

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

**Durham Town Council Meeting Minutes  
Monday May 18, 2009  
Durham Town Hall - Council Chambers  
MINUTES**

**MEMBERS PRESENT:** Chair Neil Niman; Councilor Jerry Needell; Councilor Karl Van Asselt; Councilor Julian Smith; Councilor Peter Stanhope; Councilor Doug Clark; Councilor Diana Carroll; Councilor Robin Mower

**MEMBERS ABSENT:** Councilor Mike Sievert

**OTHERS PRESENT:** Town Administrator Todd Selig; Business Manager Gail Jablonski; Fire Chief Corey Landry; Public Works Director Mike Lynch; Town Engineer David Cedarholm

**I. Call to Order**

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

**II. Approval of Agenda**

*Councilor Smith Moved to approve the Agenda. Councilor Van Asselt **SECONDED** the motion, and it **PASSED** unanimously, 8-0.*

**III. Special Announcements**

**EMPLOYEE SERVICE RECOGNITION (20 YEARS)**

- Lloyd Gifford and Arthur Nutter, DPW
- Paul Marcoux, Fire Department

Chair Niman first read the certificates of appreciation for Mr. Gifford and Mr. Nutter. He then read the certificate of appreciation for Mr. Marcoux.

**IV. Approval of Minutes**

April 6, 2009

Date in footer needs to be filled in

Page 11, second motion on page, "There was no second made to this motion." should be removed from the motion.

Same page, above the paragraph reading "Councilor Van Asselt said both....", it should read "Councilor Stanhope **SECONDED** the motion."

Page 16, 5<sup>th</sup> paragraph from bottom, should read "Councilor Needell said he wanted to make sure whether a first reading of a Resolution on this program was necessary before

the public hearing.”

Approval of these minutes was postponed until the DVD could be reviewed.

April 13, 2009

Page 3, last paragraph, should read “..and perhaps exploring cooperative efforts with UNH as part of this.”

Page 5, 3<sup>rd</sup> paragraph, should read “He noted that the former Don Thompson property...”

***Councilor Van Asselt MOVED to approve the April 13, 2009 Minutes as amended. Councilor Clark SECONDED the motion, and it PASSED unanimously 8-0.***

**V. Councilor and Town Administrator Roundtable**

Councilor Stanhope spoke about the letter that had come to him, which dealt with the issue he had raised in the past regarding the performance of the Town’s Code Enforcement Officer. Councilor Stanhope said Administrator Selig had said he had followed up on this issue, but he said that effectively the Town Administrator was the head Code Officer, so in a sense was investigating himself in following up on the Code Enforcement Officer.

He said that based on a number of concerns expressed about enforcement in Durham, the Council should put this matter to rest once and for all. He said this wouldn’t happen unless someone outside of the Town Administrator and outside of the Town, such as an ombudsman, looked into this. He said he respected Administrator Selig’s work, but saw a conflict of interest in this situation.

Chair Niman asked for more specifics on what such a person would be looking at, and Councilor Stanhope said the person should look at whether code enforcement was being carried out within the standards of that profession.

Councilor Needell said the letter Councilors had received was far more specific than that, and was in regard to an event that had taken place. He also asked if the request coming forward to the Council now was specifically from Councilor Stanhope.

Councilor Stanhope said the request was coming from him, and said the specific event referenced in the letter could be considered as part of looking at the larger issue.

Administrator Selig said the Town Charter was clear that it was the Town Administrator who supervised the departments of the Town. He said Councilor Stanhope was accurate that the Zoning Ordinance designated the Town Administrator as the chief code officer. But he said there were other sections of the Zoning Ordinance and said by practice he hired someone to fulfill those tasks, which were outlined in the administrative code of the Town.

He said the challenge they faced was that while Councilor Stanhope’s enforcement perspective was safe, sound and sanitary, Durham’s codes in many instances went

beyond that. He said when concerns had been brought up, he had looked into them, and when necessary, he had brought in external counsel to assist him.

Administrator Selig said to date, he thought the Town had been fortunate to have a talented, well-educated individual carry out the task of code enforcement. He said the Code Officer did this regardless of who was involved, and did it thoroughly. He noted that the Code Officer was hired when there was grave concern on the Council that there was insufficient and inequitable enforcement going on in Town, and said he believed that the enforcement going on today was very consistent.

He provided details on this, and said there tended to be very little fact to identify specific areas where enforcement had been carried out to a degree that was not appropriate. He said he was committed, if the Town regulations required more in a particular instance than was required by the State ordinances, to take this up. But he said someone needed to come forward and lay that out.

He said Town staff had tried to strike up a dialogue with the business community, and said the Code officer had been a part of this. He noted a concern expressed that some people were afraid to bring forward their concerns regarding code enforcement.

He said he would look into these concerns if people brought them forward, and would bring in an external party. He said the Code officer had worked in the community for many years, and said there were bound to be people who were not happy with this enforcement. But he said the Town was bound and required to enforce the Ordinance that was in place.

Administrator Selig said that regarding the specific instance mentioned, if the Council wanted to discuss it, this would be something it should talk about in a non-public setting. He stated that he had already apprised the Council of the results of his investigation on this issue, and noted that he had consulted with outside parties to look at this, and that the Council had the results of that analysis. He said he had not found the need to date to bring in an external party to do the kind of comprehensive review that Councilor Stanhope had outlined.

Councilor Needell suggested that this discussion should be continued under New Business. He said he did not support this request, and said if Administrator Selig would be taking direction on it, this direction needed to be explicitly given by the Council later at the meeting.

Administrator Selig clarified that the Council could provide him with guidance but not direction.

Chair Niman said the Council would do as Councilor Needell had suggested, and would continue the discussion later in the meeting.

Councilor Mower said the Energy Committee was continuing its work on the Energy

Chapter of the Master Plan, and she noted that there were other towns in NH working on energy chapters. She also said the Committee and others in Town had visited the new student housing project, which was the first geo-thermally heated building in Town and also included various energy efficient features. She said the development might be included in a tour the Committee was putting together of energy efficient buildings in Durham.

Councilor Mower said there had been discussion at the meeting about the idea of having a community-wide effort to install solar hot water panels on homes in Durham, similar to an effort in Plymouth, NH.

Councilor Carroll said the Integrated Waste Management Advisory Committee had focused for the spring on educating residents on composting, and encouraging those who were not doing this yet to do so. She noted that the lobby of the Town Hall displayed some different kinds of composters, and also said members of the IWMAC had presented this to the Garden Club. She said composters had been purchased by 32 residents so far.

