

## **D-R-A-F-T**

### **DURHAM TOWN COUNCIL MEETING MINUTES MONDAY, OCTOBER 15, 2007 DURHAM TOWN HALL – COUNCIL CHAMBERS 6:30 PM**

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

**MEMBERS ABSENT:** Councilor Henry Smith

**OTHERS PRESENT:** Town Administrator Todd Selig

#### **I. Call to Order**

#### **II. Approval of Agenda**

#### **III. Nonpublic Session** *Land matters in accordance with RSA 91-A:3 II (d) relative to the consideration of the acquisition, sale or lease of real or personal property which, if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general community.*

***Councilor Morong MOVED to go into nonpublic session in accordance with RSA 91-A:3 II (d) relative to the consideration of the acquisition, sale or lease of real or personal property which, if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general community. Councilor Leach SECONDED the motion, and it PASSED unanimously 7-0 by roll call vote:***

|  |                   |                                       |                   |
|--|-------------------|---------------------------------------|-------------------|
| <b><i>Chair Neil Niman</i></b>         | <b><i>Yes</i></b> | <b><i>Councilor Julian Smith</i></b>  | <b><i>Yes</i></b> |
| <b><i>Councilor Jerry Needell</i></b>  | <b><i>Yes</i></b> | <b><i>Councilor Cathy Leach</i></b>   | <b><i>Yes</i></b> |
| <b><i>Councilor Peter Stanhope</i></b> | <b><i>Yes</i></b> | <b><i>Councilor Diana Carroll</i></b> | <b><i>Yes</i></b> |
| <b><i>Councilor Henry Smith</i></b>    | <b><i>Yes</i></b> |                                       |                   |

Councilor Van Asselt arrived at the meeting at 6:35 pm.

Chair Niman explained that a few years ago, the Conservation Commission had tried to get a conservation easement on the Tecce property. He said developers Dave Garvey and Jack Farrell presently had an option on the back parcel abutting the Oyster River, near Spruce Wood, the parcel the Land Protection Working Group had wanted to acquire. He said they were interested in putting in a student housing project on a portion of the lot, but would also like to sell the Town a portion of the property, which abutted College Woods, as a conservation easement. He explained that the value of this parcel was that it created a contiguous conservation area along the Oyster River. He said it had a lot of natural resource values, and provided details on this.

He explained that with the recent Zoning Ordinance changes, multi-unit development was

allowed in this zone as conditional use, and said this had dramatically increased the value of this parcel. He said the developers contended that there was a lot of buildable area, and that the Zoning would allow 110 units of student housing. He said they were saying that the portion sold to the Town would be a bargain sale because the land was worth upwards of a million dollars. He said an appraisal done about 4 years ago came in at around \$400,000, when it was appraised as a back lot for use by an abutter.

There was discussion on easements on the abutting property.

Chair Niman provided details on the discussion so far concerning financial details..

Land Protection Working Group member Duane Hyde said he thought this proposed conservation easement property would be a very high candidate for NHDES source water protection funding, given its proximity to the reservoir. He noted that when the Land Protection Working Group originally tried to put a deal together for this easement, the deal had fallen apart in part because of the appraisal done at that time. He said the next grant round would be in the spring.

There was discussion on the appraisal value.

Councilor Needell asked if there was any question as to whether the property the developers wanted was developable.

Mr. Hyde said if there was access, the \$300,000-400,000 price was warranted. He said he was not comfortable about that access issue, and provided details on this.

There was discussion that the development the developer had in mind.

Councilor Julian Smith noted that the access being considered might not work with the Spruce Wood elderly housing development, in that all those students would be coming in and out nearby.

There was discussion with Mr. Hyde on the correspondence from Mr. Garvey, and whether the process followed was the correct one.

Mr. Hyde provided details on the tax benefits of a bargain sale, and that the deadline was the end of 2007.

In response to a question from Councilor Needell concerning the need for confidentiality on this matter, Mr. Hyde said if the Council was interested in moving forward with this, it could go public soon.

There was discussion that further development rights beyond the development being considered would need to be extinguished.

Councilor Morong asked where the Town would come up with \$225,000, and Mr. Hyde

suggested that rather than applying the change of use tax which would be levied since the property would be going out of current use, the Town could simply forgive the tax.

Chair Niman noted that this approach had been discussed with Mr. Garvey.

Councilor Stanhope said there were a lot of unknowns here, including the correct appraisal value. He said the December 15<sup>th</sup> deadline didn't appear to be doable under any circumstances.

Chair Niman asked whether, if this turned out to be good deal, and the details got cleaned up so things could proceed in an orderly fashion, the Council would be interested in this. He said this was what the Council needed to decide at present.

Councilor Needell asked Mr. Hyde how he would prioritize this property relative to other possible conservation properties in Town.

Mr. Hyde said it was a high priority property, and noted that it was one of the first parcels the Land Protection Working Group had looked into. He said there was bit more anxiety over it since the property had been flipped to Mr. Garvey, and said he worried about stepping ahead of the development process. But he said it was a really important property in terms of protection of a water supply. He said he felt the Town should be hard nosed in the negotiations, and should try to get as much as possible for as little as possible.

Councilor Julian Smith said he had gone to this property and studied it for about three hours, and said he didn't know how access could go across the wetlands on the north side. He said it was a beautiful piece of land, with some good trails on it, and had been well used by UNH students. But he said it would be a very hard property to develop.

Councilor Leach said she was not ready to make a decision either way on this, and said she would like more specifics, including another appraisal.

Councilor Van Asselt agreed.

Councilor Carroll said this was an important property, but said she had questions about how development of part of the property would impact the rest of it, including a conservation easement parcel. She said she would like to see more information.

Councilor Morong said he was not ready to bond anything else this year. He expressed interest in the land use tax deduction idea.

Councilor Needell agreed that this was an important property, but said he had reservations about a possible conservation easement that would need to be resolved. He said an independent appraisal should be done. He also said there was a process that needed to be followed.

Councilor Stanhope said this was an important piece of property but repeated that there were a lot of unknowns.

