

DURHAM TOWN COUNCIL MINUTES

MONDAY, OCTOBER 25, 2004

DURHAM TOWN HALL – COUNCIL CHAMBERS

7:00 PM

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

MEMBERS ABSENT: Mark Morong

OTHERS PRESENT: Town Administrator Todd Selig

I. Call to Order

Chair Sandberg called the meeting to order.

II. Approval of Agenda

Councilor Van Asselt MOVED to approve the Agenda as submitted. The motion was SECONDED by Councilor Kraus.

Councilor Smith said he would like to amend the Agenda, since this was not a regular meeting, and there was therefore no public comment period.

Councilor Smith MOVED to amend agenda to allow public comments from the Chairman of the Student Senate of UNH, as well as the External Affairs Coordinator of the Student Senate. Councilor Needell SECONDED the motion.

Councilor Smith said he had spoken with these individuals that morning concerning their interest in speaking to the Council. He said they wished to present a proposal regarding the current World Series, and the possible celebrating that would come after it if the Red Sox won. He said he wanted to give them the opportunity to speak, noting that what they had to say was very constructive, but would require support from the Council in order to become a reality.

Councilor Kraus said he found it awkward to have this issue come up, in the context of a planned work session, and with no prior knowledge of it. He asked what would be involved in the discussion; simply a statement from the students, an endorsement from the Council, or something else.

Councilor Smith said the issue had to do with the fact that when the Series ended, the potential existed for a major event at UNH, which could either be a positive celebration or a mess. He said he was concerned that there was nothing planned at the University to address this, other than normal police and fire presence in case of incidents. He said this was an occasion where more needed to be done, and said there were some good ideas, one of which would involve an event on Town property, which would also involve the University. He said this matter could be relevant

as early as Wednesday, and certainly by the weekend. He said the Council could either look at the issue that evening, at a special meeting, or not at all, and said he believed that looking at it was a much better posture.

Councilor Kraus noted that no one from the University was present, while the students Councilor Smith had spoken to had turned out in significant numbers. He said it was awkward that the Council was being presented with this proposal.

Chair Sandberg said the normal procedure was for those who wanted to be on the Agenda to bring their Item to the Town Administrator for inclusion on a future Agenda. He asked Administrator Selig how this situation had unfolded.

Administrator Selig said Councilor Smith had met with student leaders earlier today. He provided details as to how communications concerning the proposals had unfolded, and said the proposal was essentially to close a section of Main Street from Garrison Avenue to Edgewood Road, and have a celebratory bonfire in the event that the Red Sox prevailed. He said this could only be authorized by the Council, and noted this was the only Council meeting available to weigh in on the proposal. He said there were positive and negative aspects to the proposal, and that he was not yet in a position to make a firm recommendation one way or the other.

Councilor Needell said he recommended that the Council approve the amendment to the Agenda.

Councilor Niman asked how the Council could vote on this if the Town Administrator was not yet prepared to make a recommendation.

Chair Sandberg provided clarification that the first vote would simply be on whether to hear the students' proposal.

Councilor Kraus said he would vote against this, although noting that he was not against the students. He said it was his opinion that Councilor Smith had hijacked the meeting, because there was no prior notice. He said the proposal was fraught with difficulty, and said there was no one there who was prepared to vote on it.

Councilor Van Asselt said he had no problem with hearing what the students had to say, but said if they were heard, he would like the meeting length to be extended in order to allow the full work session, which was the reason for the meeting.

Councilor Grant said he supported giving the students the chance to speak that evening.

Councilor Harris said she would be willing to listen to them for a limited period of time.

The motion PASSED 7-1, with Councilor Kraus voting against it.

The Agenda as amended PASSED 7-1, with Councilor Kraus voting against it.

Chair Sandberg said he would take the liberty, if there were no objections from Councilors, to listen to Student Senate representatives first, and then have the two-hour discussion that had been planned for the meeting,

Amy Morris, Chair/Speaker for the Student Senate spoke before the Council. She said the students who had developed the proposal understood that Administrator Selig was a bit skeptical, but said the students were there to work with the Town, which was their town too, in order to make this a successful celebration if the Red Sox won the Series.

She noted that the part of Main Street they wished to shut down was the portion that was usually shut down for other student celebrations. There was discussion about the likely day of the celebration, as early as Wednesday, but more likely on the weekend. She said the idea was to have a bonfire, wind permitting, which would draw students there instead of downtown, and she provided details on why this was a good approach. She said pizza could be provided by local businesses, and a big projection screen could display post game coverage, which would be another focal point for students in addition to the bonfire. Ms. Morris said this would be a big celebration, but said that students and citizens had a right to celebrate, and would like to do this in a responsible way.

