

D-R-A-F-T

DURHAM TOWN COUNCIL MEETING

MONDAY, JUNE 14, 2004

(Continued Meeting of June 7, 2004)

DURHAM TOWN HALL - COUNCIL CHAMBERS

7:00 PM

MEMBERS PRESENT: Chair Malcolm Sandberg; Arthur Grant; Neil Niman; Annmarie Harris; Gerald Needell; Karl Van Asselt; Peter Smith; Mark Morong

MEMBERS ABSENT: John Kraus

OTHERS PRESENT: Todd Selig, Town Administrator

Chair Sandberg called the meeting to order and noted that the meeting was a continuation of the June 7th meeting. He said the Council would pick up where it had left off the previous Monday.

X. Unfinished Business

C. Discussion concerning Budget guidelines

Chair Sandberg said this Item had been initiated and prepared by Councilor Grant.

Councilor Grant explained that the Council had a summary document that he had put together trying to synthesize their previous discussion on budget guidelines. He said he believed Council members hoped they could wrap up this subject this evening and provide the Administrator with at least some minimal guidance as to what they would like to see, of a general nature, in the 2005 budget.

Chair Sandberg noted that the Council had received some specific suggestions from Councilor Van Asselt concerning the Budget process as a basis for discussion. He asked Councilor Van Asselt if he wished to put a motion on the table concerning this information.

Councilor Van Asselt said before doing so, he would like to briefly describe the document he had prepared. He said he had read Councilor Grant's memos, and there appeared to be 4-5 areas that the Council could/should come to a general consensus on. He said the list attempted to identify specific guidelines desired by the Town Administrator, and provided a framework for individual Council members to submit ideas for program changes.

He outlined the following:

Primary Goal: Develop a 2005 budget that at a minimum maintains town services at the same level as provided in 2004.

- I. Expenditures – personnel – provide cost of living increases based on the Consumer Price Index, step increases as deemed appropriate, and funding for

labor contracts and agreements; *non-personnel* – up to 3 percent to meet inflation, with goal of meeting increases through new, non-property tax revenues.

II. Programs (for anything deviating from the Primary Goal)

A. *New programs and services*- from recommendations by department heads and suggestions from individual Council members, Council members will make suggestions either in writing to the Town Administrator or during “council comments” at Council meetings (June 15-September 1, 2004). The Town Administrator will identify costs and funding sources on these proposals for Council consideration during budget deliberation.

Councilor Van Asselt gave, as an example of this, his own recommendation that Administrator Selig come back to the Council with a cost of adding a code enforcement person to deal with the housing ordinance.

B. *Eliminate, Reduce or Consolidate Programs and Services* – from recommendations by department heads and suggestions from individual Council members following the process outlined above. The Town Administrator will subsequently identify program/service changes and cost-savings.

III. Capital Improvement Program – the Town Administrator will revise the projected 2005 Capital Fund Program activities based on 2004 work completed and new needs identified and program suggestions made under IIA above so it can be debated, developed and approved during the budget process.

IV. New Revenues: *General growth; Fees, Permits, Licenses; Impact Fee Ordinance; UNH agreements; Other* - Councilor Van Asselt said Administrator Selig had provided Councilors with an excellent list of agreements that staff was working on with UNH, and said Mr. Selig would be in a position to tell them whether these agreements would result in additional revenue or not.

V. Unreserved Fund Balance - Councilor Van Asselt stressed that there was no marriage to these numbers, but thought it would be good to come to some kind of a consensus on the figure. He explained his own rationale for the figure he had provided.

Chair Sandberg said that from a procedural perspective, any time an idea was proposed, it fell to the Administrator to determine if that was something he would want to recommend or not recommend. He said if in the end the budget he brought forward did not include that suggestion, then an individual Councilor would have the option to move an amendment to the budget concerning this suggestion. He asked Administrator Selig if Councilor Van Asselt’s list served a useful purpose.