***Councilor Needell MOVED to go back into public session. Councilor Morong SECONDED the motion, and it PASSED unanimously 8-0, by roll call vote:***

|  |                   |                                       |                   |
|--|-------------------|---------------------------------------|-------------------|
| <b><i>Chair Neil Niman</i></b>         | <b><i>Yes</i></b> | <b><i>Councilor Julian Smith</i></b>  | <b><i>Yes</i></b> |
| <b><i>Councilor Jerry Needell</i></b>  | <b><i>Yes</i></b> | <b><i>Councilor Cathy Leach</i></b>   | <b><i>Yes</i></b> |
| <b><i>Councilor Peter Stanhope</i></b> | <b><i>Yes</i></b> | <b><i>Councilor Diana Carroll</i></b> | <b><i>Yes</i></b> |
| <b><i>Councilor Henry Smith</i></b>    | <b><i>Yes</i></b> | <b><i>Councilor Van Asselt</i></b>    | <b><i>Yes</i></b> |

***Councilor Needell MOVED to seal the nonpublic session minutes. Councilor Leach SECONDED the motion, and it PASSED unanimously 8-0.***

#### **IV. Special Announcements**

No special announcements

#### **V. Approval of Minutes**

##### September 10, 2007

Page 13 should read “Councilor Leach said it was important for town representatives to know that who ever represented UNH should be challenging some items in the report

Page 14, 2<sup>nd</sup> paragraph from bottom should read that the priority goal on the list was preserving space.....

***Councilor Van Asselt MOVED to adopt the September 10, 2007 Minutes as amended. Councilor Carroll SECONDED the motion, and it PASSED 7-0-1, with Councilor Morong abstaining because of his absence from that meeting.***

##### September 17, 2007

Page 10, 3<sup>rd</sup> paragraph from bottom, should read “Jennifer Rief” and “Chris Mueller”

Page 17, last paragraph, should read “Councilor Leach asked for clarification that there would not be any safety implications of such a delay.”

Page 24, 5<sup>th</sup> full paragraph, should read “He said it was disconcerting to hear about concerns with the present process...”

Page 25, the motion “Councilor Needell MOVED to seal the Minutes...” and also the motion “Councilor Leach MOVED to adjourn the meeting...” should be moved to the appropriate places on page 25.

***Councilor Van Asselt MOVED to approve the September 17, 2007 Minutes as amended. Councilor Needell SECONDED the motion, and it PASSED 7-0-1, with Councilor Morong abstaining because of his absence from that meeting.***

#### **VI. Councilor and Town Administrator Roundtable**

Councilor Julian Smith said the Mill Plaza Committee would be meeting on October 17<sup>th</sup> from

4:30-6:30 pm. He said they would be discussing the RKG report regarding the economic potential involved with redevelopment of Mill Plaza.

He said the Conservation Commission had met the previous week, and had voted to recommend to the Council that the Town acquire a conservation easement on a portion of the Roselawn Farm property, and to leave up to the Council the financing of approximately \$163,000. He said the Commission was willing to take the money for the easement out of its conservation fund, but said if the Council wanted to bond it, the Commission would be happy to see this. He said that otherwise, they would take care of it themselves.

Councilor Carroll said the Energy Committee was sponsoring a presentation on Green Zoning by Epping Town Planner Clay Mitchell, for November 6<sup>th</sup>. She said it would be held in the Council chambers at 7 pm, and provided further details on this.

She said she wanted to congratulate the Public Works Department and the IWMAC on its work cleaning up the downtown area, noting the trash and recycling bins, and that the sidewalks had been cleaned.

Councilor Carroll said she had attended the ribbon cutting ceremony in recognition of the work done to improve Main Street this summer. She said UNH President Huddleston was there, and also noted that Mr. Campbell and Mr. Cedarholm were present. She said they were all treated to a ride on the new bio-diesel bus, and heard about various aspects of the Main Street improvements. She said there were a number of good features of the project, including brighter lights for the pedestrian walkways.

Councilor Carroll said she had recently attended a global warming conference in Manchester, and said there were a variety of excellent presentations on energy solutions. She said this was an exciting time in Durham, as the Town considered what it could do concerning energy issues. She noted that the color of money was green, and said the Town could save money with green building practices.

Chair Niman said he had recently attended a tri-town meeting. He said the group had first discussed the School Budget, and said Lee and Madbury shared Durham's concerns about the size of the Budget, and the need for the School Board to look more closely for ways to decrease it. He said there was no consensus reached on how to proceed, and said there would be more discussion about this.

He said the second portion of the meeting focused on the funding formula issue. He said Lee, Madbury and the School Board had said they were not interested in discussing this issue right now, but were willing to discuss a timetable for future discussion. He said they understood that it was important for Durham to look at the issue right now, and it was agreed that Durham would move ahead with a subcommittee and that concurrently, Lee, Madbury, Durham and the School Board would get together to discuss a timetable for future discussions.

He said the emphasis in the discussion was on finding areas where they all could agree. He said they agreed they would meet again, after thinking more about things. He said they were

committed to finding topics of mutual interest that could be agree on, and said he intended to pursue this.

Chair Niman provided details on the development of the apportionment formula subcommittee, stating that he thought there should be two citizen representatives and three Councilors on it. He said he, Councilor Needell and Councilor Stanhope would be the Council representatives. He said he had told Lee and Madbury representatives that they would be invited to attend the subcommittee meetings and participate in the process. He also said anyone else who wanted to attend was welcome to do so.

Administrator Selig noted that the Right to Know forum scheduled for October 16<sup>th</sup> had been canceled because the presenter was ill. He said it would be rescheduled.

He said he had recently attended a conference in Pennsylvania for municipal managers, and said the convention center was a LEED (Leadership in Energy and Design) certified building. He said features of the building included the use of natural lighting, air flow from the river, and in-house wastewater filtration and use of recycled water. He said there were no VOC's (volatile organic compounds) in the materials used for the building, including carpeting, wall material etc.

Administrator Selig said this green building represented a tremendous use of an old facility, and he also noted that it was an infill development. He said that a frequent deterrent of moving in the direction of green building had been the cost, but said the guide for the tour of this facility had said that wasn't really the case these days, that the margin was very close, and that when the savings in operation costs over time were factored in, green building was a real plus.

Administrator Selig said he had had further discussion with the Town of Lee on the idea of shared assessment of properties, and said Lee had quite a bit of interest in this idea. He said work was being done to put together an inter-municipal agreement concerning this, one which would include sufficient safeguards. He said he hoped that a workable agreement could be developed,

He said the recent tax rating session had determined that there would be a 3.5% increase in the tax rate, and said these numbers would be finalized within the next 5-10 days.

## **VII. Public Comments (*NLT 7:30 PM*)**

**William Hall, Smith Park Lane**, spoke about the recent turbidity issue concerning Oyster River water, and said the Town shouldn't be using water from the Oyster River, and instead should be using water from the Lamprey River. He also questioned the statement that it would take weeks for the water to recover.