Ms. Morris and Mr. Sheehan (The External Affairs Chair of the Student Senate) provided additional logistical details about the event, as well as rationale for why it was likely to be a success, if it was held at the proposed location. Mr. Sheehan said that an event like this wouldn't have worked a year ago, but said it could now because the students had shown they could be responsible. But he said that in order for the whole thing to work, they needed the support of the Town.

Mr. Sheehan said they intended to handle the celebration in the safest possible way. He said they had spoken with UNH administrative staff, and said that based on these conversations, the University was looking to at least explore the idea of the bonfire. He noted the University might be more willing to work on this now, because of recent successes concerning student behavior.

Ms. Morris noted that Catherine Clarke, President of the Student Body, was available to speak to the Council on behalf of the student body.

Administrator Selig asked what the students proposed to do if the Red Sox lost the World Series. Ms. Morris said there would not be an event, because they might be faced with an angry crowd, which would not be safe.

Councilor Harris said she was concerned that many events in Town became a magnet for people outside the University, and said it was possible that a large number of people might descend on the campus because of the bonfire and free food.

Mr. Sheehan said this was a legitimate concern, and Ms. Morris said they would not advertise the event, and would only promote it by word of mouth.

Chair Sandberg noted that in the past, it was the University itself that made the requests to close Town roads for specific purposes, and noted that these requests included statements concerning liability. He said that in order for the Council to act on the proposal, there were a number of hurdles to cross, and said it was not clear whether the Council was in a position to act that evening.

Administrator Selig asked if the Student Senate was prepared to provide funds for the bonfire, pizza, and extra shifts for police. Ms. Morris said she was hoping to ask the University and the Town to share the costs for the celebration, noting that this would be a smaller expense than what would be involved with having to handle a disturbance.

Councilor Smith suggested that if the Council thought the proposal was a good one, it should contingently agree to allow the road closing, subject to getting an official request from the University concerning the road closure. He said the celebration would be largely on University property, and if the University didn't want it to happen, it wouldn't happen. He said he supported the proposal, contingent upon University support.

Councilor Needell said he would like to commend the students for bringing the proposal forward, and said he didn't see how it could have been brought forward any differently. He asked if it would be possible to get some comments from the Police or Fire Departments as to whether there were some fundamental issues that made the proposal untenable.

Chair Sandberg said that if any Councilors wished to make a specific motion, they could get any needed input from Town staff as part of deliberation on the motion.

Councilor Kraus asked if student representatives thought the bonfire celebration would attract students who would normally be going to the bars. Mr. Sheehan replied that based on the input the Senate had received, it was believed that the students would go to the bonfire because of the fire and the food, and also because they would know it was a celebration where they were welcome.

Administrator Selig said the Council had three choices: 1) it could simply say no to the idea of the road closing; 2) it could say yes, but without staff having had the opportunity to think through the logistics of issues such as prepping the roadway for several possible occasions; or 3) to give the Administrator the authority to make the call after having looked through the logistics carefully.

Chair Sandberg asked if the celebration could take place if the road didn't close, noting there was a large lawn in the vicinity. Ms. Morris and Mr. Sheehan provided details on why it made more sense to close the road.

Councilor Harris said it might make more sense if the bonfire was built on the lawn, and the road was closed, the University would be responsible for dealing with the bonfire, whether lit or not.

Chair Sandberg noted that this would spare the pavement of the Town road.

Mr. Sheehan said the students were open to suggestions from the Town, and said the goal was to make this celebration work.

Councilor Van Asselt MOVED that the Council support the general idea, in that the Town participate including the closing of the road, subject to direct University administration participation and ownership of the effort, and all of the Staff's plans subject to another approval by the Council and UNH jointly. The motion was SECONDED by Councilor Smith.

Chair Sandberg noted that this might require another Council meeting before Wednesday.

Councilor Van Asselt said the proposal was a good idea, and said he was impressed that the students had come forward with it. But he said that if Administrator Selig looked at all the logistical details, and came back and said it was a great idea, but there were too many difficulties, that would be a different story. He said he would be happy to come back at another Council meeting if Administrator Selig said the proposal was workable. He also noted there was another party to this effort, and said that until the University became a party to the final plan, he was not prepared to decide on it.

