

This set of minutes was approved at the Town Council meeting on June 1, 2009

**Durham Town Council Minutes
Monday April 20, 2009
Durham Town Hall - Council Chambers
7:00 PM**

MEMBERS PRESENT: Chair Neil Niman; Councilor Karl Van Asselt; Councilor Jerry Needell; Councilor Julian Smith; Councilor Mike Sievert; Councilor Diana Carroll; Councilor Robin Mower

MEMBERS ABSENT: Councilor Peter Stanhope

OTHERS PRESENT: Town Administrator Todd Selig; Town Engineer Dave Cedarholm; Town Planner Jim Campbell

I. Call to Order

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

II. Approval of Agenda

Councilor Smith MOVED to approve the Agenda as submitted. Councilor Van Asselt SECONDED the motion.

Chair Niman said there was one slight change on the Agenda, that Unanimous Consent Agenda Item VII A should include the corrected number of \$409,901.82 for the water and sewer warrant.

Councilor Needell MOVED to amend the Agenda to include the corrected number. Councilor Mower SECONDED the motion, and it PASSED unanimously 8-0.

The motion as amended PASSED unanimously 8-0.

III. Special Announcements

None

IV. Approval of Minutes – March 16, 2009

Councilor Sievert MOVED to approve the March 16, 2009 Minutes. Councilor Van Asselt SECONDED the motion, and it PASSED unanimously 8-0.

Councilor Smith noted a question regarding whether new Council members Carroll and Mower were supposed to vote to approve the Agenda when they hadn't yet been sworn in at the March 16th meeting. He suggested that it made sense in the future to swear new Councilors in before

approving the Agenda, so they could then vote on it.

It was agreed that this would be done in the future.

V. Councilor and Town Administrator Roundtable

Councilor Carroll said she had attended the recent IWAC Committee meeting. She noted the recent edition of the *Down to Earth* newsletter put out by the Committee and the Public Works department, which residents received twice a year. She said it was a quality publication, and pointed out articles written by Councilor Smith and Town Engineer Dave Cedarholm.

She said an article in the newsletter described the great work the High School was doing on recycling. She said sustainability goals of replacing throwaway plastic silverware with reusable silverware in the cafeteria had been achieved. Other goals of eliminating Styrofoam and replacing bottles of juice and water with a drink dispenser and reusable cups were being pursued. She said the principal, the director of dining services, and the students were all working together on this.

Councilor Carroll said another issue at the recent IWMAC meeting was a composting initiative, and said residents would be seeing information on composting bins that would be available.

Councilor Carroll said she had attended the recent DCAT meeting, and said there had been discussion on how DCAT would be filming the May 4th Council meeting at the High School. She also said a DCAT member who taught at the High School spoke about programming the School was doing. Councilor Carroll said that under New Business at the DCAT meeting, she had asked if there were ways DCAT could be used to promote downtown and other businesses in Durham.

Councilor Needell said the Conservation Commission had recently met with Greg Caporossi, a project manager for the Trust for Public Land, concerning a possible conservation project involving the Spruce Wood and Tecce properties. He said the Commission had expressed general support for the concept, and he also said there were still a lot of details to work through.

Administrator Selig said he had spoken with Conservation Commission Chair Duane Hyde and Mr. Caporossi about this concept, which was to conserve a significant amount of land in collaboration with the Town and UNH. He said there were tentative plans to have them speak with the Council. He said the owners had a letter of intent with the Trust for Public Land, and he agreed that there was still a lot of work to do.

Councilor Needell said the Conservation Commission would be working with a consultant to develop some stewardship plans for Town conservation properties.

Administrator Selig said he had recently met with Mill Plaza owner John Pinto, and said Mr. Pinto was very interested in various development projects and development concepts in Durham, including the proposed projects for the downtown area.

Administrator Selig said he had pressed Mr. Pinto quite a bit regarding whether he was interested in moving forward at some point with redeveloping Mill Plaza. He said Mr. Pinto had said he was interested, and said reflective of this was the fact that Mr. Pinto had moved his tenants to shorter leases, which had made things more difficult for him because of the current economic situation. Administrator Selig said Mr. Pinto had been talking with various developers, and was being very cautious, in order to make sure there could be a good development, and that the deal would be right for him.

Administrator Selig said he had asked Mr. Pinto if he would be willing to dedicate a site on the Mill Plaza property for a new Library. He said Mr. Pinto had indicated that while he understood a new library was important to Durham, and understood it would be important to include a library component as part of his project unless Durham had identified another site for the library before he moved ahead with his project, he wasn't prepared to commit a portion of the property now, when he didn't know how a development would be laid out.

Administrator Selig described some ideas being looked at regarding redeveloping Mill Plaza. He said one idea being looked at was to expand the present Durham Marketplace out into the parking lot and out the side where the Movie Stop used to be, to make it a more intensively used site. He said a second phase would be to do something with building two in the rear portion of the site. He said another idea was to move the grocery store further back on the site and make it an anchor, and to build development around it.

He said they had discussed the idea of having a Business Center and hotel facility downtown, and whether, if this happened, and the Pettee Brook lot was used for the parking for the Hotel Conference center, Mr. Pinto would be open to working with the Town in the near term to relocate its business parking permit to Mill Plaza for some of the spaces that weren't used fully now.

Administrator Selig noted that customers of Wildcat Fitness were using some of these spaces now, and also said some students rented spaces there. But he said Mr. Pinto did indicate a willingness to talk about working with the Town on the parking idea.

He said he and Mr. Pinto had also looked at the Bryant property, on Mast Road, where there would be a student housing development that contained various green features, and said they had also gone to look at the Goss International facility.

Administrator Selig said the yearly audit had been conducted, and said the preliminary results were favorable. He noted that it would be a few months before the final results were available, because the process now took longer since there were a number of new requirements.

Administrator Selig thanked principal Laura Rogers and Oyster River high school students for organizing the recent trash pickup on Coe Drive.

He said he had met earlier that day with various entities regarding the future of the District Court. He noted that currently, the Town was paid under \$32,000 for the use of the building, and said it was no longer open 5 days a week. He said the Court was interested in a six month

extension of the current agreement, at a substantially lower rate.

He said he had explained that while he understood that this was what they needed, such an agreement would make it hard to use the building for anything else, so the Court should continue to pay what it was paying now. He said there was also discussion on the idea of using the Dover Court facility. He provided some details on this, and noted that all of this took place in the context of a State Budget that was in a near crisis state. He said it was agreed that they would continue the discussion on the Court issue.

Administrator Selig said that for 62 years, the Auxiliary Unit 94 of the Bourgoin-Reardon American Legion had organized the yearly Memorial Day parade, and said they had notified the Town that they would like it to take a much more active role in organizing the event. He said a member of the Parks and Recreation Committee and Jen Berry would assist with this.

