

This set of minutes was approved at the Town Council meeting on November 3, 2008

**DURHAM TOWN COUNCIL  
MONDAY, OCTOBER 6, 2008  
DURHAM TOWN HALL – COUNCIL CHAMBERS  
MINUTES  
7:00 PM**

**MEMBERS PRESENT:** Chair Neil Niman; Councilor Karl Van Asselt; Councilor Jerry Needell; Councilor Julian Smith; Councilor Peter Stanhope; Councilor Henry Smith; Councilor Cathy Leach; Councilor Mike Sievert; Councilor Doug Clark

**MEMBERS ABSENT:** None

**OTHERS PRESENT:** Town Administrator Todd Selig; Fire Chief Peter O’Leary; Public Works Director Mike Lynch; Town Clerk Lorrie Pitt

**I. Call to Order**

Chair Niman called the meeting to order at 7:01 PM.

**II. Approval of Agenda**

*Councilor Van Asselt MOVED to approve the Agenda. Councilor Julian Smith SECONDED the motion.*

Chair Niman asked if Parks and Recreation Committee Chair Sarah Wilson could give her presentation ahead of schedule because she had a baby-sitting issue. It was agreed that she would give her report after the approval of the Minutes.

*Councilor Van Asselt MOVED to amend the Agenda, to do Agenda item IX B, Annual report of the Parks and Recreation Committee, after Agenda Item IV, Minutes. Councilor Julian Smith SECONDED the motion, and it PASSED unanimously 9-0.*

*The original motion PASSED unanimously 9-0.*

**III. Special Announcements**

Introduction of New Firefighters – Peter Leavitt and Warren Kadden  
Introduction of newly promoted Fire Captain – Jeffrey Furlong

Chief O’Leary said Peter Leavitt was a career fire fighter, and brought to the job a love for fire service and significant life experience. He said Jeff Furlong had spent his entire fire service career in Durham, and said the pinnacle of his career was being promoted to Captain. He said Mr. Furlong was very active in the Fire Department, with a wealth of knowledge and a love for the job, and was a

strong advocate for what he believed in. Chief O’Leary said he was very pleased to have both Mr. Leavitt and Mr. Furlong working in Durham.

#### **IV. Approval of Minutes**

September 8, 2008

***Councilor Van Asselt MOVED to approve the September 8, 2008 Minutes. Councilor Clark SECONDED the motion.***

Page 2, under the approval of the July 21, 2008 Minutes, it should read: “Mr. Lynch had convinced the agencies that the Town would be making improvements to the wetland as part...”.

***The motion PASSED 8-0-1, with Councilor Needell abstaining because of his absence from that meeting.***

#### **IX B. Receive annual report of the Parks and Recreation Committee – Sara Wilson, Chair**

##### **Ms. Wilson outlined the Committee’s long-term goals:**

- Provide better public awareness of existing parks and resources
- Develop a formal, sustainable Parks and Recreation program that will better serve town residents.
- Increase recreational and leisure activity programs and opportunities for all Durham residents.
- To study and implement opportunities to make Wagon Hill a more used and appreciated recreational park

##### **Accomplishments for 2008**

Ms. Wilson said the Committee worked with UNH faculty and staff to conduct a public survey on recreation needs in the Town of Durham in 2007. She said the survey results had been compiled and analyzed, and provided background information for future projects and assisted in producing a Parks and Recreation strategic plan. She said the general theme that the survey found was that Durham residents were not aware of many of the parks and recreational areas that they have.

She said that especially in these economic times, the Committee saw there was a great opportunity to show the residents what they already have.

She said the Trails Task Group (a joint committee of the Parks and Recreation Committee and the Conservation Commission) had developed an Adopt-A-Trail program to be administered by the P & R Committee. She said volunteers would be recruited and trained to help maintain Durham’s trail system, and said a training group would be initiated in the spring 2009 to start this program

Ms. Wilson said the Parks and Recreation Committee was represented on the following committees:

- Tri-Town Recreation Committee

- Churchill Rink Committee
- Oyster River School District Committees on Playing Fields and Recreation
- Milne Property improvements
- Durham Skateboard Park committee
- Jackson's Landing improvements
- MPCA investigation of the use of Wagon Hill
- Continually works closely with DPW.

Concerning the issue of property improvements, Ms. Wilson provided the following information:

- She said they were continuing to explore potential improvements at Wagon Hill Park.
- She said they had contributed \$1,500 of their budget to the Durham skate park.
- She said they were contributing picnic tables and benches to the new Jackson's Landing, upon completion.
- She said the sunshades that were ordered last year were put up, by DPW, at Woodridge had been a positive addition to the park for parents watching their children on the play structure.
- She said the message board that was ordered last year should be going up at Jackson's landing any day. She said it was felt that this would promote community exchanges for people visiting both the playground and the new park.

Ms. Wilson said the Committee had developed a standard use policy for parks and recreation properties, facilities and trails. She said this would promote consistency between the rules for each park. .

She reviewed Town activities the Committee had been involved with over the past year:

- Sponsorship of the *Town Easter Egg Hunt* at Old Town Landing, which was a great success, with the biggest turnout ever. She said the event had been reorganized to utilize the entire park. .
- The *Mother's Day Hike at Wagon Hill*. Ms.. Wilson noted that the Committee was excited about the endless possibilities for using Wagon Hill, and said it planned to pursue improvements there.
- Participation in *Durham Day*, which involved construction of an age appropriate event to lead townspeople into the different trails and hikes offered at Wagon Hill.
- *Light up Durham* – She said again this year, the Committee would have a table offering an activity, such as making bird seed ornaments for the town tree.

Ms. Wilson said the Committee was working on updating the Committee's web page, which among other things would provide a separate web-based list of recreational/leisure opportunities, both public and commercial, in the Durham area. She said this would provide residents with a directory of recreational activities and updated current events.

She said the Committee had also completed a brochure to create more public awareness within the community. She said that along with a map, the brochure would highlight particular points of interest. She said the map that had been created highlighted the recreation areas that were managed through Parks and Recreation Committee.

Councilor Henry Smith said he thought that the “adopt a trail” idea was excellent, and Ms. Wilson agreed, and said the Committee hoped to do more concerning this. There was discussion that there were a lot of people in Town who could help with this.

There was discussion on the Parks and Recreation Committee’s role concerning the Milne property improvements. There was also discussion on improvements for Woodridge Park to make it more pleasant, with Ms. Wilson noting that because there weren’t a lot of trees there, some shading had been needed.

Administrator Selig said the shades that had been installed were lovely to look at, and he encouraged residents to go look at them. He also spoke favorably about the new skateboard park.