Councilor Smith said he strongly subscribed to much of what Councilor Van Asselt had stated, and stressed that this needed to be a joint event.

Councilor Smith MOVED to amend the motion, and strike the language referring to the Council returning for further approval, and substitute the statement that the Council will delegate to the Town Administrator responsibility for determining, after investigation with the appropriate department chiefs, whether the idea is feasible, and will delegate to Administrator Selig the authority to make the final determination, subject to review based on his determination. The motion was SECONDED by Councilor Harris.

Councilor Smith MOVED to delete the requirement that there be a subsequent Town Council meeting to deliberate on this, and to delegate authority for this to the Town Administrator, subject to the review by the Town administrator that would be the basis for his determination. The motion was SECONDED by Councilor Harris.

Councilor Smith said if Administrator Selig was willing to proceed on that basis, he would prefer that, and said he believed it properly divided the function of the Council and administrative functions of the Town Administrator. He said he didn't think it was reasonable to expect Administrator Selig to do detailed research on the proposal and also to call an additional Council meeting.

Councilor Niman spoke against the motion to amend, explaining that he did not think it was good practice to put the Town Administrator in this kind of position. He noted there were fiscal ramifications of this proposal, such as the costs of cleaning up, and buying pizza, that put Administrator Selig in the position of having to decide whether to expend tax dollars because some citizens had come forward to request an event. He said if Administrator Selig was supposed to decide on this, he should be making all the decisions about other issues.

Chair Sandberg said the proposal was an interesting idea, noting he had hoped the students would celebrate responsibly and in a way that would not require the Town to have to pick up the pieces afterward. But he said that planning this event might be fraught with complications, and provided details on some of them, including the fact that there might not be time to post an additional Council meeting. He said it was important to keep in mind that it might not be possible to hold the celebration.

Councilor Harris said it seemed that it would be simpler if the University would say it would do the bonfire on the lawn, and provide the pizza, and the Town would agree to close the road and

provide fire and police surveillance. But she said if the Town had to consider other logistical details, there simply wasn't enough time.

Councilor Kraus said to ask the Town Administrator to make this decision was a complete abrogation of responsibility on the part of the Council, and pointed to the controversy over the voting venue as an example of where Administrator Selig had previously been put in a difficult position. He said the decision should be made by the Council, not the Town Administrator, and said he was therefore against the amendment.

Councilor Needell said he was against the amendment, and said the Council should instead schedule another meeting to be held as soon as possible. He noted that the same background information would still need to be obtained, whether the decision concerning the proposal was made by the Administrator or the Council.

Chair Sandberg questioned whether the Council could do this.

Administrator Selig said the Council could continue the meeting, or could convene an emergency meeting for the specific purpose of addressing the issue of the bonfire. He noted that Town staff already had plans in place to deal with the potential outcomes of the Series, and said to now have to develop road closure plans would require additional strategizing. He said the staff would make this happen if it was desired, but he said this would be very hard to pull together. He said that the needed funding could be authorized, and said he viewed the proposal as a policy matter, and if the Council was in favor of the policy, the staff would handle it from there.

Councilor Needell asked if the Council agreed to vote on the proposal at 5:00 on Wednesday, if there was anything they needed to know in advance so it should not even consider voting in favor of the proposal.

Administrator Selig said there would need to be a third shift of the police and fire departments on Wednesday night, so the longer they all waited to make a decision, the more difficult the situation would be. He said another real concern was that this was all happening around the time of Halloween, and noted the Town had had problems with student behavior, including riots, on Halloween. He said the degree of anonymity afforded by costumes, and the additional drinking that happened on Halloween were things that needed to be considered.

Chair Sandberg asked the minute taker to read the language of the motion to amend
Councilor Smith asked Administrator Selig if he was concerned about the authority to make the decision on the proposal being delegated to him. He said he personally had no problem with the issue of delegating authority to Administrator Selig, noting that he was exercising more and more authority every day. But he said that if Administrator Selig wanted the Council to come back on this, he would feel differently.

Administrator Selig said he didn't think it was feasible for the Council to get together again to discuss this, especially if Wednesday was the deciding game. He said that if the Council was comfortable with this delegation of authority and was willing to not second-guess his decision, he was comfortable making the determination, but only under those conditions. He said he would decide, and that would be that. He noted that although he had not made the determination

yet, his decision might be that although the proposal was well thought out, it wasn't in the best interest of the Town.