He said the Parks and Recreation Committee was moving ahead with posting the part-time Director position, and said he envisioned that the selection process would involve former Councilor Cathy Leach, two Parks and Recreation Committee members, Public Works Director Mike Lynch, and himself.

Administrator Selig said he had received a letter from the State Division of Historic Resources, which indicated that the Oyster River Dam was eligible for listing in the NH Register of Historic Places. He said he was planning to thank them; to say that the Town was continuing to evaluate the dam; and to say that it would neither accept nor decline the listing at the present time, pending a decision on how to proceed with the dam.

Councilor Smith said the Planning Board had been busy, and reviewed the items covered at the April 15th meeting. He explained that there had been a brief regular meeting from 6:30-7:00 pm, and a quarterly planning meeting from 7:00 pm on.

He noted that there had been a site walk of the Henderson property, on Woodman Road, and that the application was approved after the public hearing on April 15th. He said there had also been a site walk for the proposed mixed use development at the former Houghton's Hardware property at 6 Jenkins Court, as well as for a proposed multi-use office building at 277 Mast Road.

He said that at the April 15th meeting, there had been a request for technical review to change the Movie Stop into an extension of the Wildcat Fitness business.

Councilor Smith said that at the quarterly planning meeting, there were discussions on the following items:

- the idea of a continuous improvement plan for the Planning Board
- possible park and ride locations in Durham
- a source water protection proposal by Councilor Mower
- The two draft RFPs
- Draft architectural standards/guidelines

Councilor Smith said he wished to discuss a second matter, in preparation for the upcoming public hearing on the Oyster River Dam at Mill Pond. He said he had gone through some of the comments received on this issue, and had noticed quite a bit of faulty information. He also noted that information in Fosters on the potential cost of repairing the dam was incorrect.

He said there had been exaggerations on both sides of this issue, and said a question was how this should be handled at the public hearing, in order to prevent misinformation from spreading. He asked Council members to think about this and to provide some direction concerning it.

VI. Public Comments

Bill Hall, Smith Park Lane, spoke in some detail about the code enforcement situation with Code Officer Tom Johnson, and said it was important that this be straightened out. He said he hoped the Council would find someone who could understand the issues involved.

VII. Unanimous Consent Agenda

- A. Shall the Town Council approve the water and sewer warrant for spring 2009 totaling \$409,842.02 and authorize the Town Administrator to sign said warrant?
- B. Shall the Town Council authorize award of the 2009 Road Resurfacing Program bid to Libby-Scott Inc. of Wells, ME in the amount of \$153,180 as recommended by the Town Administrator?
- C. **FIRST READING ON ORDINANCE #2009-04** amending Chapter 4, "Administrative Code", Article IV, Section 4-18 of the Durham Town Code by correcting the membership on the Economic Development Committee and changing the terms to a mix of both three and two-years
- D. **RESOLUTION #2009-07** amending Section 12 "Structure" of the Durham Cable Access Television (DCAT) Governance Committee Policy Manual pertaining to committee membership and terms
- E. **RESOLUTION #2009-08** changing the membership on the Integrated Waste Management Advisory Committee (IWMAC) and rescinding Resolution #2001-13 dated June 18, 2001
- F. **RESOLUTION #2009-09** changing the terms and membership on the Churchill Rink at Jackson's Landing Advisory Committee and rescinding Resolution #2007-13 dated April 23, 2007

Items D and F were taken off the Unanimous Consent Agenda.

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

Councilor Van Asselt MOVED to adopt Resolution #2009-07 amending Section 12 "Structure" of the Durham Cable Access Television (DCAT) Governance Committee Policy Manual pertaining to committee membership and terms. Councilor Smith SECONDED the motion.

Councilor Needell said he felt that a mix of two and three year terms was a mistake, and would create an administrative mess. He said he therefore couldn't support the motion concerning Unanimous Consent Agenda Item D.

Councilor Carroll asked if Administrator Selig had a position on this, stating that she wanted to do what would be most effective.

Administrator Selig said there had been a perception that the Council needed to do more to make residents interested in serving, and he said allowing two year terms was thought to be one possible way to make this happen. He noted that he personally had not seen a problem with three year terms. He said a mix of two and three year terms was created on some of the committees as a compromise, and said they would track how things worked out with the mix of terms.

Councilor Carroll said no matter how long people volunteered for a particular committee, in reality, they stayed as long as they were interested in serving, and if there was a good match. She said people would say when they needed to step down, regardless of how long the term was.

Councilor Needell said it was the mix of terms that was the problem for him.

Councilor Mower said she agreed.

Councilor Smith agreed that having a mix of two and three year terms was cumbersome, but said if a committee had agreed to it, the Council should go with it.

Councilor Clark said the EDC had had a discussion on this, and had concluded that a mix of two and three year terms would work. He said he was in favor of giving it a try to see if it did in fact work.

Chair Niman said he didn't see that the mix of two and three year terms would be a problem.

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

There was discussion on Unanimous Consent Agenda Item VII F.

Councilor Van Asselt MOVED to approve Resolution #2009-09 changing the terms and membership on the Churchill Rink at Jackson's Landing Advisory Committee and rescinding Resolution #2007-13 dated April 23, 2007. Councilor Sievert SECONDED the motion.

Councilor Needell said he was against this motion for the reasons he had already stated in regard to Unanimous Consent Agenda Item VII D.

Councilor Mower said if the committees had suggested these changes, it made sense to try this, and said this could be revisited.

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

VIII. Committee Appointments

- A. Shall the Town Council appoint Mark Lanoue, 48 Ross Road, to the Churchill Rink at Jackson's Landing Advisory Committee for a three year term?

Councilor Van Asselt MOVED to appoint Mark Lanoue, 48 Ross Road, to the Churchill Rink at Jackson's Landing Advisory Committee for a three year term. Councilor Sievert SECONDED the motion, and it PASSED unanimously 8-0.

B. Appointment of an alternate Council representative to the Planning Board.

Chair Niman said as he had stated previously, he would be willing to be appointed as the alternate Council representative to the Planning Board.

Councilor Sievert MOVED to appoint Neil Niman as the alternate Town Council representative to the Planning Board. Councilor Smith SECONDED the motion.

Councilor Clark said he would like to have a conversation about how critical this position actually was at a future Council meeting.

Councilor Mower said if there was such a discussion, the Minutes of meetings where Councilor Needell had discussed the reasons why this position was appropriate should be available as background material.

Chair Niman agreed that this issue would be put on a Council Agenda some time over the summer.

The motion PASSED unanimously 8-0.

