

This set of minutes was approved at the Town Council meeting on March 16, 2009

**DURHAM TOWN COUNCIL AGENDA
MONDAY JANUARY 12, 2009
DURHAM TOWN HALL - COUNCIL CHAMBERS
MINUTES**

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

MEMBERS ABSENT:

OTHERS PRESENT: Town Administrator Todd Selig

I. Call to Order

Chair Niman called the meeting to order at 7:00 PM.

II. Approval of Agenda

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

III. Special Announcements

IV. Approval of Minutes

November 17, 2008

Councilor Van Asselt MOVED to approve the November 17, 2008 Minutes. Councilor Leach SECONDED the motion, and it PASSED 8-0-1 with Councilor Clark abstaining because he was absent from that meeting.

December 1, 2008

Councilor Van Asselt MOVED to approve the December 1, 2008 Minutes. Councilor Leach SECONDED the motion, and it PASSED 7-0-2 with Councilor Henry Smith and Councilor Needell abstaining because they were absent from that meeting.

V. Councilor and Town Administrator Roundtable

Councilor Needell said he had brought up the issue of forestry on Town land at the recent Conservation Commission meeting, and said the Commission was aware that it should be looking at this issue. He said the issue was not discussed at the meeting, but said there had already been discussion about potential funding sources. He said the Commission would provide information soon

on progress being made on this issue.

Administrator Selig noted that the Commission was pursuing a \$7,000-8,000 grant to help pay for someone to do this kind of analysis.

Councilor Julian Smith said the Planning Board would be meeting on Wednesday. He said the Board would be reviewing a conditional use application and site plan review application for a project that would involve taking down an existing building on Rosemary Lane and creating a new building that would contain 4 apartments, and a total of 16 bedrooms.

Councilor Smith said that at the recent IWAC meeting, the Public Works Department representative had reported that for a number of reasons related to the economic downturn, the Town was not making as much money from recycled materials as it had before. He said there was discussion that it might be necessary to landfill some of the Town's recycled materials.

He said he hoped there was some way to recover all recyclable materials with a single stream flow of garbage in the future. He said residents were still encouraged to keep recycling, but were also encouraged to do what they could to cut back on purchasing things in containers that need to be recycled. He said he would speak more on this in the future.

He noted that there had been a tremendous increase in the number of plastic gallon jugs for bottled water as a result of the recent power outage. He suggested empty milk containers could be filled with tap water before a storm.

Councilor Henry Smith asked if the Main Street West project public hearing and the Mill Pond Engineering dam report public hearing would both be addressed on January 20th.

Administrator Selig noted that he had suggested this a few weeks back. He said a resident had expressed concern that the hearings would be held on the same date as the Presidential inauguration. But he said if people couldn't attend the hearings, they could watch them on TV.

Councilor Needell noted the letter sent to Chair Niman regarding energy policy, and he recommended that this letter be forwarded to the Energy Committee, which was better suited to study it and perhaps suggest some actions based on it. He said the Committee could then bring discussion on this back to the Council if it wished. He noted that the letter was time-sensitive, but said he didn't think it would be possible to address it on such short notice.

Councilor Needell noted that some concerns had been raised about publicity on budgetary problems the County was facing, and how this might be impacting the dispatch system. He asked Administrator Selig to provide the Council with a status report on this, which would include his own interpretation of the situation, as well as comments from department heads on how the dispatch system was working and what to expect in the future.

Administrator Selig said the Town would be getting an update on the dispatch system soon, and suggested that he could provide an update to the Council at an upcoming meeting. He provided clarification for Councilor Leach that the Council's role in this process was to receive the update.

Councilor Leach asked that Council meeting time not be used to get this update, if there was nothing specific for the Council to then do with this update information.

Councilor Needell asked what the sense of the Council was regarding this. He said he would like the update to be on a Council agenda, and noted the concerns he had heard were raised by the public. Councilor Julian Smith said he agreed with Councilor Needell.

Councilor Clark said he had some concerns too, and said it would be good to get a quick update.

Administrator Selig provided updates to the Council on a number of issues. He said the filing period for candidates for elected offices ran from January 21st through January 30th, and he reviewed the openings. He said there were three Town Council positions open, two Library Board of Trustee openings, and one Trustee of the Trust Funds opening. He said election day was March 10th, and said elections would be held at the high school.

He said there would be two charter amendment proposals on the ballot, one regarding the conduct of town officials, and the other regarding the distribution of the annual Town Report. He noted that these changes were listed on the town website.

Administrator Selig told Councilors he had asked the Public Works Department to send a letter on projects that would possibly be eligible under the Federal stimulus package. He noted that NHDES had scheduled hearings in anticipation that federal funds might be available for stormwater, wastewater and water projects. He said there had been discussion about a possible revolving loan fund, and said the Town was pursuing moneys that might be available

He said a three year memorandum of understanding had been reached with the McGregor EMS and he provided details on this.

Administrator Selig said initial feedback had been received on a draft document put together on direct policing costs Durham bore because of the University. He said with this information, the presentation to the University could be refined. He said there had also been discussion about the school agreement with the University, and some questions UNH had about it had been clarified.

He there would be a meeting of PSNH representatives with department heads to discuss the response to the recent power outage, to determine how Town staff could be more helpful and communications could be improved if a similar situation occurred in the future. He provided details on this, and also noted that the Public Works Department was compiling overtime and other costs that resulted from the power outage. He said this cost came to about \$40,000.

Administrator Selig said the Town was working with Southern Strafford Community Health Coalition on pandemic planning. He said the Whittemore Center was proposed as the location for the administration of medications if there was a pandemic. He said there would be a practice distribution carried out there within the next few months, and said the towns of Lee and Madbury would also be involved.

He said the Council would have a Non-meeting meeting with the Town's labor counsel on January 26th at 6:30 pm, to get an update on police negotiations.

Administrator Selig said the Town had received a call from a sales representative who was interested in marketing the Mill Pond Center. He noted that it was now a bank-held property, and said a question was whether the Town was interested in acquiring it. He said that unless there was a very low price for the property, he didn't think so.

He noted that the former Houghton Hardware store was sold the previous week, and was the same buyer who had recently purchased the Don Thompson Real Estate property. He said the buyer was interested in putting retail on the first floor and housing above, and was meeting with the Town's code officer to consider the possibilities.

Administrator Selig said he and Chair Niman would be meeting with the University and developers regarding possible development downtown, and said they would report back to the Council on this discussion.

He noted that he had been the Vice Chair of the Primex Board over the past few years, and would be moving off of that board. He said he was also Vice Chair of the NH Center for Public Policy Studies, and would continue in that role, and would most likely move into the Chair position.

He said the Town offices would be closed on Martin Luther King day.