Councilor Van Asselt agreed that the skateboard was pretty nice, and said someone should be given credit for it.

Administrator Selig said the park had been developed as a result of a lot of volunteer effort and items that had been contributed. He said the cost for the park was \$7,000, and said that if it had been purchased on the commercial market, it would have cost about \$80,000.

Ms. Wilson said it was a big, collaborative effort.

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

Councilor Leach said a new draft of the Council Goals had been brought back, which reflected some changes to Goal #7.

Chair Niman said the Council would discuss this under Other Business.

Councilor Stanhope spoke about a letter the Council had received from Chuck Cressy, the owner of Durham Market Place, regarding a recent increase in the tax assessment for Mill Plaza. Councilor Stanhope noted that he evaluated the value of real estate in his work, and said he did not believe that the rents there had gone up substantially, or that the vacancy rate had decreased substantially, to help explain this increase.

He said he had seen a number of other assessments that troubled him. He said he was concerned that the software was being used to drive the numbers, without being property specific, and that they would be confronted with a large number of abatement requests because of this. He provided details on this, and said he was gravely concerned that the revaluation had not been approached in a manner to avoid a lot of litigation and additional costs.

Chair Niman asked Councilor Stanhope if he had any suggestions concerning this, and Councilor Stanhope said the Town should look at alternative ways to approach this. He said they should get an outside firm that could deal with the full range of real estate in Durham. He explained that if the software didn’t have a lot of data going into it, it was likely that the numbers coming out would be wrong, and that a lot of people would be treated unfairly.

There was discussion about whether the Council wanted to explore the idea of having an outside assessment done of properties, and whether there was sufficient time to do this.

Administrator Selig said a number of approaches could be used, and said one would be to contract out the work to a firm with wider expertise on staff, which would send the appropriate staff to Durham. He said the approach the Town had adopted 8-9 years ago was to have an in-house assessor, in order to avoid contracting out assessing services, and to have a consistent person available to consistently address the different classifications. He said this approach had been acceptable over time.

Councilor Needell noted that the Town was in the middle of the assessment process, and asked whether, if the course were altered, this would mean abandoning the assessment process for a year.

Councilor Stanhope said the question was whether the Council was satisfied with the outcome of this current assessment process, or wanted to look at alternatives. But he said this current process was done.

Administrator Selig said the Town had 3 to 4 weeks before finalizing the tax rate. He suggested that because there was so much interest in the impact of the re-assessment on multi-unit and commercial properties, they should bring in someone with particular expertise in that market, to get a second opinion. He said they could also have the Department of Revenue Administration appraiser, who was already monitoring the revaluation process, do further monitoring of the appraisal process.

He said sales activity of multi-unit properties did dictate much higher pricing, and said this had generated real concern among the property owners. He said the Town was sensitive to this, and wanted to encourage further development in that segment of the market. But he said the Town also had the responsibility to provide true and fair assessments. He said if the market was truly driving the increase in the assessments of the multi-unit properties, this would shift some of the tax burden away from single family homes. He recommended going out to a third party, to determine if an error had been made in the revaluations.

Councilor Stanhope said he was concerned that the Town was already paying for an in-house assessor, and now would be paying additional money to get outside assessment services. He said this indicated that the Town's current system was flawed.

Administrator Selig said that with any town-wide reassessment, there were some residents who were not happy with the results. He said when an outside firm was used to do an assessment, the methodology used might or might not work for the community. He also said the public relations approach of outside firms had not always been the best.

He said the Town's Assessor now worked 3/5 of the time in Durham, which had brought costs down to the average, so that what was paid per parcel was reasonable. He said they were getting a good service, and also said he didn't agree that the methodology being used was flawed. But he said there was a significant enough impact from this appraisal to a valuable segment of the Town's population on a universal scale, to warrant bringing in a third party.

Councilor Stanhope said for the last five years, the Town had paid an assessor to work five days a week, and said what he was hearing was that he only needed to work three days a week.

Administrator Selig said he wouldn't agree with that characterization.

Chair Niman said how the Town purchased assessment services was a legitimate discussion to have during Budget discussions. But he said the immediate issue right now was the idea of bringing in a third party. He said he realized there was an expense from this, but said the public trust was very important, and said it was worth spending a few dollars to ensure this.

Administrator Selig said the Department of Revenue could look through the data and provide some independent third party assessment as well. But he said his preference was to get someone from the private sector to get an independent opinion. He said the Town Assessor would disagree that the methodology he used was inappropriate, but said a challenge he had in working with it was getting data from the property owners, who were reluctant to share this data because of the impact this might have on the value of their properties.

He said that clearly, the recent sales in the multi-unit area were driving higher prices, and he noted that he had provided some examples of this. He said some independent appraisals on some of these properties supported the information that the assessor had generated.

He also said although the State and national real estate market was falling, there had been some pretty significant increases in pricing for a typical property, between 2003 and 2007. He said although prices had fallen from 2007-2008, on average, there had been an increase in prices since 2003. He spoke about the fact that an increase in value did not necessarily mean that someone would pay more in taxes, and he provided details on this, also noting that there was information on this on the Town website.

Councilor Leach said it wasn't yet known whether the process was flawed, so additional evaluation would help. She also said she didn't feel that the information that had gone out in the letter and on the website were particularly helpful, especially for homeowners who had never dealt with this before. She suggested that the time period during which Mr. Dix could meet with property owners should be extended, in order to make the process more user-friendly. She encouraged people to bring property information with them when they met with Mr. Dix, and said residents needed suggestions on what particular information they needed to be able to provide.

Administrator Selig said the opportunity to meet with Mr. Dix had been extended, and would be extended further, as needed. He spoke further on pricing of residential housing over the past several years. He said the data was not set in stone at this point, and said in addition to extending the period of time for people to come forward, he had asked Mr. Dix to put additional data on the website.

Councilor Leach said data was great, but said there should be some way to simplify the process for residents.

Councilor Stanhope said property owners could look at their tax card and compare it to their property, to see if there were errors in the card. He said they could also look at assessments of other

properties like theirs, using the Town website and the tax cards for these properties. He said a third approach was to do a sales comparison, but he said his concern was that because the population of Durham wasn't that large, combined with the fact there were a wide variety of properties in Town.

Councilor Henry Smith said it would be a good idea to extend the time period during which property owners could meet with Mr. Dix.

Administrator Selig noted that Mr. Dix had already made a great deal of time available to meet with residents, including appointments at 9 pm and on weekends.

