

This set of minutes was approved at the Town Council meeting on July 6, 2009

**DURHAM TOWN COUNCIL MINUTES
MONDAY APRIL 6, 2009
DURHAM TOWN HALL - COUNCIL CHAMBERS
7:00 PM**

MEMBERS PRESENT: Chair Neil Niman; Councilor Jerry Needell; Councilor Karl Van Asselt; Councilor Julian Smith; Councilor Peter Stanhope; Councilor Diana Carroll; Councilor Robin Mower; Councilor Doug Clark (arrived at 8:34 PM); Councilor Mike Sievert (arrived at 9:07 PM)

MEMBERS ABSENT: None

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

I. Call to Order

The meeting was called to order at 7:03 pm.

II. Approval of Agenda

Councilor Van Asselt MOVED to approve the Agenda. Councilor Needell SECONDED the motion, and it PASSED 7-0.

III. Special Announcements

Employee service recognition

Chief Corey Landry introduced Peter Henny, and Chair Niman provided him with a plaque of appreciation for his 20 years of service to the Town of Durham.

IV. Approval of Minutes – March 2, 2009

Page 11, 5th paragraph from bottom, should say “..Councilor Van Asselt for his attention..”

Next paragraph, middle line, should say “....outbursts”.

Page 20, near top of page, strike “*Councilor Stanhope moved the question.*”

Councilor Van Asselt MOVED to approve the March 5, 2009 Minutes as amended. Councilor Stanhope SECONDED the motion, and it PASSED 5-0-2, with Councilor Mower and Councilor Carroll abstaining because they were not at the meeting.

V. Councilor and Town Administrator Roundtable

Councilor Stanhope said he had attended his first HDC meeting, and said three important things were discussed at the meeting. He said there was a review of the Oyster River dam and its historic significance, and discussion about whether those in favor of restoration of the dam would be able to come forward again at the public hearing. He said he had stated that it was his understanding that they would be able to do so.

Councilor Stanhope said the HDC had also discussed bringing forward to the Council some architectural standards for the district itself, in light of the amount of new construction proposed there.

He said the third issue was the current footprint of the Historic District, and whether this was satisfactory in terms of protecting the historic character of the Central Business District. He said the HDC would probably bring these three issues forward during the calendar year.

Councilor Needell said he hoped it was absolutely clear that the public hearing was not meant to present any particular point of view. There was discussion.

Councilor Carroll said during the last few weeks, she had attended some meetings about student rentals in neighborhoods, and also had talked with students individually and in groups regarding UNH town-gown issues. She said it had been news to her to find out that the place where UNH students preferred to live was in a house, in a Durham neighborhood. She said the ramifications of this had caused her to be anxious for the neighborhoods.

Councilor Carroll said the Council had been operating under an assumption that might not be correct, which was that if students were offered a sufficient number of apartments downtown or near downtown, they would move there. She said there was work to do on this issue.

Councilor Mower said she had heard some of the same comments Councilor Carroll had heard.

Councilor Carroll said she hoped there would be an opportunity for the Council to talk about this. She said some of the Councilors were probably up to speed on the situation of student rentals, and might be able to shine some light on these issues. She said perhaps they could look at some steps that could be taken to get more information on this issue.

Councilor Van Asselt said University representatives to the Rental Housing Commission had always pointed out that if UNH had the kind of student housing that it wanted to have, students would prefer it to a house in a neighborhood. He said some of the development proposals on the table related to that other kind of student housing. He said they needed to be careful not to jump to conclusions on this issue.

Councilor Carroll said she had heard from a number of students that they preferred to live in neighborhoods, and said she hadn't heard this before, in such a strong and clear way.

Councilor Stanhope said there were adequate restrictions on student housing in neighborhoods, and said there wouldn't be a problem if the regulations were properly enforced by the Code Officer.

Councilor Carroll agreed, but said it seemed to be the case that the Code Officer might be hampered by some of the legalities he needed to follow. She said she would like to see if there was a way to address this issue that would get right to the heart of the matter.

Councilor Stanhope asked Councilor Carroll if she believed the Code Officer had said he didn't have the authority to address this problem.

Councilor Carroll said she hadn't asked him directly, but said what she had learned at the recent meetings was that he had some difficulties because of the way that some people got around the legalities.

Councilor Mower said it was quite extraordinary the way some people did get around the legalities, and said it wasn't a matter of enforcement.

Councilor Stanhope said this should be put on a future Council agenda, but said if the Code Officer did his job, most of the problems could be addressed. He said he thought benign neglect might be the biggest problem.

Councilor Mower said that at the recent Energy Committee meeting, she had learned that a proposal had been submitted to get funding for a household energy audit and retrofit program. She said that as part of this, the Committee would submit a proposal on education and outreach.

Councilor Mower said there had also been a presentation by two Durham residents about the Natural Step approach to developing sustainable practices that Portsmouth, NH had adopted. She said it would be very interesting to follow this.

She said the Energy Committee would be coordinating with the Town Planner to write the Energy Chapter of the Master Plan.

Councilor Mower said she had spoken with some residents about their concerns about litter in Town, and said the question was whether there could be an ongoing program to address this issue. She asked if perhaps the Town could coordinate with the University on this, and if they could get some help from students, in terms of community service.

Administrator Selig said this had been an ongoing topic over the years. He said there was an annual cleanup day in April-May, which they were trying to schedule earlier. He also noted that Town employees worked hard to clean up trash in public areas, but said they did not go onto private property. He said it was up to the people who owned the

properties to take care of the trash there, and said the Town had worked through the Landlord's Association and the Rental Housing Commission to address this issue. He also noted that the Code Officer had distributed some violation notices to properties.

Administrator Selig said there had not been a concerted effort to clean up private properties, and said if the Council wanted to approach this issue more aggressively, it was something they should talk about.

Councilor Mower said some of the main thorough-fairs in Town got hit pretty hard with trash, and she provided details on this. She said instead of a doing cleanup on a single day before graduation, perhaps the town could coordinate with UNH to get some help in cleaning up some student residences.

Councilor Smith agreed that more needed to be done concerning the trash issue, and noted that he had encouraged Councilors to go downtown early in the day, on Thursday through Sunday. He said the one day a year "DIWUL" event was a failed public relations event, and provided details on this. He said he did think that a good deal of the litter came from inconsiderate college students.

Councilor Smith reviewed for the Council the applications that had been addressed at the March 25th Planning Board meeting.

Councilor Smith noted that the Friday before last, there had been a standoff on Packers Falls Road, when a neighbor of his had committed suicide. He spoke about the response of the Police Department, and said it was a grotesquely disproportionate response to a very private matter: the suicide of a well educated, well behaved gentleman who would have probably decided to end his life in another town if he had known what was going to happen.

Councilor Smith said it was a situation that needed some review by Administrator Selig and the Council at some later point, when more information was available.