Administrator Selig said it certainly would be useful, although noting that much of what Councilor Van Asselt had outlined were things that Town staff tried to do already. He said that frequently they would bring forward personnel increases that were less than the Consumer Price Index, especially with respect to non-unionized personnel. He said to be able to target what the Consumer Price Index was would be helpful, and would give them a bit more flexibility, but would depend on which index was being used. He suggested

targeting the northeast number. He said they had tried in the past when developing the budget to not have the personnel aspects of the budget hold hostage the non personnel aspects of the budget, noting the vast majority of personnel increases were fixed with their collective bargaining agreement, which limited flexibility. He said a problem that might arise regarding personnel was that it would largely be contingent upon insurance costs, and said that if a 15-30% increase in this occurred; maintaining the personnel side to the Consumer Price Index would be difficult. But he said in terms of strict wage increases, that would be possible to do, and would then allow them to focus on the non-personnel costs.

He also questioned how to characterize non personnel costs, as being all non capital items, or would they include capital expenditures from the CIP in the "up to 3%" number. He said this would be something they would need to talk about. He said it seemed very possible to keep the non capital items at 3% or below, but said it would be difficult to do so if they bundled in the capital expenditures, on big ticket items like the new library or land conservation.

Administrator Selig said Councilors Niman and Van Asselt had raised excellent points about when the Council could weigh in on new programs and services, and said to facilitate this, he had asked department heads to put together a list of core services.

Regarding the CIP program, Administrator Selig said it would be very useful to go through the document and have Councilors raise questions about the various program items. He said it would be helpful to get a sense of items Council members did not want to go forward with. He said he believed the Council would find that it was very hard to decide what it did not want to do, and provided some examples of how difficult this was.

Councilor Niman said he appreciated Councilor Van Asselt's efforts to move the Council forward on this, but he didn't think it was going to get the Council where he would like it to go. He said he realized it was difficult to decide what to eliminate, but his concern was that they hadn't yet talked about how to challenge Administrator Selig and department heads to work smarter. He said he wasn't necessarily talking about cutting services. But he said the Town didn't have the discipline of the marketplace to force it to reconsider how it was doing things, and how it might do things in a more efficient manner. He said he would like to set up a process to challenge Town staff to find a way to continue the same level of services at a significantly lower cost.

He said he liked Councilor Van Asselt's idea of asking the Town Administrator for a baseline budget, and said he would then like the Council to decide if it was happy about this, or would like to reduce it. But he said if they followed the process outlined by Council Van Asselt concerning expenditures, they wouldn't be happy with the tax rate that would come from that. He also said the more fundamental question was what the tax base in Durham could realistically support, and said that would also have to be addressed at some point. He said the Council should challenge Town staff to continue the present level of service at a lower cost, and if this process was followed, it would challenge Town staff to work in a more cost efficient manner.

Chair Sandberg asked if Councilor Van Asselt were to move this document, whether procedurally, there would be a way to work through the process Councilor Niman had described.

Councilor Niman said he thought there would be.

Councilor Van Asselt MOVED to approve the 2005 Budget Guidelines for Discussion. The motion was SECONDED by Councilor Grant.

Councilor Van Asselt said his interest in developing the guidelines was to provide the same level of services in 2005 as existed in 2004. He said he was not there to see what could be cut, but he would like to see non-personnel operating budget increases up to 3% come from new revenue, and that he thought this was a reasonable goal.

Council Smith asked Administrator Selig what percentage of the operating budget was comprised of personnel costs. Business Manager Paul Beaudoin said it was in excess of 90%.

Councilor Smith asked what percent of this number was not controlled by labor management agreements. Administrator Selig said about 20% of staff was non-unionized.

Councilor Smith said he wanted a sense of what money was available to play with, other than at the time when approving employment contracts. Mr. Beaudoin said about \$1,000,000 was not covered by employment contracts.

Councilor Smith said he wanted a sense from Councilor Niman what he meant by working smarter. Was it doing it with fewer employees, or something else? Councilor Niman said that in certain situations, it might involve fewer employees, but not necessarily. He gave examples of what he was thinking of, including management practices that reduced the need for overtime.

Chair Sandberg asked if there was any language in Councilor Van Asselt's motion that Councilors wanted to change. Councilor Needell said he was looking for something to go on as to what was a reasonable fund balance number, and said that before voting to establish this number, he would appreciate some reference that would help him make that decision.

