

This set of minutes was approved at the Town Council meeting on May 7, 2007

**DURHAM TOWN COUNCIL
MONDAY, APRIL 9, 2007
DURHAM TOWN HALL – COUNCIL CHAMBERS
7:00 PM**

MEMBERS PRESENT: Chair Neil Niman; Councilor Diana Carroll; Councilor Mark Morong; Councilor Gerald Needell; Councilor Karl Van Asselt; Councilor Julian Smith; Councilor Catherine Leach; Councilor Henry Smith; Councilor Peter Stanhope

MEMBERS ABSENT: None

OTHERS PRESENT: Town Administrator Todd Selig; Public Works Director Mike Lynch; Town Planner Jim Campbell

I. Call to Order

Chair Niman called the meeting to order at 7:02 PM.

II. Approval of Agenda

Councilor Van Asselt MOVED to approve the Agenda as submitted. Councilor Leach SECONDED the motion.

Chair Niman noted that applicants for Town boards and committees who were present could speak during the Public Comment period if they needed to leave early. He also said the Agenda for the next Council meeting would be lengthy, and would include the final Purchase and Sale for the Durham Business Park and the Housing Taskforce's recommendations. He said if there was time at the end of the present meeting, he would therefore like to continue the earlier discussion on Committee appointments. He provided details on how this would work.

The motion PASSED unanimously 9-0.

III. Special Announcements (None)

IV. Approval of Minutes (for March 5, 2007)

Page 5, 4th paragraph from bottom, should read “..there should be an educational channel...”

Page 7, 4th paragraph from bottom, should read “..for the 28 Madbury Road property..”

Page 16, 4th paragraph from bottom, should read “..there had to be a 15 day...”

Page 18, 4th paragraph, should read “..to be able to tell the Mill Plaza Study Committee what...”

Councilor Van Asselt MOVED to approve the March 5, 2007 Minutes as amended. Councilor Julian Smith SECONDED the motion, and it PASSED 7-0-2, with Councilor Morong abstaining because of his absence from that meeting, and Councilor Stanhope abstaining because he was not a member of the Council when the meeting was held.

V. Report of Administrator

(This took place during Item VII, the Council Roundtable.)

VI. Reports and Comments of Councilors

(Became part of Council Roundtable.)

VII. Council Roundtable

Councilor Needell updated the Council on the various applications and other matters that were presently before the Planning Board. He noted that at the most recent Board meeting, the Planning Board had approved a conditional use application for the national chapter of the SAE fraternity to redevelop the property at 28 Madbury Road. He said the Board had also approved a subdivision plan for the Fogg property, so the conservation easement for that property should be going forward.

Councilor Julian Smith said the Mill Plaza Study Committee had held a public hearing the previous Wednesday, and said that despite the bad weather, more than 75 people had been there. He said a lot of good input had been received, mostly positive, concerning the possibility of and ideas regarding the redevelopment of Mill Plaza. He said a smaller number of negative comments were expressed.

Councilor Henry Smith said he had attended the public hearing, and said Councilor Julian Smith had done a fine job of conducting the discussion at the public hearing, especially considering the large number of people who spoke.

Councilor Smith also said he had attended his first Historic District Commission meeting the previous Thursday, and said the Commission approved a proposal concerning the Episcopal Church, involving the expansion of a wing of the facility, moving of the memorial garden, etc.

Administrator Selig provided the following updates to the Council:

- He said the April edition of “Down to Earth” had just come out. He noted that Councilor Morong and his wood-fired hydronic furnace were featured in the newsletter.
- He said the Mill Plaza public hearing would be broadcast on DCAT.
- He announced that Durham had received the American Institute of Architects grant it had applied for regarding moving forward with the Mill Plaza project. He said this was very positive news for the Mill Plaza Committee and the Town. He noted that AIA had done 42 charettes around the state in the past several years, and said that often the plans that came out of these processes fell flat. He said AIA was embarking on a new cradle-to-grave enterprise, which would unfold in Durham, and would take the Town from the planning stages through to construction of the project. He said there was a financial commitment from the Town of \$5,000, but said what the Town would get in return was worth much more than this.

Councilor Carroll thanked Administrator Selig for his updates during the recent bad weather event, also noting that several residents had expressed their appreciation as well.

Administrator Selig said he would like to make note of the good people who worked for the Town, who had provided him with updated information regarding the storm.

Chair Niman said a joint meeting at the School Board with Lee and Madbury was scheduled for April 17th, and he asked Councilors if there were any items they would like to see on that agenda.

Administrator Selig suggested there should be a frank discussion on the school funding formula, and whether it was fair and relevant for the communities.

Councilor Leach noted that she had been sent an agenda for this meeting, as a Parks and Recreation Committee member, since the issue of playing fields was on the agenda.

Chair Niman said his concern was the continued growth in the School budget, and he asked if things would reach a point where residents could no longer afford their taxes, and there would be a backlash against the School budgets. He said a question he had was whether the School Board was concerned about this, and was doing any long-range planning regarding budgets.

Councilor Morong asked that Councilors who didn't have a copy of the report developed by the school funding committee receive one. He also asked Chair Niman if he still had the information he had gathered as background for this report, and whether it was still valid.

Chair Niman said the numbers themselves were not up-to-date, but said he could update a lot of what he had done with newer numbers if the Council adopted this issue as a Council goal. He said that a subcommittee could potentially be formed as part of this.

Councilor Henry Smith noted that the Articles proposed by the School Board were approved by a good margin, and said he therefore wondered if the Board had these concerns about the growth of the School budget.

Councilor Needell said he assumed that the School Board had given consideration to this, but he said if the Council felt the issue was not being addressed sufficiently, it was a reasonable question to ask.

In answer to a question from Councilor Carroll as to whether this kind of meeting was a new idea, Administrator Selig said such meetings had happened in the past, but had stopped until a school funding task force was developed in 2003. He said there were a number of joint meetings around that time, including a meeting with the Legislative delegation, which resulted in proposed legislation. He said the meetings stopped after that, and said it was the Town of Lee that had recently wanted to renew these meetings.

