

**D-R-A-F-T**

**Durham Town Council Agenda  
Monday December 20, 2010  
Durham Town Hall - Council Chambers  
7:00 P.M.  
MINUTES**

**MEMBERS PRESENT:** Chair Diana Carroll; Councilor Neil Niman; Councilor Peter Stanhope; Councilor Mike Sievert; Councilor Doug Clark; Councilor Robin Mower; Councilor Jay Gooze; Councilor Bill Cote

**MEMBERS ABSENT:** Councilor Julian Smith

**OTHERS PRESENT:** Town Administrator Todd Selig; Town Engineer Dave Cedarholm

**I. Call to Order**

Chair Carroll brought the meeting to order at 7:33 pm. She noted that the Council had held a private session starting at 6:30 pm, and that this was not noted on the Agenda on the website. She said this was an oversight, and said she would ask that this kind of meeting be put on the Agenda, going forward.

**II. Approval of Agenda**

*Councilor Niman MOVED to approve the Agenda. Councilor Mower SECONDED the motion, and it PASSED 8-0.*

**III. Special Announcements**

**A. Recognition for 40 years of service – Brian Beers, DPW, Highway Division**

Chair Carroll presented a certificate to Mr. Beers and thanked him for his many years of service, after first reading out loud the lengthy description on the certificate about Mr. Beers' work for the Town.

Administrator Selig noted that the certificate was accompanied by a gift of a two night stay at the Kennebunkport Inn.

**B. Introduction of Part-time Parks and Recreation Director – Sandra Devins**

Ms. Devins spoke briefly, and said she hoped to expand upon the great work and programming that Mike Mengers had done. She said the first activity she would be

directing is the Winter Carnival, on February 5<sup>th</sup>, which would include a Chili Cookoff. Chair Carroll said it was so exciting to see how recreation opportunities had taken off in Town, with various classes and events. She thanked Ms. Devins for stepping forward and taking on this job.

#### **IV. Approval of Minutes - November 15, 2010**

***Councilor Niman MOVED to approve the minutes of November 15, 2010. Councilor Cote SECONDED the motion.*** The following amendments were made to the minutes:

Page 1, should say Councilor Cote was present at the meeting

Page 3, 1<sup>st</sup> paragraph, should read “to the aquifer protection overlay district regulations.”

Page 13, 4<sup>th</sup> paragraph from the bottom, should say “Caro” rather than “Carrow” in two locations

Page 20, 2<sup>nd</sup> paragraph, should read “...and noted that the Town Administrator had stated that the cost structure increased...”

***The motion to approve the November 15, 2010 minutes, as amended, PASSD unanimously 8-0.***

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

Councilor Gooze said the Rental Housing Commission was still trying to set a date in January or early February for their next meeting.

He said the IZIP committee was waiting to hear back from consultant Jack Mettee regarding his recent meeting with Mr. Campbell and Eric Chinburg about the draft proposal that had been developed. He said the next step with the Committee’s Ordinance recommendations would be to go before the Planning Board.

Chair Carroll asked if this would mean building new residences for workforce housing.

Councilor Gooze said yes, and said the idea was to figure out how to get extra density to make it worthwhile for a developer to build workforce housing. He said the committee was trying to figure out where to put such development, noting that a majority of the land area zoned to permit residential uses within a municipality now had to allow workforce housing.

Chair Carroll asked if consideration had been given to using some of the Town’s existing housing stock as workforce housing.

Councilor Gooze said the Committee had looked at this, but said it didn’t look like there would be enough area provided with this approach.

Councilor Clark asked if they were going to be able to make sure that they didn’t end up with another Young Drive or Coe Drive.

Councilor Gooze said that was the first thing the Committee looked at. He said covenants and other things could be put in place to prevent that from happening.

Chair Carroll said whenever an area was developed for just one group, it didn't always work out as expected, and said a question was whether they wanted that kind of plan for Durham. She noted that she had attended one IZIP meeting, and said this was an important issue.

Councilor Gooze said the Library building committee had recently toured six different buildings with the architect and engineer, who would be bringing back some plans to the committee.

Councilor Mower said the Energy Committee had met with a small company called Revolution Energy, which was one of the winners of the Green Launching Pad program that was initiated by UNH. She said the company secured financing for renewable energy generation systems such as photovoltaic arrays, managed construction of the system, owned the system, and charged the client the equivalent of a monthly electric bill to satisfy financing obligations.

She said they had put large solar arrays on the Exeter High School site, which had saved about \$20,000 per year in utility costs. She said the Energy Committee and Administrator Selig were very interested in seeing what could be done for Durham's municipal buildings. She also noted that the School District's business manager knew the company and was also interested in working with them.

Councilor Mower said the Commission had met with the Capstone development team at two of its monthly meetings to consider the conceptual plan, and had conducted a site walk of the property. She said the Commission appreciated the conceptual stormwater management plans and the team's courtesy in coming to the Commission for review. She also said the Commission acknowledged the team's responsiveness to its initial comments.

But she said the Chair's letter to the Planning Board noted that the Commission's concerns regarding the significant incursions into the wetlands remained. She noted that the proposed site plan as presented to the Commission would pivot on the filling of a central isolated wetland.

Councilor Mower said the Commission recommended that the team explore, where feasible, additional opportunities to reconfigure the site to comply with the Zoning Ordinance. She said such measures might include increasing the height of buildings, reducing the number of parking spaces, or utilization of compact parking spaces.

Administrator Selig said he would not provide his updates right now, given the fact that the meeting had been delayed, and Chair Carroll said perhaps the Roundtable could be extended later in the meeting.

**VI. Public Comments (NLT 7:45 PM)**

**John Kraus, 7 Cutts Road**, said the Budget that had been built was predicated around the imagined future revenue that would solve all the towns' problems, and allow more spending and bigger expenses. He said the Budget that had been built had been predicated on imagined future revenues that were going to solve all the Town's problems and would allow more spending and bigger expenses. He said with new revenue, they could afford anything. He said they could sell electricity from the Mill Pond Hydroelectric Dam Co, or could do a Spruce Hole Bottled Water Plant, and if that wasn't enough, there was the Tooth Fairy Condo Complex that would cover all the shortfalls.

Mr. Kraus said that in the New England tradition, Durham was a mill town, and a one-industry town--the students up the hill. He said enhanced revenue was predicated on more students who would live in off-campus rental housing, more students who would buy meals and more students who would shop locally.

