

This set of minutes was approved at the July 16, 2007 Town Council meeting.

**AGENDA
DURHAM TOWN COUNCIL
MONDAY, JUNE 18, 2007
DURHAM TOWN HALL – COUNCIL CHAMBERS
MINUTES**

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

MEMBERS ABSENT: None

OTHERS PRESENT: Town Administrator Todd Selig, Fire Chief Peter O’Leary, Town Clerk Lorrie Pitt, Business Manager Gail Jablonski, Assessor Robb Dix, Town Engineer David Cedarholm

I. Call to Order

Chair Niman called the meeting to order at 7:04 PM.

II. Approval of Agenda

Chair Niman said the TIF discussion under Agenda item VIII B would be rescheduled for the July 2nd meeting, since Don Jutton of Municipal Resources could not be present. He said the public hearing on the TIF issue would be held on July 16th.

He also said Councilor Julian Smith had asked that the Mill Plaza Study Committee be able to make some comments to the Council after the approval of the Minutes. Finally, Chair Niman said there would be a nonpublic session regarding tax abatement issues.

Councilor Van Asselt asked why the TIF discussion was being moved to July 2nd.

Administrator Selig said that in addition to the fact that Mr. Jutton was not present, the Council hadn’t received the TIF document until that afternoon, so it made sense to move the discussion up to July 2nd.

After further discussion, Chair Niman suggested that there could possibly be some preliminary discussion on this issue under New Business, if time allowed.

Councilor Van Asselt MOVED to approve the Agenda as amended. Councilor Morong SECONDED the motion, and it PASSED unanimously 9-0.

III. Special Announcements

A. Introduction of new Fire Department employee – Corey Landry, Chief of Operations

Chief O’Leary said Mr. Landry had previously been Deputy Chief of the North Hampton Fire Department, and also said he had been a fire inspector in Durham in the past. He provided details on Mr. Landry’s excellent credentials.

Town Clerk Lorrie Pitt swore in Mr. Landry, and members of the Council welcomed him to Durham.

B. Special Library Services Contribution Award to the Friends of the Durham Public Library by the New Hampshire Library Trustees Association

Library Board of Trustees Chair Doug Bencks introduced Lil Edelmann, President of the NH Library Trustees Association, who was there to present an award to the Friends of the Durham Public Library, which had been doing extraordinary work over the last 10 years. He provided details concerning this.

Board of Trustees member Luci Gardner then read the letter she wrote nominating the Friends of the Durham Library for this award.

Mr. Bencks said this was an honor for the Friends, the Library and the people of Durham.

Ms. Edelman then presented the Special Library Services Contribution award to members of the Friends of the Durham Public Library. She said this organization stood head and shoulders above other groups like this in the State. Said the letter written by Ms. Gardner should be circulated widely so people would know about the wonderful work this group had done.

Mr. Bencks asked the members of the Friends of the Durham Public Library to stand so they could be recognized.

IV. Approval of Minutes

May 7, 2007

Page 3, 3rd paragraph from bottom, should read “She explained that students in Professor Ihab Farag’s class at NUH had rated...” Same paragraph, last sentence, should read “She said Professor Farag planned to go through this process again.....”

Page 10, 3rd paragraph, should read “Councilor Carroll noted that about 2 years ago, State Legislator Marjorie Smith had explained...”

Councilor Van Asselt MOVED to approve the May 7, 2007 Minutes as amended. Councilor Stanhope SECONDED the motion, and it PASSED 8-0-1, with

Councilor Leach abstaining because of her absence from that meeting.

May 7, 2007 (Nonpublic)

- Councilor Leach should not be listed as being present.
- Councilor Peter Smith's name should be removed.
- Churchill should be Church Hill

Councilor Van Asselt MOVED to approve the May 7, 2007 nonpublic Minutes as amended. Councilor Needell SECONDED the motion, and it PASSED 8-0-1, with Councilor Leach abstaining because of her absence from that meeting.

IV.5. Presentation Item (This is the item identified on the agenda as VIII C.)

Mill Plaza Study Committee Chair Dave Howland said he was present with Patricia Sherman of the New Hampshire AIA150 program to report on the work program developed for the Mill Plaza property. He provided background on the work of the Committee so far, and then explained that the goal of the Committee was to produce a design and recommendations for the redevelopment of the Mill Plaza property by the end of the year.

