

D-R-A-F-T

Durham Town Council Minutes Monday November 21, 2011 Durham Town Hall - Council Chambers 7:00P.M.

MEMBERS PRESENT: Council Chair Diana Carroll; Council Chair Pro Tem Jay Gooze; Councilor Neil Niman; Councilor Julian Smith; Councilor Peter Stanhope; Councilor Robin Mower; Councilor Bill Cote; Councilor Jim Lawson; Councilor Kitty Marple

MEMBERS ABSENT: None

OTHERS PRESENT: Business Manager Gail Jablonski

I. Call to Order

Chair Carroll called the meeting to order at 7:00 pm.

II. Approval of Agenda

Councilor Smith MOVED to approve the Agenda. Councilor Marple SECONDED the motion, and it PASSED unanimously 9-0.

III. Special Announcements

IV. Approval of Minutes - None

V. Councilor and Town Administrator Roundtable

Chair Carroll noted Administrator Selig was not present and was on his annual vacation. She said the Council wished him well, and said Ms. Jablonski was taking his place at the meeting.

Councilor Gooze updated the Council on the November 9th Planning Board meeting:

- Andy Corrow was appointed as the new representative to the EDC.
- The public hearing on the proposed Zoning change to the Professional Office district was postponed.
- There was a public hearing on the Great Bay Kennel expansion, and it was continued after discussion. The Planning Board decided that more work was needed on the project from a sound engineering perspective. It was agreed that a third party engineer would review the applicant's future proposal that would address the sound issues, and this would be paid for by the applicant. A related boundary line adjustment application was withdrawn.
- There was discussion on a citizen petition to change the Table of Uses by making elderly housing a non-permitted use in the RA zone. After discussion, the Planning Board set the public hearing date for December 14th.

Councilor Gooze passed on to Councilors some comments from students his wife had heard at the most recent farmers market in Durham. He said one student complained that there couldn't be 4 unrelated people in the house because the landlord said there could only be 3. He said another student said he/she would have to move because of respiratory problems caused by mold in the rental unit, which the landlord had refused to address. Councilor Gooze said he told this student to call the Code Officer concerning this. He said a third comment was from a student who said he/she wasn't unhappy with the University's zero tolerance policy because it got them out of the dormitories that were regulated, into the unregulated residences.

Councilor Marple asked if the Planning Board had gotten any feedback as to whether noise was a problem right now at the Great Bay Kennel business, and Councilor Gooze said yes.

Councilor Lawson said the Economic Development Committee had recently met, and said the focus of the meeting was a session with Beth Della Valle to work primarily on the commercial core and tax stabilization chapters of the Master Plan. He said Ms. Della Valle had framed a number of questions for the EDC to think about and discuss. He said the next meeting, on December 15th, would continue with this work. He said Planning Board member Andrew Corrow was at the meeting, and said the EDC was pleased that he had joined the committee.

Chair Carroll noted that at the previous Council meeting, Chuck Cressy and his wife had spoken about the severe negative impact the October snow storm had had on Durham Marketplace. She said the business was out of electricity for over 55 hours, and said Mr. Cressy had indicated that over his entire career, no matter what the storm, he had never lost power for more than 14 hours.

She said in the past week, an email had been circulated from Warren Daniel, owner of The Bagelry to the Council and Administrator Selig, telling them how badly his business had been impacted by the storm. She provided details on this, and noted that the amount of sales typically occurring there on Homecoming Weekend was much like it was when there was a holiday. She said a way for residents to respond as a community was give the merchants at Mill Plaza their business. She said the merchants needed those dollars to make up for what they had lost, and to keep their businesses in Durham vibrant.

Councilor Lawson said the power outage was the topic at the Durham Business Association meeting the previous Thursday. He said the DBA energized to look at what some other communities had done, collaboratively with power providers in order to be knowledgeable as to options for improving power availability. He said he believed that over the next few months, the DBA would focus on this, with more knowledge on what the different options were when the electricity provider chose to limit those options.

Councilor Mower asked if Administrator Selig was following up with PSNH concerning this issue, including finding out more about the separation of the Faculty neighborhood and others from the UNH grid. She said the Faculty neighborhood felt that it had been lucky in benefitting from being part of the UNH grid, but might want to make future arrangements.

Ms. Jablonski said she would remind Administrator Selig to follow up on this issue.

Councilor Smith asked Director of Public Works Mike Lynch if there were plans to go forward with tree cutting at the Transfer station and Langmade Farm, noting that his interest in this was concerned with the amount of brush and dead trees in those woods.

Director of Public Works Mike Lynch said there were no current plans to do this work. He said he had brought this proposal before the Conservation Commission, where there was a lengthy discussion on it. He said Committee members had some concerns about the procedures and scope of work that would be involved, and said Malin Clyde was supposed to put together a group to look into these things. He said he hadn't heard back from her, and said he would check back with her and report back to the Council.

