

D-R-A-F-T

**DURHAM TOWN COUNCIL
MONDAY, APRIL 3, 2006
DURHAM TOWN HALL – COUNCIL CHAMBERS
7:00 PM**

MEMBERS PRESENT: Chair Neil Niman; Councilor Carroll. Councilor Peter Smith; Councilor Morong; Councilor Needell; Councilor Van Asselt; Councilor Julian Smith; Councilor Leach; Councilor Henry Smith

MEMBERS ABSENT: None

OTHERS PRESENT: Town Administrator Selig

I. Call to Order

II. Approval of Agenda

Councilor Julian Smith MOVED to approve the Agenda as submitted. The motion was SECONDED by Councilor Henry Smith.

Chair Niman said he would like to introduce Dave Proulx, a candidate for the Parks and Recreation Committee, immediately after the introduction of Officer Brooks, because Mr. Proulx had another meeting to attend that evening.

The motion PASSED unanimously 9-0.

III. Special Announcements

Introduction of new Police Officer – Daniel Brooks

Administrator Selig asked Police Chief Dave Kurz to introduce Officer Brooks to the Council and community. He noted that two officers had recently left the Department to work in Dover, and described the process by which Officer Brooks was hired. He noted that he had previously worked in the Durham area as a conservation officer for the NH Fish and Game Dept., so had already been known by members of the Police Department. He said Officer Brooks had a B.S. in Environmental Science, and said this background would be useful in Durham.

Councilor Carroll said she was pleased to have been on the Board that had interviewed candidates for the position, and said Officer Brooks was by far the first choice. She said she was impressed with his background, as well as his personal and professional integrity, and said

Durham was lucky to have him. She also said it had been a wonderful opportunity to be part of the selection process.

Chief Kurz said Officer Brooks would be in training for 6-8 weeks.

David Proulx, the candidate for the Parks and Recreation Committee, said he had lived in Durham for 4 years, and was currently employed by UNH as the Assistant VP for Financing and Budgeting. He said he was a member of the ORYIA, and noted that there was presently not a clear link between this organization and the Parks and Recreation Committee, a committee whose meetings he had also been attending in recent months.

He said he had a personal interest in the work of this committee.

Administrator Selig noted that Mr. Proulx had been involved in Town and Gown negotiations, and said it was good for the Council to meet him and other University employees involved in these negotiations.

IV. Approval of Minutes

March 6, 2006

Page 2, the second motion on the page should read “..MOVED to approve the minutes of the February 6, 2006 Nonpublic meeting.” The third motion should read “..MOVED to approve the amendment to the minutes of the February 6, 2006 Nonpublic meeting.”

Page 6, bottom paragraph, should read “...where he legally could cut trees in ...”

Page 13, 8th paragraph from bottom of page, should read “...House Bill 1679..”

Page 15, 5th paragraph from bottom, should read “..that sold nuts and bots or cheap alcohol.”

Councilor Needell MOVED to approve the March 6, 2006 Minutes as amended. The motion was SECONDED by Councilor Morong, and PASSED 7-0-2, with Councilor Leach and Councilor Henry Smith abstaining because they were not members of the Council when the meeting was held.

March 6, 2006 (Nonpublic Session)

Councilor Peter Smith noted that the Title of the minutes should be changed to read “Approve the Minutes for the Town Council February 6th, 2006 Nonpublic Meeting.”

Councilor Peter Smith MOVED to approve the Minutes of the March 6, 2006 Nonpublic meeting, as amended. The motion was SECONDED by Councilor Needell, and PASSED 7-0-2, with Councilor Leach and Councilor Henry Smith abstaining because they were not members of the Council when the meeting was held.

V. Report of Administrator

Administrator Selig said the Council would be discussing ways to reduce the risk of Eastern Equine Encephalitis and West Nile Virus, specifically through mosquito control measures. He

asked that if residents were present to speak about this issue that they please do so during the Public Comments portion of the meeting.

Administrator Selig said on Wednesday of that week the State Senate Finance Committee would be discussing Bill #1679. He said he would be testifying at the hearing, and asked any Councilors wishing to travel with him to Concord to let him know.

