

**This set of minutes was approved at the May 2, 2005 Town Council meeting.**

**DURHAM TOWN COUNCIL  
MONDAY, APRIL 11, 2005  
DURHAM TOWN HALL -- COUNCIL CHAMBERS  
7:00 PM**

**MEMBERS PRESENT:** Chair Malcolm Sandberg; Neil Niman; John Kraus; Karl Van Asselt; Peter Smith; Mark Morong; Diana Carroll; Julian Smith

**MEMBERS ABSENT:** Gerald Needell

**OTHERS PRESENT:** Todd Selig, Town Administrator

**I. Call to Order**

Chair Sandberg explained that this was special workshop of the Council to continue discussion of the goal setting process for the year, and noted that Councilors had previously been asked to think of particular goals they had. He said the key was to come up with achievable goals that the Council could accomplish.

Chair Sandberg suggested the workshop could begin with a brainstorming session, and said the Council might then decide to do some prioritizing of goals that evening, or could do so instead at a future date.

Administrator Selig provided large sheets containing several different subject areas, and individual Councilors went around the room and placed their key goals on each of these sheets. There was then discussion on each of the subject areas, with Councilors briefly explaining the goals they had listed under these areas.

***Revenue Enhancement***

- **Develop Durham Business Park** – Councilor Van Asselt said the Business Park was the most likely property for the Town to develop. He said the Economic Development Committee should develop a design and a marketing plan for the Business Park, and the Council could then make a decision on this.

Councilor Morong said he agreed, and noted that this was a tangible goal. He said if the Council decided it didn't want to develop the Business Park, it could move on to work with other sites.

Councilor Kraus said the Town should sell the idea of/develop the Business Park. He said perhaps this was year the Council would decide this property was not a business park, but was land that should be used as a viewscape. He said it was important to decide one way or the other on this property.

- **Come up with firm plan for the Business Park that the Council can endorse and businesses can understand** - Chair Sandberg suggested this goal. He noted that he had

attended the Economic Development Committee meeting a few weeks back. He said development was a broad term, and said he thought there needed to be a vision of what kind of commercial space would fit there and would be marketable there.

He said it was important to develop a vision for the Business Park, either as developed land, undeveloped land, or both. He noted that many residents were concerned about the viewscape at this site, and said an important consideration was developing architectural guidelines that would make the appearance of a building at this location satisfactory, while it also functioned as a commercial establishment.

Chair Sandberg noted an alternative use for the Business Park might be to use as a recreational area, and said a third possibility would be to develop a mix of commercial and recreational uses for the property. He provided details on this, and said deciding on something like this could be done with the involvement of both the Economic Development Committee and the Parks and Recreation Committee. He said this might be an achievable goal, and might also dissolve the divisive nature of discussions on the Business Park.

- **Preserve the Business Park property preserved for passive and active recreation.** Councilor Peter Smith suggested this goal. He noted that the working group of the Conservation Commission and Parks and Recreation Committee was reviewing all Town properties, and said he believed it would be discussing this property at an upcoming meeting.

Councilor Kraus said the desire to have one's cake and eat it too was encapsulated by this issue. He noted that the last time a business development was suggested for the Business Park, it died, and said it was important for the Council to decide once and for all whether the Business Park was supposed to be developed, or should be open space.

Councilor Van Asselt said it was good that the Conservation Commission and the Parks and Recreation Committee were looking at the Business Park, but he said it would be good if the Economic Development Committee were also part of looking at Town properties.

Councilor Peter Smith said the point was well taken, but said the same thing could be said in reverse for properties the Economic Development Committee was looking at.

Chair Sandberg noted that committees each had their own interests, and it was up to Council to weigh the different perspectives. He said when the Council made a decision, this should be based in part from input from these various groups.

- **Impact Fee Ordinance** – Councilor Van Asselt recommended this goal.

### ***Transportation***

- **Have the Planning Board develop an impact analysis of northern connector** – Chair Sandberg suggested this goal.

- **Ascertain whether the Town wants a northern connector** - Chair Sandberg also suggested this goal, noting that it was an outstanding question as to whether or not this would be a panacea. He said some refinement of the vision was needed, and suggested that some analysis could be done to say, if it were built as originally envisioned, how it would work. He said when this was worked out, the question would be, would people out in that part of Durham want it?

Councilor Peter Smith said it didn't make sense to put this goal on the list for the year unless the University had somewhat of an open mind on this issue.

Chair Sandberg said he didn't know the answer to this, but he said it begged the question as to whether, if other entities thought the northern connector was in the public interest, they might be able to collectively say it was in the public interest, and was going to happen.