She said another project the Committee was researching was how much trash was generated per capita in Durham.

Councilor Carroll said she had attended the recent DCAT Committee meeting. She said the Committee planned to spend some time reviewing its policies within the next few weeks. She noted that retired ORHS teacher Dick Tappan had just written a book and had approached the Durham community about getting the word out about it. She said a policy question for the DCAT committee was whether this could perhaps be done in part through DCAT.

She said another discussion at the meeting had been how DCAT could be helpful to the business community by providing a bulletin board. She provided details on this. She noted that the DCAT Chair person was Diane Thompson who had once been the president of the League of Women Voters in Durham. She said Durham was lucky to have her back in Town.

Councilor Clark said the Economic Development Committee was working hard on its strategic plan. He also said the EDC had completed a SWOT (Strengths, Weaknesses, Opportunities, and Threats) analysis the EDC had already done, to see how other local committees might be able to contribute to economic development around Town. He said the EDC hoped to see some real progress on that within the next few months.

Councilor Carroll suggested that in order to save some paper, Councilors could use the Internet to view the agendas of other town committees instead of receiving paper copies of them.

Administrator Selig noted the discussion in his Friday Update on the Durham District Court and the use of the Grange property.

He said he would be holding an orientation session for chairs and vice chairs of the various Town boards, commissions, and committees on Wednesday, June 3, 2009 from 7:00-8:30 PM in the Council chambers at Town Hall. He said they would go through various issues, including the Right-to-Know law, and also said this was an effort to improve communications between committees. He also a board appreciation event at the Hickory Pond Inn was being organized, and would be held in mid June.

Administrator Selig said the Memorial Day Parade would be held on May 25<sup>th</sup>, and provided details on this. He said Town Councilors were invited to march in the parade.

Administrator Selig said Durham Day would be held on Sunday, September 20, 2009 from 12:30-4:30 PM at Wagon Hill Farm.

He said the deadline for the advertised Parks and Recreation Director position was May 31<sup>st</sup>. He also said one Councilor was needed to serve on the Wiswall Bridge Committee.

Administrator Selig said the Public Works Department had done a great job in going after federal stimulus money, and was currently tied with the City of Rochester for the most projects awarded. He noted that he had found out that evening that the Spruce Hole project had received \$445,000 in funding. He also said the Town was expecting an award of an additional \$200,000 in Brownfields money, and if it received it, the Town would have received more money under the stimulus program than any other town in the state.

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

**Marion James, 4 Wood Road**, said she had lived in Durham her whole life. She said the Oyster River Dam should be saved for several reasons, one of which was its technological importance, as the first Ambursen dam in New Hampshire. She noted that the towns of Bath and Haverhill New Hampshire had been able to re-construct their historic covered bridges.

Ms. James said there was a time when people had been able to walk up the river, and also said the dam had been very important to the woman who gave the dam to the Town. She pointed out that the dam was in the Historic District, and asked what a change in geography would do to that district, and how this was legislated. She said the HDC had the power to legislate on the dam, and could save the dam because it was an historic structure.

**Bill Hall, Smith Park Lane**, said this was the 7<sup>th</sup> meeting where he was there to speak about Code Officer Tom Johnson. He said Mr. Johnson enforced the code, but had tried to do more than that with him, and didn't have the authority to do this. He spoke in detail on this, and said Mr. Johnson's actions had been overbearing and illegal.

Mr. Hall said the launching ramp at Jackson's Landing, which was too short, had been discussed at the recent Conservation Commission meeting. He said he wanted to see enlightened people deal with the launching ramp issue.

**John Kraus, 7 Cutts Road**, under the title of *Save the Frogs*, gave a satirical commentary of the dam and pond issue from the perspective of frogs living in the pond. The frogs feared dredging the pond since the dredge would hurt them. And the frogs noted that apparently the people who talked about the pond habitat and praised its wildlife didn't really mean it since these people also wanted the pond dredged. The frogs called this disingenuous self-interest - "hop-ocracy."

**Derek Sowers, 32 Oyster River Road**, said the decision on the dam and Mill Pond wasn't necessarily about removing or repairing the dam, and was about getting better information and making a decision that was based on relative risks. He said a feasibility study that provided better information would explore the options, and he said there was no risk to the Town in doing such a study. He provided details on this.

**Andrea Bodo, 20 Newmarket Road**, noted that she was on the HDC, and provided the Council with a brochure on selective dam removal from NHDES's Dam Safety Bureau. She said the wording in this brochure said that when a dam was historically significant, dam removal might not be appropriate, and other alternatives may need to be considered. She also read wording in the brochure regarding possible funding for a dam project.

**Diane Freedman, Laurel Lane**, said the issue of invasive species if the dam was removed was paramount, and she spoke in some detail about the difficulty of dealing with this issue. She also said the idea of river restoration was not the same in all places where it was considered.

Ms. Freedman said the preliminary study being considered seemed already to be heading in the direction of taking out the dam. She said she was worried that doing this study was making that decision without seeming to make one. She also said she worried that delays in repairing the dam would be foolish if there was actually a need for repairs. Finally, she said even if the ultimate decision was to take the dam out, there didn't need to be a hasty decision on this.

**Steve Burns, 20 Newmarket Road**, said one of the really tough things in life was figuring out what the questions were that needed to be asked on a particular issue, and defining what a study on that issue should look like. He said he had been trying to find reports that had been commissioned by the NH Office of Energy and Planning Coastal Program, and noted that he had seen a study on the Winnicutt Dam that advocated the removal of the dam, but purported to be an objective study.

Mr. Burns said he found this shocking, and noted that the report had concluded that there was no public concern about removing dam. He said the lack of a response from the public on this issue showed that the wrong questions had been asked.

**Maury Borovick, 50 Mill Road**, said he thought further review of the dam issue was absolutely necessary. He noted that the Stephens Associates report didn't include an environmental assessment, including assessments of wetlands, hazardous or toxic

materials, or plants, animals, fungi, viruses, etc. He said he had read the report, and said there was no question that the dam was in serious disrepair and had been since 1999. He spoke in some detail on this.

He questioned why the report only addressed two possibilities, rehabilitation and decommissioning, and said he had no idea what the cost of dam removal would be if that approach was chosen. He said it would be a terrible mistake to make a definitive decision on this issue without getting a complete report on the environmental effects and costs of all three propositions.

