

D-R-A-F-T

**DURHAM TOWN COUNCIL
MONDAY, DECEMBER 2, 2019
DURHAM TOWN HALL - COUNCIL CHAMBERS
7:00PM**

MEMBERS PRESENT: Council Chair Kitty Marple; Councilor Jim Lawson; Councilor Sally Tobias; Councilor Carden Welsh; Councilor Andrew Corrow; Councilor Al Howland; Councilor Wayne Burton

MEMBERS ABSENT: Councilor Dinny Waters; Council Chair Pro tem Ken Rotner

OTHERS PRESENT: Town Administrator Todd Selig; Business Manager Gail Jablonski; Economic Development Director Christine Soutter; Police Chief Dave Kurz; DPW Director Mike Lynch; Fire Chief Dave Emmanuel

I. Call to Order

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

II. Approval of Agenda

Councilor Lawson MOVED to approve the Agenda as submitted. Councilor Welsh SECONDED the motion and it PASSED unanimously 7-0.

III. Special Announcements

There were no special announcements.

IV. Public Comments(*)

There were no public comments.

V. Approval of Minutes

September 9, 2019

Councilor Welsh noted a wording change he'd submitted.

Councilor Welsh MOVED to approve the September 9, 2019 Minutes as amended. Councilor Lawson SECONDED the motion and it PASSED unanimously 7-0.

VI. Councilor and Town Administrator Roundtable

Councilor Corrow said at the upcoming HDC meeting, UNH student Zach Fangman would be recognized for his service on the Commission. He said there would also be a presentation concerning the Mill Pond/Dam at the meeting.

Councilor Lawson thanked Councilor Welsh and Sandra Hebert for helping him collect a lot of parking data downtown recently. He said by January he'd have something put together on trends they were seeing downtown concerning parking. He noted that this data collection and analysis had been done for the past 4 years.

He said at the recent Conservation Commission meeting, two Eversource applications for pole placement/replacement in the Wetland Conservation Overlay district were reviewed and recommended for approval by the Planning Board. He said there was a general discussion about formalizing procedures for application submittals, so committee members would have enough time to review them. He also noted that the DPW had completed a draft of an authoritative description of the Town/UNH water system, which he'd requested. He said he'd get it to Council members in January.

Councilor Burton reviewed the many issues/projects that would be discussed at the Energy Committee meeting tomorrow. He said the federal government money for NH transportation projects had come through, thanks to the Congressional delegation, and noted that much of the work Strafford Regional Planning Commission did had to do with transportation.

Chair Marple said she was sorry about the anger expressed over the issues involved with Frost Fest. She asked Durham residents for their patience and understanding to see how the modest revisions to the event would go, how much response there was, and if they would see more people feel welcome there. She said she hoped people would turn out and enjoy the event.

Councilor Howland noted concerns that had been expressed recently about the Swap Shop, and said Integrated Waste Management Advisory Committee member Sally Needell had written up a blurb on this.

Councilor Tobias spoke about the site walk the Planning Board held last week concerning the proposed parking lot at 19 Main St. She said they got a good look at the site, which had some slope, and they imagined such things as the retaining wall that was proposed. She said some local residents were there and asked some good questions that were helpful for everyone. She said engineer Mike Sievert indicated that he and Mr. Murphy had a clearer sense of how they wanted to proceed with the design, and he asked that the public hearing on the project be held at the December 11th Planning Board meeting. She said Board members Paul Rasmussen and Barbara Dill agreed to this at the site walk and notified all Planning Board members about this by email. She noted that it was still a preliminary design, which was technically separate from the Mill Plaza Project, and she spoke briefly about this.

VII. Report from the UNH Student Senate External Affairs Chair or Designee

There was no report.

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

Shall the Town Council grant a 3rd extension to the Planning Board on its review of a proposed Council-initiated Zoning Ordinance amendment relative to the regulation of Bed and Breakfast establishments, with said extension to go until January 22, 2020?

Chair Marple MOVED that the Durham Town Council does hereby, in accordance with Section 175-14 B. of the Durham Zoning Ordinance, grant a 3rd extension to the Planning Board on its review of a proposed Council-initiated Zoning Ordinance amendment relative to the regulation of Bed and Breakfast establishments until January 22, 2020. Councilor Welsh SECONDED the motion and it PASSED unanimously 7-0.

IX. Committee Appointments

Shall the Town Council appoint Mary Caulfield, 8 Woodside Drive, as a regular member to the Integrated Waste Management Advisory Committee?

Councilor Howland MOVED that the Durham Town Council does hereby appoint Mary Caulfield, 8 Woodridge Road, to fill a regular member vacancy on the Integrated Waste Management Advisory Committee with no term expiration. Councilor Corrow SECONDED the motion and it PASSED unanimously 7-0.

