

**This set of minutes was approved at the March 5, 2012 Town Council meeting**

**Durham Town Council Minutes  
Monday January 23, 2012  
Town Council Chambers, Durham Town Hall  
7:00P.M.**

**MEMBERS PRESENT:** Council Chair Diana Carroll; Council Chair Pro Tem Jay Gooze; Councilor Neil Niman; Councilor Julian Smith; Councilor Robin Mower; Councilor Bill Cote; Councilor Jim Lawson; Councilor Kitty Marple; Business Manager Gail Jablonski; Public Works Director Mike Lynch

**MEMBERS ABSENT:** Councilor Peter Stanhope

**OTHERS PRESENT:** Town Administrator Todd Selig

**I. Call to Order**

Chair Carroll called the meeting to order at 7:06 pm.

**II. Approval of Agenda**

*Councilor Smith MOVED to approve the Agenda. Councilor Mower SECONDED the motion.*

Councilor Lawson asked that Item B be pulled off of the Unanimous Consent Agenda.

*The motion PASSED unanimously 8-0.*

**III. Special Announcements**

No special announcements

**IV. Approval of Minutes**

**November 28, 2011 Minutes**

Page 8, 3<sup>rd</sup> paragraph from bottom, should read "...if this was done today."

2<sup>nd</sup> paragraph from bottom, should read "...getting off of this bonding addiction by..."

Page 9, 2<sup>nd</sup> full paragraph, should read "...other things in the CIP schedule..."

*Councilor Mower MOVED to approve the November 28, 2011 Minutes as amended. Councilor Cote SECONDED the motion, and it PASSED unanimously 8-0.*

December 5, 2011 Minutes

Page 6, 7<sup>th</sup> paragraph, should read "...noting that she is a Library Trustee and was now taking...."

Page 9, 4<sup>th</sup> paragraph from bottom, should read "...she'd found that sometimes, people who met..."

Page 14, 3<sup>rd</sup> paragraph from bottom, should read "...had reduced its costs to the Town."

***Councilor Smith MOVED to approve the December 5, 2011 Minutes as amended.  
Councilor Mower SECONDED the motion, and it PASSED 7-0-1, with Councilor Niman abstaining because of his absence from the meeting.***

**V. Councilor and Town Administrator Roundtable**

Councilor Marple said the Integrated Waste Management Advisory Committee had met last week, and was changing its direction somewhat. She said the committee would be emphasizing individual awareness and responsibility for reduction of waste and re-use of materials, by providing information to the community, possibly through Friday Updates . She said the committee believed recycling was desirable but also thought it was more imperative to stem the flow of solid waste altogether.

Councilor Gooze provided details on the January 11, 2012 Planning Board meeting agenda items.

- He said there was a continued public hearing on the proposed Zoning change regarding two parcels currently in the Professional Office district. He said after deliberation, the Board voted 4-2-1 to send it on to the Town Council for a public hearing on February 5<sup>th</sup>.
- He said there was deliberation on a citizen initiated petition to change eldercare facility from a permitted to a non-permitted use in the RA district. He said there was a 3-3 vote, and said there would be a public hearing on it at the February 5<sup>th</sup> Council meeting.
- He said there was discussion on a possible Zoning change to allow light manufacturing in all of the commercial zones. Councilor Gooze said this was being fast tracked ahead of other possible Zoning changes the Planning Board was working on. He said there would be a public hearing at an upcoming Board meeting, and noted that there might be some additional performance standards to go along with this Zoning change.

Councilor Mower asked if there had been any discussion about light manufacturing for the residential zones as well.

Councilor Gooze said the proposal just pertained to the commercial zones, and noted that Durham's definition of light manufacturing spoke about assembly.

- He said there was further discussion on the Master Plan Advisory Committee guidelines, and the Planning Board then came to agreement on these guidelines.  
He said there was a special Planning Board meeting on January 18<sup>th</sup>, to discuss the commercial core zoning changes in line with the B Dennis report. He said there was some

discussion about how to coordinate this work with the work being done on the Master Plan update. He said the Board was getting close to getting the draft Zoning changes to a point where they were ready to go to public hearing.

Councilor Smith said on Wednesday, Doug Bencks would come back to the Board to discuss the wind tunnel noise issue, and what the University would be doing about it. On another noise issue, he noted that his bedroom was close to the road on Packers Falls Road, and said he was frequently awakened by the snow plow. He said he liked knowing that the roads were being well taken care of, and he thanked the DPW for their work.

Chair Carroll noted that she had recently spent some time in Sarasota Florida, and had observed some parking changes since the last time she'd been there. She said there was now paid parking, and said it was set up so that parking in the center of the downtown area was the most expensive, while someone parking a bit further away paid less. She said parking further away than that was free.

She also noted that there was seasonal parking, so that from November to April, the cost was a dollar an hour, but between May and October, it was fifty cents, which helped the year round residents. She said this was something she had never heard about before. She noted that Durham was also a seasonal town because of the semesters at UNH, which made a difference in terms of the Town's parking situation. She said the approach in Sarasota was therefore something to think about.

Councilor Mower said the Energy Committee and the Chair of the Library Board of trustees held a discussion on Tuesday about ways the new library plan could incorporate energy efficiency elements in construction and operations. She said the discussion ranged from varying perspectives on whether LEED certification was desirable, to specific technologies, to the possible use of composting toilets as a way of reducing water and energy use.

She said they also touched on the bigger picture of sustainability, and said it was noted that a new library could play an important role in ensuring the sustainability of the Town, because it would provide a center and would enhance the feeling of community. She provided details on this.

She said the Conservation Commission would meet the following evening, noting that the previously scheduled meeting had been postponed because of bad weather.

She referred to the agreement from 1996 between the Town and UNH regarding the separation of the UNH and Town libraries, which had noted that a book drop would be provided at the Town library for UNH books, and at Diamond Library for Town books. She asked if this had ever happened, and if not, if it was something that could perhaps be looked at in regard to the new library. She said this would seem to address parking issues related to using the libraries and returning books.

Administrator Selig said he would look into this.

Councilor Mower asked what the status was on requesting a report on the Sigma Beta 79-E approval by the Council, and Administrator Selig said he had no update on this yet.

Councilor Mower said she had been strongly encouraged to seek another term as a Town Councilor, and would do so.

Administrator Selig said he had been asked to briefly explain Agenda Item VII E, a request for an abatement from the JMW Revocable Trust for a number of properties in Town for 2011. He said a similar request had previously been made by the trust and was granted for 2009 taxes. He said no appeal was filed for 2010. He said this recommendation extended the reduced value that had been deemed appropriate for the 2009 abatement to the 2011 abatement.