He noted that he was the Director of Institutional Research and Assessment at UNH, and had done the enrollment forecasting for three decades, so had some expertise in this area. He said times were changing, and the past did not predict the future. He said in the fall of 2010, the undergraduate student degree candidate enrollment count was 12,183, while in the fall of 2009 it was 12,226. He said the difference reflected a small decrease, of 0.4%, but said the bricks had moved, because there were 142 more resident students and 185 fewer non-residents. He said the non-resident tuition was 2.4 times what the resident tuition was, which was not a trivial change, and said it was a wake-up call.

Mr. Kraus said it was irresponsible for the Town to base revenue growth on a commodity as uncertain as student enrollment. He said the Council must not delude itself, and must base the Budget on tangibles and reality. He pointed out that the Town's one manufacturer, Goss, provided about 13.6% of the Town's general fund property tax revenue in 2009, which came to \$788,654. He said that manufacturing entity was now owned by Shanghai Electric Group, and if it should suddenly be closed and the taxes weren't paid, there would be a huge hole in the budgeted revenue.

He said it would take seven Holiday Inn Express type facilities, or 78 new homes to fill that gap, and said good luck in getting that. He said this could happen in Durham, and said he didn't think there was any warning for Rochester when Smith & Wesson shuttered the Thompson Center Arms factory. He said maybe they did need to bottle Spruce Hole water.

**Bill Hall, Smith Park Lane**, said he had watched on television the meeting where the economic development person came to speak to the EDC. He said the person spoke about the importance of having confidence and integrity, and also said people wanted to see results and not process. Mr. Hall said he had yet to hear a good opinion about the business climate in Durham, and said an economic development person working in Durham would have a tough road ahead of him, because he would try to tell the Town something that would be contradicted by a lot of people who knew Durham. He said the stories about Durham were in a class by themselves, and he provided details on this.

**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 and sign the March 8, 2011 Town Election Warrant?
- B. Shall the Town Council, upon recommendation of the Town Administrator, ratify the Collective Bargaining Agreement between the Town of Durham and the American Federation of State, County, and Municipal Employees (AFSCME) for the period January 1, 2010 through December 31, 2013?

Chair Carroll said she had been asked to remove Item B from the Unanimous Consent Agenda.

***Councilor Mower MOVED to approve Unanimous Consent Agenda Item A. Councilor Gooze SECONDED the motion, and it PASSED unanimously 8-0.***

Councilor Stanhope said he would be unable to support the approval of the Collective Bargaining agreement that had been negotiated because of the length of the term, which he felt was an irresponsible commitment by the Council based on the economic uncertainty in general and regarding the State's Budget.

***Councilor Gooze MOVED to approve Unanimous Consent Agenda Item B. Councilor Cote SECONDED the motion, and it FAILED 4-4, with Councilors Stanhope, Mower, Niman and Clark voting against it.***

**VIII. Committee Appointment**

Shall the Town Council appoint Councilor Stanhope Ejarque, 30 Long Pond Road, as a regular member to the Integrated Waste Management Advisory Committee (IWMAC)?

Councilor Mower said she knew Mr. Ejarque from the Energy Committee, and would welcome him to the IWMAC. She said he was very proactive about reusing items from the Swap Shop, and noted that he had built solar hot water heaters from items at the Swap Shop. She said he would be a good proponent for making sure the IWMAC moved forward with its goals.

Councilor Gooze agreed, noting that Mr. Ejarque had had a display at Durham Day, and said he would make a great addition to the IWMAC.

Councilor Stanhope said it was wonderful that Mr. Ejarque had stepped forward, and noted that the IWMAC was one of the few committees that generated some revenue for the Town. He said the efficient management of waste had been something Durham had set as a goal, and said the committee needed the kind of leadership he would bring.

***Councilor Stanhope MOVED to appoint Councilor Stanhope Ejarque, 30 Long Pond Road, as a regular member to the Integrated Waste Management Advisory Committee.***

***Councilor Mower SECONDED the motion, and it PASSED unanimously 8-0.***

Chair Carroll welcomed Mr. Ejarque, noting that he wasn't present but had been before the Council before.

**IX. Presentation Item**

Southeast Watershed Alliance (SWA) – George Rief, Town representative to the SWA; and David Cedarholm, Town Engineer

Mr. Rief said the SWA was essentially the follow-on organization to the State legislation that had been passed earlier to look at the idea of a possible regional wastewater outfall into the Great Bay Estuary, which had subsequently been laid to rest. He said the legislation provided a broad brush to form the SWA, whose purpose was to work with all the communities in the watershed, which was defined geographically and included 962.46 sq miles. He said 289,562 people, or 22% of NH's population lived in this geographical area.

He provided details on the process by which the organization had come into being, and said it became operational in June of 2010. He noted the SWA's website [www.southeastwatershedalliance.org](http://www.southeastwatershedalliance.org), and also said there was an office space for the organization at Pease.

He noted that in the documents he had provided to the Council were a strategic plan and a forecast of future actions. He said the Board of directors had presented the membership with a packet of initiatives, and had suggested three priorities:

1) The development of consistent stormwater regulations and best management practices. Mr. Rief noted that Durham had been at the forefront in this area, especially because Mr. Cedarholm had served on the State Stormwater committee, and was also very involved in updating the Town's stormwater regulations. He said the Alliance would spread the regulations to other towns for their review and adoption if appropriate.

2) Identification of hot spots - sources and land practices that degraded water quality along with location of funding resources to enable prerequisite research and corrective actions to be undertaken. Mr. Rief provided examples of what these hot spots might be.

3) Landowner outreach and municipal involvement in addressing the water quality benefits of routine septic system maintenance, proper use of fertilizers and low impact landscaping.

Mr. Rief said another step that would be taken by the SWA was to pursue funding sources. He noted that membership on the SWA was voluntary, and no town would be required to participate financially. But he said that as a result of the organization's efforts, there might be funding available regionally that could be used in individual towns to support a particular initiative.

Mr. Rief also said a long-term initiative of the SWA would be to address the water quality of the Great Bay Estuary and the Piscataqua River.

Councilor Clark asked if the primary scope of the SWA was to control what went into the water, and not to control what came out, in terms of public water supply.

Mr. Rief said the SWA was predominantly addressing water quality in the watershed. He said it this could apply to water supply if a town like Durham utilized surface waters for its water supply. He said the intent of the SWA was to maintain a forum for discussion and the determination of beneficial practices throughout the watershed.