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

Chris Gross, McGregor Memorial EMS, said he was present to better inform the Council and residents of the services that McGregor provided to the Town. He provided some history on the role the organization had played in Durham, and said it had now grown to the point that there were 1600 calls for service each year. He said the quality of the service had continually increased, while maintaining the organization's mission. He said there were 30,000 volunteer hours put in last year, which provided 24/7 coverage.

He explained that mutual aid was provided to Dover and Barrington, which for some reason were not able to cover some calls. He noted that McGregor got an award in 2008 for providing outstanding quality of care, and had won this award out of 300 units in the State. He said some volunteers gave 100 hours per month, even with full time jobs. He noted that volunteer Patrick Ahern started in 1975, and was still a part of the organization today.

Mr. Gross said volunteers came from Durham, surrounding towns and surrounding states, and said the level of education of members was unparalleled. He also said McGregor continued to increase the educational opportunities it provided, including advanced EMT courses, refresher courses, CPR, and babysitting classes. He provided details on these opportunities.

Councilor Lawson noted that Mr. Gross had recently graduated, and asked how many hours he had volunteered last year.

Mr. Gross said he put in 4000 hours over 4 years. He said he was now headed to medical school, and said other volunteers took this route as well. He said there were about one or two pre-med students each year.

Councilor Lawson asked what percentage of volunteers graduated from UNH, and Mr. Gross said it was about 90-95%. He said McGregor had high quality students as volunteers, many of them pre-med, as well as other students who were simply interested in volunteering.

Chair Carroll thanked Mr. Gross and all of McGregor for their service to the Town, stating that when it was needed, it was very much appreciated.

VII. Unanimous Consent Agenda (*Requires unanimous approval. Individual items may be removed by any councilor for separate discussion and vote*) – None

VIII. Committee Appointments - None

IX. Presentation Items

B. Annual Report of the Planning Board – Lorne Parnell, Chair

Mr. Parnell said it had been a very active year for the Planning Board, and said it didn't seem that the schedule would be diminishing in 2012. He said the Board had been handling a significant number of site plan applications, conditional use permit applications and other applications, and said they spent a lot of time reviewing these projects.

He said the most significant project that came before the Board in 2011 was the Capstone applications, which were approved in April. He said there was a great deal of public input as part of the review process, including input from the Conservation Commission and the Strafford Regional Planning Commission. He said this public process had been successful, and said it resulted in a very good project for the Town, involving a major investment by Capstone that would add new high quality student housing in 2012.

Mr. Parnell said several mixed use development applications came before the Planning Board in 2011, including the Crape application at 9 Madbury Road, the Ionian Properties LLC applications on Pettee Brook Lane, and the Grange redevelopment application. He said although these were significant projects, the Board didn't get very much public input concerning them. He said when they were complete, downtown Durham would look very different than it did right now.

He said in March, there was a presentation by UNH about its Business School project, which was now under construction. He said on a per capita basis, Durham had more construction going on than other places. He said this was significant, given the state of the economy and the fact that most of this development was occurring as a result of private investment.

Mr. Parnell said the Planning Office began the process of updating certain chapters of the Master Plan in 2011, including the commercial core chapter, environmental and cultural resources chapter, tax stabilization chapter and land use chapter. He said there would also be an energy chapter. He said it was important that the Planning Board get as much input from the public as possible as part of the Master Plan update process. He said the Planning Board had held a public forum, and also said a town wide survey was conducted.

He said some Town committees would assist with the development of the chapter updates, and said it was anticipated that these chapters would be pulled together and would go out to public hearing by May of 2012. He noted that the Planning Office had hired consultant Beth Della Valle to work with the committees as part of this process.

Mr. Parnell said the Planning Board was currently working on some modifications to the Zoning Ordinance concerning the commercial core, and said he was hopeful that this process would be finalized some time in 2012. He said the Board expected to forward these recommended changes to the Town Council at that time, and said they would include a recommendation to expand the commercial core out from the downtown core, and a recommendation to have more permitted uses while also including performance standards to go along with these uses. He said the Board was not

recommending moving to a form based code, but was moving in the direction of some things that were in the realm of the form based code.

Councilor Mower asked if there was any recommendation to ensure that there would be better and timelier communications with the Conservation Commission, noting that there had been a glitch with this during the review of the Capstone applications. She said it would be to the advantage of everyone to avoid that in the future.

Mr. Parnell said there was a procedure in place. He said that during the conceptual consultation and design review phases of the review process, the Planning Board should make sure to tell the applicant the appropriate steps to take, including communicating with the Conservation Commission. He noted that some of these steps in the process had been introduced relatively recently, and said Councilor Mower had given an example of where it didn't work. But he said there were times when it did work.