Councilor Smith MOVED to amend the Agenda to make XI A follow immediately after Agenda Item IX. Councilor Mower SECONDED the motion, and it PASSED unanimously 8-0.

IX. Presentation Items

Town Planner Jim Campbell said he had prepared two RFPs, one of which was to do a comprehensive review of the zoning for the Central Business District, including consideration of the idea of allowing some greater density in line with desires of the business and the public. He provided additional details on the purpose of that RFP.

He said the other RFP was for the update of five Master Plan chapters. He noted that the Town had received a technical assistance grant to have NH Cooperative Extension planners help coordinate visioning sessions, and train people to work as facilitators for the Master Plan process. He noted that they would work with the consultant who would also be hired to work with the Town on the Master Plan update.

He said both of the RFPs had been discussed by the Planning Board at its recent quarterly planning meeting. He said the Board had completed its review of the CBD RFP, and did have some concerns about it, with some Board members saying that it seemed to be putting the cart before the horse. Mr. Campbell said the Board didn't complete its review of the Master Plan RFP, and scheduled a special meeting for May 6th to do that.

Councilor Smith asked if there had been a consultant to provide guidance for the 2000 Master Plan update.

Administrator Selig explained that Duane Hyde, who had been the Town Planner at the time, had worked full time on the Master Plan update for about a year. He said the day to day planning work had been contracted out during that time.

Councilor Clark said he definitely wanted the Master Plan update to take place, but questioned whether there should be a delay before the Central Business District work was done.

Administrator Selig said the RFPs now stemmed from Council discussion that there needed to be an independent person look at the 2000 Master Plan and suggest informed, minor amendments to it in order to help move forward parts of it (Central Business District) that didn't seem to be catching on. He said the broader Master Plan review was driving that, and said he was not comfortable putting that off. He said while the CBD RFP was looking at the short term, it would help to inform the long term view that would be developed from the Master Plan update. He said that update would perhaps suggest some additional Zoning changes.

Councilor Clark said his concern wasn't the CBD, it was the things that were being called the community core. He said it would be surprising if the Master Plan changed dramatically regarding the Central Business District, but he said he hoped that the wording on the core would change. He said it would be helpful to hear some more evolved thinking about what surrounded the downtown.

Councilor Smith said looking at the draft of the Council goals, and said #15 on that list was "Conduct analysis of the use of professional resources...". He said it might be a good time to talk about how much the Town was relying on external resources. He said he suspected that a discussion of the CBD was needed, and could move forward expeditiously if it was conducted among EDC, Council, and Planning Board members.

Councilor Needell said he had no problem with the Master Plan update moving forward, and also said he didn't have a fundamental problem with the CBD proposal. But he said he had made it clear that he thought the Planning Board had an important role to play in the rezoning discussion. He said he was concerned that the Board had some reservations about the CBD RFP and the Council might put it out anyway.

He quoted comments made by Planning Board members at the April 15th meeting, and said it was important that the Planning Board be on board with the RFP, or the process would be a waste of time. He said the Planning Board should come to terms on the CBD RFP at its May 6th meeting, and said he wasn't prepared to ignore their advice.

Councilor Sievert noted that this process had started back in February, and said the Planning Board had been brought into the process. He said he didn't believe the cart was being put before the horse. He read from the Master Plan concerning the downtown area, and said these were the things that were being talked about now.

He also said that during the election period, candidates for the Council had heard people say they wanted to see the downtown redeveloped. He said there was a captive audience ready to invest, and investing in the community. He said the landlords were vested, noting their recent tax increases, but they weren't leaving the community. He said the Town should capitalize on this.

Councilor Sievert said he had hoped there would be stronger language regarding public spaces downtown, but said at least there was some language on this in the Master Plan. He said he thought the Council should move forward with the CBD RFP, and say to the consultant who was chosen that the work would involve working on the Master Plan.'

Councilor Sievert MOVED to move forward to put out the CBD RFP.

Administrator Selig said his intent was to move forward with the CDB RFP unless the Council said no, and said he therefore didn't think a motion was needed for this. He also said he anticipated that the Master Plan update would be a lengthy process.

Councilor Sievert said he was not saying that the Council should avoid the Planning Board, and should throw the Master Plan RFP out there without having the Planning Board finish looking at it. But he said the Council should move forward with the CBD RFP.

Administrator Selig said the work the consultant did on the Zoning for the Central Business District would be submitted to the Planning Board, so they would have the first opportunity to decide whether a proposal should be brought forward. He said the Council would then have the opportunity to be involved.

Councilor Mower asked if it would be possible to include the Planning Board's input into the CBD RFP. She said she thought it was important to look more broadly at the zoning for the CBD beyond issues like density, such as including contiguous open spaces in the future, and considering the larger area of the community core.

Chair Niman agreed that it would be good if the Planning Board was 100% behind the CBD RFP. But he said he thought there was a serious problem in terms of the relationship between the Council and the Planning Board that needed to be addressed, and said he wasn't sure that stopping the RFP would address it.

He said the CBD proposal had a modest objective, and said when he had raised the issues about the Zoning for the district, he had just wanted to be sure that the Town got what it said it wanted there. He said developers would bring forward proposals based on current zoning, and said he thought the purpose of having a consultant wasn't necessarily to change the Ordinance, but to make sure that the Town got what it said it wanted.

Chair Niman said another thing on his mind was that he thought they would all like to see Mill Plaza redeveloped. He said a second reason for the consultant was therefore to see if there was something they were missing, that would perhaps make redevelopment more attractive.

He said he was not interested in putting more students downtown, and would rather redistribute

them and get other housing types downtown, such as condos for adults. He said with some tweaks to the Ordinance, redevelopment of the Plaza might be more attractive to owner John Pinto.

Chair Niman also said that whether they liked it or not, the University was making some key decisions on various buildings and functions on campus, which might or might not present some opportunities for the Town. He said it would be nice if the Town could bring someone in to see if some of the things the University was talking about represented legitimate opportunities for the Town, and if there were some ways the Town could facilitate them, whether there was a new Master Plan in place or not.

He said there might very well not be a need to make changes to the Zoning Ordinance, based on what the consultant said. He said the idea was to provide clarity on this. He said he found it troubling that the Planning Board seemed to have said that it wanted to take ownership of what was done and was not done in Durham.

Councilor Van Asselt said the Planning Board had the opportunity to look at the CBD RFP, and said he wasn't sure why the Planning Board was hung up on the wording in the RFP. He said if anything, he thought the scope of the RFP should be narrowed rather than broadened. He said he didn't see why he should wait for the Planning Board to tell him whether or not the Council should move forward on the Central Business District, when the Council had recent said it was its number one priority.

Councilor Carroll asked Mr. Campbell for more details about the Planning Board's concerns that the cart was being put before the horse.