Administrator Selig said the annual financial audit had been scheduled with the Town's auditing firm.

He said there had recently been discussion about what the policy was concerning individuals who held elected or appointed office in Durham, and were then elected to the Town Council. He said the Town Charter had a provision that said that a person in this situation would have to resign from the prior committee after being elected to the Council.

He said he had checked with the Town Attorney on this, who felt the provision was not enforceable, and was actually in conflict with State statute.

Councilor Peter Smith asked if Administrator Selig had received a written opinion on this, with the appropriate statutorial authorities quoted, and Administrator Selig said yes.

Councilor Julian Smith asked if this addressed the issue of whether a Councilor could apply to a Board as a private citizen, as opposed to as a Council representative.

Administrator Selig said the Town Attorney had said this couldn't be precluded, given that there was no specific prohibition against it. He said a Councilor who wanted to be on another board could do so, as long as there was no conflict of interest.

Councilor Peter Smith said if this issue surfaced as more than a theoretical situation in the future, he would like to discuss whether there was a difference between the position asserted by the Town Attorney, and the position asserted by Councilor Julian Smith the other day. He said he found them to be different positions.

Councilor Needell agreed this should be looked at, at some point, and should be done at a Council meeting.

Administrator Selig noted that there was a great deal of discussion, nationwide, concerning homeland security measures needed against weapons of mass destruction, as well as natural phenomena like the avian flu.

He said he was working with the Southern Strafford Regional Health Coalition and the University to consider the appropriate location to establish a "pod", which would be a point of distribution for medications, etc. if there were some kind of outbreak in this part of the country. He said that at present, Dover had been identified as a pod where people from the entire region could go.

He said the view was that it would be preferable for Durham to have its own point of distribution, and he noted that the University was interested in talking with the Town about this. He said it would be very beneficial to have a pod on campus, among other reasons because there were many students living nearby who did not have cars. He said the Town of Somersworth was also being looked at as a place from which to distribute medication.

VI. Reports and Comments of Councilors

Councilor Needell said the Planning Board was continuing its process of updating the implementation strategy for the Master Plan. He also said there would be discussion at the next Board meeting on the Impact Fee Ordinance, including the methodologies for school impact fees. He said the plan was to have a public hearing on this at the April 26th Board meeting.

Councilor Julian Smith said he had attended his first said Parks and Recreation Committee meeting as a Council representative, and noted that a survey was being put together to determine public perceptions of the need for parks and recreational facilities in Durham.

Councilor Peter Smith updated the Council on the status of legislation dealing with the Right to Know law. He said that day, the Senate committee had approved it unanimously, with several amendments, noting that none of them were of real significance. He said the bill would go to the full Senate next week, and said the Governor's concerns about the bill appeared to have been addressed.

Councilor Morong said the Economic Development Committee had recently met, and said it was in the process of finalizing the charge given to it by the Council 2-3 years ago. He said Town Planner Jim Campbell would be coming forward with a presentation to the Council on the results of the Committee's work. He said most of the meeting was spent looking at new projects, related to housing, noting that this was one of the main industries in Durham. He also said there would be an initiative coming before the Council to set out a new charge for the Committee to continue its work.

Chair Niman noted a recent article in Fosters Daily Democrat that quoted him, among other things, as speaking about policy being decided on outside of Council meetings. He said to him, when one provided Administrator Selig with guidance, this was creating policy. He said he would like this to happen as a Council, as opposed to at agenda setting meetings. He said he hoped that with the roundtable approach, Councilors would have a better opportunity to discuss the issues that were important to each of them.

Councilor Needell said if there was anyone who was concerned about a lack of openness in the way decisions were made concerning meetings he personally had always felt he had the opportunity to speak out.

Councilor Carroll said that after being on the Council for a year, it was clear that the business of the Council was done at Council meetings, and that policy setting occurred there. She agreed that the Agenda setting process needed to be looked at, to see what could be done.