Mr. Hall also said it was never intended that improvements at Jackson's Landing would be done as part of a TIF district, and with tax money. He also said that none of the proposals for Jackson's Landing could be accomplished, and said the people who would be hurt the most if the work proposed for that area was done would be UNH people. He provided details on how

flawed he thought the present parking plan for the site was.

**Nell Neal, 11 Riverview Road,** said she had some additional comments to make about the TIF district. She said it seemed that both sides would like to have tax relief, but she said it looked like one side was willing to give up aesthetics to reach this goal, and the other side was less willing to do so.

She said when she had moved to Durham, she had found it to be a livable, walkable community. She noted that she had recently attended a global warming conference, and had gotten some ideas. She said whether for this TIF district or another project, she thought the Town should look for ways to keep development in town, which would reduce the Town's carbon footprint. She said Durham could save money by not having to extend water and sewer further out in the Town.

She said if the extension of water and sewer did in fact happen and development sprawled out the corridors in Town, at least the new buildings and parking should be placed back from the road so Durham could continue to look rural. Ms. Neal said that even though the taxpayers association had a loud voice, there were those who had willingly come to live in Durham in order to be able to enjoy the character of this town.

**Diane Woods, 21 Garden Lane** said she agreed with what Ms. Neal had said, She also said she the possible Mill Plaza redevelopment could perhaps accomplish this kind of thing for Durham, and provided details on this.

**Steve Nadeau, 18 Emerson Road,** first noted that he had attended the previous Council meeting, which had been crowded. He said it would have been nice to have a TV out in the lobby for members of the public who had to sit out there.

Mr. Nadeau then spoke about the land use change tax issue. He said he appreciated the hard work done to protect land in Durham in the past, and said he believed this job was not finished. But he said he didn't think the land use change tax funds should be used for this, and said further funds generated from this source should go to the General Fund.

He said these funds were highly variable and unreliable, but he also said that the argument that they represented a very small portion of the Budget was false. He said \$100,000 was not an insignificant amount of money. He said money coming in should not be locked away in special funds for special interest programs, and instead should go into the General Fund and then go where it was needed the most.

**Beth Olshansky, Packers Falls Road,** said she appreciated that the Council was going to review the existing Zoning relative to future development on Route 108. She suggested that as Jack Farrell had recommended, Durham would do well to adopt the conservation subdivision process for more than just residential development. She noted that this wouldn't apply to the Stone Quarry Drive development. But she said it would be a good idea for the future, so that the idea of primary and secondary conservation areas, and protection of vistas could be part of the process.

She said there were two particular advantages to this approach. She said if some land in a development was set aside as open space, having a park or some kind of recreation area on the site might draw people to work in a professional office building on the same site. She said a second advantage was that it would allow the Town to set aside open space while not compromising the economic development potential of these proposals.

**Robin Mower, Faculty Road**, suggested that perhaps a small committee, including Mr. Hall, should be put together to look into the water supply issue. She said she was hopeful that there was some way these issues could be addressed to the satisfaction of the public.

Chair Niman said the water reports were being updated and would be discussed at the November 5<sup>th</sup> Council meeting.

**VIII. Unanimous Consent Agenda** (*Requires unanimous approval. Individual items may be removed by any councilor for separate discussion and vote*)  
None

**IX. Unfinished Business**

- A. Review and discuss the proposed draft Development Program and Financing Plan for the Stone Quarry Drive Tax Increment Finance (TIF) District, and if desired, adopt the proposed plan

Administrator Selig noted that the Town had received a letter from the County concerning the proposed plan, and that it had no opposition to this. He said that no feedback had been received back from the School District.

Chair Niman asked how the Council would like to proceed.

**Councilor Van Asselt MOVED to approve the proposed draft Development Program and Financing Plan for the Stone Quarry Drive Tax Increment Finance (TIF) District.**  
**Councilor Morong SECONDED the motion.**

Chair Niman noted that the process didn't stop here, and that an agreement would still need to be negotiated with the developers. He said that agreement would then come back to the Council for ratification.

Administrator Selig said any bonding would also have to be authorized by the Council at the appropriate time.

Councilor Carroll noted that Councilor Henry Smith was not present, and that he had asked that the vote be postponed until he could be present to vote. She said she wouldn't make a motion concerning this, but said she was a bit disappointed because in the past, this courtesy had been extended to Councilors. She said she realized that the Council needed to get on with its business, and she also said she didn't think one vote would affect the outcome.



Councilor Leach said it was important to clarify that the reason the Council had decided to hold off on the land use change tax vote was not because Councilor Morong wasn't present, but was because Councilor Needell had wanted more information.

Councilor Needell noted that at the Agenda setting meeting, it was proposed that the vote shouldn't occur until Councilor Morong got back.

Councilor Leach said there hadn't been a full Council discussion on this.

Councilor Morong said concerning the present motion that although he had not been at some recent meetings, he had been on the Economic Development Committee so knew the issues involved. He said he had also watched the DVDs of recent Council meetings, so had kept up with these issues.

Councilor Needell said there had been good public input throughout this process, and said he didn't want people to feel that his vote would ignore this. He said he had felt from the beginning that this was a sound project, and that it was in the best interest of the Town. He said he was glad the proposal had been restricted. He said although there were some things that could use more tweaking, he thought the Council had gone as far as it could with it.

Councilor Stanhope said he had listened to comments from members of the public. He said he was not in total agreement with where things stood, but said he was comfortable voting in favor of this motion. But he said if the corridor along Route 108 was not protected when the agreement came back to the Council, he would not vote to support it.

Councilor Julian Smith said he had had many reservations about the earliest form of the TIF proposal, and said he was glad it had been reduced in size. He said he would vote in favor of it, but said he would like to make an appeal to his fellow Councilors. He said he had seen the evolution of the TIF proposal at the Economic Development Committee, and said he would like to see a balance between economic development interests and conservation interests.

He said he hoped that members of the Council were going to join him in leaving the land use change taxes where they were, to give a sense to the many citizens who were concerned about, and were opposed to the TIF proposal, that the Council was willing to see this balance.

Councilor Morong said he was on the committee that had brought this forward. He said he had supported some of the tweaking of the proposal, and was happy with it, including recent developments concerning the idea of increasing density away from the road. He noted that the Economic Development Committee had recently discussed the idea expressed now by Councilor Julian Smith that economic development interests and conservation interests should dovetail better. He said it would be fine if the project could be made still better, but he said he supported the present proposal.