There was discussion between Councilor Mower and Chair Parnell that perhaps there could be a checklist that identifying the steps that were a part of the process.

Councilor Mower asked if thought had been given to providing training for new members of the Planning Board, noting that it might then be easier to find members of the community who would like to serve on that Board.

Mr. Parnell said that was a good idea, stating that the Board was having a problem getting some new members right now.

There was discussion that there were currently two alternate positions open, and that taking one of these positions was a good place for someone wanting to volunteer to start out.

Mr. Parnell noted that Planning Board members were expected to be up to date and a part of discussions.

Councilor Gooze said there was supposed to have been a training session put on by the NH Office of Energy and Planning, but it was cancelled because of a lack of funding.

Councilor Mower noted that there were some terrific presentations given by NHOEP in the past, and said it would be useful if these were pulled together for new Planning Board members.

Councilor Smith made note of the fact that he was the Planning Board representative to the UNH master plan committee. He asked if it would be useful to have a special meeting of the Planning Board where members of the Council, EDC and others could talk about what the Town might like to see in terms of awareness and cooperation from UNH. He said a great example of the need for these things was the disturbance created by the wind tunnel constructed on University land. He asked Mr. Parnell whether University representatives had gotten back to the Town yet on this issue.

Mr. Parnell said he had seen the letter the Planning Board had sent to the University, but said he didn't know if there had been a response yet.

Mr. Campbell said he hadn't heard back yet, and said a meeting on this issue probably couldn't be scheduled until January. He said he expected that this would happen at either the first or second meeting in January.

Councilor Smith asked if any thought had been given to having a Planning Board meeting earlier in the month in December.

Mr. Campbell said December was a tough time to schedule extra meetings, but said he would be happy to try.

Councilor Smith said the Planning Board had sent a good memo to University planner Doug Bencks on the wind tunnel issue.

Councilor Smith asked Mr. Parnell if he thought that what had happened with the wind tunnel was the kind of situation where when the University changed its mind from what it originally said to the Planning Board about a proposed project, it should have to come back before the Board. He noted that the University didn't get the funding for the containment structure it had told the Planning Board would be a part of this project.

Mr. Parnell said when the project was described to the Board, a major issue to be considered was possible noise, and Mr. Bencks said it wouldn't be a problem. Mr. Parnell said this wasn't a project that the Planning Board was asked to approve. He said if it had been a project the Board had approved and the University didn't follow through, it certainly would have had to come back before the Board. He said he thought the reason the Board sent a letter out was that the University didn't do what it said it was going to do.

There was discussion that the University was required to consult with the Planning Board about projects it planned to do in Town, and that while the Planning Board couldn't stop a project, it could raise some flags about it and encourage the University to do something different. Mr. Parnell said the Board's mandate was to bring up things that might affect the community, and Councilor Smith noted that former Board member Steve Roberts had brought up the noise issue.

Councilor Mower noted that Mr. Parnell hadn't mentioned the energy checklist that the Energy Committee had developed and that the Planning Board had reviewed. She thanked the Planning Board for the time they spent on this and for their constructive comments on the checklist.

Chair Carroll noted that the Planning Board held quarterly planning sessions, and said in 2011 they started a process of allowing members of the public to come forward at the beginning of the meeting to provide comments on planning issues. She provided details on this, and said it was a great opportunity for the Planning Board to see what was on residents' minds. She thanked the Planning Board for providing these opportunities, and said it was important to let residents know that they could come forward with questions and suggestions on planning issues.

Councilor Gooze said as soon as he knew when the next quarterly planning meeting was going to be held, he would let the Council and others know this.

X. Unfinished Business

- A. **PUBLIC HEARING AND ACTION ON RESOLUTION #2011-22** authorizing the acceptance and expenditure of \$10,000.00 in unanticipated revenue in the form of a grant from the New Hampshire Division of Historical Resources to assist in funding the cost of ongoing repairs to the Smith Chapel?

Councilor Smith MOVED that the Durham Town Council does hereby ADOPT Resolution #2011-22 authorizing the acceptance and expenditure of \$10,000 in unanticipated revenue in the form of a grant from the New Hampshire Division of Historical Resources to assist in funding the cost of additional repairs to the Smith Chapel. Councilor Mower SECONDED the motion, and it PASSED unanimously 9-0.

Ms. Jablonski said this grant was paid for through the moose license plate program, and she thanked HDC member Andrea Bodo for doing most of the work on the grant application. She said the slate roof work had been done and the stained glass windows had been put in place. She said there was still masonry work and some other work to be done, and said the \$10,000 would assist with that work. She said there was about \$13,000 in repairs left to do.