Councilor Peter Smith noted that there were some members of the Council who were more likely to say what should be on the Agenda than others. He said it was perfectly fine to put a roundtable discussion on the agenda for the purpose of pushing members a bit more to come forward with ideas. But he said in the end, nothing happened unless Council members came forward with their proposals. He also said it had been a rare occasion when someone on the Council wanted to discuss a matter, and couldn't get discussion going on it at a meeting.

Councilor Henry Smith said he had attended the recent DCAT meeting, and noted that there were two vacancies that needed to be filled.

VII. Council Roundtable

There was discussion about the letter received from the Durham Ambulance Corps. Administrator Selig said he had not asked the new Fire Chief to focus specifically on this issue yet, explaining that he wanted him to have the opportunity to get comfortable with the Fire Department and to get a sense of Durham first. He said Chief O'Leary knew the issues that would be coming up, and that they involved finding answers to some hard questions. He said emergency services were one of these issues.

He provided background on the Durham Ambulance Corps, which had served the Town for many years. He said the Town had been looking at the issue of duplication of services between the Fire Department and the Ambulance Corps. He said both provided good services, but the question was whether it made sense to send both of them to answer emergency calls. He described some of the possible options concerning this.

Councilor Morong suggested that perhaps Administrator Selig's summary report at meetings could be rolled into the roundtable discussion. There was discussion about this idea.

Councilor Needell said he was looking forward to Chief O'Leary recommendations concerning the emergency services issue. He asked what the Council's role was concerning a possible decision to merge the Ambulance Corps and the Fire Department.

Administrator Selig stressed that no such decision had been made, and stated that the Ambulance Corps did an excellent job. He said that given the long tradition of supporting the Ambulance Corps, he felt this should come before the Council for a full discussion.

Councilor Needell said he wanted to give the Ambulance Corps the opportunity to argue its case before the Town Council. He also noted that there were several different things that were being argued as part of this issue.

Administrator Selig noted that with a topic like this, he ended up being the gatekeeper about what came before the Council.

Councilor Peter Smith said to the extent that the Ambulance Corps was becoming less of a volunteer organization, and depended more on Town revenue, it became essential to do the

examination Chief O’Leary would be undertaking. He said he didn’t want to see the loss of the voluntary spirit here, but said there were many areas where operations could be more efficient.

Councilor Smith also said he would like to speak about the issue of whether the Council should be removed from being the final authority in making tax assessment decisions. He said he personally felt strongly that this was clearly an area where it didn’t make sense for the Council to be involved.

He noted that the Council had gained a good deal by getting out of reviewing everything the Planning Board did concerning conditional use applications, and said in this matter as well, he didn’t fee the Council was qualified to do assessments. He said he would like the Council to make a policy decision concerning this.

Councilor Smith also said he thought the Council needed to make some changes in how the governing body and its administrative officials played their roles in connection with the duties of the ZBA, and the matters that came before that Board. He said he thought more resources needed to be put toward this, stating that in the end this would result in better policy decisions for the Town. He said at present, there was not vigorous representation before the ZBA in areas where the Town had a strong interest, as compared to representation of individuals. He said he would like the Council to discuss this, including a budget that would be needed.

Councilor Van Asselt said he agreed with both of Councilor Peter Smith’s ideas. He also said he was pleased that the Council would be having six work sessions. He said he continued to be frustrated at how the Council spent its time at meetings, noting that he heard other people in Town talking about this as well. He said there were many issues that needed to be talked about, in detail, but were not being discussed by the Council. He provided details on this, noting that some of them would not be easy to resolve. But he said he would like to see the Council’s agenda include some things it could actually make a decision on.

Chair Niman suggested that Councilor Van Asselt give him his list of issues, and said the Council would put them on the agenda and address them.

Councilor Needell asked if there were some way to keep the issues that needed to be addressed in front of Councilors so they could keep track of them.

Chair Niman suggested that the Council could figure out a way to do this at its upcoming work session.

Councilor Henry Smith noted that he had some questions regarding the Craig Supply site, and had met with Public Works Director Mike Lynch at the site.