**Bonnie McDermott, 80 Dover Road**, noted that she had spoken about UNH practices in the 1960s-1980's that impacted College Brook, after looking at an EPA information site. She said EPA had gone after UNH on three counts, one of which was for pouring mercury down the drain. She provided details on the materials tracking and management system that UNH was required to follow after that time. She asked if UNH would be required to pay for cleaning all of the chemicals out of the pond.

**Michael Schidlovsky, Newmarket Road**, said the scope of the dam issue went way beyond the dam itself. He said talk on restoring the river was fine, but he said nothing would be restored unless the flooding aspects of this issue were considered. He said he wanted to make sure the whole watershed was considered, along with how that watershed impacted what happened in the area of the dam, and what would happen to the water level if the pond was removed.

He noted that the flooding of the Lamprey River over into the Mill Pond catchment was not a natural event, and in fact was the result of a canal that was created but never completed. He said talk about restoring the Oyster River to its natural state was incomplete unless this kind of thing was addressed.

**VII. Unanimous Consent Agenda** *(Requires unanimous approval. Individual items may be removed by any councilor for separate discussion and vote)*

- A. Shall the Town Council approve closing a portion of Route 108/Newmarket Road and Route 108/Main Street to conduct the annual Memorial Day Parade to be held on Monday, May 25, 2009?
- B. Shall the Town Council approve a special event permit application submitted by Seacoast Growers' Association to conduct its Farmer's Market during the period June 1-October 5, 2009?
- C. Shall the Town Council schedule a Public Hearing for Monday, June 1, 2009 to raise and appropriate an additional \$550,000 for the 2009 Dover Road Wastewater Pump Station project?
- D. Shall the Town Council schedule a Public Hearing for Monday, June 1, 2009 to raise and appropriate an additional \$750,000 for the 2009 aeration blower project at the Wastewater

Treatment Plant?

- E. Shall the Town Council authorize the Town Administrator to sign the Town of Durham's 2009 tax warrant (1<sup>st</sup> half) and direct the Town Clerk-Tax Collector to collect partial payment of property taxes assessed on April 1, 2009?

***Councilor Van Asselt MOVED to approve Unanimous Consent Agenda items A-F. Councilor Mower SECONDED the motion, and it PASSED unanimously 8-0.***

### **VIII. Committee Appointments**

Shall the Town Council appoint two Council representatives to the Source Water Protection subcommittee formed by the Planning Board?

Chair Niman said he had attended his first Planning Board meeting, and said there had been discussion about the formation of the Source Water Protection subcommittee. He said he had been asked why there were no Councilors yet on the committee, and said he had responded that some Councilors had expressed interest in this issue, and perhaps there would be two members who would be interested in serving on the committee.

Councilor Mower said she would be interested in serving on the committee, and also asked whether there needed to be two Council representatives on it. She also said she saw this committee as something that the Planning Board owned, and that the Conservation Commission would provide input to as well.

Chair Niman said he had suggested two Council members because he was just going with the number others were using.

Councilor Clark said he thought it was a good idea to have Council representation on the committee through one Council representative.

Councilor Carroll said having someone on the Council serve on that committee was a great idea, but said she wasn't quite ready to volunteer for it right now.

Councilor Mower said she felt that she should be on the Committee since she had been actively involved in that issue.

Councilor Clark said he was interested in water resources issues as well, but was glad that Councilor Mower had volunteered to serve on the Committee..

Councilor Mower said from the Planning Board meeting, her understanding was that once the Source Water Protection subcommittee was formed, perhaps there would be funding to hire an independent professional to assist it with its work.

***Councilor Needell MOVED to appoint Councilor Mower to serve as the Town Council representative on the Source Water Protection subcommittee. Councilor Carroll SECONDED the motion, and it PASSED unanimously 8-0.***



## **IX. Presentation Item**

- A. Financial Report through March 31, 2009 – Gail Jablonski, Business Manager  
Administrator Selig said the Town's financial position continued to be strong.

Councilor Stanhope asked where the Town would historically be in terms of the snow removal budget as of March 31<sup>st</sup>, and Ms. Jablonski said in previous years it was about 60% spent by that time. She said the Town was currently at 80%, and then in answer to Councilor Stanhope, said there was a sufficient inventory of salt to get through to the end of 2009.

Councilor Van Asselt asked what Durham typically ran in terms of un-collectables, and Ms. Jablonski said the Town generally didn't run that high. She said in 2008, there was about \$400,000, but said Town Clerk Lorrie Pitt anticipated that the Town would get most of this in the end. She said the properties from 2006 that could possibly be deeded totaled approximately \$45,000. She said so far Durham was looking good, but said they would probably see something with the next tax bill, if it was going to happen.

Councilor Van Asselt asked where the Town went when the money didn't come in.

Administrator Selig said the fund balance could be used, and also said the Town could get a tax anticipation note.

Councilor Carroll said she had called Ms. Jablonski regarding this, and had been told by Ms. Jablonski that a tax anticipation note (TAN) probably didn't need to be brought forth, but that she might be back to the Council in a few weeks if residents held off on paying their taxes. She said the Town was right on the border of needing a TAN.

There was discussion that Goss International, which was the Town's top taxpayer, paid \$750,000 per year.

Administrator Selig explained that NH communities would be called to make mid term adjustments as the situation dictated. He said if necessary, the Town would cut back on projects that had been approved, in order to stabilize funding.

There was discussion about the funding situation regarding the Dover Road pump station. Ms. Jablonski said this project was put in the CIP for \$950,000, and a grant application to get funding for it was submitted. She said the Town was approved for \$750,000, but said the Town had gotten bonding for \$950,000 last year, so there was \$200,000 in bonding that wouldn't be needed.

She noted that with bonding, the funds couldn't be paid back early, and said a question was whether the \$200,000 could simply be re-appropriated to another project. She said the Town was working with a bond counselor on this issue.

B. Conservation proposal relative to Sprucewood development located off of Mill Road – Gregg Caporossi, Project Manager, The Trust for Public Land

Administrator Selig said the land involved was around the Spruce Wood development, and was the land the Town had spoken about with Jack Farrell and Dave Garvey. He noted that this land had been rezoned in 2008 to ORLI. He said the idea of a possible project was to work toward conserving several pieces of land, and as part of the process, to possibly work with UNH to identify a parcel closer to the town that could be developed.

He said he hadn't felt comfortable submitting a grant proposal concerning this until there had been discussion about whether this was a direction the Council wanted to go in. He said he had therefore suggested that Mr. Caporossi speak with the Conservation Commission, which he did. He said he was now here to speak with the Council.