X. Presentation Items

- A. Receive annual report from the Agricultural Commission in accordance with Section 11.1(I) of the Town Charter -Theresa Walker, Chair

Ms. Walker said the bulk of the year was spent on Zoning amendments that were designed to enable more agriculture in Durham. She said the Commission would speak with the Planning Board about the draft amendments in January. She said they were grateful to Town Planner Michael Behrendt for his patient assistance in developing the draft, and also said Councilor Lawson had been a huge help with the draft throughout the year.

She spoke about the successful Durham Farm Day this year, and also noted the great work that was done to bring the Farmers Market downtown. She said the Commission was grateful to merchants downtown, and said the vendors had a good season.

Ms. Walker said in 2020 the Commission would continue its work on the proposed Zoning amendments. She said they also wanted to continue with the work Commission member Brian Cassidy had been doing in mentoring residents about establishing gardens and growing their own food. She spoke about continuing with the work on food friendly yards, the bee city designation, the Farmers Market, and other initiatives.

Councilor Welsh asked if the Commission had an inventory of farms in Durham. Ms. Walker said information on this was collected in 2013 to get a benchmark of what was out there, as a way to track success in promoting more farming in Town. She spoke about possibly finding a way to share summary information on this while respecting private property.

Chair Marple said the Council was delighted with Ms. Walker's service to the community. Ms. Walker said the Commission was a very dedicated group, with great follow-through.

B. Receive annual report from the Zoning Board of Adjustment in accordance with Section 11.1(I) of the Town Charter -Thomas Toye, Vice Chair (10 mins)

Mr. Toye said Chair Chris Sterndale had a work commitment so wasn't able to be present. He said the ZBA had a relatively light year, and noted that he'd been member for 9 years. He said the ZBA met 9 times in 2019, and said there were 24 applications. He said for the first time in memory, the case load this year included an appeal from the Historic District Commission, and he spoke briefly about this.

Councilor Welsh said it was impressive that Mr. Toye had been on the ZBA for 9 years, and said from his own experience on the ZBA that it could be a tough board to be on. There was discussion that there were no alternates at the moment, and that it was important to recruit some new members.

Mr. Toye noted that at the most recent meeting, two applications were postponed because there wasn't a full board. Councilor Welsh said the ZBA was a committee where one could make a direct impact, but also said helping to decide key questions about residents' properties could be unpopular. Mr. Toye said that in terms of the time commitment, only a few hours a month were involved outside of the meeting. He noted that there was an interesting, unique application coming up concerning an appeal to the building code.

He thanked the Council for taking up the Airbnb ordinance, and said he'd been very pleasantly surprised that the language in it was carefully crafted and presented. He said he was glad everyone was taking the time to think through it carefully. He said it was important for residents to have the opportunity to do these rentals, and also said it was proper to put certain restrictions on this.

Chair Marple thanked Mr. Toye for taking on the Mill Pond Center, as the owner of this historic property. Mr. Toye said it was a long road, but said he thought it was a success.

C. Receive annual report from the Economic Development Committee in accordance with Section 11.1(I) of the Town Charter - Christine Soutter, Economic Development Director (10 mins)

Ms. Soutter noted the write-up she'd provided on existing/proposed/possible projects: RiverWoods, the Hotel/66 Main Street project, the UNH Research park, Mill Plaza,

parking, and redevelopment of underutilized buildings in the downtown She spoke briefly about each of them.

Councilor Lawson asked why Ms. Soutter had spoken about a connection between the 66 Main and Research park projects. Ms. Soutter said it was a UNH decision to do the 66 Main St project first, and there was discussion on this. She said there would be discussion with the UNH Trustees about the Research park in January, after which UNH staff could speak with the Town about it.

Administrator Selig noted that UNH didn't have a lot of experience doing development with the private sector. He said the UNH administration was looking at the 66 Main St project as the first test of how that could work, and would evaluate whether the Trustees were comfortable looking at these kinds of projects. He said the Trustees had been briefed on ideas for the Research park, and said he thought the UNH administration wanted to make sure the Trustees were on board before things got too far along.

He said there had been some analysis about the Research park at UNH, but said the Town hadn't been involved in conversations about this. He said Town staff had met with UNH representatives about the Planned Unit Development (PUD) approach to a development in the West End zone, which the Research park would be part of. He said the question was whether the Trustees would be comfortable with the concept of the Research park.

Councilor Lawson said if things moved forward in earnest, doing a PUD would make things more predictable for UNH and developers, and would be in line with what the Town wanted. He also noted that it would relieve a lot of the burden from the Planning Board in terms of having to review such a development project.