Chair Sandberg said that question came up every year during the audit, and the answer varied depending on the question. He asked Administrator Selig to indicate what he would prefer for a fund balance amount. Administrator Selig said for a Town such as Durham, the recommendation of \$1-2 million was good, and was based on the taxes that had to be raised for Town, county and school segments.

Mr. Beaudoin said the Department of Revenue Administration provided a form that laid out the allowable range of where the fund balance should be based on the Town's total committal.

Councilor Smith said this was the first time he had heard that particular element introduced as an explanation for what the fund balance should be. He asked why this rule should be

followed when the Town was simply a clerk collecting two-thirds of that money for another legal entity that is not Durham.

Mr. Beaudoin explained that in Durham there is one taxpayer who pays \$800,000 per year on taxes, or another way of looking at it is that one-tenth of the Town's budget comes from that one taxpayer. He said if that entity were to go bankrupt, for example, that would be \$800,000 the Town would lose and the Town should be able to deal with that type of unexpected loss in revenue, which is one way in which the fund balance would be used.

Councilor Needell said the school district did not carry a fund balance, which was part of the reason the Town needed to do so, and Mr. Beaudoin said that was correct.

Chair Sandberg said it was important to keep in mind that when the budget came to the Council in September, it could have a more definitive discussion on the fund balance.

Councilor Needell said he was uncomfortable deciding on a definitive number that evening.

Councilor Van Asselt said there was no magic to his number, and said he had calculated that with an \$ 8.5 million operating budget, the Town should be able to operate with a \$ 1.25-1.5 million fund balance as opposed to \$ 2 million, which he thought was too high.

Councilor Niman said the number was whatever made the bond market happy, and think that the Town was economically viable.

Mr. Beaudoin said the bond market looked at many things, such as how things went year to year in terms of revenue and expenses and whether the Town had a CIP so it was looking out into the future and liked to see a reserve for contingencies, as well as to be sure the Town would be able to keep paying bonds down the road. He said he had been told a \$1.25-1.5 million fund balance was good.

Councilor Grant pointed out that in suggesting a minimum fund balance be maintained at between \$1-1.25, the Council was providing Administrator Selig more flexibility in keeping the tax rate down, and at the same time were providing an amount that was within the range that the State and the Business Manager were suggesting. He said if the Council didn't do that, the Administrator had to cut more from the operating budget. He spoke about the projected increase in the capital budget, and said Councilor Van Asselt was correct that the \$1.25-1.5 fund balance was adequate. He said the Council could change the figure later if necessary.

Administrator Selig said there was another way to look at this matter. He said the perception was that he used the fund balance as an artificial way to bring down the tax rate, but said this wasn't really the case. He said Town staff had been working aggressively for the past 3-4 years to build the fund balance.

He suggested that he could bring the Council a budget that used none of the fund balance, and then the Council could decide how much of it to use to get to a desired level of services. He said the temptation would be there to use a lot of it in order to give the taxpayers relief,

but said this would come back to haunt the Town the following year. Administrator Selig said he would be very interested to see how this worked.

Chair Sandberg said the Council had tried to have a “pay as you go” philosophy, so what was actually being spent was reflected in tax bills. He suggested that if a benchmark fund balance number was established, and the Town strove to go beyond this, the Council could then feel very comfortable using the fund balance when necessary.

Councilor Needell said it was entirely appropriate to build the budget without thinking of using the fund balance, and to build the budget on a “pay as you go” basis. He said it would be useful if Administrator Selig could provide the Council with a budget that did not use the balance, to get a sense of what the benchmark level should be, and then the Council could proceed from there.

Councilor Niman MOVED to amend Councilor Van Asselt’s motion by adding Item C to I. Expenditures – to challenge Town staff to reduce the baseline budget as constructed in A and B by \$500,000, while providing the current level of services. The motion was SECONDED by Councilor Van Asselt.

Councilor Niman explained that this was consistent with what he had said earlier about working smarter.

Councilor Smith asked if it was correct that the primary motion was to adopt Councilor Van Asselt’s document, and then amendment motions would be made. Chair Sandberg said that was correct.

Councilor Smith asked what the relevance of I A was to the budget they were going to adopt in December, 2004 and what was up for personnel negotiations that gave the Town the opportunity to do anything.