Councilor Van Asselt said if the Council was going to talk about a 0% increase for the 2008 Town Budget, this was a fair discussion to have with the School Board as well.

Councilor Needell said he didn't think the Council had given Administrator Selig that direction yet, concerning the Town Budget, but he said he agreed this was a fair question to ask the School Board.

VIII. Public Comments

Chair Niman asked that those members of the public who were present to speak concerning their applications for Town boards and committees, but had to leave early, speak during the Public Comment section. He said those applicants who could wait could speak under Agenda item VIII.

Peter Knight, 29 Bagdad Road, noted that he had recently run for a seat on the Town Council. He said some residents in Town had suggested that he should serve on the Planning Board, and said he was present at their request. He said he had more than 25 years of commercial real estate experience, which would be useful on the Planning Board.

Councilor Needell noted that Mr. Knight had applied to be a regular member of the Planning Board, and asked if he would also be interested in serving as an alternate member of the Board.

Mr. Knight said he would not be interested in the alternate position.

Emily Smith, 17 Orchard Drive, said she had been an alternate on the Library Board of Trustees for the past year, and would like to be reappointed to that 1-year term position. She said Councilor Julian Smith had run a great meeting of the Mill Plaza Study Committee, and said the Committee was to be applauded for having a very good vision statement. She said she had lived in Durham for 40 years, and was interested in seeing a Town-wide library.

Sara Wilson, 9 Coldspring Road, said she was running for a position on the Parks and Recreation Committee, and said she had been a resident of Durham for 3 years. She said she and her husband had 3 kids, had both been active on ORYA, and were interested in seeing enhanced recreation for the Town. She also thanked Administrator Selig for his recent updates to residents during the storm.

John Carroll, 54 Canney Road, noted that he was a Professor of Natural Resources at UNH. He submitted to the Council the official soils map of the Town of Durham, entitled "Town of Durham, N.H. Agricultural Soils Map", published in December of 2005. He said all Councilors should have a copy of this map, which was published for the Town by the Strafford Regional Planning Commission.

Mr. Carroll noted that all of the soils along the east side of Route 108/Dover Road from the Route 4 intersection to the Madbury Town line, and all of the soils along Route 155A/Mast Road to the Lee Town line were classified in the two top categories of "Prime Farmland Soils" and "Farmland of Local Importance". He said these remaining good agricultural soils along the Town's rural gateways would be irreversibly destroyed, permanently lost, if these lands were developed for commercial or residential purposes.

Mr. Carroll stated that the value of agricultural lands for food production, for both crops and livestock, was rising because of competition for land for ethanol production, which was displacing food production in many areas of the Midwest, now as far east as Ohio. He said present food sources for the area, coming from 1500 or more miles away, were not sustainable, nor was the system that brought that food to the area. He said people in New England would be called upon to produce a higher proportion of their own food in the future, and said to destroy the Town's remaining agricultural soils would be the height of foolishness.

He said that given what was now known, the Town must change the Zoning Ordinance as necessary, in part by create agricultural zones based on these soils. He said the Town must not enable or encourage the destruction of these soils in the name of questionable economic development.

Mr. Carroll noted that Durham had recently passed the Carbon Coalition Resolution on Climate Change overwhelmingly, by a vote of 1400 to 200. He said if taken seriously, this meant the end of business as usual in economic development and planning and zoning; a cessation of economic "growth" that paved over the open areas of the Town; and real cuts in fossil fuel use/carbon emissions, as much as 2% or more per year for many years, starting now.

He said that when one considered these soils, the food system, and the ecological situation, all justification was lost for paving over more of the Town. He said what they were then left with was the exciting challenge of economic development within the built environment, whether at Mill Plaza, the Central Business District, or Technology Drive.

Mr. Carroll said one of his students at UNH had recently written that they all needed to be reminded of exactly where their food came from: dirt. He said another student had said that humans had an incredible ability to destroy before they understood. Mr. Carroll said all trips to bountiful came from the soil. He said choices were still available, and asked that the Town make the right choice, and recognize and protect what was true wealth- the rich topsoil- for present and future generations.

Bill Hall, Durham, Durham, recommended that before discussing the school funding formula further, the Council should take the information Chair Niman had provided to the school funding formula task force, and seek out a law firm with positive experience in this area. He said this would provide the Council with advice on what the chances were of getting anywhere concerning this issue. He said he didn't think anyone would take the Town seriously without that kind of good information.

Councilor Van Asselt said that under Council goals, the Council would be discussing some of the things Mr. Carroll had spoken about. He asked when the soils information Mr. Carroll had referred were first available.

Mr. Carroll said the map he had referred to was dated 2005, and there was discussion that there was an awareness of this soils information prior to that time.

Councilor Van Asselt also noted that there had been 3-4 years of committees involved with the development of the Master Plan, and Council involvement with the Zoning Ordinance update, where there had been a lot of information on soils and other variables. He asked if this soils information was available then. There was discussion about this.

Mr. Carroll said something critically lacking even in recent years was knowledge of the increasing un-sustainability of the food system, given the cost of energy and the geopolitics of energy. He also noted the recent Climate change resolution, and the growth of the ethanol business, which was dramatically changing the face of the Midwest.

He said the Northeast would have to pay much greater attention to its remaining agricultural soils in the coming years, and said that many of these soils had already been destroyed. He noted that parts of Durham had been supremely productive agricultural areas in earlier years.

Councilor Morong noted his work with the Strafford Regional Planning Commission in identifying these soils back in the 1970's, and said this information had therefore been around for quite a while.

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

- A. **RESOLUTION #2007-10** authorizing the acceptance of private donations and unanticipated revenues received by the Town of Durham between January 1 and December 31, 2006
- B. **RESOLUTION #2007-11** authorizing the acceptance and expenditure of a grant from the Northern New England Chapter of the American Planners Association in the amount of \$1,000 for the Mill Plaza Re-Design Study

Councilor Julian Smith MOVED to approve Unanimous Consent Agenda Items A and B. Councilor Leach SECONDED the motion, and it PASSED unanimously 9-0.

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 that existing members and potential members of local Town boards and committee were invited to introduce themselves.