Ms. Bodo explained that the Town was very lucky in that it had a Historic District Commission, a Heritage Commission and a Certified Local Government, which no one had ever used before for this purpose. She said the State Division of Historic Resources did a site review and thought the chapel was adorable, and later gave the Chapel a determination of eligibility, which meant it could be put on the National Register of Historic Places. She said a certified local government grant had been applied for as part of doing this, and she provided details on the process that was involved. She said that grant should come through soon.

She said she was also able to apply for the moose plate grant too once there was the certification of eligibility. She spoke about the various people who had assisted her with this, including Director of Public Works Mike Lynch, Michael Bradley of St. George's Episcopal Church, and Administrator Selig.

Councilor Gooze asked if it would be possible to light the chapel from the inside, so the stained glass windows would show. He said it would be wonderful to be able to see this.

Councilor Mower agreed that this would be magical, but said a concern was that it would invite vandalism. There was discussion that it would be great to light the chapel occasionally so the windows could be seen.

Chair Carroll thanked Ms. Bodo for all she had done to make this grant possible, and said it would be a joy to vote for it.

Councilor Smith MOVED that the Durham Town Council does hereby Close the Public Hearing on Resolution #2011-22 authorizing the acceptance and expenditure of \$10,000 in unanticipated revenue in the form of a grant from the New Hampshire Division of Historical Resources to assist in funding the cost of additional repairs to the Smith Chapel. Councilor Mower SECONDED the motion, and it PASSED unanimously 9-0.

Councilor Stanhope MOVED that the Durham Town Council does hereby ADOPT Resolution #2011-22 authorizing the acceptance and expenditure of \$10,000 in unanticipated revenue in the form of a grant from the New Hampshire Division of Historical Resources to assist in funding the cost of additional repairs to the Smith Chapel. Councilor Mower SECONDED the motion, and it PASSED 9-0.

Chair Carroll thanked Ms. Bodo and others who were involved in making this happen.

A. Update on ORCSD budget and other school district issues – Leon Levesque, Superintendent, ORCSD

Mr. Levesque said he was present with School Board members Jocelyn O’Quinn and Anne Lane, and said this was their second visit to reach out to Councilors and entertain questions and comments on the schools and the School Board Budget development for 2012. He said the Board was in the process of developing its Budget, and was hoping to complete it in December. He said the Advisory Budget committee was expected to give its third report on November 20th. He said the proposed 2012 Budget was about \$172,000 above the 2011 adopted Budget.

He said the School Board had advertised the Superintendent position nationally, and was currently going through a screening process. He said it was anticipated that the final interviews for the position would take place in February.

Mr. Levesque said he was there to hear Councilors’ questions and comments. He explained that there were two studies ongoing, one of which was a long range planning study. He also said a study was being done of facilities, including energy audits of all buildings. He said it was anticipated that there would be some capital improvements that could be done to generate substantial savings in energy use. He said the School District was getting help on the energy study from the State, and said an energy audit would be done at no cost. He said it looked like the High School was a high energy usage building, and said there would be more analysis of this.

There was discussion, with Chair Carroll saying she’d been taken aback that the High School wasn’t in good shape energy wise. It was noted that it wasn’t an old building, and Mr. Levesque stated again that there would be a thorough analysis on it.

Jocelyn O’Quinn, Durham’s representative to the School Board, said a main reason for high energy usage at the High school was the frequency of use of the facility. She said the school’s sustainability committee was looking at this issue and said a lot of the energy analysis being done right now was a result of recommendations from that committee. She said Sue Caswell, the Business Administrator, was looking at these issues as well.

Ann Lane noted that she was an at large member of the School Board who lived in Durham. She noted that Moharimet had a 93% energy rating, and said this was an example for the School District’s other buildings to follow.

Councilor Marple asked for details on the interim principal position, and Mr. Levesque said he was in the process of doing the six month evaluation. He said he would be deciding whether to advertise outside or would look inside and make the determination there.

Councilor Smith referred to the report that had recently been provided by Michael McClurkin, entitled “The ORCSD by the Numbers”, and asked Mr. Levesque if it had been circulated to School Board members.

Mr. Levesque said several copies had been provided. He spoke about the fact that he’d met with Mr. McClurkin several times, and said he and the School Board had commented on some of the license he’d taken in his research work. He said the report made some points, and said they were certainly looking at them.

Councilor Smith noted the quote in the report “.....spending was too high and could be reduced by 10-15% without significantly reducing the level of achievement”. He asked if the Budget could be reduced by 10-15% while increasing the level of achievement.

Mr. Levesque said that was the ideal. He said right now, they were looking for efficiencies in various areas, including staffing ratios and benefit packages. But he noted that there were values associated with certain programs. He said the School District did a good job with the resources they had, but he said efficiencies continued to be looked for.