Councilor Stanhope said another neighbor had said he could hear the police on a large bull horn asking the person to come out with his hands up. He questioned whether this was the way to deal with someone who was suspected of being at risk for suicide, and agreed that some review of the situation was needed.

Councilor Stanhope noted that Councilors had received a letter from a Durham property owner that had raised concerns about the Code Officer. He said one critical component of the letter was a statement that the Code Officer had issued a building permit that was inconsistent with the plans that were approved by the ZBA.

Councilor Stanhope said it was important for the Council to recognize that the Town had spent around \$9,000 in legal fees because of this error. He said this went to the issue of whether the code department was carrying out its responsibilities in a way that protected the best interests of the Town. He said this type of oversight suggested that there was an

issue in terms of the conduct of that department.

Councilor Needell said the situation on Packers Falls Road had been an extreme case of use of force, and said he assumed there would be an analysis of the process, as a matter of course.

Administrator Selig said he had had a detailed discussion with the Police Chief about the circumstances leading up to the response to the situation on Packers Falls Road, and said he was satisfied that it had been appropriate. He provided details on this, and noted that there had been a concern about the safety of officers. He also said there had been a number of attempts to make contact with the individual, and not all of them by bull horn. He said these attempts had been unsuccessful.

He said that concerning the code enforcement issue, there were different points of view. He noted that regarding code enforcement for non-owner occupied rental properties, there was only one code officer, who had many duties in addition to this role.

Administrator Selig also said rental housing violations typically were learned of when complaints were made by neighbors, after loud parties, rude behavior, and car parking issues. He also noted that the Code Officer was required to give advance notice before checking properties, which gave people time to rearrange things. He provided further details on how the town addressed these situations, and said the Town did stay with these concerns as it found out about them.

Concerning the issue on Cedar Point Road, Administrator Selig said the legal costs that had been incurred were to defend the actions of the ZBA. He said the ZBA had sustained the actions of the Code Officer in its decision, and also said two Superior Court cases had sustained this decision. He said there was more to this case than was portrayed in the letter from the neighbors, and explained that he was in the process of investigating further the details of the situation. He said he would provide this information to the Council when it was available.

Administrator Selig said the Town was trying to address trash issues in cost effective ways, with limited resources, and said he was open to ideas and suggestions for addressing these issues.

Councilor Smith asked that there be an Extended Roundtable later in the meeting, given the fact that two Council members would be arriving later.

Chair Niman agreed that this should be done.

VI. Public Comments

John Kraus, 7 Cutts Road, said he was present to speak in regard to the Oyster River Dam and the Mill Pond, predetermined outcomes, the viability of representative government in Durham, and doing the right thing for all citizens.

Mr. Kraus said he first needed to express his indignation at Administrator Selig's comments in the Tuesday March 17th Fosters that "... the overwhelming sentiment was for dam repair". He said Administrator Selig had made a sweeping "the public wants" comment based on people who had packed the March 4th forum meeting, and had hammered him on the phone, in his office, etc.

He said this was religious devotion to a holy place, the Mill Pond, and not public opinion, and asked Administrator Selig to separate the two in the future. He also said that in placating one group, it was important not to irritate other people with attributions of "public opinion."

Mr. Kraus said very few Durham citizens were willing to come to any public hearing to express views that might be contrary to those of a pumped-up pressure group wanting an earmark. He said it was the Durham way that contrary views would suffer abuse.

He noted a March 21st letter in Fosters from Derek Sowers that had expressed concern about "the public has spoken" statement and which noted that "Some residents, including myself would like to explore the dam removal option..." He said others in Durham were cheering Mr. Sowers.

Mr. Kraus noted that at the March 16th Council meeting, Duane Hyde of the Durham Conservation Commission read a letter that asked for an open mind to all options including dam removal. He also noted that Kevin Gardner of the Durham Energy Committee had provided five points including the vision of a restored habitat with bike paths.

He said James Houle had said that while the forum was billed as "...a venue to generate relevant questions pertaining to the Oyster River dam...what was offered in the Council communication termed the result a referendum for repair, and that this conclusion was not representative of the democratic process." Mr. Kraus noted that Mr. Houle had suggested that "...a ballot initiative would be a better reflection of the true intention of the town and the taxpayers."

Mr. Kraus quoted comments from the March 16th Council meeting made by Administrator Selig, and several Councilors. He then said it was mind-boggling and disingenuous that after the public hearing, Chair Niman had said the Council would reach Administrator Selig and Councilor Van Asselt's preconceived decision anyway, but with an "open-mind."

Mr. Kraus said this might be a travesty of representative government, and referred to it as "Washington D.C. on the Oyster". He asked whether the Council and Administrator Selig were able to represent the best interests of all of Durham. He said there should be the opportunity for the citizenry to choose concerning the dam and the pond, and said then, there would be no question about what the public wanted.

He said the greatest fear of the Durham self-interest group was that they would lose control of the decision process, and that the Durham public-at-large would actually get to decide. He asked that the Council take the initiative to put this to a ballot vote, and avoid the need for a citizen initiative or referendum petition.

Bill Hall, Smith Park Lane, spoke in detail about the fact that the Town had a chipper, and that there were people in Durham who could do the brush removal.

Mr. Hall spoke in detail about water issues. Among other things, he said the Town's defense of its water rights had been completely insufficient, and said he hoped the Council got a grip on this very soon. He spoke in detail about the superior quality of water pumped from the Lamprey River compared to the Oyster River, and said pumping from the Oyster River was just plain stupid. He said the Town got that water, not the University, which got its water from the Lee Well.

VII. Unanimous Consent Agenda

- A. Shall the Town Council approve a Special Event Permit application submitted by Alpha Chi Omega requesting that certain Town roads be closed to conduct a 5K road race on Saturday, April 25, 2009 ?
- B. Shall the Town Council approve a Special Event Permit application submitted by the Oyster River Alumni Association, the Bobcat Bolt, and the Oyster River Festival requesting that certain Town roads be closed to conduct a 5K road race on Saturday, May 9, 2009?
- C. Shall the Town Council approve a Special Event Permit application submitted by Oyster River Middle School Jazz Band requesting that certain Town roads be closed to conduct a road race on Sunday, April 26, 2009?
- D. Shall the Town Council approve awarding a bid for curbside residential brush collection/chipping, due to the December 11 & 12, 2008 ice storm, to York Woods Tree Service, for a sum not to exceed \$76,000 and authorize the Town Administrator to sign a contract for said services?

Councilor Smith MOVED to approve Unanimous Consent Agenda Items A, B and C. Councilor Van Asselt SECONDED the motion, and it PASSED unanimously 7-0.

Regarding Unanimous Consent Agenda Item D, Chipping brush, Councilor Smith asked Public Works Director Mike Lynch if \$17/ cu yard for brush was for compacted brush or not.

Mr. Lynch said the cubic yard measurement was for loose brush, and was the measurement FEMA used.