Mr. Caporossi first provided an overview of the Trust for Public Lands and its efforts in New Hampshire. He spoke in some detail on the Coastal Region's resources and some of the resource issues it was facing, and said the TPL had conserved 1,621 acres in the region so far.

Phil Auger of UNH Cooperative Extension said the NH Coastal Program encompassed 46 communities, including the Great Bay watershed, all of Strafford County, part of Carroll County and part of Rockingham County. He said about 75% of the coastal watershed was still in a forested state, and said LANDSAT data indicated that while the density of population varied throughout the area, about 15% had been developed.

He said the tipping point in terms of impacts from impervious surfaces as a result of development was about 25%. He said over the next 15 years, it was expected that another 46,000 acres would be converted as a result of development. He spoke about environmental/natural resources impacts that had resulted from population growth in NH over the past several years, and focused especially on water quality impacts.

Mr. Auger noted that data on sensitive streams was now showing that there were impacts to in-stream life at less than 10% development. He said things started to slide quite rapidly between 10 and 25%, and said turning things back after that point in terms of in-stream life and water quality was quite difficult.

He next spoke about the Coastal Zone Management Plan, which was released in 2006. He said 75 Conservation Focus Areas had been identified in the plan, and said one of them was the Oyster River Core Focus Area. He then explained the significance of the Oyster River parcel as part of this focus area.

He said the parcel currently was subject to a 210 unit subdivision plan, and he spoke about possible water quality, habitat, traffic and other impacts from such a project. He said the multitude of natural resource values of this parcel had been recognized by various entities.

Mr. Caporossi spoke as well as about possible impacts from a 210 unit development, and said this was therefore a timely conversation to be having with the Town given the complex water issues it was currently wrestling with. He said the TPL saw two possible opportunities when it looked at this situation.

He said one was a conservation approach, which would involve fee acquisition of the parcel in question. He said this would be a public-private partnership that would make a great conservation project, but said it would fall short on a number of key elements that had been brought to the organization's attention.

He said a second, more comprehensive approach would be for the TPL to facilitate a land swap for the parcel closer to campus. He said this would be an opportunity for UNH and Durham to work together to achieve conservation outcomes while also creating economic development opportunities. He reviewed the steps that would need to be taken by the TPL and other interested parties at this point in order to pursue one of these approaches.

He said as part of doing a land swap, the TPL would work with the Town and the University to identify an alternative parcel that was more suited for development, ideally owned by the University, and closer to the campus core. He said this would reinforce many of the important attributes of the Durham and UNH master plans.

He said the conversations on this had so far been introductory, and said while some possible properties had been identified, the TPL was still in the preliminary phase of the conversation. He said the goal that evening was to begin the dialogue with the Town, and said ultimately the goal was to solicit support and feedback for the project. He said this would only work if all the parties could be in the room at the same time, to figure out what the priorities were and figure out a way to move this forward.

Chair Niman asked Councilors if they had questions for Mr. Caporossi and Mr. Auger.

Councilor Needell asked if the properties involved concerning a possible land swap were owned by UNH, or were privately owned.

Mr. Caporossi said the idea was to find a parcel that might be a better fit in terms of development, and where conservation and economic development could be achieved. He said there was some flexibility in terms of whether this parcel would be a University or privately owned parcel. He said there were a number of candidate properties that had been discussed with the University, including the West Edge parking lot.

Councilor Clark said it looked like doing a land swap would be a great idea. But he said the property in question was one of four pieces of land out in that area that would benefit from getting infrastructure, and he asked whether, if it was taken out in terms of development, this would diminish the opportunity for the other properties in the area to get that infrastructure and to be developed. He also asked Mr. Caporossi if he was thinking of those other parcels as well for a possible project in the future.

Mr. Caporossi said not necessarily. He said they were there to create an opportunity that the Town would want, and said if it was not something the Town was interested in, he would prefer to know that up front. He said the landowners were looking to see if something could be put together that would work for all the stakeholders.

Councilor Carroll asked Mr. Caporossi if he was currently talking to people at UNH about land parcels that might be available, and he said yes. She asked him to say more about the financing for something like this.

Mr. Caporossi said what would make this project stand out was a public-private partnership between the University, the Town, and private conservation groups to achieve some pretty remarkable economic development and conservation objectives. He said this would be a tremendous fit in terms of the Coastal Estuarine Land Protection grant program as well as the NHDES Source Water Protection program, given the proximity of the land to existing and future water supplies.

He said the Trust for Public Land would also look to the community for some local money, as well as private money. He said the goal of the TPL was to leverage federal and state monies to the fullest extent possible.

Chair Niman said Mr. Caporossi was referring to a 210 unit student housing development that would no longer be moving forward. He said the idea expressed was that if this project could be replaced, this would satisfy the Town's needs in regard to economic development. But he said he didn't share this point of view.

Mr. Caporossi said a concern the TPL had heard was that there was a lot of support for land protection as well as expanding the tax base, and said they were therefore trying to keep economic development and environmental protection front and center. He said that frankly, the land swap aspect made it a very complicated project, and said if this wasn't necessary to get the support the TPL needed from local constituents, they should talk about this. But he said he thought it would be a stronger project if there was both conservation and economic development.

Chair Niman said he had supported change the zoning of this area because there was so little land in Town where economic development could take place. He said the presentation on the needs of the watershed was interesting, but said he felt Durham had done its fair share of protecting the watershed, stating that over 50% of land in Town was under conservation or owned by the Town or UNH.

He said the challenge in Durham was that there wasn't enough land for economic development. He said it had been painful for some Councilors to make the decision to rezone last year, given the conservation values of that property, but he said there were limited alternatives. He said if 200 acres could be found that could satisfy both conservation needs and economic development needs, that was fine with him. But he said he was not aware of any private property of that size that could satisfy this requirement.

Mr. Caporossi said it didn't necessarily need to be the same amount of acreage, but did have to be able to support the same amount of development.

Chair Niman said that would be fine with him as well.

Councilor Needell said one thing that made this issue more confusing was the amount of University land, and the taxation issue if it was a University parcel that was developed.

Mr. Caporossi said this would be a privately owned entity, so it would fall under the taxable category.

Councilor Carroll described a scenario where if the UNH was interested and would move forward to make the land available at a parcel like the West Edge lot, a private company could build student housing there, and this would be taxable.

Mr. Caporossi said for that, the University and/or the Town would get that 200 acres subject to a conservation easement, which would expand the natural area of the University, and protect the Town's current and future water supplies.