VIII. Public Comments

Bill Hall, 1 Smith Park Lane, suggested that the Town do a pilot program concerning mosquito control, which would involve identifying the worst places in Town for mosquitoes, such as Woodridge.

Mr. Hall referred to a recent presentation by Town staff on the proposed water line upgrade at Madbury Road. He noted that Administrator Selig had said the project had been scaled down to 2,600 ft., but said he dispute this. He described possible water line problems between Woodside and Bagdad Roads, and provided additional details about water lines in this area.

He said the Madbury water line was a critical pipe in Town, and said the main issue with the line was one of size, providing details on this. He also said the computer modeling program which had been discussed at the previous Council meeting was of no consequence whatsoever regarding this project.

Mr. Hall referred to the City of Portsmouth's sewer upgrade, where it was realized that doing the whole job once provided the best bang for the buck. He said he was disappointed that the Madbury Road water line upgrade didn't address sewer, and said the Town should consider doing all the utility upgrades at the same time, so Madbury Road wouldn't wind up looking like some other roads in Town.

Mr. Hall said he was supportive of using Mr. Metcalf for this project, noting his report to the Town that addressed water issues like the water restrictions at the Wiswall Dam, and the issue of dredging the Oyster River. Mr. Hall said the report contained some of the same recommendations he himself had provided to the Town. He said it was incompetent that Town staff was not behind these two issues, which he and Mr. Metcalf were behind.

Chair Niman asked Town staff if Mr. Hall was right about the idea of doing utility upgrades together, and if there were other elements in need of being replaced.

Administrator Selig noted he had been asked about this by Council members, and he asked Public Works Director Mike Lynch to comment on this.

Mr. Lynch said drainage work on Madbury Rd was being done in house as part of the project, which was why this hadn't been mentioned.

Administrator Selig noted that a project drawing showed very little sewer line within the roadway. He said it was felt that in this case, the biggest bang for the buck was not to do all the utility upgrades at once.

Chair Niman said the Council recognized that water was an important issue facing the Town, and would be addressing it in detail in the future.

Mr. Hall asked that the entire road surface on Madbury Road be done, and provide details on why this was important. He also said that if the project was being scaled back, the line should at least go down to the valve complex at the base of Dennison Ave, stating that he believed that there were old water lines that connected at that area. He said water was still being lost from the water lines, and said it was important to keep an eye on where this was happening. He said that perhaps valves should be put in at the bottom of Woodman Ave.

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

- A. RESOLUTION #2006-07** authorizing the acceptance and expenditure of grant funds in the amount of \$3,099.85 from the Federal Asset Forfeiture Program for their use in conducting drug investigations
- B.** Shall the Town Council adopt a schedule of supplemental meeting dates for the purpose of conducting additional work sessions and for deliberating the proposed FY 2007 operating budgets and 2007-2016 Capital Improvement Plan?

Councilor Van Asselt MOVED to approve Unanimous Consent Agenda items A and B. The motion was SECONDED by Councilor Needell, and PASSED unanimously 8-0. (Councilor Henry Smith was absent for the vote.)

X. Committee Appointments (Meet with citizen candidates and begin process for making appointments to vacancies on the various Town boards, commissions, and committees)

Chair Niman said he was pleased to see that so many members of Town boards and committees whose terms were up were willing to serve again.

Administrator Selig explained the process of appointing citizens to the various boards.

CONSERVATION COMMISSION

Kate Jacques said she was a new resident of Durham resident, and was getting her Masters Degree from UNH. She said she was planning to raise a family in Town. She said she had worked for NH Audubon, and was presently a GIS specialist for a consulting firm. She said she felt she could add a lot to the Commission because of her GIS and engineering background.

Councilor Peter Smith said he supported all the candidates who were offering their services for the Conservation Commission. He also said he appreciated Ms. Jacques' qualifications.

Councilor Peter Smith MOVED to appoint Jim Hellen to a three-year term as a regular member on the Conservation Commission; to appoint Cynthia Belowski and Robin Vranicar to three-year terms as alternate members on the Conservation Commission; and to appoint Kate Jacques to a one-year term as an alternate on the Conservation Commission. The motion was SECONDED by Councilor Julian Smith, and PASSED unanimously 9-0.