Councilor Needell said the logistics of the proposal were difficult, and said he could understand if the staff decided it was not feasible. He said he would not feel it necessary to override Administrator Selig's decision, and would not be willing to do so. He also said Administrator Selig's comments had made requiring another meeting moot.

Administrator Selig noted that if the decision was made to move forward with the bonfire, and it turned out there was still mayhem in downtown Durham, there would not be enough staff to address this because staff would be overseeing the bonfire celebration.

The motion FAILED 4-4, with Councilors Niman, Kraus, Van Asselt and Grant voting against the motion and Councilors Sandberg, Harris, Needell and Smith voting in favor of the motion.

Chair Sandberg said the existing motion before them was to authorize the closing of a portion of Main Street.

Councilor Van Asselt said the motion to close a portion of Main Street included a number of conditions, including the direct involvement of UNH, Administrator Selig, and other Town staff. He said the Council would be endorsing the idea of the celebration if the motion passed, and said he couldn't imagine the Council saying no to this, since it was the kind of idea that had been talked about for years. He said he also could not imagine the University not stepping forward and helping with the event. He said that if the staff recommended that the event go forward but UNH decided it would not be involved, he would not be in favor of having the event. He recommended that the students go to the University and ask them to be involved.

Councilor Kraus said that in concept, the bonfire celebration was a good idea, in that it placed the celebration in the middle of campus. But he said the University was absent from the discussions so far, and said this idea had been essentially sprung on them, putting them in the hot seat.

He said this situation would allow students to mass in at least two locations, around the bonfire and downtown, and said that there potentially could be twice as many students involved, while there would be a split police force. He said the principle that had seemed to be working recently was not to allow students to mass in celebrations. He said he found it impossible to support the motion, and said that if the Council passed it, he predicted that there would be problems.

Councilor Grant said he had participated in discussions on student behavior held at the University, and said he had gotten the strong impression that the University was not amenable to having this kind of event on its property. He said he didn't want to put them in the position where the Town was forcing the issue with them, and said the University should come to the Town about this proposal. He said he had no problem with closing the road, but given all of the logistical issues, he would vote no on the motion.

Administrator Selig noted he had had communications with Mark Rubenstein through voicemail, who said President Hart had asked her staff to look at the proposal. But he said nothing could proceed from UNH unless the Council was open to letting this celebration happen.

Councilor Smith said pointing fingers back and forth between the Town and the University could go on forever. He said he agreed with Councilor Van Asselt's motion, including the fact that the University must be central to the process.

He said that logistically there was very little time, and said he saw no reason why the Town couldn't say to the University that it was prepared to allow closure of the road, if the University was prepared to move ahead, and if Town staff agreed this was feasible, and without undue risk. He said the University wasn't being forced into anything, and said the event would not happen if the University did not want it.

Councilor Niman said if this was just about a road, he could vote for it easily, but he said it was about more than that. He said the proposal would make sense if this were being planned to celebrate the success of the Patriots in January. But he said the present proposal had not been planned out in advance, so was being put together hastily. He said he would therefore vote against the motion.

Councilor Needell asked if Town staff believed that they would prefer the Council to not move forward with this because logistically it could not be done, and it was essentially a waste of time. Administrator Selig said he had spoken with the staff about this proposal, and had also looked at it from an historical perspective. He noted that the Town had taken a lot of risks in the past, in terms of managing these kinds of situations and provided details on this. He said they had even tried a celebratory event in the past that resulted in their worst incident to date. He said they had had success with the strategy of keeping young people moving and not allowing them to amass, because when they did after having consumed large amounts of alcohol, there were problems.

Administrator Selig noted that the University had begun to hold the students more accountable, and the students knew this. He also said the student senate had done a wonderful job reaching out, and communicating to students that they were members of the community, and noted there had been some successes at recent events. However, he said that if it were not for a large number of officers at the most recent event, there would still have been problems, if they had not kept the students moving, and said this was the Town's plan for the days immediately ahead. He said the bonfire might work, but also might not, and said there was concern about dividing up the Town's forces at two locations. He said he believed that Town staff would prefer to continue with what had been planned. Administrator Selig said this was why he had noted that if he were designated to make the decision, it would take a lot of convincing to make him think the bonfire proposal was a good idea.

Councilor Kraus called the question.

Chair Sandberg said he would like to speak on this issue before the Council voted. He said he had always supported student activities, and said he didn't believe the Council had ever voted down student events on Town property that it had been asked to approve. But he said these previous events had involved weeks of planning, and had been demonstrably supported en masse by students, and the University.