Councilor Smith asked if the people who owned Spruce Wood would like another piece of land, and Mr. Caporossi said a more accurate characterization was that they had expressed a willingness to work with the TPL on an alternative strategy. Councilor Smith said his understanding was that this would be the case if the TPL could find them the piece of land to swap, and that the funding for this deal would reimburse the University for the land they were selling to the private developer.

Mr. Caporossi said the TPL would appraise the 200 acre property, and once they had identified a candidate parcel to be swapped, they would appraise that parcel and determine the difference in price, as well as how that would be funded to compensate one of the parties. He said this would be where the public-private funding would come into play.

Councilor Smith said in other words, this 200 acre parcel would no longer have potential for development; there would be a conservation easement on it or it would become University and/or Town property; and the potential private development of student apartments would be closer to the center of the University.

Councilor Stanhope asked why the land couldn't go back to private ownership once it was conserved, and once the land swap was completed. There was discussion on this with Mr. Caporossi and Mr. Auger.

Mr. Auger said they hadn't really given much thought to this given that the University owned so much of the land. But he said there could certainly be a discussion on it.

The Council stood in recess from 8:57 to 9:08 pm

**X. Unfinished Business**

- A. PUBLIC HEARING AND ACTION 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.

*Councilor Needell MOVED to open the Public Hearing 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. Councilor Clark SECONDED the motion, and it PASSED unanimously 8-0.*

There were no comments from members of the public.

*Councilor Stanhope MOVED to close the Public Hearing. Councilor Van Asselt SECONDED the motion, and it PASSED unanimously 8-0.*

Chair Niman said Councilor Needell wanted to split the motion to just include membership, and then to have a separate motion on changing the term lengths.

*Councilor Needell MOVED to correct Chapter 4, “Administrative Code”, Article IV, Section 4-18 of the Durham Town Code Administrative Code by removing one of the Council Representatives from membership on the EDC, and making the total number of members 5. Councilor Mower SECONDED the motion, and it PASSED 7-1, with Councilor Smith voting against it.*

*Councilor Van Asselt MOVED to change the terms to a mix of three and two year terms. Councilor Clark SECONDED the motion.*

Councilor Mower said while this was the wish of the EDC, she wasn’t convinced that this would solve the problems with attendance.

Councilor Needell said to him, a mix of terms in general was not a good idea.

Councilor Van Asselt said the Council had said that if a committee brought forward procedural things like this, it should be given a chance to use it. He said he didn’t see why the EDC shouldn’t be given the opportunity to try this and make it work.

Councilor Clark asked if this solution was proposed for other committees, stating that his sense was that this possible solution for attendance issues had been presented to the EDC.

Administrator Selig said the approach had been presented to the other committees, and one other committee had wanted to use it, so this was not a unique situation.

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

Administrator Selig noted that the Council was supposed to amend ordinances by Resolution, and he asked that there be a motion to act on the Ordinance that was proposed.

***Councilor Van Asselt MOVED to adopt ORDINANCE #2009-04 as presented 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 year terms. Councilor Mower SECONDED the motion, and it PASSED unanimously 8-0.***

- B. Continued discussion on Oyster River Dam project relative to options for river restoration/removal or repair of the Oyster River Dam at the Mill Pond located along Route 108/Newmarket Road

Chair Niman noted that the Council Communication contained two potential motions, and said his objective that evening was to come up with a course of action. He outlined the two potential courses of action: to negotiate a service contract with Stephens Associates for the engineering phase of repair of the dam, or direct the Town Administrator and staff to secure funding to do a pre-feasibility study. He said if there was a third alternative, he would like someone to raise it during the discussion.

Councilor Mower said there might be some confusion about the two motions. She said it had appeared to some members of the public as well as herself initially that the pre-feasibility study option was tilted toward dam removal. She said it should be made clear that this study would look at both dam repair and dam removal because there were issues that the Council needed enlightenment on for both of them. She asked if this was how others read this as well.

Administrator Selig said the challenge was that a lot was known about the impoundment and the dam, but there was a tremendous amount they didn't know about the situation if the dam was removed and the river was restored. He said while good information would be provided on both options, a lot of the questions posed in such a pre-feasibility study would therefore be in regard to dam removal.

Councilor Mower said a lot of the questions had to do with what was in the silt, as part of the issue of dredging. She said the health of the impoundment had to be addressed, and noted there were a lot of unanswered questions about the sediments in it, regardless of the fact that some core samples had been done a few years ago for a small section of the impoundment.

There was discussion about a possible language change for motion #2.

Administrator Selig said he, Mr. Cedarholm and Ted Diers of the NH Coastal Program had tried to structure the study so it would qualify for funding, noting that if it was

framed too broadly, the Town wouldn't be successful in getting a grant. He also said that while a pre-feasibility study would provide a lot of information and would shine some light on some threshold issues, people would then ask for additional information that could only be gained by additional analysis.

Chair Niman suggested that a sentence could be added to motion #2 to ease fears that because the Town was doing a pre-feasibility study, it was implicitly already making the decision on the dam. He said he hadn't made up his mind on the dam, and didn't know that he would have done so even after the pre-feasibility study was completed.

Administrator Selig said this study was not intended to lead to the inevitable conclusion of dam removal, but was intended to provide good data on threshold issues and deal breakers that needed to be considered up front. He said it would further inform the dialogue on things like contamination of the impoundment, and he provided details on this.

Mr. Cedarholm suggested wording "relative to critical/ primary issues regarding river restoration and repair of the dam". He said a concern he had was the structural integrity of the dam itself, including whether the concrete center was still in good shape. He said it would be worthwhile to take some core samples to determine this. He said doing this might help them decide whether dam repair would be very expensive, or would definitely be worthwhile because the concrete was in great shape.

Councilor Stanhope said his concern was the scope of questions for a consultant to answer, and said he didn't know if this could be accomplished for \$50,000. He said he didn't want to spend the money and get a series of very brief pre-feasibility conclusions. He noted that there had been a lot of conflicting testimony on a variety of issues at the public hearing. He said he didn't think the Council should go forward with this, even if it wasn't the Town's money involved, because he didn't think the money would be well spent.

Councilor Smith said he thought the Council should address itself to the issue that was before it last year, when Stephens Associates was hired to do a preliminary report having to do with the condition of the dam and what it would cost to repair it. He said the Council had heard from quite a few members of the public on this issue. He said 26 Durham residents had spoken on May 4<sup>th</sup> in favor of dam repair and only 7 residents had spoken in favor of dam removal. He also said 5 non-residents had spoken in favor of dam removal. He said among people who paid attention to issues in Durham, the sentiment leaned to repair of the dam.