Mr. Campbell said those on the Planning Board who had these concerns felt that the Master Plan was going to be worked on anyway, so it should be done before the work on the CBD zoning was done.

Councilor Smith said his impression of the Board's discussion on this was that it had asked Mr. Campbell to narrow the scope of the RFP, and to make it clearer in the RFP what was being asked of the consultant.

Mr. Campbell agreed.

Councilor Needell said he had no problem with getting a consultant to help, but said he would not support an awkward situation where the Council was not working with the Planning Board. He said the Council and the Planning Board were not talking to each other, and said this was an important issue.

He noted that there was no requirement that the consultant ever speak with the Council to get its input, and said if the person did so, he/she might conclude that there were irreconcilable differences between the two groups. He said it would be better if the Planning Board was a part of the conversation, and said he didn't see why it couldn't be.

Councilor Needell noted that in the CBD RFP, it said “we” would choose the consultant, and said his reading of this was that it would be Administrator Selig and Mr. Campbell.

Administrator Selig said the only reason it would come to the Council was if the total cost warranted that.

Councilor Clark said he saw that there were three components: and RFP to do the Master Plan Update; an RFP to look at Zoning for the CBD. But he said there was also goal #1 in the Council’s list of goals, to take the spirit of the Master Plan and create a strategic vision and plan, of which Zoning would be a part. He said the CBD RFP was a short term project, and said once the vision existed, and included pedestrian walkways, green space, density changes, etc., for the downtown, then some Zoning changes could be made.

He said he didn’t want to drag out the process, stating that the Master Plan update was a long term project that shouldn’t get in the way of developing a strategic vision and plan for the downtown. He said he wanted the two processes to complement each other as easily as possible.

Councilor Smith said Chair Niman had said some very persuasive things about why a consultant was needed to look at the Zoning for the Central Business District CDB. He said if Chair Niman had been at the Planning Board meeting, he would have persuaded a number of Board members to support the RFP more strongly, and also said he thought some questions would have been generated that would have made it a better RFP.

He said the Council needed to talk more with the Planning Board, especially those Councilors who were most interested in economic development. He said he had found it puzzling that during his years on the Council, the Council reps on the Planning Board had been Councilor Needell, Councilor Carroll, and himself.

He said if there was a communication problem between the Council and the Planning Board, he thought the Planning Board needed to have someone like Chair Niman or Councilor Van Asselt there, to slog it out with the Board.

Chair Niman said he had been reluctant to go to Planning Board meetings in the past because he was concerned that members of the Council and members of the public would think he was trying to run things. But he said he would be more than happy to come to the next Planning Board meeting to talk about these issues.

Councilor Clark said he was not interested in jumping into Zoning changes. But he said he wasn’t sure they all understood what was currently on the books, and what the Zoning would actually give them. He spoke in some detail on this, and said they needed to figure out how they had gotten to where they were now in order to move forward. He said he didn’t think the Town had gotten what it was supposed to get, and said he didn’t want to make that mistake again. He said he thought this would be a valuable exercise.

Councilor Sievert said he agreed that the #1 goal should be to look at the downtown area, and to use the CBD RFP to help with this. He spoke in some detail on this, and said he hoped the RFP

would go forward. He also said he didn't think there was enough about the Council in the RFP, and suggested that the consultant should provide an analysis and summary for review by the Planning Board and the Council, and that they should work together, instead of having everything go to the Planning Board first.

He said it would be better to make this a joint effort so disagreements could be worked out ahead of time, and things could move forward. He said if the Planning Board was not in favor of the Council's goals, there was a problem, and there should perhaps be a new Planning Board. He said it was the Council that was setting the goals.

Councilor Needell said he suspected that the Planning Board wasn't aware of the Council's goals. He also said he didn't think the purpose of Chair Niman being on the Planning Board was to have a bully pulpit, so he appreciated what Chair Niman had said regarding his role on the Board.

Councilor Needell said he was disappointed that the RFP hadn't been sold to the Planning Board, and said an opportunity had been lost. He said he would like the RFP to get corrected before they moved on because otherwise things would get off on the wrong foot. He said he didn't think the Planning Board had a fundamental objection to the CBD RFP, but he said there needed to be a unified group, moving forward.

Councilor Mower said she had been at the April 15th Planning Board meeting, and said her interpretation of the Board's response to the CBD RFP was that some members felt the cart was being put before the horse. She said the other issue was concerns about the degree of clarity and specificity in the RFP, and said she thought this was a reasonable response by the Board.

She said she assumed that if the clarity and specificity issues had now been addressed by Mr. Campbell, the RFP might meet with the Board's approval. She also said a different way of explaining the rationale behind the CBD proposal might be helpful.

Mr. Campbell said he had been letting the Planning Board know that the RFP was coming, but said the April 15th meeting was the first time they had actually seen it. He said there were concerns expressed that they only got to take one look at it and it would then go out, but he said they had then made suggestions, understanding that this would happen.

Chair Niman asked if it would be possible to discuss both of the RFPs with the Planning Board at the Board's May 6th meeting, and Mr. Campbell said yes.

Councilor Carroll asked if the Planning Board's input had been incorporated into the CBD RFP, and Mr. Campbell said yes. Councilor Carroll said she would like to see things done in a linear way, working on the Master Plan and then the Zoning Ordinance, but said there wasn't enough time for this.

She said a question was whether the Zoning was in place to address the new buildings that were proposed downtown, and to provide the environment the Town wanted to be created there. She said she felt the Town was behind already in addressing this, and might wind up with something

they didn't want. She said a few mistakes could do the downtown in.

Councilor Carroll noted that there wasn't anything in the CBD RFP on energy issues and sustainability principles. She said they should get a consultant who had expertise in these areas.

Councilor Clark said he wondered if it would be possible for the consultant working on the CBD project to address the larger planning context, and that the report could essentially summarize the steps in goal #1, and to provide zoning recommendations to help make it happen.

Administrator Selig described the process that had unfolded so far. He said as part of this, the two RFPs were developed, and said Councilor Clark had subsequently brought forward the idea of a strategic plan. He said his thinking was that 1b, regarding a more detailed strategic plan for the CBD and downtown commercial core, could be incorporated into the Master Plan update.

Councilor Clark said he was hoping that the strategic plan would be lot more immediate. He said he was frustrated that they couldn't figure out how to articulate a quick vision of how the Master Plan could be applied today, get the Zoning to back it up, and get to work on it

Administrator Selig said he didn't view the Planning Board as working consciously against the focus of the Council. He said it was just that the Board had a slightly different focus, responding to applications, etc., and said he wished the Board had more resources so it could do more long range planning.