Councilor Needell said Peter Smith had called him to say he could not be present that evening. Councilor Needell said the Council should already be familiar enough with his background.

Administrator Selig said both Susan Fuller and Richard Ozenich could not be present for health reasons.

Uncontested Positions

DCAT Governance – 2 regular position openings; 1 Oyster River Cooperative School District position; 1 UNH representative position.

Applicants:

George Kachadorian – reappointment, regular member, 3-year term
David Langley – reappointment, regular member, 3-year term
Paul Gasowski – reappointment, ORCSD, 1-year term
Erika Mantz – reappointment, UNH rep, 1-year term

None of the applicants were present.

Durham Public Library Board of Trustees

Applicants:

Susan Roman – reappointment, alternate, 1-year term
Emily Smith – reappointment, alternate, 1-year term
Ed Valena – new appointment as alternate; was formerly an elected Trustee

Councilor Needell asked if library applications went through Library Board of Trustees.

It was noted that the only application received was from Ed Valena, because he was the only new applicant.

Historic District Commission

Applicants

Nicholas Isaak, reappointment, 3 –year term

Lamprey River Advisory Committee (LRAC)

Applicants

Cynthia Belowski, reappointment, 3-year term
Richard Lord, reappointment, 3-year term
William Hall, new appointment, 3-year term

Richard Lord, 85 Bennett Road, spoke before the Council, and said he had lived on the banks of the Lamprey River for 50 years. He noted that he was president of the Lamprey River Watershed Association for 10 years, during which time the Lamprey was designated as a Protected River as part of the NH Rivers Management and Protection Program, and Congress designated portions of the Lamprey River as Wild and Scenic, as part of the National Park Service Wild and Scenic Rivers Program.

He said he had been a very active member of the Lamprey River Advisory Committee for several years. He noted that the Council didn't actually appoint LRAC members, but instead nominated them to the State, which appointed them.

Chair Niman thanked Mr. Lord for his years of service on this Committee.

Bill Hall, Durham, noted his prior position as a Trustee of the Trust Funds, his work over many years in getting rescue equipment for the Town, and his work on traffic and transportation issues and reports for the Town over the years. He said he also had a very good understanding of water issues, and the use the Town makes of the water it has available.

Councilor Henry Smith asked for clarification on the statement Mr. Hall had made on his application form.

Mr. Hall noted the reluctance to use the water from the Lamprey River, and said he would like to explore this, on behalf of the Town and the water users. He said he felt the water users should have a representative on the committee, and noted that millions of dollars had been invested in providing access to this water.

Councilor Henry Smith asked Mr. Hall if he would be able to handle differences of opinion on the committee, and there was discussion on this.

Contested Positions

Conservation Commission

Applicants:

Duane Hyde, reappointment – regular, 3-year term

George Thomas, reappointment – regular, 3-year term

Peter Smith, reappointment – alternate, 3-year term

Emily Slama, new appointment (1st choice)

Carden Welsh, new appointment

Emily Slama, 367 Durham Point Road, said she had lived in Durham for 16 years, said she had applied to two committees. She said her first choice was to be a member of the Conservation Commission, which played an important role in protecting the Town's natural resources. She said she could contribute to maintenance and monitoring of properties the town has purchased conservation easements on. She also said she was currently taking courses at the Granite Institute that had caused her to want to be more involved with the Town and sustainability issues.

Ms. Slama noted concerning the Parks and Recreation Committee position she had applied for that she was the director of Oyster River Parents and Pre-schoolers, which provided a variety of enrichment activities for the children. She said she very much enjoyed this work.

Councilor Carroll said she hoped Ms. Slama would take the opportunity to share her perspective on various issues, to help keep the Council's eyes open to seeing larger horizons.

Carden Welsh, 3 Fairchild Drive, noted that he had applied to be a member of the Conservation Commission and the ZBA. He said he had lived in Durham for 16 years and had recently retired. He said Durham was a special town, and had done a wonderful job in terms of conservation. He said that as a Conservation Commission member, he would like to help keep things that way, and to make them even better. He noted that he was on the advisory committee for the Trust for Public Lands.

Mr. Welsh said he had a lot of experience with lawyers, in international business, and said he felt he could also be of service as a member of the ZBA.

Chair Niman asked Mr. Welsh what position he would prefer to have, and Mr. Welsh said he would prefer to be on the Conservation Commission.

Parks and Recreation Committee

Applicants:

George Lamb – reappointment, regular 3-year term
Christopher Glidden – new appointment (2nd choice)
Scott Lauer – new appointment
Lorraine Murphy – new appointment
Katie Muth – new appointment
Emily Slama – new appointment (2nd choice)
Sara Wilson – new appointment

Christopher Glidden, 5 Meserve Road, said he had spent over 7 years in Durham, and said his desire was to be involved in some way with the Town. He noted that he had applied for 3 positions, the Planning Board, the Parks and Recreation Committee, and the ZBA, and said his first choice was the Planning Board. He said he was interested in what the Town looked like and what the land uses were, so the position on the Planning Board and the ZBA were good fits for him. He also said he had interest in recreation because he had two children, and lived across from the playing fields.

Gregg Moore, 343 Dame Road, said he was a 13-year resident of Durham, and noted that he had served on some recreation related committees during the 2000 Master Plan Update. He said he had been invited to apply to the Parks and Recreation Committee, and said he was interested in making it more of a self-funded organization. He noted the recent Easter egg hunt in Town, and suggested there should have been more activities available at the site after that event.

Planning Board

Applicants:

Richard Ozenich, reappointment to regular member, 3-year term
Lorne Parnell, reappointment to regular member, 3-year term
Susan Fuller, alternate member whose term expires 4/07 requesting regular member appointment
Doug Greene, alternate member whose term expires 4/09 requesting regular member appointment
Annmarie Harris, alternate member whose term expires 4/08 requesting regular member appointment
Christopher Glidden, new appointment (1st choice)
Peter Knight, new appointment

Lorne Parnell, 2 Deer Meadow Road, said he had been on the Planning Board since May of 2005, first as an alternate, and since late 2006 as a regular member. He said he would like to be reappointed to the Board as a regular member.