Chair Sandberg said the Town Administrator was being put in a very difficult position, and said he had no confidence that if the Council met in two days, it would support this proposal. He said although the proposal was worth pursuing, the time to achieve it was too short, and there were

too many risks involved. He said he would vote against the motion because of these risks, and because voting for it would be unfair to staff. He said that students were coming to understand that they were responsible for keeping themselves out of harm's way and behaving appropriately, and that there were real consequences of inappropriate behavior. He said he was hopeful that they would behave responsibly in the coming days.

The call of the question PASSED 6-2, with Councilor Needell and Councilor Smith voting against it.

The motion FAILED 2-6, with Councilor Smith and Councilor Van Asselt voting it.

Chairman Sandberg called for a 10-minute recess at this time.

Chair Sandberg noted that Councilor Van Asselt had requested that the Council look at the needs and options concerning future growth of Town facilities, and had suggested that by making one decision, others might start to fall into place. There was discussion among Councilors as to what the goal of the work session was, and how Councilors would know when they got there.

Councilor Van Asselt said he had thought there was a need for this conversation because the library issue was a singular issue, while there were a number of other needs concerning public facilities. He said it was important to identify the crucial needs, but said he was not sure of the best way to proceed.

Chair Sandberg noted the October 5th minutes indicated that the Council did not feel that there was any burning priority that required that money be spent right away. He said some other needs that had been expressed since he had been on the Council included more athletic fields; a community center/space where members of the community could meet; green space; court space, a senior center. He said the Council needed to provide further clarification about all of them, including what a community center was.

Councilor Van Asselt suggested that Council members should perhaps be asked if they were interested in finding an area to cluster these kinds of needed uses. He said he personally was not interested in spending any more residential property tax money on any of these needs, and said he would only support a use if there were some nonresidential property tax money to help pay for them.

He said the Town should consider using Town owned land first, and then go from there. He gave the Business Park property as an example of an area that could possibly be used for Town facilities, and then the Town Hall property could be used for something else. He said he was open to various options, but said that for him the fundamental issue was not using a lot of new taxpayer money for new facilities. He said this meant that the Council needed to take a good look at what the Town owned, and what could be done with it.

Councilor Needell said only a fraction of the cost for any of the facilities would be the location, so it was not clear that this was a make or break variable. He said it would still cost tax dollars if a building were constructed on Town owned land.

Councilor Van Asselt said whichever location was decided on, there needed to be money to pay for it. He said he thought the Council should see if there was interest in putting a town center somewhere – a complex of town facilities, including a town hall, library, senior center, and community center. He said it would be a place the community identified with and used for community activities.

Councilor Needell asked if Councilor Van Asselt would not be willing to support this with residential tax dollars, even if it was on town owned land, if the Town didn't also find a revenue stream to help pay for it.

Councilor Van Asselt said that there was a long list of facilities needed, and as they looked at these and potential locations for them, the Council also needed to look at how they would be paid for. He said he believed they had come to the end of what they could ask taxpayers to pay for.

Chair Sandberg suggested that the Council should look at their list and see how many things Councilors thought the Town really needed.

Councilor Smith asked if the question on the table was whether there should be a Town center where town services were clustered together, or whether Councilor Van Asselt was talking about all major functions of Town government being centralized in one place.

Councilor Van Asselt said there were some public community facilities, such as the library, town hall, community center, and senior center, which could be clustered together. He said the Council should find out if there was interest in this.

Councilor Smith said they were therefore not talking about including a Public Works facility, police building, or fire building as part of this, and Councilor Van Asselt said that was correct.

Councilor Niman said the key issue was whether the Council was going to look at the needs individually, or look to cluster them together as part of the town center concept.

He suggested that if the Town acquired three acres in the center of Town, it might make sense to include fire and police facilities there, noting that having a bigger presence in Town could perhaps help settle things down with students. But he said that of course didn't make sense if they didn't have the acreage. He said the Town needed to decide whether there was value in clustering things together, and what kinds of uses the Town was willing to support as part of this.

Chair Sandberg asked Councilor Niman what uses he would like to see clustered together. Councilor Niman said he wished there was a simple answer, and said that in part it depended on location. He said if they were looking at a location like the Business Park, it could be subdivided for various possible functions, and could include a possible municipal complex if there was interest in one. He said this would only be something to pursue if the tract of land was large enough to establish placeholders for different uses. He said the Town could then create a plan, and then go to the different constituencies and say: "Here is your location; if you can raise the money for it privately, you can have it".