Councilor Carroll said she had sifted through volumes of material on this proposal, and said she had come back to the basic principle that the proposal represented taxpayer dollars being used to finance private development. She said she understood the project would increase the tax base, but said she didn't believe this was the way that taxpayer money should be used. She also said she didn't see that the project offered the kind of economic development that was brought forward originally, and said she therefore couldn't embrace it wholeheartedly. She said that as time had gone on, she had seen that this project had become a symbol of economic development, and that the rallying cry was to keep alive, even though the reality of the project didn't really match up with what the Council had heard. She also noted concerns about the impacts of putting water and sewer in the corridor, and also said she was concerned that if this project didn't bring in enough money to the Town, people would say more economic development was needed.

She said she would like to thank residents who had come to speak on this proposal, and she said if the project did go through, it would be a better one because these people had stood up and provided ideas on how it could be better. She noted that it had not been an easy process to

understand.

She said she would also like to thank Chair Niman, who had taken to heart the public comments received, and had done a lot of work on ways to address them. She said the Town would try to keep the fields on Route 108 as they were, while allowing the developer to have greater density further back from the road.

Councilor Carroll also said she appreciated it that Mr. Garvey wanted the development to be attractive, and that he felt the parking area that was developed wouldn't be part of the prime view of the land. She said that with these kinds of ideas, there were a lot of assurances that the development would serve the needs of the Town of Durham.

***The motion PASSED 7-1, with Councilor Carroll voting against it.***

- B. **CONTINUED PUBLIC HEARING ON RESOLUTION #2007-24** adopting the provisions of RSA 31:95-c to establish a Special Revenue Fund known as the Churchill Rink Fund to collect and expend funds for the purpose of ongoing long-term maintenance of the Churchill Rink at Jackson's Landing

Administrator Selig said this was a continuation of the public hearing that had been opened previously.

**Robin Mower, Faculty Road**, asked whether there was a sunset law concerning the fund, in case at some point the fund became larger than the cost of maintenance.

Councilor Leach said this needed to be clarified. She also noted that it was the Council that would determine how the funds would be expended. She provided details on this, and Administrator Selig provided additional details as well as to how the process would work where the special revenue fund would lapse and the money would then go to the General Fund.

Councilor Morng asked if there could be a cap on the rink fund, so that anything over it would spill into the General Fund.

Administrator Selig said he hadn't seen anything like that process. He also noted that a purpose of the fund was to have a reservoir of funds available to address capital needs.

Councilor Morong asked if there was a State law that only allows capital funds to grow so large, and there was discussion.

Councilor Stanhope asked if there was a schedule to address the various components of the rink that would need to be replaced over time, and how much money would need to be set aside. He provided details on this, and also said that any additional revenues beyond this should flow back into the General Fund.

Councilor Leach said the Public Works Department was developing something like this. She explained that the biggest reason to have a special fund was that when the Council had voted to

take charge of the rink, this was with the understanding that tax dollars wouldn't go toward this. She said the purpose of the fund was to have money available for use on whatever needed to be done at the rink. She noted that the rink had previously been neglected because the group running it didn't have the capital funds available to do this. She said the Public Works Department was not looking to do anything fancy with the rink, and said the goal was for it to survive.

There was discussion by the Council on how predictable the expenses for the rink would be.

**William Hall, Durham**, said he was familiar with some of the equipment in use at the rink, and said he agreed that it would be easy to determine what needed to be replaced. He also said that within a short period of time, most of this equipment would need replacement, and he provided details on this.

There was discussion that there was no operating budget for the rink, with Administrator Selig providing details on this.

Councilor Needell noted that there had been long discussion by the Council on this process that was proposed, and that the rink committee had asked for the chance to make this work, with the understanding that it was a risky thing to take on. He said the anticipation was that there wouldn't be a tax burden generated, and if there was, further discussion would be needed. He said it would be great if the Town had the problem of what to do with the money the rink was able to bring in.

**Robin Mower, Faculty Road**, said she was not against this, and was glad there had been a discussion about this topic. She said it was an excellent idea that the rink fund would pay for expenses, and said she wished them well with the project.

***Councilor Van Asselt MOVED to close the public hearing. Councilor Morong SECONDED the motion and it PASSED unanimously 8-0.***

Chair Niman said this matter would come back to the Council on the November 5<sup>th</sup> Agenda.

Break from 8:28 –8:37 pm

**C. PUBLIC HEARING AND ACTION ON ORDINANCE #2007-09** amending Section 132-3, Chapter 132 "Tax Exemptions and Credits" of the Durham Town Code to increase exemption amounts for the elderly in order to offer meaningful property tax relief to qualified elderly residents

***Councilor Carroll MOVED to open the PUBLIC HEARING on ORDINANCE #2007-09 amending Section 132-3, Chapter 132 "Tax Exemptions and Credits" of the Durham Town Code to increase exemption amounts for the elderly in order to offer meaningful property tax relief to qualified elderly residents. Councilor Van Asselt SECONDED the motion, and it PASSED unanimously 8-0.***

**William Hall, Smith Park Lane**, said that while this proposal provided more compensation for the elderly, veterans in Durham got less than half of what they received in other towns regarding exemptions. There was discussion about this. Mr. Hall noted that Administrator Selig received almost the same salary as the Town Administrator in Dover received, so Durham veterans should get at least half what Dover veterans got.

**Dick Lord, Bennett Road**, said that concerning previous discussion by the Council and Administrator Selig on the age 65-74 category, many people didn't have many opportunities to work after that age. He provided details on this, and also said medical insurance providers charged higher insurance rates for companies with older employees. He said this made it difficult for people in this age group to re-enter the work force if they needed to do so, so many people were forced to go into early retirement or get low wage jobs.

Mr. Lord said he was also concerned about the idea that elderly citizens should be willing to move out of their homes into other housing. He said there were non-financial reasons why they would want to stay in their homes, and said among things, there was the value to the Town if these people did so, noting that this helped to preserve the legacy of Durham families and the homes they lived in.

**Diane Woods, 21 Garden Lane**, said she commended Councilors for working on this proposal, stating that it was long overdue. She said it was a step in the right direction, and said residents should be allowed to age in place by staying in their own homes. She said property taxes were high in Durham, and said it was only fair that the required income levels had been raised. She urged Councilors to vote in favor of this proposal.

**Lynn Holmes, 10 Meserve Road**, said she wished to speak in favor of this proposal, and also thanked those Councilors who were trying to keep the tax rate down. She said that as a community, Durham could afford to increase this tax exemption, and to let people stay in their homes in a more comfortable way.

**Beth Olshansky, Packers Falls Road**, said would like to speak in favor of this proposal. She said there was a social responsibility to seniors in Durham, stating that they had probably been paying into the school system for a long time, whether they had kids in the schools or not. She also said it was cost effective for the Town when seniors stayed in their own homes, noting that when younger families move into these homes, this impacted education costs.