He said the Committee was basically ready to go, noting that it would be a labor and time intensive process. He said they wanted to check with the Council before moving forward. He then asked Ms. Sherman to walk the Council through the work program elements.

Patricia Sherman said it was with great pleasure that she was present at the Council meeting. She said the AIA150 process was an incredible challenge, but said if they could meet this challenge, they would be able to show communities across New Hampshire and perhaps across the country how to do development in a way where the community, the developer, the owner, etc., all got what they wanted, and where there was collaboration to the extent that the Town's visions could come to reality.

Ms. Sherman said the work program would involve a series of public meetings, with the first meeting, on July 18th, a time where the vision statement along with all kinds of data, including site data and analysis, would be presented. She said this data would be used in the design of the plan. She explained that it was important that the public understand what was being used as base information and agree with it so they could move forward with the design.

She said the Committee would work with Craig Seymour to develop a public format by which economic analyses for the project would be done, and said this information would be provided at the July 18th meeting as well. She said that as part of this, they would look at existing tax revenues, as compared to tax revenues that would result from various development proposals for Mill Plaza. She said they would also look at the infrastructure the Town was responsible for. Ms. Sherman said these same

analyses would be done for the owner of the property.

Ms. Sherman said the two meetings after that would involve 3 separate design teams developing different design options for the property, using the same base information. She noted that one of the design teams was local, and was working with the Committee already. She said a goal in using this process was to help the community understand the design process.

She said that after these two meetings, there would be a third meeting where there would hopefully be a hybrid design that would come together as a project that would meet public approval, and would meet the criteria the Town had set out for the project.

Ms. Sherman noted the importance of the owner having a seat at the table, and said he would have the option of participating whether actively or passively in the process. She said in either case, the goal was to show that the 9 acre property and perhaps more property could see an incredible increase in value as a result of the redevelopment.

Ms. Sherman said the New Hampshire AIA had to raise \$100,000 in order to make this work: money that would be spent for a facilitator, a videographer, and a public information firm. She said that amount did not include the pro bono costs for the talented professionals who would be involved with the project. She said factoring those pro bono costs in, this was a \$200,000 design project.

She explained that the reason the AIA was doing this was that it believed in the importance of local planning, with limited resources, and said that unless they could show people how to really do development, towns would lose the resources they had. She said they chose Durham because they believed there was a common interest here to get to a common goal. She said if they succeeded, there should be a project that worked economically for the Town and the owner, and also met the criteria of the citizenry.

Ms. Sherman said it was recognized that the citizens of Durham were very vocal, and said the goal was to create an environment where people could speak each others' languages. She said she appreciated this opportunity, and was pleased with the response so far from the Town and the University. She noted that the two design meetings were tentatively scheduled and would be firmed up soon, she said the goal was to complete the process by the beginning of December.

There was discussion about the proposed schedule that had been provided. There was also discussion about what role the owner of Mill Plaza would be playing at this stage of the process.

Ms. Sherman said if the Council sanctioned the work program that evening, the Mill Plaza Study Committee would then be looking to sit down with Mr. Pinto to discuss

the work program.

Mr. Howland said there had been a conversation earlier that day with Mr. Pinto's representative, who had said Mr. Pinto would visit Durham in July, and was excited about the work the Committee was doing. Mr. Howland said the Committee would like to have as much interaction with Mr. Pinto as possible during this whole process.

Councilor Van Asselt said he assumed that part of this process would include real numbers on the costs to the public and private sectors.

Ms. Sherman said these numbers would in fact be provided, stating that a realistic cost per square foot would be developed that every design team could use. She said this had to be done in order to be able to understand the economics. She said it wasn't known whether the owner was looking for something in the short term or over the long term, but she said the Committee was comfortable that it could come up with numbers on these scenarios.

Mr. Howland provided details on upcoming Mill Plaza Study Committee meetings that were planned, and said they hoped to post the schedule of meetings on the Town website. He said the Committee wanted to involve the public in this process as much as possible

There was discussion as to whether there should be some kind of endorsement by the Council of the work plan that the Committee had developed.

Ms. Sherman said it was important that the Council agreed with the work plan, so that when the Committee talked with Mr. Pinto, he would know that the plan was backed by the community.