He said he and the Cable franchise group had continued to work with Attorney Ciandella on the draft Comcast franchise agreement. He said they would meet one more time and then would check in with the Council. He said once there was buy-in from the Council concerning the draft agreement, they would proceed to provide a proposal to Comcast. He said the current agreement expired in June of 2012, and noted that it wasn't uncommon for that deadline to be extended because Comcast was short staffed. He said it had taken some time to get answers from Comcast, but said those answers were in hand now.

Councilor Mower asked if the draft agreement included a second public access channel.

Administrator Selig said the goal was to have an education channel for school programming, which would be broadcast to subscribers in Durham, Lee and Madbury. He noted that the most recent draft of the agreement had been provided to Councilors.

He said a major change to the agreement being discussed was implementation of a franchise fee to create some revenue stream to support cable operations. He said the committee's goal was to work toward building out the full system so that all sections of Durham had cable service. He provided details on this, and said it could involve an investment by Comcast, or funds from banking a franchise fee over time.

Councilor Marple asked if there would ever be a competitor for Comcast, and Administrator Selig said it was believed that during the time period of the next agreement, there would be a competitor, and it would probably be Fairpoint, which would be a product that came over the Internet. But he said this wasn't known for sure.

Administrator Selig updated the Council on HB1515 concerning the land use change tax. He noted that Durham had played a leading role in this issue, and said Councilors Gooze and Lawson had gone to Concord and attended a hearing on the bill. He said there was no word back yet on what the Committee hearing the bill planned to do, but said this would continue to be monitored.

Councilor Mower said a lot of credit should go to Administrator Selig for reaching out to the media on this bill.

Administrator Selig said he, Chief Landry and Ms. Jablonski met with reps from McGregor Memorial last week concerning their agreement. He said it was a constructive discussion, and said they would look at the MOA to be sure it was working. He said they had also requested that McGregor provide an overview of their cost structure so the Town could better understand it. He

said there was a good conversation on how they were staffing shifts and what the response times were, and said he would keep the Council apprised on further discussions.

Administrator Selig noted that the previous summer, the Town received a letter from Tom Richardson on behalf of residents on Little Hale Road regarding power outages and tree overgrowth on Madbury Road from Edgewood Road out to Route 4. He said on Friday, he and DPW Director Mike Lynch walked that area with PSNH, and ideas were discussed on what to possibly do with that corridor. He said PSNH would explain this to the Council at the present meeting.

He said the filing period for Town offices was coming up, and provided details on the positions that were open. He also said the filing period had opened for School District elective positions. He said at the School Board meeting last week, a School Board member submitted her resignation, so there would be an additional opening on the ballot that needed to be filled.

Administrator Selig told the Council that there were three finalists for the School District Superintendent position, and he spoke briefly on this.

Chair Carroll said she would be seeking another term on the Council. She said she appreciated the support and encouragement she had received concerning this, and said she looked forward to serving another term.

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

**Kevin Gardner, 1 Stevens Way**, provided a handout called *“PSNH Misrepresentation of Climate Patterns in the Granite State over the past century”*, written by UNH professor Cameron Wake and State Climatologist Mary Stampone. He said this related to the agenda item that evening on PSNH’s response to power outages. He said the report had just come out, and noted that it was online and had been provided electronically to Councilors

He first quoted from PSNH: “According to weather experts, weather patterns usually follow 30 to 40-year cycles of "cooler" phases (1950-1980) and "warmer" phases (1980-2010). As one phase transitions to the next, there has typically been a five- to six-year period of extreme weather.”

He next quoted in detail from the Wake and Stampone report, which among other things said the PSNH report contained significant error and identified an additional 18 weather events not identified in the PSNH report.

Mr. Gardner said this document had been sent that day to the CEO of PSNH. He said he was bringing this up because the response to a warming climate, where more extreme weather events were more likely, was probably going to be different than a climate going through cycles that had been seen before. He said the PSNH response to the world that was represented in its document would be quite different and insufficient compared to one based on scientific information.

He said the resiliency of the electrical supply network was in PSNH's hands, so the company needed the best science and engineering skills possible in order to increase this resiliency and adapt to a changing climate. He said the apparent disregard for science was a real concern. Mr. Gardner said trust was placed in PSNH to provide electricity, as well as information when a timely response was needed. He said the document it had provided raised major questions as to the competency of the organization.

At the request of Councilor Mower, Mr. Gardner noted that he was a professor of Civil Engineering at UNH.

Administrator Selig said the last paragraph in the paper indicated that while according to Mr. Wake and Ms. Stampone, the methodology used by PSNH might not be entirely accurate, PSNH had concluded that they had been experiencing extreme weather events, and it was important to plan how to deal with them in the future.

Mr. Gardner said clearly there was a scientific consensus that the impacts of climate change from greenhouse gas emissions in this part of the world would be in the form of more extreme weather events, including floods. He spoke further on this.

**Catalina Celantano, Community Relations Manager, PSNH**, said from PSNH's point of view, they welcomed the opportunity to work with Mr. Wake and Ms. Stampone on the weather fluctuations going on, and said they were very much in agreement that the recent weather events resulting in power outages had been extreme. She said the October snowstorm had no historical equivalent. She said they agreed that there was much more detail that could be produced about the weather than the document produced, and said Wake sent the document to Gary Long, so they would discuss this. She said they looked forward to working with him and getting more information.

Chair Carroll said Ms. Celantano and other PSNH employees would be giving a presentation later in the evening.

**Warren Daniel, Palmer Drive**, said he had owned the Bagelry for 29 years, and had always been a community partner giving back to the community. He said he had also been a business advisor for the small business community for eleven years. He said he had lost a tremendous amount of money that he could ill afford to lose. He said they would never recover from that loss. He said this had no precedent.

Mr. Daniel said that from 1983 to 1999 there were no power outages. He summarized that in the past 37 months, there were 4 major weather events, and the downtown core lost power on three of them. He said possible causes for the outages included the weather itself, PSNH's profit motive resulting in lack of maintenance, engineering, planning, and intelligent foresight into what might be coming over the next few years. He said PSNH needed to do a better job in maintaining the power grid they all relied on. He said they couldn't afford to have this happen.

**Cathy Leach, Fairchild Drive**, said she was present in support of the proposal to form a Budget Advisory Committee, and said she hoped the Council would vote to form one. She

reviewed the reasons for forming such a committee, as described in detail in the information she had provided (available online electronically in the packet for the meeting).

Among other things, Ms. Leach noted that some Councilors had expressed disappointment in the past on the level of input from residents on the Budget. She said a Budget Advisory Committee would ensure that there was increased citizen knowledge, expertise and participation in the budget process. She also stressed that this would be an advisory committee, and didn't change the Town Administrator and Council's fiscal responsibility for budgeting, or the authority of the Council in ultimately adopting the Budget. She said it would allow for increased citizen participation in the Budget process.