Mr. Hall noted that recently an elderly Durham resident had sold his house, and the prospective buyer of the house had 3 children. He said it was important to allow the elderly to stay in their homes, and said having a good age distribution of residents was what made New Hampshire work.

***Councilor Morong MOVED to close the public hearing. Councilor Leach SECONDED the motion, and it PASSED unanimously 8-0.***

***Councilor Carroll MOVED to approve ORDINANCE #2007-09 amending Section 132-3, Chapter 132 "Tax Exemptions and Credits" of the Durham Town Code to increase***

***exemption amounts for the elderly in order to offer meaningful property tax relief to qualified elderly residents. Councilor Van Asselt SECONDED the motion.***

Councilor Stanhope said he supported this, but said that it was basically an elderly poor exemption, and he provided details on this, questioning the numbers that had been used..

Councilor Morong said he had watched the previous Council discussion on this issue by DVD. He said he would vote in favor of this, although he was an advocate for not raising taxes. He said it was the Council's duty to support this, and noted that a lot of people wished the Town could do more, not just for the elderly, but for people in general with low incomes. He said this was a first step, and said hopefully the policy would be reviewed in the future. He noted that Town employees salaries went up every year to reflect the cost of living increase, He said the elderly exemption should reflect the cost of living increase as well.

Councilor Leach received clarification that the previous income level to qualify for the exemption had been somewhat higher, and had been lowered. She also said she assumed the 65-74 age category was typical, in terms of exemptions.

Councilor Carroll said the State mandated these categories.

There was discussion that Administrator Selig had not suggested eliminating that age category altogether. He noted that the exemption statute was crafted many years ago, and the dynamics of people working had changed, so he had suggested that the the Council give some thought to this.

There was further discussion on this. Administrator Selig said the Council had had some concerns about the exemption amounts and income limitations, and that they were perhaps being changed too much too soon, when there wasn't a clear sense of what percentage or residents would be eligible for the different categories. He provided details on this, and said Councilor Carroll and Councilor Van Asselt had gone back and decided to pull back a bit on the numbers, and to see how this worked for a year.

He said that regarding financial eligibility, he did some research on objective guidelines that could be linked to eligibility criteria, with the idea that the Ordinance could then be updated accordingly depending on how things changed. He recommended that this annual kind of update should be done.

There was further detailed discussion about how the numbers had changed somewhat from the previous proposal. There was also discussion about the fact that the program would be used for one year and then would be evaluated, to see what it actually cost the Town in terms of assessments.

Councilor Carroll said she didn't think the cost would be great because this was a very prudently developed program.

Councilor Needell said what he liked about this proposal as a first step was that it helped the

people who needed it the most. He noted that the Council had been concerned that there were some unknowns in terms of impacts, in widening the availability of the exemption.

Councilor Stanhope asked if this exemption would apply to any property.

Councilor Carroll said one could only use the house and the amount of property needed in that zone, so for example if a property was in the RB district, acreage beyond 1 acre would be considered an asset, and would have to be declared. She also noted that something like a student apartment would have to be considered in terms of income.

Councilor Stanhope asked how it would apply concerning revocable trusts.

Town Assessor Rob Dix said most trusts were considered “whole ownership“, so most of the time if a property was in a trust and the owner was a beneficiary, he/she continued to be eligible for the exemption. He said if the beneficiary was the children, they were not the owners.

Councilor Van Asselt said there seemed to be a lot of sentiment in support of this proposal based on the original Council discussion. He also said that the real issue was that this was a social policy issue. He said if the Council said yes to this, it was asking someone else to pay for it. He noted that there had been discussion about veterans, and that they were not dismissed lightly. He said he and Councilor Carroll felt this was an issue that should be looked at soon.

He said one could make a strong argument that this elderly exemption was a terrible thing to do because it encouraged people to stay in their homes, and that these people should be encouraged to live in other housing. But he said it didn't make sense to ask those people to downsize to affordable 1 or 2 bedroom apartments when such housing didn't exist in Durham.

Councilor Van Asselt said he supported this proposal, and not to keep kids out of the schools, stating he didn't think this was a good argument for it. He said he thought Councilor Morong was correct that these were relatively low numbers being proposed, and were not adequate in many contexts. But he said some of the people who would be eligible also had access to other housing assistance, and he provided details on this.

He said he thought it was good that the Council at least understood what it was doing with this proposal, and how much money they were talking about.

There was discussion on the reduction in taxes raised as a result of this program, and that there would be about a \$25,000 decrease in taxes raised as compared to the previous year.

Councilor Leach said her concern had been all along whether this was the right year to do this, based on the tax situation. She said if this Ordinance did go through, she thought it should be looked at in terms of the overall Budget for 2008.

Councilor Needell said when the Budget was discussed by the Council, he would be adamantly opposed to taking this money from someplace else in the Budget. He said he was happy to vote to ask the rest of the Town to pay for this small increase in their taxes. He noted that this was a

unique item, as compared to something that appeared directly in the Budget.

Councilor Carroll said the reason she had wanted the Council to get behind this was that it helped some of the most vulnerable people in the community, who, for one reason or another, had limited income. She said it would cost taxpayers a bit, but not individually very much. She said she wanted people to have a choice about whether to stay in their homes. She also said she was happy to see families in Durham, and said it was good that the Town had a good mix of age groups.

***The motion PASSED unanimously 7-0-1, with Councilor Julian Smith abstaining, because he was the oldest Council member, and it might be in his interest to vote in favor of it.***

**D. PUBLIC HEARING AND ACTION ON ORDINANCE #2007-11 amending Chapter 4 “Administrative Code”, Article IV, Section 4-18 of the Durham Town Code by adding the provisions for a Board of Assessors**

Chair Niman said he would like to reach consensus on this issue within a half hour, if possible.

Councilor Needell provided background on this issue (See \_\_\_\_ Minutes for details on this). He said in most cases, having a Board of Assessors wouldn’t change things for anyone, but he said when there was an appeal, there would be a much fairer process by which the appeal could be heard.

***Councilor Stanhope MOVED to open the Public Hearing on ORDINANCE #2007-11 amending Chapter 4 “Administrative Code”, Article IV, Section 4-18 of the Durham Town Code by adding the provisions for a Board of Assessors. Councilor Julian Smith SECONDED the motion, and it PASSED unanimously 8-0.***

**Steve Nadeau, 18 Emerson Road**, said he thought this proposal was a noble thought, and said in a perfect world it would work. But he said he thought it would run into some problems. He said finding 3 citizens to serve on this board would be a large feat to accomplish. He said this would be a very large commitment, and also said there were some legal liabilities involved. He asked if the Town would be able to take legal actions in the case of adverse decisions, and said there were a number of other legal issues that would need to be explored.