Councilor Smith said the reason he was asking was that it seemed that it would cost the

Town about \$60/ton to collect and chip the brush, and said there must be a more economical way to do this. He noted that the Town had a chipper, and also asked where the estimate of 3800 cu yards of brush had come from.

Mr. Lynch provided details on this, and there was further discussion with Councilor Smith, who said he had noticed that the range of bid results showed some disparity.

Administrator Selig said a lot of debris had resulted from the December, 2008 ice storm. He explained that after the storm, the Town had applied for FEMA funds to address a number of issues, including brush removal. He said the federal government would pay for 75% of the brush removal work, the State would pay 12%, and the Town would have to pay the remainder.

He said the hope was that by marketing the chips, the Town could break even, and wouldn't need to have Public Works Department employees do the work. He said the goal was to do the brush removal without causing the taxpayers to have to pay for this.

Councilor Smith asked if FEMA would reimburse the Town, if the Town did the brush removal.

Mr. Lynch said FEMA would reimburse the Town, but he said the problem was that the timing wasn't good for the Public Works Department to do the brushwork because it was already working on a number of jobs right now. But he said if no federal funds had been available, the Town would have looked at this differently.

Councilor Mower asked if there were figures of what spring cleanup typically cost, and the cubic yardage involved. She also asked if there was a sense of whether the Town had as large a brush problem as had been anticipated back in December.

Administrator Selig noted that spring cleanup was for bulky waste items, and said it was the fall pickup that was for brush pickup.

Councilor Van Asselt MOVED to approve the award of a bid for curbside residential brush collection/chipping, due to the December 11 & 12, 2008 ice storm, to York Woods Tree Service, for a sum not to exceed \$76,000, and to authorize the Town Administrator to sign a contract for said services. Councilor Carroll SECONDED the motion.

Councilor Carroll said this was an example of how the Town had been smart over the years in going after funding that was available, and using it for services needed in Durham, at no cost to the Town. She thanked Mr. Lynch for paying attention to these things.

The motion PASSED 6-1, with Councilor Julian Smith voting against it.

VIII. Committee Appointments

A. Appointment of alternate Council representative to the Planning Board

Chair Niman asked if anyone would like to come forward to serve as the Council representative to the Planning Board.

Councilor Smith suggested that this Agenda item be tabled under later, when two more members of the Council would be present, so they all could discuss how to proceed if no one wanted to volunteer.

Chair Niman said that was fine with him.

Councilor Carroll agreed, but said this was an untenable situation. She said Councilor Needell deserved a thank you for stepping forward previously to fill this position. She also said she saw this as an issue of leadership, and said either Administrator Selig or Chair Niman should see to it that there was an alternate. She spoke in some detail on this, and said the situation could not go on for another year.

Chair Niman said they would get back to this Agenda item when the other Councilors were at the meeting.

B. Annual appointments to vacancies on the various Town boards, commissions and committees

Chair Niman explained that the uncontested appointments would be voted on that evening, including the HDC positions, since Henry Smith had removed his name from consideration for a position on that committee. Chair Niman also said the Council would discuss the Churchill Rink at Jackson's Landing Committee under Agenda Item X B, and depending on the outcome, perhaps would finish the advisory committee appointments that evening.

Councilor Stanhope asked if there was any reason not to accept a motion for all of the candidates.

There was discussion that because there were various term lengths involved, and some positions were for regular members and some were for alternates, it would be easier not to create just one motion.

Conservation Commission

Chair Niman noted that there were some applicants for the Conservation Commission positions who were present, and said he would invite them to speak.

Stephen Burns, 20 Newmarket Road, noted he was an engineer, scientist and teacher. He said that as a member of the Conservation Commission, he would try to be an advocate for the care and sensible use of natural resources to the benefit of Durham's

citizens. He also said he would provide objective insight into scientific issues facing the Commission, including those in the Lamprey River Instream Flow Report. He provided some details on the role he would like to play as an advocate.

Councilor Smith asked if Mr. Burns had specified whether he would like to be a regular or alternate member of the Conservation Commission.

Mr. Burns said he would like to participate in the process and in debates on the issues. He said he would prefer to be a regular member, but said as long as he could be heard at meetings, that was his goal.

Councilor Needell noted that said for most of the committees, alternates were full participating members in discussions.

Larry Harris, 56 Oyster River Road, said he was a marine biologist, and said maintaining the quality of life in Durham was a worthwhile endeavor. He said he was motivated to serve on the Conservation Commission because when he went to the information session on the Oyster River Dam, he had felt there wasn't a balanced set of presentations. He said the Town deserved to have a clear presentation of all of the issues, with information that was scientifically sound, before making a decision.

Councilor Smith said he was impressed that the two sides of the Oyster River were represented by these two applicants to the Conservation Commission.

Mr. Harris said he would agree to be either a regular member or an alternate.

Councilor Mower said she had spoken with Commission member Dwight Baldwin, and said he had asked that he be considered for the regular position that expired in 2011.

Chair Niman suggested that James Houle therefore be appointed to the position that expired in 2012, since he had served the longest, besides Mr. Baldwin. He said he had no opinion about the other three appointments.

There was further discussion, including whether Ms. Walsh wanted a regular or alternate position. Councilor Smith noted that this had been left blank on her application.

Councilor Van Asselt MOVED to appoint James Houle to a three-year regular member term on the Conservation Commission, with a term expiration date of April 30, 2012. Councilor Stanhope SECONDED the motion, and it PASSED unanimously 7-0.

Councilor Van Asselt MOVED to appoint Dwight Baldwin to fill the unexpired three-year regular member vacancy on the Conservation Commission, with a term expiration date of April 30, 2011. Councilor Stanhope SECONDED the motion, and it PASSED unanimously 7-0.

Councilor Mower recused herself.

Councilor Smith MOVED to appoint Steven Burns to fill the unexpired three-year regular member vacancy on the Conservation Commission, with a term expiration date of April 30, 2010.

There was no second.

Councilor Van Asselt MOVED to appoint Ann Welsh to fill the unexpired three-year regular member vacancy on the Conservation Commission, with a term expiration date of April 30, 2010. There was no second made to this motion.

Councilor Mower returned to the table.

Councilor Needell said not seconding a motion did not mean that he was not in support of the nominees, and said it was the process that was awkward. He said Ms. Welsh and Mr. Harris had experience in matters directly relevant to the Conservation Commission, which was why he would support them as regular members rather than Mr. Burns, who had a little less direct experience that was relevant. He said he was trying to decide which of the two to appoint as a regular member. He asked Mr. Harris to indicate whether he should be a regular member or not.

Mr. Harris said his preference was to be a regular member, but said he would contribute, either way.

Councilor Mower asked whether being at the meeting that evening should make any difference, and Councilor Stanhope indicated that the Council had recently decided that being present wasn't necessary.

Councilor Stanhope SECONDED the motion.

Councilor Van Asselt said both Mr. Harris and Mr. Burns were involved in the scientific aspects of issues, and would be valuable resources on the Commission. He recommended making Ms. Welsh a regular member for one year, and said Mr. Harris and Mr. Burns could serve as alternates during that time, and could then continue on from there if they wanted to.