Councilor Needell MOVED to endorse the work plan of the Mill Plaza Committee as presented. Councilor Julian Smith SECONDED the motion, and it PASSED unanimously 9-0.

V. Councilor and Town Administrator Roundtable

Councilor Needell said that a recent article in *Town and City Magazine* on the activities of the Energy Steering Committee, although a good one, had focused too heavily on his comments, and had included some inaccuracies. He provided some details on this.

Councilor Needell said the Planning Board would continue its deliberations on the Cuthartes/99 Madbury Road project, and would begin deliberations on the Strafford Ave. project on Wednesday, June 20th. He also said that on June 27th, the Planning Board would hold its quarterly planning meeting, which would include a presentation by the Lamprey River Advisory Committee on its management plan update, a film on conservation subdivisions, and discussion on the proposed amendments to the forestry

related provisions in the Zoning Ordinance.

Councilor Carroll said the newly appointed Energy Steering committee had met on June 6th, and she noted that Councilor Morong had attended the meeting. She said there had been a lot of discussion about what the committee could do, and that it was a pioneering effort. She said it was decided that a mission statement and prioritization of activities would be addressed at the next meeting. She noted that the meetings were held at 6:30 am, and said minutes of the meetings would be available.

Councilor Carroll congratulated the Friends of the Durham Public Library for the award they had received, and said Durham had so much to be thankful for in terms of volunteers like this, who had done so much for the Town.

Councilor Julian Smith noted that the Conservation Commission was currently reviewing a conservation subdivision project, and said the Commission was in the process of learning how to address such projects, and how to coordinate with the Planning Board as part of this.

He also said that at its most recent meeting, the Conservation Commission had endorsed some changes to the Town's policy for acquiring legal interest in conservation land. He thanked Administrator Selig for the proposed changes, and noted that some key issues concerning this were to get the Council more involved earlier in that process, and to make sure the Council was aware of site walks, etc., regarding particular land conservation projects.

Councilor Henry Smith said the Historic District Commission had met on June 7th, and gave its approval for a change of a single family home to a professional office use. He noted that the changes to the building would be internal. Councilor Smith also said the HDC was looking for possible resources that were available to do an historic resource survey of the Town.

Councilor Van Asselt received clarification from Administrator Selig that the recent water system audit had not looked at wastewater issues.

Administrator Selig noted the upcoming dedication of the Hatch mural at the Oyster River pedestrian bridge on the following Tuesday evening. He also said that humorist Becky Rule would be the entertainment at the annual meeting of the Durham Historical Association.

Administrator Selig noted that the Town had been trying to find a low cost storage alternative for ORYA, and that the previous year, there had been discussion about the idea of possibly finding some storage space at the Mill Pond Center. He said that since the Grange was now closed, it might be possible to use it to help in this capacity.

Councilor Leach asked if the space at Mill Pond Center was one that it currently

rented, and Administrator Selig said it was vacant space right now. Councilor Leach said it was therefore new monies that would be received by the Mill Pond Center, and Administrator Selig provided details on this.

Councilor Needell asked if the Grange was currently being maintained.

Administrator Selig said the Grange was not in the best condition, and said it wasn't sure what the future held for the property. He provided details on this, and said until this was determined, the Town didn't want to invest in it. There was discussion about this.

Administrator Selig said there were currently a number of initiatives where it would cost some money in order to move forward with them. He said one was the work of the Mill Plaza Study Committee, and noted that one possible expense would be sending some committee members to New York to meet with Mr. Pinto. He said if this made sense, he would recommend that those funds be spent.

He also noted that there would be costs associated with engaging the services of Municipal Resources Inc. to further explore the idea of TIF districts.

Administrator Selig said another expense was related to the Council's interest in pursuing thoughtful economic development. He noted that the Zoning in place allowed certain types of development, and that a number of property owners had expressed interest in economic development.

He said some of the key issues related to such development revolved around the existence of water and sewer, and said additional analysis would be needed to assess the impacts of development projects on the Town's infrastructure. He said professional services would be engaged to look at this. He noted that this was a more progressive approach, in terms of encouraging economic development, than had been taken in the past.

There was discussion about where the funding for these efforts might come from.

Administrator Selig said the final area the Town was currently looking to spend some money on was dispatch services. He said good progress had been made on the regional approach, but he said it was a complicated thing to accomplish, technically speaking. He said the Town had put out an RFP for a company that specialized in this type of work, and he provided details on how this might be paid for. He noted that the upside of this project was that there would be a \$250,000 per year savings to the Town, in the future.