Chair Sandberg asked Councilor Niman if he had a particular property in mind, and Councilor Niman said he did not.

Councilor Smith said that if it were the year 1628, this discussion would make more sense. He said a town center, with an idyllic green, could have happened 200 to 300 years ago, but he said it was not in the cards to think that way now. He said even if the Town had a lot of extra tax money, thinking about centering the Fire Department, Police Department and Public Works Department in one location was financially out of the question. He also said he had difficulty talking about something that would not happen for many years, and said what was needed was to think about public facilities that were needed in the short term, over the next 25 years.

Chair Sandberg asked what this would include. Councilor Smith said it would include the library, and some publicly owned community space that had adequate physical facilities for holding small and large meetings for public and private groups. He said this could be built into the library concept, and noted the example of the Hopkinton Library. He also said he had recreational fields in mind, at a different location.

He said he would like to see a community center that could be used by citizens of all ages. He said he was prepared to consider facilities not yet built being clustered with buildings that already existed, and said the only place that made sense to do this was at the Town Hall site. He said he would prefer to see money go into facilities the Town didn't yet have. He said this brought back the question of whether they wanted the Library at the Town Hall site, and if they wanted to acquire additional land to use as part of the town center.

Councilor Kraus said that however they looked at the list, they needed a more cohesive plan of what was needed, because otherwise the tendency was to do things piecemeal. He said this plan was important so the Town could act quickly if an opportunity came along.

Chair Sandberg asked what Councilor Kraus's priority was. Councilor Kraus said he did not have a priority in terms of where the library should be located, but said the concept appeared to have momentum at the moment. He said making a decision about the placement of the library was important, but needed to be connected with other needs, including the idea of a community space. He said a lot of things could be considered as part of a library concept.

Councilor Grant said he was not especially good at visioning, noting that his visions quickly became dollar signs and he got scared. He said it was important to recognize that the citizens presently had a heavy tax burden. He said the library was the number one concern, and there was an impetus from the community for it. He said as other ideas developed, they might be included, but noted that he wasn't sure a community room was needed. He said there should be a plan to get community block grant funding which could anticipate acquisition of neighboring lands, landscaping, provision for parking, and other types of community resources that might emerge. He noted that Durham's year round population was about 7,000 people, not 12,600 people, and the Town needed to think in terms of what the tax base supported, and what the citizens really required.

Councilor Grant said there was sufficient media space at present, and said he would not be in favor of building a community center for that particular purpose. But he said this might be more of a pressing need five years down the road.

He said the community had some serious infrastructure problems, noting that the first was a lack of land available for industrial development. He said the Town needed to do something imaginative and dynamic to get this kind of economic development under way.

Councilor Grant also spoke about upcoming infrastructure needs, including the \$3 million wastewater treatment proposal that would be coming forward; the likely development of the Spruce Hole aquifer; and a program for new water and sewer lines. He said when one looked at those needs, the need for a meeting space became much less of a priority.

He said he believed a priority was to acquire land at the Technology Park, and to prepare plans (although not yet spending the money) to extend roads, sewer and water lines for economic development purposes. He also said he wished the Council could come to a decision about what the Town should do with the Business Park.

Councilor Grant noted that the Town owned approximately 28 parcels of land, mostly small and some with conservation restrictions. He said he wished the Town could sell some of this land and get it back onto the tax rolls, and concentrate on the parcels where they would like to see something happen. He noted that a place like Wagon Hill had received tremendous community investment, but remained underutilized and unappreciated for its recreational and educational possibilities.

Chair Sandberg said the library appeared to be high on Councilor Grant's list, and asked him what his sense was about the best location for clustering of the library with other uses.

Councilor Grant said he favored the Town Hall site, although he personally didn't think it was the right location. He said it was available and the Library Trustees wanted it. He said he favored putting it at the back of the lot, and developing a plan for future acquisition of property on Schoolhouse Lane.

Councilor Harris said her first choice would be to use the Gangwer property on Madbury Road for the Town Hall/ library, but said the Town probably couldn't afford this. She said she wished the Trustees had come up with the best location regardless of the price, instead of proposing the library be built at the Town Hall site.