Councilor Smith said he would vote against the motion. He said Mr. Harris had applied for the position before the packet was made, and specified that he wanted to be a regular member, whereas Ms. Welsh put in a late application, and didn't specify one way or the other.

The motion FAILED 3-4, with Councilor Van Asselt, Chair Niman, and Councilor Stanhope voting in favor of it.

Councilor Needell MOVED to appoint Larry Harris to fill the unexpired three-year regular member vacancy on the Conservation Commission, with a term expiration date of April 30, 2010.

Councilor Van Asselt reviewed the reasons given by Councilor Smith for passing up Ann Welsh for the position, and said they were not substantive, and were simply procedural.

Councilor Smith noted that he had not mentioned Ms. Welsh's absence from the meeting, as Councilor Van Asselt had indicated.

Councilor Needell said that for the same reasons he had already given, it was a toss up. But he noted that the alternate positions were for 3 years, and the regular member position was for one year.

Councilor Carroll said they were lucky to have Ms. Welsh step forward. She said she would vote for Mr. Harris because she had seen him attend meetings and speak over the years at public hearings. She also said they were lucky to have a full slate of candidates for the Conservation Commission.

Councilor Mower said she would vote for Mr. Harris for the same reasons indicated by Councilor Carroll. She also said Ms. Welsh had a background that would be very useful to the Conservation Commission.

The motion PASSED unanimously 7-0.

Councilor Smith MOVED to appoint Steve Burns and Ann Welsh to three-year alternate terms on the Conservation Commission, with term expiration dates of April 30, 2012. Councilor Needell SECONDED the motion, and it PASSED 7-0.

DCAT Governance Committee

Councilor Carroll MOVED to appoint Dianne Thompson and Todd Ziemek to three-year terms on the DCAT Governance Committee with term expiration dates of April 30, 2012. Councilor Mower SECONDED the motion, and it PASSED unanimously 7-0.

Councilor Mower MOVED to appoint Erika Mantz (UNH representative) to a one-year term on the DCAT Governance Committee with term expiration dates of April 30, 2010. Councilor Carroll SECONDED the motion, and it PASSED unanimously 7-0.

Councilor Mower MOVED to appoint Kathleen Young (ORCSD representative) to a one-year term on the DCAT Governance Committee with term expiration dates of April 30, 2010. Councilor Needell SECONDED the motion, and it PASSED unanimously 7-0.

Chair Niman noted there would still be one vacancy on the DCAT committee, for a position ending in 2010.

Library Board of Trustees

Councilor Smith MOVED to appoint Sibylle Carlson, Emily Smith, and Ann Windsor to one-year terms as alternate members on the Durham Public Library Board of Trustees, with term expiration dates of April 30, 2010. Councilor Mower SECONDED the motion, and it PASSED unanimously 7-0.

Economic Development Committee

Councilor Mower MOVED to appoint Christopher Mueller to a three-year regular member term on the Economic Development Committee with a term expiration date of April 30, 2012. Councilor Carroll SECONDED the motion, and it PASSED unanimously 7-0.

Chair Niman noted there was one alternate member vacancy on the EDC.

Parks and Recreation Committee

Councilor Smith MOVED to appoint Sarah Badger Wilson and Jenna Roberts to three-year regular member terms on the Parks and Recreation Committee with term expiration dates of April 30, 2012. Councilor Mower SECONDED the motion, and it PASSED unanimously 7-0.

Councilor Smith MOVED to appoint Jean Olson to fill an unexpired three-year alternate member term on the Parks and Recreation Committee with a term expiration date of April 30, 2010. Councilor Mower SECONDED the motion, and it PASSED 6-1, with Councilor Van Asselt voting against it.

Pease Airport Noise Compatibility Study Committee

Councilor Mower MOVED to appoint Craig Seymour as Durham's representative to the Pease Airport Noise Compatibility Study Committee for a three-year term with a term expiration date of April 30, 2012. Councilor Smith SECONDED the motion.

There was brief discussion on the purpose of this committee, and it was noted that it was set up to address noise complaints of people living around the area of the Tradeport. Chair Niman said the Town was fortunate that Mr. Seymour had served on this committee over the years.

The motion PASSED unanimously 7-0.

Planning Board

Councilor Smith MOVED to appoint Bill McGowan and Steve Roberts to three-year regular member terms on the Planning Board with term expiration dates of April 30, 2012. Councilor Mower SECONDED the motion, and it PASSED unanimously 7-0.

Councilor Mower MOVED to appoint Wayne Lewis to a three-year alternate member

term on the Planning Board with a term expiration date of April 30, 2012. Councilor Needell SECONDED the motion, and it PASSED unanimously 7-0.

Chair Niman noted that there was one remaining alternate position open on the Planning Board.

Strafford Regional Planning Commission

Councilor Mower MOVED to appoint John Parry to fill an unexpired term vacancy as one of Durham's representatives to the Strafford Regional Planning Commission MPO Policy Committee with a term expiration date of April 30, 2011. Councilor Carroll SECONDED the motion.

Councilor Needell thanked Mr. Parry for stepping forward to take this position, which had been open for some time.

The motion PASSED unanimously 7-0.

ZBA

Councilor Stanhope MOVED to appoint Jay Gooze and Robbi Woodburn to three-year regular member terms on the Zoning Board of Adjustment with term expiration dates of April 30, 2012. Councilor Mower SECONDED the motion, and it PASSED unanimously 7-0.

Chair Niman noted that there was still one alternate position on the ZBA that was open.

He said the Council would wait to Agenda Item X B to discuss the positions on the Churchill Rink at Jackson's Landing Committees.

HDC

Councilor Smith MOVED to appoint Eric Ingelfinger and Leslie Schwartz to three-year terms on the Historic District Committee, with term expiration dates of April 30, 2012. Councilor Mower SECONDED the motion, and it PASSED unanimously 7-0.

Councilor Clark arrived at the meeting at 8:34 pm.

Chair Niman noted that there was one vacancy on the Energy Committee, and two vacancies on the Integrated Waste Management Advisory Committee. He said applications for these positions were welcome.

Break from 8:34 - 8:45 pm

IX. Presentation Items

A Community Revitalization Tax Relief Incentive Program authorized under RSA 79-E -
Jim Campbell, Planner

Administrator Selig noted that a Council Goal was to find ways to revitalize the downtown. He said this statute was fairly new, and said a number of communities were looking at it. He said over the last year, the implications of using it in Durham had been considered, and said there had been discussion on it by both the Planning Board and the EDC.

Mr. Campbell showed a slide presentation on the concept. He said the purpose of the program under RSA 79-E was to encourage reinvestment in existing buildings and structures within the downtown area. He noted that this did not include the demolition and subsequent rebuilding of a structure, and instead included the rehabilitation of an existing structure.

