

From: [Firoze Katrak](#)
To: [Todd Selig](#); [Durham Town Council](#); pnrasn@yahoo.com; [Karen Edwards](#)
Cc: [Rick Taintor](#); [Jen Berry](#); [Christine J. Soutter](#); [Michael Behrendt](#)
Subject: Re: Competence, or lack thereof vs Gross Malfeasance??? -
Date: Friday, May 01, 2020 4:15:15 PM

Hi Todd, Michael,

Todd I hope Loren, you and your family are doing well under these difficult circumstances. I wish speedy recovery from the virus.

Michael, thank you for your frank feedback. It helps with clarifying ongoing dialogue. I do understand that you cannot get into MP specific issues. As you know, I admire your work in many ways and I have great respect for you, so our discussion is hopefully constructive.

As you know I am never wrong! Just kidding :) I am always willing to recognize my stupidity or errors when I am so educated.

Let us consider only one example from Christine's letter, her first (presumably her most important?) point. Quote: "When investments are made to a building, or a group of buildings, it either has no effect on value or increases value. Value to a certain degree is personal opinion." She can believe what she wants, but is this what the EDC and the Town believe?

If so, there would be no need for anyone to get any approval for any project from the PB or submit economic impact analysis, because her statement implies that every building investment is automatically justified and self-approveable by that statement. Wow, what a deep concept! Of course we hope that her statement cannot be the EDC's position, nor the Town's position. If it is, then the residents and I need to be educated about this new thought, and the zoning code thrown in a dust heap?

Also, instead of reviewing her letter only in isolation, let us consider a portion of the historic big picture of what has been going on with the MP review process, in spite of huge, well intended, heroic efforts by the PB over many years.

As is expected, the developer has a well resourced team of attorney, architect, and numerous other "experts" (some good, some quite obviously biased, etc.). Who is the staff/team for town residents?

As is custom, the Town Planner tries to be unbiased, and also tries to protect the residents' interests through proper interpretation of zoning regulations. In our case with MP, the TC also tried (through the SA) to protect the interests of residents while also providing room for the developer to do a reasonably designed MP

project.

However subsequently, one staff member (i.e. Michael) who tried valiantly to represent the interests of the residents without being biased, he got "fired" from the project by the Administrator. Then the hired contract Planner (Taintor) has clearly shown he is not capable of, or interested in being unbiased or in protecting the interests for residents by properly interpreting the SA, the zoning code, CU etc (e.g. his shocking comment to PB to "ignore" the SA during PB review of project). I am glad that wrong advice by Taintor then got corrected (i.e. PB does have the SA as a tool during its review), although as you know it was through many unfortunately heated emails.

And now, here comes Christine as the ED Director, another town staff "implying" (through the use of formal Title) that the EDC may believe what she is writing!

The above brief big picture history that gets sharper today when Todd, who is painfully honest, is unfortunately intellectually conflicted on this MP matter (in which he is not supposed to be involved! but let that pass ...), because in these times unless he gets more revenues, he may have to lay off some staff. I sympathize with Todd's dilemma.

But then, do we think the residents have a prayer to get a reasonable design for the MP project under such circumstances where a series of staff actively pushes for the development without regard to its design limitations and without regard for valid interests of the residents who are severely constrained on what they can afford to hire as experts?

That is the big picture context for my email reaction to Christine's letter. It may be the proverbial straw that broke the camels back - her letter is too much, too blatant and too one sided (plus incompetent in my opinion). And the town residents deserve some kindness and some better treatment from the Town staff.

Christine could voluntarily withdraw her letter in writing. Then if she wants, she may resubmit the exact same letter with added clarification that it does not reflect the views of EDC (I hope!!), or the views of the Town, and that there is no implied "pressure" on the PB from the Town being communicated by the Director of the EDC. I would be fine with that even if I think the content of her letter is poor. If she does not do that, then I still believe and recommend that her letter should be expunged from the MP record.

Michael, your saying her comments are "appropriate" - is a somewhat hollow defense. Of course any issue related to the MP project debate is appropriate. What

you do not address, is *how* these comments were made, under the imprimatur of the Town's ED Director and implication of "Town pressure" whether intended or not. That is not appropriate.

And, I do appreciate your efforts to defend Christine. However, may I observe that if you could spend some time bringing her up the learning curve on our relevant history (e.g. students behavior, policing, etc.), and possibly also on our zoning code, she would then be more effective in her position. Defensively circling wagons against pesky town's people is a natural bureaucratic instinct! But that is not as good as showing a newbie staff how to drive the Town's unique wagon with its unique idiosyncrasies. As you know, I do admire you and your work - so this is not an attack on you - just an observation for you to consider.

Similarly, I hope you see from above (unfortunately long) discussion that I was not "attacking" Christine personally. Holding (any) staff accountable is always difficult, particularly difficult in public arena. My direct, blunt comments were necessary to make it clear what needs to be done, what should not be done, and why. Without such clarity, accountability is ephemeral!

Most importantly, there are broader issues well beyond her letter per se, and beyond the MP project. They are in my email (as 6 questions) for the TC to discuss and address. I hope the TC does please clarify, with Todd's help, those issues to the town residents.