Councilor Van Asselt asked if the University, the largest industry in Town, which had recently built two new buildings and had therefore placed increased demands on the water treatment plant, had done a water analysis for its new developments.

Administrator Selig said UNH would be doing this analysis, and he provided details on this. He also said that currently there was no infrastructure on Route 155A, and he said that getting it would require a significant amount of analysis. He provided details on this.

Councilor Needell asked if the University shared in the cost of that kind of analysis.

Administrator Selig provided details on this, and noted that by moving the time frame up for infrastructure development, this benefited the Town especially, so it was likely that it would be incurring the upfront cost for the analysis.

Councilor Needell noted that the University Master Plan assumed there would be a need for further development of the infrastructure. There was discussion about this with Administrator Selig.

Chair Niman said the Housing Task Force had met the previous week, and said that concerning the density issue, the taskforce was putting together a proposal that the Council would see in August. He also said the Economic Development Committee had met the previous Thursday, and had looked at the TIF document regarding Stone Quarry Drive. He said the Council could think about how it wanted to go forward with this.

Chair Niman said he had recently met with developer Dave Garvey and Public Works Director Mike Lynch regarding the idea of possibly developing some new playing fields on Mr. Garvey's property. He provided details on this, stating that it was a challenging property from an environmental perspective, but that they would see what could be done to make this happen.

VI. Public Comments (*NLT 7:30 PM*)

John Kraus, 7 Cutts Road, said he was present as a concerned taxpayer, and said he was very interested in the direction the Council was taking, toward more economic development and the generation of additional revenues. He said the Council needed to listen in a dispassionate way to cries that Durham must remain green, and must remember what the voters had voted for in the last election.

He passed out a photo of a segment of worn out "alligator road" that suggested that the roads in Durham were falling apart, and which he said could become the Durham mascot. He then gave Chair Niman an empty purse, made of alligator skin, which he said should remind him of the need to think about these kinds of problems, and the fact that revenue was needed to pave more roads than just Durham Point Road.

Councilor Carroll determined that the alligator bag had come from the Swap Shop, and she said this was a reminder that Durham could have economic development while also staying green. She said having to choose between the two goals was futile, and said she would like the Town to stay as green as it could and to forge its own

future, while also having economic development.

Bonnie McDermott, 82 Dover Road, said she was happy with the idea of a TIF district for Stone Quarry Drive, but was not happy about the idea of having a TIF district that went to the Madbury town line. She provided details on this, and said the TIF district for Stone Quarry Drive would be more than sufficient. She said if the Town was considering going any further than this, there should be a meeting with the landowners up there.

Chair Niman said it had been decided that the Economic Development Committee would send a letter to everyone in the potential TIF district to discuss those kinds of issues.

Gail Renkin, Dover Road, said she wanted to keep the area where she lived green, and said there were a lot of animals that would be impacted if this became a TIF district. She also said it was not fair to have a presentation on the TIF district and the public hearing on the same evening. She said she liked where she lived and wanted to stay there. She said she wanted to understand the long term impacts of such a district, so would like the Council to move slowly to explore these things.

Councilor Needell noted that there was nothing specific yet before the Council regarding a TIF district for Stone Quarry Drive, and said it would be discussing it for the first time that evening. He said no decisions had been made concerning this yet.

Councilor Carroll noted that the Council had voted to allow TIF districts in general. She said at that time, there was a lot of discussion about Stone Quarry Drive as a specific example of a possible TIF district, and that this project needed a TIF district in order to move forward. But she said the idea of a TIF district that would extend to the Madbury Town line was new to the Council.

Caroline Carlson, Dover Road, said she too would like the TIF presentation and the public hearing to be separate. She said people needed time to process the information that would be provided in the presentation, and said that among other things, she would like to see the figures on the projected benefits of the proposed TIF district. She also stated that Route 108 was a busy corridor, and said she was curious as to whether traffic volumes would be included in the discussion on the TIF district.

Trudy May, 81 Dover Road, noted a recent letter in the *Foster's Daily Democrat* on the importance of agricultural soils. She read from this letter and said it was unclear what had been done concerning protecting agricultural soils in Durham. She said the Council had been authorized to establish a special district to protect these soils, but had not yet done so. She thanked the Town for the special meeting that would be held with abutters.