But he explained that there had been more direct involvement by the six towns in the SWA that were faced with updating their wastewater treatment plant discharge permits. He said they had formed a separate group that was working in parallel, dealing directly with the issues of nitrogen and Great Bay. He said Mr. Cedarholm would speak about those efforts. He asked that the Council suggest to Mr. Cedarholm that he be an alternate representative to the SWA from Durham.

Mr. Cedarholm first said he appreciated the fact that the Council had appointed Mr. Rief, and said it was important that a Durham resident was the Town's primary representative. Mr. Cedarholm said he had been working with the five other regulated communities in the SWA for the last 3 to 4 years, anticipating that the permits would come up for renewal, and they would likely see nitrogen limits in them.

He noted the 2009 report by DES that established the maximum allowable nitrogen concentration in Great Bay, which was .3 ml per liter, an amount that was just slightly above the background nitrogen concentrations in the open ocean. He said that analysis was based on a conglomeration of data that wasn't quite normalized.

Mr. Cedarholm said subsequent analysis by the six towns' experts had looked to see if the results were really indicative of nitrogen being the primary problem, and said they had concluded that they didn't really know. He said a number of assumptions were believed to be incorrect, or too much of a broad brush.

He said DES had issued a second report in November of 2010, a nitrogen loading analysis that took the criteria, looked at all the tonnage of nitrogen, coming out of all of the wastewater treatment plants today, and how much they would have to reduce this to hit the 0.3 ml criterion for Great Bay. He said a tremendous reduction would be needed. He also noted that 70-80% of the nitrogen getting into Great Bay was coming from nonpoint sources.

He said there was a cost analysis that accompanied the recent DES report, and said the cost of reducing nitrogen from nonpoint sources, according to the literature, was quite high, but it was known what the cost was of reducing nitrogen from wastewater treatment plants. He said the allocation report therefore focused on them as the cheapest way to reduce nitrogen. He said shortly after the release of that report. EPA announced to Exeter and Rochester that they would see new permits down to the limit of 3mg/liter of nitrogen.

Mr. Cedarholm said the coalition representing the six towns had met with DES a few weeks ago and at that time expressed their concerns about this development. He said they had requested that they work collaboratively with DES on supplemental studies, do a comprehensive peer review of the nutrient criteria report before the rest of the permits were issued, and possibly halt the Exeter and Rochester permits.

He said if Exeter and Rochester got their permits based on the currently stated nutrient criteria, and the nitrogen loading analysis was based on that, the rest of the towns in the coalition would likely see limit of technology permits coming forward within a year. He said the real concern was that the cost of upgrading all the plants in the area to the limit of technology would collectively be about \$250,000,000, yet it wouldn't do anything about nonpoint pollution.

Mr. Cedarholm said the concern was that the money spent in this way might not accomplish a reduction in nitrogen, when it could perhaps have been accomplished if it was directed in a different way. He said the coalition's request to DES also asked that they collectively select the consultants who would do the comprehensive peer review. He noted that a peer review done last summer by consultants picked by EPA was less compressive than would have been preferred.

He said DES had been very responsive to this request, and said it was hoped the agency would be responsive to slowing the process down. He said everyone agreed that the health of Great Bay was paramount, and said the critical thing was that thoughtful decisions needed to be made about how to develop the solutions for Great Bay.

Councilor Mower asked if it was appropriate to go forward on a two pronged basis, even though they didn't know for sure how much of the problem was actually attributable to the wastewater treatment plants. She said she would guess that EPA might see this as a finite target that could be addressed if there was funding, as compared to the dispersed nonpoint sources.

Mr. Cedarholm said the coalition had had numerous discussions with EPA and DES over the past two years, requesting reasonable permits with 8 mg/liter nitrogen limits, so the towns would have money to upgrade the plants but also would have some money to deal with nonpoint sources. He said the estimated cost to upgrade the Durham plant to regain the capacity of 8 mg/liter was between \$10-20 million, and said to go to 5 mg/liter was provably \$30 million. He said the difference in cost was the cost of chemicals needed to cause the reduction in nitrogen, but he said the cost difference of going from 5 mg/liter down to 3 mg/liter would be based on operational costs. He said the letter to DES suggested that all of the communities in the coalition would begin preparing for upgrades to 8 mg/liter nitrogen limits.

Councilor Mower asked Mr. Cedarholm if he believed the work done by Bill McDowell at UNH would shed some light on this issue.



Mr. Cedarholm said Mr. McDowell was doing research on various sources of nitrogen in the Lamprey River and its watershed. He noted that the DES work done in the past was just on total nitrogen. He said Mr. McDowell had found that the majority of the nitrogen was actually organic nitrogen, which they really didn't have a lot of control over. He also said it would be hard to address inorganic nitrogen, much of which came from septic systems. He said a nonpoint program would require time and money.

Councilor Clark said in the CIP, \$19 million was budgeted for the wastewater treatment plant upgrades, which was a crazy amount of money. He asked if there was a hypothesis of what percentage of the nitrogen was coming from the hot spots, and what the cost would be to mitigate this.

Mr. Cedarholm said that was the basis of the study Mr. McDowell was working on. He said it looked like septic systems were playing a big role, but said they were hard to regulate. He also spoke about the possible role of fertilizers. He said all of the towns were in a tough spot regulating nonpoint source pollution, and said DES and EPA were focusing on the towns they could regulate because of the federal permits for wastewater treatment plants.

Councilor Clark said \$19 million would pretty much replace every septic system in the Town.

Mr. Cedarholm said it might, but noted that there were 43 other towns in the watershed.

Councilor Cote said the coalition was shooting for 8 mg/liter, but asked what happened if the Town put the money into this and down the road was told that it had to hit 5 mg/liter, and would eventually have to get down to 3 mg/liter. He said that would concern him greatly.

Mr. Cedarholm said that was why they had gone to DES. He said at a meeting a month ago, DES had said what was happening was beyond its control. But he explained the role DES played in the process, and the fact that they formally had to adopt their nutrient criteria in administrative rules. He said the coalition would take DES to court if they didn't adopt those rules.

Councilor Cote asked if there had been discussion about dealing with the 70% of the nitrogen problem caused by nonpoint pollution through outreach and education.

Mr. Cedarholm said there had been discussion, and said that was the biggest reason for establishing the SWA.