Chair Sandberg said Mr. Beaudoin had said there was about \$1 million to work with, and Councilor Niman was proposing to cut this in half.

Councilor Smith said he did not see anything in I A that gave the Council flexibility for the next year. There was additional discussion about this.

Administrator Selig said Councilor Niman was suggesting that they look for ways to make the organization more efficient. He provided details about this, and said there could be savings in A or B. He also said Town staff could endeavor to meet the goal, but believed they would probably fall short.

Councilor Needell said he would vote against this motion because he thought it was a bad way to deal with the staff and the entire organization because it would inevitably impact personnel, if placed on the existing system. He said the only way to really meet the goals was with personnel cuts.

Speaking to Item I A, Councilor Grant said this was meant to send a signal to the Town Administrator that the Council would endorse a budget that provides for the cost of living increases to the non-unionized employees based on the Consumer Price Index.

Councilor Van Asselt said that in the context of personnel, non contract, that instead of the Council granting a 10% cost of living increase across the board to every employee, he felt the Council should use cost of living for non contract personnel. In the non personnel area, he felt the Council should try and come up with a percent that meets inflation and which allows the Town to maintain FY 2005 services at the FY 2004 level.

Councilor Niman said he was not proposing personnel cuts, and was only talking about providing guidelines. He provided some examples of how they might be able to come up with cost reductions without cutting personnel at all.

Councilor Smith said what bothered him was if the Council was going to provide budget guidelines, it should be something that had some degree of concrete meaning. He said he didn't think it was necessary to pass a budget guideline that said the Council was challenging the Town Administrator to be as efficient as possible, because this philosophy was already in place. He said if the Council was going to provide guidance to Administrator Selig, it should be something that was more clear-cut.

Councilor Needell said he thought Administrator Selig would strive to do this whether the Council said anything or not, and that he didn't see anything good in the amendment.

Administrator Selig noted that he didn't look at the budget process as an adversarial process. He said he wanted the Council to be more involved in the process, and didn't mind having these targets, as long as the numbers didn't keep changing. He said he didn't think he and Mr. Beaudoin would get to this number, but would try to. He said he didn't object to the idea, describing it as an exercise to go through, and if the Council saw it as potentially useful, that was a good thing.

Councilor Smith said if the amendment passed, he would expect the Town Administrator to present a budget that was \$500,000 less with no cut in services whatsoever. There was discussion about the implications of the amendment.

Councilor Morong said he had confidence in Administrator Selig, and therefore was not in favor of this amendment.

Councilor Harris said the exercise would not require an enormous amount of effort, and could be interesting to provide perspective.

Administrator Selig said there would be some consequences, on the personnel side, because staff members would see their positions in the limelight.

The motion FAILED 3-5, with Councilors Needell, Morong, Smith, Grant, and Sandberg voting against it.

There was discussion about how to consider conservation bonds, and whether the bonds will be part of what the Council is asking Administrator Selig to do when he constructs his budget and tries to meet the rate of inflation, or will they be excluded.

Administrator Selig said that would be a decision of the Council, but suggested considering these funds separate from the other Items.

Councilor Niman MOVED to amend the original motion, to include a new Item VI, entitled Conservation Funds, and it will read: "Any service costs associated with a conservation bond shall be in addition to the proposed budget increase." The motion was SECONDED by Councilor Van Asselt and PASSED 6-2, with Councilors Grant and Sandberg voting against the motion.

Councilor Niman said that under Item IV – New Revenue, he was less pessimistic about generating revenue, especially in light of the email regarding UNH contracts, and the lack of activity on adoption of an Impact Fee Ordinance. He said he would not challenge the Town Administrator on this because apparently the Council is not interested in challenging anyone to do anything.

Councilor Needell expressed his concern about closure on Item V relating to the \$1-1.25 million fund balance figure quoted in the 2005 Budget Guidelines document, and asked Administrator Selig what he thought the figure would be for the following year. Town Administrator Selig replied that the fund balance at the end of 2003 was \$1.6 million, of which \$365,000 will be used when setting the Town's tax rate. Therefore, he expected that the amount of the fund balance would be approximately \$1.2 million.