HISTORIC DISTRICT COMMISSION

Chair Niman noted that there would still be one opening for the one-year term, and people interested in the position should contact the Town Hall.

Councilor Leach MOVED to appoint Leslie Schwartz and Erich Ingelfinger to three-year terms as regular members on the Historic District Commission. The motion was SECONDED by Councilor Needell, and PASSED unanimously 9-0.

PARKS AND RECREATION COMMITTEE

Councilor Needell said he hoped it was clear to Mr. Proulx that he would be an alternate on the Committee. He also said, regarding the idea of having an ORYA representative, that this designation didn't exist yet, and said he just wanted it to be clear what this appointment to the Parks and Recreation Committee was for.

Chair Niman said the Parks and Recreation Committee was content to keep things the way they presently were.

Councilor Julian Smith MOVED to appoint John Parry and Frank Pilar to three-year terms as regular members on the Parks and Recreation Committee; and to appoint David Proulx to a two-year term as an alternate member on the Parks and Recreation Committee. The motion was SECONDED by Councilor Leach, and PASSED unanimously 9-0.

ZONING BOARD OF ADJUSTMENT

Ruth Davis said ZBA Chair Gooze, who was her neighbor, had recruited her for the Board. She said she was a groundwater hydrologist by training, and had dealt with regulations frequently as an environmental consultant. She said these skills might be something that could help on the Board, noting the importance of careful interpretation of regulations by the ZBA.

Councilor Peter Smith said it was critically important that someone who served on the ZBA engage in some formal education on the subject matter covered by the Board, and suggested Ms. Davis should take courses offered by the NH Municipal Association.

Ms. Davis said she would welcome that opportunity.

Councilor Henry Smith said as a ZBA member Ms. Davis would be informed of these sessions in the spring and the fall. He said they had been very helpful to him when he was on the ZBA, noting that when he joined that board five years ago, he had little background in that area.

Councilor Needell said he felt that Ms. Davis's regulatory experience would be useful on the ZBA.

Councilor Leach pointed out there was still another vacancy on the ZBA.

Councilor Morong MOVED to appoint John deCampi and Jay Gooze to three-year terms as regular members on the Zoning Board of Adjustment; to appoint Myleta Eng to a one-year term as a regular member on the Zoning Board of Adjustment; and to appoint Ruth Davis to a three-year term as an alternate member of the Zoning Board of Adjustment. The motion was SECONDED by Councilor Carroll, and PASSED unanimously 9-0.

DCAT

Councilor Needell said he had served on the committee with the individuals who requested reappointment to DCAT. He said he was pleased they were applying again, noting they had both put a lot of effort into the committee. He said it was important for the Town to have this representation, and said he appreciated their commitment to the committee.

Councilor Needell MOVED to appoint Paul Gasowski to a one-year term as the Oyster River Cooperative School District representative on the DCAT Governance Committee; and to appoint Erika Mantz to a one-year term as the University of New Hampshire representative on the DCAT Governance Committee. The motion was SECONDED by Councilor Henry Smith, and PASSED unanimously 9-0.

LAMPREY RIVER ADVISORY COMMITTEE

Councilor Julian Smith MOVED to recommend James Hewitt and Richard Kelley for three-year term appointments to the Lamprey River Advisory Committee by the Commissioner for the State of New Hampshire Department of Environmental Services. The motion was SECONDED by Councilor Morong, and PASSED unanimously 9-0.

PDA Noise Compatibility Committee

Councilor Morong MOVED to appoint Craig Seymour to a three-year term on the PDA Noise Compatibility Committee. The motion was SECONDED by Councilor Henry Smith, and PASSED unanimously 9-0.

PLANNING BOARD

There was discussion that alternate Bill McGowan would like to become a regular member of the Board, and that he was the alternate with the longest standing membership on the Board, so should be made the regular member.