Administrator Selig noted that Durham used to have a PUD ordinance, but it was phased out with a Zoning rewrite some years ago. He said with a PUD, much of the planning process happened upfront, in terms of where roadways would be located, sewer and water capacity and placement of lines, where individual development pods would be, setbacks, uses, height, etc. He said it would provide a predictable process for a developer, which was essential for a business park. He also said it would allow the Town and UNH to think thoughtfully upfront about what they wanted.

Councilor Burton asked Ms. Soutter what kinds of businesses were calling to see about locating in Durham, and what they were saying about Durham. Ms. Soutter noted that there was very little in the way of developable lots. She said she talked with current business tenants and realtors, and said there was an appeal to certain businesses because Durham was a college town. She also said a big factor was that it was expensive to set up a business here and pay rent. She said the commercial office spaces were tougher to lease out, and might sit for a while, and the fact that a number of people were doing home-based businesses had affected this. She said restaurant space was easy to fill, but other retail space and office space went much more slowly.

Councilor Burton asked about the Goss property. Ms. Soutter said there was some space available in the building, and said it was hoped that by the spring there could be some new tenants. She said this space was being actively marketed.

Councilor Howland noted the survey the Durham Business Association had done of local businesses, and said one issue that came up was parking. He noted the information that had been provided to business owners downtown, including a map, of where parking was available. He said the survey also indicated that Durham wasn't considered to be a friendly place for businesses. He said this wasn't a staff issue, and he and Ms. Soutter spoke about ways to make it easier for potential businesses to get set up. There was discussion about the length of time it took for a project to get approved in Durham.

Councilor Welsh noted that a developer had been trying to do a project at the 66 Main St. property for several years, and said in the meantime the property, which used to be a beautiful gateway, had deteriorated into an eyesore for the Town. He said the retaining wall there was possibly dangerous, and said he couldn't think of any place on campus that the University had allowed to deteriorate. He asked Ms. Soutter and Administrator Selig if there was anything they could do in the interim. He said if the possible project there fell through, things would be back to square one, and asked if there was some standard the University could be asked to meet while they were trying to figure things out. Ms. Soutter said Administrator Selig had reached out to UNH about the overgrowth on the property.

Councilor Burton said the Town had properties it wasn't doing anything about and he spoke about an example of this near where he lived. He also said the fraternity at 66 Main St. was shut down for good reasons, but said he agreed that it was about time that something was done with the property. But he said it was a tough site to develop.

Administrator Selig noted that his first meeting with Tim Elliot, the developer for the 66 Main St. property, was in 2009.

XI. Unfinished Business

- A. **PUBLIC HEARING** on various proposed amendments to the Durham Town Charter and order said Town Charter amendments to be placed on the March 10, 2020 Town Election ballot

Councilor Lawson MOVED that the Durham Town Council does hereby OPEN the Public Hearing to amend various sections of the Durham Town Charter as outlined above in accordance with RSA 49-B:4-a and RSA 49-B:5 to be placed on the March 10, 2019 Town Election ballot. Councilor Welsh SECONDED the motion and it PASSED unanimously 7-0.

There were no members of the public who came forward to speak.

Councilor Corrow asked about possibly keeping the public hearing open given the weather. Administrator Selig noted the tight time frame, and said the hearing had been noticed in Foster's and in the Friday Updates.

Councilor Welsh MOVED that the Durham Town Council does hereby CLOSE the Public Hearing to amend various sections of the Durham Town Charter as outlined above in accordance with RSA 49-B:4-a and RSA 49-B:5 to be placed on the March 10, 2019 Town Election ballot. Councilor Howland SECONDED the motion and it PASSED unanimously 7-0.

Administrator Selig said the Council had to wait until the Secretary of State's Office and the Dept. of Revenue responded, and said he hoped the Council could act on this in January. Councilor Lawson said with the exception of two of the proposed changes, most of them were administrative, to make the charter conform with RSA's etc. He said the two policy-related items had to do with bonding, and said there was a good reason for the changes. Councilor Howland said he was struck by how long it had been since these sections had been updated. Councilor Tobias agreed that the changes were mostly about cleaning things up, and said the changes having to do with bonding made sense.

Councilor Corrow asked about the proposed change to Article 4, Administration of Government, Section 4.3 Reprimand or removal from office: "...A copy of the resolution shall be served forthwith on the Administrator, who may, within ten (10) days, demand a hearing, in which event the Administrator shall not be reprimanded or removed until such hearing has been held...."