Councilor Gooze said his impression was that in the past, there were numerous times when the School District had looked at the idea of outsourcing transportation, but it was always found to be more economical not to do this.

Mr. Levesque said this was an option, but said the School District had heard loud and clear from parents that they didn’t want that. He said ways to make more efficient bus runs as a way to control gas costs were being looked before anything else.

Councilor Gooze said another large issue was overall salaries in the School district. He noted that teachers at the High School were reaching the end of their careers, so were at the high end of the pay scale. He said eventually the wages should shift somewhat, as younger teachers were hired, but said he realized that they couldn’t replace everyone with people without experience.

Mr. Levesque agreed, and said the School District looked closely at the idea of hiring people with less experience.

Councilor Lawson said an observation of Mr. McClurkin’s report was that administrative costs, transportation, and plant operations, etc., were in line with State averages, this would save over \$3 million dollars. He asked if these costs were potentially significantly higher in the ORCSD than in other districts.

Mr. Levesque noted that he had been in his position for 6 months. He said even though school departments reported numbers to the Department of Education, they didn’t always report them under the same accounts. He said it was therefore important when making comparisons to make sure that what was being compared was done **correctly**. He said the premise could be made that expenditures were higher, but said he couldn’t say anything certain about the particular areas, for the reasons he had already stated.

He said they were looking at their large investment in buildings, and getting more efficiency in operations. He said they were also looking at transportation as well as health costs. He noted the

shift in the State retirement system was reflected in \$322,000 in costs the School District would have to pick up in its Budget.

Councilor Lawson noted that Mr. McClurkin had provided details that were used to develop the averages for the ORCSD and the State, and said these averages were also higher for the School District. He said he was taken aback by the differences between the State averages and the School District averages.

He asked if the audit of the financials was online, and Mr. Levesque said if it wasn't he could make it available. He said the audit results were expected by January. Councilor Lawson said it was sometimes difficult to look at a Budget without having supporting information with it. He asked if there was a separate undesignated fund balance that was used as a contingency, or if the surplus in a given year was the only contingency.

Mr. Levesque explained that it was State law that whatever was surplus was returned to the towns, which reduced taxes the following year. He noted funds returned back to the Town that had reduced the recently set tax rate.

Councilor Lawson said he was not able to conclude this from the information he had. He then said it was surprising that ORCSD had been designated as a school district in need of improvement, given the NECAP scores. He said this had a potential economic impact on the community. He said plans were put together to address that, but said it wasn't clear what the timeframe was for getting off of the district in need of improvement list.

Mr. Levesque said of 20 possible reasons for getting this designation, the School District got it because of the special needs population. He said he and the School Board were taking a hard look at why this population hadn't progressed as well as other school populations, and said there were many variables involved.

Councilor Lawson said this must be frustrating. There was discussion on possible ways to address the problem, and it was noted that the Secretary of Education had entertained the idea of granting waivers, which NH was looking at.

Councilor Marple said she had always appreciated it that little children got picked up at their homes by the school bus, but she asked if anyone had suggested the money saving idea of having kids assemble at a spot nearby where the bus could stop.

Mr. Levesque said the School District was currently looking at all the bus routes and stops.

Councilor Niman asked if the long range planning committee was projecting declines in the number of students.

Mr. Levesque said a loss of 150-200 students was projected based on birth rates. He said they were looking now at ensuring that the data was accurate, and said if that trend continued, it would invite serious conversation.

Chair Carroll noted the active sustainability committee at the High School, and asked Ms. O'Quinn, who was a member of that committee, how their suggestions concerning transportation, energy and food fit into the budget.

Ms. O'Quinn said the committee's report provided short, middle and long term recommendations, and said some of them had budget impacts. She said the School Board would discuss whether to leave a space in the Budget for the recommendations the committee had made. She said a lot of them had to do with behaviors, with no cost involved, while others involved saving money. She said some recommendations required a small initial investment, and said hopefully they would get the energy audits at no cost.

She said it was important to put money in the Budget for some things if they were needed. She said in order to move forward and save money, she really supported investing a small amount of money in an Energy Club. She said the biggest challenge was that human resources would be needed to analyze the energy audits, and she provided details on this.

Councilor Mower suggested that instead of having teachers run the Energy Club, perhaps members of the University would volunteer, which would provide some great modeling for high school kids.

On another issue, Councilor Mower noted that the Town had to go through various collective bargaining negotiations, and said health insurance was on everybody's minds. She asked if it would be possible to give the Council and the Town an idea of what generally the contribution was toward medical insurance was by faculty and staff.