**Jerry Gottsacker, Madbury Road**, noted that he served on the ZBA. He asked what happened if the Board was created and no citizen volunteers came forward to fill the positions.

Councilor Needell said if no one came forward, the Council would have to dissolve the Board, and would take the role back of reviewing abatement requests. He also noted that the Council could do this at any time if it felt the Board of Assessors wasn’t doing its job. He said he didn’t think the legal liability issue was problem as long as board members acted reasonably, also noting that Town officials were backed by the Town’s liability coverage.

He said this was a different kind of committee than other Town committees, and said he



thought there were people who thought there expertise could be useful who would be willing to do this.

**Robin Mower, Faculty Road**, said she had seen the Council meeting that reviewed the abatement requests. She said she wondered what other towns of Durham's size did, and asked whether if the Council didn't try this approach, there were ideas as to how to increase the Council's competency in handling these requests.

Councilor Needell said most towns in New Hampshire didn't have Town Councils, so this made Durham unique. He said most towns had a Board of Assessors. He noted that the Town of Hanover had an advisory Board of Assessors, which made recommendation to the Town Council. He said if the Durham Town Council decided not to go this route, he personally would spend more time with the Town Assessor in order to feel he was doing his job on this right. He said the current process didn't work well, and said if this Ordinance didn't pass, he would like to see some changes to the process.

***Councilor Julian Smith MOVED to close the public hearing. Councilor Stanhope SECONDED the motion, and it PASSED unanimously 8-0.***

***Councilor Leach MOVED to approve ORDINANCE #2007-11 amending Chapter 4 "Administrative Code", Article IV, Section 4-18 of the Durham Town Code by adding the provisions for a Board of Assessors. Councilor Needell SECONDED the motion.***

Councilor Stanhope said he had some concerns about this proposed Ordinance. He noted that he had some experience in doing tax abatement work. He said that in some other municipalities, the assessor did a detailed ad valorem assessment and had other documentation that allowed the governing body to be well informed before making their decision.

He said when the list of abatement requests came before the Council this year, he was disappointed by the answers he had received from the Town Assessor. He said he thought that adding an additional layer of non-elected individuals to the process was not a good idea, and said instead, the Assessor should have the responsibility of preparing a detailed report on each abatement request. He said such a report might even include an independent opinion.

Councilor Stanhope noted that the people on a Board of Assessors would be appointed, not elected, like members of the Council were. He said Councilors new what the charter said concerning this responsibility when they ran for office, and said he was opposed to this proposal.

Councilor Leach said it came down to whether one trusted the Assessor's decisions, noting that even if there was further information available from the Assessor on an abatement request, Councilors would still have to trust in what he said. She said he wasn't sure that having a more detailed account of an abatement request would necessarily help him with that.

She said she thought that having a Board of Assessors would be more fair, and said she also wasn't sure that for those on the Council who didn't feel they had the knowledge, spending a

lot of Council time on abatements was an effective use of meeting time. She said she was not necessarily committed one way or the other, and said perhaps they could try having a Board of Assessors.

Councilor Needell said Durham had a Board of Assessors, and it was the Town Council. He said he would like to hear from Mr. Dix how it would be for him to interact with a board as compared to the Council.

Mr. Dix said he thought the difference would be a positive one. He noted that he had dealt with a Board of Assessors for several years when he worked in Massachusetts, and said he thought there would be increased accountability, which he said he was willing to undergo. He said he didn't see this as another layer of government, and said it took the burden off members of the Council and put it on someone else. He said there might be real estate brokers and others with some experience with assessing on the board, who would know the language of assessing and therefore would be easier to talk to because they would know where he was coming from. He said he thought this would be better for the taxpayers.

Councilor Stanhope questioned how many real estate brokers were knowledgeable in this area.

Councilor Van Asselt said he didn't want to review abatement requests anymore, stating that he had no experience or interest in this area. He said he realized it was one of the Council's duties, and said he would listen if there was an alternative to what was now proposed.

Councilor Stanhope said if Councilors had the kind of report he saw generated in other municipalities, they could read and understand it without difficulty.

Councilor Julian Smith said he was ready to vote in favor of this Ordinance, and said he personally didn't want to do this work on abatement requests.

Councilor Morong said Mr. Nadeau was probably correct that it was hard to find people for the board, but he said he was willing to give it a try and see what happened. He said if people didn't come forward, the responsibility was then back with the Council.

Councilor Needell said he brought this proposed Ordinance forward not because he didn't want to do this work, but because he didn't feel he was doing his job on this well and properly and thought it could be done better by others. He said it was an important role, and was one that needed to be done carefully and conscientiously .

Administrator Selig said he felt having a Board of Assessors would create additional bureaucracy, and also said he thought it would be hard to find people who were qualified and willing to do the work. He said this represented a major commitment. He suggested that the Council be provided with more detailed reports and recommendations concerning abatement requests, and then see if this made a difference. He said they could also allow greater time for the process, so Councilors who wanted to get involved could do so.

Chair Niman asked if it would be possible to get copies of examples of the more detailed

reports that had been referred to, in order to see whether after seeing them, Councilors would feel better about making a decision on an abatement request.

Councilor Needell said he had no problem with this, although he said he had hoped that there would be more comments on the merits of the approach he had proposed. He said he thought it was appropriate that anyone who might consider serving on a Board of Assessors should step forward and let the Council know this. He said he thought this would weigh heavily on Councilor's minds. He also asked those Councilors who said they didn't want to do this work anymore to reconsider their reasoning on this.

Chair Niman said this motion would be tabled, and would be brought back when some detailed abatement request reports were provided.

***Councilor Van Asselt MOVED to table the motion. Councilor Morong SECONDED the motion, and it PASSED 6-2, with Councilor Leach and Councilor Julian Smith voting against it.***

## **X. New Business**

- A. **PUBLIC HEARING AND ACTION ON RESOLUTION #2007-25** raising and appropriating an additional Three Hundred and Twenty-Nine Thousand, Four Hundred and Nine Dollars (\$329,409) in the FY 2007 Capital Fund Budget for the purpose of purchasing hardware and components needed for the transition of communications and related systems from the University of New Hampshire Communications Center to the Strafford County Dispatch Center with said funds to come from bonding, and awarding a contract to 2-Way Communications Services, Inc. of Newington, New Hampshire

Administrator Selig said this is continuation of the transitioning of dispatching services to the Strafford County Dispatch Center.