Administrator Selig said this change was recommended by the Town Attorney. He provided details on the reason for the proposed change, which put the onus on the Town Administrator as to whether the discussion would be in public or nonpublic session. Councilor Howland said he thought that while the discussion could take place in nonpublic session, the vote would have to be recorded in a public session.

Administrator Selig said depending on the circumstances, the Council could take action in nonpublic session and then make the minutes of the session public, or could seal the minutes and announce in public that the town administrator was terminated. He said this might depend on what issue was involved that lead to the termination.

Councilor Corrow asked whether the proposed changes would be presented individually on the ballot in March. Administrator Selig said yes, and noted that the ballot would have the questions, but not the rationale for them, so hopefully people would do their homework ahead of time. He also said the cost of the ad for these items was \$2,000, and said the ad would need to be run again before the vote in March.

B. Continued discussion on concept of a Pay As You Throw Program in Durham

Administrator Selig said the Integrated Waste Management Advisory Committee had worked very hard to look at the difficult issues concerning solid waste management, including recycling. He said the State established general objectives for recycling a

decade ago, but there wasn't good follow-up because of a lack of funding at the state level. He said there was now a glut of recyclable materials, and the cost of recycling had increased. He said if there wasn't a market for the recyclables, they were being landfilled. He also said there was no cost effective way to recycle materials like glass although it was reusable, so much of it got landfilled too.

He said the program that had had the most success elsewhere was PAYT. He said he wasn't endorsing or opposing it, but said it encouraged people to recycle, and resulted in a 42-54% increase in recycling. He said in NH, no one liked to be told what to do with their trash, but noted that in Durham residents were already told they must recycle, and if they didn't the Town could refuse to take their trash. He said there had been pretty good participation, but said it could be better. He spoke further on this.

Administrator Selig noted that some recyclables were being landfilled now, and said the question had been asked about why to then encourage more recycling with PAYT, when the materials might get thrown out anyway. He said he thought this was a temporary trend and would correct itself, as communities worked together to solve the problems, as the state helped out more, as new markets developed for reuse of glass and other materials, and as there were more incineration operations, which would produce energy.

He said some people said why not landfill everything, but said this wasn't a sustainable solution. He spoke about how with PAYT, there would be more reuse and recycling to divert materials from the waste stream. He said Town staff had crunched the numbers on the economics of PAYT, and said it appeared to improve the financials, and would also be consistent with the Council's goals concerning sustainability and resilience.

Administrator Selig said more work would be required with PAYT, but said a resident would only pay for the trash he produced, and not for what other residents produced. He said with a unit price system, the more waste a person generated, the more he would have to pay. He noted that the Town provided water and wastewater to a portion of the community, and said those who received it paid for it, as opposed to the costs for this being socialized across the tax base.

Councilor Howland noted the information on PAYT, etc. that had been put on the Celebrate Durham website. He went through the financials in some detail. He said solid waste placed in a lined landfill stayed there for a long time, and also said NH was running out of space in the existing landfills and it wasn't easy to build another one. He noted that the planned expansion of the landfill in Rochester was under administrative appeal.

He said PAYT was an incentive to change behavior, and wasn't a tax. He said the financial numbers matched up, and spoke in detail on this. He spoke about how heavy glass was, as part of the waste stream, and said it could potentially be separated out and made into aggregate. He said organics were also heavy and could be composted, and said curbside collection of compostable waste was probably the best way to go. He said cardboard had value, but mixed paper had no value and was the most expensive tonnage. He said it was worth asking if the Concord incineration plant could take the mixed paper.

He said the Council would want to look at what a contract for PAYT looked like, and said they should allow the DPW to have a bidding process. He said it was important to make changes to the recycling program that made economic sense, and said a plan was needed concerning recycling glass, compost, and mixed paper. He said making these changes could tighten up the recycling program, and also bring down landfill fees. He spoke about the importance of reducing the amount of solid waste going to the landfill over the long term, because the cost would only go up.

Councilor Lawson MOVED that the Durham Town Council does hereby request that the Integrated Waste Management Advisory Committee continue to evaluate PAYT and bring forward a proposal for possible implementation for a future action by the Town Council Councilor Burton SECONDED the motion.

Councilor Lawson said he hoped the motion passed unanimously because he wanted to deliver a message to the community and the Integrated Waste Management Advisory Committee. He said he hoped that when they got through the process of creating a PAYT program, some achievable goals could be created that could be tracked over time. He said he hoped they could fine tune the financial impact to the average family. He said he hoped to see specifics on a contract, and said he'd also like to see work done on a proposal for a bag revenue trust fund, which would be managed by the Trustees of the Trust Fund. He said these funds would be used to offset sanitation costs, and would put the double tax argument to bed. He said he appreciated the work Councilor Howland had done, amassing a lot of compelling information.