Malcolm McNeill, Colony Cove Road, said he too had read the article in *Fosters* on agricultural soils. He said the Town Council had recently passed enabling legislation

for TIF districts; had sold the property at the Durham Business Park with terms that had been publicly negotiated; and had had a realistic meeting with the School Board. He said the next logical step was to engage in the TIF process. He spoke in detail about what a TIF was for, and said the Town would be involved in this process at no risk, because the developer had to put up a bond.

Mr. McNeill said Mr. Carroll's letter had referenced specific districts in Durham. He said these districts should be properly labeled, as ORLI and MUDOR, and he said they specifically permitted the kind of projects that would promote economic development. He also questioned what the Town could say to property owners regarding the gateway concept, which had never made its way into the Zoning Ordinance.

He said the obvious answer for many concerning economic development for Durham was the redevelopment of Mill Plaza. He said he was in favor of this, but said some questions were how much development would actually occur there, and why a TIF district would be needed there when the infrastructure already existed. He provided details on why this was not a project that a TIF district was designed for.

Mr. McNeil encouraged the Council to give proposed projects fair evaluations, for districts where they were permitted.

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

- A. **RESOLUTION #2007-20** supporting the realignment and re-designation of the Seacoast Metropolitan Planning Organization (MPO) as recommended by the Town Administrator.
- B. Shall the Town Council accept a non-industrial sewer connection application for a proposed development at 99 Madbury Road and refer said application to the Durham Water/Wastewater/Solid Waste Committee for detailed review and development of recommendations?
- C. Shall the Town Council award the 2007 Durham/UNH water audit to Earth Tech of Milwaukee, Wisconsin for the sum of \$34,800 as recommended by the Town Administrator?

Councilor Henry Smith said he would like clarification concerning Item B, so would like it taken off the Agenda.

Councilor Van Asselt MOVED to approve Unanimous Consent Agenda Items A and C. Councilor Leach SECONDED the motion, and it PASSED unanimously 9-0

Councilor Henry Smith said the engineering sheet said there would be 78 units for the 99 Madbury Road project, but noted that the current proposal said there would be 66 units.

Councilor Needell explained that during the public hearing process, the applicant had changed the proposal from 78 units to 66 units.

Councilor Stanhope MOVED to approve Unanimous Consent Agenda Item B. Councilor Needell SECONDED the motion, and it PASSED unanimously 9-0.

VIII. Presentation Items

- A. Annual Report of the Rental Housing Commission – Mark Henderson, Chair Niman

Mr. Henderson was not present, so this item was not addressed.

- B. Stone Quarry Drive Tax Increment Finance District (TIF) – Donald Jutton, Municipal Resources, Inc.

Mr. Jutton was not present, so this Agenda item was not addressed.

- C. Mill Plaza Study Committee Work Plan

This presentation was moved to IV. 5.

The Council stood in recess from 8:32 – 8:42 PM.

IX. Unfinished Business

- A. Shall the Town Council approve the 2006 property tax abatements and veterans' credits, deferrals, and current use requests as recommended by the Town Administrator?

Administrator Selig noted that the Council had previously received recommendations concerning the tax abatement requests and veterans' benefits, and had wanted some additional time to look at them. He provided details on this, and also noted that there had been a hardship request concerning a particular abatement.

There was discussion on the process to follow now concerning these recommendations, and whether they Council should vote on all but the nonpublic abatement request, or vote on all of them together. Administrator Selig said the first idea made sense, and suggested that the Council could vote on the nonpublic abatement request after the scheduled nonpublic session on it.

Councilor Leach MOVED to approve the recommended 2006 property tax abatements and current use applications as referred to in the "Decision" column of the attached 2006 Property Tax Abatement Recommendations spreadsheet, with the exception of #8. Further, the Durham Town Council authorizes the Town Administrator to sign the respective applications on its behalf. Councilor Julian

Smith SECONDED the motion.

Councilor Stanhope said he could not vote in the affirmative for the recommendations as a whole, stating that he was comfortable with some but not all of them. He noted that he had done some research on these requests.

There was discussion about the idea of taking those requests Councilor Stanhope had concerns about and extracting them from the motion. Councilor Stanhope said he would like 8 of the 18 requests to be taken out.