On another matter, Councilor Julian Smith said there had recently been a site walk of the Merrick property, which had in recent years received a conservation easement. He said about 40 people were there, including Administrator Selig, three members of the Council, and members of the Conservation Commission. He said this was a very interesting and convenient piece of property that was an extension of the nearby neighborhood, and provided trails and passive recreation for residents. He encouraged members of the public to look for it on the Town website.

There was discussion that the Council could come back to the discussion on the revaluation under Agenda Item XIII, Extended Councilor and Town Administrator Roundtable.

Councilor Henry Smith said that at the recent HDC meeting, there was discussion on the Mill Pond Dam issue, also noting that there was not a quorum for the meeting. He said Angela Bodo was at the meeting, and was also present now as a candidate for the HDC.

V. **Public Comments**

VI.

**Chris Mueller, 6 Timberbrook Lane**, first noted that as the Chair of the EDC, he had sent a memo to the Council that day regarding the business related components of the reassessment. He also said he and EDC Vice Chair Jason Lenk had attended the recent Durham Business Association meeting, and that the reassessments had been part of the discussion that day.

Mr. Mueller said it was really important to view student rental housing owners as small businesses owners who served the primary business in Durham. He said they were very concerned about the impact of the significant increase in valuations on their business operations, and he reviewed some numbers on this.

He said there was concern that there had been some inflated purchase prices recently, whether real or perceived. He said these increases had put undue stress on these property owners, and limited their ability to reinvest in their properties because of tax increases. He said some were even questioning the viability of their businesses.

He said that on the one hand, the EDC supported increasing the tax base, but he said there was concern that increased taxes would threaten the viability of existing businesses. He said the Committee would be happy to help address this situation.

**Warren Daniel, 4 Palmer Drive**, said he had owned the Bagelry for 25 years, and was present to represent the Durham Business Association concerning the impact of the reassessment on downtown businesses. He spoke about the current financial crisis, and the issue of Main Street vs. Wall Street, and said it was time to look at Main Street. He said Durham was a small town with a small economic base, and said its Main Street was in trouble.

He said he was the director of the Seacoast Small Business Development Center, and spoke of his concerns about the continued viability of downtown. He said it wasn't clear how small businesses could handle the assessment increase, while also facing pressures from higher costs and a recession. He noted that he had spoken with Mill Plaza owner John Pinto, whose property assessment had increased 17.4%, which was passed on to businesses that leased space there. He said there was one empty storefront now, and another was expected in November, so the trend was not good.

Councilor Needell spoke about the fact that a 17% increase in the assessment should not result in a 17% increase in taxes. But he said there was certainly the question of whether the assessments were actually correct, and truly reflected the value of properties.

Mr. Daniel said even if there wouldn't be a 17% increase in taxes, the increase would cause difficulties. He spoke about the relationship that the Town was trying to develop with Mr. Pinto, and the potentially huge development plan for Mill Plaza that had been created. But he said Mr. Pinto had been very put off by the increase. He said he would hate for something like this to happen.

Councilor Needell noted that the Council had relatively limited authority or discretion to address assessments. He said once the assessment was done, taxation was applied separately.

Mr. Daniel said he understood this. But he said he was there to say there was a problem on Main Street, and said he was really nervous about the next 12 months, given the recession and inflation.

Administrator Selig asked Mr. Daniel knew whether the Plaza would be sending someone to meet with the Town Assessor, to provide some numbers to test the validity of the data. Mr. Daniel said he didn't know, and Administrator Selig said this would be helpful, given the fact that there was currently limited data available. Mr. Daniel spoke in some detail about his belief that estimation could be made that rents had not increased extraordinarily.

Councilor Sievert asked how much impact the University had on downtown businesses, and Mr. Daniel said the impact was huge. He spoke about tax issues, and the disparity between what University businesses paid in taxes compared to downtown businesses. He said there had been an attempt to address this issue 10 years ago, when the MUB was redeveloped, but he said this was fighting a losing battle.

Chair Niman said that on the positive side, the Town had been talking with UNH about that issue, and the University had agreed to look at it and to considering divesting itself of those businesses. But he said there had been no resolution concerning this yet.

Councilor Van Asselt said there were a number of things the public sector could do, and said he was interested to know whether the Durham Business Association wanted to work with the Town. He



said he wasn't sure that Councilors would say yes to something like this, but said they had to get serious, if there was interest in having the public sector help with this situation.

Mr. Daniel said that based on discussions at previous meetings, he thought the Association would encourage a dialogue with the Town on these issues, and he suggested that there could perhaps be a subcommittee of the Association to address them. He said there were issues the Association felt could benefit from a quick fix, such as streamlining what startup businesses had to go through. He said there were many areas where the Association and the Town could work together.

Councilor Van Asselt said he personally encouraged Administrator Selig to facilitate this, and said public investment in businesses like the Bagelry was important in the long run because that company's taxes helped keep his taxes down. He also said that if something wasn't done, there would be a long list of empty buildings downtown.

Administrator Selig said one positive step that had already been taken was moving the Association's office to the Town Hall, and he said this was specifically done to create synergies. He said discussion on areas they all could agree on would be good. He noted other things the Town had done to assist downtown businesses, such as changing the date for spring pickup so it didn't coincide with students moving out of their downtown apartments. He also said that if the tax burden was shifting back to multi-units developments, it might make sense to revisit this.

**Bill Hall, Smith Park Lane**, said he wasn't happy with the recent Council meeting on the Budget. He spoke about his frustration that the Town hadn't yet sold any trees from the Town land near the Transfer Station, although this could net the Town \$20,000-40,000. He said there was no excuse for not making this happen. He also said that 88 towns in NH burned waste oil, and he provided details on how Durham could do this. He said there was a source of oil as well as a use for the oil, and said there was no excuse for not doing this.

Concerning the Budget, Mr. Hall recommended that the Town should drop spring pickup, and said spending money on this was ridiculous. He said that if the Town dropped the bulk waste coupon requirement, people would bring their stuff to the dump.

Mr. Hall also said there was a \$200,000 pipe project that was planned, which could be done for under \$100,000 if parts of it were done in house. He spoke in detail about this, and also said he recommended the Town doing the Mill Pond Road pipe job, which would be easier for the Town to do than the Woodman Road job.

**Jerry Gottsacker, 107 Madbury Road**, said he would focus his comments on the residential reassessments that had been done. He said he didn't think the Council's hands were tied concerning the assessment process. He said the data indicated that the residential assessments were very questionable. He noted that since 2004, he had gotten 5 building permits for his properties, which resulted in several reassessments. He said that between July and September, the assessment on his house had gone up 22%, while the assessment on his property next door, which he had also done work on, had gone up 12%.