Zoning Board of Adjustment

Applicants:

Michael Sievert, alternate member whose term ends 4/08 requesting to be moved to regular member, 3-year term

Jerry Gottsacker, reappointment – alternate, 3-year term

Christopher Glidden, new appointment (3rd choice)

Carden Welsh, new appointment

Robbi Woodburn, new appointment

Mike Sievert, 28 Riverview, said he was currently an alternate on the ZBA. He said his background was in civil engineering, and said he owned a small engineering company in Newmarket.

Councilor Needell asked Mr. Welsh whether he wished to be a regular or alternate member of either the Conservation Commission or the ZBA, and Mr. Welsh said he would accept either a regular or alternate position.

Jerry Gottsacker, 107 Madbury Road, said he had served on the ZBA as an alternate for two meetings, and would like to stay in this position. He said he liked the technical work involved on the ZBA, and said he was still on the learning curve, so would support Mr. Sievert as a regular member rather than himself. He noted he had spent most of his career in the corporate world.

Robbi Woodburn, 6 Cormorant Circle, noted that she was a landscape architect, and a resident of Durham for 13 years. She said she had participated on the Master Plan steering committee, and had also sat on the ZBA previously as an alternate. She said she was interested in serving on the ZBA again, and would prefer to be a regular member, given that she already had some experience on that board. Ms. Woodburn also noted that she had worked with the zoning ordinances of various other towns as part of her work, and had a good ability to understand what was on a set of plans.

Councilor Needell asked how often Ms. Woodburn might have to recuse herself, given the professional work she did in the area.

Ms. Woodburn said in her previous experience on the ZBA, she had to recuse herself once. She also noted that although one might see her as an advocate for change, in front of the Planning Board, as a landscape architect, she was concerned about the impacts of development on the land, and worked with the land, not against it.

Councilor Stanhope noted that the ZBA was often confronted with public and private rights, and asked where Ms. Woodburn was most comfortable concerning these different rights.

Ms. Woodburn said as a landscape architect, she always had to balance the land against change, and said a similar balance was involved with public and private rights. She said she tried to educate clients regarding the importance of achieving this balance.

Councilor Henry Smith asked Ms. Woodburn if she felt comfortable with the present Zoning Ordinance, or felt it needed to be changed.

Ms. Woodburn said there was always a need for change to the Ordinance in terms of clarity, but she said she didn't feel it was too restrictive. She said people needed to learn to work with it, and said they could always ask for variances if necessary. She said she thought that too many people felt that Zoning restricted them, and she said that instead, people needed to understand the intent of the Ordinance, and to work with it.

Chair Niman noted that there were three openings on the Integrated Waste Management Advisory Committee, and no applicants, and two openings on the Strafford Regional Planning Commission and no applicants. He said Councilor Stanhope would like someone to join him to further the cause of Durham at the SRPC meetings.

Councilor Needell said it was great to see so many people taking an interest in serving the Town, and to see lists of people to choose from for several of the positions. He noted for those people who might not be chosen that their names would stay on file, and he also said vacancies often came up during the year. He encouraged those people to not therefore give up and go away if they were not chosen.

Councilor Carroll noted that a new committee would be proposed at the upcoming Town Council meeting, which would be an outgrowth of the Carbon Coalition vote on election day. She said the Town was also hoping to form a committee for the Churchill rink, which would be another way to get involved in recreational issues.

Councilor Needell said that all committee meetings were open to the public, and said residents were encouraged to participate at these meetings.

Appointment Process – Uncontested positions

DCAT

Henry Smith MOVED to appoint George Kachadorian and David Langley to three-year terms on the DCAT Governance Committee, with term expirations of April 30, 2010. Councilor Julian Smith SECONDED the motion, and it PASSED unanimously 9-0.

Councilor Needell MOVED to appoint Paul Gasowski (ORCSD representative) and Erika Mantz (UNH representative) to one-year terms on the DCAT Governance Committee, with term expirations of April 30, 2008. Councilor Julian Smith SECONDED the motion, and it PASSED unanimously 9-0.

Library Board of Trustees

Councilor Julian Smith MOVED to appoint Susan Roman, Emily Smith, and Ed Valena to one-year terms as alternate members on the Durham Public Library Board of Trustees, with term expiration dates of April 30, 2008. Councilor Carroll SECONDED the motion, and it PASSED unanimously 9-0.

Historic District Commission

Councilor Henry Smith MOVED to hereby appoint Nicholas Isaak to a three-year term as a regular member on the Historic District Commission, with a term expiration date of April 30, 2010. Councilor Julian Smith SECONDED the motion, and it PASSED unanimously 9-0.

Lamprey River Advisory Committee

Councilor Needell MOVED to appoint Cynthia Belowski to a three-year term appointment on the Lamprey River Advisory Committee. Councilor Van Asselt SECONDED the motion, and it PASSED unanimously 9-0.

Councilor Van Asselt MOVED to appoint Richard Lord to a three-year term appointment on the Lamprey River Advisory Committee. Councilor Julian Smith SECONDED the motion, and it PASSED unanimously 9-0.

Councilor Van Asselt MOVED to appoint William Hall to a three-year term appointment on the Lamprey River Advisory Committee. Councilor Julian Smith SECONDED the motion.

Councilor Needell said he felt compelled to speak concerning this appointment. He said he found Mr. Hall's comments, without fail, to be of interest and important on various issues. But he said he found his method of delivery was often not productive, and said it would be a disservice to the committee if Mr. Hall was appointed. He also noted that these appointees were being asked to represent the Town, and said he was not comfortable having Mr. Hall do this.

Councilor Van Asselt said he heard what Councilor Needell was saying. But he said Mr. Hall had a lot of knowledge on water issues, so this was a good committee for him to be involved with. He said he thought Mr. Hall could bring a great deal of understanding concerning these issues, and said he would therefore like to see him participate as a member of the LRAC.

Councilor Henry Smith said he understood Councilor Needell's perspective, and said that Mr. Hall often spoke critically in the Council chambers. He said he didn't dispute that he was very knowledgeable and had experience with various Town issues. But he said it was the way Mr. Hall spoke to people, including the Council, that bothered him.