Thank you.
regards
firoze

-----Original Message-----

From: Todd Selig <tselig@ci.durham.nh.us>

To: Firoze Katrak <fekatrak@aol.com>; Durham Town Council <council@ci.durham.nh.us>; pnrasm@yahoo.com <pnrasm@yahoo.com>; Karen Edwards <kedwards@ci.durham.nh.us>

Cc: Rick Taintor <rtaintor@ci.durham.nh.us>; Jen Berry <jberry@ci.durham.nh.us>; Christine J. Soutter <csoutter@ci.durham.nh.us>; Michael Behrendt <mbehrendt@ci.durham.nh.us>

Sent: Fri, May 1, 2020 11:33 am

Subject: Re: Competence, or lack thereof vs Gross Malfeasance??? -

Dear Firoze,

Thank you for your note. Loren has been tested for Covid-19 and I am currently in self-quarantine at home so I have not had the opportunity to see or review the letter/email in question but will do so in

the coming days. In the meantime, Michael Behrendt has provided some thoughtful feedback for you and the group you had chosen to include below.

I hope that you are settling in well in Exeter.

Todd

Todd I. Selig, Administrator

Town of Durham, NH

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He/him/his pronouns

To view suggestions from the CDC on how to protect yourself and your family from **COVID-19**, click [HERE](#).

From: Michael Behrendt <mbehrendt@ci.durham.nh.us>

Date: Friday, May 1, 2020 at 9:45 AM

To: Todd Selig <tselig@ci.durham.nh.us>

Subject: FW: Competence, or lack thereof vs Gross Malfeasance???

Todd,

Can you forward my note to the people who received Firoze's email?

Michael Behrendt

Durham Town Planner

Town of Durham

8 Newmarket Road

Durham, NH 03824

(603) 868-8064

www.ci.durham.nh.us

From: Michael Behrendt

Sent: Friday, May 01, 2020 9:41 AM

To: Christine J. Soutter; Todd Selig

Subject: FW: Competence, or lack thereof vs Gross Malfeasance???

Good morning Todd and Christine,

I was stunned to read the email below. With all due respect for Firoze, a former Town Council member and a successful business person and somebody

whose opinion I have appreciated on other matters, I find his email below to be way off base and grossly unfair and inaccurate. One may have a different opinion about some of the points of view that Christine offers in her email as our Economic Development Director, but as a professional planner I found all of her points to be reasonable and appropriate *in general* regarding redevelopment of a mixed use project in a close-in downtown setting (Of course, I cannot comment about this specific project as we know). I think this kind of aggressive personal attack on a Town staff member doing her job in an effective and thoughtful manner is not acceptable.

Michael Behrendt

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From: Firoze Katrak <fekatrak@aol.com>

Reply-To: Firoze Katrak <fekatrak@aol.com>

Date: Friday, May 1, 2020 at 7:41 AM

To: Durham Town Council <council@ci.durham.nh.us>, Paul Rasmussen <pnrasm@yahoo.com>, Karen Edwards <kedwards@ci.durham.nh.us>, Todd Selig <tselig@ci.durham.nh.us>

Cc: Rick Taintor <rtaintor@ci.durham.nh.us>, Jennie Berry <jberry@ci.durham.nh.us>, "Christine J. Soutter" <csoutter@ci.durham.nh.us>, Michael Behrendt <mbehrendt@ci.durham.nh.us>

Subject: Competence, or lack thereof vs Gross Malfeasance???

GM Town Council Members, Planning Board Members, Todd,

Thank you all for your patient efforts towards the ever-ongoing process of Mill Plaza redevelopment.

I need to bring your attention to the outrageous letter/email dated April 29th from Christine Soutter to Mr Taintor. (for the Planning Board).

We know her job is to promote and assist development around town. So, I guess

one could appreciate her "Rah, Rah" efforts to promote any/all development, including the MP.

But this letter/email from her, as the Town's Economic Development Director, to the PB? She has absolutely no professional competence to provide testimony on financial impact and related issues. Her saying "I simply need to respond to some comments and make few of my own ..." is not a legitimate excuse for her to then utter abject nonsense that she then spews in her five bulleted points. Not only is she wrong in many/most points, she also displays her ignorance of Town's history, and she also insults town residents with her comments (e.g. about student behavior, Policing, etc.).

More importantly this letter raises some serious questions that deserve your attention:

- 1) Sally, Alan -- as members of EDA, did you authorize Christine to spew this nonsense using her formal title as ED Director?
- 2) If not, have you given her authority to say "anything, anytime" under the formal title of her office?
- 3) How does a letter/email like this reflect on Durham?
- 4) Does the Town Council approve town staff sending such outrageous, unprofessional comments without proper supervision?
- 5) We all know the Town is desperate for additional tax revenues, and so has interest in seeing the MP development go forward. Most residents also respect that need. However, the residents want this revenue-need to be met without sacrificing legitimate long term interests/concerns of neighbors (which Christine is blind to, or ignores, or worse). Are we so desperate that we want our staff to behave in such outrageously unprofessional and incompetent way? I hope you will clarify that we want to abide by professional standards, even when we are desperate!
- 6) I sincerely wonder if Christine's letter is "only" incompetence, or is much worse, gross malfeasance? I think, at a minimum, the Council needs to seriously review her behavior and provide guidance to all staff about limiting their comments to their circle of professional competence/qualifications when they comment using their formal Titles.

Finally, I do appreciate that with your gentle nudging, Todd has clarified to Mr Taintor and to the PB that the SA is a tool for the PB to use as it continues its ongoing review. I thank you all, both on the PB and TC, for trying to help Mr

Taintor do his job professionally without sacrificing the needs of Town residents on the altar of tax revenue needs.

I hope you, TC and PB, will hold Christine accountable; and also remove-expunge her letter from the MP public record. I wish that god gives all of us some wisdom, to allow judicious development that helps meet the town's needs without sacrificing our residents long term needs.

Thank you

Stay Safe.

regards

firoze

ps: I do still care about Durham, its residents .. even though I have recently moved.
Durham is a gem.