Mr. Rief said if the SWA could muster the 43 communities into an effort to look at nonpoint pollution, and could get enough data to quantify the characteristics of the nonpoint sources relative to the overall nonpoint source problem, they would have something to take to DES and EPA to justify more reasonable discharge limits.

He said the way the two agencies were operating right now was on a basis of where they would like to be, but without the data to support this. He said the SWA felt implementation should be a major part of setting the standards. He said if the plants were forced to spend an enormous amount of money to get down to 3 mg/liter and it turned out it didn't make any difference, the money would have been spent unwisely.

Administrator Selig said a challenge was that DES's analysis led a non wastewater plant community to believe that the quantifiable problems were with the wastewater plants. He said if the DES effort had instead been a more comprehensive view, the SWA communities might be in a more informed position to take a holistic view than they were today.

Councilor Mower asked if it was accurate to say that they only recently had learned that 70% was coming from nonpoint sources, and that at the time EPA started trying to do something about the nitrogen problem, they didn't have this information.

Mr. Cedarholm said that information was published in DES's State of the Estuaries report. He said the SWA was an implementation organization, and was meant to educate upstream communities, whose contribution was nonpoint sources. He noted that an educational symposium was planned for March. He said he and Administrator Selig had recently attended a meeting with other town administrators, consultants and engineers for the towns that were coalition members. He said they had come to agreement on the letter to DES.

Administrator Selig provided details on this, and said a copy of the letter would be provided to Councilors once it was signed.

Mr. Cedarholm said the thought right now was to get the word out to State senators and legislators about what was being done, and that the intention of the coalition was to save Great Bay, but that they opposed the direction that EPA and DES were headed in.

Councilor Mower asked that Mr. Cedarholm provided the Town's Water resources subcommittee with a brief update on this issue, and also send them copies of the letter sent to DES.

Administrator Selig noted that Conservation Commission and Planning Board members had been asked to watch the meeting tonight so they would be aware of the conversation.

Mr. Cedarholm said the Durham plant currently discharged 8 mg/liter, which was a result of upgrades made over the past decade. But he said there was a high cost to this because the full capacity of the plant had been utilize in order to achieve that. He said when they got their new NPDES permit, they would need to upgrade the plant in order to regain the 2.5 million gallon/day capacity and still maintain 8 mg/liter. He said the discharges from the other plants in the region were between 13-20 mg/liter.

Chair Carroll thanked Mr. Cedarholm and Mr. Rief for the work they were doing. She said looking at the Chesapeake Bay and Naragansett Bay, they had to hope that what had happened to these water bodies would never happen to Great Bay. She noted that Great Bay was degrading, and said this had to stop, and it had to become the healthy body of water it had been in the past.

Mr. Cedarholm said he was a sailor and loved Great Bay. He said it was hard to oppose DES, but said this problem had to be addressed reasonably, and said they couldn't break the bank to do it.

Councilor Mower asked if there was something the public could do to help.

Mr. Cedarholm said they could look at their septic systems and other nonpoint source discharges from their property, and said he would be glad to provide advice on this to residents. He noted that Mr. Rief had recently upgraded his own septic system with a nitrogen removal capacity, and said he should be asked to provide a presentation on this. He said it was very exciting.

Councilor Gooze noted that when he was on the ZBA and projects that might increase stormwater near Great Bay came before the Board, they tried to mitigate possible stormwater runoff issues. He said there had sometimes push back from applicants, but said this issue was why the regulations existed. He said he hoped the ZBA would continue to do what they had to do.

Councilor Mower said they needed to do a better job of educating the public. She asked about the issue of sump pumps hooking up to the Town sewer line.

Dave said residents could come talk to him about this issue, He said connecting sump pumps to the drainage system wasn't a problem, but connecting them to the sewer system was because it took up capacity at the wastewater treatment plant.

The Council stood in recess from 8:50 to 8:59 PM.

## **X. Unfinished Business**

- A. **Public Hearing and Action on Resolution #2010-22** authorizing the acceptance and expenditure of \$90,012.27 in unanticipated revenue from the State of New Hampshire Department of Safety following the FEMA disaster declared during the February 2010 wind event

*Councilor Mower MOVED to open the Public hearing on Resolution #2010-22 authorizing the acceptance and expenditure of \$90,012.27 in unanticipated funds from the State of New Hampshire following the February 2010 wind storm event. Councilor Sievert SECONDED the motion, and it PASSED unanimously 8-0.*

No members of the public spoke.

***Councilor Mower MOVED to close the Public hearing. Councilor Stanhope SECONDED the motion, and it PASSED unanimously 8-0.***

***Councilor Gooze MOVED to adopt Resolution #2010-22 authorizing the acceptance and expenditure of \$90,012.27 in unanticipated funds from the State of New Hampshire following the February 2010 wind storm event. Councilor Cote SECONDED the motion.***

Administrator Selig said Town departments had been aggressive in pursuing federal reimbursement when there had been emergencies, and he noted there had been several in recent years. He said the funds were for overtime by the Police, Fire Dept and DPW, as well as for debris removal.

He also noted that there was now a large wood chip pile from the fallen trees that had been chipped, and said some of the chips had been provided to residents. He said they were evaluating what to do with the rest of the chips.

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

Chair Carroll thanked the DPW for getting this grant money for the Town.

- B. Public Hearing and Action on Ordinance #2010-15**, a Council-initiated ordinance change that would amend Article XIX “Conservation Subdivision”, Section 175-107(B) “Applicability”, to add Office, Research & Light Industry and Multi-Unit Dwelling/Office Research Zoning districts to the list of zones to which conservation subdivision regulations apply

***Councilor Gooze MOVED to open the Public Hearing Ordinance #2010-15, a Council-initiated ordinance change that would amend Article XIX “Conservation Subdivision”, Section 175-107(B) “Applicability”, to add Office, Research & Light Industry and Multi-Unit Dwelling/Office Research Zoning districts to the list of zones to which conservation subdivision regulations apply. Councilor Mower SECONDED the motion, and it PASSED unanimously 8-0.***

**Beth Olshansky, Packers Falls Road**, said she supported this Zoning amendment because she believed the Master Plan had given clear guidance that conservation subdivision should be applied to all residential development. She said in doing this, the Master Plan was trying to balance the interests of developers and those who cared about open space. She said the cookie cutter option now permitted in 300 acres of undeveloped land in these two zones was contrary to the Master Plan and the will of the citizens.