Councilor Van Asselt MOVED to amend his original motion to read under I V. "Maintain a fund balance of approximately \$ 1.25 million ." The motion was SECONDED by Councilor Grant, and PASSED unanimously.

The original motion, as amended, PASSED unanimously.

XI. New Business

- A. Shall the Town Council approve property tax abatements for 2003 as recommended by the Town Assessor and Town Administrator? **(This item will be taken up at the June 21, 2004 Council meeting)**

- B. Discussion regarding the proposed Route 108 bicycle shoulder project by NHDOT

Public Works Director Mike Lynch provided background information on this issue, using a map to demonstrate the proposed options for making improvements to Route 108 between Durham and Newmarket. He said that no Town funds would be expended to complete the project, and said the project was scheduled for 2009.

He noted that two public hearings had been held concerning the project, and said it was generally widely accepted at the hearings. He said the NH Department of Transportation had done a great job in its design, especially concerning proposed improvements in Durham's

Historic District, and environmental impacts. He said most people were generally happy with the resulting design for that area.

Mr. Lynch outlined proposed options for three Durham intersections along Route 108:

Stagecoach Road intersection – Mr. Lynch said two options were developed by NHDOT: to thicken the shoulder of the road from 4 ft to 8 ft, which would serve the purpose of a dual passing line; or a full bypass lane, which would create more impacts. Mr. Lynch said the Public Works Department was endorsing the first option.

Bennett Road intersection – Mr. Lynch said the proposed changes would improve safety, and described three possible options. He said the Traffic Safety Committee had endorsed the 90 degree intersection option, noting that it would have a traffic calming effect for cars entering Bennett Road, and should result in a huge improvement for that area.

Durham Point Road intersection - Mr. Lynch described the three options for changes to this intersection. He said that Option B, which would include 11 ft travel lanes each way, and would have two 4 ft. shoulders on each side and was the Traffic Safety Committee's preferred option, because it would have the least impact on the surrounding area.

Councilor Smith asked what the travel lanes were now, and was told they were 11 ft.

Mr. Lynch said the 11 ft. travel lane had been the subject of much discussion, and provided details about this.

Councilor Harris asked why Option B was chosen rather than Option C. She noted she was a bicyclist and knew the location well, and said the extra width provided in Option C would make the location better for the various types of transportation in that area.

Mr. Lynch said they were looking at minimizing impacts, from both an environmental and historical perspective, and said it was realized this would not be an ideal solution for bicyclists.

Councilor Harris said that with the effort being made to provide bike shoulders between Newmarket and Durham, there will be an increase in bicycle traffic, and so providing for that at this particular intersection would be worth considering.

Councilor Needell asked if all three options would go to stop sign, and Mr. Lynch said yes.

Chair Sandberg said he had been a representative on the Historic District Commission as part of this process, and said there were strong letters from the public asking that impacts to this area be minimized. He said the HDC had favored Option B, and said a concern of the Historic District was also that the centerline be slightly shifted to the west to minimize impacts on front yard properties in the district, and also to keep traffic speed as minimal as possible. He said for bicyclists going down Durham Point Road, there would be the option of stopping in the bicycle lane, and then crossing the road at the appropriate time.

Councilor Niman said that at the Durham Pt. intersection, if there were a 4 ft. bicycle path, cars would most likely use this, and asked if there would be some kind of barrier there. He said otherwise it was an accident waiting to happen.

Councilor Needell said this had been discussed at the public hearing, and it was noted then that the proposed changes were generally such a huge improvement in terms of bicycles, that the uses could coexist there.

Administrator Selig said the concern was that if the shoulder were widened, cars would feel they could speed up as they passed cyclists in the bike lane, rather than slowing down and using caution.

Councilor Niman MOVED to endorse the recommendations of the Traffic Safety Committee. The motion was SECONDED by Councilor Grant.

Councilor Needell asked what the impact of this recommendation from the Council would be. Mr. Lynch explained that it was typical for the host town to weigh in on a state project.

Councilor Smith asked if there was any public comment in opposition to the items the Council was now possibly endorsing. Mr. Lynch said there was debate, and mixed feelings, on some of the items.

Councilor Smith said he had a concern about making this endorsement without benefit of having a sense of the clash of differences.