He said doing something about the impoundment had been brought up increasingly in the last month or so, and became a large issue two weeks ago at the public hearing. But he said the fears that the impoundment was badly impaired was a straw man, and was introduced in order to move the Town in the direction of removing the dam.

He said removal of the dam and removal of the sediment would be expensive and time



consuming, and said the simplest and neatest thing to do was to vote to negotiate with Stephens Associates for the engineering to repair the dam. He said while the siltation in the impoundment needed to be addressed, it was a separate issue.

Councilor Van Asselt said Councilor Smith could certainly make a motion on this if he wanted to.

Councilor Carroll said she been at the public hearing, and had read the information that was available on the various issues involved, but said she would like to know where Councilors stood on these issues before starting to put motions on the table.

Councilor Needell agreed that this was the first time the Council had had the opportunity to share their opinions after having received information and input from the public. He said the difficulty for him had been being torn in different directions throughout the process so far, and he spoke in detail on this.

He said he couldn't envision how removal of the dam and restoration of the river could proceed in a reasonable way and not end up with something they really didn't want. He noted comments made by a resident about the manmade channel that contributed to the problems in the area. He said he had heard the ecological point of view on restoration from people he respected tremendously, and said part of him wanted to see information on this that he presently didn't have.

But he said when it came down to deciding what steps to take, he also thought it was tremendously unfair to burden the people who lived in that area with uncertainty on the future of the impoundment any longer than was necessary. He said if the Council decided to move forward with the study, the burden would be to get these people on board too. He said dam removal wouldn't happen unless a substantial part of the community, including those immediately impacted, could be convinced that this was really a good thing.

Concerning the dredging issue, Councilor Needell said it would be misguided to move ahead with any dredging without more information on the issues involved. He said a pre-feasibility study was an opportunity to learn more about the whole system in order to understand what would happen if it was changed. He said this information was needed whether the dam remained or was removed.

Councilor Needell asked if there was a rush to fix the dam, and said he didn't have a sense that there was. He said there were still a lot of questions in his mind about the right way to go, and he spoke further on this.

Councilor Mower asked if it would be possible to limit the pre-feasibility study to finding out about the sediments and the structure of the dam itself. She said if the decision was to repair the dam, these two pieces of information would be pretty important, and said they would also be useful if the decision was made to remove the dam. She asked how long the study would take.

Mr. Cedarholm said he would like the study to be completed by the end of the year.

Councilor Mower said she felt strongly that the sedimentation issue was real. She also said there were very strong arguments on both sides of the dam issue, but said she was concerned about the loss to the Town, if the dam were removed, of one of the few areas in Durham that residents could agree on, an area that was a beautiful gateway to the Town. She said if dredging was the only way to maintain the pond, they did need to find out more about the sediments.

Councilor Clark said the first question was whether whoever was doing the study was even capable of being unbiased and objective, and could evaluate both sides.

Administrator Selig said Town staff would find a company that would be able to do this.

Councilor Clark said there were a number of factors going into a decision on what to do with the dam. He said its history and the viewscape were easy to consider, but said it got murky when issues like sediments were considered. He said something needed to be done about that problem and its causes no matter what was decided regarding the dam. He said the Town needed a professional to give the Council some truly objective information on the reason why the water had degraded over the last century, and whether this was because of the dam or because of something up the river.

Concerning the issue of habitat, he said he was conflicted as to whether the objective was to accept what was there today, or to forget about that and restore the habitat to what it had been in the past. He said a question was what the shoreland would look like in its natural state, and what it would cost to achieve this. He said there was also the question of what the maintenance costs would be to keep the pond healthy, if the dam remained.

Councilor Clark said he would like to know more about some of the newer dams that could allow for some river flow while avoiding some of the negative impacts of dams. Concerning possible hydropower production, he said he realized that the dam couldn't be economically feasible in creating hydropower, but said he did believe that if the dam was restored, it could be used to power some Town properties. He said this could send a signal that the Town cared about these kinds of things.

Councilor Mower said it came down to facts and values, and said while the Council had received a lot input on values, more input was needed on facts.

Chair Niman said the facts might make the decision easy, and he provided details on this. He said it seemed that if there was more information available on the sediments, the concrete, etc, a lot of people in Town would feel more comfortable with the decision the Council made, because they would know why it was being made. He spoke in detail on this.

As an example, he noted the people who had a dream of a restored river, and said he didn't know if this was a fantasy. He said perhaps the study would show that this could

never become a reality, so they would then be able to come on board with keeping the dam and pond. He said with more information, perhaps a broader consensus could be reached on the decision that was made. He said this was why he wanted more information, and not because he wanted one option or the other.

Councilor Carroll said there were some facts, regarding the water quality in the pond and what was in the silt. She also said there were questions that would be asked with the study whose answers wouldn't make a difference to her. She said if the dam was removed, the pond shrank, and the Town got a river that looks like a stream, it wouldn't matter to her if it was 4 ft wide or 12 ft wide. She said she thought they should be clear on what factual information they wanted, and what was needed now. She said she thought there should be discussion on the health of the water that was coming down the Oyster River.

Councilor Carroll said she had been listening, reading and synthesizing information on these issues, and said she could not find sufficient reasons to remove the dam. She said she respected those who had come to the opposite conclusion, but said she didn't know what information the pre-feasibility study could come up with that would cause her to change her mind.

She said if someone said that 20 miles of river upstream would be restored if the dam was removed, and that the backwater ecology wouldn't be touched, she would listen differently. But she said those things weren't going to happen. She said she would remain open until the Council cast its vote on this issue, but said there were many reasons for leaving the dam in place, and that she couldn't see that there was sufficient reason to take it down.

Councilor Van Asselt said he agreed with four of Councilor Needell's comments. But he said he didn't care about the number of people who had spoken and the particular badges that they had worn. He noted that a month ago he had said the Town would never do such a thing, but said he had heard at the public hearing that there could be benefits from doing this. He said he therefore couldn't all of a sudden say that this was not an option.

He said he disagreed regarding the issue of the anxiety of neighbors, noting that he had experience with this because of a different issue he had been faced with in regard to his own property. He said that was life. He said if the study was done, and it came back with the most empirical evidence in the world, the room would still be filled with people who would say it wasn't true. He said he didn't know where the study would get the Council on several questions, because some people had already made up their minds, and said Councilors had to be prepared for this, no matter how fact-based the evidence was.