Mr. Levesque said faculty and staff didn't all have the same plans, and said they were trying to bring these plans into more unison. He said he didn't have the comparison of the percentage of contribution for the HMO option as compared to the more expensive option.

Councilor Mower said it would be useful to have that comparison.

Mr. Levesque said most school districts were moving to HMO types of plans and allowing people to buy out if they wanted more expensive plans.

Councilor Mower asked Mr. Levesque if there were some areas of the McClurkin report that were more on target than others.

Mr. Levesque said it was true that ORCSD had one of the highest budgets, and said it would take the School Board some time to look at this. But he said the cuts that were proposed in the report weren't realistic.

Councilor Mower asked if there were some strong differences and data issues concerning the report.

Mr. Levesque said the bottom line was that the School District had some things to look at and would pursue this, but they didn't know how this would play out yet.

Chair Carroll asked for some examples of some things that were so important that they wouldn't be cut because of the quality they provided.

Mr. Levesque said it was important to have good teachers and staff so young people would be well prepared concerning careers, etc. He also said it was important to support the music program. He said the Advisory Budget Committee had met with all of the cost centers, so the School Board had another set of eyes. He said they had gone line by line, so all those questions were emerging. He

said the goal was to look at expenditures but maintain quality. He said this process could create some anxiety, but said out of that process would come what was valued.

Ms. O'Quinn said as a Board member and parent, they wanted to look at operational efficiencies that could be achieved that didn't impact what went on in the classroom, and that would be good for the environment. She said she also liked to understand the impact of new programs on kids, when there were limited resources available. She provided examples of this. She said at this point, they didn't have the long term strategic plan on where to focus those resources.

She encouraged input from Councilors and other residents as part of the Budget process. She said the more they heard from the public, the more School Board members would know that they were putting forth a budget that was reasonable and that reflected what was going on in peoples' lives. She spoke in some detail on this.

Ms. Lane said she hoped they could all keep in mind that they served all the children. She said hearing from constituents was invaluable. She said she reminded herself as often as she could that the kids were counting on them.

Councilor Mower noted that some members of the community had expressed a desire for greater clarity relative to the School Budget, and asked if there was a plan to include a narrative, including an introduction to the budget, which was something Administrator Selig had done.

Mr. Levesque said the first step was to distribute the Budget with the details, and said the second piece would be how to explain it. He said this would be different than what had been seen in the past.

Councilor Mower said that would be greatly appreciated.

Councilor Gooze noted the scathing article a few years ago on the previous business manager for the School District, and said he'd like to see where things stood now.

Mr. Levesque said glad to send out the audit when it was available.

Ms. O'Quinn said the auditors would do a presentation at a School Board meeting when the audit was done. She noted that she had not been speaking for the Board as a whole and was giving her own opinions. She said the strategic plan was on hold, but said a vision statement and educational philosophy statement was approved at the last meeting.

Councilor Mower suggested that information on School District matters could be provided in Friday Updates, and Ms. O'Quinn said she would talk to the Board about this.

Chair Carroll thanked Mr. Lavesque and School Board members for coming to the Council meeting.

Mr. Levesque said this was the first attempt to follow through in providing information that showed they were listening, and wanting feedback.

Chair Carroll said this was appreciated.

Councilor Stanhope left the meeting at 8:45 pm.

- B. Discussion of (a) possible Council-initiated amendments to the recently-adopted “Workforce Housing Option” and (b) possible amendments to the Durham Zoning Ordinance Table of Uses and the Table of Dimensional Requirements that would encourage the creation of workforce housing on existing properties in all zoning districts

Chair Carroll first noted that Councilor Smith had brought this proposed Zoning amendment forward.

Councilor Smith said this item had been on the agenda for the two previous meetings, and said there was now adequate time to discuss it. He said he would like to have a discussion on two matters. He said the first was the workforce housing provisions the Council had adopted on October 3rd, which limited this option to conservation subdivision projects. He said it was a close vote, and said if the matter had been discussed at greater length, it might not have passed.

He said his proposal recommended that the Council extend the applicability of the workforce housing option to the MUDOR district. He said the land there was owned primarily by the University, which might be encouraged to sell or lease land to a developer who could create some workforce housing that would benefit University faculty and staff.

Councilor Smith said he would also like to extend the applicability to the RC district. He noted that this district was very large and had a lot of undeveloped, open land that many people in Town didn’t wish to see developed. He said he thought it was discriminatory to exclude the RC district but include the Rural and ORLI districts. He said making this Zoning change would require a public hearing, and said he imagined that quite a few people would be opposed to it.

He said he included the RC district as a place to put workforce housing because he grew up in the south at a time of discrimination and segregation. He said he saw the exclusion of the RC district as symptomatic of bad discriminatory practice. He asked Councilors if there was any interest in a possible Zoning amendment, and said if there wasn’t, he would suggest something else.