The motion PASSED 7-2, with Councilor Needell and Councilor Henry Smith voting against it.

Annmarie Harris spoke before the Council, and apologized for being late, noting she had just gotten back from Alaska and had caught a bad cold. She said she would appreciate being considered for the regular member position on the Planning Board.

Councilor Needell asked Ms. Harris if she was still interested in serving on the ZBA, as she had indicated in her email application.

Ms. Harris said she would prefer to serve on the Planning Board, stating that there were some very significant issues the Board was facing that she was familiar with.

The Council stood in recess from 8:35 to 8:46 PM.

XI. Presentation Item

Painting of Bagdad Road bypass bridge over Route 4 – Jerry Zoller, NH Department of Transportation

Mr. Zoller provided details on the work that was proposed. He said the goal was to get the work done with as little inconvenience as possible, but said that given that the work being done was on Route 4, there would be some inconvenience to the Town.

It was noted that the last time the bridge had been painted was 1966. Mr. Zoller said the present condition of the bridge was not acceptable, and he described the paint system that would be used, noting that this was the standard system used on other bridges in the area.

Councilor Needell asked if Route 4 would be restricted to one lane at some point, and Mr. Stoller said yes, providing details on this.

Councilor Julian Smith asked if work would stop if the established time frames were not met.

Mr. Zoller said the time frame was a conservative estimate, and said he expected work to be completed well within it.

Councilor Carroll asked how long this paint job would last, and Mr. Zoller said it should last 20-30 years. Councilor Carroll noted that the color of the bridge would be dark green.

XII. Unfinished Business

Continued discussion and possible adoption of a resolution implementing the provisions of New Hampshire Revised Statutes Annotated (RSA) 162-K enabling municipalities to establish Tax Increment Finance (TIF) districts

Councilor Julian Smith MOVED to adopt the attached resolution implementing the provisions of New Hampshire Revised Statutes Annotated (RSA) 162-K enabling municipalities to establish Tax Increment Finance (TIF) districts. Councilor Van Asselt SECONDED the motion.

Councilor Henry Smith spoke about the article in Councilors' packets on the successes and drawbacks of TIF districts, and he said it was important to note that this tool should be used with great caution and care, in order to make appropriate development happen.

Councilor Needell said he had found this article useful. He said he was firmly convinced that the Town should continue to look at the prospect of doing a specific TIF project, and he encouraged the Economic Development Committee to do this. He said from what he had read, the difficult part was embracing, understanding, and fully supporting a TIF project when it came forward. He said he failed to see the need to adopt the TIF legislation prior to that stage of a project.

Councilor Needell MOVED to postpone action until such time as such action is necessary for the establishment of a specific TIF district in accordance with RSA 162-1C:3. Councilor Carroll SECONDED the motion.

Chair Niman said if the majority of Councilors agreed with Councilor Needell's motion, the Council wouldn't act on Councilor Julian Smith's motion. But he said if Councilor Needell's motion was voted down, the Council would discuss Councilor Julian Smith's motion.

Councilor Needell said he fully supported the development of a specific TIF proposal by the Economic Development Committee, Administrator Selig, and the Council. But he said he would like to be very confident about what that entailed. He said delaying enactment of TIF legislation was not saying that new business wasn't welcomed. He said he just didn't want to raise false expectations, and send messages to developers that the Town didn't mean. He said he would rather send a clear message when there was a proposal that they were all behind, and said the legislation could be enacted very quickly when there was such a proposal.

Councilor Van Asselt said he disagreed, and outlined his reasons for doing so. He first noted the philosophical arguments concerning TIFs, that public funds were used to assist private development. He said this was how society worked, and noted that Councilor Needell didn't argue against this.

Concerning mechanical arguments that TIF might not work, he said what would make it work was if the Town had the capability to do it, and also had the right developer. He said he felt the Town was fully capable of making a TIF district work, and said he was confident it could work if the Town Council elected to do it.. He said having this tool available didn't concern him, and said it would not be used unless the Council and Administrator Selig were absolutely convinced it was needed to get the Town where it wanted to go.

Councilor Van Asselt said the focus should be on the development, not how it was financed. He said that doing a project specific TIF created a situation where the discussion with a developer was on the financing of a project, rather than the project itself first. He said he would prefer to see the Town Council, Planning Board, ZBA, etc., consider the project first, and once it was decided the project was desirable, then would be the time to look at the tools available to make it work financially.

He said the TIF financing process should be on the books, and then the focus could be on whether a particular development was wanted. He noted that he didn't feel it was essential that TIF be available, to make developers feel good, stating that developers coming forward in Durham saw that the Town wanted sensitive development.

Councilor Henry Smith said the article on TIFs said it should be used with caution. He said the Town of Raymond had a specific project in mind, when it adopted TIF, and said this was a large project that was developed fairly rapidly. He said he agreed that it would be good have a project in mind before adopting the enabling legislation.

Chair Niman said he would like to see the Council adopt the TIF legislation. He said this was a tool the Town might or might not choose to use, but said he would like it to be an option. He said he would like the Council to decide on this that evening, stating that the longer the discussion dragged out, the less productive it became.

He said the article Administrator Selig had discussed situations where retail businesses in inner and outer areas of a town were pitted against each other, and said he didn't think these cautionary tales fit Durham. He said that in Durham, retail was only permitted in the central core of Town, so the Zoning Ordinance prevented many of the concerns that were described in the article.

Councilor Needell noted that the reason he had raised his concerns was that most of what he had read about TIF didn't in fact apply to Durham. He said he didn't disagree with what Councilor Van Asselt had said concerning how a project should be developed. But he said the problem was that there was very little comparison information available to allow them to see how things would be structured, when it came down to approving a specific district.

He noted that once the Town adopted the legislation as part of the first TIF district, it would be on the books for any other proposal, and said his point was simply that they should wait until the first proposal existed. He said he didn't think adopting this legislation was going to make the process any easier, and said he didn't feel they had a good idea of what they would get if the legislation were adopted.