There was discussion about this Chair Sandberg noted the minutes of the meeting were included in the packet.

Councilor Smith said there was no telling what would be in the minutes, and said he would be more comfortable providing input, rather than giving a stamp of approval.

Chair Sandberg suggested that a consensus of Councilors could be obtained instead.

Councilor Van Asselt asked if there was reason to think there was controversy at the hearings. Administrator Selig said it would be useful for the Council to take a position on this, but suggested they could possibly ask the public to come and speak on this project at the next Council meeting.

Councilor Needell noted that a lot of input had already been received from the public on this issue, and said his concern was about the Council giving a weighted position on this. He said the Traffic Safety Committee had made good recommendations, and he was prepared to endorse them. But he noted that he had attended the hearings, and said this had had a great influence on his ability to do so.

Councilor Smith said that was the point. He didn't like the idea of the Council's endorsement having special weight when he as a Councilor knew less about what these options were than members of the public who attended the hearings.

Chair Sandberg said he attended the hearing as well, and attended HDC sessions on this. He said those who did attend agreed with the recommendations, and said the fact that all Councilors did not do this was an issue. He described possible courses of action. There was additional discussion on how to proceed.

Councilor Niman called the motion and to cease debate on this issue. The motion PASSED 7-1 with Councilor Needell voting against the motion.

The original motion PASSED 8-0-1, with Councilor Smith abstaining for lack of adequate information.

- C. What is the Council's position with respect to the proposal and request by Jack Farrell to connect Spruce Wood Development to municipal sewer?

Councilor Grant recused himself from the discussion, explaining that he was a potential recipient of Mr. Farrell's proposal.

Administrator Selig provided background information on this issue, noting that Mr. Farrell had met with him as well as with the Planning Board and the Conservation Commission. He explained that it had come to light that it could be a significant benefit for the Town as well as Mr. Farrell to change the way he had planned to do the buildout of the development, by running a sewer line from the new phase of Spruce Wood out to Mast Road and hooking into the municipal sewer system.

Administrator Selig said that some concern had been expressed historically as to whether to allow sewer lines to this part of Town because of the potential that this would open up land there to development. But he said the Master Plan had pointed out this area as one for potential growth in the future. He said the plan was to put in the sewer line for the new Spruce development only, but said if the Council did not want to allow this, it was important for Mr. Farrell to know now that he didn't need to spend time on this approach. Administrator Selig noted that Mr. Farrell had already obtained general endorsements for the idea from the Conservation Commission, the Planning Board and the Town Engineer.

Mr. Farrell provided background information on the proposed development, and explained that he had begun the project with the assumption that Town sewer and water were not available. He said the house lots were laid out in a way that respected sensitive areas, but said it was difficult to fit the houses and septic systems in without using the "opportunity areas" that were part of the acreage for the development. He spoke specifically about a meadow that was fairly significant habitat, but under the original layout of units, would have been built on. He said the Conservation Commission and the Planning Board had expressed a stronger desire to see that meadow preserved.

He said that if the sewer were an option, the units could be relocated to the main area, where the most intensive development had been planned, which freed up other land, including the meadow. He noted that with this alternative design, some units could be located directly adjacent to the aquifer area. He said the sewer line would cross the river, and said the

connection would not involve municipal expenditures. He said he was looking for some direction from the Council, from a political perspective, about the idea.

Councilor Smith said that as the representative to the Conservation Commission, he had heard two presentations on this. He said the Conservation Commission's position on this was that it was pleased with the degree to which the meadow would be preserved, but did not see its role as giving official approval to the concept. He said the concern he, and perhaps other Commission members had, was the implication of building a full sewer line in that area, not simply something to service Spruce Wood. He said that one proposal was for the Spruce Wood development to use a limited, pressurized system, which would not create excess capacity.

Mr. Farrell noted that there would be no increase in density as a result of the sewer. He also said the engineering had not been done yet, but said he was proposing a single pumping station, which would be sized only to the degree needed to service the property. He said the design would make it difficult to add intervening hookups along the way.

There was discussion about the easements that would be needed for placement of the sewer line, and Mr. Farrell said only two properties would have to be crossed, one owned by the State. He said the other easement was already in place.