Ms. Leach said she had gotten feedback from a number of residents on the proposal to create this committee, and said all of those who responded were in favor of forming a Budget Committee. She read some of this feedback that was received. She said she also had consulted with a School Board member and a member of the School Board's Advisory Budget Committee to get input on how that committee had worked out for both entities.

She said both indicated that the committee had brought in a public voice in the early stages of the Budget process, had improved the process, had improved communication with residents, and helped staff review its justification for new items and initiatives. She said both people described the committee as providing a broader voice.

Ms. Leach said the current economic climate made this an easy decision. She said residents of Durham were not immune to job loss, house foreclosure, loss of or stagnant incomes, social security and other pension decreases, to name a few. She said it was becoming increasingly difficult for a wide range of residents to pay their taxes, and said it was the Council's responsibility to do whatever it could to lessen the financial burden on individuals in the community.

She said there were no negative consequences to forming a Budget committee, and said she knew the Council would give it their full consideration, and would include that it was the right and responsible action to take for the residents of Durham.

**Karl Van Asselt, 17 Fairchild Drive**, said he liked what Ms. Leach had written and provided to the Council on the Budget committee idea. He said when he was a Councilor, he found it frustrating to hear complaints about the Budget on the street but not at Council meetings. He said this would allow more citizen participation in the process, and said he couldn't find the downside of doing this. He said if it didn't work, other towns would have gotten rid of their budget committees a long time ago. He asked that the Council give it a try and see if it could work for Durham.

**Bill Hall, Smith Park Lane**, said the people responsible for the power outages were at the Council table. He provided details on proposed efforts to cut trees on Durham Point Road and some other roads he said needed trimming, and that these efforts had been stopped because of resident complaints. He said Durham was famous for making it difficult for PSNH to cut trees.

He said the trees along the highways were getting older, and said the Town needed to get way ahead of the game on this. He also noted the tree cutting that was needed at the transfer station, and said an aggressive tree cutting program was needed to catch up with the forestry that hadn't been done since Administrator Selig had been the Town Administrator. He said the Town had gotten exactly what it had asked for.

**Dave Howland, 1 Littlehale Road**, said he would be running for Town Council. He noted that before he came to UNH, he was a news reporter at the Associated Press in Boston, and said before that, he reported on life in small towns and local governments, so these meetings had been a part of his daily life. He said he had seen cities flush with money and also towns struggling with poverty, drug violence and crime. He said he had learned how important good local government was to the quality of life of residents, and also how important it was to plan ahead for the future.

He spoke in detail on his involvement in town activities as a family member and a volunteer, including serving as Chair of the Mill Plaza Study Committee. He said they had modeled a process for planning ahead, built upon community consensus, and said there had been a number of efforts before and after to carry that spirit on.

Mr. Howland said it was a very exciting time for Durham, and spoke in detail on this. He also noted that the urgency grew to expand the Town's tax base, and said there had been good input from the new market study and other studies to create the conditions for growth and development that made sense for the community.

He said protecting the Town's water supply and keeping peace in the neighborhoods would require continued attention. He said he would be proud to lend his experience to meet challenges and opportunities, and noted that his kids had given him permission to offer to serve his community. He said if elected, he would do his best to do that.

**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 the Special Event Permit application submitted by the Oyster River High School Friends of Oyster River Track to close certain sections of Town roads for its annual "Todd's Trot" 5K road race on Saturday, April 7, 2012?
- B. **RESOLUTION #2012-02** waiving the standardized purchasing process in accordance with Section 7 of the Town of Durham Purchasing Policy and upon recommendation of the Town Administrator; authorizing the designation of Globe Manufacturing Company, LLC brand fire and rescue turnout clothing and related accessories as standard purchase items; and authorizing the designation of Bergeron Protective Clothing of Epsom, NH as the sole source vendor for the purchase of these items
- C. Water Meter Upgrade Project:
  - 1. **RESOLUTION #2012-03** approving the submission of an application to the New Hampshire Drinking Water State Revolving Fund program in the amount of \$418,000 for



the water meter upgrade project and authorizing the Administrator to sign said loan documents.

2. Shall the Town Council approve, upon the recommendation of the Administrator, the engineering phase contract for the water meter upgrade project to Weston & Sampson Engineers, Inc., Portsmouth, NH for the estimated sum of \$45,000 and authorize the Administrator to sign said contract?
- D. Shall the Town Council, upon recommendation of the Administrator, authorize the construction contract for the Wastewater Treatment Plant control building HVAC improvements project to Correct Temp, Methuen, MA, in the amount of \$42,620 and authorize the Administrator to sign associated documents?
- E. Shall the Town Council, upon recommendation of the Administrator, reduce the appraisal of property owned by R.A.W. Revocable Trust and J.M.W. Revocable Trust for Property located at Madbury Road and Davis Court from \$3,667,600 to \$3,403,700 and grant a property tax abatement for Tax Year 2011 in the amount of \$263,900 assessed valuation to R.A.W. Revocable Trust and J.M.W. Revocable Trust?

Chair Carroll noted that it had been asked that Item VII B be removed from the Agenda.

***Councilor Smith MOVED that:***

- A. ***The Durham Town Council does hereby, upon recommendation of the Administrator, approve the road closure application submitted by the Oyster River High School Friends of Oyster River Track requesting that certain portions of Town roads be closed between the hours of 10:00 and 11:30 AM on Saturday, April 7, 2012 for the organization's annual "Todd's Trot" 5K road race.***
- C. ***The Durham Town Council does hereby ADOPT Resolution #2012-03 approving the submission of an application to the New Hampshire Drinking Water State Revolving Fund program in the amount of \$418,000 for the Water Meter Upgrade Project and authorizing the Administrator to sign said loan documents.***

***The Durham Town Council does hereby approve, upon recommendation of the Administrator, the engineering phase contract for the Water Meter Upgrade Project to Weston & Sampson Engineers, Inc., Portsmouth, NH for the estimated sum of \$45,000 and authorizes the Administrator to sign said contract with the monies coming from Account 07-1225-221-36-000.***

- D. ***The Durham Town Council does hereby approve, upon recommendation of the Administrator, the construction contract for the Wastewater Treatment Plant control building HVAC improvements project to Correct Temp, Methuen, MA, in the amount of \$42,620 and authorize the Administrator to sign said contract with the monies coming from Account #07-0514-360-36-000, Account #07-0832-360-89-000 and Account #07-1032-360-36-000.***

***E. The Durham Town Council does hereby, upon recommendation of the Administrator, reduce the appraisal of property owned by R.A.W. Revocable Trust and J.M.W. Revocable Trust for Property located at Madbury Road and Davis Court from \$3,667,600 to \$3,403,700 and grant a property tax abatement for Tax Year 2011 in the amount of \$263,900 assessed valuation to R.A.W. Revocable Trust and J.M.W. Revocable Trust.***

***Councilor Mower SECONDED the motions, and they PASSED unanimously 8-0.***

***B. Councilor Smith MOVED that The Durham Town Council does hereby approve Resolution #2012-02 waiving the standardized purchasing process in accordance with Section 7 of the Town of Durham Purchasing Policy and upon recommendation of the Town Administrator, authorizing the designation of Globe Manufacturing Company, LLC brand fire and rescue turnout clothing and related accessories as standard purchase items; and authorizing the designation of Bergeron Protective Clothing of Epsom, NH as the sole source vendor for the purchase of these items. Councilor Cote SECONDED the motion.***

Councilor Lawson said the primary justification being given for waiving the purchase requirements was based on the need to standardize. He said the Fire Department had noted it had used the same manufacturer for 20 years. He said this turnout gear was critical for fire safety, and said there was a lot of evidence that this gear had been changing over the past 20 years. He said the Resolution provided no assurance to the Council that it wasn't compromising fire fighter safety for the benefit of standardization.

