to get a certain amount of control over this spending, and said he planned on voting for the motion.

Councilor Kraus said in view of the comments made about monies diverted for the Packers Falls Bridge repairs, and other slush that appeared to be in the Budget, he didn't see that a cut of \$196,000 was the end of the world as they knew it. He noted money was found to repair a bridge that was perfectly sound. He indicated that in the Town Council meeting minutes of November 22, 2004, Councilor Arthur Grant talked about an additional \$10,000.00 that was added to the contingency line. Councilor Kraus also noted that at the same meeting, Councilor Peter Smith pointed out evidence that the best way to keep taxes down was through non-development. Councilor Kraus said that in the context of all of this, something had to be done, because there was this kind of non-development in Town, and expenditures needed to be cut because there were very few sources of revenue.

Councilor Van Asselt suggested that \$100,000 of the \$196,000 could be cut back from the road resurfacing program.

Administrator Selig said this could be done, although pointing out that if the goal was to affect the 2006 tax rate, cutting programs like the sidewalk program wouldn't have any impact on this, because it was all bonded money. But he said cuts could be made to the programs Mr. Beaudoin had listed.

Councilor Van Asselt said that in other words, this could be done without affecting something like his garbage collection.

Administrator Selig said this could be done, and said the cuts would simply affect other things.

Councilor Van Asselt and Chair Sandberg pointed out that there was a big difference concerning this by voting yes or no.

Councilor Morong made note of the fact that Administrator Selig had said he had faith in department heads to do the best they could with the funds they were given. He said if they decided not to use the fund balance, and set the goal closer to what they wanted, which was a cut in taxes, if the money was needed at the end of 2006, the unreserved fund balance would still be there, with interest. He said he would rather shoot for the goal, and if it then couldn't be reached, the fund balance was there as a shock absorber.

Councilor Needell asked for clarification as to whether the motion was for Administrator Selig to find \$196,000 to take out of the Budget with no further guidance, or to cut every department by 2%.

Councilor Morong said he would like to see every department cut by 2%, and said the departments knew best how to accomplish this.

Mr. Beaudoin pointed out that there were certain things that could not be cut by 2%, and he provided details as to why this was the case.

Councilor Peter Smith said this motion was not asking Administrator Selig to come back with a list of things, but rather was saying the Council was now making the final vote on the Budget, and after this was done, this was the amount of money the Town Administrator would have to work with and that he would figure this out with the only guidance being that each department must cut 2%.

Chair Sandberg noted that a previous motion to cut items on Administrator Selig's list totaling \$200,000 had failed. He said this motion appeared to say that rather than doing that, Councilor Morong wanted to change this to say take 2% out of every department.

Councilor Morong said yes, if Todd thought this was the best way to achieve the goals. Said the list could be used, but noted it didn't get very far with the Council. He said he was still looking for some means to reduce the Budget.

Councilor Carroll said she didn't see the connection between cutting 2% out of every department and the amount of \$196,000. She pointed out that Mr. Beaudoin had explained that 2% couldn't be taken out of many areas.

Chair Sandberg cautioned that there was not a single person on the Council that would disagree with the basic motion, that if \$200,000 of cuts could be found, he/she would be happy to do that. But he said the concern here was that the Council had spent 6 weeks looking for those items that represented even a fraction of that amount, and had come up with essentially nothing. He also said he had seen in the past what happened when the Council didn't pay for a program, and then had to pay later in spades, using the road program as an example.



Chair Sandberg said adopting this kind of motion was asking the Administrator Selig and Town staff to do the Council's job, and said this was a bit of a crap shoot. He said the ball was in the Council's court to be specific, and said to be anything else than this meant it was not carrying out its responsibility to set policy. He said he strongly urged other Councilors not to vote for the motion as it was currently phrased.

Councilor Peter Smith said he would vote against this motion, if he could understand what it was.. He said he had thought the motion was to pass the Budget with an amendment that reduced it by \$196,000, and directed the Administrator Selig not to come back with it and to do it himself, and requiring him to reduce by 2% for every single entity contributing to the full budget. He said he understood that a 2% cut meant this number was assigned to every entity, but does not refer to sub-entity. He said he assumed if that was done, it would add up to \$196,000.