Mr. Farrell said that if one were planning a Town sewer system in this part of Town, this piecemeal approach would not be the way to go.

Councilor Morong asked if the sewer line would go under the river, and Mr. Farrell said it would.

There was discussion about alternative locations for the sewer line, and Mr. Farrell explained why the other routes would be more difficult and thus more expensive, or would not be possible at all.

Councilor Niman noted discussion about the existence of older septic systems for some houses in that part of town, and asked if it might be a good idea to extend the sewer line up to that area as well.

Mr. Levesque said he was very concerned about septic issues in that part of Town, because of the aquifer and the river, and said this was a good example of where sewer and water should be. He said the Town hadn't looked into what direction in the future a treated water line would go in.

Chair Sandberg asked if the leach fields that were planned for the development were approvable. Mr. Levesque said the areas had been laid out, but had not been reviewed yet, since the project was still in the preliminary stage.

There was discussion about the slope of the land in the location of the proposed development. Mr. Farrell explaining that drainage was away from the Spruce Hole area, noting that the original layout which included the septic systems had suggested keeping all of the

development on the easterly side of the drainage. He said the layouts for the septic systems were done by NH Soils, and said he felt reasonably confident, that with additional hydrological information, that the septic systems were doable.

Councilor Morong asked who would be responsible for maintaining those septic systems. Mr. Farrell said the condo association would be responsible.

Councilor Van Asselt said he could not imagine being interested in anything less than having sewer for the development, since septic systems inevitably failed.

Mr Farrell said it also made sense to make provision for the part of Spruce Wood that had already been built, as part of the sewer hookup.

Councilor Needell said it made perfect sense to provide this area with a sewer system, but the question was how this should be done.

Councilor Smith said it made a great deal of sense to serve the proposed development with the sewer system, when considering the benefits. But he said going beyond this to a more expansive system raised many other questions.

Chair Sandberg said the Council might not be prepared to answer the question before them that evening.

Councilor Morong asked what percent of the capacity of the sewage treatment system this project would use, and Chair Sandberg also asked what the capacity was, if hooking in to the sewer system at Mill Road. Mr. Levesque said the plan was to have the Town's engineering firm look at these things, but said the wastewater plant did have the capacity to handle the development.

Chair Sandberg said it wouldn't make sense for each development coming in to the area to have its own separate hookup to system, and said he would like to know about the overall plan. Councilor Morong agreed with the need for an overall plan.

Mr. Levesque said from a straightforward perspective, in terms of a Town infrastructure upgrade go get to this particular development, he would look at running gravity sewer down Route 155A to get to the cross country easement, and a force main would tie in there.

Councilor Harris noted that the Master Plan talked about economic development concerning office and research uses in this area of Town.

Mr. Farrell said he wanted a sense at whether his more limited sewer hookup idea was reasonable to the Council.

Chair Sandberg asked what the will of the Council was.

Councilor Smith said he was comfortable with the sewer connection for this project, but said if it went beyond this, there were much broader planning issues and implications to be

decided on. He said this would require more thought than the Council could give this larger issue that evening.

Mr. Farrell said he would like to continue the process of coming up with a plan. He said if he knew that sewer of some kind was coming, the considerations of what kind, and who paid for it, could be worked out later. He said he just wanted a sense of whether there was enough support for this project, with the sewer connection.

There was additional detailed discussion among Councilors as to how proceed.

Councilor Van Asselt MOVED that the Council express consensus that it wanted Mr. Farrell to go ahead with the development of the plan, and one of the components will be a sewer system. The motion was SECONDED by Councilor Niman.

Councilor Smith said the motion presupposed that the jurisdiction belonged with the Planning Board, and said the Council should only be concerned as to whether it would be inclined to extend the sewer line to the proposed development, reserving its views as to whether it would be utilized only for that development or some other development.

Chair Sandberg asked if there was any objection from Council members about the limited request proposed by Mr. Farrell. He said the Council could say this without requiring a commitment to a specific sewer system.

There was additional discussion between the Council and Mr. Farrell as to the best way to proceed with the motion.

Councilor Morong MOVED that the Town Council asked if the motion could simply say the Council approved the sewer over individual septic systems. The motion FAILED for lack of a second.