He said there were many departments that used manufacturers other than Globe, and asked for assurance that the department had looked at this from the standpoint of safety in terms of the NFPA standards and other products that were available. He said he would like to see this information in the Council Communication, and so would vote against this right now. He also questioned making sole source purchasing decisions where there was a sole distributor. But he said pricing wasn't the issue here, it was fire safety.

Councilor Gooze said this communication had been prepared by the Fire Chief, and he asked if this indicated that the fire safety issue had been looked at.

Councilor Lawson said it was important that the Chief provide assurances that there was no compromise to fire fighter safety for standardization.

Councilor Mower said she appreciated Councilor Lawson bringing this to their attention, and agreed that the rationale should be reflected in the Council Communication.

Administrator Selig said he had spoken to the Chief on this issue, and was confident that firefighter safety wasn't being compromised. But he said he was respectful of the question

Councilor Lawson had raised, and said the Communication had fallen short in terms of addressing it. He recommended withdrawing the motion, and would ask the Chief to provide more information and also to come to the next meeting to answer questions.

Councilor Smith withdrew his motion and Councilor Mower withdrew her second of the motion.

Councilor Marple asked Councilor Cote how he felt about this.

Councilor Cote said there was a certain implicit trust in a department head, that what was being done was in the best interest of the firefighters. He said any equipment manufacture had to comply with the standards. He said it ultimately came down to the cost. He said he was comfortable allowing this to occur.

Councilor Gooze said what he had said as well was that he trusted the Chief on this. He asked Councilor Lawson what he would like the Council Communication to say.

Councilor Lawson said this was the most critical piece of fire safety equipment, and wanted someone's name on the line that no compromise was being made.

Administrator Selig said he had every confidence in the Chief, and said he believed this was an issue of providing a more thorough Council communication. He said he would ask the Chief to do this, and recommended deferring this to the next meeting.

Chair Carroll said the Council would see this on the next Agenda.

The Council stood in recess from 8:21 to 8:32 pm.

### **VIII. Committee Appointments**

None

### **IX. Presentation Items**

#### **A. Power outages - PSNH**

Administrator Selig said there had been ongoing communication between the Town and PSNH on various issues. He introduced members of the PSNH staff who were present to speak with the Council.

Catalina Celantano, community relations manager for PSNH, said they would focus on the areas brought to their attention, which were operations, storm restoration and tree trimming, and questions regarding distribution line technology.

Dave Meserve, operations manager for PSNH's Seacoast northern division, commended Administrator Selig and DPW Director Mike Lynch, and said it was a pleasure working with them. He said since 2008, some of the largest storms in the 85 year history of the company had occurred. He said they took pride in their work, and noted that he had been a lineman for 25 years. He also said he felt the pain of Mr. Daniels.

Councilor Gooze said a question was that the Plaza was without power for a lot of time, and asked how that happened, and what would stop that from happening again even with a storm the size they just had.

Mr. Meserve said it was all about clearing the limbs. He noted that NH was the second most forested area in the country.

Chair Carroll asked if the problem at Mill Plaza could be traced back to specific limbs, and Mr. Meserve said that information was available.

Councilor Marple said she was interested in getting that part of Town wired to the north side of Main Street, where her parents lived and never lost power. She said she would like to see all of the downtown connected to that line.

Councilor Cote said Plaza owners were told their service was taken off a more reliable UNH grid and placed elsewhere. He also noted that when this first happened, and there was then discussion about talking with PSNH, he had said they would blame all the trees. He said he thought PSNH needed to look at the fragility of its infrastructure, and said the challenge was to see how to make this work better given the circumstances they had.

Mr. Meserve said they looked at all of that.

Councilor Mower said another area of concern was the faculty neighborhood, which had 120 households that used to be connected to the UNH grid. She said over many years, there were no power outages, but that had changed. She said there was concern about more people having to use generators, and resulting environmental impacts and safety issues.

Councilor Lawson said on the operations side, PSNH had to deal with whatever happened, and noted that people were greatly appreciative of the lines guys. He said it seemed that there was a trend with investor utilities, where some worked collaboratively in terms of where the most critical areas of a town were, and what the opportunities were for improvements that made the infrastructure more resistant to outages from vegetation.

He asked if PSNH was receptive to having that conversation with a town like Durham. He asked what could be done in terms of targeted capital investment to get the reliability that some municipally-owned electric companies had. He said he hoped there would be a commitment to have that kind of dialogue.

Mr. Meserve said they were open to suggestions. He said his job was to keep the lights on.

Councilor Lawson asked if there were opportunities for more than just tree trimming, and Mr. Meserve said they were open to that. He said there were cost issues, but said they would take a look.

Administrator Selig said he hoped some of the team could talk about what some of the technological alternatives might be. He also asked Mr. Meserve to talk about the tree trimming schedule, and issues with things like Durham Point Road tree trimming.

Councilor Smith asked if PSNH had kept up with the changes in weather in terms of the number of trucks and personnel.

Mr. Meserve said they were only down a few crews company-wide. He said the bucket trucks they had now were the greatest number they had ever had.

Administrator Selig asked if PSNH relied more on a mutual aid system now in order to keep costs down.

Mr. Meserve said there was the same number of line crews now as when he started 35 years ago, but said they did depend on mutual aid when there were storms. He spoke in some detail on this, and said they had to be timely but also cost conscious. He said they were being more aggressive now than ever before in terms of staffing sooner.

Bob Burner, PSNH's regional arborist for the seacoast northern region, said in 2011, PSNH spent \$14 million trimming trees, and said that was up from \$6 million in 2003. He provided details on this. He said in 2012, 78 circuit miles were scheduled to be trimmed, and said at the end of 2013 all 18 circuits feeding Durham would have been trimmed within the last four years. He said out of 18 circuits, about 11 had been done since 2010.

Councilor Gooze asked how many of those that had been trimmed had caused problems.