Councilor Carroll said they wouldn't really understand how TIF would work until it was applied to a specific project, and she said the Council had the option of dealing with TIF in that way. She suggested that the Council should wait until it could apply it to a live case study. She noted that some of them wished that this were an approach that could be used with a revised Zoning Ordinance, in order to find shortcomings in it.

Councilor Needell noted that mixed retail was also permitted in the Professional Office/Route 108 District, and was allowed as a conditional use in the ORLI district.

Councilor Van Asselt said the basic argument remained as to why TIF should be on the books. He said if a developer wanted to do a project, and the proposed development was mixed in with TIF, the focus became more on this than on what was actually being proposed. He said he wanted the Town to make a decision on whether it wanted that particular development to occur, and then could ask the developer to show the finance plan. He said at that point, the developer could say he could go forward with or without a TIF district. He said he thought things would be clearer that way.

Councilor Needell said he didn't see why what Councilor Van Asselt had said couldn't be done under what he (Councilor Needell) was proposing.

The motion FAILED 3-6, with Councilor Needell, Councilor Carroll, and Councilor Henry Smith voting in favor of it.

Administrator Selig recommended that the Council adopt this Resolution, which formally adopted the provisions of RSA 162K, and which at a later date would allow the Town to use a TIF district.

The original motion PASSED 7-1-1, with Councilor Carroll voting against it, and Councilor Needell abstaining because he didn't have enough information.

XIII. New Business

A. Continued discussion relative to the Town Council's list of goals for 2007/08

Chair Niman asked if there were any other goals Councilors would like to add to the list.

Councilor Julian Smith suggested there be a goal #14, which would be to resolve the issue of whether to build a new Town Hall in conjunction with a permanent library.

(The names following each of the goals below generally indicate the Councilor(s) who suggested them. The goals where Administrator Selig's name appears are those that he recommended for inclusion on the list.)

#1 Preserve open space, vistas, farmland, forest and conservation lands through land and easement purchases utilizing conservation bond and land use change tax proceeds in such a manner as to balance the benefit of such acquisitions against the broader tax implications these acquisition and other municipal priorities have upon the community as a whole (Councilor Carroll, Administrator Selig)

Administrator Selig said his concern regarding this issue was that in 2003, residents were not thinking about how that decision related to the future tax rate and other priorities the Town was dealing with- a new library, fire station, Town Hall, recreation opportunities, etc. He said he wanted to try to link these things in this goal.

Councilor Morong said for 2007, he wouldn't feel good about spending money on conservation land. He said additional income into the Town was needed, and said he didn't see proposed projects coming to fruition in the near future. But he noted that if something exceptional came up regarding land conservation, he would like to see the LPWG bring it forward.

Councilor Leach said she agreed, stating that she would have a difficult time approving another conservation easement this year unless it was an exceptional project.

Councilor Needell said people had voted for what they had voted for in 2003, and said he was not interested in second-guessing this. But he said he had heard the concerns about tax impacts, and said this would be a significant focus of the Council in its planning and decision-making. But he said this didn't nullify the goal of preservation, and he said if an opportunity came up that

was too good to be true, the Council should welcome the LPWG to bring this kind of thing forward. He said the LPWG had heard the message from the taxpayers too, and he said the process was taking care of itself.

There was detailed discussion on the wording of Goal #1.

Councilor Julian Smith asked how the Council could possibly not have this as a goal.

Councilor Carroll said she agreed the Council needed to be careful how to spend the money approved by the voters, but said they shouldn't pretend the money was not there, given that residents voted for it. She agreed it was time to take a deep breath, but said she would like the LPWG to continue to be on the lookout for various kinds of lands that might become available, and to find grant money to leverage tax money. She noted that these things could take a long time to develop.

Councilor Carroll said she took responsibility for not having moved the issue of farmland protection forward as a goal. She said it was a difficult concept to address, and was comparable to trying to address shoreland and wetland protection in earlier years, until people realized the importance of these resources, that they served the Town and its residents well, and that unless the Town protected them, they wouldn't be taken care of.

She said farmland was a resource that was a true gift to the Durham community, but said that because it wasn't needed as much as it had been in previous centuries, people didn't think of it as the precious commodity that it was. She noted the old farmhouses in Durham. She said she had a lot more to say on this issue, but summarized that she would like to see farmland overlay districts established in Durham.

Chair Niman asked Councilor Carroll to come up with a proposal, and said the Council could then talk about it.

Councilor Stanhope said concerning the language "broader tax implications" in Goal #1 that this should be addressed for the long term. He said if a large parcel of land became available, the Town should look at this in terms of not just the immediate cost, but also the long-term costs to the Town of residential development, or acquiring the land instead. He said if the Town acquired the development rights, it retired that risk in future years, and said they shouldn't just be thinking in terms of this year's tax rate. He said perhaps crops would be grown on that land, but said he was worried about growing kids on it. He said land preservation was a critical issue, to maintain the character and quality of the Town.

Councilor Morong said he didn't think the Town could afford another year like 2006, but he noted that there had been some great land conservation opportunities for the Town, such as the Merrick property. He said the Town would be foolish to pass this kind of thing up in 2007.

Councilor Henry Smith said he felt Goal #1 should remain an action goal, and said the Council should assume the LPWG was continuing its work.

Administrator Selig noted that in addition to the remaining money available from the bond, there were funds available from the Conservation Commission's land use change fund, and said these latter funds could be used with minimal tax implications.

#2 Enhance recreational opportunities for the community (Councilor Leach, Administrator Selig)

- Operate the Churchill Rink at Jackson's Landing with a positive net (or break even) cash flow, establish a new Rink Committee to advise in the operation of the facility, and establish a special revenue fund for the ongoing maintenance and operation of Churchill Rink.

Administrator Selig said the community had expressed real interest during the recent election in broadening recreation opportunities in Town. He also noted Councilor Leach's efforts concerning possible tri-town recreation efforts. He said goal #2 also included a focus on the Churchill rink, which the Town took possession of as of April 1st. He said it was important to put the rink front and center in the Council's discussions.