***Councilor Julian Smith MOVED to open the public hearing on RESOLUTION #2007-25 raising and appropriating an additional Three Hundred and Twenty-Nine Thousand, Four Hundred and Nine Dollars (\$329,409) in the FY 2007 Capital Fund Budget for the purpose of purchasing hardware and components needed for the transition of communications and related systems from the University of New Hampshire Communications Center to the Strafford County Dispatch Center with said funds to come from bonding, and awarding a contract to 2-Way Communications Services, Inc. of Newington, New Hampshire. Councilor Morong SECONDED the motion, and it PASSED 6-0.***

(Councilor Leach and Councilor Stanhope were not in the room for this vote).

**Willam Hall, Smith Park Lane**, spoke about previous problems with the lines, and about other problems that could put these lines out of business. He also spoke about the fact that the 868-1212 number was not listed, and should be, so that if the 911 line didn't work, it could be used. He said the level of response he had gotten from Town staff on this issue was not good, and said he wanted to make sure that this number showed up in the right places.

***Councilor Julian Smith MOVED to close the Public Hearing. Councilor Needell SECONDED the motion, and it PASSED unanimously 8-0.***

Administrator Selig noted that a 2/3 vote was necessary in order for this Resolution to pass.

***Councilor Needell MOVED to approve RESOLUTION #2007-25 raising and appropriating an additional Three Hundred and Twenty-Nine Thousand, Four Hundred and Nine Dollars (\$329,409) in the FY 2007 Capital Fund Budget for the purpose of purchasing hardware and components needed for the transition of communications and related systems from the University of New Hampshire Communications Center to the Strafford County Dispatch Center with said funds to come from bonding, and awarding a contract to 2-Way Communications Services, Inc. of Newington, New Hampshire. Councilor Stanhope SECONDED the motion.***

Councilor Needell noted that there would be no tax impact on this year's Budget. He said there would be bonding, but said he expected that this would be more than offset by the significant savings that were expected as a result of the transition to the County.

Administrator Selig said the estimate was that the Town would save just under \$500,000 in five years.

Councilor Van Asselt said the issue for him was that he didn't want to bond \$329,409.

Councilor Leach received clarification that the \$80,000 listed on page 2 of the Council Communication for "2005 CIP Dispatch Transition Project" would also be bonded. She also received clarification that the two way radio system upgrade mentioned on page 2 would be included as part of the \$264,402 in Radio Enhancements.

Councilor Julian Smith asked if there was any practical reason why the phone number Mr. Hall had spoken about shouldn't be advertised.

Administrator Selig said he had determined that it did make sense to retain that phone line. But he said he was much less comfortable with the idea that it would also ring at the Durham Fire Department, and said the dispatching origins should be at the Strafford County facility. He also said that nationally, it had been shown that it was better to have one number, and that people got confused if there was more than one number.

There was detailed discussion about this with Durham IT Manager Luke Vincent.

Councilor Morong noted the recommendation from the consultant concerning the County's choice to have 3 dispatchers rather than 5, and asked how things would be covered if one of them got sick.

Administrator Selig said the idea was that there would be 3 additional dispatchers, not 3 in total. He said the County Sheriff felt their might be sufficient existing capacity to cover things, and felt that rather than hiring 5 additional people, overtime could be used. He said if this

didn't work, more people would be hired.

There was further discussion on this.

***The motion PASSED unanimously 8-0.***

***Councilor Leach and Councilor MOVED to approve awarding the contract for the radio system upgrade and dispatch migration to 2-Way Communications Services, Inc. Of Newington, NH, for a lump sum not to exceed \$282,462.04 and authorizes the Town Administrator to sign the agreement with 2-Way Communications Services, Inc.***

***Councilor Needell SECONDED the motion, and it PASSED unanimously 7-1, with Councilor Van Asselt voting against it.***

***Councilor Julian Smith MOVED to extend the meeting beyond 10:00 pm. Councilor Van Asselt SECONDED the motion, and it PASSED unanimously 8-0.***

- B. PUBLIC HEARING AND ACTION ON RESOLUTION #2007-26** authorizing the acceptance and expenditure of \$58,270.40 in unanticipated revenues from the State of New Hampshire Department of Safety following the FEMA disaster April 2007 flooding event

Administrator Selig said he encouraged the Council to approval this Resolution.

***Councilor Julian Smith MOVED to open the Public Hearing on RESOLUTION #2007-26 authorizing the acceptance and expenditure of \$58,270.40 in unanticipated revenues from the State of New Hampshire Department of Safety following the FEMA disaster April 2007 flooding event. Councilor Morong SECONDED the motion, and it PASSED unanimously 8-0.***

There were no members of the public who spoke.

***Councilor Stanhope MOVED to close the public hearing. Councilor Julian Smith SECONDED the motion, and it PASSED unanimously 8-0.***

***Councilor Morong MOVED to approve RESOLUTION #2007-26 authorizing the acceptance and expenditure of \$58,270.40 in unanticipated revenues from the State of New Hampshire Department of Safety following the FEMA disaster April 2007 flooding event. Councilor Julian Smith SECONDED the motion, and it PASSED unanimously 8-0.***

- C. Council-initiated zoning change to address various issues related to future development along Route 108**

Chair Niman explained that during the TIF public hearing, members of the public had raised a number of concerns that once water and sewer were put in place, there would be additional development in the Route 108 corridor, and that this gateway to Durham might be impacted. He said what he was proposing was an attempt to address those concerns.

Councilor Stanhope asked if he needed to step down from this discussion, since he lived on Route 108. The Council determined that this wasn't necessary.

Chair Niman said what he was first proposing was that mixed use with parking should no longer be a conditional use in this zone. He also said that developer Dave Garvey had agreed to have some design guidelines for any construction that occurred on the Stone Quarry property.

He noted that during hearings on the TIF enabling legislation, members of the public had expressed concern about the possibility that commercial enterprises like BJ's or Cosco could come in. He said he didn't think that this was likely, but said he was willing to do something about it. He said Attorney Mitchell had said that the existing warehouse language in the Ordinance didn't categorically prevent this, so it would have to be revised. He provided details on this.

Chair Niman said another suggestion he had was to do something that would allow the transfer of development rights from the two front Stone Quarry lots to the rear lot. He said he was recommending that increased density should be allowed at the rear of the property in exchange for no development on the lots that had frontage on Route 108.