Councilor Burton noted that Strafford Regional Planning Commission had discussed the idea of regional compacts to address solid waste. He said he learned at the recent SRPC meeting, from commissioners representing Dover, Newmarket and Somersworth, that their communities were experiencing significant reductions in overall trash as a result of their PAYT programs. He said all of the landfills in the state would be full within a decade if something wasn't done. He said there were many critics of PAYT, but no ideas from them on how to reduce trash. He said giving the IWMAC the authority to come up with a plan was the only option the Town had.

Councilor Howland said the IWMAC was up to the task. Councilor Tobias agreed, and said the information Councilor Howland had provided would be very helpful. She said there were some misunderstanding, as well as fear and anger about change, and said the information would help clarify things. She thanked Councilor Howland for the research he'd done and the articles he'd written to make all of this more user friendly. She said it was all on the Celebrate Durham page, and had been shared on Facebook, and said she was sure more information would be provided. She said it was important to have buy-in from the community.

Councilor Corrow said he was conflicted about PAYT, but was not against the motion. He said he subscribed to the crawl, walk, run approach, and said he thought they were

going from crawling to running with PAYT. He said there would need to be a lot more education of the public before going forward with PAYT.

There was discussion about the issue of the plastic bags to be used as part of PAYT going into the landfill. Councilor Howland compared the overall reduction in solid waste from Durham as a result of PAYT to the bags that would go into the landfill, and said this argument missed the forest for the trees.

Councilor Corrow noted that the Town had mandatory recycling, but didn't enforce this.

The motion PASSED unanimously 7-0.

- C. Continued discussion and deliberation of the Administrator's proposed FY 2020 Operating, Capital, and Special Fund Budgets and the 2020-2029 Capital Improvement Plan

Economic Development

There was discussion with Ms. Soutter on the numbers in the Budget concerning printing, a consultant, and staff development.

Fire Department

Councilor Lawson said the training budget for the Fire Department was typically around \$65,000-70,000. He said Chief Emmanuel had proposed a significantly higher amount for this since becoming the chief, but the Town hadn't moved forward with this. He said training sometimes equated to safety, retention, quality of service, etc., and said he wanted to learn more about the training that wasn't proposed in the Town Administrator's Budget.

Chief Emmanuel said he'd written something up on this, and he reviewed the numbers in it. He said \$106,000 had been proposed for training, but now the proposal was \$24,000. He said the \$82,000 that wasn't included was for the training officer position. He spoke about foundation work that needed to be done to work toward accreditation of the Fire Department.

There was discussion about the training officer position. Councilor Lawson said it wasn't his intent that the Council should make a decision on this tonight, and said he wanted to understand what the Council was trading off if the \$82,000 was kept out of the Budget. He suggested that Chief Emmanuel should come to the Council meeting next Monday.

Councilor Welsh said it was a good suggestion. He asked how much it would cost for the Fire Department to be accredited, and what the benefits would be. Chief Emmanuel said he didn't have a specific dollar amount available on the cost. But he said accreditation set up a quality improvement model and plan. Councilor Welsh asked what other municipalities were accredited. Chief Emmanuel said there were none in the state, but said Dover, Portsmouth and Salem were working toward this.

There was discussion about how many positions on the Fire Department had opened up in the past few years when employees had left. Chief Emmanuel said several employees had left, and he provided details on this. Councilor Lawson asked if having better training could help with retention. Chief Emmanuel said yes, and spoke further on this. He said resources needed to be put into a plan to ensure the success of the organization.

Administrator Selig noted that there had been a safety position, which was eliminated. Councilor Welsh said it seemed to be a very good department without that person, and said he wasn't sure how much it was worth to go from the 95% percentile to the 99% percentile. Councilor Howland said the point was to use training effectively, and said there was nothing more important than training in fire work.

It was noted that UNH contributed 50% toward Fire Department costs.

Administrator Selig said he was recommending an increase for the Fire Department, but not as much as had been requested.

Councilor Lawson said there were a variety of risks in Durham, including high density apartments, high speed rail and the approach to Pease. He said an investment had been made in capital for the Fire Department to help address these risks. He said he was starting to feel that for possible events like ice rescues, etc., perhaps the Town wasn't making a training investment that was commensurate with the capital investment. He said at some point, the Council might look back, if someone was hurt, and realize it could have invested more in training.

Administrator Selig said another aspect of this was in the collective bargaining agreements. He said perhaps a captain was the best person to do the training, but said it would be ideal to have an interim position between captain and firefighter that a firefighter could move into, and get more management experience while still doing firefighting work. He said language that worked for everyone concerning this would need to be added to the agreements, and said this was a work in progress. He said in addition to addressing training, it would address succession planning and ideally some overtime as well.