Mr. Burner said he didn't have specific information with him, but said some of them had caused problems,

Councilor Gooze asked what the assurance was that those that had been trimmed 4 years ago would not cause problems.

Councilor Mower said perhaps tree trimming wasn't the answer.

Mr. Burner said branches not cut as part of the program could still cause problems, but he said there was a vegetation free zone that was cut, and said the cutting in this zone prevented problems from regrowth.

Chair Carroll said it would be nice to see some numbers on this to show a causal relationship.

Administrator Selig said the higher up limb could create a problem, and said a different type of trimming to address this would be more aggressive.

Mr. Burner provided details on this, and said it involved removing all the branches from the base to the top of a tree, as well as targeting removal of more trees in an eight foot setback zone.

Councilor Gooze asked if this kind of trimming had been considered for areas in Durham that needed it, and if this had been discussed with landowners.

Mr. Burner said yes, and said two small areas done in 2002 along Madbury Road had been identified for Durham. He said other areas that had gone out since then hadn't been targeted. He said there were various ways to rate interruptions of service, and based on this, they prioritized the work.

Brian Dickie, the PSNH division field engineering manager, provided details on how this prioritization was done.

Councilor Lawson noted that during the Halloween snow storm, the Fire Department had responded to over 90 reports of limbs arcing on power wires. He asked if for the worst performing circuits, there was technology PSNH used so they were less susceptible to being shorted by tree branches, and were more resilient.

Mr. Dickie said they looked at things like covered wire, but said tree trimming was still needed.

There was detailed discussion on this.

Councilor Lawson said it seemed like municipally owned companies in Massachusetts had a lot of insulated cable.

Mr. Dickie noted the cost of this, but Councilor Lawson said there was also a cost of businesses going out. Mr. Dickey said Durham Marketplace had a 4 kV circuit, and said they wouldn't want to have covered wire there. Asked what PSNH could do instead, he said they trimmed the trees. He said there were no protective devices between that area and the substation. He said they were on the tail end of the circuit, and said if they did put something in, there would be more outages.

There was further discussion on Councilor Marple's question, as to whether the north side of Main Street could be connected to the south side.

Ryan West, PSNH associate engineer and circuit manager, said the north side of Main Street was a 35 kV circuit fed from Madbury Road. He said the south side of Main Street was a 4 kV circuit, and said currently they couldn't switch that over to 35 kV. He also said the reliability of the 35 kV circuit was worse than the 4 kV circuit over the last three years. He said the 4 KV circuit was one of their most reliable circuits, despite the recent outage, so PSNH was reluctant to switch this.

There was discussion. Councilor Marple said her parents hardly ever lost their power.

Councilor Cote said it was a political embarrassment for PSNH when there was power on one side of the street and no power on the other side of the street.

Councilor Lawson noted that PSNH did segmentation, so that if a tree came down, the impact would be limited.

Councilor Cote said he understood this, but said the concern was those businesses across the street having enough power.

Councilor Mower asked what it would take for the north and south sides of the street to be on the same circuit.

Mr. West provided details on this. He said it was a safety issue, involving a major project to get a circuit in overhead. Asked by Councilor Mower if it could be done underground instead, he said there were certain clearances that had to be met.

Councilor Gooze said PSNH was still saying that tree trimming was the best way to handle this. He said perhaps there needed to be a collaborative effort between the Town and PSNH, which including educating landowners about where blue sky, extended trimming was needed. He said PSNH needed to identify those areas where this was needed.

Councilor Cote asked how much of an issue the reluctance of property owners was.

Mr. Burner said that in general, they received approximately 98% cooperation in towns.

Councilor Mower asked if it helped to have members of town staff or the governing body work with landowners on this.

Mr. Burner said those who refused to allow their trees to be trimmed were pretty steadfast concerning this, but said it might help to have some assistance on this from the Town.

Councilor Smith asked what recourse PSNH had regarding the 2%.

Mr. Burner said not much. He said if the trees were in the public thoroughfare, PSNH could get aid from the Town to trim or remove that portion of the trees, but said PSNH didn't have the right to trim trees on private property.

Councilor Gooze asked if covered lines could perhaps be used on those properties where the 2% of landowners lived.

Mr. West said they analyzed the circuits annually. He said they wouldn't use covered wires for short sections of the circuits, so most of the time that wasn't the solution for that 2%.

Councilor Mower said a bigger question was what kind of technological innovation or willingness to invest PSNH would entertain in terms of alternatives to tree trimming to avoid the extent of outages. She said other parts of the country were using other approaches, and said while some might not be appropriate in NH, it would be nice to know that the company was putting some effort into this.

Mr. Dickie said they were looking at using more covered wire. He said they typically weren't burying covered wire, especially in New England noting that these wires were difficult to repair. He said it was initially very reliable, but became extremely unreliable over time. He said the outages underground were hard to find.

Councilor Lawson said there were a lot of people in the community who would be willing to work with PSNH, especially in a densely populated area, to get spacer cable. He said Madbury Road would be one of the places where this made sense. He said he realized there would need to be a cycle of tree trimming to get the trees where they wanted them to be.

But he said he thought they wanted to be involved in a longer term conversation. He said otherwise, they would just be repeating the history. He said he could live without PSNH

power on Durham Point Road for 20 days, but said the businesses, students, and elderly in Town couldn't do this. He said he would like to see something done to help them.

Administrator Selig noted that Councilor Mower had raised the question of whether the Faculty neighborhood was somehow segregated from the UNH system, and so was somehow less reliable.

Mr. Dickie said his understanding was that it was never part of the UNH system, and he provided details on this. He said the UNH system was part of the PSNH system but said they separated the campus piece several years ago and created their own utility. It was noted that this had happened before the methane plant came on line.

Administrator Selig said residents often observed that UNH rarely lost power, or if it did, it came back relatively quickly.

Mr. Dickie said he didn't have details on this, so couldn't really comment. He said they were fed from PSNH's system, so if it went out, they more than likely would go down. He said trees going down would have taken out power at UNH.

Administrator Selig said he had observed that UNH was a big customer, and was on main transmission lines where there was little overgrowth.

There was discussion.

Chair Carroll asked if the strategy had changed regarding planting trees under the wires, for new subdivision developments. She noted that trees that had grown up in subdivisions and had been trimmed looked very odd. She also said trees in some peoples' yards had been cut to the point where the properties and neighborhood properties had lost some of their market value.

Mr. Burner said they liked to encourage towns to select low growing, dense species that were wire friendly, so didn't grow tall enough to interfere with the wires. He said a possible strategy was to start removing the older trees and replace them with these kinds of trees. He said PSNH had a utility arboretum in Portsmouth that highlighted some of the wire friendly species.

Councilor Cote said the Council appreciated PSNH coming to speak with them. He also said he would like to compliment the line men, who went out in some incredibly extreme and adverse conditions to do the repairs.