Chair Niman suggested instead that Councilor Stanhope could identify the 8 requests he had concerns about, and the Council could go through them. He said they could then amend the motion or vote on it.

Councilor Stanhope provided details on the 8 requests he had concerns about.

Chair Niman asked Assessor Robb Dix for his response concerning this. He said the Council would decide what to do concerning Councilor Stanhope's comments.

Mr. Dix provided details on what he considered to be the fairness of the numbers that were calculated for some of the properties. There was then discussion about this. Mr. Dix also noted among other things that he didn't think the Steeplegate Mall court decision that Councilor Stanhope had referred to was applicable. He said the burden of proof was on the taxpayer, if he/she disagreed with an assessment. There was further discussion on this, and on the other properties abatement requests.

Mr. Dix noted that it was currently a buyers' market. He said market prices were rather unpredictable, and depended on the particular property involved. Regarding the cell tower abatement request, he said if this appeal was granted, the Town would have to do this for other cell tower properties.

Councilor Leach MOVED to amend the motion to approve those tax abatement requests that there were there were no questions about, and to do the 8 others separately.

There was no second to this motion.

Councilor Needell said he appreciated Councilor Stanhope's comments, and said this was a process that should occur, and had not occurred in the past. But he said there now an unfortunate situation: that the Council was faced with two professional opinions on the same matter. He said the question was how the Council was supposed to resolve this. He said if the Council didn't vote, all the requests would be denied, and would move on to the appeal process.

He said he personally was not comfortable with pushing these requests off that way, but said he didn't think Councilors had enough detail to be able to evaluate the 8

requests that Councilor Stanhope had singled out. He also appealed to the Council to revise this process for the following year.

Councilor Van Asselt said he agreed with Councilor Needell. He said this was what the Town paid Mr. Dix to do, but he also said it was important if a member of the Council had a legitimate concern about the recommendations.

Councilor Stanhope said he and Mr. Dix had philosophically different approaches. He said he believed that when there was an abatement request, the Town had the obligation to see if the tax had been properly assessed. He provided details on this. He said it was a complex question as to how the Council should handle this present situation. But he said if the Council wanted to handle all the abatement requests as a single block, he would simply vote no, and the Council could move on.

Administrator Selig said Councilor Stanhope's approach concerning abatement requests did represent a change from what the Town had been doing, which was that taxpayers had the burden of proof to show that they had been unfairly assessed.

Councilor Stanhope said he hoped that the Town would always want to treat the taxpayer fairly, and to make every assessment as accurate as possible. He also noted that when there was information on something like an inability to sell a house at a particular price, this information should be used as part of the tax assessment.

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

B. Follow up discussion to the Oyster River Cooperative School District Tri-Town meeting of June 5, 2007

Administrator Selig provided some details on this meeting, noting among other things that there were representatives from the School Board and Madbury, but not from the town of Lee. He said a number of issues were identified, and said it was agreed that it would be productive to form 3 committees to address some of these issues.

- A subcommittee to look at the fairness of the funding formula
- A subcommittee to better inform the 3 towns of the needs and the budgetary priorities of the School Board
- A subcommittee to look at the recreational needs in the School District, and within the three towns.

Administrator Selig said he would like to know how the Council would like to proceed concerning the establishment of these 3 subcommittees. He recommended that the Council should see if there were residents who might be interested in being on them, and said a follow-up meeting with the larger committee could be scheduled for September.

There was discussion about whether it was known why the town of Lee was not represented at the meeting. Councilor Leach noted that the School Board

representative from Lee was present, so the town did have some representation. She also said that getting residents involved on these subcommittees was a good idea, but said it was also a good idea to have councilors/selectmen on the committee, and to include people who knew the history of this issue.

Councilor Leach also noted that there were already a number of recreation committees, and she recommended that the tri-town recreation committee be recharged to be the recreation subcommittee that had been recommended. She also suggested that there should be a separate committee to address the issue of playing fields. She noted that the School Board and the Town of Durham each had a playing field subcommittee, and said these could be merged.

Councilors agreed that these were good ideas.

Councilor Needell said he wasn't at the June 5th meeting. He said he felt it was important to have some Council involvement on these subcommittees, and said he would be willing to participate on the funding formula subcommittee, in order to learn more about this issue. He said he would be going into this with an open mind, but would not be representing a particular viewpoint expressed at the Council's table.