She also explained that when single family homes were applied to the current ORLI and MUDOR portions of the Table of Dimensional Standards, far less land was required for a dwelling lot in those two districts. She said in the ORLI district, the minimum lot area was 4200 sf, which meant that if developers wanted to build a neighborhood of homes there now, they could build 4 homes on a 20,000 SF RA sized lot, or 9 homes on a

40,000 sf RB size lot. She said this was vastly out of proportion with the neighborhoods in Durham now.

Ms. Olshansky said in the MUDOR district, the possible density of single family home could be even worse because of the 1200 sf minimum lot size. She said while the proposed Zoning amendment was a good faith effort to correct one unforeseen circumstance, it didn't go far enough. She said for it to be meaningful, the Table of Dimensional Standards must be corrected, and said this was the case whether the Council approved the proposed conservation subdivision Zoning change or not.

She also noted that it had been suggested that the required open space in the ORLI district could be reduced from 50% to 20%. But she said the required open space in the RA district was 30%, and it was 40% in the RB district. She said R and RC had a 50% requirement. She said the land they were talking about in the ORLI district bordered the Oyster River on both sides, and said if they wanted to protect as much as possible while allowing the development permitted, it made sense to retain the 50% open space.

Ms. Olshansky urged the Council to approve this Zoning amendment, but also asked the Council to give clear direction to Administrator Selig to direct Mr. Campbell to expediently correct the oversight in the dimensional standards. She said they shouldn't wait until the Master Plan to correct it.

**Malcolm McNeill, 44 Colony Cove Road**, said Ms. Olshansky's comments were the best reason for this to go to the Master Plan committee. He said the recommendation to do the conservation subdivision amendment was made without a recommendation from the Planning Board, the Town planner, and without study by a consultant. He described the processes by which this proposal had twice gone to the Planning Board and was not recommended both times.

He said some basic issues existed, including what a residential subdivision was as defined in the subdivision regulations, how it would affect density, and whether it was fair in these districts to impose an additional constraint on development. He said a single family home development couldn't be done as a matter of right in these two zones, and instead was subject to the Conditional Use process. He said some Planning Board members felt that the Conditional Use process was sufficient protection in the two zones. He said in the zones that were currently subject to conservation subdivision, single family homes could be done as a matter of right, and there was no Conditional Use overlay.

Mr. McNeill said he thought the Council should follow the Planning Board's advice. He said it would be appropriate to consider this issue under the Master Plan update process. He said if there was consistency between the conservation subdivision ordinance and what was being proposed here, it would only apply to single family dwellings. But he said this regulation would apply to singles, duplexes, and multi units, if they were subdivisions. He said for fundamental fairness, it should only apply to single families, and said this should be studied further.

He said the idea with the ORLI and MUDOR zones was to provide a broad range of development opportunities. He said if this amendment passed, the open space requirement in the area the Town sought to maximally develop would be 50%, and there would be no development there.

Mr. McNeill said a concern of a Planning Board member was that if there was a multifamily development in the MUDOR or ORLI district, a question was whether it was residential, because this wasn't clearly defined. He said under this proposal now, a multiunit development involving the subdivision of land would mean that the conservation subdivision provisions would come into play, and the 50% open space and other overlays would apply. He said when the conservation subdivision regulations were drafted, they were intended to only apply to residential zones.

He said members of the Planning Board were concerned that if a project came forward with a condo component, it would be deemed a conservation subdivision. He noted that this was the view of the Town's attorney, but he said attorneys in New Hampshire had differing views on this issue.

Mr. McNeill said what was proposed would apply to various kinds of housing, and said this was never the intent of the conservation subdivision regulations. He said there was an opportunity, with the Master Plan update, to do this the right way. He asked the Council to reject the proposal, and to refer it for appropriate studies that would consider the dimensional requirements, open space requirements and other requirements that might be fully appropriate in the ORLI and MUDOR zones. He said if these two zones were where they wished to see development, what was proposed here would have the exact contrary result.

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

***Councilor Gooze MOVED to adopt Ordinance #2010-15, a Council-initiated ordinance change that would amend Article XIX "Conservation Subdivision", Section 175-107(B) "Applicability", to add Office, Research & Light Industry and Multi-Unit Dwelling/Office Research Zoning districts to the list of zones to which conservation subdivision regulations apply. Councilor Niman SECONDED the motion.***

Councilor Sievert said he was against this Zoning change. He noted as an example that by applying conservation subdivision to a particular parcel out there, it allowed only 15 of 41 acres to be developed. He said the regulations already in place did a great job in not allowing development of a residential nature. He said looking at the layout of this particular parcel, and applying all of the other regulations, there was no possible way to get this many lots in a parcel like that, because all of the provisions from the Conditional Use process and the wetland protect overlay would be triggered.

He noted that this was a parcel that wasn't that encumbered by wetlands as compared to some of the others in the ORLI district. He also said the lots in MUDOR were so small

that it couldn't happen. He said trying to put that many units on a lot couldn't be done, if the size of the homes, the parking, the setbacks, etc. were considered.

Councilor Sievert said with the development standards and the Conditional Use process, they came out with the same standards, because there was still a core usable area that could be developed, and it would be limited. He said they needed to take a more in depth look at things, and also said he didn't think they wanted to take a broad brush and take away the 4200 sf and 1200 sf lot sizes for other things.

Councilor Gooze said he thought the ORLI district needed to be looked at very carefully. He said when they talked about the Capstone project, there wasn't really a discussion about whether they wanted residential single family development there. He said that would have been a whole different ballgame, and said the things Ms. Olshansky and Mr. McNeill had brought up would have been discussed. He said the only reason he had proposed this idea was that the other Zoning change proposed wouldn't have passed that evening, and if it didn't, Capstone would have pulled out.

He said he saw no problem with restricting residential subdivisions in that district, and also studying the issues further. He said the things discussed by the Planning Board were all the things that should have been discussed before the Zoning proposals came forward. He agreed that this needed to be studied, but said he didn't know when it would happen. He also said the Conditional Use process varied depending on the Planning Board that was applying it. He said this proposed Zoning change was a fair way to proceed, based on what the Council was given.

Chair Carroll said at the meeting in July, there was discussion about the idea of introducing conservation subdivision into the ORLI district. She said at that time, the Council turned to Mr. Campbell and asked if this was something that could be done, and said she recalled that he had said it would be ok. She said a member of the Planning Board who was present that evening also said it made sense. She asked what happened.