Councilor Morong said his goal was to reduce by \$196,000 and said he didn't care what the exact wording of motion was. He wanted Administrator Selig to administrate it. He said he thought the reason no single Councilor could convince other Councilors is that Councilors do not really have a good working knowledge of the departments. He said the Council's role was to set policy, and by saying increases in expenditures were too high and wanted it reduced, it was is up to department heads to do this, he didn't feel that was a cop out.

Councilor Kraus said the minutes of the 12/9/02 Town Council meeting indicated a motion to remove \$100,000 from the Budget, which he had seconded, and which was approved on a vote of 5-4. He said he raised this because the Budget since that time has risen by 13%. He didn't think this was end of the world when this cut was made, and didn't think it would be in this case either.

Councilor Niman said he wished to speak in favor of this motion. He said he thinks that by voting for it, one is making the policy statement that spending was increasing at too fast a rate. He said at some point, the Council needed to stand up and say that what was proposed was not right, and that it wasn't helping the working families in Durham. He said he had voted against the Budget the previous two years to try to send a message to the Town Administrator that he didn't support the constant increase in spending, and the rise in the tax rate. He said working people were being driven out of Town. He said he had come to the meeting prepared to vote against the Budget again, and assuming he would be ignored

He said he appreciated Councilor Morong's effort to shift policy in different direction, and said he thought it was appropriate for Council to take policy position that spending increasing at too rapid a rate and had a negative impact on the Town. He said he didn't know what it would take to get this message across to the Town Administrator and department heads, but said the Town had reached a point where it needed to tighten belts, and that perhaps this was the way to make the point.

There was additional discussion as to what the motion to amend the Budget meant procedurally. Chair Sandberg explained that if it passed, the Council would have a Budget proposal that had been further amended, and if there were no further amendments, would vote on the budget.

Councilor Van Asselt said last year Councilors said they didn't like budget, but voted for it. He said he also heard Councilors say this year that they didn't want to spend money on the

bridge, but voted for it, as well as the UNH agreements. He said now he is hearing the same thing about this Budget.

Chair Sandberg said Councilors sometimes had to deal with compromises they weren't happy with.

There was further discussion on what the motion on the table actually was.

Councilor Morong said he would stay with his original motion, to reduce the Budget by \$196,000. He said it would be up to the Town Administrator where the money should be cut.

Chair Sandberg said it would be at discretion of the Town Administrator where the money would be cut from, unless the motion was amended in some way.

Administrator Selig said he didn't think he needed to say anymore on budget, but asked if Councilors wished any more elaboration on it.

Councilor Needell said upon request of the Council Administrator Selig provided the Council a list of 47 items totaling \$200,000, which the Council then did not embrace. He said the motion as now stated was essentially exactly the same thing, and said his own response was that he would now expect to see items 1-36 implemented. He said this was not to say this would happen, but said there should be no surprise if these items disappeared from the Budget. He said if someone wanted cuts to be restricted to 2% across the Budget, this would result in a different set of items being cut. He said he would vote against the motion no matter how it was worded.

Councilor Peter Smith said he agreed with Councilor Niman that this vote would be a policy statement the Council was making, but said it was not the statement of policy he thought it was responsible of the Council to make. He said he thought the Council, in making policy statements, should go beyond simply saying that the Budget should be reduced by \$200,000. He said although it was a rational decision, it did not accord with what he thought the responsibility of the governing body of the Town was.

Councilor Carroll said if this motion did pass, noting she hoped it didn't, the cuts Administrator Selig would make would be listed, and the Council would have to take responsibility for the cuts, and to make it clear where the Council stood on every item.

***Councilor Kraus called the question. Councilor Julian Smith SECONDED the motion, and it FAILED, 5-4 because there was not a 2/3 majority, with Councilors Needell, Peter Smith, Carroll, and Chair Sandberg voting against it.***

Councilor Van Asselt said he was happy to have further discussion. He said the previous week, there had been nine motions to make cuts in the Budget, and all of them had failed. He said he didn't know what else to try, other than what Councilor Morong had suggested, for those Councilors who wanted to bring down the 10% tax increase. He said he would be happy to propose more motions, but they wouldn't go anywhere. He asked those who didn't want to call the question what else they would like the Council to try, in order to cut the Budget.

Councilor Needell said the Council could certainly go ahead and vote on this, but said he would never vote to call the question.

***The motion FAILED 4-5, with Councilors Peter Smith, Needell, Carroll, Julian Smith, and Chair Sandberg voting against it.***

Chair Sandberg read through Resolution #2005-18.