Councilor Lawson said while they might do something concerning this in the Budget, if the contracts couldn't be negotiated or modified so they worked well with the Council's intent, the budget item wouldn't go anywhere. There was discussion that the Budget Resolution could include wording that the money wouldn't be spent unless the agreements were negotiated/modified in an acceptable way.

Councilor Burton asked if through mutual with other towns, the Fire Department could get the skills it needed for a particular event. Chief Emmanuel said in the Seacoast area, each department had to have the skills that were needed. But he said mutual aid partners were needed for events.

Administrator Selig said Durham had outstanding fire fighters, but said everyone was interested in addressing the training issue.

Councilor Welsh said a lot of the line items in the Fire Department budget didn't line up with historical data. There was discussion on this. Ms. Jablonski said she'd provide information that compared this year to last year. Councilor Welsh said he'd send a list of specific items in the Fire Department budget he had questions about.

Councilor Lawson asked Chris Lemelin, McGregor Ambulance Corps Executive Director if his organization participated in the same insurance as other towns did. Mr. Lemelin said it was a mixed bag, and provided details on this. Councilor Lawson said the reason communities didn't participate with insurance companies was because the reimbursement rates were so low. He said when a person used the ambulance service and paperwork was then submitted to the insurance company, he was then responsible for much of the expense. He said from his own experience, the largest out of pocket expense was ambulance service.

He said Durham had an excellent EMS system, and said McGregor was a big part of this. He said it was an extremely cost-effective service because of the great students who worked for McGregor. He noted that everyone got the benefit of this even if they didn't use it, and said the only people who really paid for it were those people who used the service. He said going forward, there needed to be a discussion about how to fund EMS, and ways to make this more equitable. He said a question was how the Town should participate more in the cost, because of the benefit that was available to everyone even if they didn't use it. He said the answer to his question was that McGregor was doing what other communities did concerning insurance.

Councilor Welsh asked for clarification. Councilor Lawson said perhaps a resident should be responsible for some portion of an ambulance bill, but said having an EMS service available to a household, even if the members of the household didn't use it, was worth more than \$10-20/year per household. He said right now the cost could be challenging for those who did need the service. He suggested doing something that would allow McGregor to participate with insurance companies.

There was discussion that the average bill was \$1,025, but it could be up to \$2,000 depending on the mileage involved. Mr. Lemelin said McGregor expected to collect about half of the average \$1,025 bill. He said if people were afraid to call the ambulance because of concerns about what the bill would be, they should still call, and said there was a generous hardship program. He said if the insurance wouldn't pay, McGregor might ask people to appeal this, but said they tried to work with people.

Councilor Lawson said McGregor participated in Medicare.

Chair Marple noted that her sister in law in California traveled six miles in an ambulance, and the cost was \$2,700.

Police Department

Chief Kurz said he'd proposed a status quo budget. He noted that at one point because of a request to make significant cuts, no cruisers were going to be replaced. He said this was

one of the few years that he didn't have to put in significant overtime money to cover shifts because people had left. He said he hadn't requested any new personnel. He spoke about the membership costs in the budget, as well as the fee to be part of the county tactical team. Councilor Welsh said he thought Durham had a great Police Department, and said he thought this was a great budget.

Councilor Welsh noted that there was a NH police group that supported being allowed to have guns in schools. Chief Kurz said Durham's police department wasn't a member of that group.

Councilor Welsh said the cost for general supplies in the Budget seemed out of line with history, going from \$9,000 up to approximately \$19,000. There was discussion and Councilor Welsh asked Ms. Jablonski for the line items on this.

Councilor Lawson asked about the performance and reliability of the cruisers, including after the Police Department was done with them. He also asked what the impact would be of having only one and not two cruiser replacements this year, as proposed in the Budget. He spoke about an analysis he'd done that allowed him to be comfortable with the idea of replacing one cruiser this year, but then replacing two cruisers next year.

Councilor Burton said the Town charged a Payment in Lieu of Taxes fee to Riverwoods, and said some of the rationale for this was the expected increase in services that would be asked for there. Chief Kurz said there would mainly be medical calls, which were not generally a major issue for the Police Department. But he said they'd monitor the situation.

There was discussion that calls from the Cottages, etc. were down this year. Chief Kurz provided some history on how things had gotten to this point, where there was a status quo situation.

Public Works Department

Mr. Lynch said the DPW Budget was pretty standard. He spoke in some detail on the budget items concerning building maintenance at the Courthouse, which he said was a tired building. Historic analysis being done, remedial work needed.