He said there would be a School Board hearing on the proposed Budget on Wednesday, and said residents concerned about taxes should pay attention to the School Budget as well as the Town Budget.

He said the Town was investigating the idea of single stream recycling, after being approached by a cooperative being developed in Concord at the waste to energy facility.

Administrator Selig noted that the updated Personnel Plan had gone into effect as of January 1, 2009.

Councilor Clark said that regarding the list the Town had developed concerning the federal economic stimulus package, if the Council had the time and the will, there could be an interesting discussion on what kind of infrastructure for Durham might be more within the spirit of what the stimulus package was intended to be.

Councilor Henry Smith said it was good news that the former Houghton Hardware property had been purchased, and that the former Durham Copy Center had been replaced by the Main Street Copy Center.

Councilor Needell asked if there might be an opportunity in the future to try to do what John Carroll's letter and Councilor Clark had suggested, regarding the idea of having a broader discussion on how to take advantage of infrastructure opportunities that might be available.

Administrator Selig said his sense was that this would be an evolving process over time. He said President-elect Obama had spoken a lot on green energy, etc., and said he anticipated that there would be a series of bills dealing with federal programs that rewarded communities for investing in these kinds of things. He said that as the Town fleshed out its goals and the federal government did as well, Durham would be in a better position to list other projects and take advantage of opportunities that were available. He said the projects he had listed now were those that the Town had talked about and that were meaningful.

Concerning the Mill Pond Center, Councilor Van Asselt asked if the Council had any interest in doing anything concerning this.

There was discussion, with Administrator Selig stating that the Council hadn't yet told him anything concerning this.

Councilor Van Asselt noted that the Council had discussed the idea of having Town facilities close to the downtown, including possibilities for a Town facility or joint effort with a developer for a project along the river. He said the bank holding the Mill Pond Center property wasn't in the real estate business, and said he thought the property was worth looking at.

Administrator Selig suggested that if the Council was interested in looking at these kinds of things, it should revisit the present Zoning in that area.

Councilor Van Asselt agreed that perhaps the Council should do that.

There was discussion that this issue could be looked at as part of the discussion under Other Business.

VI. Public Comments

Roger Speidell, 7 Nobel K. Peterson Drive, said he had talked with the School Board the previous week, and noted at that time that this was the 21st time he had spoken before the Board. He spoke about a recent newspaper articles that discussed the fact that the State was facing \$1 billion in budget cuts; and the fact that the President-elect had said the economy was sick, and was facing a situation similar to the days of the Great Depression. He noted that in those days, Congress cut the salaries of members, but that today's Congress raised their salaries. He said the School Board was the Congress of the School District, and like the present US Congress, just didn't get it.

He noted that MIT had cut its budget by \$50 million and Harvard had frozen salaries, and said if they could do this, the School Board could do it as well. But he said instead, their Budget was going up. He said the arrogance of this amazed him, and he asked if the Board was living in a vacuum. He said school enrollment had declined because taxes in the district were too high and school age families therefore couldn't afford to move to the area. He said the School Board needed to have the gumption to address this. He thanked the Council for reducing the tax rate for the Town.

On another issue, Mr. Speidell asked Administrator Selig to thank the Public Works Department for digging out the snow bank so he was able to get to Young's Restaurant.

Mr. Speidell said the School Board would be meeting on Wednesday regarding the Budget, and he asked people to try to be there.

Henry Brackett, resident of the Town of Lee, asked Councilors and others to attend the upcoming School Board Budget meeting and share their views. He said there would be a deliberative session on the budget in February under the SB2 structure, which would provide the public with the opportunity to discuss the details of the budget and warrant issues. Mr. Brackett also noted that the School Board's budget increase would be closer to 4.5%.

Robin Mower, Faculty Road, said it would be interesting to see what happened regarding the proposal Administrator Selig and Chair Niman were working on with UNH. She suggested that this would be a good time to think about developing some design standards for downtown Durham, standards that would set the character for this area, especially because the structures built there could be fairly large. She made reference to how Holloway Commons had changed the appearance of the edge of the downtown area.

Ms. Mower also said noted the recent Chinburg proposal for the Durham Business Park. She said discussion on possible development of this property, including possible affordable housing there should also include discussion on the tax implications of such a development.

VII. Unanimous Consent Agenda

No agenda items

VIII. Committee Appointment

Shall the Town Council appoint Michael Hoffman, 300 Durham Point Road, to the Durham Energy Committee ?

Mr. Hoffman said energy management was a lifelong interest, and said he was excited to see support for this kind of work in Durham. He said it was great to see Administrator Selig's link on the Town website concerning passive solar homebuilding, and showed that the Town was on the right track. He said he wanted to be a part of this effort.

Councilor Stanhope MOVED to appoint Michael Hoffman, 300 Durham Point Road, to the Durham Energy Committee. Councilor Julian Smith SECONDED the motion, and it PASSED unanimously 9-0.

IX. Presentation Item

None

X. Unfinished Business

- A. **Public Hearing and Action on Ordinance #2008-20** amending Article IV, Section 4-18 of the Town of Durham Administrative Code to allow for alternates on the Economic Development Committee

Councilor Clark MOVED to open the Public Hearing on Ordinance #2008-20 amending Article IV, Section 4-18 of the Town of Durham Administrative Code to allow for alternates on the

Economic Development Committee. Councilor Van Asselt SECONDED the motion, and it PASSED unanimously 9-0.

Chair Niman noted that the Council had had some questions regarding this proposal, and said Mr. Mueller had offered to answer some of these questions.

Councilor Leach asked whether the EDC had considered having one meeting per month, since it was having trouble getting a quorum for its meetings.

Mr. Mueller said the Committee had considered this, but he said two meetings were needed in case there wasn't a quorum for one of the meetings. He noted that there were a lot of items on EDC agendas, which were hard to fit into one meeting per month.

Councilor Leach said the Council Communication had made it sound like the quorum could be met when the Committee met once a month. There was discussion.

Councilor Julian Smith asked if there were any residents who were in a good position to be there as alternates, even if they couldn't vote, and Mr. Mueller noted that Councilor Smith had offered to be such a person.

Councilor Needell said he was trying to get a sense of how many votes occurred at EDC meetings, and what the purpose of this voting was, noting that this related to the purpose of having alternates.

Mr. Mueller said without a quorum, the Committee couldn't have a meeting, and no work could get done. Regarding Councilor Needell's question, he said the Committee voted on things it might want to pass on as recommendations to the Town Council.

Councilor Needell said he was struggling with this proposal. He said he presumed that alternates would be full participants at meetings, noting that members of the audience of EDC meetings had been participants at meetings as well. He said he was concerned that by adding alternates, the people involved in a discussion on an issue weren't always the same people, and that this could weaken the continuity of those discussions and the process. He also said he was concerned that the EDC was having trouble getting 4 people at meetings, and asked why this was so hard.