Administrator Selig recommended that the Council first vote on Motion #1 as stated in the memorandum to Councilors, which captured all of the changes to the Budget made so far and amended the original motion to essentially bundle everything into Resolution 2005-18. He said the Council could then vote on Motion #2, which was to adopt the Resolution.

There was discussion about this, and it was clarified that Motion #1 was essentially a procedural motion, revising the language incorporated so far.

Administrator Selig provided clarification that if the desire was to vote against the work the Council had done on the Budget, it should adopt Motion #1, and then defeat Motion #2.

Chair Sandberg provided clarification that voting against Motion #1 would not undo what had been done by the Council over the last several weeks.

***Councilor Needell MOVED to delete the requirement to end the meeting no later than 10:00 pm. Councilor Morong SECONDED the motion, and it PASSED unanimously 9-0.***

***Councilor Carroll MOVED to amend the motion of November 14, 2005, to adopt the Administrator's proposed FY 2006 general operating budgets and the proposed 2006-2015 Capital Improvement Program, by incorporating and memorializing all of the changes made throughout the budget and CIP process as found in Resolution #2005-18. Councilor Julian Smith SECONDED the motion, and it PASSED unanimously 9-0.***

***Councilor Julian Smith MOVED to adopt Resolution #2005-18, a resolution approving the FY 2006 general operating budgets and 2006-2015 Capital Improvement Program, as well as setting the water and sewer rates for FY 2006. The motion was SECONDED by Councilor Morong.***

Chair Sandberg said if the Council voted in favor of this motion, this meant keeping the Budget as it had been presented, including the insurance increases, and not using any fund balance. He said if the Council voted against the motion, the Budget originally proposed by Administrator Selig would be the default Budget for 2006.

Councilor Morong said the Council hadn't accomplished very much as the result of the process it had gone through on the Budget.

Councilor Kraus said he would abstain on this vote, because it was a "no win" situation. He said not using fund balance was the correct thing to do, but said adopting the Budget as it was didn't achieve anything that he wanted, and that he would not be like other Councilors and say he was for or against something, then vote the other way. Instead, he just wasn't going to vote. He said he had not voted on budgets before and was following the same pattern.

Councilor Needell said he didn't consider that abstaining was an option. He said he was not surprised the Council didn't find huge expenditures to cut out, and said the discussion on fund balance had forced a large tax increase the Council was not comfortable with. He said

his inclination was to revert to the original Budget, because he was not comfortable with the vote on the fund balance.

Councilor Julian Smith said he would vote on this motion, and asked Councilor Kraus to vote along with him.

Councilor Niman said he would vote no on this motion, and said he agreed with Councilor Morong that the Council hadn't really accomplished much as a result of the Budget process. He said he didn't think the Council had made much of a dent in spending. He said he didn't agree with the Town Administrator's Budget and the assumptions behind it, and said voting against the motion was the only way to say this.

Councilor Van Asselt said the people living in Durham couldn't afford property taxes anymore, and said in order to deal with this, either the Budget could be cut, or new sources of revenue could be found. He said there were only a couple of places where such revenue could be obtained – from some commercial-industrial development that the Zoning Ordinance would make difficult, and the University of New Hampshire, which owned 70% of the valued land in the Town and didn't pay anything in taxes. He said the 2006 Budget didn't put enough resources into finding those revenue sources, and said that was why he was not happy with the Budget.

Chair Sandberg said Councilor Van Asselt's point was well taken, but said for Budget purposes, the Council could only project what it realistically thought there would be for revenues.

Councilor Van Asset noted he had made a motion the previous Monday to direct money to refocus on the UNH issue. He said this issue should have been addressed in some way as part of the priority setting of the Budget. In answer to Chair Sandberg, Councilor Van Asselt said he would vote against the Budget.

Councilor Carroll said she would vote for the Budget, as set forth in Motion #1. She said she had gone back and forth about the use of fund balance, and was concerned about the 10% increase in taxes. But she said she hoped that in the following year, the tax rate would come down quite a bit because they would have gotten past hitting the wall.

Administrator Selig said the challenges Councilors had in grappling with the Budget were the same challenges Town staff had on all fronts, in terms of expenditures, revenues and services provided. He said all the easy decisions had already been made, which was why the Council was finding it difficult to reach consensus. He said these were hard decisions, and said it would take a lot of focus and effort to work through many of them.