Councilor Lawson said if the intent was to create the possibility of workforce housing, this perplexed him because it appeared from the assessing data that the land in the RC zone was about four times as expensive as land in the Rural district on a per acre basis. He asked if it was reasonable to think that workforce housing would be possible there, and said this wasn’t segregation, but simply the market.

Councilor Smith said that was irrelevant. He agreed that it was unlikely that a developer would be able to afford to develop workforce housing there, even with the small density bonus that would be allowed. He asked what the harm or threat was of allowing this. He said once the real estate market improved and as the population increased, there would be more development in the RC zone.

Councilor Lawson said this recommendation was therefore to make a point, and not to expand the opportunity for workforce housing.

Councilor Smith said it was both, and said he thought it was a point the Council should make in terms of fairness. He noted that there was some housing associated with workforce housing in the RC district, in the way of cottages that over time have been made into larger houses.

Councilor Stanhope returned to the table at 9:04.

Councilor Gooze said he respectfully disagreed with Councilor Smith, who he said was just making a point that wasn't necessary to make. He said now that the Council had recently passed some workforce housing provisions, he would like to do further work on allowing duplex and apartment workforce housing through the Planning Board. He said he would be glad to bring those kinds of additions up to the Planning Board.

Councilor Marple said she agreed with Councilor Smith concerning the issue of exclusivity.

Councilor Gooze said the land was too expensive so workforce housing wouldn't be done there. He said there was therefore no reason to put it in the Zoning Ordinance.

Councilor Smith said he had asked Jack Mettee why the RC zone wasn't included with the workforce housing provisions, and was told it was because it was an area where land tended to be more expensive. He said there were some areas of the RC zone that were added to it more recently, and were not coastal. He said there was actually quite a bit of land in the RC zone that wasn't coastal. He noted as an example the extensive stretch on the north side of Route 4 in the eastern part of Town across from Wagon Hill Farm, which included Morgan Way and Shearwater Ave. He said he didn't think it mattered that land costs were very high in the RC zone.

Councilor Mower noted that the Council hadn't yet discussed the proposal to allow workforce housing in the MUDOR district. She said the likelihood of getting any of it there was slim, but said there should be the zoning in place in case the land became taxable. She said she was torn about the idea of allowing it in the RC district.

She also said that in terms of economic development, they wanted to have parts of Town that maintained high property values. But she said the issue of exclusion was real, and said zoning either invited or excluded. She said given that it was highly unlikely that there would be workforce housing developed in the RC zone, the question was whether it made any difference to make this change.

Councilor Mower said this got back to the issue of the workforce housing provisions as currently written, and said she would like to see it rewritten and focused more on existing properties. But she said she didn't see that happening any time soon.

Councilor Niman noted that a basic concept in economics was opportunity cost, and asked whether discussing this issue was the best use of the Council's and the Planning Board's time. He noted how slow the Master Plan update process was going, and asked if the Council wanted to burden it with this issue as well.

Councilor Mower said she would rather have looked at the conservation subdivision regulations, but said she took Councilor Niman's point, and said it was a tipper.

Councilor Niman said that regarding the idea of allowing workforce housing in the MUDOR district, there were rules and regulations in terms of the income limits for the people who could live there. He said workforce housing in the MUDOR district would never happen because the kind of staff the University wanted to attract wouldn't meet those income limits.

Councilor Smith asked if the University had statistics on lower level secretaries, etc. who would meet the family or individual limits to qualify for workforce housing, and what percentage of those people lived in Durham. Regarding the opportunity cost issue and the limited amount of time the Council and Planning Board had available, he asked Councilors to recall a number of ill-conceived zoning changes in recent years, after going through extensive public hearings. He said these things had taken a lot of time, and eventually led nowhere.

Councilor Niman said because the Council had done something before, that didn't mean that it should continue to do it. He said it was a lesson to be learned, and said he didn't feel it provided a basis for saying it should be done now. Regarding the issue of lower level UNH staff and how many lived in Durham, he said the people who cleaned the buildings were not UNH employees, and he noted that this was something that UNH had done more and more. He said the land in MUDOR was very valuable to them, and said if this proposed zoning change was made, it was not likely that there would be workforce housing done there.

There was detailed discussion on whether the vote to approve the workforce housing provisions in the Zoning Ordinance was valid because of some possible procedural errors.

Councilor Stanhope said he tended to agree with what Councilor Niman had said, because the underlying land was so valuable. He said the enabling legislation at the State level was well meaning, but said workforce housing wasn't being built anywhere in significant numbers. He said he therefore didn't think making this change at this point had any real value.