Councilor Peter Smith agreed with this, although noting that this should not be the exclusive reason why someone should be made a regular member. He asked the Council representatives to the Planning Board for their perspective on this

Councilor Needell said in terms of merit, and length of service, Mr. McGowan should be the person who moved up to become a regular members. He said as the senior alternate, he had been the alternate who was most often asked to serve in place of a regular member. He said appointing Mr. McGowan was the appropriate action to take.

It was noted that appointing Mr. McGowan would create an alternate vacancy on the Board. In answer to a question from Councilor Henry Smith, Councilor Needell said alternate Lorne Parnell's resume had been provided to the Council the previous year when he first applied to the Board. He also said Mr. Parnell had been an active member of the Board.

Councilor Julian Smith asked if Mr. Parnell was willing to serve as an alternate, and Administrator Selig said Mr. Parnell had simply requested being appointed.

Councilor Needell said Mr. Parnell did wish to be a regular member of the Planning Board.

Councilor Morong MOVED to appoint Stephen Roberts and Bill McGowan to three-year terms as regular members of the Planning Board; and Lorne Parnell to a three-year term as an alternate member of the Planning Board. The motion was SECONDED by Councilor Needell, and PASSED unanimously 9-0.

Chair Niman said there were still vacancies on the Integrated Waste Management Advisory Committee and the Strafford Regional Planning Commission.

XI. Unfinished Business

None

XII. New Business

- A. PUBLIC HEARING ON RESOLUTION #2006-08** authorizing the acceptance and expenditure of \$8,500 in grant funds from the New England State Police Information Network (NESPIN) for use in conducting drug investigations

Administrator Selig said Chief Kurz would give a brief overview on the proposed resolution.

Chief Kurz said this was a grant to offset expenses of some of the Department's drug investigations. He said this provided the opportunity to spend money for the purchase of drugs, and allowed the Department the flexibility to make decisions as it needed to make them, - to expend the funds as it saw fit. He noted he had attached a copy of the policy that was followed, to show that the Department took care in terms of where the money would be spent.

Administrator Selig said the reason for the public hearing was that the grant was in excess of \$5,000, and said this offered the opportunity for the public to comment on whether it was appropriate to accept the grant.

Councilor Julian Smith MOVED to open the public hearing on RESOLUTION #2006-08 authorizing the acceptance and expenditure of \$8,500 in grant funds from the New England State Police Information Network (NESPIN) for use in conducting drug investigations. The motion was SECONDED by Councilor Van Asselt, and PASSED unanimously 9-0.

Councilor Peter Smith MOVED to close the public hearing. The motion was SECONDED by Councilor Morong, and PASSED unanimously 9-0.

Councilor Henry Smith MOVED to adopt RESOLUTION #2006-08 authorizing the acceptance and expenditure of \$8,500 in grant funds from the New England State Police Information Network (NESPIN) for use in conducting drug investigations. The motion was SECONDED by Councilor Van Asselt.

Councilor Peter Smith said he assumed all of the money would not be spent on the purchase of drugs. He also asked what percentage of the money used to purchase drugs the Department actually recovered.

Chief Kurz said the Department got some but not all of the money back.

Councilor Smith asked what the restrictions were on the money the Department got back, and if it remained in an account. There was additional detailed discussion on this.

In answer to a question from Councilor Van Asselt, Chief Kurz said that when people were arrested for alcohol violations, 7 out of 10 times, they had drugs on them

Councilor Carroll said the Council Communication on the Item had indicated there was a 100% prosecution rate, and said this was very impressive.

Administrator Selig noted that the Town had made a strategic decision to end the relationship with the Seacoast Drug Task Force, feeling that focusing on it in house, the Police Department could do a better job. He said there had been tremendous success from this effort since that decision was made.

Chief Kurz said he was hesitant to speak about some of this publicly, but said Council members could get more details about it if they wanted.

The motion PASSED unanimously 9-0.

B. Receive and discuss strategy by the Town Administrator for reducing the risk to Durham residents for contraction of the West Nile Virus and Eastern Equine Encephalitis (EEE) during the 2006 mosquito season

Administrator Selig first noted that there was information available on the Town website concerning the diseases themselves, as well as control strategies. He said his recommendation was to approach both diseases in the same way as had been done over the last several years, - focusing, with a public education campaign, on ways residents could protect themselves from mosquito bites.