Chair Sandberg said he was on the fence on this vote. He said it would be helpful if in August-September of 2006, the Council could get the heads up on whether it wanted to stay with not using fund balance, depending on whether more or less revenue had come in, and if there was more or less spending than anticipated.. He asked if Administrator Selig could in fact come back to the Council before the tax rate was set.

Administrator Selig said technically, what the Council was voting on with the Budget was the appropriation to spend money for the various departments. He said to facilitate the process of setting the tax rate, setting the water and sewer rates, and accepting the CIP plan,

all of these things had been bundled into the Budget process, so separate action on each of them wasn't necessary.

He also said that in the past, the appropriation amount for the general fund was included, using wording that indicated the estimate property tax rate. He said the assumption was that whatever was put in that slot, it reflected what the Council had agreed to, and said the decision was then made to use whatever fund balance was required in order to arrive at the tax rate that had been agreed upon.

He said otherwise, this issue would come back to the Council in August, when it was known what the assessed value of the Town was rather than the projection made in December, and there was a much better idea on what revenues were. He said that technically, the Council could then have a discussion on what the tax rate should be.

Administrator Selig said the Council could perhaps get beyond the issue of whether to vote for or against the Budget, by focusing on the third "Whereas" in the Resolution, and amending it to say "...with an estimated property tax rate of \$6.93 per thousand of assessed valuation, with an amount of fund balance to be determined in 2006" He said an alternative was to not include what the estimated tax rate would be, and he would then come to the Council in August with what it was thought it would be, and the Council could make the final decision on the fund balance then.

He said it would be somewhat of a stretch to say, if the Council voted no on the Budget Resolution, that the Administrator's default budget included what the tax rate would be in 2006. He said that was a decision the Council would still need to deal with, unless it was addressed in this Resolution.

There was discussion about what the implications would be of voting no on the motion, and having the default Budget in effect.

Chair Sandberg said if the majority of Councilors voted no on the motion, this would force a discussion sometime in August-September to address this issue.

Administrator Selig said it would also force a discussion by the Council before that on what water and sewer rates should be, and whether it wanted to approve the CIP.

Chair Sandberg said he thought that if even if the language of the Resolution was adopted, a Councilor could move to revisit the tax rate and fund balance issue as a Councilor initiative sometime in August. He said if Councilors instead wanted continued deliberation on a regular basis on these matters over the course of the year, voting no on the motion would facilitate that.

He provided clarification that the Council could revisit the fund balance issue if it wanted to, if it voted to approve the Budget, but would have to revisit the fund balance issue if it voted not to approve the Budget. He said the 10% increase in the tax rate was troublesome to him, but said he was now assured that the issue could be revisited in August, as more information was available. He said that gave him some relief, and said he would be voting in favor of the Budget, as amended.

***The motion FAILED 2-7 with Chair Sandberg and Councilor Carroll voting in favor of it.***

Chair Sandberg congratulated the Town Administrator and staff for putting together a budget that defied amending.

## **XI. New Business**

### **A. Other Business**

Administrator Selig said he would like to recognize a few people with respect to the Fire Chief selection process. He noted a number of the Town's fire fighters in the audience, David Emanuel, Dick Stevens, and Firefighter Brown. He said the Fire Department had worked very hard to keep things together, keep morale on a positive note, and to ensure that residents received excellent service. He said he and members of the Council were very appreciative of this

He said he would also like to recognize the captains of the Department, noting the 5<sup>th</sup> captain's position was not filled when one of the captains retired, and the training safety person moved over to this position, leaving the safety position open. He said the captains had taken up the slack in that area, as did Mr. Blake, who was serving as interim Fire Chief

Administrator Selig said he would also like to acknowledge the hard work of Mr. Blake at the Department, noting this had been a long haul the past several months, and that Mr. Blake had been acting in three roles, as Chief, Assistant Chief, and training safety officer. He said it had been a time of transition and challenge, yet the Department had continued to operate well. He said Mr. Blake would continue to serve as interim Fire Chief until January, and then would resume his duties as Assistant Chief. Administrator Selig said he would like to thank Mr. Blake personally, and on behalf of the community.

Chair Sandberg thanked Fire Department staff for all of their efforts throughout the transition time.

## **XII. Adjournment**

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

The meeting **ADJOURNED** at 10:41 PM.

Victoria Parmele, Minute Taker