He said he had then looked at data on other houses on the street, using a 2006 assessment. He provided a list concerning this, and spoke in some detail on the various houses on the list and their assessments. He said he had thought there might be a problem with the numbers, and had then had gone to a real estate agent and had gotten sales data over the last 12 months, and then compared the sales data to the reassessment data.

Mr. Gottsacker provided a scatter-graph that showed the variance between the assessment value and the actual selling price for 39 properties, which represented about half the sales in Durham over the past year. He said this graph indicated that the data was essentially random. He said this wouldn't be so disturbing if Durham was a town where the tax rate wasn't high. But he said here, a 10% variance represented a lot of money.

He said the assessment on one of his properties had gone up by 20% represented \$2,000, but said there were also properties that were under-assessed. He said there was something the Council could do, and that was to ensure that the assessments were accurate. He said this graph indicated that the assessments for these residential properties were not accurate, and said this sample said the same thing would be found for other residential properties in Town.

Councilor Stanhope thanked Mr. Gottsacker, and said his point was well taken.

Chair Niman asked Councilors they wanted to respond at this point.

Councilor Stanhope said he wished to express his dissatisfaction, and said Mr. Gottsacker's presentation had reinforced his belief that the Town was paying for services that it was not getting.

Administrator Selig recommended that Tax Assessor Rob Dix come in and provide an overview, and that the State appraiser speak to the Council as well, if the Council was comfortable with this approach.

Councilor Needell said that regarding his previous statement that the Council's hands were tied, he realized that if the assessments were wrong, the Council's hands were not tied. But he said once the process was over, the Council then had no discretion about the application of the assessments.

Mr. Gottsacker said he understood what was meant, but said his main point was regarding the accuracy of the assessment, especially in Durham. He said State law allowed a 20% variance up or down, which was a 40% range, and said this was a recipe for failure, especially in a Town like Durham.

Chair Niman said the Council would come back to this issue under the extended Council and Town Administrator Roundtable.

**Rob Watson**, provided details on tax increases he was facing for his rental properties, and said this increase represented 20% of his gross income.

**Robin Mower, Faculty Road**, said she appreciated the comments from Councilor Leach concerning the process for residents regarding their assessments, and said she wasn't sure the time allowed

residents had been adequate. She noted that she had been out of Town, and when she got back was told no appointments were available to discuss an assessment. She said some people might not realize that there would still be appointments available.

Administrator Selig stated again that there would be appointments available for residents to come in and speak to the Town Assessor regarding their assessments.

Ms. Mower said it would have been nice for residents to get some information on what kinds of things to look for regarding their assessments.

Ms. Mower next said it would be helpful if significant Agenda items like the ORLI rezoning discussion could be discussed earlier in the meeting. She also said it was understood that this was a challenging issue, and said she appreciated greatly developer Jack Farrell's attempt to bring the discussion on his proposal to many areas of Town government early on.

She said she was a little concerned about a sense of urgency moving forward with this project, and said she wondered whether some of the urgency related to a sort of elephant in the room. She said unless she was misunderstanding something, that elephant was JLB Partners and the Tecce proposal for student housing. She said she thought it was very easy to confuse and conflate the two issues: the rezoning and this particular property and project.

Ms. Mower noted that that the conservation easement that was proposed included a 30% impervious surface ratio, and said she wondered whether this would be adequate. She spoke in some detail on this, and said she wondered if the easement would be reviewed by water resources people, and if more than stormwater management would be considered. She urged the Council to consider the important work of the Conservation Commission as part of this process, and the importance of keeping a direct line open with them, through the Council's representative to the Commission.

## **VII. Unanimous Consent Agenda**

- A. Receive annual report of the Churchill Rink Advisory Committee – Cathy Leach, Council Representative
- B. Shall the Town Council approve the special event permit application submitted by the UNH Campus Activities Board to close a portion of Main Street between Q-Lot, up Main Street, toward the Whittemore Center to A-Lot for the annual UNH Homecoming Parade on Friday, October 10, 2008?
- C. Shall the Town Council approve the special event permit application submitted by the UNH Campus Recreation Department to close a portion of Main Street for the annual UNH Homecoming 5K road race on Saturday, October 11, 2008?
- D. Shall the Town Council authorize award of a bid to American Excavating Corporation, Derry, NH, in the amount of \$196,956.75 for water line replacement on Mill Pond Road and additional water main work on Woodman Road as recommended by the Department of Public Works?

Chair Niman said a Councilor had asked that Item VII D be taken off of the Unanimous Consent Agenda.

***Councilor Van Asselt MOVED to approve Unanimous Consent Agenda Items A, B and C. Councilor Julian Smith SECONDED the motion, and it PASSED 8-0. (Councilor Henry Smith was not in the room for the vote.)***

Regarding Item D, Councilor Julian Smith said he had asked that this be taken off the Unanimous Consent Agenda, because he would like to have two separate motions. He said he would like to vote against the first motion, and in favor of the second motion.

Councilor Sievert said he would recuse himself from voting on these two motions because he had worked on this project. He left the table.

Motion #1

***Councilor Van Asselt MOVED to approve awarding the bid for the Mill Pond Road Water Line Project to American Excavating Corp, of Derry, NH, for the sum of \$196,956.75 to be paid from Capital Fund account #07-0811-221-89-000. Councilor Needell SECONDED the motion.***

Councilor Leach asked for a response to Mr. Hall's concerns, and also asked if there were in fact parts of the project that could be done in house.

Administrator Selig first noted that Town Engineer Dave Cedarholm had done a large portion of the design for the project.

Public Works Director Mike Lynch agreed, and also noted that the Water Department had only one person, and described his extensive workload.

Councilor Leach asked if there were any other employees in the Public Works Department who could do this work, and Mr. Lynch said that for a project like this, it was the water technician who made the connections, although other Department employees were used for the project as well. But he said there were three full time people maintaining 60 miles of road in Durham, and said they were also involved with drainage projects. He said this crew was simply not big enough to take on something of this magnitude. He noted that contracting out projects like this was done every day in other towns.

Councilor Van Asselt agreed that other towns contracted out this kind of work. He also said the Public Works Department should be commended for its handling of this situation, and said it was the kind of thing that paid off in the long run.

Administrator Selig said the Department didn't have the resources to take this project on, and said he supported bidding the project out.

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

Motion #2

***Councilor Julian Smith MOVED to approve awarding the contract for additional water infrastructure work on Woodman Road to American Excavating Corp of Derry, NH for the sum***

***of \$71,566 with the expenditure of \$71,566 to be paid from Capital Fund account #07-0811-221-89-000. Councilor Van Asselt SECONDED the motion, and it PASSED unanimously 8-0.***

Councilor Sievert returned to the table.