He said he couldn't imagine that there wouldn't be a feasibility study, and said he was willing to go with the sheet of issues Administrator Selig and Mr. Cedarholm had created. He suggested that Mr. Cedarholm could throw in the questions he had on the repair issues and costs, as part of the pre-feasibility study.

Administrator Selig said the Town could either use Stephens Associates for this, or they could use a subcontractor for the study.

Councilor Van Asselt said in this way, these kinds of answers could be obtained with the pre-feasibility study. He said he just couldn't imagine why they would need to move so quickly on something that had raised some valid concerns among people who knew what they were talking about.

Councilor Mower said there were many reasons why she would come down on the side of dam repair if the decision was made that day, despite the fact that she had learned a great deal about the benefits of dam removal in general, and not specifically for this river. She also said she respected greatly those who had weighed in on this side.

But she said a reason it was important to get more information was that it was the Council's job to make a decision based on facts as well as on values. She said it was important for the public to see this, and said otherwise it would increase divisions in Town. She spoke in some detail on this, and spoke about some incomplete information people had on the impacts, including cost impacts, of dam removal, the sediments issue, etc.

She said the dam and the pond were iconic, and said this was an emotional issue. She said younger residents hadn't seen the pond in its glory, and perhaps didn't see its recreational benefits and instead saw it as a burden to have to pay for down the road. She said these were valid points of view. She said having as much information, in a reasonable amount of time at a reasonable cost was the only choice they could make.

Councilor Smith said when he brought the issue up in February, Councilors said they wanted more information before discussing it. He said Councilor Van Asselt had said he had realized the benefits of dam removal at the public hearing, but said these benefits were made clear last fall when NHDES was in Durham regarding the dewatering of the pond. He also said they had been presented at the public information meeting.

He said he hated the idea of throwing more time and money into studying this issue until people lost hope that it would be resolved in a timely fashion. He said they needed to repair the dam and find out what could be done to improve the health of Mill Pond.

Councilor Mower asked Councilor Smith if there could be a combination of repairing the dam now and then trying to find out about the health of the pond.

Councilor Smith said he had said this earlier. He said they should repair the dam and should agree to begin this process that evening. He said and if there was going to be a study, it should be to improve the health of the pond, and to stop the tremendous amount of silt, etc., coming down College Brook and the Oyster River. He said the Town and the University were both complicit on this. He said if they took out the dam, one thing that would happen would be that there would be agitation to remove the reservoir in College Woods. He asked what the point was of having only a mile and a quarter of free-flowing

river.

Councilor Needell said if the perceived intent of the second motion in the Council Communication was to prepare for removal of the dam, he couldn't imagine that anyone was saying this should happen. He said he hadn't heard this from any of the discussion on this issue so far.

He said given what he knew right now, dam removal was hard to envision. He said he believed that head of tide dams should be removed whenever possible, but said this was a unique situation regarding a head of tide dam in terms of the layout of the backwater, etc. He said he hadn't heard anyone explain what removal and restoration here would be like.

Councilor Needell said he would be willing to learn more and listen to discussion on this, but said it was an uphill battle. He said right now, he still didn't have enough information to be able to make anything more than a political choice on the dam. He said he would like to see more information on what would happen after dam repair, and the long term implications of doing this. He said the study was the opportunity to get this information, and said as part of this, other options could be considered. But he said he didn't want to mislead anyone, including the funding agencies.

He asked if the letter of deficiency had been received, and if there was a rush.

Administrator Selig said the rush came out of the fervor that had come from the community about this issue.

Mr. Cedarholm said NHDES knew the Town was struggling with the decision on the dam, so was giving it some time to work this out, although it was anxiously waiting what the decision would be. He said he had asked the agency what the Town perhaps could do to stabilize the right soil embankment in the short term if the repair was put off.

Councilor Needell asked whether if the study was done, the dam repair work would not be done this year.

Mr. Cedarholm said if the feasibility study was done, the Town would need to do some temporary bank stabilization measures on the right bank.

There was discussion on whether a Councilor wanted to propose a motion.

Councilor Smith suggested revising the first motion to include moving forward with a study to see what could be done to improve the water quality of the impoundment and mitigate the silt problem.

Councilor Needell said he felt this would be unnecessarily restrictive. He said he would like to know what dam removal proponents thought would happen if the dam was removed, and he spoke in some detail on this.

Councilor Mower said this would answer some of the speculation on this.

***Councilor Smith MOVED to direct the Town Administrator to negotiate a service contract with Stephens Associates Consulting Engineers, LLC for the engineering phase of repairing the Oyster River Dam.***

***The motion FAILED for lack of a SECOND.***

Councilor Stanhope said his concerns remained that there wasn't sufficient funding to get the facts and answers that would change minds. He said most of the discussion on this issue had been social in nature, and said the head count was weighted by those who would be immediately impacted by a decision on the dam.

He said in fairness that he didn't feel there would be unique facts from a study that would change any votes on the Council. He said if the study was being conducted under false pretenses, he thought this was not appropriate. But he noted that there wasn't a second for Councilor Smith's motion. He asked what would happen if the Council did nothing.

Mr. Cedarholm said the Town would receive the administrative order in draft form, and if the Town did nothing, there would be fines.

Administrator Selig said in addition to this, once NHDES issued the administrative order and the Town refused to do anything, the Town would have to assume liability if the dam failed. He said NHDES could eventually come in and remove it on its own.

Mr. Cedarholm said the administrative order would list the deficiencies, and essentially what the Town would be required to do to correct those deficiencies.

Councilor Stanhope said if they were going forward with a study, he would like to see hard and fast costs for each alternative, broken down into any lesser approaches to maintain or repair the dam, without going into full restoration. He said these numbers would be needed in order to develop support for whatever was put forward.

He said if substantial funding was needed for either proposal, this would have to go to a public vote in the form of a bond issue. He said while there might be a social conclusion about the historic nature of the Mill Pond and dam and the Council would vote to preserve the dam, there would be people who didn't want to pay taxes to preserve something that would have to be fixed again in 20 years.

Councilor Clark said Councilor Smith's previous suggestion (to move ahead with dam repair and also to include moving forward with a study to see what could be done to improve the water quality of the impoundment and mitigate the silt problem) should be considered. He said there was a mix of values and facts on both sides of this issue, and he provided details on this. He also said if they could put the facts out there, he wondered if this should perhaps be a referendum on the ballot.