He said the Council wanted to move ahead now, so consultant(s) were being brought in to help. He noted that Board member Steve Roberts had said it might be better to bring in one consultant, who could try to work with the Town on strategic planning, as well as on possible Zoning changes and updating the Master Plan, so it would be a more seamless process.

Administrator Selig said the Planning Board had dedicated members who gave a lot of hours to the Town. He said the Zoning rewrite process had taken several years, and the Board had learned some lessons from it, including wanting to integrate Zoning recommendations into the Master Plan update process.

Councilor Van Asselt said he supported moving forward with the CBD RFP, and waiting to have the Master Plan RFP brought back to the Council in a few weeks.

Councilor Mower suggested that under the scope of services in Task 1 of the CBD RFP, the report of the Mill Plaza study committee should be included. She said a lot of interesting work had been done on it, and some Zoning inadequacies and opportunities may have been identified. She also said there had been community participation and buy-in as part of this recent planning process.

Councilor Sievert said he didn't think the Planning Board didn't know what the Council's goals were, stating that the list of goals it was about to adopt weren't that much different than they previously had been. He said the if the CBD RFP didn't go forward that evening, the Council should go to the next Planning Board meeting, have a joint meeting with them, and then get the

RFP out on May 7th.

Councilor Needell said the Council had provided clear direction that it wanted to move forward with this RFP, but said he didn't want the RFP to come back to the Council until Administrator Selig and Mr. Campbell brought it back to them. He also said he was opposed to the Council making Zoning Ordinance changes, and would oppose that. He said if the Council thought the RFP was ready, he wouldn't stand in their way, but said he wanted the Planning Board to work on it and bring it back to the Council.

Councilor Van Asselt disagreed and said if the Planning Board didn't have the vision to move this forward, he asked why the Council shouldn't pick it up and do something with it.

Councilor Needell said he was not willing to look at Councilor Van Asselt's vision and direction more than the Planning Board's. He said if they determined that no Zoning changes were needed, he would weigh that against Councilor Van Asselt's perspective.

Councilor Carroll noted Councilor Sievert's suggestion about meeting with the Planning Board. She said although she would like to see the RFP move along, she would rather do things more in agreement with them.

There was further discussion.

The Council stood in recess from 8:50 to 9:00 PM.

Chair Niman said the default position was that the CBD RFP would be moved forward by Administrator Selig. He said if someone would like to change that, a motion to that effect would need to be made. He said his sense was that Councilors didn't want to move the Master Plan RFP forward until the Planning Board's review was complete.

Councilor Needell noted one comment he had concerning the Master Plan RFP. He suggested that the use of the words "will" and "shall" should be reviewed, to be sure this was consistent throughout the document.

Councilor Mower noted again that as part of the CBD RFP, Task #1 should include a review of the report done by the Mill Plaza Study Committee.

Chair Niman said that made perfect sense.

Councilor Van Asselt asked if it was correct that there wasn't an ending date for the CBD RFP.

Administrator Selig said that was correct, and noted that he had previously told the Council that this was something they were going to talk to the consultant about.

Councilor Mower suggested that it be communicated that the ending be sooner rather than later.

Councilor Sievert said he agreed with a Planning Board comment that the minimum # of

meetings should be put in the CBD RFP, along with the cost for additional meetings, so the RFPs received would be consistent concerning this.

Councilor Mower said she would like there to be buy-in from the Planning Board, and said having a joint meeting was a good idea. She asked how other Councilors felt about this.

Chair Niman said he thought Councilors should be invited to the May 6th Planning Board meeting, to discuss the RFPs.

Councilor Clark said he had no problem with the CDB RFP as written. But he asked if there could be a third RFP to create a vision and a strategic plan. He said he would like the strategic plan to happen faster

Administrator Selig said the plan had been to do this as part of the review of the Master Plan. He said perhaps instead, it could be woven into the CBD work to add breadth and scope to it, and a time and materials approach could be used. He said this could then inform the Master Plan discussions.

Councilor Clark and other Councilors said that approach would be great.

XI. New Business

- A. Shall the Town Council approve and authorize the Town Administrator to sign an agreement between the Town of Durham and the State of New Hampshire Division of Historic Resources relative the Wiswall Bridge project?

Mr. Cedarholm said the Town was close to putting the Wiswall Bridge out to bid, and had just gotten final approval for the wetland permit. He said consensus had been reached among the various parties on a memorandum of agreement to mitigate the impact of removing the old bridge, and said the Council would be the final signer of the agreement.

He noted that an easement had been negotiated with the Curtis family for an approximately 1500 sf area on the upstream side of the abutments, since the northwest toe slope of the new bridge's west approach extended slightly onto their property.

He provided details on the historic elements of the project, and noted that it had been determined that abutments of the existing bridge were eligible for listing on the National Register of Historic Places. He said it had also been determined that the river crossing was a contributing element in a potential historic district that included the Wiswall Historic Mill Site, the Wiswall Dam and some residential structures that housed workers of the original Wiswall Mill. He said a consultant would be selected to help design an interpretive display that would document what the bridge had meant to the area.

Mr. Cedarholm said the railing for the new bridge would be aluminum, similar to the railing on Packers Falls Bridge, but said it would be a natural gray color. He said the approach railings would be W rails.

Councilor Needell asked if this was the last time the Wiswall Bridge project would come before the Council.

Mr. Cedarholm said he would come back with the bids, and said it was hoped the project would be awarded in June, and that construction could then start right away. He said it looked like Economic Stimulus funds would pay for 100% of the Town's portion of the bridge, He noted that NHDOT was anxious to get the Bailey Bridge out, and said once construction started, the area would be closed for about a year. He noted that the Lamprey River Advisory Committee had offered to pay \$8,000 for the Town's portion of some of the mitigation work.

Councilor Carroll said it was nice to see local groups stepping forward, and said they deserved a thank you. She also thanked the Curtis family for making the easement process so easy, and not charging the Town for anything other than to cover the fees.

Councilor Mower said Dick Lord was owed a thank you for raising the issue of historical interest in the dam and surrounding area.

Councilor Smith MOVED to approve and authorize the Town Administrator to sign the Memorandum of Agreement, the NHDOT Right-of-Way Certificate, and the Curtis Easement with the State of New Hampshire Division of Historic Resources relative to the Wiswall Bridge project. Councilor Sievert SECONDED the motion, and it PASSED unanimously 8-0.

X. Unfinished Business

- A. Public Hearing regarding the adoption of a Community Revitalization Tax Relief Incentive program under the provisions of RSA 79-E.

Councilor Carroll MOVED to open the Public Hearing regarding the adoption of a Community Revitalization Tax Relief Incentive program under the provisions of RSA 79-E. Councilor Sievert SECONDED the motion, and it PASSED unanimously 8-0.

No members of the public came forward to speak.