Mr. Mueller said this related to the business involvements and lifestyles of the people who were currently on the EDC, and said it was recognized that this was a challenge. He said another idea was that given that there were two Council representatives to the EDC, perhaps there could be Council alternates for these positions, in addition to having citizen alternates. He said the EDC had discussed the importance of getting guidance from the Council on these issues. He said the EDC thought that having alternates was an appropriate solution, and he noted that members of the Durham Business Association had expressed interest in these positions.

Councilor Needell said if the appointed representatives to the EDC from the Planning Board and the Council weren't at meetings, the respective bodies perhaps needed to discuss this.

Councilor Stanhope said it seemed that the EDC had thought this through, and felt this was the most

appropriate solution. He said that other committees in Durham used alternates, and said absent other suggestions, he didn't see why the Council wouldn't give this recommendation a chance. He said he didn't have the Councilor Needell had that this would somehow weaken the process, and said those EDC members at a meeting where there was a particular discussion could brief those members who had not been there.

Chair Niman asked if any members of the public would like to speak. There was no response. Councilor Henry Smith said he had attended an EDC the previous week, and there were 4 people there. He said if the Planning Board member hadn't been there, but two alternates had shown up, there still wouldn't have been a quorum. He said he didn't know if this was an issue or not.

Councilor Julian Smith said this was an issue for the Council to decide on.

Mr. Mueller agreed that alternates were needed for the appointed representative positions as well.

Councilor Sievert asked if there was a residency requirement, and Mr. Mueller said the Committee would prefer to have residents and not business owners.

Councilor Julian Smith MOVED to close the Public Hearing. Councilor Henry Smith SECONDED the motion, and it PASSED unanimously 9-0.

Councilor Clark MOVED to approve Ordinance #2008-20 amending Article IV, Section 4-18 of the Town of Durham Administrative Code to allow for alternates on the Economic Development Committee. Councilor Sievert SECONDED the motion.

Councilor Leach said she agreed with Councilor Stanhope, and said most other committees in Durham had alternates. She also said other committees in Durham didn't always have quorums, yet didn't get this kind of grilling. She said the EDC had considered the need for alternates, and said she felt the Council should move the Ordinance forward.

Councilor Needell said he apologized if it had sounded like he was grilling the EDC, but said he felt the Council should spend as much time as it felt it needed to on this Ordinance. He said it had been noted that other Town committees in Durham had alternates, but he pointed out that these committees had quasi-judicial roles and had to cast votes for things like granting permits, etc. He said these processes didn't occur if there wasn't a quorum. He noted that the only exception to this was the Parks and Recreation Committee, which had one alternate.

He said he thought the reason for alternates was to keep business moving, but said the EDC was an advisory committee. He said he agreed that the Council representatives should have alternates, and said perhaps there could be one regular Council member and one alternate member.

Councilor Needell said adding alternates seemed like an easy solution, and said perhaps there was no harm in this. But he said he didn't think it was clear that doing this would solve the problem of having a quorum. He said if people were not coming to meetings, they should be replaced.

Councilor Clark said he fully supported the recommendation to have one Council representative on

the EDC, and that this person could be replaced by a resident. He also said this committee was perhaps somewhat unique in that there were a greater number of people on it who were members of the business community, and who therefore might be required to travel more often than members of other committees. He also said he thought it would be great to get some people from diverse backgrounds to round out the committee.

Councilor Sievert said he didn't agree with the perspective that it wasn't good to have alternates on the EDC, stating that he didn't think it was right to have people volunteer for a committee and then not be able to make decisions at a meeting. He said if alternates were at the meeting, these meetings could move forward. He agreed with Councilor Clark that the problem was that EDC members were business people, and he noted that the EDC meetings were held early in the day, and everyone had jobs. He said he didn't see why there couldn't be alternates for the EDC.

Councilor Julian Smith said he supported the amendments that were proposed, but he suggested that language should be added to clarify that citizen alternates were appointed at large, and could replace the Planning Board representative or the Council representatives as well. He said he had suggested this because he would like to be appointed as an alternate if this change was made. He said this would inspire the Council representatives to be at the meetings, so he would not be voting.

Councilor Stanhope said he thought the EDC had a critical role to play in an area the Council had identified as having weaknesses in the past. He said while the EDC didn't issue permits, it did play a critical role in the community. He said adding two alternates would ensure that the Committee's work moved forward in a timely fashion.

Councilor Needell said he agreed that the EDC had a critical role to play, and said the members of the committee should play that role. He said he didn't think adding alternates would necessarily make the Committee able to do its job any better. Regarding Councilor Julian Smith's recommendation, Councilor Needell said he fundamentally disagreed that citizens should be able to replace appointed members, and said this would be completely different than what other Town committees did. He called a point of order, and said before voting, he wanted to be clear whether alternates would be able to replace appointed members. He said his reading was that they would not be able to do so.

There was further discussion.

Administrator Selig said it should be made clear that to be consistent with other committees in Durham, these citizen alternates could only replace other citizens, and could not replace appointed members.

Councilor Julian Smith asked as a point of clarification whether, if a Council member volunteered to be a citizen alternate, that person could then vote in place of a Planning Board representative or a Council representative. There was discussion that this would not be allowed.

Administrator Selig said that currently, there was no provision for Planning Board or Town Council alternates. There was discussion.

Councilor Julian Smith recommended that the word “citizen” should be taken out of the Ordinance, and the Council could therefore appoint as an alternate someone who happened to be a Council member or Planning Board member.

Councilor Julian Smith MOVED to amend the motion to strike the word “citizen” from the underlined language. The motion FAILED for lack of a SECOND.

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

- B. Continued discussion on proposal presented by Councilor Karl Van Asselt regarding the possible creation of a Durham Housing Authority

Councilor Van Asselt posed the question of whether the Council was interested in bringing forward a resolution or an ordinance to create a housing authority. He said if it wasn't interested in doing this, the discussion didn't have to go any further. He said a housing authority was not just another committee, and was an entity that was autonomous from the Council. He said its relationship to the Council was that the Council created it, and said Administrator Selig would appoint the members.

He said a housing authority could do all kinds of things, including running a public housing program, but he said he didn't think that was where an authority in Durham would want to go. He noted comment #4 in the handout he had provided, which said a housing authority in Durham might become engaged in creating affordable housing in Durham, as a developer or as a general partner or, more likely with a private developer. He said if the Council thought it could do this without a housing authority, then one wasn't needed. But he said the question was whether having a housing authority would enhance the likelihood that this development would happen.

Councilor Van Asselt said a housing authority was an autonomous institution that could build parking structures, issue bonds, take property by eminent domain, build houses, etc. He said to him, it was a way to get affordable housing in Durham, and said he didn't think this could happen any other way. He noted that this had nothing to do with student housing, and said a housing authority wouldn't solve those problems in Durham.