### **VIII. Committee Appointments**

- A. Shall the Town Council appoint Andrea Bodo, 20 Newmarket Road, to the Historic District Commission?

Ms. Bodo noted that she had been on the HDC before, and spoke in some detail on this. She then commended the Public Works Department for the stellar job it had done on the draw down of Mill Pond.

Councilor Leach noted that Ms. Bodo hadn't explained in her application why she was interested in serving on the HDC.

Ms. Bodo said the DES inspection of the dam had brought back her interest in the importance of the dam and the area around it, noting that she lived in that area. She said she felt an obligation to help define the important role that history played in Town. She spoke about the fact that the first chair of the electrical engineering department at UNH had helped design the dam, and said she had gotten caught up in this kind of history, and consequently had felt it was time to get back involved. She also said she knew there were development issues the Town was facing, and said she would like to be involved with them.

Councilor Leach noted the idea of putting the dam on the Historic Register, and Ms. Bodo spoke about the fact that the dam was eroding and needed repairs. She spoke in detail about this, and about possible funding for this. She said this area of Town was where Durham started, and called it a jewel in the Historic District.

Councilor Leach said there would further discussion on the future of the dam, and said economics and Budget issues would have to be a part of this discussion.

Ms. Bodo said this would be a forum to decide the importance of the dam.

Councilor Julian Smith said the Department of Historic Resources was very interested in the dam. He said he thought something older than the dam was Mill Pond itself, and noted that it was an historic, man-made artifact, just as an old hayfield was. He said he hoped Ms. Bodo and the HDC would be interested in protecting the pond as well as the dam.

***Councilor Julian Smith MOVED to appoint Andrea Bodo to the Historic District Commission. Councilor Stanhope SECONDED the motion, and it PASSED 8-0-1, with Councilor Van Asselt abstaining for lack of information.***

The Council stood in recess from 8:47 to 8:57 PM.

Following the recess, Chair Niman departed from the agenda to allow Councilor Van Asselt to speak about the fact that during the Public Comments section, a member of the public had made a comment about a hidden Council agenda regarding Spruce Woods and the JLB project. He said this was not how the Council agendas were structured, and said when people made those kinds of comments, they needed to be called out on this. He said these kinds of inferences didn't help, and made it look like the Council was trying to sneak something through.

Councilor Julian Smith asked Councilor Van Asselt what comments he was referring to, and Councilor Van Asselt said it had been inferred that the Council was trying to do something with Spruce Woods in a hurry with a hidden agenda to help JLB and help the process. He said that was not what was being done at the table.

Councilor Sievert said he thought the Council should stop people from speaking on an issue when there was the opportunity at the meeting to speak at the public hearing on that issue.

Councilor Julian Smith said there was not such an opportunity for public comment on the issue at this meeting.

Councilor Needell said he would not discourage anyone on the Council from providing a response to a member of the public when it was felt this was needed. Regarding Councilor Sievert's comment, he said this was a difficult balance to achieve. But he said it was entirely appropriate to comment on an issue during Public Comments, when there was not a public hearing scheduled on that issue. He said this was what the Public Comments section of the meeting was for.

Councilor Henry Smith said Councilor Van Asselt had a point, and said there were sometimes comments that were upsetting. But he said it was the nature of Public Comments that people could say what they wanted to say, although he said there could be a time limit on this.

B. Discussion and appointment of new Council representative to the Conservation Commission to fill the vacancy created by Councilor Leach

Chair Niman noted that Councilor Leach had resigned from the Conservation Commission, and that Councilor Needell had said he would agree to serve on the Commission if someone took his place on the Planning Board.

Councilor Needell said he would be happy to serve on the Conservation Commission, but said it was also fine with him if someone else wanted to serve on it.

Councilor Henry Smith suggested that Councilor Leach could serve on the Planning Board, if Councilor Needell served on the Conservation Commission.

Councilor Leach said no to the idea of serving on the Planning Board.

Chair Niman asked if there were any Councilors who were interested in possibly switching committee appointments.

Councilor Leach said she would agree to stay on the Conservation Commission, but was not interested in attending meetings.

Councilor Needell said it was important to have an active Council representative on the Conservation Commission, and said he would be willing to serve in that capacity.

***Councilor Henry Smith MOVED to appoint Councilor Needell as the Council representative to the Conservation Commission. Councilor Julian Smith SECONDED the motion.***

There was discussion that Councilor Needell would stay on the Planning Board, but would welcome having someone replace him.

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

## **IX. Presentation Items**

### **A. Receive annual report of the Economic Development Committee – Chris Mueller, Chair**

Mr. Mueller said the mission of the EDC was to foster the stabilization of the residential tax burden through thoughtful economic development that encouraged diverse business, commercial, office, and research activities, maintained and created jobs, created a good mix of uses, and maintained the rural character of Durham.

He said the Committee recognized that there were inherent limitations on the Town's ability to generate additional tax revenue, the primary limitation being the State's tax structure. He said Durham was further limited by the availability of developable land, the inability of commercial/rental property owners to redevelop their properties because of the increased tax implications, and a community desire to maintain our rural character. He said that in addition, infrastructure challenges such as sewer, water, and traffic many times seemed to complicate matters.

But he said that the EDC remained committed to find innovative, creative solutions, which would allow Durham to enhance its economic footprint and become a more vibrant, healthy community as a result. He then listed the EDC's high priority objectives, speaking among other things on plans to develop a strategic plan that would identify measurable targets for additional revenue, and outline the potential strategies to meet these targets. He stressed that this was not meant to replace the Master Plan.

He said the EDC planned to work actively with key stakeholders in the community, including residents, other boards/committees, and the Durham Business Association to build consensus and represent a broad range of interests. He spoke favorably about the interest the DBA had shown in working with the Town. Mr. Mueller also said the EDC planned to engage the expertise and resources of third parties such as the SE Economic Development Corporation, and the state Dept. of Resources and Economic Development.

He said the EDC planned to continue to refine the challenges that inhibited economic growth, such as infrastructure and zoning, and to develop strategies to overcome those challenges within the

context of the Committee's mission. He then outlined key activities the EDC has participated in over the past year.