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

There was discussion that this could be put on the May 4th Agenda, and if necessary, would be moved up to the May 18th meeting.

Councilor Mower MOVED to request that staff craft a resolution for Town Council approval that would adopt the provisions of RSA 79-E relative to the Community Revitalization Tax Relief Incentive Program. Councilor Clark SECONDED the motion.

Councilor Needell said he was not sure why there had been a lack of input on this issue. He said he had no particular objection to this as a tool, but said the devil would be in the details. He said it would be interesting trying to evaluate projects. He asked if the SAE fraternity renovation that

had taken place would have qualified for this program. He noted that the concept of “public benefit” was a broad term.

Chair Niman said he thought this would apply to fewer properties than one might think. He said the Houghton Hardware wouldn’t qualify because the existing building was being torn down.

There was discussion of whether the Henderson project would have qualified. It was determined that it wouldn’t have qualified because the new development would wrap around the existing building.

Councilor Needell said he had been thinking of larger projects when this came forward. He noted that Councilor Van Asselt had said there would be more of the smaller projects. He said a question was whether there was sufficient incentive for those types of projects.

Councilor Van Asselt said he didn’t think so, and didn’t see this being used.

Councilor Smith asked if there was a description of Durham’s “community core”.

There was discussion that the downtown “commercial core” was defined in the Master Plan. Mr. Campbell said it encompassed the CB District, the Professional Office District, the Church Hill District, and the Courthouse District

Councilor Smith said that meant that a project to rehabilitate Red Tower could receive some tax relief.

Councilor Clark said there were a lot of facades in Town all the way up Church Hill, as well as on Madbury Road that were in desperate need of makeovers. He said this tax program might make sense for them, and said instead of doing a \$200,000 makeover, a developer could do a \$1 million makeover of some of these buildings.

Councilor Mower asked if “public benefit” will be loosely determined, or would be defined. She said this was a very interesting aspect of the process, and asked if the Council could choose some criteria for this.

Administrator Selig said the Town could create a guide for this. He also noted that the Statute was so new that there wasn’t much of a track record yet.

The motion PASSED unanimously 8-0.

- B. Shall the Town Council approve the extension of the Purchase and Sale Agreement between the Town of Durham and Chinburg Builders, Inc for the Durham Business Park as recommended by the Town Administrator?

Administrator Selig noted a previous conversation by the Council on this issue, and said after that meeting, he had met with Mr. Chinburg, and received feedback from him regarding the comments expressed by the Council. He said as a result of this, some additional language had

been crafted for the existing agreement, and said it made sense for the Council to speak with Mr. Chinburg at this point.

Councilor Sievert recused himself and left the table.

Councilor Van Asselt said he thought the additional wording in the agreement was fine. But he said he didn't understand why Mr. Chinburg was willing to take this approach. He said it seemed that the Town could change the Zoning of the Business Park during the contract period, and if it did, and Chinburg Builders had developed part of the property, it would have vested rights but would have to meet the requirements of the old Zoning.

Mr. Chinburg said he had come up with the concept of doing a Nubanusit residential housing development at the site if he continued to be unsuccessful in finding a commercial user. He said he had therefore thought it was fair that if the Zoning was changed to allow the residential use, it was only fair to allow an RFP to go out to other developers.

He said he had invested substantially in the current project, but was not sure it could be successful within the next few years, as the property was currently zoned. He said if he was going to remain vested, and continued to look for a commercial use, and concurrently the Zoning changed to allow this denser residential use, at that point he would get the benefit of that Zoning as well. He spoke in further detail on this.

Mr. Chinburg said if someone wanted to put in a medical office building and the application process then started, he would be spending serious investment dollars. He said at that point, he would want to know that if the Zoning changed to allow the residential use on the parcel, he would be the sole beneficiary of that change in use. He said he thought that even if the commercial use came in, it would still make sense to put in a residential development at the end of the pod.

There was further discussion. Mr. Chinburg said his ideal scenario was to find a commercial user to develop on the site, and meanwhile, the Town expanded the Zoning to allow the residential use and he got to do the project. He said he thought this would be a win for everyone, and noted that it would be the quickest thing.

Councilor Mower confirmed that the design guidelines for the Business Park were still in effect, but would be revisited if the Zoning changed.

Councilor Needell asked if there seemed to be any hope of any development at the Business Park within the next year.

Mr. Chinburg said he had initially thought that the anchor use of the property would be elder care, but said a development of that kind was built in Dover, and then the credit market closed up which meant that some smaller commercial users couldn't get the credit they needed. He said he was hopeful this would be changing, and said this was more likely, going forward, than it had been previously.

Councilor Needell asked if Mr. Chinburg was comfortable that a grander concept for the property wouldn't be in conflict with the purchase and sale agreement.

Mr. Chinburg said he envisioned being able to do both, and provided details on this.

Councilor Van Asselt asked what the Town could do to help Chinburg Builders move forward, in terms of the Zoning requirements and perhaps the financing.

Mr. Chinburg said at one point there had been discussion on having a public building on the site, as an anchor to get development started. He noted that he had previously done some private public partnerships, and said he was open to those ideas. He said the biggest impediment to developing the site was the current Zoning, and explained that commercial uses there weren't competitive because cheaper commercial space was available at Pease and in Dover.

Councilor Carroll asked what was happening in regard to the access issue.

Mr. Chinburg said the amount of commercial space the company could put in was less than had been hoped, given the access issues. He said the amount of residential space allowed was greater because it generated fewer trips per day, and said his housing product could be done on the site.

He noted that Councilor Smith had had some creative ideas for addressing the access issue, and said he thought the idea of using Piscataqua Road and some Town land and University land as part of the main access to the property was for the longer term rather than the short term.

Councilor Mower said she wondered if there had been any discussion on comparable benefits to the tax base of commercial uses, residential uses or a mixed use development.

Mr. Chinburg said for 40 units of energy-efficient residential co-housing, the value would be between \$8-9 million. He said these would be smaller units, with common areas, and said they were not the type of housing where children would be typical, so the tax impacts would be minimal and the tax benefits would be greater. He said the value from commercial development on the site would be about \$4.5 million, and said this estimate was on the high side.

Councilor Carroll asked Mr. Chinburg about his interest in this innovative type of residential housing.

Mr. Chinburg said he had been doing energy-efficient, smaller housing in recent years, and said there was interest in it, even in the present market. He said the thought was that amenities like boat access; narrow roads for pedestrian access along with centralized parking; and an area for communal gardening would be appealing in Durham.

Councilor Carroll asked whether there would be affordable units.

Mr. Chinburg said he could see having some units there in the \$240,000 price range, and noted that he had provided some affordable units like this as part of a development in Exeter.