Chair Niman provided details on the challenge of determining appropriate representation on the subcommittees.

Councilor Leach said that there had been a collaborative discussion at the June 5th meeting, and also said she didn't think subcommittee members were supposed to represent one particular perspective. She said she personally had no opinion regarding this issue, and wanted to learn the facts.

Councilor Van Asselt said he agreed. He also said that Administrator Selig had laid out the apportionment issue very well at the June 5th meeting, and had said that what Durham was interested in was a fair arrangement for financing the School District. He also said that regarding the School District budget, it was understood at the meeting that it was important to have a dialogue on this. He said this was an important committee, and said there should be a Councilor on it.

Councilor Needell said that Annmarie Harris had noted to him that School Board meetings received very little public input. He said a question was whether a Councilor should be appointed to go to these meetings and report back to the Council on them. He questioned why this wasn't one of the roles for Councilors to play, and said there should be discussion on whether this should happen.

Councilor Van Asselt said it was mentioned at the June 5th meeting that exchanging information was important. He said it was terribly important that there be discussion that 8-10% increases in the School Budget impacted Durham and what it could do concerning its own finances.

Chair Niman said perhaps there should be representation from all three towns at School Board meetings.

Councilor Carroll said she thought it would be helpful if there could occasionally be a meeting set up with the School Board superintendent, the Board of Selectmen chairs from Lee and Madbury and Administrator Selig, in order to develop a working relationship.

Chair Niman summarized that the Council supported the establishment of these 3 subcommittees, and would get volunteers for them. He said the Town would then follow up with the School District to ensure that they would convene these subcommittees, and that the other towns would provide representatives to them.

There was further discussion on representation by Councilors on these committees, and it was agreed that these appointments would be made by the Council in July.

Councilor Needell encouraged Councilors to watch the School Board meetings on DCAT.

X. New Business

A. Discussion on proposed FY 2008 budget

Councilor Van Asselt provided details on some of the material that had been pulled together.

Councilor Stanhope said he liked the idea of building a budget from the ground up, and said he had no intention of wanting a fixed percentage cut out of the Budget. He also said he wanted to compare the cost of running the Town of Durham to other entities that were successful.

Chair Niman said so there would be a specific Council work session to discuss the proposed 2008 Budget the following Monday.

Councilor Carroll said specific ideas on budget cuts could be brought forward at that meeting.

Councilor Van Asselt said the elderly tax exemption should be looked at as part of the Budget meeting.

Chair Niman noted that information on how Durham was doing relative to other towns was available through the NH Municipal Association web site.

Chair Niman said it would be good if the Council could get a sense of how some of the various projects in Town would impact the tax rate as a result of an increase in revenues. He said this kind of information would be useful in considering what to do

with the fund balance. He said perhaps the Council could decide to use more of it, if it was known that it would be able to replenish it, down the road, because of new projects coming on line.

He noted that Administrator Selig had provided a number of charts and tables that looked at Durham's tax rate on an equalized basis. He said the Town now had the fifth highest tax rate in the State, on an equalized basis. There was discussion about some of the data in these tables and charts.

Administrator Selig noted that this was for the total tax rate, not just the Town's portion of it.

B. Other Business

TIF Discussion

Councilor Van Asselt said the Economic Development Committee had been discussing the TIF idea for several months, and had the advantage of having heard about it regarding a specific property, the Stone Quarry drive property. He said the concept for this property needed to be explained in detail, and he noted that Mr. Jutton had no particular interest in this idea being accepted by the Town, and was simply involved in order to represent the facts about TIFs.

Councilor Van Asselt said he would like Mr. Jutton to have the opportunity to explain fully the draft document for Stone Quarry Drive, and said if this could happen at the July 2nd Council meeting, it made sense to have the public hearing on July 16th. He also said to members of the Council and the public that they didn't all have to be experts on TIFs, and said Mr. Jutton was there to provide this expertise and greater understanding to others.

Councilor Morong agreed with Councilor Van Asselt concerning Mr. Jutton's role in this process, and he provided details on this.

Councilor Needell said the TIF district had to be proposed by the Council, but said the Council hadn't talked about it at all yet. He said they all need to rely on Mr. Jutton for the structure of the district, but he said the size, boundaries, and purposes of the district were things that the Council needed to decide on. He said the Council might ultimately say that this was not a proposal it wanted to go forward with.