He said a building was qualified for the program if it was located in a district officially designated as a downtown, town center, central business district, or village center in the Master Plan or the Zoning Ordinance. He said he believed that for Durham, this would include the area identified as the “Community Core” in the 2000 Master Plan.

Mr. Campbell said the value of the rehabilitation of an existing structure had to equal at least 15% of the building’s pre-rehabilitation assessed value or \$75,000, whichever was less. He also said the proposed rehabilitation had to provide a “public benefit”, defined as follows:

- Enhances the economic vitality of the downtown
- Enhances and improves a structure that is culturally or historically important
- Promotes the development of municipal centers, providing for efficiency, safety and a greater sense of community; and
- Increases residential housing in urban or town centers

Mr. Campbell said the tax relief would be for a finite period of time, during which the property tax on the structure wouldn’t increase, and said once the tax relief had expired, the structure would be assessed at its full market value. He said the Council could grant this tax relief for up to 5 years, beginning with the completion of the rehabilitation, and at its discretion, could add up to an additional 2 years of tax relief for a project that included affordable housing.

He said at its discretion, the Council could add an additional 4 years of tax relief for the substantial rehabilitation of a qualifying structure listed on, or determined to be eligible for listing on, the National Register of Historic Places, state register of historic places, or located within and important to the Durham Historic District.

Mr. Campbell noted that the Historic District in Durham was part of the commercial core downtown, and included Church Hill as well as one building in the Central Business district. He said there were some historic structures in Durham that could be rehabilitated through this program.

He noted that the EDC, HDC, and the Planning Board had endorsed the program, and also spoke about the fact that Berlin, Rochester, Northumberland, Groveton, Manchester, and Concord were using it.

Councilor Mower noted the criteria for determining if there was a “public benefit“, and the fact that the word “and” was used rather than “or”.

Mr. Campbell said the statute should say “or”, given the fact that the Council only had to use one of the criteria in approving the application.

There was discussion that Durham’s commercial core was meant to include the Central Business District, Church Hill, Coes Corner, and the Professional Office District on Madbury Road. Mr. Campbell said it wouldn’t go as far as Route 108.

Mr. Campbell said he had hoped the program would allow buildings and structures to be demolished and still qualify for tax relief. He said only substantial rehabilitation projects qualified, but spoke about the fact that there were a number of old fraternity buildings, like the SAE building, that would qualify. He provided details on this.

Councilor Needell noted that RSA 79-E said the covenant could be effective for twice as long as the tax relief period, and also said the project had to start within a year. He said there were apparently a number of carrots and sticks in the program, and penalties for not following through. He spoke in some detail on this, and said there was a burden of commitment on the part of the person bringing this forward, which was fair. He also said there were limitations if there were federal or state funds involved.

Councilor Needell said he wanted to make sure whether a first reading of a resolution on this program was necessary before the public hearing.

Administrator Selig explained that all that was actually required was a public hearing. He said the thought was that the hearing would be held at the April 20th Council meeting, and if the Council was still interested in the program after that, it would direct him and Mr. Campbell to create a Resolution.

Councilor Van Asselt said this was sort of a backward way to get a public/private partnership. He also asked if there was 100% tax relief, or if that was a decision to be made by the Council. Mr. Campbell provided details on this, and Councilor Van Asselt asked whether there were other ways to provide incentives that allowed one to take 100% advantage of and capture the increase in taxes.

Mr. Campbell said this program was looked at as only one of several tools that could be used for downtown revitalization.

Councilor Van Asselt said another question was whether the allowable cost for a qualifying structure translated well for projects in Durham, and said the Council needed

to talk about this. He said they needed to be realistic about this.

There was discussion on the wording in the Statute concerning this.

Councilor Van Asselt said it would be good to have some live examples of the program in practice, if the Council went ahead and scheduled a discussion on it.

Councilor Mower said she was curious to what extent the program had been taken advantage of in the towns Mr. Campbell had listed.

Mr. Campbell said Manchester had done 3-4 buildings through the program and it had worked well for them. He also said Rochester had approved two applications, one of which was for the Opera House. He said he planned to have Michael Behrendt come to the public hearing to talk about this.

Councilor Carroll noted that she had attended a meeting with members of the Durham business community where this topic had come up. She said several of the business owners were immediately interested in the program.

Councilor Carroll asked whether the Council would have quite a bit of discretion in defining the covenants.

Mr. Campbell said the application would say how a project would meet the public benefit, and said that was what went into the covenant, which insured the continued use.

Councilor Clark MOVED to schedule a Public Hearing on the adoption of RSA 79-E on April 20, 2009. Councilor Van Asselt SECONDED the motion, and it PASSED unanimously 8-0.

Councilor Sievert joined the meeting at 9:07 pm

B. Update on Main Street West enhancement project - Mike Lynch, Director of Public Works

Administrator Selig briefly introduced this Agenda item, and said Public Works Director Mike Lynch would update the Council on it.

Mr. Lynch first noted that the Town's \$49,000 cost for the project had been carried forward from 2003, despite the fact that the price of the whole project has doubled in size since that time. He said what was proposed now was the last phase of the project.

He said a key component of the project was to reconstruct the road that was there. He said this would involve a total reclamation of the existing roadway, and said when done it would match the rest of the roadway on Main Street. He also spoke in detail about the multi-purpose trail that would be constructed, which would travel throughout the corridor. He said previous pavement would be used for this trail, except for a portion that

wasn't level enough.

Mr. Lynch provided details on the lighting design, and said the University would pay for this. He also said the University would pay for maintaining the multipurpose path, including throughout the winter. He said the Town would maintain the roadway and bike lanes.

He spoke about the roundabout design component, and the fact that it was not funded yet because the FHA had declared that it wasn't eligible. He noted that this was ironic given the fact that all of the appropriate legislative bodies had approved it. He said the Town had applied for stimulus funds to pay for the roundabout, but had not heard back yet. He said the Town wouldn't invest money in this, but noted that the University might choose to pay for it.

Mr. Lynch said there would be bus stops along the corridor, both east and west bound, and said further west the State would pick up the road surfacing project out to the Lee town line.

He described in some detail the lighted paved pathway that would go to the West Edge parking lot, and said it would link up to the Bryant property, whose owner had indicated his willingness to connect to it. Mr. Lynch said this provided the opportunity for the pathway to continue down Route 155A out to the Tecce farm and Leawood Orchards, as well as some other properties.

Mr. Lynch said the project would essentially link the whole west corridor, which had been imagined for many years, and would provide a gateway to the Town and the University from the west.

Councilor Mower asked why the pathway was located on the side it was on, and Mr. Lynch provided details on this and why it was preferable from a design and building standpoint.

Councilor Sievert received clarification that the pervious pavement would be used just for the pathway.

Councilor Clark asked why the University wanted the roundabout there, stating that it looked like it was in the way.

Mr. Lynch said when a new road planned by the University was hooked in, traffic in that area would pick up substantially. He said the roundabout was designed to keep traffic moving all the time.