Councilor Burton asked if there was money in the DPW budget for the house at Wagon Hill Farm. Administrator Selig said there was some money to tighten up the building, but said any significant work to be done would be new project. Councilor Burton thanked Mr. Lynch for the benches at Wagon Hill Farm. Mr. Lynch said the benches were made out of some pine trees from a tree removal project on Meadow Road, and said Ray Laroche had helped with this. He noted he and Mr. LaRoche would be retiring on the same day, next June.

He spoke about Road program items in the budget, and said some of the roads to be done were in out of town areas, and other roads to be done were in Town. He said there would be no curbing involved. He also spoke about sidewalks to be done as part of the Sidewalk

program, and said one was at Old Landing Park, which had a trail network. He said no curbing would be involved. He said DPW vehicles were in pretty good shape, and said the only request was for a roll off truck for the sanitation division, which took recyclables to the appropriate locations.

Councilor Welsh said the cost of some items in the DPW budget were up, and asked about the line item on full time wages at the Library building. Administrator Selig said the DPW did maintenance for all municipal buildings, including the Library. Councilor Welsh asked why the budget item for graveyards had gone up to \$4,500 for next year, and Mr. Lynch said the Trustees of the Trust Fund would like DPW staff to do some additional work on tree removal in the graveyard behind the General Sullivan monument. He spoke further on this.

Councilor Welsh noted that health and dental benefits were going from \$100,000 up to \$170,000, and Ms. Jablonski provided details on this. There was discussion that no new staff was proposed. Mr. Lynch said this year a position had been created to do vegetation control, but hiring someone didn't work out, and a DPW person did the work. He said this work would continue, and explained that the Town had been cut up into six areas, and vegetation control in each of these areas would take place on a 5-6 year cycle.

There was discussion on solid waste tipping fees. Councilor Welsh said he was surprised to see that the fees were going from \$126,000 to \$125,000 although significant increases had been expected. Mr. Lynch said there was time left in the old contract, and said the new tipping fees would happen in mid-November 2020 into 2021.

Mr. Lynch noted that this was his last budget presentation. He said he was retiring on June 9th, but said that might change, and he spoke further. He said working in Durham had been a blast, and very rewarding over the past 43 years. Councilor Howland said the new benches at Wagon Hill, etc. were amazing. Chair Marple said the Town was so grateful for all of Mr. Lynch's work, and said they would talk more about that at a later time. Mr. Lynch noted he'd continue to live in Dover. Councilor Burton said it had been so reassuring, having Mr. Lynch at the DPW department. Mr. Lynch said he wished he'd kept a diary to record the various issues, etc. he'd been involved with.

XII. New Business

- A. RESOLUTION #2019-28 rescinding Resolution #2011-11 to implement Revised Enhanced Guidelines for use by the Council in weighing applications under New Hampshire Revised Statutes Annotated (RSA) 79-E "Community Revitalization Tax Relief Incentive" enabling municipalities to provide for short-term property assessment tax relief

Administrator Selig provided background on RSA 79-E and how it worked, included the vague definition it included concerning the public benefit from a redevelopment project. He said originally 3 projects in Durham were looked at to possibly receive this tax relief, and the Council decided to provide it to them. He said the Council subsequently became

concerned that the tax relief should only be given to projects that were really of benefit, and should look closely at those projects that wouldn't be able to proceed but for the incentive.

He said since enacting the current restrictions on the use of RSA 79-E, no further projects that used it had been approved. He said Councilor Tobias, Councilor Howland, Councilor Lawson, and Councilor Welsh, along with himself, Ms. Soutter, Mr. Behrendt and Ms. Cline had developed a consensus that it might be time to revisit RSA 79-E, and to ratchet down some of the strict criteria that were currently in effect. He spoke about the draft changes, which he said provided some additional incentive for developers to invest in the downtown. He noted that other municipalities were using RSA 79-E, and said it was a competitive environment.

Councilor Lawson said to him this was a work in progress, and said he wouldn't support a motion on it this evening. He said RSA 79-E needed to be balanced with the TIF, and said there was nothing in the draft changes about that. He also said some of the language was vague.

Administrator Selig said this kind of feedback was helpful, and said there needed to be consensus on which way to go with this.

Councilor Welsh said he was hesitant to support this proposal. He said Newmarket and Dover had done a good job with redevelopment, and he considered how much of that had to do with RSA 79-E. He suggested getting information from these other towns on this. He also said he wondered about fairness, and unintended consequences from making these changes, including putting pressure on the Council, and everyone else having to pay more when this benefit was provided to a particular developer.