Councilor Needell said he was glad see this general goal on the list, and said he thought the creation of a tri-town committee was important step. He said the Council would have to wrestle with the tax implications of it, but said that was true concerning all of the goals. But he said it was not his goal that the Council have anything to do with the Churchill rink, at least no more than it currently did. He said there was the opportunity for the people who wanted to make the rink happen to move that goal forward, and said he wasn't sure it needed to be a Council goal.

Councilor Leach said all the Council would have to do would be to approve the committee, and there was agreement on this. There was also discussion on the link between the rink committee and the Parks and Recreation Committee.

#3 Move forward with transitioning responsibility for dispatching services from UNH Dispatch to Strafford County, with target effective date of January 1, 2008. (Councilor Stanhope, Administrator Selig)

Administrator Selig said this goal had been in the works for 3 ½ years. He said the various parties involved were being cooperative, and he said that barring an unforeseen circumstance, the transition would happen. He noted that with some up front investment, it would save the Town \$250,000 each year.

Councilor Needell asked what the Council role was concerning this goal.

Administrator Selig said this had been a Council goal over several years, and represented a significant item that he and other Town staff would be working on, which would limit his ability work on some other things. He said it was also a fiscal item, explaining that the Council would have to formally vote to award some contracts relating to the transition for things like computer software for the Police Department.

Chair Niman said a reason it had been a Council goal was that some members of Town staff had dragged their heels with respect to it. He said having it as a goal said to staff that this is something the Council would like to happen.

Councilor Needell said that in the past, there were differing opinions from Town staff as to whether this was a good idea. He noted that he had raised concerns previously that just because transitioning dispatch services to the County would save money, it wasn't necessarily a good idea. He said he didn't argue that there was administrative work that was needed concerning this transition, but he said if it was a Council goal, he felt the Council should be more involved with it. He said he was not sure where the Council fit into the process.

Councilor Van Asselt said Councilor Needell was sort of right, but he said the Council had said to Administrator Selig to keep the concept moving on. He said the policy decision still would need to be made, and said the goal should stay on the list.

Administrator Selig said the community needed dispatching, and said he had said that the transition would occur. He said he was not ignoring the challenges involved, but said unless he continued to move forward with this, this goal was not going to be achieved.

The Council agreed to keep goal #3 on the list.

#4 Review ORCSD funding formula to ensure fairness in apportionment methodology and take action to correct deficiencies noted. (Councilor Stanhope/Administrator Selig)

Councilor Needell said the question was how to go ahead with this goal.

Chair Niman said if the Council wanted to make this a goal, he, Administrator Selig and

Councilor Carroll would get together at the agenda-setting meeting to figure out how to move this forward. He said it would probably involve forming a committee.

#5 Establish a new citizen working group to develop a charge and title for a new committee that is consistent with the Carbon Coalition warrant article approved on March 13, 2007. (Councilor Morong, Councilor Carroll, and Councilor Needell)

Councilors agreed that the scope of the is committee would be discussed at the next Council meeting.

#6 Initiate discussions with the University with respect to drafting a new agreement addressing the fiscal implications upon the Town of hosting UNH in the area of policing services. (Administrator Selig)

Councilors agreed this was an area worthy of discussion. Chair Niman said it could be worked out how they would go about doing this.

Administrator Selig said he felt that progress had already been made in this area, noting the changes concerning commercial uses of the Whittemore Center as an example, as a result of the

Town's request that it be paid something for these activities. He said the result of this was there would be different activities, which would place less of a burden on the Police Department and the Fire Department.

Councilor Van Asselt noted that some Councilors had been interested in the idea of payment in lieu of taxes.

Administrator Selig said he didn't feel that a discussion on this with the University would be productive.

Chair Niman said there was a higher probability of success if the Council pursued the existing approaches.

Regarding the idea of combining the University and Town police forces, Administrator Selig said he was open to the idea of having this discussion, if the University wanted it.

Councilor Julian Smith MOVED to suspend the 10:00 pm adjournment time. Councilor Henry Smith SECONDED the motion, and it PASSED 7-2, with Councilor Morong and Councilor Stanhope voting against it.

#7 Promote expansion of the tax base. (Administrator Selig)

- Move forward with Chinburg RFP for development of Durham Business Park
- Modify Administrative Code to establish a new standing committee, the Economic Development Committee, to develop strategies to increase the taxable value within the community
- Evaluate appropriate opportunities for the use of Tax Incremental Financing (TIF) districts within the community.
- Review and evaluate the existing regulatory process in Durham and move ahead with modifications as needed to streamline it (Councilor Stanhope)

There was discussion regarding the various bullets under the general goal.

The wording of the last bullet was changed to read "...move forward with modifications if needed to streamline it."

#8 Develop and move forward with strategies to increase taxable value and social capital in the downtown area through the encouragement of new construction/development that serves the year-round population, integrates the presence of the University, and is inclusive of workforce housing opportunities. (Administrator Selig)

Councilor Leach asked if the Council had discussed the concept of workforce housing, and there was discussion on this.

#9 Implement new strategies to ensure the protection of Durham's gateways by discouraging sprawl. (Councilor Henry Smith)

- Develop and adopt a Gateway Overlay District (GOD) within Durham's Zoning Ordinance

Councilor Henry Smith said he had recommended this goal, noting that a lot of other Durham residents didn't want sprawl either. He said the idea was to look at ways to tweak the Zoning Ordinance to better protect the Town against it.

Councilor Needell said the Master Plan was the guiding document, and spoke about the Town's gateways. He said the Zoning Ordinance changes that had recently been made attempted to implement this guidance, and he said the question was what needed to be accomplished beyond what the Zoning Ordinance now said.

Councilor Henry Smith noted the Table of Uses, and comments made by Administrator Selig recently regarding growth in the outer area of Town on Route 108. He said the question was whether the Zoning Ordinance needed to be tightened up to protect the Town against the danger of sprawl.

Councilor Van Asselt said he agreed with Councilor Needell, and said he didn't feel this goal belonged as a Council goal. He said he could not support it, stating that as he read it, it said here is an area that might be developed based on the Zoning Ordinance, so let's change the Ordinance. He said a lot of work had gone into the Zoning update, and also said the Zoning rewrite process was available to change the Ordinance further if this was needed.

Councilor Henry Smith said his concern was that sprawl could happen inadvertently.