Councilor Clark asked how bicycles would be able to navigate the roundabout, and Mr. Lynch said they would stay in the roadway.

Councilor Needell received clarification that the entire corridor would be lit. He asked if

the State would continue the bike lanes when they did their paving, and Mr. Lynch said yes.

Administrator Selig said the State would use stimulus fund money to do the paving.

Councilor Van Asselt noted the existing decorative lighting downtown on Main Street, and said he hoped the new lighting further out on Main Street would be better than this. He also said he had no interest in using stimulus funds for a roundabout.

Mr. Lynch explained that there had been a specific request for stimulus money as part of this project, for the component that wasn't eligible for grant money. He said this money if received would therefore have to be spent on this project.

Administrator Selig noted that the town had written to the State to request that some of the stimulus funds be used for this project.

Councilor Van Asselt asked if water and sewer connections would be put in before the roadwork was done.

Mr. Lynch said he envisioned that the water and sewer work would be done this summer, as would the Main Street project. But he noted that most of the sewer and water work would take place off of the roadway, and said only a small portion of the roadway itself would need to be reconstructed.

Councilor Mower asked what Doug Bencks' and Steve Pesci's comments had been concerning the bicycles and the roundabout, and Mr. Lynch said they had no issues with them.

Councilor Needell asked if the University had any sense of the timing for the southern loop road.

Mr. Campbell said he believed this would be happening sooner rather than later. He noted that the new traffic model would be employed to do modeling for the new south drive and the roundabout, and would also take into account events at the Whittemore Center.

Councilor Sievert said he was not against the roundabout design, but said his concern was how it would work when there were events at the Whittemore Center.

Mr. Campbell said this issue had come up at the Planning Board meeting.

Councilor Carroll asked how far away from Mast Road the multiple-use path it would be. Mr. Lynch said there would be a distance of about 2 ft, and Councilor Carroll said it was great to hear that Durham was finally getting paths that were not so close to the roadway.

Councilor Sievert MOVED, upon the recommendation of the Town Administrator, to endorse the Traffic Enhancement Main Street (west) project, which improves

transportation, bicycle, and pedestrian movements and safety along Main Street between Mast Road/155A and the Railroad Bridge. Councilor Mower SECONDED the motion, and it PASSED unanimously 9-0.

X. Unfinished Business

- A. Discussion on venue for May 4th Oyster River dam public hearing and whether to cancel all other business for that evening.

Administrator Selig explained that given the level of interest in this topic, it was expected that there would be a big crowd, and that the meeting could take a lot of time.

Councilor Smith noted that there had been no control over the length of the presentations at the public information meeting, and questions from the public. He said he didn't think there would be the same kind of situation at the public hearing.

Councilor Needell said moving the venue made sense, and said he did think there would be a significant turnout. He suggested including other things on the Agenda that the Council could address if there was time, including an extended roundtable discussion.

Chair Niman said his inclination was to make the public hearing the first item on the Agenda, and to do other items later if there was time.

There was consensus among Councilors that this approach should be used.

Councilor Carroll suggested that it would be a good idea to have some kind of summary information as well as a presentation at the beginning of the hearing on the issues involved.

It was noted that Town Engineer Dave Cedarholm and Bob Stephens of Stephens Associates would be at the meeting.

Councilor Smith suggested that copies could be provided of a 2 page executive summary of the relevant parts of the Stephens Report, and the one page budget. He also said he was glad to see that the updated budget report didn't change the figures, and just rearranged them to make it easier to understand what the Town's share was and what it was not.

Chair Niman said a brief synopsis of the issues would be put on the Town website, and said there would be a 10 minute presentation by Mr. Cedarholm.

Councilor Needell asked if the intent was to have a thorough discussion of the topic that night, after the public hearing.

Chair Niman said this would depend on how long the hearing took.

Councilor Needell said the hearing was an opportunity to inform and to listen, and then to

start forming a discussion on this topic.

Administrator Selig said the discussion on this topic could be scheduled. He also noted that the hearing would not be televised live, but would be taped by DCAT.

Councilor Mower said this information should be noted for those who weren't watching the present Council meeting.

B. Discussion and action on recommended changes to membership and term limits relating to several Town committees.

Administrator Selig reviewed the process by which these recommended changes had been developed. He noted that they reflect a 2008 Council goal to "Review Management and Administrative Structures", and that they were arrived at after meeting with several Town committees concerning what their preferences were.

He said if the Council was amenable to the recommended changes, he would bring back to the Council for action the appropriate changes to Resolutions or the Administrative Code.

Councilor Sievert asked if it was part of the Administrative Code that there had to be a Council representative on all committees.

Administrator Selig said this was required by the Town Charter for non-advisory committees, but was not required for advisory committees.

Councilor Van Asselt questioned the need for an alternate on the IWMAC.

Administrator Selig agreed that an alternate was not essential for this committee, which didn't vote on many things.

Councilor Carroll said her experience with both the IWMAC and the Energy Committee was that they operated by consensus, and rarely took a vote.

Councilor Van Asselt said if there were going to be six people serving on the IWMAC, they should all be regular members.

Councilor Clark said an inconsistent, five headed monster had been created with this approach, and said it would be better to make the term lengths for the various committees consistent.

Councilor Needell said the Council had asked the committees what they wanted, although noting that it wasn't clear to him either why an alternate was needed on the IWMAC. He said his concern was the mix of 2 and 3 year terms, and said he thought it would be difficult to administer this. He suggested that having 2 year terms across the board should be considered.

Councilor Smith said he was the Council representative when the IWMAC voted concerning this, and said he would continue to support their recommendation.

Councilor Van Asselt said the Council should move forward with what had been recommended, if this was what the committees wanted.

Councilor Clark agreed, but said this should be revisited next year to see how it had worked out.

Administrator Selig said committees liked having the longevity of 3 year terms, along with greater flexibility with the 2 year terms.

Councilor Smith MOVED to accept the recommended changes relating to the Churchill Rink at Jackson's Landing Advisory Committee, DCAT Governance Committee, Durham Energy Committee, Economic Development Committee, and the Integrated Waste Management Advisory Committee, and directs the Administrator to bring back the necessary ordinance and/or resolution to formally adopt these changes. Councilor Van Asselt SECONDED the motion, and it PASSED 8-1, with Councilor Needell voting against it.

There was discussion on the Churchill Rink at Jackson's Landing Advisory Committee nominations. It was agreed to hold off on the Mark Lanoue appointment for now, and that he would be appointed at the next Council meeting.

Councilor Van Asselt MOVED to appoint Eric Fisher to a three-year term on the Churchill Rink at Jackson's Landing Advisory Committee with a term expiration date of April 30, 2012. Councilor Smith SECONDED the motion, and it PASSED unanimously 9-0.

VIII. Committee Appointments (moved from earlier in the meeting)

A. Appointment of alternate Council representative to the Planning Board

Councilor Mower said that as a brand new Councilor, it would not be in the best interest of the Town for her to serve as the Council representative.