- Met with the Conservation Commission to discuss areas identified for conservation vs. development.
- Supported the Hickory Pond Inn variance request to operate a public restaurant.
- Received presentations regarding future student housing developments (Broken Arrow/Sprucewood, Mast Road)
- At the request of the Town, the EDC became involved in the evaluation of the Durham Evangelical Church as a potential future Town hall site.
- Established an EDC representative to the DBA (Jason Lenk)
- Changed the meeting schedule to twice monthly to facilitate efficiency and productivity
- Recommended that the Council consider specific zoning changes in an effort to encourage economic development.
- Identified several state and federal economic development programs

Mr. Mueller noted that there were some recent instances when the Committee did not have a quorum at meetings, and said possible solutions were to increase the number of committee members and/or appointing alternates to the Committee.

Councilor Henry Smith said he had recently heard about some regional conferences and workshops that the EDC could benefit from.

Mr. Mueller agreed that the EDC should be involved with them. He noted that Mr. Campbell had attended some of them.

Councilor Henry Smith asked for details on the Inclusionary Zoning Implementation Program grant, and Mr. Mueller said the Town had applied for and received the \$9,000 in grant money, also providing some details on the purpose of the program. Councilor Smith thanked Mr. Mueller for his leadership on the EDC.

Councilor Clark said he had only been on the EDC for six months. He said the Committee had realized, with the last round of ordinance change proposals, that it had an interesting opportunity to engage developers, experts, other committees, and the public at the earliest stages of proposals to head off problems. He said he felt the EDC had a real opportunity to engage all factions, so proposals could be thought through in a much better way, and the public hearing process could be a lot smoother.

Councilor Van Asselt noted that Mr. Daniel had spoken earlier at the meeting on the problems for small businesses, and he said that should be a priority of the EDC. He said he suspected there were some things that could be done to help these businesses, and he encouraged the EDC to look into this.

He also said there was the problem that there was so little land in Durham that could be developed. He said that perhaps it was time to rethink some of the Town's zoning, in terms of what land could be developed, and said this might be something the EDC could bring some things forward on possible changes. He said there was no magic to the Zoning district lines that had been drawn, and



said there were hundreds of acres of land in Durham that could be developed if they were properly zoned for development.

Mr. Mueller said perhaps this would fall out of the Strategic Plan.

Councilor Stanhope said he hoped the EDC would be prepared to look at how town government could facilitate economic development. He suggested that the Committee could bring forward areas where changes were needed, and could see if there was a way for the Town to look for things that might be discouraging development, and ways to facilitate a friendly atmosphere, without removing reasonable standards for development.

Councilor Needell said that while he agreed that the lines on the Zoning map were not drawn by magic, they were not drawn by just a few people. He said there were a lot of people involved in this, so Councilor Van Asselt's characterization was improper.

## **X. Unfinished Business**

- A. **PUBLIC HEARING AND ACTION** to place a proposed Charter amendment relative to Article 7 "Conduct of Officials", Section 7.1 (C) on the March 10, 2009 Town election ballot as recommended by the Town Administrator

Councilor Van Asselt left the table.

***Councilor Julian Smith MOVED to Open the Public Hearing to amend wording within Section 7.1 (C) of the Durham Town Charter in accordance with RSA 49-B:5(I) as recommended by the Town Administrator. Councilor Leach SECONDED the motion, and it PASSED unanimously 8-0.***

No members of the public spoke at the public hearing.

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

***Councilor Julian Smith MOVED to approve a proposed Charter amendment relative to Article 7 "Conduct of Officials", Section 7.1 (C) on the March 10, 2009 Town election ballot as recommended by the Town Administrator. Councilor Leach SECONDED the motion.***

Councilor Needell said he want to make sure that information on this amendment would be provided in Friday Updates, well in advance of the election. He also said he didn't disagree with the Town Attorney's finding that towns through charters did not have the authority to impose term limits on elected offices or impose qualifications for elected offices. But he said with appointed officials, there was such an authority. He asked if this was a concern to anyone, and if this was a legitimate issue to raise when the Council made appointments to boards and committees.

Councilor Van Asselt returned to the table.

Councilor Stanhope said he thought anyone would be free to bring this question up, and Councilor Leach agreed.

Councilor Henry Smith spoke about his own experience regarding the fact that the RSA didn't specify anything about being on the ZBA while also being on the Town Council. He then said he thought the amendment was probably a very good change for the Council to make.

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

- B. **PUBLIC HEARING AND ACTION** to place a proposed Charter amendment relative to Article 9 "Town Report", Section 9.1 on the March 10, 2009 Town election ballot as recommended by the Town Administrator

***Councilor Van Asselt MOVED to open the public hearing on a proposed Charter amendment relative to Article 9 "Town Report", Section 9.1 on the March 10, 2009 Town election ballot as recommended by the Town Administrator. Councilor Julian Smith SECONDED the motion, and it PASSED unanimously 9-0.***

There were no members of the public who wished to speak.

***Councilor Van Asselt MOVED to close the public hearing. Councilor Julian Smith SECONDED the motion, and it PASSED unanimously 9-0.***

***Councilor Van Asselt MOVED to approve a proposed Charter amendment relative to Article 9 "Town Report", Section 9.1 on the March 10, 2009 Town election ballot as recommended by the Town Administrator. Councilor Stanhope SECONDED the motion.***

Councilor Clark said he felt this approach should be evaluated fairly soon after it was used in order to see how it was working. He said he was a bit nervous about the idea of doing this.

It was noted that possible impacts wouldn't occur until the following year.

Councilor Julian Smith suggested that perhaps some Town Reports could be distributed at Town Elections in March. He also said they could be sent out to people who contacted the Town asking that they be mailed out. But he said he imagined a lot of people threw the Town Report out, and said it would be good if the Town could avoid sending out unsolicited mail.

Administrator Selig stressed that this change was being made to increase efficiency, by keeping postage and printing costs down.

Councilor Needell said he wanted to be sure that the language change in the Charter didn't prohibit the Town from mailing Town Reports to those who requested this, and Administrator Selig agreed.

Councilor Henry Smith said this approach should be an experiment. He also suggested that perhaps if people called asking that the Town Report be sent to them, some local deliveries could be organized to avoid the cost of mailing the reports.

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

- C. Update relative to Ordinance #2008-12 to expand the Office and Research & Light Industry (ORLI) district into the Residence B (RB) district to include the remaining land of Sprucewood to the Lee Town line and schedule a Public Hearing on Monday, October 20, 2008

Chair Niman said he first wanted to speak concerning Councilor Van Asselt's comments earlier in the meeting, regarding a public comment that the Council might be up to something nefarious.

He said the reason he had wanted to push this Zoning change forward was not because of the JLB project, but because working on the ORLI Zoning proposal with Administrator Selig was taking a lot of time, so he wanted to get it done. He said it was unfortunate if people thought he was a monster for trying to streamline things, and said people were either going to trust their public officials and the Town Administrator or not.