Chair Carroll summarized that this had been an open discussion, with some direct comments and questions. She thanked PSNH staff for being part of this, and said the Council looked forward to their cooperation in working to develop new ways to help the community reduce outages.

The Council stood in recess from 9:21 to 9:29 pm.



B. ORCSD Sustainability Committee work to date – Paul Gasowski

Chair Carroll said the work being done by the committee had a lot to do with what Councilors were trying to do. She said the number one goal was to encourage environmental and economic sustainability. She welcomed Shelley Mitchell and Christina Delchino, and noted that Paul Gasowski, the Chair of the committee was present, along with member Nell Neal.

Ms. Mitchell said they would update the Council on the work of the committee. She and Ms. Dolcino provided a slide presentation on the mission and vision, short term subcommittee action plans, and future initiatives and events that were planned. She noted that the warrant article to create the committee had passed 1326 to 556, and said the findings of the committee were presented to the School Board last fall in fulfillment of the warrant article.

Ms. Mitchell said five principles - renewability, adaptability, interdependence, substitution, and institutional commitment - would be used to guide the committee's work, in the areas of food, energy, transportation, school curriculum and community outreach. She explained that the committee had created eight value statements based on these things. She also explained that their goal in promoting sustainability was to be positioned at the intersection of environment, people and community, and money and the economy.

She reviewed the diverse team of 20 people on the committee, representing the School district, all three towns in the district, and UNH. She said four subcommittees had been formed: energy-facilities and procurement; energy-transportation; food and nutrition; and educational outreach. She said the role of the committee was to advise the School District and assist with implementation of the action plans, in coordination with all participants in the School District. She provided details on this.

Ms. Mitchell and Ms. Delchino next reviewed in detail the short term action plans for each of the 4 subcommittees as well as corresponding warrant articles seeking funding for some of the initiatives involved.

Ms. Delchino noted a case study done on Moharimet School electricity reduction from 2005 to 2010. She said there was a reduction from 328,549 kwh/yr. to 236,425 kwh/yr. as a result of easy-to-accomplish things like employees changing habits, the replacement of incandescent light bulbs, and the reduction of light in over-lit areas.

She also spoke about the Big Green Bus event in October of 2011 at Emery Farm and Durham Market Place, noting that the bus was fueled by vegetable oil from restaurants.

Ms. Delchino next spoke about warrant article #6, developed by petitioners from all three towns, which asked if the voters wanted to continue the committee as it advised and supported the identification and integration of sustainable practices in the School District.

She said warrant article #5, supported by the committee and the School District, asked if the district should raise \$47,000 to support the following initiatives requested by the Committee: \$25,000 for additional energy audits of the buildings; \$14,000 for the food service to purchase

food from local farmers; \$6,000 for biodiesel fuel conversion on school buses; and \$2,000 for education and outreach projects.

Ms. Delchino noted that sustainability principles had been taught by John Bromley in his environmental sciences class for eight years, and said the committee encouraged and supported the work of the students taking these classes. She noted the ORCSD Sustainability Committee website. <http://greenoyster.wordpress.com/>

She said the committee's next meeting would be on Thursday, and said the public was always welcome to attend.

Councilor Marple said it was an excellent presentation, and Councilor Cote also said the data that had been provided was much appreciated. He said it was very well done and thought out.

Administrator Selig asked if the committee was getting feedback from the schools.

Ms. Delchino said as a whole, the School District was very aware of sustainability principles. She said right now the committee was starting to educate teachers on what the committee was doing, and was letting them know that there would be educational opportunities for their classes on various sustainability topics.

Ms. Mitchell said as a community member, it had been very impressive to learn about various sustainable practices that had already been incorporated in the schools. She showed a picture of a hydration center installed at the Moharimet School, where people could refill their water bottles. She said the feedback on the work the committee was doing had been very positive.

Councilor Gooze said the planned energy audits were very important.

Councilor Mower noted an action plan item said the first auditing that had been done was covered by a grant, and asked if there was any other possibility of getting another grant for the rest of the auditing that was planned. She also noted that the auditing would more than pay for itself in terms of savings on energy later.

Ms. Mitchell said they were always looking for grant opportunities, and noted that the benchmarking that was done had been paid for by grant money. She said they were pleased by the grant money that had been available, but said sometimes they needed to be prepared to pay, and get back the return in the future.

Councilor Mower confirmed that the high school energy audit had been completed, and the next step was to evaluate the recommendations on that. Ms. Delchino said the School Board would do this, and the committee would advise and support them as needed.

Councilor Mower said she was pleased that a no-idling campaign would be starting in March, noting that it was something that the Energy Committee had discussed, and that they had picked up some no idling signs at DES for the Middle School. It was noted that the no-idling policy would not be mandatory.

Peter Ejarque, Chair of the Integrated Waste Management Advisory Committee, noted that there might be some free energy audits available from the State, so this was something to look into.

There was further discussion on what the money requested in the warrant concerning energy audits would be used for.

Paul Gasowski said the \$25,000 would cover the audit of a second building, to be determined. He said it would cover the audit as well as some mitigation based on the audit. He said considering the return on the audit, the money would be well spent. He said everything the committee had done was done in collaboration with School District professional staff, and said it had been a very interesting and productive relationship.

Chair Carroll thanked the committee for the presentation, and for their very good work in the community. She said it was much appreciated, and was work that needed to be done. She said it was wonderful to see volunteers who spent so much time and energy on this work, to make a real difference in the community.

## **XI. Unfinished Business**

### **A. Discussion regarding a citizen suggestion to establish a Town Budget Advisory Committee**

Chair Carroll asked that Administrator Selig briefly outline the process for development of the Town Budget, in order to provide context for the discussion.

Administrator Selig first noted that the Budget process was outlined in the Town Charter that went into effect in 1988. He then provided a detailed overview of the current Budget process. As part of this, he noted that meetings with each of the departments were set up, and there were open ended invitations to members of the Council to attend.

He said in the past, the dates and times of these meetings were noted in the Friday Updates, so members of the community could attend them if they wished. He said this typically hadn't happened, so more recently, Ms. Jablonski had simply informed the Council that these meetings would occur.

He said Town staff strived to make the information being prepared as open and transparent as possible. He provided details on this, noting that there were hard copies as well as the online electronic copies of the Budget and CIP available. He said the Council went to a weekly schedule over 6-8 weeks, starting in November, so that there were Budget work sessions on the off weeks.

Administrator Selig said a real asset of the Town Charter was that it was instructed to ensure that the Town Administrator had significant authority in crafting the budget, to help ensure there was direction, focus and drive behind the budget being presented.

Councilor Marple said she disagreed with the formation of a Budget committee. She said the Council consisted of nine talented people, with various strengths, and delivering considered opinions. She said it was difficult to imagine they weren't capable as a group of determining if the Budget was fair and reasonable. She said the budgeting process was vetted continuously at the department, administrative and Council levels, and said Durham had a lean budget. She noted on

the revenue side that the Council had made a strong effort to promote commercial growth in the downtown area to enhance revenue, much to the dismay of many who liked Durham the way it was.