Councilor Sievert asked why they couldn't reduce the number of Council reps on the Planning Board. He also said serving in this capacity would be too much of a conflict of interest for him.

Councilor Smith agreed that Councilor Sievert came before the Planning Board frequently, and said if the regular Council rep wasn't there, there might even be a quorum problem.

Councilor Needell agreed that it was inappropriate for Councilor Sievert to serve. He said

Councilors had different reasons for not wanting to serve which were all justifiable. But he said he objected to saying that the role, which was included in the Town Charter, should be taken away. He said there were ways for the Council to fulfill its commitment.

Chair Niman asked why it was important that there be an alternate Council rep on the Planning Board.

Councilor Needell said the alternate rep was the only Planning Board member who could replace the regular Council rep. He noted that a conditional use application required 5 votes, so in some cases, if the role wasn't filled, this could have a significant impact on the Planning Board. He said this was why alternates were asked to attend all meetings, and were full participating members of the Board. He said without this, Board decisions could be jeopardized. He noted that some applications went on for a long time.

Councilor Sievert said he was not saying that the Council should cast aside its responsibilities, but was saying that the Council should revisit whether Council members were needed on the Planning Board and other boards and committees. He also said he disagreed that the Council rep position held that much importance, and said he didn't believe that not filling it could stop a project.

There was discussion that according to State statute, only the alternate Council rep could replace the regular Council rep at a Planning Board meeting.

Councilor Van Asselt asked how often it had happened that there weren't enough votes to move forward with an issue, in the four years Councilor Needell had been on the Planning Board..

Councilor Needell said he didn't know that this had ever happened.

Administrator Selig noted that the Town Charter in the past hadn't included the alternate Council rep position. He provided details on how the Charter had been changed to include this position, and said the prevailing opinion at the time was the rationale expressed by Councilor Needell. He suggested that the Council could have different councilors serve on the Planning Board for a period of time, and noted that this would require that those serving get up to speed on the issues before the Board.

Councilor Carroll said she would hope that if someone couldn't make a long term commitment, he/she could do a year commitment in order to see some projects through. She said of all the town committees, it was the assignment that involved the most work, but she said it was worth it, and also said it was important that the Council step up to the plate. She said if no one stepped up, it was an issue of leadership, and said it was up to Chair Niman or Administrator Selig to see that the position was filled.

Councilor Van Asselt said the comment was unfair, and said that was how things had been done for years. He said he didn't think that that was what they wanted.

Councilor Carroll said no one had twisted her arm when she went on the Planning Board, and said she had decided to give it her best.

Chair Niman said the only way to show leadership would be for him to be the alternate, but said he didn't think he could satisfy Councilor Needell's requirement and go to all the meetings. He said he would be more than happy to serve to meet the statutory requirement, and would attend the meeting when the regular member could not, but said that was the best he could offer.

There was further discussion on this issue, with Administrator Selig noting that there was no requirement that the alternate attend every meeting.

Councilor Needell said no one had to satisfy him, but said the Council had to fulfill its commitment, however it decided to do that. He said planning and development had been key issues for the Council over the last several years, and would continue to be important. He said he was disappointed that there weren't more voices willing to participate in an active and constructive way in that process at the Planning Board level.

Councilor Sievert suggested that perhaps he and other Councilors could alternate as alternates. He noted that there wasn't any point to him being on the Board when he had to recuse himself.

Chair Niman said he and Councilor Sievert would talk about this approach, and would come back with a proposal at the next meeting.

XI. New Business

- A. Discussion regarding the development of Town Council goals for 2009/2010 - setting up special work session for April 13th or 27th

After brief discussion, the consensus was that the Council was interested in having a work session on Council Goals on April 13th.

- B. Discussion regarding the development of a strategic planning process with the Council - Councilor Doug Clark

Councilor Clark noted that Chair Niman had asked him to take some action on this, after having made reference to the idea since joining the Council. He said in running for the Council and then becoming a member, he had seen that it was hard to reconcile the platforms people ran on and what happened when they sat at the Council table, because of the day to day issues that had to be addressed.

He said there was a gap in the Council's ability to define what its roles were. He said he thought one of their roles was as legislators, and the other was as visionaries and strategic thinkers. He said his proposal was to see if the Council wanted to have a conversation about taking on both of these roles, and carving out the time to work on this.

He said he thought it was appropriate to do this during Goals setting, noting that he had been frustrated with the process the previous year. He said his proposal was to take 1, 2 or 3 themes from the Master Plan and create a comprehensive work program for them. He said the Town Administrator, Town staff, Councilors and committees would work off of this work program over the next 2-3 years, in order to really make some progress on these key themes.

Councilor Needell said this was a good idea, and said he agreed that what was often missing was this kind of intermediate plan. He said not having it made it difficult to implement some of the longer term plans. He said he saw this approach as a mechanism to feed back to the Master Plan in order to help identify areas in it that had been done, or were lagging behind. He said it was important to keep the Master Plan alive, and he provided details on this.

Councilor Smith asked if discussion on development of a strategic plan could be folded into the goals work session to be held the following week.

Chair Niman said that was a point of talking about this approach this evening.

Councilor Van Asselt said it was a good idea to fold this into the discussion next week. He said he loved the downtown revitalization ideas discussed in Councilor Clark's memo. He said the only component missing from what Councilor Clark had laid out was the public, and noted that things didn't run quite as smoothly in the public sector as they did in the private sector. He said he was looking for a way to address this.

Councilor Clark said if they could create an organization chart, with a limit of business terms, and could agreed to something that started to define roles, it should become clear where the residents and taxpayers fit in.

He also said if they had more conversations that were comprehensive, instead of having isolated discussions about one project at a time, people would better understand that if they compromised in a particular area, they would get a benefit in another area. He said the process he was talking about would provide that kind of perspective, which was now missing, when there was one project at a time.

Councilor Van Asselt spoke in some detail on how the role of the public, especially in Durham, made moving ahead on issues more complicated.

Councilor Mower said she wanted to speak in favor of Councilor Clark's idea that there should be a comprehensive vision that was communicated well, and that the public should be invited into the process. She said they had to anticipate that people would want to be involved.

She said Durham was lucky that there were so many people who wanted to be involved. But she said the Council should shape this in such a way that they heard from people

early enough in the process, and people could see where they could get some things they wanted and where they might have to give something up. She agreed that where the public actually fit into the process was currently missing in the strategic planning approach that had been outlined.

Councilor Sievert asked what the mechanism would be to continue the long term strategy from Council to Council.

Councilor Clark said to him, a strategic plan was developed for 2-3 years, but was updated every year. He said the decision could be made each year to keep some of the goals and throw out others than hadn't panned out, which meant that when new Councilors came on board, the Council could re-vote, and re-endorse projects that had been developed the year before. He said with this approach, there would probably be enough momentum for some of the projects to keep going.