Chair Niman said he would like to have the opportunity to read though the information Councilor Van Asselt had provided, and said perhaps there could be further discussion on it at the Council's next meeting.

Councilor Henry Smith said that in some sense, a housing authority was a good idea, and he noted that other towns in New Hampshire had them. He said he would like to see a town housing authority focus on workforce housing, if adopted for Durham. He also said he believed there were alternatives to a housing authority, including a housing commission, something that the State Legislature had passed a law on the previous year, as well as a housing partnership, which could establish affordable housing with Community Development Block Grant (CDBG) funds. He said he didn't know what the best approach was.

Councilor Clark said he wanted to learn more about the idea of a housing authority. He asked whether having such an authority in Durham would prevent other initiatives for creating affordable housing.

Councilor Van Asselt said no, but also said that in the current market, the possibility of affordable housing happening in Durham without a housing authority was unlikely.

Councilor Stanhope said he hoped this issue would be brought back to the Council, and that it would also be brought to a vote. He noted that he ran across faculty members who said they couldn't afford to live in Durham. He said housing authorities provided a variety of housing opportunities, and said he didn't think this should be prejudiced as low-income projects, given Durham's demographics. He said one of the reasons people couldn't afford to live in Durham was the property tax burden, and said there were ways that a housing authority could address this.

Councilor Needell said he had read through the RSA's regarding who made the appointments to the housing authority, and his reading of it was that this would be the Council. He asked for a clarification of a provision of the Statute, asking whether it was true that once the housing authority members were appointed the authority never came back to the Council. He also noted the wording "declaration of necessity" in the RSA, and asked if this meant there was a requirement that an area of town being considered for housing had to be considered a slum to begin with.

Councilor Van Asselt said no, and said "necessity" meant that the Council in its wisdom felt there was a necessity.

Councilor Needell said his biggest concern with the idea of a housing authority was turning eminent domain authority over to an appointed body.

Councilor Julian Smith confirmed that clarification would be provided to Council members regarding who made appointments to the housing authority.

Councilor Leach asked how this item would be brought forward to the Council the next time, so it was something the Council would feel comfortable working with.

Chair Niman asked Councilors to get their questions out, and the item would be brought back when there were answers to them. There was agreement on this.

Councilor Henry Smith said the idea of orienting Durham more toward workforce/affordable housing was worth considering. He also noted that the Town had received an inclusionary zoning implementation grant, and said perhaps the consultant could help the Council look at ordinance changes to promote affordable housing.

Administrator Selig said housing authorities generally took the long view, but asked if they did get involved in the zoning process in order to facilitate housing projects.

Councilor Van Asselt said they did, and noted that the housing authority he was involved with in Rochester had been involved with two zoning change processes, in order to create additional housing opportunities. He said the housing authority would take the lead if it had the opportunity. But he said it was important to be very careful about creating a housing authority to do a project. He said if a specific housing project was what the Town wanted, something like the Housing Partnership could be brought in.

The Council stood in recess from 8:29 to 8:37 PM.

XI. New Business

A. Discussion on process for conducting the Town Administrator's Annual performance

Administrator Selig provided background on approaches the Council had used previously to do the performance evaluation.

Chair Niman said the issue now was whether the Council should follow the process outlined in the Council packet, one similar to an approach Administrator Selig had handed out, or a third alternative. He asked Council members for their thoughts on this.

Councilor Julian Smith said he didn't want to go with the evaluation instrument Administrator Selig had provided, or any others that had been suggested. He also said he didn't have any other possible approaches to suggest.

Councilor Needell said he had no preference, and could go with either the approach outlined in the Council communication or the nine point list.

Councilor Stanhope said he had no problem with using the nine point list, and suggested that Councilors could add their own items to this list. But he said he didn't want to debate the language in it. He also said he liked the approach in the Council packet, and said perhaps there could be a combination of the two approaches.

Councilor Leach said she didn't want to use the nine item list, and preferred the approach in the Council packet. But she said she would consider what Councilor Stanhope had said. She also suggested that if this were done, using bullets rather than paragraphs would be more helpful.

Councilor Van Asselt said he liked the format of the nine item list, but recommended throwing three of the items off the list.

Councilor Henry Smith said he would have no problem with using a combination of the two approaches.

Councilor Sievert said he liked the nine item list.

Councilor Clark said he preferred the approach in the Council packet. He also said he would like to have a conversation first on Administrator Selig's perspective and actions and how that was changing over time.

Councilor Stanhope said that last year, the Council had sent in comments, and Chair Niman had boiled them down. He said if they used the nine item list, they could perhaps also send in their own items as well. He suggested that perhaps Council members could provide

guidance on the specific areas of evaluation they would like to see, and it could be determined if there was enough consensus on some of them to add them to the list.

Chair Niman said he liked Councilor Stanhope's idea, and suggested that at the second Council meeting in January, there could be discussion on what he and Councilor Leach had been able to distill from Councilors' evaluations. He said the process could perhaps be finished by the second meeting in February.

Councilor Needell suggested that more lines could be added to the table in the nine item list, and Councilors could get it back at the next meeting. He said he also thought it would be reasonable to fill out the 4 questions that had been posed last year in addition to addressing the nine item list, and asked if they were still fair game.

Chair Niman said yes, stating that Councilors could put whatever they wanted in the comments section.

Councilor Stanhope received clarification that Councilors could also recommend those items they would like to see deleted from the nine item list.

Chair Niman recommended that the option "very good" should be included in the evaluation scale, and others agreed. He then summarized that Councilors would email him suggestions as well as deletion recommendations.

Councilor Van Asselt said he didn't think there should be a "no opinion" option on the scale, stating that if Councilors chose this option it would skew the results. He said people should have an opinion by now on Administrator Selig's performance.

Councilor Julian Smith said he didn't want to deal with this process at all.

Chair Niman noted that there had been discussion by the Council in the past about the fact that some Councilors didn't want to fill out the performance evaluation instrument. He said Councilors didn't have to fill it out if they didn't want to, and didn't have to answer specific questions if they didn't want to.

Administrator Selig asked if it would be helpful to Councilors if he did a self-evaluation, something he had done in the past.

Councilor Van Asselt said his preference would be for Administrator Selig to provide feedback to the Council on how he would like to see the Council respond to the work he did.

Councilor Clark said he was used to the idea of doing a self evaluation, and he provided details on this.

Councilor Leach said she thought that what Councilor Clark was asking for was really a reiteration of what Administrator Selig had done when he had recently reviewed the 2008/2009 Goals list with the Council.

Councilor Needell said the one part of the self evaluation he thought was important to hear was which things Administrator Selig had accomplished that were things he thought were things the Council wanted him to accomplish. He said he would also like to know which things Administrator Selig had been unable to achieve, for whatever reasons.