Councilor Lawson said as a first year Councilor, he had seen that there was a lot of work the Council did on the Budget that didn't take place in the public forum. He said he went to most department head meetings, and said there were Councilors at many of them. He said he had done a lot of follow up with staff, who were very forthcoming. He said he had gone through every line in the Budget, and said it was a very well thought out budget. He also said it was very thin in terms of the services the Council decided to deliver.

He said the opportunity would come in the future, by continuing to look at process, rather than just looking at the Budget itself, which Administrator Selig had put a lot of focus on. He said in terms of having a Budget Committee to do the heavy lifting, he said he had taken on the job of Councilor in order to do the heavy lifting, as did other Councilors. He said he didn't know how to scale that up to 14 more people doing heavy lifting, and said this could become a distraction from what they needed to accomplish.

Councilor Lawson said a question was how Durham compared to other municipalities. He said about 70 New Hampshire communities had populations of 5,000 or greater. He also said Durham's total tax rate was in the top five of the highest rates in the State. But he said the Town's municipal tax rate was well down on the list, with over 20 communities with higher rates.

He also said when looking at the valuation of property that was taxed on a per resident basis, Durham was near the bottom. He said the real opportunity was in building the tax base with nonresidential economic development, in a way that was consistent with the vision of what people in Durham wanted. Councilor Lawson said the downside of a Budget Advisory Committee was taking their eyes off of the biggest opportunity.

Councilor Lawson said he understood that people in the community were concerned about taxes. In looking forward, he noted the expected increase in the municipal tax burden of nearly \$3 million, even after properly calculating who paid for things like new fire stations. He said this was an unsustainable number.

He said they clearly wouldn't be able to do everything in the CIP. He said they would then need to either increase the tax base, or cut services. He said if they were going to cut services, he wasn't going to hide behind a Budget committee or the Town Administrator. He said his hope was that they would focus on process and more importantly, economic development.

Councilor Niman said he agreed with some of what Councilor Lawson had said. But he said a question was where the interest in having a Budget committee was coming from. He first noted an email from Administrator Selig dated January 12<sup>th</sup> on the Goffstown Budget committee, which appeared to be questioning why Durham needed such a committee.

Administrator Selig said that was his intent, because he didn't think the proposal for a Budget Committee was prudent or appropriate for the Town.

Councilor Niman reviewed the budget process over the past two years, noting that they resulted in relatively small tax increases, yet in between that, taxes went up 6%.

Administrator Selig said there had been two lengthy discussions by the Council on this.

Councilor Niman said he understood that, but said his point was that they shouldn't be so quick to say they were holding down the tax rate, when it went up by a sizable amount in the interim.

Administrator Selig said that wasn't due to increased spending, which was what a Budget committee would focus on, and was due to tax refunds.

Councilor Niman noted that he hadn't yet said that there should be a Budget Advisory Committee.

Councilor Mower said being fiscally responsible didn't necessarily equate to a zero increase in taxes or a reduction.

Councilor Niman said he was very uncomfortable at the last public hearing about the Library project. He said several people had come up to him, questioning whether the Trustees knew what they were talking about concerning the numbers. He provide details on this. He said when members of the public saw something like this, they didn't have confidence in how budget numbers were put together.

He said if the bond failed, part of it might be because of the way the numbers were being presented. He said perhaps the reason some people wanted to have a Budget committee was because they wondered if the numbers were being added correctly. He noted that he had full confidence in Ms. Jablonski. He said for projects like the new Library, it would be nice to have some oversight somewhere to come up with a consistent set of numbers that everyone viewed as being credible.

Councilor Niman said his third point was that some people were advocating for a committee because they looked at other town committees where issues could be advocated and proposals could be brought forward. He said the desire for a budget committee reflected the fact that there were people who were interested in taxes and looking at budget issues, just as there were people interested in looking at energy or environmental issues. He said these people didn't want the responsibility of looking at all facets of town government by being on the Council.

He said perhaps this was a legitimate opportunity for getting people involved in this one issue. He said the Council might decide that it wasn't a compelling enough reason to form a committee, or that there was some other vehicle so people could participate along these very narrow lines. But he said the Council shouldn't readily dismiss the idea of a Budget committee, and say such a committee should be excluded because there were nine people on the Council, so they didn't need anyone else.

Councilor Gooze said in regard to the Library numbers, he didn't have much trouble understanding them, also noting that he was on the Library subcommittee. He said when the numbers were added up, he came up with \$0.25-0.35 per thousand, which would include operating costs and the bonding. He said the presentation numbers came up with \$0.31-0.36 per thousand,

with the \$0.36 number reflecting the extra hours. He said if the numbers hadn't been presented correctly, this would happen at the next Council meeting. He said this was a worthwhile investment for the community.

He said Ms. Leach had looked at ten towns that had Budget committees. He said almost all had 3-5 selectmen, and also dealt with town budgets and school budgets. He said he could see how in these towns, it would be helpful to have a budget committee. But he said it didn't make sense with a nine member elected Town Council. He said he knew when he ran for the Council that he would want to attend meetings with department heads, and said this was a very open process.

Councilor Gooze referred to emails Councilors had received in support of a budget committee as well as opposing the idea. He noted one from Edward MacKay, Chancellor, UNH, that said he didn't support that proposal. Mr. MacKay's said over the past 33 years he and his wife Phyllis had lived in Durham, and had agreed and disagreed with Town Council decisions. But he said he'd always felt that Councilors diligently studied the Budget and accepted full responsibility for the impact of budget decisions. He said to him, their thoughtful examination of the consequences of various funding options, and obligation to oversee the execution of the approved Budget was one of their primary duties.

Mr. MacKay's letter said to separate the process of budget preparation, analysis and recommendation from the individuals accountable for the responsibility to meet the interests and needs of residents was unwise. He said his preference was that individuals elected by residents were fully accountable for the determination of budget allocations/priorities, and said if residents disagreed with those decisions, they had the opportunity (and corresponding responsibility) to express their dissatisfaction through subsequent election voting.

Councilor Gooze said he was not in favor of having a Budget Advisory Committee.

Councilor Cote said he didn't equate the formation of a Budget committee with the formation of an energy committee. He said Durham had one of the most transparent budget processes he had ever seen, and said he had shared this with other communities that he dealt with. He said there were nine people of great diversity and specialized talents on the Council, and said he didn't see that an advisory budget committee would play any greater role than the Council did.

He said he had called some other communities about their positions on budget committees, and said there were no kind words. He said in all cases, the missions of the budget committees were to slash the budget, without any forethought on process or economic development. He said in one instance, he was told by a former town administrator that this was why he left his position, and that the disruption in the work of town staff was enormous because of the committee.