The Van Asselt motion FAILED unanimously.

Administrator Selig suggested using something like the wording in the packet.

Councilor Needell MOVED that the Town Council is comfortable with the conceptual idea of a municipal sewer extension for Spruce Wood Retirement, as outlined in Mr. Farrell's letter of May 24, 2004. The motion was SECONDED by Councilor Niman.

Councilor Smith said he understood that passage of this motion would indicate that the Council was not going further in its comfort than the Farrell development

The motion PASSED unanimously,

- D. What guidance shall the Town Council provide to the Town Administrator with respect to the display of certain property assessment information on the Town's web site?

Councilor Smith questioned where the line should be drawn in terms of providing assessment information on the Town's web site. He said another question related to the fact that they

lived in an information age, in which a person can view the dimensions of every house in Town from their own personal computer. He said this seemed to be a matter that did not have a simple answer, and said the Administrator would need guidance as to how far to go with this.

Councilor Needell MOVED to delete the requirement in the Agenda about ending the meeting at 10:00 pm. The motion was SECONDED by Councilor Smith, and PASSED 8-1 with Councilor Morong voting against it.

Councilor Needell noted that many other towns provided this kind of information, although some not quite as easily as Durham did.

Chair Sandberg asked Chief Kurz about potential vulnerability to citizens as result of this access to information.

Chief Kurz said he had contacted the International Association of Chiefs of Police regarding this issue, and also a regional information system. He said from what he had been able to determine, a person can look at this information from their home and do what they want with the information.

Chair Sandberg said Councilor Smith's concern appeared to be the anonymity of the viewer of this information over the internet, as compared to someone having to come to Town Hall to view it. He asked what Councilor Smith would prefer was as to how to be able to view this information.

Councilor Smith said his preference would be to put more constraints on it than being able to access it from one's living room. He said it was too bad that it couldn't be viewed as private information, and he would at least feel it was more of a constraint if one had to come down to Town Hall to view the information. He said he realized this might be an old-fashioned view.

Councilor Grant asked if someone came to Town Hall to look at the assessment information, if he had to access the Assessor's office.

Administrator Selig said they had moved the computer terminal to the foyer so residents could access assessing data themselves, and said the only change that had been made in moving this information to the Town website was to put what was on the computer and make it live.

Councilor Grant said he agreed with Councilor Smith, that the less information on the web about people and their properties, the better.

Councilor Grant MOVED to instruct the Town Administrator to limit the information displayed on the web with reference to tax appraisal matters to the minimum. The motion was SECONDED by Councilor Smith.

Administrator Selig said he would take the opposing point of view. He said that these days, people used information of all kinds on the web. He said he saw providing access to this information as being a positive service to the community.

Councilor Needell said he was curious as to whether, when the decision was made to go live on the web, if Town staff looked at various ways by which this information might be accessed at the web site.

Chair Sandberg noted that the assessment information he needed was not available on the web, and would prefer to be able to access the complete tax card on the web.

Administrator Selig said his concern also was that the assessment information provided on the web wasn't complete, for example, it does not indicate the codes derived to make an assessment.

Councilor Smith said it might be useful if Administrator Selig asked others around the state how they handled this.

Administrator Selig said he had not had that conversation, and was simply trying to provide a system that was user friendly, but would be happy to do that.

Councilor Smith MOVED to postpone action on this motion, pending Administrator Selig having the opportunity to gather more information. Councilor Van Asselt SECONDED the motion, and it PASSED 7-2, with Councilors Niman and Grant voting against it.

- E. Shall the Town Council ask the Parks and Recreation Committee to explore the feasibility of regulating the use of Wagon Hill Farm and make recommendations with respect to implementing a non-resident user fee system for the property?

Chair Sandberg said the discussion concerning the Parks and Recreation Committee's possible exploration of the feasibility of regulating the use of Wagon Hill Farm would be moved to a later date.

- F. Other Business
None

XII. Nonpublic Session (if required)
None

XIII. Adjourn (NLT 10:00 PM)
Councilor Grant MOVED to adjourn the meeting. The motion was SECONDED by Councilor Morong, and PASSED 6-3, with Councilors Niman, Needell and Sandberg voting against it.

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