Councilor Carroll said a process to review the existing protection of Durham's gateways was a good idea, and might be worthwhile to undertake.

Chair Niman said that after receiving Councilor Henry Smith's email, he had read through the Master Plan and the Zoning Ordinance. He said preservation of rural character was a theme throughout the Master Plan. Regarding possible growth along Route 108, he said he felt the Zoning Ordinance fit with what was in the Master Plan. He also said that concerning the possibility that with water and sewer going further out on Route 108 there would be strip development, this wouldn't happen with the existing Zoning Ordinance. He noted the permitted uses, buffers, etc. in place for this area, and said there simply would not be big box stores and fast food restaurants going in out there.

Chair Niman said if individuals wanted to suggest changes to the Zoning Ordinance with specific proposals, they should do this. But he said he didn't think #9 should be a Council goal.

Councilor Needell said he had no problem with the concept of preserving the Town's gateways, and also said there were some things in the Zoning Ordinance concerning this that were tricky. But he said the problem he saw with this goal was what the Council in particular would do with it. He said the Town had to be constantly vigilant about the Zoning Ordinance, and needed to look for flaws in it, but he said he didn't see goal #9 as an effective goal for the Council.

Councilor Henry Smith said he would remove the goal from the list, and think some more about this issue.

10 Exercise budgetary scrutiny. (Councilor Stanhope)

- Annually evaluate one budgetary department in an in-depth manner – focus on Administration budget for 2008

Councilor Stanhope said he would like to see the Budget sunset periodically, where there would be a detailed examination of a particular section of it. He said this was important because otherwise, departments tended to grow automatically over time. He said the Council had heard loud and clear from Durham residents about their concern about taxes, and said it was important to look at where money was being spent, and not just try to grow the tax base.

Councilor Leach said if the Council discussed the Budget earlier in the year, it could get at these things, and not necessary just for one department.

Councilor Van Asselt said he liked the idea of more detailed Budget scrutiny, and said his preference would be to see a goal that there would be a Budget workshop, where Administrator Selig could help the Council look at possible ways to scrutinize the Budget.

Councilor Needell said a Budget workshop was something that should be done early, and said he was not prepared to instruct Administrator Selig to do anything concerning this at this point. He also said he was prepared to adopt Councilor Stanhope's suggested goal.

Administrator Selig said he would value early input from the Council in terms of general parameters for the Budget, such as a 3% tax increase, 0% increase, etc. He said his concern about having a Budget workshop was that they tended to go around and around with the same set of facts. He said he felt it would be more valuable to have 2-3 Councilors sit down with him throughout the process of developing the Budget, so they could be more deeply involved with this process of working with the various departments, etc. He said those Councilors could then bring back their observations to the full Council. He said it also might be a good idea to have some members of the community involved in observing the Budget development process. Councilor Stanhope agreed that it would be a good idea to invite the Council to participate in this process at a higher level. He said in this way, the Council would be able to have a greater degree of confidence concerning money that needed to be spent.

Councilor Henry Smith said he thought the approach Administrator Selig had suggested would be very helpful, and said he would like to be a participant.

Councilor Van Asselt suggested that a Budget workshop should be scheduled for May or June, where ideas for looking at the Budget could be looked at. He said the Council could then tell Administrator Selig that as he prepared the Budget, it would like to see certain kinds of information provided concerning the Budget.

There was discussion concerning this, and about whether such a session could be done during a regular Council meeting or not.

Councilor Needell said the Council would need to give Administrator Selig some guidelines as to what it expected to see in the Budget in November. He said a second workshop session might be needed to set those parameters.

Councilor Leach agreed, stating that she didn't think the Council had done a good job last year of giving Administrator Selig the parameters early on, before he met with Department heads. She said the Council needed to do a better job this year.

It was agreed that the Council would have a workshop to formulate Budget goals on May 14th. The Council Goal was changed to reflect this.

#11 Support Board of Trustees in the development of a new public library facility. (Council Consensus/Administrator Selig)

Councilor Leach asked whether this goal meant supporting the Library Board of Trustees as they moved forward regarding the Mill Plaza study process.

Chair Niman said is personal goal concerning this was to find a home for the Library, and said he was committed to trying to resolve this issue.

Councilor Leach said that at some point then, the Council could talk about how to accomplish goal # 11, and Chair Niman said that was correct.

#12 Ensure affordability for Durham's senior citizens and veterans. (Councilor Van Asselt and Councilor Carroll)

- Revisit the elderly exemption and veteran tax credit amounts and qualifications currently in place

Councilor Van Asselt spoke briefly concerning this goal.

#13 Regularly end Town Council meetings by 10:00 pm. (Councilor Morong)

Councilor Van Asselt said he agreed the Council should look for ways to shorten meetings, but said if being elected meant they had to have long meetings, that was the way it was.

After much discussion about possible ways to keep meetings to a reasonable length, it was agreed to remove goal #13.

14 Resolve the issue of whether to build a new Town hall in conjunction with a permanent library. (Councilor Julian Smith)

Councilor Julian Smith said that perhaps they could wait on this goal, until the Mill Plaza Study Committee provided its recommendations to the Council. He agreed it should be taken off the list for now.

B. Other business

There was discussion regarding Committee appointments and that the hour was late, so this should wait until the next Council meeting. There was also detailed discussion about the fact that there were several applicants for some of the positions, and about the best way for the Council to go about selecting people for the positions.

Administrator Selig suggested that Council members should indicate their preferences ahead of time for the various positions. He said this information would then be available at the next meeting, and could be discussed at that time. He said this information would be public, and would be included in the discussion.

There was discussion that some guidance to the Council from members of the boards and committees could be useful. Concerning this, Administrator Selig passed out a letter from Planning Board Chair Richard Kelley.

Administrator Selig confirmed that the preference information would be included in Council packets, and that the final vote would take place at the next meeting.

XIV. Nonpublic Session (if required)

XV. Adjournment

Councilor Leach MOVED to adjourn the meeting. Councilor Morong SECONDED the motion, and it PASSED unanimously 9-0.

Adjournment at 10:57 pm

Victoria Parmele, Minutes taker