Councilor Cote said he appreciated how Ms. Leach had crafted this proposal. He noted that it referred to the fact that three Councilors had to be educated each year on the budget process, but he said budget committee members wouldn't be permanent either. He said he wasn't in favor of this committee being formed.

Chair Carroll said this discussion was about the process of forming the Budget, which was what a Budget committee would oversee. But she said there was also an underlying theme that what they

really needed to do was reduce the Budget. She said the job of a Budget committee should not be to cut the budget, and should be to oversee it.

She said a Budget Committee would be another layer of government, and said she didn't think they needed this. She said it would mean more work and time for Town staff, and said she didn't see that it would help the process. She also said a Budget committee would need to meet more than just a portion of the year if it existed. She said everything the Council did related to the Budget in some way, and said that was what it took. She said anything less resulted in a faulty budget.

Chair Carroll said if there was a Budget committee, it wouldn't save Councilors' time, noting that she would spend just as much time on the Budget if there were such a committee because it was her vote that was involved. She said she believed the process of creating a budget was working, and said she didn't see going out there trying to fix something that was working. She noted Administrator Selig's evaluation from 2011, and said his ratings were very high in regard to his work in the creation of the Budget.

She said the focus much of the time was on taxes, but she noted that there had been no raises for the past three of the past four years for non-union employees. She said she wondered how many residents had thanked them for this.

***Councilor Smith MOVED to suspend the 10:30 adjournment time. Councilor Mower SECONDED the motion, and it PASSED unanimously 8-0.***

Councilor Mower said she appreciated the thoughtful comments, including Councilor Niman's perspectives on why the proposal for a Budget committee had been made. She said there had been times when she had wondered if the addition of financial and business expertise could be helpful as part of the Budget process. But she said the Council had made repeated efforts to bring those with that kind of expertise into the discussions on the Budget. She said very few people had come forward.

She said she didn't know if there was another approach to engage people more, but said she was very wary of adding another committee. She noted it was hard to get people to sign up to committees, and of those who did sign up, the question was how many of them participated at every meeting.

Councilor Mower said she had chosen not to support a Budget committee. She said there were perhaps a few other steps that could be taken to welcome members of the public into the Budget process.

Chair Carroll asked Administrator Selig if he would like to speak to this issue.

Administrator Selig noted that Mr. Van Asselt had stated that if budget committees didn't work in NH, municipalities would have done away with them a long time ago. He said there actually had been an elected budget committee in Durham, and the town did away with that in 1987 in favor of a Town Council and Town Administrator form of government, which had worked very effectively.

He noted that he had asked Ms. Jablonski to do a brief analysis comparing spending in Durham over the last five years to spending over the last five years there was a budget committee in Durham. He said between 2006 and 2011, there was an increase in spending of 2.15% per year, or 10.74% over the five years. He noted that inflation would have increased the budget by 11.6%. He said over the last five years of an elected Budget committee, between 1982-1987, spending had increased by 5.18% per year.

Administrator Selig said the allocation of the tax rate between county, town and school in 1987 was 28.45 for the Town, and in 2011, it was 26.84%, which indicated that they had been successful in reducing the Town's portion of the tax rate. He said in 2011, the school portion had increased and the county portion had decreased, and said relative to those other units, the Town portion had increased.

He also spoke about the fact that Durham wasn't a traditional town, and operated like a small city. He said with the School District, the School Board was the governing body, and the School meeting that approved the school budget was the legislative body. He said with the Town, staff took on the responsibility of essentially the superintendent and School Board, and brought the budget to the legislative body of the town, which was the Council.

Administrator Selig said the great benefit of the Council as a legislative body was that there were nine councilors who had all year to understand the Budget, and two months to actively review, vet and ask questions about it. He said if the Council felt it needed to do additional heavy lifting, a better approach would be to form a subcommittee of the Council to work more closely with Town staff.

But he said it was important to ensure that the Town Administrator had the ability and authority to bring forth a budget that represented what that person believed was consistent with the goals of the Council and the best interests of the Town. He said he believed a budget committee would dilute a process that was already working very effectively.

Administrator Selig said if he thought he needed to bring on expertise from the community, he hadn't been shy about doing that. He noted that a few years back he had approached resident Jerry Gottsacker, who was a member of the Durham Taxpayers association, to be part of the Budget process.

He said Mr. Gottsacker said he wasn't willing to do that because he felt the budget process was already very effective and transparent. But he said Mr. Gottsacker had said he would be willing to focus on teaching Town staff to use the Kaizen process in order to make Town processes more efficient.

Administrator Selig noted that Town staff had been focusing on using Kaizen since that time. He said he believed that was where the biggest payoff was, and said a budget committee would be a real distraction. He also pointed out that creating the Budget was only part of the process, and said Town staff then tried to keep the amount of money spent as low as possible.

Chair Carroll noted that no formal action was needed on this agenda item. But she said a motion to establish a budget committee could still be made.



No motion was made by members of the Council.

B. Discussion regarding Council member attendance at agenda-setting meetings.

Councilor Smith suggested that this agenda item be carried over to the next meeting, in order to allow enough time to discuss it.

It was agreed that it would be put on the next agenda.

**XI. New Business**

Discussion regarding the Administrator's annual evaluation process in accordance with the Employment Agreement between Mr. Selig and the Town.

Chair Carroll noted the evaluation form that had been used for the past few years. She said Administrator Selig was comfortable with it, and said the Council could continue with it if they wished. She noted that she had emailed Councilor Niman, who had been on the Council longer than any other Councilor, to see what he thought about the evaluation form.

Councilor Niman said he recommended using the existing form.

Councilor Cote noted that by continuing to use it, it provided good benchmarks.

Councilor Smith said he wasn't comfortable with this form because of inconsistencies in the logic of the list. He provided some details on the problems he had with the form.

There was discussion.

Chair Carroll said she was pleased that Councilor Niman had suggested sticking with this form. She said they could always find issues with a form.

Councilor Niman said this evaluation form seemed to have worked the best of those he had used while on the Council.

Chair Carroll said Councilors would get an electronic copy of the form, and would need to get their completed forms in by February 6<sup>th</sup>. She said she would then compile the information in time for the February 20<sup>th</sup> meeting, where it would be presented. It was noted that it would be done in public session at the request of Administrator Selig, but that there could be a nonpublic session as well if requested.

Administrator Selig said they were in the midst of a three year contract, and the salary was set for that duration. He said this evaluation was to make sure he was on the right path and was meeting the Council's needs, and to determine if a correction was needed.

Councilor Mower said she held this evaluation up to the Council's list of goals, which essentially became the to-do list for the Town Administrator and the staff.

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

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

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

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

Adjournment at 10:46 pm

Victoria Parmele, Minutes taker