Councilor Burton spoke about his economic development experience in Massachusetts, and said they made sure this kind of benefit was in the tool kit. He said without this tool Ms. Soutter might be lacking one that she needed.

Councilor Lawson said the criteria could be tightened up, and noted the wording on "quality architecture", and "enhancing cooperation with UNH". He also asked what a "diverse, well managed residential component" meant. He said the Mill Plaza development project would meet all of these criteria, and he spoke further on this. There was discussion and it was noted that there weren't any financial criteria included. Councilor Lawson said financial criteria needed to be added, and also said there should be something regarding an evaluation concerning the impact on TIF of granting the tax relief.

Councilor Howland said the projects that were built using RSA 79-E were large student housing developments, and said most of the commercial space that was included in these projects was an afterthought. He said some of the properties to be developed now were in a different category, and didn't have the capacity to have as much student housing, given the Zoning changes. He said he agreed that the criteria should be tightened up.

Councilor Burton MOVED to extend the meeting beyond 10:30 pm. Councilor Howland SECONDED the motion and it PASSED unanimously 7-0.

Councilor Tobias agreed that the language needed to be tightened up, including adding the wording on financial need and what the Town would gain by providing the tax relief. She said it had to be in the economic development tool box, where the Town would give up something in order to gain something later.

Administrator Selig said the existing criteria were very strict, and said there was also the issue of being unsure that the financial details provided by a developer were real. He asked how to address that.

There was discussion that a lot of other towns didn't have the criteria Durham had concerning RSA 79-E. Councilor Lawson said those towns had much more developable acreage than Durham did.

Councilor Howland noted that the "theatre area" in Concord was specifically targeted for businesses to come in, using RSA 79-E and other tools, and said this had been very effective, resulting in some dramatic changes to this area.

Councilor Welsh said with the housing projects in Durham, it was clear that they didn't need RSA 79-E. He said the Council needed to figure out how not to give RSA 79-E to more student housing. There was discussion. Administrator Selig said the most successful downtowns had residential space above the commercial space, and said in Durham, there were likely to be students living there. Councilor Howland said the competition with other towns was pretty clear.

There was further discussion. Councilor Lawson said he was totally comfortable with a developer who wanted the tax benefit being told by the Town that in order to get it, he would need to open his books.

Chair Marple asked Councilors if they wanted to move forward with these proposed changes. Administrator Selig asked whether if the economic side of the criteria weren't going to change, there was a need to revisit the policy as written before. There was discussion about the aesthetic criteria being dated and in need of tweaking, and about the economic criteria needing more work. After discussion, the Council agreed to reconvene the group that had previously met on RSA 79-E before bringing back changes to the proposal.

B. Economic Development Committee formation of a Durham Housing subcommittee – Councilor Al Howland

Councilor Howland noted that one of the possible criteria for qualifying for RSA 79-E was a project that increased residential housing. He said housing was a challenge for every community these days, and he noted the work a committee in Exeter was doing on this issue. He recommended creating a subcommittee in Durham to collect data, etc.

Councilor Lawson said the issue of housing in Durham was extremely challenging, and he recommended that instead of having a subcommittee of the Economic Development Committee, it should be a stand-alone committee. He said Mr. Behrendt would probably be the support staff for such a committee, but said it was important that whoever provided the support had enough time to do data collection and analysis to make the effort successful.

Councilor Howland said a stand-alone approach would be fine. There was discussion on the data needed, and what was available. Councilor Lawson said there were a lot of rich data sources. Councilor Howland spoke about data available from the School District.

Councilor Burton said there were 3 bills in the NH House for 2020 concerning housing, and said there would be a lot of pressure to force every town to do something about this issue. He said this would be a bipartisan effort.

Councilor Welsh said he didn't see that the proposal mentioned affordable housing. He also said they should be trying to encourage people to build housing around the central area of Town so they wouldn't need to do so much driving. He asked if looking at the Zoning Ordinance was part of this proposal. Councilor Howland said yes, and spoke further on this. He said an objective was how housing for the 21st century should be encouraged in Durham, and, how this matched up with the demographics here. Councilor Tobias said housing needs were changing, and spoke further on this.

There was discussion that no motion was needed in order to form the committee.

Councilor Howland spoke about the need to work through the issues of creating a separate committee, the staffing of the committee, and who would be represented on it, and said he would work on this. He said the idea of creating a subcommittee of the EDC had been an effort to streamline things.

XIII. Nonpublic Session (if required)

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

XV. Adjourn (NLT 10:30 PM)

Councilor Howland MOVED to adjourn the meeting. Councilor Tobias SECONDED the motion and it PASSED unanimously 7-0.

Adjournment at 10:58 pm

Victoria Parmele, Minutes taker