He said the most effective thing residents could do was to make good decisions – eliminate breeding grounds, wear long sleeves, use bug repellent, etc. He said that only in the instance that there was a positive test of either disease would the Town undertake additional preventative measures.

He said the Town was applying for a permit from the State to allow application of either larvicide or adulticide, if the need arose, noting he hoped this would not be necessary. He said that reasonable people could disagree on what the appropriate response was, but said he wanted the Council to be familiar with the issue, and said he hoped there would be discussion on what he was recommending.

Councilor Peter Smith asked if Administrator Selig had worked out in any detail what the facts would have to be to require major spraying.

Administrator Selig said if in fact either disease was found in Town, there would likely be an outcry to take additional action, and as happened last year, there would be perimeter spraying where children were playing. He said if there were deaths from one of the viruses, it would be appropriate to have additional discussion. He explained that the larvacide approach wouldn't be particularly effective at that point in the season, and said pesticides would be more effective, but would potentially have an environmental impact. He said he was not prepared to recommend this at the present time.

Councilor Needell said it would raise the alarm if there were dead birds, but said it was unclear how effective some of the Town's response would be. He said drainage of pools of water was by far the best thing one could do, but asked if a plan was needed, which would determine where in Town more aggressive action would be more useful. He asked if testing was being considered to determine specific areas of Town that would benefit from this.

Administrator Selig said there were a number of factors that needed to be considered. He said if a larvacide application didn't occur early for Eastern Equine Encephalitis in order to reduce the critical mass of mosquitoes, by the time testing showed there was a problem, applying it wouldn't have an impact, and application of an insecticide would be necessary. He said that although testing of areas provided interesting data, it was also important to get data from other sources, for example positive tests for the disease in a particular area.

There was additional detailed discussion about this issue.

Administrator Selig said although people would like it if there wasn't any risk, the risk could only be reduced, and couldn't be completely eliminated.

Councilor Henry Smith read from an article in a Maine newspaper that described what some other Towns were doing concerning this issue, and which noted how expensive it could be to take an aggressive approach concerning mosquitoes.

Councilor Julian Smith said he supported what was being recommended for Durham. He said he didn't get the impression that neighboring towns were investing in larvacides, and said that given this, and the way the wind blew, people in Durham could get bit by mosquitoes from other towns, so he didn't see the point of taking extensive control measures in Town.

Administrator Selig noted that Dover and Portsmouth had aggressive control programs, but said Lee decided not to go that route. He said Madbury had budgeted approximately \$30,000 for a monitoring program, and would be taking a wait and see approach. He said the town of Newmarket had a warrant article on whether to move ahead with a spraying program.

Councilor Carroll said the role of personal responsibility in this was important, - to wear protective clothing, and check yards for areas where water collected. She said it was incumbent upon citizens to realize these measures were important, and she noted how people had in fact

become used to dealing with ticks. She said it was one of those things that was part of life, and also noted that there were a number of educational materials available for the public.

Councilor Peter Smith said education was by far the best route. But he said what concerned him was what Administrator Selig or the Council would have to do in September, when a child might possibly be diagnosed with the disease. He said he would like to encourage thinking about what the decision-making might be under such circumstance, noting that the pressure would be enormous to do something.

Chair Niman suggested that DCAT could perhaps create some programming on this issue, if the goal was to increase education about it.

There was discussion about avenues for getting information out to the public – on the Town website, the Listserv, and on DCAT.

Councilor Leach noted that she lived in the neighborhood where a dead bird had been found the previous season, and at that time was someone who had advocated for spraying.

Chair Niman said the Council would support Administrator Selig on this issue, but would continue to keep on top of it as the season progressed.

Administrator Selig noted that the University was taking a slightly more aggressive stance on this issue, and would be using the more aggressive larvacide approach, as well as perimeter spraying. He said he was not opposed to this, and would encourage them to do this under the Town's permit.