Councilor Sievert said he would like to apologize to Robin Mower for his previous comment, noting that he hadn't realized that there was not a public hearing on the ORLI issue that evening. He also apologized to Councilor Needell.

Chair Niman reviewed the fact that he had asked the Council at the last meeting if they generally supported the conservation easement approach he had presented, and they seemed generally supportive. He said he had asked Councilors to send him their ideas on what they'd like to see in a revised document. He said he had received 14 responses, 13 of which had been put in the document.

He said Administrator Selig had indicated on Friday that he felt comfortable enough at that point to send the document to Attorney Mitchell to look over. He said any further changes to the document that had gone out to Councilors on Saturday would be at the recommendation of the Town Attorney, and said this information would be available by the time of the public hearing.

Chair Niman said the second document he had created was the list of 13 changes that Councilors had requested, and he noted that the only change not incorporated was a request for a map of all the roads in order to see if there would be roads over the easement portion of the property. He said the map couldn't be provided because there wasn't an approved plan by the Planning Board, and explained that Mr. Farrell wanted to be as general as possible in the design of the property at this point.

There was discussion on the language in easement concerning roads. Chair Niman then spoke about the fact that there wasn't yet a map of the easement area. He said Mr. Farrell's surveyor was working on this, and would provide a copy of it this week, so it would be available by the time of the public hearing. He said Councilor Sievert had volunteered to sit down with Tom Ballestero once the map was available to see if they had gotten the easement boundary right, and said Town Engineer Dave Cedarholm would look at this as well.

Chair Niman said he was pleased to say that virtually all the changes that had been requested could be incorporated into the document, and said he would like to have the public hearing on October 20<sup>th</sup>.

Councilor Leach asked for details concerning #13 of this document, regarding “Good faith efforts”, and said she assumed that would be as determined by the Town Engineer.

Chair Niman said there had previously been discussion about 100% recharge of stormwater on the site, and he noted that the Sophie Lane conservation subdivision had been able to accomplish this. He said it might not be possible to get 100% recharge, and said this was part of the reason why Mr. Farrell was willing to reduce the impervious coverage down from 50% to 30% of the entire acreage, which was what the current Zoning allowed.

Councilor Julian Smith said this translated to 60% of the buildable area, and Chair Niman said it would be 37.2 acres of a 124 acre parcel.

Councilor Clark asked what the order of events was, and what got communicated to the public on the easement and the Zoning change.

Chair Niman said once the easement language was set, this would be shared with the public on the Town website, along with a map of the area. He said the Friday Updates would notify residents of the public hearing, and would direct them to the easement and the map.

Councilor Clark asked if the easement would be signed and in place before the public hearing.

Chair Niman said no, and said the Council would first hear from the public, and then based on this, it would indicate whether it was comfortable with supporting it. He said if it was, and the Zoning change subsequently passed, Mr. Farrell would develop a plan to bring to the Planning Board. He said if this plan was approved, and once the permits were issued, at that point the Town would pay Mr. Farrell a dollar, and the conservation easement would go into effect.

Councilor Needell said he believed that a step that had to happen first was that the easement being offered should be structured so that, at any time, the deed would reflect that if anyone developed the property under the ORLI rules, this easement would go into effect. He said he thought this needed to be codified before the Zoning change was adopted.

There was further discussion on this.

Councilor Van Asselt asked if the hearing would be on the Zoning change or the conservation easement.

Chair Niman said the hearing would be on the Zoning change, but said he assumed that there would be discussion on the easement and its structure.

Councilor Van Asselt said the owner appeared to be willing to include the easement as a condition of the sale of his land, and Chair Niman said Sprucewood and beyond was bound by this as long as the

ORLI district was in place. Councilor Van Asselt said he couldn't imagine an owner having a restriction like this, and Chair Niman said he thought Mr. Farrell saw this as adding value to the land.

Councilor Julian Smith said the easement didn't kick in until all the conditions were met, and said they were substantial conditions.

Councilor Leach suggested that putting a summary of the conservation easement on the Town website, with specific items, would be helpful. She also noted that there was no longer a three-year time limit, and asked Councilor Needell was this was important. She said she liked the three-year time limit, because in a good way, it would force everyone to improve the efficiency of the process.

Councilor Needell said he wasn't necessarily objecting to that number, but said the concern was that when the proposal first came forward, he thought it was being proposed as a very long project. He said he had therefore been surprised that the intention was to bring it to fruition within 3 years. He said the concerns he had were regarding what happened if things didn't happen in time. But he said this document had done all that he could have asked, to remove that concern.

Councilor Leach asked what Mr. Farrell's perspective was on this, and Chair Niman said that when new language had been submitted to him regarding the timing issue, he had asked if there was an easier way to address it. He said Mr. Farrell had suggested that they get rid of the time limit, and that he didn't need it.

Councilor Needell asked if the easement was dependent on the second of two tiers of approvals. He said the document seemed to say that if the master plan was approved, the easement would take place, and the specific site plan would be done after the easement was in effect. He asked if this reading of the document was correct.

Chair Niman said he didn't believe so, and there was discussion that the language on this might need to be tweaked a bit. He said Mr. Farrell wanted to do a master plan for the development, but didn't want to commit to doing the full build-out quickly. He said he wanted to get approval for the building sites, and would then build them out over time.

Councilor Needell asked whether, if any of those site plans were denied, this would nullify the easement.

Chair Niman said that was not the intention, but said he would check on this.

Councilor Needell said this was what the language presently said, and said this would tie the hands of the Planning Board in looking at a site plan.

There was discussion on item # 5 of the Conservation Easement deed regarding the idea of doing a master plan, and Councilor Van Asselt said a concern was that this would turn the process into a conservation subdivision in a commercial zone. It was clarified that this was not what was being asked for in #5, and that what was being asked for what the developer to do a master plan for specific areas on the site.

Councilor Sievert noted that the master plan for the development could change, but that this wouldn't impact the easement.

Councilor Needell said that under the reserved rights, he wanted to make sure it was clear, under #4, that playing fields could be put in the easement area. He said the wording on what entity could operate these fields needed to be clarified, and he provided details on this.

Councilor Leach suggested leaving the current language in #4 the way it was, because of what was said later in the document under Use Limitations concerning no commercial activities on the conservation areas of the property.

Councilor Needell said he credited Chair Niman, Administrator Selig, and Mr. Farrell for coming forward with this proposal, and for being so accommodating. He said it accomplished the spirit of the conservation subdivision approach, and allowed the process to move forward in a very reasonable way. He said he thought Mr. Farrell was bending over backward to be accommodating, and said that hopefully, it indicated that he intended to move forward and produce a development on the property.