Mr. Campbell said the proposal came up suddenly, and said at the time it looked like a good idea. But he said then everyone started looking at it, and some little problems were seen with different sections of the conservation subdivision provisions, as well as the dimensional standards. He said if he had to do it over again, he would say time was needed to review the proposal.

Councilor Cote said he had sat on the Planning Board during its discussions on this, and said the issue of unintended consequences had come up. He said he was leery of passing this without adequately studying and addressing these possible consequences. He said passing it here could have an impact on condos and other types of development, and said he would like to see it studied further. He noted that the Planning Board had had some in depth discussions on this.

Councilor Gooze said either way, there were unintended consequences. He said if Mr. Campbell had said this proposal needed to be studied more, the other Ordinance wouldn't

have passed that night. He said he would accept whatever the Council decided, but said he had done this as a way to appease the citizens who had talked to him. He said he would have loved to have said more study was needed, and also said he would not fall for this kind of thing again.

Councilor Stanhope said when the Council voted on this originally, he didn't like the language being used to facilitate the Capstone development, but said he thought the Council had acted responsibly in saying that they wanted to cooperate with good quality development being proposed. He said he supported that, and also that the Council had sent along a proposal to the Planning Board. He said Planning Board members, not including delegates from the Council, were unanimous that this wasn't in the best interest of Durham. He said he had to respect that recommendation, so couldn't support this Zoning change.

Councilor Niman said he thought there were two things at play here. He first said he agreed with what Mr. McNeill had said, and also agreed with Councilor Cote that it would make sense to do more study and not act on this. But he said that wasn't the only issue at play. He said he would vote any way that Councilor Gooze voted, because he had been courageous in trying to come up with a solution that would allow them to move forward with the original Zoning change. He noted that this original change that was proposed, to allow single family homes in the MUDOR and ORLI districts, was a Planning Board initiated Zoning change.

He said he had heard criticism of the Council for doing planning, but said he never had wanted to do planning. He said the Council had been very supportive of the Capstone project, and said the Planning Board was supportive of allowing projects like that to happen. He said it was unfortunate that the Planning Board chose to move forward with the particular Zoning change it did, and said this was not a problem the Council had created.

Councilor Niman said he commended Councilor Gooze for trying to be proactive in finding a solution that everyone would like to see. He said an important issue was that if in the future, the Council wanted to work together to come up with creative solutions, they had to support them, even if after the fact there were potential problems with them. He said in the grand scheme of things, he didn't see that it would make a difference whatever they decided to do. He said his concern was that if this was voted down, what they were saying to Councilors in the future was to not try to work out a creative solution that would be the greatest good for everybody.

He said Councilor Gooze's statement that he wouldn't go down this road again was exactly what they didn't want. He said he'd been on the Council for eight years, and this was the first time there was a potential controversial issue and the Council was then able to broker a deal. He said this was something for the Council to be proud of, in order to move the Town forward.



Councilor Niman said while he thought the Zoning change was unnecessary, and didn't see that it accomplished anything other than perhaps having some unintended consequences he would hate to see happen, there was a different principle at play here that they had to honor, which was that if they were going to move the Town forward, they had to work together as a Council. He said if they were forced by the Planning Board to be creative in order to make something happen, so be it. He said he would vote for this if Councilor Gooze voted for it.

Councilor Gooze said he didn't want to malign the Planning Board, and said what occurred was unintended. He said if he felt passing this would do harm in Durham, he would not vote for this. He said either way, there were unintended consequences, and said it therefore didn't matter one way or the other from that standpoint. He said it came down to the fact that the Council had agreed to do this, and he would therefore like to see it pass. He said this would push the Planning Board to do something about the ORLI and MUDOR districts, and said in the mean time, he didn't think it would harm the Town to pass this. He also said it wasn't true that he would never try to broker another deal.

Councilor Clark said he thought the Council had made a timely decision that was in the best interest of the Town. He said he also thought it was obvious from the Planning Board votes and other things the Council was hearing that not passing this probably wouldn't make that much of a difference. But he said they did get the original Zoning change vote through by saying they would go one step further.

He said his recollection was that there was a big worry about McMansions being built out there, and asked if there was a way to just address that one concern, without affecting everything else. He said it seemed that the conservation subdivision proposal as proposed would affect a lot more than that, and asked if they could just target that one issue.

Administrator Selig said they could, but it would take additional time to do this.

Councilor Clark said he didn't personally think they were in a big rush with this Zoning change.

Councilor Gooze said the reason he had proposed the Zoning change was a concern about subdivisions in those two zones without conservation subdivision. He read from the Purpose section of the Zoning Ordinance provisions regarding conservation subdivision, and said that was the concern of the people who had talked to him.

Councilor Clark said that was what one worried about with residential neighborhoods, but said the Council was talking about the ORLI and MUDOR districts.

Councilor Gooze noted that the Council had now made them residential too.

Councilor Sievert said what he had been saying was that what was already in place was enough, noting that the environmentally sensitive areas were already taken out. He said some of the lots that had sewer and water, and had good soils, could potentially be more

intensely developed, and said that would be the unintended consequences. But he said on the other hand there was this broad brush of bringing in other development types that would already be clustered.

Councilor Niman asked Mr. Campbell if a change in wording to Section 175-107 B, Conservation Subdivision, Applicability, could be made, so that it would say “All residential subdivisions in the Residence A District, Residence B District, Residence Coastal District, Rural District, and single family residential subdivisions in the Office Research Light Industry District and the Multi-unit Dwelling Office Research District shall be developed as Conservation Subdivisions in accordance with...” He said that could solve the McMansions problem, and asked if it would be a substantive change.

Mr. Campbell said it would be a substantive change, and also said he didn’t think it would solve the McMansions problem because it would still allow single family homes, as conservation subdivisions.

Councilor Niman what the wording would do was to restrict conservation subdivision to purely single family subdivisions, and wouldn’t apply to multi-unit development, etc,

Mr. Campbell repeated that it would be a substantive change, and was something the Planning Board could look at when it studied this issue more.

Councilor Mower said it would be reasonable to suggest having Mr. Campbell consider this, run it by the Planning Board, and bring it back with some of the possible unintended consequences. She said there seemed to be no rush to do this, and noted that they were all worried about possible unintended consequences. She said the proposed wording might address things that had to do with the intent of conservation subdivision regulations, which was cluster development.

She said she agreed that they were talking about a sense of trust and honesty in the Council relative to its actions before the public, and its commitment to each other. She said supporting the Zoning change request immediately following the other Zoning change decision that allowed other Councilors to see something happen that they wanted to see had been an appropriate step.