C. Discussion on subcommittee report relative to Town Council Goal #7, “Review Management and Administrative Structures”

Chair Niman said the subcommittee had recommended some very specific things as well as some broader, philosophical things. He said he would like to try to reach consensus on the very specific things now, and said the Council could perhaps discuss some of the broader philosophical things later on at the meeting.

Councilor Leach reviewed the items in Goal VII, and the recommendations concerning them in the Council packet. She said there were some recommendations that were no brainers, as well as others that might need more discussion. She asked which recommendations the Council would like to start with, and Chair Niman said he would like to move systematically through the document and try to reach consensus on particular items.

Consider the following changes to the committee structure:

Change some term lengths to two years on non-statutory committees

Change the number of members for non-statutory committees

Change the number of Council reps on the following committees

- Cemetery Committee: have one Council rep, not three
- EDC: have one Council rep, not two
- Planning Board: have one Council representative, no alternate

Councilor Leach said shortening the term length to two years for some committees would hopefully encourage more citizen involvement. She said for some people, especially people with young families, a three year commitment was a long time.

She said the recommendation regarding the number of members of non-statutory committees was essentially intended to allow a reduction in members, to address the fact that some of these committees sometimes had trouble finding enough members.

She said the recommendation regarding Council representatives reflected the fact that as more committees were being formed, Council representation was being stretched thinner and thinner. She said the committees listed here presently had more than one Council representative.

Chair Niman asked what Councilors thought about the ideas of shortening the term length on non-statutory committees.

Councilor Clark said he thought this was a good idea.

Councilor Needell asked if feedback on this had been obtained from the committees involved, and Councilor Leach said this hadn't happened yet. Councilor Needell said he thought a reduction could be helpful.

Administrator Selig said the committees where the term could be modified to two years were committees like the Churchill Rink at Jackson's Landing Advisory Committee and the EDC. He noted that the Energy Committee and the IWAC didn't have set terms, and said the Council might want to think about having two year terms for them.

Councilor Needell said another approach was to see if committees with set terms would rather have indefinite terms, so members would feel free to leave the committee if they needed to.

Councilor Leach noted that with this approach, there might not be turnover at all in some instances. She said sometimes turnover was a good thing.

Councilor Henry Smith noted that resigning was always an option on any committee.

There was further discussion on the idea of shortening the term length for non-statutory committees to two years.

Councilor Stanhope agreed that committee members with three year terms could always choose to resign. He also said that given the need to get up to speed on the issues a particular committee addressed, a three year term length didn't seem unreasonable.

Councilor Leach said the issue was more about encouraging residents upfront to serve on Town committees, and said a lot of people couldn't commit to three years. She suggested that perhaps the discussion could be more specific in terms of how a two year term length might work for particular committees.

Councilor Needell said he thought the committees themselves should be approached to see if they would like to have two year term lengths.

Chair Niman summarized that the subcommittee would come back with something more specific on this.

Chair Niman said there had been discussion earlier that it might be a good idea to go from two to one Council representative on the EDC.

Councilor Henry Smith said there should be one Council representative as well as an alternate for the Planning Board. He said one Council representative on the Cemetery Committee was sufficient. He said they had already sort of decided that one Council rep on the EDC was enough.

There was detailed discussion about whether three Council representatives were really needed on the Cemetery Committee. It was noted that the meetings were infrequent, but when they were held, it was important to have a quorum, and that the Committee had an important function.

Councilor Needell recommended that before deciding to change this, the Council should check with the Cemetery Committee.

Chair Niman said he was assuming the idea behind having three Councilors was to have an equal number of Councilors and Trustees of the Trust Fund on the Cemetery Committee.

Councilor Needell said he thought it might be useful to have one Council representative and an alternate as well for the EDC. He noted that the burden in that situation was that the Council seat couldn't be replaced by someone other than this alternate.

Councilor Leach said she thought the EDC could get by with one Council representative.

Councilor Clark said he didn't feel that an alternate to the Council representative was needed for the EDC. He said there weren't many votes taken by the EDC, and also said there were usually four or five meetings that led up to a vote, so people were there enough to keep up with the issues.

Councilor Stanhope said he didn't see why a citizen alternate couldn't vote on behalf of a Council representative, if this person had participated in discussions, stating that he didn't think Councilors brought something unique to the process. He also said he didn't see the need for two Council representatives on the EDC.

Chair Niman said he didn't hear opposition to going down to one Council representative on the EDC.

Councilor Needell said he was strongly opposed to the recommendation to go down to one Council representative on the Planning Board, stating that it was critical to have both the member and the alternate for the Planning Board.

Councilor Julian Smith agreed, stating that the alternate Council representative always had valuable contributions to make to the Planning Board.

Councilor Van Asselt agreed.

Chair Niman said this recommendation would be eliminated.

Councilor Leach recommended staying with three members of the Cemetery Committee for the time being, and said there could be further discussion based on talking with the Committee.

Councilor Needell agreed with the idea of talking with the Cemetery Committee about this to see if they had any suggestions. He also asked if the non-statutory committees would be polled to see what they thought about the idea of changing the number of members.

Councilor Leach said she thought she and Administrator Selig should work on this first, and then ask the Committees. She said she felt the Council needed to take a leadership role on this.

Councilor Needell asked what the intent was in terms of number of members for the EDC, if one of the Council representatives was eliminated, and Councilor Leach said her feeling was that the Council would not make any other changes to the committees. Councilor Needell noted that a quorum for the EDC would then be three members.

Change committee appointment process

Do not require citizens to come before the Council for committee appointment. There may be some committees in which the current process would be maintained (i.e., Planning Board, ZBA, CC, EDC)

Citizen applicant can talk with committee chair, who can then make recommendation to the Council.

Appointment actions can be done through unanimous consent. This is being proposed to make the process less intimidating to residents considering board work.

Councilor Leach provided details on these recommendations, and the desire to make the process less intimidating to residents who wished to serve on local committees.

Councilor Henry Smith said he didn't have a problem with inviting applicants to meet with the Council.

Councilor Stanhope said he was concerned about the idea of having to get a recommendation from a committee chair on an applicant for that committee. He also asked how many citizens wishing to serve on a Town committee had actually been turned down in the past.

Administrator Selig said the situation sometimes came up when there were more applicants than openings. He also said there were situations where individual Councilors felt an applicant should not be appointed, but the Council as a whole then appointed that person.

Councilor Leach said Councilor Stanhope's point about not putting a committee chair in the position of recommending a committee appointee was a good one, and suggested that this recommendation could be taken out. She also said that for many of the committees, the appointment of members could be done as part of the Unanimous Consent Agenda, using information provided in the Council packets. She said she was trying to solidify what the Council had been doing over the 6-8 months, rather than making the committee appointment a separate agenda item.