Councilor Leach said these documents had been sent to the Conservation Commission.

Councilor Henry Smith agreed, and he commended everyone involved in bringing this forward. But he questioned the wording of the condition regarding reserved rights in the conservation easement area.

Chair Niman said Mr. Farrell was trying to maintain as much flexibility as possible in designing the master plan.

Councilor Julian Smith said the Town bought conservation easements on all kinds of properties, where reserved rights were involved, so this was not an unusual condition.

Councilor Henry Smith questioned the idea of a roadway in the conservation area.

Councilor Needell said roadways and driveways could be permitted under some conditions because they were necessary. He said they knew there would be a road across the easement area.

Councilor Henry Smith said he was thinking that there would be a road across the buildable area, not the easement area.

The Council agreed that they would move ahead and schedule the public hearing.

## **XI. New Business**

### **Other business**

Councilor Leach spoke about changes that had been made to Goal #7, based on feedback from the Council at the last meeting.

Resident Jerry Gottsacker said he thought the Town efficiencies idea was a really good one, noting that it had been difficult for him to keep things moving forward, because there wasn't a built-in infrastructure to accommodate Kaizen teams. He also said there was no sense of urgency, and said having a group of people to keep efficiency issues on the table would be a very big help.

Councilors agreed that they were comfortable with the approach that had been outlined for Goal #7. Councilor Leach said they could talk further with Administrator Selig about his thoughts on the approach outlined for Goal #7.

## **XII. Nonpublic Session**

None

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

Administrator Selig provided an updates on a number of issues:

He spoke in detail about the renovated train station in Durham, which was now a great resource for the Town.

He spoke in detail about on-going negotiations with UNH regarding the policing agreement. He said there was also interest on the part of the Town and UNH in identifying ways to they could collaborate concerning policing matters, which could help the Town generate a more positive tax structure in Town.

Administrator Selig said the feedback so far from residents concerning the proposed public art installation at the Milne site had not been positive. He said there had been comments that perhaps this was not what the Milnes would have wanted, and he said there was also concern about spending taxpayer dollars for this. He said if the Council was interested in moving forward with the existing plan, there would be a public hearing.

Councilor Julian Smith said he didn't think this matter needed to be pursued any further. He said it would be a big mistake to make any plans on a sculpture before the Town had made up its mind about what would happen with the Mill Pond dam. He said he hoped the engineering report would say that the dam could be repaired easily and inexpensively, but he said if it said there were major deficiencies, there would be pressure to remove it. He said he would hate to see this happen, and said the best thing about approving the proposed sculpture would be as a signal to keep Mill Pond. But he said this was a dicey issue.

Councilor Leach said she was opposed to spending taxpayer dollars for this project, and said she agreed that she didn't think this sculpture would be what the Milnes would have wanted. She said it wasn't clear why this approach had been taken, and there was discussion.

Councilor Needell said he agreed with the concerns that had been raised, and said he didn't think the Town needed to move ahead with this. He said what had surprised him was the proposed location for the sculpture, and he questioned whether any public art belonged right at the edge of Mill Pond. He

said there was also the question of whether this was something the Milnes would have approved of, and said it wasn't something that was necessarily appropriate at that location.

Councilor Julian Smith noted that there had been no suggestion of using public funds in connection with the sculpture other than for the concrete base.

Administrator Selig next spoke about the fact that Councilor Clark had written to the School Board inviting the superintendent to a study process regarding the regional school issue, and said a letter was received back asking if the Council was comfortable with this process. He said he wanted to confirm with the Council that this was the case, and said he didn't want this issue to be a distraction from the School Board's consideration of the process.

Councilor Needell said that clearly, the Council as a whole had supported this process, but he said that he was against it.

Administrator Selig said a workshop had been scheduled regarding the issue of State protection of the Oyster River, and said there would likely be discussion on the 401 certificate for the Lamprey River as well. He also said that in part based on a letter Councilor Clark had written asking how much water was available for development, and also based on upcoming discussion on the Spruce Hole aquifer as part of the Budget discussion, he had suggested inviting Mr. Cedarholm and Mr. Metcalf to speak on this issue at the Nov 10<sup>th</sup> Meeting.

Councilor Leach said spending an hour on this issue at the Budget workshop was a long time.

Administrator Selig said he don't know how to address Councilor Clark's question without something like this, and he also said the Spruce Hole aquifer was a big item on the CIP.

Administrator Selig said police negotiations were beginning, and he provided some details on this.

Administrator Selig next updated the Council on the Durham Business Park. He said Chinburg Builders had indicated that they had what they needed from DOT to get a client on board, but that there was no formal answer without a client. He said Chinburg had a potential partner they were talking with, and said if this panned out, the company would be back to talk with the Council. He said if it didn't pan out, they would be back to talk with the Council about the Zoning on that site.

Administrator Selig said nothing was presently moving forward regarding the Stone Quarry TIF district, and he spoke in some detail concerning the status of this process.

Administrator Selig said there had been discussion with the Mill Pond Center regarding the idea of using Wagon Hill, and said in the short term they would be interested in utilizing the barn and the ell but not the farmhouse. He said there could be some kind of partnership with the Town where they would put money into the property and the Town would perhaps do a long a long-term lease, whereby the Town could recoup the lease by taking ownership of improvements to property.

He said this hadn't been fleshed out, and noted that the Center currently had a cash flow issue. He also said there had been discussion about a possible partnership for recreation services, but nothing



was definite at this point. He said there was a lot of interest in the possibilities, but said a lot of work would need to be done.

Administrator Selig said that concerning the assessing issue, he recommended that Mr. Dix and the State appraiser come in to provide an update, and said he could look into getting an outside appraiser, if that was what the Council wanted.

***Councilor Julian Smith MOVED to extend the meeting. Councilor Sievert SECONDED the motion, and it PASSED 8-1, with Councilor Stanhope voting against it.***

Councilor Clark asked for details on what it would mean to have an outside person coming in, and whether this would provide the opportunity to reevaluate the whole process now and for the future.

There was discussion on this with Administrator Selig, and he said having the outside person come in would provide the opportunity to improve the process now. He also noted that property owners could file abatements after this process was completed, through March of 2009.

Councilor Leach said her concern about spending Council time on this was that she would like to know what the Council's role should be concerning this issue, and said she would talk with Administrator Selig about this.

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

#### **XIV. Adjourn**

Adjournment at 10:37 pm

Victoria Parmele, Minutes taker