Councilor Needell noted that it was an important concept that no Council could bind a future Council. He also said if the effort was put into setting up the strategic planning process, it enhanced the chance that everyone would be on the same page.

He also said that it was important to realize that the strategic plan would be developed by the Council in public sessions, and that the public would have the opportunity to participate throughout the process.

Chair Niman said one of his concerns was that public reactions to a particular idea, for example in regard to the Oyster River Dam and Mill Pond, would derail the process, because there would be a fixation on the ideas some people thought were bad.

Councilor Needell said that if the strategic plan was focused on the issue of whether to drain Mill Pond, that was too narrow. He said he thought there should be a strategic plan for the Town's vision of the use of the waterfront, or the expansion of the commercial core to include the waterfront. He said perhaps some specific ideas within these concepts would be rejected, but said this wouldn't derail the entire project.

Chair Niman said his concern had been that there were some people who believed they owned the rivers, so if someone uttered ideas about development along the river, abutters would join together to kill the idea, and would bring the Council to its knees so no one would ever mention development along the river again.

Councilor Mower said another idea was that if they really wanted to encourage brainstorming, they could make sure that these kinds of ideas were labeled as such at meetings.

Councilor Clark said one of the reasons to have a hierarchy of roles was that the conversation should begin at a high level. He said a lot of the vetting would then take place at the committee and department level, with the help of consultants. He noted that he saw a lot of opportunity for conversations with the public at the committee meetings

he attended.

Councilor Carroll said Councilor Clark's ideas sounded really good to her. She said she personally needed Strategic planning 101, to see how broader, more open questions could be asked.

Councilor Clark said he was only proposing to take the Master Plan and focus on some themes with strategic planning. He said perhaps it would also be found that it was time to do strategic planning more comprehensively to identify these themes, and said this could be considered as the Council worked on its goals at the work session

Administrator Selig said a concern was that the Master Plan was over 10 years old, so the strategic planning process would have to be woven into an update of the Master Plan. He said this would also help with their future vision of the Town.

Councilor Clark said he thought the strategic planning approach he had outlined would help with the update of the Master Plan.

Councilor Van Asselt said it was important to build in public comments, and said the Council had to be strong enough to not let these comments dissuade it. He said if a goal was to do something downtown, heading toward Mill Pond, and they had to talk openly about Chesley Drive, that goal would go under the table fast.

Councilor Clark said the approach he was talking about would force a conversation on all of these things.

Councilor Van Asselt also said it was important that development in the Town not come to a halt while the strategic planning was taking place.

Councilor Needell stressed that this proposal to do strategic planning was not a commitment to commercialize the river. He said it might be that this was an issue that would be too complicated, or one that there couldn't be agreement on. But he said if they didn't go through the process of trying to develop a strategic plan for this or for other ideas that were identified, they wouldn't know that, and wouldn't know if they could find common ground.

Administrator Selig said the process would have to be done in a way that would get buy-in from the committees involved.

Councilor Mower said she hoped people would consider the downtown redevelopment example, as a good candidate for a strategic plan, and hoped they could work toward it fairly soon. She noted that there were projects proposed and before the Planning Board, and said they didn't want to see a piecemeal approach to development there. She said Councilor Clark had discussed his ideas over the past few months, and said this was probably a great time to do them.

Councilor Needell said that regarding the importance of buy-in from the committees, there could be more connection with them than what now occurred. He said an annual meeting of the Council with committee chairs would potentially be useful, especially if there was a strategic plan in place. He said this would be a way to keep everyone informed and on the same page, and to do some brainstorming.

Councilor Needell MOVED to extend the meeting, Councilor Mower SECONDED the motion, and it PASSED 6-3, with Councilor Van Asset, Councilor Stanhope, and Chair Niman voting against it.

Councilor Mower received clarification that an annual meeting of the Council with committee chairs would occur at one meeting, and said she thought that would be great.

Councilor Needell encouraged Administrator Selig to do that as well.

Administrator Selig noted that there would soon be an orientation for committee chairs on process and procedure. He said they were also planning an appreciation event, where outgoing board/committee member would receive plaques for their service, and could talk about their experiences and accomplishments while serving.

It was agreed that the Council would talk more about strategic planning at the Goals session meeting on April 13th.

XII. Extended Councilor and Town Administrator Roundtable

Councilor Sievert noted there had been discussion about hiring an outside planner to look at additional planning for the downtown, and asked why this hadn't happened yet.

Administrator Selig said he had spoken with the Planning Board, which had some concerns about the process he had outlined for this. He said an RFP was being developed, and said the Board wanted to be more involved with the process. He said it was moving forward a little more slowly than he had thought.

Councilor Sievert said that had been his fear, and said he hoped the Council could encourage this to happen.

Councilor Sievert also said he disagreed with the need for a strategic plan for the downtown, noting that there were development goals for the downtown in the Master Plan. He said he felt that strategic planning could take place while projects for the downtown were moving forward.

Councilor Clark said he didn't consider that what was in the Master Plan for the downtown was a strategic plan. He said the kind of plan they needed was rapid strategic planning, focused on a goal, hiring some help if needed, and creating a living document that included calendars and timelines.

Chair Niman said he thought Councilor Sievert's concern was that the plan for the downtown was embodied in the Zoning Ordinance, which would give them the kind of downtown they didn't really want. He also he was concerned that things would drag out, and they would get the development they didn't want.

Councilor Needell said a tremendous amount of effort had gone into revising the Zoning Ordinance to implement the Master Plan. He said if there was now a feeling that it was flawed, that discussion needed to occur, and said it wasn't a trivial thing to change that. He said the community needed to figure out if there were flaws, and if so, what to do about it.

Councilor Sievert said he wasn't saying they should avoid doing planning, and said the question was how to push this forward to make it happen.

On a separate issue, Councilor Needell noted an email a few weeks back from Amtrak concerning an upcoming event, and asked if UNH and/ or the Town should be involved in this.

Administrator Selig said the University had been the primary driver for the train station. He said in the past when the letter was received, the University typically organized the event.

Councilor Carroll said Steve Pesci of UNH usually organized this. She said it would be nice to have a presence from Durham's town government at the event, to acknowledge and celebrate that there were now 10 trains going through Durham. She noted that the EDC was looking at how the trains could be used as an economic stimulus for Durham, and said she saw this as an opportunity.

Councilor Mower said the EDC should be alerted to this event.

Councilor Mower asked if Town staff could look into UNH's best management practices concerning construction projects for its fields, etc. She noted there might be outflow from catch basins that might be contributing to the very brown water seen in the Oyster River over the last week after rain storms.

Administrator Selig said he would ask to the Public Works Department to inquire about this.

XIII. Adjournment

Councilor Van Asselt MOVED to adjourn the meeting. Councilor Sievert SECONDED the motion, and it PASSED unanimously 9-0.

Adjournment at 10:45 pm

Victoria Parmele, Minutes taker