He noted that the suggestion had been made that the Council could ask the ZBA to allow a variance for this, but he said he didn't feel comfortable doing this. He said the transfer of density idea was a good idea, and said the Zoning Ordinance would need to be changed to allow this.

He said that when the development rights transfer idea was discussed at the Agenda setting meeting, there was discussion that there must be some boiler plate language concerning this. He provided details on research done on this, and explained what he had come up with as a result of this.

Chair Niman said he had been concerned that if the Ordinance allowed the transfer of development rights between parcels in different zones, this would be overly complex and confusing. He provided details on this. He said he thought that a better concept was to look at a development project, and to allow transfer of development right between parcels within a larger parcel where the development was to occur. He said this idea was a starting point for Councilors to respond to

Councilor Needell said he thought the ideas Chair Niman had provided were an excellent starting point. But he said he had a lot of questions regarding the transfer of development rights approach that had been described. He recommended making a decision concerning the first few ideas, and then returning to this last idea. He said he would like to separate these ideas as they moved through the process.

Councilor Needell noted that the Planning Board was moving ahead independently to make some similar changes concerning mixed uses, to better control where retail businesses could be located. He said he didn't think what Chair Niman was recommending would affect that. He said he wanted to be clear what whether the purpose of Chair Niman's recommendation was to

eliminate mixed use from the zone or just retail.

Chair Niman said the idea was just to eliminate retail, given the concern about strip malls.

Councilor Needell said he would take this back to the Planning Board.

Councilor Stanhope said the proposed wording didn't take into account non membership large retailers.

Councilor Needell suggested that the Council wait on discussing this until Attorney Mitchell provided his recommended language.

Chair Niman agreed, and said once Attorney Mitchell had looked at this language, the two Zoning change proposals could then be sent to the Planning Board at the same time.

Councilor Van Asselt said he was concerned that every time something came forward and a group of residents didn't like it, the Council was going to change the Table of Uses. He said he respected the opinions expressed by the public, but said the question was whether, if attractive commercial development was proposed, that would be acceptable or not. He said it was better to deal with this tough issue now, and he asked what the point of the Zoning Rewrite process was if the Ordinance kept being changed.

Councilor Morong said he had heard it argued that the Zoning Ordinance was a flexible documented, and reflected what people at the time wanted.

Councilor Needell said he agreed. He described the public process that would be involved with proposing this change to the Ordinance, and said ultimately if there weren't five Councilors who were interested in making it happen, it wouldn't happen. He said the Zoning Ordinance was a living document, and needed to be that way.

Councilor Leach said she had heard a lot of discussion about retail uses, and said she wasn't necessarily against expanding retail. She said she was not against what was proposed that evening, but personally would like more retail.

Chair Niman said he didn't think that Cosco would build in Durham, but he said the reality was that people worried about this. He said if could allay their fears, why not, and said it was important to try work together with different groups in Town. Regarding mixed use with parking, he said he wasn't sure where this would occur on Route 108. He said Councilor Van Asselt was correct that changing the Zoning Ordinance could be a slippery slope, but he said he didn't think they were going down that road.

Councilor Stanhope said he had discussed this with people who were concerned about protecting the Town's gateways. He said he agreed that if the Council started crossing out land uses, nothing would be allowed in Durham. But he said he felt that if a use wasn't visible from Route 108, he didn't care if something like a warehouse club was allowed there. He also suggested that perhaps design guidelines for Stone Quarry Drive could be expanded for the

zone, which would create a degree of protection but would not eliminate any land use.

Chair Niman said this zone has large setbacks, etc., but people were are still concerned, and said he wasn't sure that design guidelines, berms, etc. would change peoples' minds.

Councilor Julian Smith said he liked the proposed changes, and said they had made it a lot easier for him to vote for the Stone Quarry TIF district. He said he would like to have Attorney Mitchell to look at the two Zoning related issues, and said the Council could then make a decision on them.

Chair Niman asked Councilors whether they thought the transfer of development rights idea had merit for Durham, and if what he had provided on this was right. He also asked how the Council thought this should be moved forward.

Councilor Leach said she thought that some clarification was needed on some things first.

Councilor Needell said what was driving the transfer of development rights issue was the attempt to solve a narrowly focused issue on a single piece of property, the front fields of the Stone Quarry TIF district.

Chair Niman said the question was whether the Town was going to continue to encounter situations like this, so it made sense to address the issue now.

Councilor Needell said he was not sure that this was the right tool. He said he had done some research on transfer of development rights, and said there were many ways to implement this approach. He said the approach proposed by Chair Niman was unique, and raised some flags. He said he would love to see a discussion on the concept of development rights. He agreed that he would love to fix the problem, but said he was very reluctant about this tool.

He also said the Planning Board might want to tackle this issue on its own. He recommended that if the Council wanted the transfer of development rights process, it should decide what it was really trying to accomplish concerning this, and should give the Planning Board a clear description on this.

Chair Niman agreed, and said what he had proposed was a unique approach to implementing the concept.

Councilor Stanhope said the idea required a lot of thought. He noted that he had seen conservation commissions in some towns involved with the transfer of development rights process, and said a density bonus was actually added for some transfers. He said if Durham went down that road, it should talk with the Conservation Commission. He agreed that the Council was trying to get a quick fix for Stone Quarry Drive, but he said if a change was going to be made to the Zoning Ordinance, they had better get it right.

Councilor Morong said he realized that he needed to learn more about this concept before deciding on anything about it.



In answer to Councilor Leach, Chair Niman said he had made intentionally made a policy decision, to limit the scope of the transfer of development rights concept.

D. Other business

**XI. Extended Councilor and Town Administrator Roundtable (if required)**

Chair Niman said there would not be a meeting the following Monday, as had previously been considered, because Dea Brickner Wood wouldn't be ready to give her presentation until November 5<sup>th</sup>.

He also said the water report that would be used as the basis for the Spruce Hole discussion wasn't ready yet. He noted that Public Works Director Mike Lynch and Paul Chamberlin, UNH Assistant Vice President for Energy and Campus Development, wanted to have a chance to review the report before coming to speak with the Council on it.

Administrator Selig updated the Council and members of the public that Town staff were working hard to meet the parameters the Town Council had set for the 2008 Budget.

Councilor Julian Smith said it might be appropriate for members of the Council to be downtown, depending on how the baseball playoffs went.

**XII. Adjourn**

***Councilor Van Asselt MOVED to adjourn the meeting. Councilor Leach SECONDED the motion, and it PASSED unanimously 8-0.***

**Adjournment at 10:55 pm.**

Victoria Parmele, Minutes taker