He said he wondered if there was a way to rebuild the dam in a way that mitigated the problems with water quality, siltation and habitat. He said he therefore wondered if a

study could look at these things as well as the repair of the dam.

Councilor Carroll said she thought she had heard Councilor Stanhope say he couldn't imagine seeing the Council voting to take the dam down.

Councilor Stanhope said he had said this. He said some eloquent people had spoken about dam removal, but said he didn't think the Council would get a lot of new information from a \$50,000 study.

Councilor Carroll said she appreciated what he had said.

Councilor Needell said a piece of the puzzle that had been bothering him was that the Council needed to put some time and money into where it was going. He said even if the decision was made to go forward with repair of the dam, he didn't think there was unity on the Council and in the community as to what that would mean.

He said there was a tremendous range of costs and expectations as to what repairing the dam meant to people. He said he was not inclined to do nothing, because the dam needed to be repaired. He said removing it was a solution to that problem, and said he would be willing to entertain it if someone brought forward useful information on this.

But he said repair and restoration were very different proposals, and said it was also important for the Council to decide what the time frame would be, and what would be done to take care of the pond. He said it was important for the Council to consider these things.

Councilor Van Asselt said he was comfortable that the way to end this discussion now was for Administrator Selig to take what he had heard from the Council and come back to it over the next few weeks with a revised plan and motion.

Administrator Selig said it would be helpful, if Councilors wanted additional areas to be included in the scope of work, to send him this information. He also said it would need to be made abundantly clear in the motion that a feasibility study did not equate to dam removal.

Councilor Needell asked Administrator Selig if he felt the funding for this would be available with those caveats.

Administrator Selig said this would be discussed with the Coastal Program, and said perhaps it would agree to fund part of it, and other funding could be found elsewhere.

Councilor Smith said in March, after the first information meeting, Administrator Selig had presented the Council with a motion to do essentially what the first motion now said. He said the decision Administrator Selig had made, after talking with the Public Works Department, was subsequently undermined.

He said they should not treat Administrator Selig like a yoyo, by asking him to present the Council with options and then not doing anything. He said the Council could not do anything, and said he would make the first motion again if someone would second it. But he said he didn't want to be treated like a yoyo either.

***Councilor Smith MOVED to extend the meeting beyond the 10:30 adjournment time. Councilor Needell SECONDED the meeting, and it PASSED unanimously 8-0.***

Councilor Stanhope said this issue was very complex. He said he realized that doing nothing was not ok, and asked what the minimum was that the Council could do to satisfy the State. He said the Town could then empower its own committees to go through all of the responsible options and come up with a long term plan for the dam and the impoundment. He said as part of this, at some point they would have to look at the second dam on the Oyster River.

Councilor Carroll said she agreed regarding the complexity of this issue, but said the Council couldn't afford to not be ready to vote on this issue by December, when the report was done. She said they couldn't put off repairing the dam and cleaning the pond. She said one question lead to another, and said she didn't think they could afford to have this drag on after December.

Councilor Mower said in some sense there was a false sense of urgency. She said that combined with the complexity of the issue and the fact that some people were just learning about it made the situation more difficult for Councilors. She also said it made it more difficult for people on either side to see opportunities beyond what they saw immediately.

She said she didn't think this decision should be rushed, and said it could be made at the next meeting. She also said she was concerned that if this came down to a referendum, people would make a decision without being well informed. She said the Council should take a leadership role on this issue.

Chair Niman summarized that Administrator Selig and Mr. Cedarholm would put together a proposal based on what they had heard that evening, would also create a motion that a majority of the Council would feel comfortable with, and would bring these things back to the next meeting.

C. Continued discussion regarding the development of Town Council goals for 2009/2010

Chair Niman asked if Councilors were happy with the goals at this point.

***Councilor Van Asselt MOVED to adopt the Town Council goals for 2009/2010. Councilor Stanhope SECONDED the motion.***

There was discussion that the goal concerning locating a new business school in the vicinity of the downtown area should remain on the list for now because there was still a



lot of work to be done concerning it.

Councilor Mower asked if the goal “Work toward broadening the tax base beyond the single family home” was addressed in other goals, or if someone wanted that to be explicit.

Councilor Van Asselt said he had been saying it for six years, and wanted it to be explicit although it was involved in other goals. He said it was important that this issue remain on the table.

Councilor Needell said there were some good goals here although some were not his favorites. He said he could live with this, but said his concern was the length of the list. He said while these were laudable things for the Council to work on, he wondered if they needed to be explicit. He said he would be fine with just putting the big three goals on the goals list.

Councilor Van Asselt said highlighting the big three goals was a good thing, but said he also thought the whole document was worth having. He said having them there made things easier in case an issue relating to one of them came forward.

Councilor Mower suggested that these perhaps could be called guidelines rather than goals. She said these were things the Council should work on if there was time, and said she thought they belonged there, But she said the Council had made it quite clear what the first three goals were.

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

**XI. New Business**

Chair Niman noted the issue raised during the Councilor and Town Administrator Roundtable, and said this would be put on the Agenda for the next meeting.

**XII. Nonpublic Session (if required)**

None

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

Chair Niman said he had attended the most recent Planning Board meeting, and there was a good discussion on the RFP for the Master Plan update. He said it seemed that the Planning Board had reached a consensus on it, and instructed Administrator Selig to move forward with it.

Administrator Selig said the first RFP was due at the end of the month, and said he would like to see responses to it before putting out the second RFP. He noted that the CBD RFP did include expanding the scope of work to include the Master Plan update, and said if the Town found a firm that could do everything, the second RFP wouldn't be needed.

Councilor Van Asselt said he thought the Town had done the right thing with the RFP approach because there was a lot of talent to draw from. He said he thought the RFP would get the Town exactly what it was looking for.

Administrator Selig explained that he had spoken with Executive Councilor Beverly Hollingworth recently about the fact that the Executive Council would be going on the road in July, and would like Durham to host it. He said this would be a great opportunity to showcase Durham and focus on the revitalization of the downtown. He noted that State agency heads would be in attendance, and said this would be a good time to inform them and engage them as partners in the revitalization efforts.

Councilor Mower suggested that if this was done, recognition of the work of the Mill Plaza committee should be included in this.

Administrator Selig said potential locations for the event were the Three Chimneys Inn, the High School or somewhere on campus. He said there would be a tour of the new UNH power plant as part of the Executive Council's visit.

**XIV. Adjourn (NLT 10:30 PM)**

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

Adjournment at 10:47 pm.

Victoria Parmele, Minutes taker