Councilor Mower said if the discussion was continued, she thought the Resolution should include more of the context within which the motion was made to extend conservation subdivision regulations to the ORLI and MUDOR districts, so that posterity would understand more clearly how this had happened.

She also said it was appropriate to revisit the ORLI and MUDOR districts. She noted that the Master Plan update process had begun, but said they might consider instructing Administrator Selig to instruct Mr. Campbell to bring this issue to a more timely discussion than waiting for the Master Plan and Zoning rewrite process.

Councilor Cote said he agreed with Councilor Niman about praising Councilor Gooze for bringing this Zoning proposal, and said the Council wouldn't be discussing this issue now if he had not done that. He said he liked the idea of filtering this down to just single family subdivisions, which would still allow more creative uses with condos, multifamily, or workforce housing.

Councilor Mower suggested the idea of using the word "traditional", and Councilor Cote said he wanted the planning process to address this kind of thing, stating that it wasn't the Council's job to do planning.

Councilor Gooze said if it was a Council initiated change, it would have to go back to the Planning Board again. But he said it would get things going the way they should have gone before, and said he found this acceptable.

Administrator Selig said the Council could pass this proposed Zoning change as written, or could vote it down. He said it could also make an amendment, in which case it would go back to the Planning Board for further review, there would be a public hearing, and it would then come back to the Council.

Councilor Gooze asked if there was a way to continue this and let Mr. Campbell ask the Planning Board about it.

Administrator Selig said the Council could turn it down, or could take no action now and additional information could be gathered, including from potential discussion with the Planning Board.

Councilor Gooze said he thought the second approach would be fair, rather than turning this down.

Administrator Selig said Zoning was often modified based on a particular development that was thought to be beneficial. He said the Planning Board had felt the pressure of a real timeline that a development company had, and said the Council had then had a choice to make.

He noted that single family developments had been allowed in these areas for over 30 years, and they didn't occur. He said he didn't see a lot of pressure for new single family developments to occur there, and said even if one came forward, it would be subject to the Conditional Use process, which gave the Planning Board substantial authority to regulate how the development moved forward. He said he therefore didn't feel any pressure to move quickly, and advocated careful analysis.

Administrator Selig also said he didn't see a danger of passing this Zoning change because he didn't think it would have much effect one way or other. But he said good planning would dictate holding off on it and doing a more thorough evaluation of the implications of the changes. He said the Planning Board should be asked to take a fresh look at this, with the pressure of this Ordinance taken off of them. He noted that the

Board was going through the Master Plan process, and that the Zoning rewrite process would flow from that. He said after the 2000 Master Plan, it took time for the Zoning to catch up with it.

He also said while there was a brokering of a deal around the Zoning change with regard to Capstone, the Council had acted in good faith since that time. He provided details on the openness of the process, and said there had now been two Planning Board public hearings, which had further informed the Council.

Administrator Selig said if the Council was concerned about the Zoning change, his recommendations was that it vote this down, and ask the Planning Board to make this issue a higher priority than some of the other things it was dealing with. He said there might be much bigger questions that were then asked, such as whether a PUD ordinance should be developed, which could then take some time to come forward. But he said he didn't think there was much risk that anything would come in, in the interim.

Councilor Gooze asked why voting on the Zoning change would be wrong and would make things worse.

Administrator Selig said there were unintended consequences, but Councilor Gooze said not doing anything also could have unintended consequences. Administrator Selig said he felt that with the Conditional Use process, they were protected against unintended consequences from not passing this. But he said he believed Councilor Gooze had suggested a fine compromise at the time.

Councilor Gooze said if the Council decided to vote this down, he would absolutely accept that. But he said he wanted to be assured that things would be carried forward properly.

Councilor Mower said the only influence the Council had was to ask Administrator Selig to ask Mr. Campbell for information, which could be brought to the Planning Board. She also said Zoning needed to be linked back to the Master Plan, and said to the extent that they got further and further from that linkage, they were in some ways at greater risk.

She noted the wording in the Master Plan about eliminating cookie cutter lot zoning, which was carried through in the Zoning Ordinance with the conservation subdivision provisions. She said to the extent that they ignored this in the ORLI and MUDOR districts now, there was a question in her mind. She said she would rather pass the Zoning change now, and then continue with the process they all seemed to want to happen.

Councilor Niman said he thought the Council had reached some consensus before Administrator Selig had spoken. He said his preferred way to do this would be not to vote the Zoning change up or down, but to ask the Planning Board to come up with some wording to eliminate or minimize the unintended consequences. He said if the Council then didn't hear back from the Planning Board in a reasonable amount of time, they would bring it back and vote on it.

Councilor Mower said if a use was added and it wasn't addressed in the Table of Dimensional Standards, a question was what was the Planning Board was supposed to do if there was an application.

Councilor Niman said he thought the Conditional Use process could address this. He said what was proposed now was a simple solution, and there weren't a lot of unintended consequences if it was done. He said if the Planning Board then wanted to pull things apart and do a rewrite, that was fine.

***Councilor Stanhope MOVED to table the motion, and follow the wisdom of pursuing this with the Planning Board in order to avoid unintended consequences, with the option that any Councilor can bring this back if it is felt there has been satisfactory progress. Councilor Gooze SECONDED the motion.***

Councilor Mower asked if the Council wanted to set a time limit on this, in the motion.

Councilor Niman said his personal time limit would be before the first meeting in March, before the Council membership changed. He said he would bring it back in February if he didn't hear back from the Planning Board.

Mr. Campbell received clarified that the Planning Board would only be looking at the ORLI and MUDOR districts regarding conservation subdivision.

There was discussion that the time frame didn't have to be in the motion, and the question was raised as to how they could be sure this issue would be a priority for the Planning Board.

Administrator Selig said he would make it a priority, and said the Planning Board would then have to come to consensus about a solution. But he said it might or might not be able to do this by March, noting that the Planning Board had a lot on its plate right now.

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

The Council stood in recess from 10:20 to 10:27 PM.

## **XI. New Business**

- A. Discussion on proposed changes to Chapter 38 "Building Construction" of the Durham Town Code relating to energy conservation

Councilor Mower said she was asked by the Energy Committee to bring this forward for possible discussion. She said they were asking for a correction to an error that had evolved, such that Durham was considered under the BOCA code to be in a warmer climate zone than the counties at the same latitude in Vermont and Maine were.