Councilor Needell said he was not trying to slow down the process, but said the Council needed to have the opportunity to decide on this. He said he didn't think the Council should move this on to public hearing until or unless it was ready to embrace the TIF district, and also said it needed to do its homework first. He said that otherwise, the process would be laborious and fractured.

Councilor Leach said she agreed, but said she wondered how the Council could move

forward without getting input from the public. She asked what the Economic Development Committee (EDC) meeting with abutters would involve, and how it would work.

Administrator Selig said the idea for meeting with abutters was that the EDC was leaning toward certain boundaries for the TIF district in the draft document, and thought it was important to make sure the property owners who would now be included within those boundaries were spoken to.

Councilor Van Asselt said the EDC was comfortable with the TIF district boundaries, but he said these boundaries had changed slightly from an earlier discussion, and there were implications for some property owners. He said he felt those people should have the opportunity, before the general public, to see what the TIF district would mean concerning their properties. He suggested that Councilors could hear from these residents if they came to the EDC meeting. He noted that it was important to distinguish between input from these residents and input from the general public.

Councilor Leach asked when the Council's deliberations on this matter would be, and said she would be uncomfortable with the idea of deliberating fully on it without public input.

Councilor Needell said his point was that before going forward with a TIF district proposal, the Council needed to have a thorough discussion, and shouldn't just take the EDC's recommendations and send them on to the public hearing. He suggested that the Council could listen to the comments at the hearing, could then make some modifications if needed, and could hold another hearing.

Councilor Morong said he felt that Mr. Jutton's presentation would be an opportunity to educate abutters on the TIF district concept. He also said he felt the proposal was a draft, and could still be changed. He said input from abutters and other members of the public could change his mind as to how this draft should come forward.

Councilor Morong MOVED to extend the meeting past the 10:00 pm adjournment time. Councilor Julian Smith SECONDED the motion, and it PASSED unanimously 9-0.

Councilor Henry Smith said he agreed that input to the EDC from abutters was critical.

Councilor Van Asselt said he was not trying to put a TIF district for Stone Quarry drive on a fast track. He said he simply felt there was a need to set some internal goals to keep the process moving forward. He said he felt the Council should do what it could to not draw this process out.

Councilor Julian Smith noted that the references to "abutters" were not really about abutters, but about people who would actually be living in the TIF district.

Councilor Needell asked if there would be an updated copy of the draft. He noted that a property was taken out of the TIF district, but the acreage wasn't updated to reflect this.

There was discussion on this, and on the fact that the current draft should be looked at in general. It was noted that the additional information referenced by Councilor Needell should be obtained.

It was clarified that the next meeting of the EDC would be with the abutters.

Councilor Morong left the room at 10:11 PM.

XI. Nonpublic Session

Councilor Julian Smith MOVED to go into nonpublic session in accordance with RSA 91-A:3 II (c) relative to property tax abatement matters. Councilor Van Asselt SECONDED the motion, and it PASSED 8-0 by roll call vote as follows:

Chair Niman	yes	Councilor Carroll	yes
Councilor Van Asselt	yes	Councilor Henry Smith	yes
Councilor Needell	yes	Councilor Leach	yes
Councilor Julian Smith	yes	Councilor Stanhope	yes

The Council entered into Nonpublic Session at 10:12 PM.

Councilor Morong returned to the room at 10:12 PM and left the Nonpublic Session at 10:30 PM.

The Council came out of Nonpublic Session at 10:53 PM.

Councilor Needell MOVED to seal the minute of Nonpublic Session. Councilor Stanhope SECONDED the motion, and it PASSED unanimously 8-0.

Councilor Stanhope MOVED to approve the recommendation of the Town Assessor concerning the property tax abatement for property #8. Councilor Henry Smith SECONDED the motion, and it PASSED unanimously 8-0.

Chair Niman said the Council would now go into a non-meeting in accordance with RSA 91-A:2 I (b) strategy or negotiations with respect collective bargaining.

Councilor Leach MOVED to adjourn the meeting. Councilor Julian Smith SECONDED the motion, and it PASSED unanimously 8-0.

Adjournment at 10:55 PM

Victoria Parmele, Minutes taker