Councilor Gooze said he would put efforts concerning workforce housing into reuse of buildings, and said the appropriate place to do this was through the Planning Board. He noted that the Board had a lot on its plate right now, and said he wasn't sure how a proposal would be received right now. He said it could be done at the Council level, but said he didn't think it was the appropriate time to delve into this. He suggested that it could be looked at after the Budget season.

Councilor Mower asked if it was possible that through the work being done to improve the tax base through various projects, especially downtown, that would have a positive impact on the tax base and the economics of the Town, which then might make it more possible for developers to develop workforce housing. She said it could therefore be putting the cart before the horse to spend more time on the workforce housing ordinance now. She said the provisions met the State requirements now, so said there was time to get something better.

Councilor Lawson said 25% of the Town's single family homes qualified as workforce housing. He said he suspected that this might change, but said it gave them the leeway that Councilor Gooze had spoken about.

Councilor Mower said it seemed that the consensus on the Council was that this was not something that it would urge go to the Planning Board, while recognizing certain points that Councilor Smith had made.

Chair Carroll said she agreed that not allowing workforce housing in the RC district felt exclusionary. She said it bothered her, although she realized there was the price of land issue. Also said she wouldn't get involved with allowing workforce housing in the MUDOR district because the University wasn't keeping the houses they had, and wasn't repairing them. She said they

had too many things going on, and noted that it would be different if the University was coming to the Council asking for this zoning change.

Councilor Gooze said Councilor Smith had a point about the MUDOR district. He said if the University was looking to maximize income by selling some land, they could be approached through their Master Plan committee concerning whether they would be willing to sell some land if the Town had the zoning in place. He said if so, he would be willing to bring this up.

Councilor Smith thanked Councilor Gooze for saying that. He also noted that the workforce housing option simply provided a small density bonus, and said there could be a workforce housing component as part of a conservation subdivision so that there could be a community of houses of various prices. But he said he was happy to move on.

Councilor Smith said he also thought that the Council should ask the Planning Board to clarify what was meant by the Alternative Lot Sizing section of the Workforce housing ordinance, which stipulated that the Planning Board may authorize variations from the minimum lot sizes and lot dimensions specified by standards of the underlying zone through the Conditional Use Permit ... That is, what range or limit of variation might be considered?.

Councilor Smith said he had brought this matter up with workforce housing consultant Jack Mettee a few weeks ago, who suggested that the Council might consider having a subcommittee to develop some language, examine the Table of Uses and Table of dimensional controls, and make some recommendations back to the Planning Board and the Council.

He said among possible amendments to the Table of Uses in our Zoning Ordinance, he would suggest including several new categories of use:

- Workforce Housing Duplex
- Workforce Accessory Apartment
- Workforce Housing Accessory Dwelling Unit.

He said these new uses would require new definitions. He said in the case of accessory apartments and accessory dwelling units, it might also be useful to make changes to the performance standards and to amend the Table of Dimensional Controls.

Councilor Smith noted that he had brought up the idea of a workforce housing overlay, which would include definitions as to what was meant regarding workforce housing, advantages in terms of minimum lot sizes, etc. and would allow duplexes in areas where they were currently not allowed, which was the RA, RB and Rural districts.

He said this could result in repurposing of old houses that were too large to be remodeled as single family residences. He said some kinds of workforce housing bonuses might result in redevelopment of some of the houses near the downtown that were now owned by absentee landlords and rented to students. He said this idea would make it more attractive to redevelop these properties for rental or for sale.

Councilor Gooze said he would be glad to sit on a subcommittee concerning this idea after the first of the year.

Councilor Lawson said Durham had a supply of housing available, and said a concern was that if the supply was increased and a house couldn't be sold to a family, it would turn into a student rental.

Councilor Marple said it was ridiculous that \$270,000 was considered affordable housing. Councilor Mower said this pointed to the fact that the State statute and the requirements in it seemed not to reflect the realities of certain towns.

Councilor Lawson noted that the guidelines were developed by HUD.

Councilor Mower said it was still a stretch for many people. She said she greatly appreciated the suggestion Councilor Smith had made about converting existing properties, but said she was swayed by what Councilor Lawson had said about already having an adequate supply of housing.

Chair Carroll summarized that the Council had begun a discussion on workforce housing. She said many Councilors were interested in this topic and would be interested in continuing with it.

Councilor Mower said at the very least, some definitions should be crafted.

Chair Carroll thanked Councilor Smith for bringing his ideas forward.

XI. New Business - None

XII. Nonpublic Session (if required)

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

XV Adjourn (NLT 10:30 PM)

Councilor Niman MOVED to adjourn the meeting. Councilor Cote SECONDED the motion, and it PASSED unanimously 9-0.

Adjournment at 9:31 pm.

Victoria Parmele, Minutes taker