C. Discussion relative to topics for inclusion at Council work session meetings
Other business

Chair Niman said he, Administrator Selig, and Councilor Carroll had gotten together to plan out the upcoming Council goal setting session, to be held on April 10th at 7 pm. He noted a document that had been developed where the Council's goals had been organized into categories, in order to try to structure the discussion for the goal setting session. He said he would like feedback from Councilors on how this list had been organized, - whether they liked the categories, and perhaps would like to add more items, or take some items off the list. He suggested that Councilors could provide feedback to Jen Berry on this, and the document could then be revised in time for the meeting on Monday.

Councilor Needell said he thought it was the Council that should decide what should stay on the list, instead of putting Jen Berry in the position of having to decide this.

Chair Niman said a better approach then was to get feedback from Councilors on possible additional goals, and to then provide them with the entire list, with columns in the spreadsheet for each Councilor to prioritize the goals.

There was detailed discussion about what prioritization meant in this instance.

Chair Niman said it made sense that work sessions would be scheduled based on the importance of an issue, but also when the appropriate information was available on a particular issue.

He said in terms of the goals, he would like a sense of what was really important to the Council. He said if individual Councilors prioritized these goals and this was then compiled, this would provide important feedback to Administrator Selig on what goals were especially important to the Council as a whole, and which were not. He noted that it was assumed that if a goal was on the list to begin with, it was important.

Councilor Carroll said in other words, even if the Council said open space protection was important, there wouldn't necessarily be a work session on it.

After additional discussion, it was agreed that the Council would see the exhaustive list on Monday, and would prioritize the goals at that time.

Administrator Selig asked that Councilors provided additions to the list by Thursday so they could be added to the spreadsheet in time for Monday's meeting.

Councilor Needell said he had an item to discuss under New Business. He said the following day he would be attending a meeting regarding the design for the Main Street project that had just received CMAQ funding. He asked if the Council would like to see a presentation on the project separately, and prior to the public hearing on the project. He explained that he would like to get input from the Council on this so he could bring this up at the upcoming committee meeting.

Councilor Julian Smith MOVED to suspend the 10:00 pm adjournment time. Councilor Needell SECONDED the motion, and it PASSED unanimously 9-0.

Administrator Selig provided background on the project, noting among other things that the Town's contribution would be about \$100,000, out of a \$1.6 million project. He said the work would include resurfacing the road, installing new sidewalks, installing decorative lighting that matched the downtown design, providing bus pullouts, bike accommodation, traffic calming, and utility work under the roadway.

After questions and further discussion by the Council, Councilor Needell said he would bring this same question back to the Council when he had further information to provide.

Administrator Selig said the approach he recommended was to have the public hearing, and then subsequent to that, the plans could be reworked and brought forward to the Council. He noted that this project would take place on a Town road, so the Council had the final word on it. He also explained that the University was the project manager because the project primarily affected it, and it was also the primary funder for the project.

Chair Niman agreed that this approach made sense.

XIII. Nonpublic Session

Councilor Van Asselt MOVED to go into Nonpublic session in accordance with RSA 91-A:3 II (d) Consideration of the acquisition, sale, or lease of real or personal property. The motion was SECONDED by Councilor Carroll, and PASSED 9-0 by roll call vote.

<i>Chair Neil Niman</i>	<i>yes</i>	<i>Councilor Van Asselt</i>	<i>yes</i>
<i>Councilor Carroll</i>	<i>yes</i>	<i>Councilor Morong</i>	<i>yes</i>
<i>Councilor Peter Smith</i>	<i>yes</i>	<i>Councilor Needell</i>	<i>yes</i>
<i>Councilor Julian Smith</i>	<i>yes</i>	<i>Councilor Leach</i>	<i>yes</i>
<i>Councilor Henry Smith</i>	<i>yes</i>		

The Town Council entered into Nonpublic Session at _____ PM.

The Town Council returned to public session at _____ PM.

Councilor Peter Smith MOVED to seal the Minutes. Councilor Julian Smith SECONDED the motion, and it PASSED unanimously 9-0.

XIV. Adjourn

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

Adjournment at 11:00 pm

Victoria Parmele, Minutes taker