Councilor Clark asked if an applicant for a committee was always interviewed by the chair of that committee before this came to the Council. He said he thought the most valuable step was to have the chair spend a few minutes with a candidate, and said it would be useful for this to be a policy.

There was discussion on this.

Councilor Henry Smith said he thought the recommendation of talking with the committee chair should be eliminated. He also said if committee appointments were put on the Unanimous Consent agenda and a Councilor wanted to pull it off that agenda, it wouldn't be right to discuss this without the applicant being present. He said he therefore thought this recommendation had problems.

Councilor Needell said the Council had never turned down someone who applied for a position on a committee, other than times when there were more applicants than openings. He said it was a laborious and perhaps an intimidating task for some people to come before the Council, and said it would be good to find an easier way. He also said there was always the option to pull a committee appointment off the Unanimous Consent Agenda if a Councilor wanted to speak to a candidate to get more information. He said this could be intimidating, but perhaps was a tradeoff.

Councilor Leach said one of the things the Council had discussed was the idea of talking to Chair Niman ahead of time, if a Councilor wanted to take something off the Unanimous Consent Agenda. She said if they agreed to do this, the applicant could know ahead of time that he/she should be present at the Council meeting.

Chair Niman said some Councilors notified him in advance of the meeting, and some didn't.

Councilor Stanhope said one or more of the Councilors probably knew people who were candidates, and said if there were in fact a "stealth" candidate, that person could be pulled off the Unanimous Consent agenda.

Chair Niman said if the process could be made less intimidating, perhaps there would be more volunteers for Town committees. He said that was the ultimate goal; to get more people to volunteer.

Administrator Selig said as a courtesy, the applicant could be informed as to when the committee appointment was going to be on a Council agenda, and the applicant could decide whether or not to come to the meeting.

It was summarized that the consensus of the Council was to take out the first bullet, and to simply encourage committee applicants, as was presently done, to speak with the committee chair.

Councilor Needell said Councilors shouldn't be reluctant to check the references of committee applicants.

Increase efforts in the “public relations/appreciation areas:

Use website to help residents understand what work on a committee entails, including information on the goals and recent activities of each committee, including possible inclusion of annual reports of committees. Continue with current practice of connecting interested citizens with committee chair. More frequent updating of the website would require a more active role from the committee members.

Consider holding a ‘committee fair’ type of event with reps from each committee to provide information about what they do.

Hold an annual appreciation night to recognize all outgoing board members. A small token of appreciation could be provided.

Partner with the Durham-Great Bay Rotary Club to present an annual citizen of the year award. Currently, the Rotary Club includes citizens from Durham, Lee, Madbury and Newmarket in its award consideration.

Councilor Leach provided details on the bullets under this recommendation.

Councilor Stanhope asked if committees could put up informational booths on Election Day, and there was discussion that this idea would be looked into.

Councilor Leach recommended reviewing the remaining recommendations at the next Council meeting, stating that they would require more discussion.

Chair Niman agreed that these remaining items would be put on the Agenda for the Council’s next meeting.

C. Discussion on development in the Central Business District (CBD)

Chair Niman introduced the discussion by speaking about the fact that he had met with a number of property owners who were interested in redeveloping their properties in the Central Business District. He said the concept of attracting a hotel/conference center was being looked at, and also said there was discussion with UNH about achieving a more vibrant downtown. He said they were at an interesting juncture, where there might be some substantial changes downtown, and said he wanted the Council to look at some potential opportunities.

He said the Current Zoning Ordinance said the entire district could be developed, but he said if a courtyard, village green or other green space/patio space could be developed downtown where people could hang out, this could contribute to a more vibrant downtown, including a successful retail environment. He said the Town could perhaps provide an economic incentive for a developer to do this. He noted that given the potential for structured parking downtown, the current UNH parking lot downtown might not be needed, and could be a location for the green space.

Chair Niman said people who owned lots downtown were extremely concerned about whether creating new commercial space there would be successful. He noted that while the current economic environment was challenging, this wasn't what was stopping them. He said what was stopping them was the risk associated with redeveloping properties commercially. He said the question was whether there was some way to reduce the risk to property owners in a way that would encourage them to create public spaces that would create a more desirable and successful downtown area.

He noted that currently the Zoning Ordinance required that buildings that were four stories in height had to be equally divided between commercial and residential spaces. But he said the people he spoke to said there wasn't enough value in a residential development to subsidize the commercial development for such a building project. He said an economic incentive he had in mind was therefore to relax the requirement that the second floor of such a building must be commercial space.

Chair Niman said for development projects that could provide access to green space that could serve as the basis for the subsequent assembly of a courtyard, village green, or some other such space, the requirement could be relaxed so that one floor of commercial and three floors of housing was allowed.

He stressed that this approach would not allow an increase in housing density, but would allow a developer to shrink the footprint on a lot by spreading the density over three floors rather than two. He said this would allow undeveloped space to remain, which if cobbled together with undeveloped space on other lots, could create some meaningful green space. He said this could encourage the creation of a more attractive retail as well as housing environment, if buildings were not built back to back up against one another, and instead there were courtyards between them.

Councilor Stanhope said Chair Niman had hit upon something important, which was that it wasn't currently economically feasible to develop commercially downtown, based on rents for commercial space, and that this wasn't a situation that could be overcome with residential rentals upstairs. He provided details on this, but said if there were an extra story of residential space allowed, there was the possibility of subsidizing good quality retail on the first floor and possibly attracting some interesting businesses. He agreed that to do what Chair Niman had described, the Zoning would have to be changed.

He said one thing that concerned him was the idea of a new business school coming downtown, which had been spoken about at the previous Council meeting. He said the Council needed to be really honest about the probability of this actually happening, and said people he had spoken with about this at UNH had said this wouldn't happen.

Councilor Leach said she hadn't read Chair Niman's Council Communication with the business school in the equation. She agreed that there was not currently enough to keep people downtown, and said this was what was addressed in the communication that was worth thinking about.

Councilor Van Asselt said the information Chair Niman had provided was interesting. But he said without public assistance, commercial development on the first floor wouldn't work. He said whether there was a subsidy, tax break, etc., someone needed to help a private developer get the first floor started. He said there was also the issue of where students in Durham were going to live, and said he was concerned about where this housing issue would fit into something like what Chair Niman was talking about.

He said a third issue was the Mill Plaza project, which had been floated as a possibility for a few years, but apparently wasn't going anywhere. He said in order to make that project work, the Town would need to be involved financially. He also said a question was whether going down the path Chair Niman was recommending was a better way to go than what was currently on the table with Mill Plaza.

Chair Niman said that was a fair question.