She said her second choice was the Town Hall site, and said the clustering of buildings could include a library that related to Town Hall, which was something that could either be expanded or replaced at a future time. But she said she didn't think the building should be put behind the present building, as had been proposed. She said she felt this design was pretty arbitrary, and noted her drawings that had played with other possible locations for the new building, and included some better options that allowed 70 parking spaces on the site. But she noted said she would have preferred to use this site only if it included Smittys.

Councilor Needell said it was a good idea to cluster the library and the Town Hall for meeting purposes at the Town Hall site. He said he did not think a revised Town Hall was a critical need, and said there was no need to relocate the town center. He said he would welcome it on this site if the Council decided it was the way to go, and said if there was not enough room; the Town could look at whether it was possible to make the site bigger.

Councilor Needell said another need for the Town was a recreational facility, which could provide community space for many purposes, including adult indoor recreation. He noted that the school district was exploring the idea of providing more outdoor recreation space, and said the Town and the school district shouldn't be considering this separately. But he said that recreational facilities, although important, were not an immediate need.

Chair Sandberg noted that several Councilors had said the Town needed community meeting space, but Councilor Grant had said it did not. He asked how the Council should assess this issue.

Councilor Needell said that the Council chambers room was heavily used, and also noted that the police station had a room for meetings, and the school system also had meeting rooms that could be used. He said he therefore didn't see the need for a very large space as part of a Town Hall/library complex.

Councilor Niman said the location of the social room/community room would determine how effective it was in building community. He spoke about the Green property, and said he could envision a number of community resources there, including the Library. He said the property was located in the center of Town, so people could walk there, and said it could also have a positive impact on local businesses. He said it could bring townspeople into the Town, and could give local businesses a reason to change their offerings.

Councilor Niman said his concern about the Town Hall site was that there was no synergy with local businesses, and was not a location that people would simply drop into. He said he didn't think it would enhance the feeling of community, so asked why the Town should spend its money here. He said it was all about location.

Councilor Kraus said if the Town built it, people would come. He said although he didn't know exactly what the demand was for a community meeting space, there were a number of church functions that he believed would evolve into meeting at the community center if one existed.

Chair Sandberg summarized that Councilors were saying the Library was a burning issue, and most were saying the Town Hall site was the better location. He said it sounded like a meeting space, a Library, and recreation space were the priorities.

Administrator Selig provided details on the fact that the Fire Department and the Police Department would need to find a place to locate their facilities in the future, and said it was important not to lose site of this.

Councilor Needell said if the Fire Department remained where it was, it would need some work, and asked if the costs of this would be shared with the University. He also noted that the Master Plan had provided suggestions about acquiring University land for future such facilities, and asked how the Council should look into this kind of issue.

Administrator Selig suggested that the Council might want to have Chief O' Keefe speak about this.

Councilor Harris said that expansion of both the Fire Department and the Police Department related to expansion of the University's needs, and asked whether it might make sense to look at University land for location of these facilities in the future. She suggested that the Town should check with the University on this.

Councilor Smith asked for clarification about the agreement between the University and the Town concerning the use of the present Fire department facility.

Administrator Selig explained that the agreement extended out 10 years, but with the understanding that the site might have to be utilized by UNH if federal funding became available unexpectedly. He said the University wouldn't necessarily want to have its hands tied in terms of continuing the agreement with the Town if this happened, and said that with two years notice, it could terminate the present agreement with the Town. He said if this happened, the University would contribute funding for any land acquisitions, and said the Town would talk with it at that point about possibly using University land.

Councilor Smith said in other words, the only definite thing was that the Town had a two-year extension that that gave the Fire Department it the absolute right to use the site.

Administrator Selig said that was correct. But he said it was unlikely that the University would find sufficient funding to construct something there during that time, although this was possible. He said discussions had been held about jointly exploring funding for the land acquisition if this happened.

Chair Sandberg noted that because the Town's Fire Department serviced the University, it was unlikely that the department would be put out on the street.

Councilor Kraus said he had an idea. He noted that the Town owned the municipal parking lot, and said if there was imaginative redirection of traffic, they could capture the street in front of the parking lot and send the traffic up Madbury Road. He said if they thought of the parking lot, the road and the land across the street as a land mass, they might be able to come up with something interesting. He noted the road traffic had been redirected in the past.

Chair Sandberg asked Councilor Van Asselt how the Council was doing in terms of achieving the goals for the meeting that had been established.

Councilor Van Asselt said he was not disappointed in this discussion on the Town's facility needs, and said he would like to make a suggestion as to what should be done next. He said he would like to see the Chair put together a facilities planning group, which would include representatives from the Council, the Planning Board, Town staff, the Economic Development Committee, the MainStreet Program, and UNH.