She said the Committee was asking that the Council consider changing the code to reflect

the need for higher standards for insulation in ceilings and basements, which would lower utility bills and use of fuel over the life of a structure. She said the cheapest energy was the energy they didn't use.

Councilor Niman asked if one could buy R49 or R15/19 insulation in Home Depot or Loews. He said he didn't have a problem with requiring higher standards, but said if the materials were not readily available, it wasn't fair.

***Councilor Mower MOVED to extend the meeting. Councilor Cote SECONDED the motion, and it PASSED 6-2, with Councilor Stanhope and Councilor Sievert voting against it.***

Councilor Mower said Councilor Niman's question was not something the Committee had addressed. But she said she thought the insulation standard could be met based on the amount of insulation, as well as the type.

Councilor Sievert said it was the depth, but also said it was important to be careful about stacking insulation, which could change the R value.

Councilor Mower said this standard would apply to new construction, so the contractor would know what to do, and said there would be different needs depending on the type of construction. She said the real issue the Committee was trying to address here was that the wrong Zone was being referenced. She noted that she hadn't provided a suggested ordinance, and said this was meant to be a discussion.

Chair Carroll said because this would be for new construction, the contractor would have access to materials that residents didn't have access to at Loews and other places. She also noted that the higher standard was being used near Durham.

Councilor Cote said there was multiple ways to achieve R49, and noted that the biggest movement now was spray-in foam.

Councilor Mower said referencing the most recent requirements of an acknowledged regulation rather than something specific like R49 was a reasonable approach to take. There was discussion.

Councilor Stanhope said this basically said Durham would reclassify itself from Zone 5 to Zone 6, and asked if it was known what the cost per sf difference would be of doing this.

Councilor Mower said there might not be an answer to this, because people could use a variety of insulation options.

Administrator Selig said some research could be done on this.

Councilor Stanhope said there was already a perception that Durham was not affordable

for some people, and also said surrounding towns might not adopt this standard. Councilor Mower said the flip side was that people might choose to live in a more energy efficient town.

Councilor Stanhope said there were builders in New Hampshire who would build to this spec, but said that would involve a personal option, and not something mandated by the government.

Councilor Mower said it was a philosophical issue as to whether there was any interest on the part of the Town in moving forward on energy efficiency measures because it helped with the Town's energy security, and because of a variety of other benefits. She noted that the Economic Development Committee had talked about re-branding the Town, and that Councilor Clark had discussed this, including the idea of defining the Town as being forward thinking on energy. She also said as more and more people were aware of seeing more energy efficient residences, this was something that could be considered.

Councilor Niman said given the fact that Durham had previously been Zone 6 for several years, he agreed with Councilor Mower, and said they should be so again.

Chair Carroll said it sounded like going from Zone 6 to Zone 5 hadn't been based on sound science.

Councilor Gooze noted that Home Depot had R38 insulation.

Councilor Mower said she understood that the Council might want additional information, and said this could be provided at a first reading on an ordinance change.

Councilor Cote said if the Town went forward with this, it would make it easier on someone wanting to buy a house, knowing that this applied Town-wide for new construction.

Councilor Mower said she had spoken with a local architect in Town who said many commercial developers were already going beyond what the code required.

Councilor Clark said this made a lot more sense if they were going to get the word out on it.

Administrator Selig said he was supportive of this change, and said he had spoken with Code Administrator Tom Johnson about it. He said when the Ordinance was ready, it could be brought forward

***Councilor Sievert MOVED on First Reading a proposed Ordinance relative to making changes to Chapter 38 "Building Construction" of the Durham Town Code relating to energy conservation. Councilor Cote SECONDED the motion, and it PASSED unanimously 8-0.***

**B. Discussion on process for the Administrator's annual performance evaluation and employment agreement renewal discussions**

Administrator Selig noted that a variety of different formats had been used over the past 9 ½ years to do the annual performance evaluation, and he suggested using the same format that had been used last year, which was streamlined and generated useful conversation. But he said the process had to work for the Council. Regarding the issue of doing a self evaluation, he noted that he had already provided this.

There was discussion on the current evaluation document, and on the timeframe for doing the evaluations. Chair Carroll said she would like Councilors to get them back to her by January 10<sup>th</sup>. She said she would then tabulate the information in them and get the results back to Councilors by January 24<sup>th</sup>.

Councilor Mower said there was brief discussion about whether there should be a nonpublic session this year as part of the evaluation process.

It was noted that in the past, the discussion on Administrator Selig's evaluation had been completely public. Chair Carroll said she too would like a portion of the evaluation to be nonpublic, and she asked Councilors to give some thought to this idea.

Councilor Niman said if some Councilors wanted to do this, they should have the right to do so, and Chair Carroll agreed.

Councilor Cote said noted that contracts left this up to the Town Administrator.

Administrator Selig said that was also the case with his contract, so the procedure would need to be agreeable to them all. He explained that in the past, he had said that if individual Councilors felt there would be a more fruitful discussion in nonpublic session, he encouraged that.

Councilor Cote said he therefore supported that.

There was discussion that the evaluation would be on the Agenda for January 24<sup>th</sup>. Chair Carroll summarized that there could be a public as well as a nonpublic session at that time.

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

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

Councilor Gooze said after the Council had voted on the DPW contract, he had come to agree with Councilor Stanhope about the length of the contract.

Chair Carroll said after voting, she was thinking that not approving the contract meant more time would need to be spent on this issue by Administrator Selig, Ms. Jablonski and other Town staff. She said there was a lot happening with many of the Town's



committees, and said the Council could only expect Town staff to be so flexible. She said people were going to have to be ready to say that if time was being spent by staff on something, they could then pull back on something else. She said there was a consequence to everything.

Councilor Mower asked Administrator Selig if he would like to see some prioritization from the Council.

Administrator Selig said he would like the Council to do a non-meeting session so the bargaining team would have more specific direction.

Councilor Mower noted that her question had been more general, regarding priorities.

Administrator Selig said a number of concerns were raised by the discussion on the DPW contract, including the duration of the contract, the overall cost, the overall compensation for employees, and other issues. He said he would like to have the chance to think through all of this, and said there would then need to be another conversation with the Council.

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

***Councilor Niman MOVED to adjourn the meeting. Councilor Sievert SECONDED the motion, and it PASSED unanimously 8-0.***

Adjournment at 10:58 pm.

Victoria Parmele, Minutes taker