Councilor Henry Smith said what Chair Niman had described was not a bad idea, in that it would allow a reduction in the building footprint and would increase the possibility of expanding the tax base. He said he thought the Council should go forward with it.

Councilor Clark said there were three projects that theoretically could happen, and he provided details on this. He said if one got started, this might get the others going. But he said the green space approach had to be well coordinated. He suggested that it was perhaps time to have a conversation on updating the Master Plan in order to be able to envision how development downtown might look when done, rather than just changing the Zoning Ordinance and hoping people would make this kind of development happen.

Councilor Needell said Chair Niman had presented an interesting prospect, with great merit. He agreed with Councilor Clark that there should be a coordinated effort to consider this, and said he thought the place to do so was at the Planning Board. He also said he would be very reluctant to support Council initiated Zoning changes unless they were for very narrow, targeted reasons.

Chair Niman said all he was looking for that evening was simply to determine whether the Council wanted to pursue the concept he had outlined, and if he should invest any more of his time on this.

Councilor Stanhope said they had to create demand for downtown services. He said one way to do this was to create housing for people other than students downtown, who would want to walk to local shops. He said another way was to create parking, and noted how difficult it still was to find a parking space downtown.

Councilor Julian Smith said he didn't think people came downtown for green space, although they did look for parking spaces. He said he would prefer that the Council put some of its time into figuring out how to kick start the redevelopment of Mill Plaza, where there were still some real opportunities. He said the Council might still find it was useful to make those opportunities happen.

He said there was a beautiful green space next to the Plaza, the Kyreages property. He said he would prefer to see that green space chopped down and developed. He said he would also like to see a town road across the southern edge of the Mill Plaza property, overlooking College Brook. He said the green area around College Brook was currently a mess.

Councilor Smith said Perry Bryant and John Pinto had property south of the Plaza where nothing had been developed, if green space was desired in downtown Durham. He said there were businesses at Mill Plaza that presently attracted customers. He also said he would like to see a library/town Hall at the eastern end of the Plaza.

Councilor Van Asselt said there was another alternative, which was to have a public/private venture, where the Town could create an entity to buy some of the land in the downtown triangle Chair Niman had spoken about. He said with this approach, the Town would become a developer along with private developers. He said some really creative, innovative things could come out of such an approach.

Councilor Clark said the key idea here was not simply to create green space, but to create an environment downtown that could provide a relaxed experience for being there. He said this required pedestrian access, providing details on this, and said this kind of experience didn't presently exist in Durham. He noted that places like Burlington, Vermont, Newburyport, MA, Hanover, NH and Portland, ME had been able to achieve this, in part by including pedestrian ways and using green space to connect downtown areas and provide good accessibility.

Councilor Clark said the Town needed an all-encompassing plan that addressed this. He said a long term vision he had was that the Jenkins Court area could be more of a pedestrian way, and a loop could be created around the perimeter so everything in the middle didn't have traffic running through it.

Councilor Sievert said his business was involved with some of the possible downtown developments, and said he didn't want people to think he was therefore trying to sway things. But he said he did understand some of the problems developers were faced with. He said it was hard to finance commercial space, but said he felt it was incorrect to say that it couldn't be done without help. He said it could be done with a lot of occupants per unit, but said this was also a risky way to go.

He said the green space idea was a good one, but said the location Councilor Julian Smith had identified was useless because no one would go there and spend time there. He also said he didn't think the Mill Plaza redevelopment concept was off the table, and contained all kinds of green space ideas.

He said he thought it was a great idea to decrease the building footprints downtown and bring in the green space concept, to provide access to the central green core through other parcels. He said this would provide more of an incentive to developers. He said he thought the buildings needed to go up a little more, stating that the numbers simply didn't work otherwise.

Chair Niman said that perhaps the choice of the words green space was wrong. He said the idea was to allow something like a restaurant in a redeveloped downtown building, where there could be a courtyard that included dining outdoors. He said this could create additional revenues for the restaurant. He said the Council needed to look at finding more innovative ways to create areas like this downtown that businesses and customers could use, and have a relaxed experience.

He said it sounded like Councilors would like to get some more ideas on the concept he had outlined, and he asked Councilor Stanhope to put together some numbers on this, to see how to make it work economically. He said after getting these numbers, he would be able to put together some options.

Councilor Stanhope agreed to put together some numbers. He also noted that in other New Hampshire communities with energized downtowns, this kind of effort had often been generated by their planning departments. He said he would like to see Durham's Planning Department come up with suggestions for changing the character of the downtown area to include shops, restaurants, pedestrian ways, etc. He said this could include ideas for getting traffic off of one of Durham's downtown streets, or perhaps having one lane of traffic and widening sidewalks in order to slow traffic down. He said it was time to stop looking at the negatives, and to become more proactive, but said Chair Niman couldn't carry the whole thing himself.

Councilor Needell said the Town Planner sat on the EDC and also had access to the Planning Board, and said this was where the direction should come from. He said the EDC could play a big role in this process, and he noted that Chair Niman had gone to the EDC before to discuss these kinds of ideas. He also said he realized that the Planning Department was already swamped with work, and was a problem,

Councilor Sievert said he thought the Council needed to stay involved in order to keep the focus on these ideas and move them forward. He said the Planning Board and the Planning Department weren't picking things up and running with them.

Councilor Needell said he wasn't sure how often the Council had given them anything to do, and Councilor Sievert said it was not as if they were living in a bubble.

Councilor Van Asselt said it was important for the Council to look at the density issue, but noted that Chair Niman's memo said density would not be increased. He said he didn't think this was realistic, and said he hoped that Councilor Stanhope's numbers would show that density was an issue, and would have to be dealt with. He said there wouldn't necessarily be an un-relaxed atmosphere with higher density.

Councilor Sievert said he thought what Chair Niman was saying was that upfront, it wasn't necessary to increase density. He suggested the idea of some kind of density incentive, and also noted that for some lots, an increase in density wasn't even possible.

Chair Niman said the reason he had bolded the wording in the Council Communication to

emphasize that changing the ratio of housing to commercial to space would not allow an increase in housing density was that he wanted to put his ideas on the table with as little personal risk as possible. He also said he hadn't brought his concept to the EDC because he didn't want the committee to be barraged.

He said Durham's downtown was failing, and said they didn't have the luxury of waiting to address this. He said he didn't know how else to get there other than to put his ideas forward. He agreed that the Planning Department and the Planning Board should be involved, and noted that there were a lot of other things he could be spending his time on. He said he wasn't qualified as a planner, but said he wanted Durham to be a better place to live, and said if interesting ideas were presented, his hope was that someone would pick up the ball and run with it.