He said there had been a good discussion on the cluster concept, and noted Councilor Kraus's interesting idea. He said there hadn't yet been much discussion about mixing some public and private uses, in order to generate revenue in addition to providing public services. He said there were a lot of other issues that citizens were interested in that needed to be considered. He said a facilities planning group with a 6-month lifespan could be given a specific charge and would report back to the Council.

He said a group like this could be very productive and helpful to the Council, and said he would even argue that if it cost some money, the Town should spend it because it would be a wise expenditure. He said this would mean the Council would have something to work on in the spring, and noted that the library probably wouldn't be built by March anyway.

Chair Sandberg repeated the list of key facilities needs, and said the two top priorities were the library and a meeting space. He said that land for the Fire Department, and land for economic development were also listed as important needs. He said that almost all Councilors were willing to accept the idea of the library at the Town Hall location, with some clustering with other uses, noting that Councilor Niman and Councilor Harris would prefer the clustering of uses to occur on Madbury Road.

Administrator Selig noted that for some Councilors, the Town Hall site would be an ideal location provided there was sufficient parking, which was still a key issue.

Chair Sandberg said the parking issue was certainly a concern, and noted that Smittys would not be available indefinitely. He said once that started being developed, it would be more expensive. He said that if the Council thought the Town Hall site was the proper location for the library, it should look at the space needs for the library, including parking, and possible future expansion. He said he didn't know if they had the answers to this, but noted that Town staff, the developer, and Councilor Harris were looking at the design possibilities. He said that although a facilities planner could be useful, he didn't know if the Council could afford to wait 6 months.

Councilor Van Asselt said his suggestion about facilities planning was not meant to replace the library effort. He said the library appeared to be at the top of the list, but said he would like the Council to work on the bigger picture at the same time.

Chair Sandberg asked Chief O'Keefe to speak about the Fire Department's facility needs.

Chief O'Keefe said the biggest issue for his department was response time, and provided details about this. He said if Durham decided it wanted two facilities, in order to better cover the Town, this would decrease response time but would cost more, including the fact that more staff would be needed for two facilities. He provided additional details on what the choices were.

Councilor Kraus asked if the present location of the Fire Department was considered to be centrally located, and Chief O'Keefe said it was. There was discussion about this.

Councilor Kraus said if the whole Town was considered, the present fire station wasn't really centrally located. He said this would argue for having a satellite station to handle the outreach areas of the Town more quickly, if response time was the most important priority.

Chief O'Keefe described the areas in Town that could be covered with the present station, and also explained why another station would be needed for areas further out.

Councilor Smith said given the value of the buildings and personal property at UNH, which were located in a relatively compact area, he assumed that University representatives wouldn't be happy if the station was located at a distance from these buildings. He asked if it was the

University's position that of all the land it owned in the central area of Town, none of the vacant land was available for a possible firehouse.

Chief O'Keefe said a possible property on Garrison Ave. had been identified in the Campus Master Plan.

Councilor Smith asked if Chief O'Keefe thought this property was acceptable.

Chief O'Keefe said the site was fairly wet, but said it was big enough for a joint facility.

Councilor Smith said he assumed the University could identify an additional piece of land to handle the ambulance facility if needed. He asked whether the University could essentially solve the Town's problem of needing land that was centrally located by selecting a piece of land that would be convenient in terms of the response time it required.

Chief O'Keefe said the area he had looked at appeared to be suitable, but would require some site work

Chair Sandberg said his sense was that the Council had provided an expression that it recognized the library was the top priority. He asked if the Council should bring something forward with respect to this, in terms of: spatial needs; whether it was feasible to get along with the land the Town presently had for this; etc. He said the question was what the Council needed to do next.

Councilor Kraus said he thought the Council was simply going to be looking at the broader view at this meeting. He said that especially given the delay of the discussion, he didn't think the Council should get into the details that evening.

Chair Sandberg said he was simply trying to look ahead as to what to pursue at future meetings.

Councilor Kraus noted that the Budget process would soon be upon them, and would capture much of their time.

Administrator Selig said the Council would not lose track of the library issue, because it would be a part of the Budget discussions.

Councilor Kraus MOVED to adjourn the meeting. The motion was SECONDED by Councilor Harris, and PASSED unanimously 8-0.

Meeting adjourned at 10:00 pm

Victoria Parmele, minute taker