Councilor Carroll said this sounded realistic for Durham. She noted the relatively high prices at the Nubanusit housing development in Peterborough, and said what Mr. Chinburg was talking about opened the door for people who liked the philosophy of this kind of development, but needed something more affordable than what was offered in Peterborough.

Mr. Chinburg said the company had a housing product that could sell for \$190,000, and noted that Exeter's Zoning Ordinance had provided enough of a density bonus to make this work. He also said a mix of affordable and other housing was needed in order to make a project work.

Councilor Carroll said she had talked with Exeter's planner a few years back, who said the Town had been very pleased with how the project had come out. She noted that she had provided information on this previously to the Council and the Planning Board, and also said that she had seen photos of the development, and she couldn't tell the affordable units from the other ones. She said this kind of development hadn't happened in Durham, and said it was an important concept.

Councilor Mower noted that the University was looking at the idea of doing a green development at Leawood Orchards, but was struggling with the economics of this. She asked Mr. Chinburg if he thought he could afford to build an affordable as well as a green development

Mr. Chinburg said all the units in Exeter were Energy Star certified, and he said the cost benefit analysis showed that they worked. He noted that they would be more expensive if they were completely LEED certified. He noted that he was looking at the idea of having a centralized geothermal heating plant as part of a residential development at the Business Park.

Councilor Mower asked if there was a way to incorporate some sort of more general public access as part of development of the site, so the community could benefit from that the beautiful river view as well.

Administrator Selig said this was envisioned in the RFP that Chinburg Builders had originally submitted for the Business Park. Mr. Chinburg provided some details on this.

Chair Niman said if it was the wish of the Council, they needed to move forward with the RFP. He said they also had to figure out how to take advantage of Mr. Chinburg's expertise in shaping the future use of the property.

Mr. Chinburg said he would be interested in doing this.

Chair Niman said if the Purchase and Sale agreement was extended, Administrator Selig and Mr. Campbell could get together with Mr. Chinburg and move forward with this.

Councilor Clark suggested that Mr. Chinburg should be put in touch with the consultant who was awarded the project to look at the CBD and commercial core.

Councilor Van Asselt MOVED to authorize the Town Administrator to enter into an agreement with Chinburg Builders, Inc. on behalf of the Town of Durham extending the

outside Closing Date of March 31, 2009, as set forth in Section 3.01 of the Purchase and Sale Agreement for the Durham Business Park between the Town of Durham and Chinburg Builders, Inc. by a period of one year. The Council also authorizes the Administrator to extend Sections 4.02, Approvals for Phase 1 of the Project, which ends on March 15, 2009, and Section 4.03, Buyer Financing, which ends on March 15, 2009, by one year. Councilor Smith SECONDED the motion, and it PASSED unanimously 7-0.

Councilor Van Asselt said he felt strongly about this project, and said he thought a committee was needed to have a series of meetings on the Zoning issues and some financing issues for the Business Park.

Councilor Needell said he thought this was an excellent suggestion.

Councilor Van Asselt MOVED to form a special committee comprised of a member of the Town Council, the EDC and the Planning Board, along with Administrator Selig and Mr. Campbell, to sit down with Chinburg Builders and talk about the future development of the Business Park.

There was discussion that energy issues should be addressed by this committee as well. Councilor Mower said she wanted to make sure it was explicit that energy issues would be taken into consideration. Chair Niman suggested that there could be a core group, and they could reach out to address other issues.

Councilor Smith SECONDED the motion, and it PASSED unanimously 7-0.

Councilor Needell MOVED to appoint Councilor Van Asselt as the Town Council representative to the Committee. Councilor Julian Smith SECONDED the motion, and it PASSED unanimously 7-0.

Chair Niman asked that this be brought up at the EDC meeting on Friday. Councilor Smith said he would speak with the Planning Board about it.

C. Continuation of Council Goals discussion

Councilor Sievert returned to the table.

There was discussion that goals 1, 2 and 3 wouldn't have numbers, and instead would have stars next to them.

Councilor Mower asked that the sustainability principles goal under 5 k. be moved up, so they could inform all of the goals. She also said she didn't feel this goal should fall under the goal of working with the University because it extended beyond this, including the work of the Town's Energy Committee. She suggested the following wording: "Work toward the adoption of sustainability principles that will inform town decision-making"

Councilor Carroll said there should be an active approach to using the sustainability principles in

Durham.

Councilor Mower said she thought goal 1 h, “Facilitate various development and redevelopment projects..” was too broad, and Chair Niman noted that more specifics on this were fleshed out in other sections of goal #1.

Councilor Carroll recommended re-instating goal #12, “Enhance affordability for Durham’s senior citizens.”

There was discussion that the intention was not to strike the elderly exemption, but that it should be part of a larger goal of enhancing affordability for all Durham citizens.

Councilor Carroll said there were very few ways that senior citizens on low fixed incomes, without a lot of assets, could get help with their property taxes. She noted that when she had previously been on the Council, she had tried to reach out to those residents, and said she and Councilor Van Asselt had worked on this. She said it was a minority that needed a voice, and said the Council could rise to the occasion. She strongly encouraged the Council to reinstate goal #12 as previously written.

Councilor Clark suggested that this goal of enhancing affordability should have some bullets, so that senior citizens as well as other residents like families with school age kids could be included. He also said he thought the intent of this goal was not just to provide tax relief, it was also to look at various ways to make living in Durham more affordable. He said he thought the Council needed to talk about the intent of this goal.

Chair Niman agreed with the formatting Councilor Clark had proposed.

Councilor Carroll said she thought having bullets under the goal on affordability was a good idea. She also said if the Council accomplished some of its other goals, this would help stabilize residents’ taxes.

Administrator Selig said he would add seniors back to this goal, along with ideas like broadening the tax base, and creating workforce housing that would attract young families.

Councilor Clark noted that the Energy Committee had discussed the idea of having a cooperative, where homeowners could buy solar panels, get insulation improvements, etc. He said there could be real buying power with such an approach, and said this would create some affordability while also helping homeowners in other ways, and would also help the Town’s tax base. He said affordability could come in a variety of ways.

Councilor Mower noted that Code Enforcement Officer Tom Johnson had made some great suggestions about insulation for older homes. She said the Town could explore a variety of other avenues for saving on energy costs.

Chair Niman said he would draft some language for the Council on the affordability goal.

Councilor Mower suggested that goal 1 d, “Support continued efforts to encourage Mill Plaza

redevelopment” should include the wording “based on the recommendations of the Mill Plaza Study Committee report.”

Chair Niman said he was not prepared to go that far. He said ultimately, the redevelopment of the property was up to the owner

Councilor Mower said on the other hand, the Council had formed a committee and had accepted its recommendations, so presumably there was some value to that process. She also said the community had expressed some support for it. She said she was not suggesting that the owner of Mill Plaza had to be tied to this, but that many attempts be made to encourage consideration of that report in discussions.