Concerning the redevelopment of Mill Plaza, Chair Niman said the numbers presently didn't work for John Pinto. He said at some point the Council needed to have a conversation about whether the Town should try to help make the numbers work for Mr. Pinto. He agreed that there were some ways to do this, through subsidies, a TIF district, changing the density allowed, etc., and said these were things that were within the purview of the Council to consider, and were not within the purview of the EDC.

He agreed that Councilor Stanhope should get the Council some numbers, and perhaps Councilor Sievert as well could also get some confidential numbers, so it could be seen what it would take to make the numbers work. He said the Council could then identify some options, and could provide direction to the Planning Board and the EDC. He said it was important that the Council jumpstart this process, because it was currently not happening.

Councilor Julian Smith said one of the big problems downtown was that there was a lot of traffic passing through the downtown area, and he said there was nothing they could do about this. He noted that he was someone who did hang out downtown because he did his laundry there. He said when he was downtown, he went to Libby's, or Young's, and he shopped at Durham Marketplace. He also said Mill Plaza was already a great place to hang out.

Councilor Needell said what was needed was a more global visioning process, to start with. He said this would take some time, but said the discussion that evening had shown that this was the direction that should be taken.

Councilor Leach said she didn't think that approach was a bad idea, but also said she didn't think the Council should hold off on the other things that had been discussed.

Councilor Van Asselt said he agreed with what Councilor Clark and Councilor Needell had said, and said the Council needed to hire someone to look at the downtown triangle, Mill Plaza, the greenways concept, etc. and to put this all together into a model that could then be talked about. He said this would be a way to start working on master planning for the downtown area, not by forming a committee. He encouraged Administrator Selig to hire a professional to do this work.

Councilor Clark agreed, and said then the Zoning issues could be looked at.

Chair Niman said there was already someone he and Administrator Selig had in mind for this kind of work.

Councilor Stanhope said there probably wasn't a downtown property owner who wouldn't want to redevelop his/her property. But he said most of the property owners were hesitant to do so. He said Councilor Van Asselt's suggestion was excellent, and he agreed that someone should be hired to master plan the downtown triangle area. He said he thought people would be excited about the possibility of developing that triangle.

Chair Niman said he would report back to the Council on this issue.

- D. Shall the Town Council give its "advice and consent" for the appointment of Corey Landry, Division Chief of Operations, to the position of Fire Chief as recommended by the Town Administrator ?

Administrator Selig said the Town was fortunate to already have a strong management team in place at the Fire Department. He said he had met with Mr. Landry, and had also watched his work over the past year and a half. He spoke highly about his attitude, stating that he had a strong management style, and saw the important role the Fire Department played in serving the public while also looking to save the Town money.

He said there was a great deal of consensus in the Fire Department for Mr. Landry's candidacy, and said he recommended that Mr. Landry be appointed as Fire Chief. He noted that he had made the decision to appoint Mr. Landry, but explained that the advice and consent of the Council was also required. He said the Council could veto his decision, but beyond that, it was a Town Administrator decision.

He noted that he had approached the Council previously about the idea of looking for an in-house candidate, and the Council was comfortable with this, provided that there was a viable candidate. He said his assessment was that there was such a viable candidate. He recommended that Mr. Landry be paid \$86,675. He said the contract was essentially identical to the existing contract for the Fire Chief.

Councilor Stanhope said that based on his discussion with Fire Department personnel and other fire professionals, Mr. Landry would have been his choice as well. He said his only concern was that there no information provided to support the salary that had been recommended. He said the Town was currently in a deflationary environment, with salaries being cut. He said he was willing to vote to hire Mr. Landry, but not without some support of the salary recommended.

Councilor Henry Smith received clarification that the salary proposed was more than what Chief O'Leary had received. Administrator Selig spoke in detail about how this figure had been arrived at, and why it was appropriate.

Councilor Needell MOVED to extend the Adjournment time beyond 10:30 pm. Councilor Stanhope SECONDED the motion, and it PASSED unanimously 9-0.

Administrator Selig said the desire over the past few years had been to see the Fire Chief move the emergency management aspects of the department forward, and said there had been a great deal of discussion about providing a stipend for taking this work on. He said the Fire Chief position had been amended to include this emergency management work, but said over the last three years, there still hadn't been a lot of progress made in this area. He said with Mr. Landry's salary agreement, there was an overt expectation that this work would be done, without additional compensation.

Administrator Selig said Mr. Landry had put forward a salary amount higher than what was subsequently agreed on. He noted that Mr. Landry was in the middle of his career, with eight years until retirement. He said he wanted to start him out on a strong note so he would be more likely to stay in Durham over the length of his career, which would help to ensure consistency in department initiatives. He said he felt the salary arrived at was fair, and said over the long term he felt the Town would save money, because of the effort Mr. Landry would put forth.

Councilor Julian Smith asked if the Division Chief position would be filled by a new hire.

Administrator Selig said this position would be posted internally. He said there was interest in the position, and said Mr. Landry would be recommending someone for it.

Councilor Leach said she had no issues with the appointment of Mr. Landry, and felt for the most part that it was Administrator Selig's decision to make regarding the salary. But she said she was a bit uncomfortable with this since other department heads had been asked not to increase salaries this year. She also noted that Mr. Landry would already be starting at the higher end of the salary range, something the Council had spoken about not doing, during its Budget discussions. She asked what difference it meant, if the Council did have concerns about the salary.

Administrator Selig said if there were such concerns, he would bring this information back to the applicant. But he said he felt the rate of pay was appropriate and said what Mr. Landry brought to the job in terms of long term savings would offset the modest salary increase.

In answer to a question from Councilor Leach, Administrator Selig said if there were issues among Town employees about this salary, he could handle them. He said the reason Mr. Landry was getting the salary increase was that he was getting a promotion, with new responsibilities. He also said that given the skill sets he had, and the Town's desire to get the best person for the job, this was what needed to be paid.

Councilor Van Asselt said there were three Town employees, the Town Administrator, the Fire chief and the Police Chief who needed to be available 24/7. He asked Administrator Selig if that was the way Mr. Landry approached his job.

Administrator Selig said absolutely, and said Mr. Landry had already shown this in his work, and said he was confident that this would continue. He said if this became problematic, he would talk with Mr. Landry.

Councilor Needell said the concerns about the salary were valid, but said he felt this was Administrator Selig's call, and he had no reason to second guess it.

Councilor Stanhope said Administrator Selig had answered his question to his satisfaction.

Councilor Van Asselt MOVED to grant, in accordance with Section 4.6 of the Town Charter, its "advice and consent" to the appointment by the Town Administrator of Corey J. Landry to the position of Fire Chief. Councilor Stanhope SECONDED the motion.

Administrator Selig said Mr. Landry would be sworn in at the next Council meeting, which would allow a seamless transition.

The motion carried unanimously 9-0.

XII. Adjournment

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

Adjournment at 10:43 pm.

Victoria Parmele, Minutes taker