Chair Niman said the Council had accepted the report, and that was the choice of the Council at that time. He said if someone wanted to create some stronger language, there should be an Agenda item on this, the report should be studied, and a vote could be taken to see if the Council wanted to make this a Council goal.

Councilor Clark said it would be important to find out why not much had happened, and also to be sure the report would be aid and not an obstacle.

Chair Niman said he hoped the consultant would be able to shed some light on this.

There was discussion on 1 j. “Evaluate architectural standards for downtown core.”

Administrator Selig said his concern about having architect standards was that the Town was just starting to see development downtown, and if these standards were mandated, this would inhibit development.

Councilor Mower asked about having guidelines instead, and Administrator Selig said he would like the consultant to provide the pros and cons on this.

Councilor Mower said there should be a downtown that worked well as a comprehensive whole.

Councilor Van Asset said he didn’t have a problem with the language on this goal, and said it should remain as “Evaluate architectural standards”, and not “Support architectural standards”.

Councilor Mower said there should be a discussion on whether there should be standards or guidelines, and said the Planning Board should have a discussion on this as well.

Chair Niman said he liked the word “evaluate” , which addressed what he would like to see the consultant do. He spoke in some detail on this.

Councilor Needell said ideas had been floating around about 1 f. “Support continued discussion concerning potential downtown location for new UNH Business School and UNH Performing Arts Center. He said he didn’t feel it was his goal that this be built in Durham, but said he did feel it was his role to help consider whether this kind of development would work

There was discussion that the words “Facilitate continued discussion...” concerning the Business School would be better. There was also discussion on whether the word “facilitate” should also be used in regard to the Performing Arts Center.

After further discussion, Councilor Needell said he would be happy if the wording stayed the same for everything other than 1 f.

Chair Niman said 1 f. would be changed to “facilitate”.

Councilor Sievert said he didn’t agree, and there was discussion.

Councilor Clark said the broader point was the idea of facilitating more mixed uses that diversified the downtown and had a higher economic potential.

Councilor Mower said that under 2 a, it would be better to say “additional housing” rather than “additional student and affordable housing.”

Councilor Carroll suggested that goal #13, regarding maintaining the integrity of Durham neighborhoods, should include wording “and other initiatives.” She noted that the neighborhoods themselves were looking at other initiatives they could take, so this goal would acknowledge that.

There was discussion on the wording regarding trash abatement under goal #13. Councilor Van Asselt said including trash abatement in goal #13 was too specific and was not relevant in the context of that goal.

Regarding goal #10, Councilor Smith said he would like to see some land use change tax funds used for maintaining some of the land the Town owned. He said as currently expressed, it only addressed acquiring land or easements, and not maintaining those the Town already had.

Chair Niman agreed that it would be nice to use LUCT money for those things, and would support using the money to do those things. But he noted that this was under the control of the Conservation Commission, and said he didn’t want to set a goal that said how the Commission spent the money in the fund.

Councilor Smith said the goal could say the Council would encourage the Conservation Commission to use some LUCT funds for maintenance. He said if the wording wasn’t there, the Council would be tempted to remove those funds for other things.

Councilor Needell said he thought the message on this issue had been delivered loud and clear.

Chair Niman said when the Conservation Commission provided its annual report, there could be discussion on how the maintenance work was going.

Councilor Smith read goal #11, and said ensuring affordability was something the Council

couldn't do. He recommended instead saying "Engage the Oyster River Cooperative School Board in an effort to support educational excellence, while keeping control on the growing cost of education."

There was further discussion on the wording for goal #10 "Preserve open space, vistas, farmland, forest and conservation lands...." Councilor Mower asked if it would be reasonable to put in an acknowledgement of LUCT funds being used for stewardship plans.

Councilor Van Asselt said this had already been done, and provided details on this.

Administrator Selig suggested the following wording for goal #10 "Preserve and maintain open space, vistas," and Councilors agreed with this.

Chair Niman said he and Administrator Selig would incorporate what had been said about the goals that evening, would get rid of the numbers for them, and would bring them back for adoption on either May 4th or May 18th. It was agreed that any additional wording changes Councilor would like to see should be sent to Administrator Selig.

Administrator Selig noted that under the Roundtable discussion, Councilors had said it could be continued at the end of the meeting.

Councilor Needell said he had read in a recent legislative bulletin that school building aid was currently not funded by the State, and said this could have a significant impact on taxes.

Administrator Selig spoke in some detail on this, and said he was sure that it would not fall between the cracks. He also noted that the State Budget changes would cost Durham about \$200,000, which was better than the \$800,000 that had previously been discussed.

Councilor Smith MOVED to extend the meeting beyond the 10:30 pm adjournment time. Councilor Needell SECONDED the motion, and it PASSED 7-1, with Councilor Sievert voting against it.

Councilor Smith said he would like to discuss the issue of how to make the best use of the time at the public hearing on the Oyster River Dam and Mill Pond.

Councilor Needell said if invalid claims were made at the hearing, they would have to be addressed. He said people should be allowed to speak, and would correct each other if needed.

Councilor Smith said a question was what to do when it was known that a piece of information was erroneous.

Councilor Van Asselt said the Council could be told this at the next meeting, and it could then decide what to do with the information.

Councilor Mower said the corrections would come in the Council's discussion afterward.

Chair Niman said the Council could chose to ignore the erroneous information, as not relevant. Councilor Carroll said she thought the information could be corrected as part of the discussion.

Councilor Van Asselt said Chair Niman should remind Councilors at the hearing that they shouldn't debate the comments made by members of the public.

Administrator Selig noted that the Town had put a lot of good information online on the various issues involved.

On another issue, Administrator Selig said he was troubled by Mr. Hall's constant expressions of concern about Code Officer Tom Johnson, stating that he had investigated this matter and would be happy to make public his findings. He said the public got to hear one perspective on this issue, and said he didn't have the opportunity to present a factual version of what occurred. He said he wanted to support a staff member in this instance, although a citizen had the right to discuss the issue.

Councilor Van Asselt said the Council should just let this sit.

Councilor Clark said he wished there were a better way to resolve these kinds of situations earlier, and said he wondered if it would be better to have a meeting where Councilors listened objectively and made sure the resident was heard.

Councilor Van Asselt said the Council had heard both sides, and said there was not a lot that could be done about the situation.

Councilor Needell said it was a troubling situation. He said he thought the complaint was handled appropriately, but said unfortunately, one of the parties didn't agree, and said he didn't know how to fix that.

There was further discussion.

XI. Adjourn

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

Adjournment at 10:41 pm

Victoria Parmele, Minutes taker