Councilor Niman asked whether \$100,000 had been put in the CIP for a study on the northern connector, and Administrator Selig said this had moved out in time on the CIP, and also was dependent on obtaining grant funds.

- **Look at the southern connector along with the northern connector** - Councilor Morong said would be a good idea to look at the two together to better understand the whole transportation situation, and how as the University grew, it and the Town planned to deal with the increased traffic.

Councilor Julian Smith asked what was meant in Administrator Selig's list of goals by the term "transportation system", and there was discussion about this. Chair Sandberg said it would be worthwhile to clarify what exactly the Town's transportation system entailed.

- **Repave roads less frequently** – Councilor Julian Smith noted that car speeds on Town roads increased when the roads were paved better. He said that when State gasoline tax money was spent improving roads, this created other problems that the Town might decide it didn't want.

### *Other*

- **Reduce the number of Goals for 2005** – Councilor Morong recommended this goal, noting setting a reasonable number of goals would avoid creating expectation for goals that were not met, and would also allow time to address unexpected issues that came up. He also suggested there should be a long-term CIP type structure for organizing the Council's goals. He noted that among other benefits, it would make goal setting sessions in future years easier because there would already be a plan in place that could be modified.
- **Review structure of meetings to make more efficient** - Councilor Morong recommended this goal, and said it should be looked at whether meetings could be structured to make them friendlier to the public, and to complete meetings at a reasonable hour.
- **Measurable/tangible goals** - Councilor Kraus recommended this goal, and noted he had provided two such goals as part of the current brainstorming session.

Councilor Van Asselt noted that it was important for the Council to recognize up front that some issues were more realistic to approach as measurable/tangible goals than others.

Chair Sandberg said some goals could be achieved incrementally over time. He noted that guidelines for the Business Park could be a good first step as part of a larger strategy. He also described the northern connector as something that might achieve incrementally.

Councilor Kraus noted this could still mean that in looking at an issue like the northern connector over time, there could suddenly be an epiphany that this idea was a mythology, and wasn't feasible.

Chair Sandberg agreed. He also noted that some goals, like revenue enhancement, begged more questions, - what do we have in mind, how do we go about that, etc.

- Councilor Julian Smith said would like to have as a goal, stopping study on an issue after a certain point, and making practical decisions on things more quickly.

### ***UNH/Town Relations***

- **Enhance UNH/Town relations** - Councilor Carroll said the kind of relationship the Town had with the University could make all the difference. She said if at the end of the year, the Town could say it had had a good working relationship with the University, had made progress on agreements, and had a very civil discourse, it could say it made progress on this.
- **Negotiate surcharge plans for ticket sales, rental/lease fees** – Chair Sandberg noted this issue had been on the docket for 7-8 years, and was something he personally had been in favor of. He said it was something the Town and the University should be able to get together on, and would involve charging a user fee to people coming to UNH events, and a fee to for-profit organizations renting space, for example on a water tower, etc.

There was discussion as to whether the Town could charge these kinds of fees. Councilor Peter Smith said that what Chair Sandberg was speaking about could happen as result of a cooperative agreement with the University, but if one were thinking about making this a requirement, legislation would be needed in order to accomplish this. There was additional discussion about this.

- **Equitable water agreement** – Councilor Niman said the water agreement was the least fair of all the agreements between the Town and the University. He said the agreements should not be bundled, and said a water agreement should be developed that was fairer to the Town's water users.
- **No more money from the Town for development of additional water supply.** Councilor Morong suggested this goal.
- **Get Northern Connector issue settled; also, look at Southern connector issue as part of Northern Connector issue** – Councilor Morong suggested this goal.

- **Complete current UNH/Town draft agreement** – Councilor Smith and Councilor Morong recommended that these be completed this year.
- **Get UNH to enforce fire lanes** - Councilor Julian Smith suggested this goal. He noted that Bill Hall had suggested that the fire lanes should be identified by the Durham Fire Department, and also that it might be appropriate for the Town's Police Department to provide enforcement.

Administrator Selig said the Durham Fire Department had the authority to designate fire lanes. But he explained that in terms of enforcement, under an agreement, the University agreed to do policing on campus, while the Town's police department agreed to police off campus. He said the Town and University adhered strictly to that demarcation, so the Town had relied on University police to do the enforcing of these fire lanes.

- **Durham Pocket neighborhoods, are we doing enough?**
- **“Durham: It's Where U Live” project - Is it of value?** – Councilor Morong said he had recommended that these questions should be considered. He said he didn't want to see the Town lulled into a sense of security that everything was fine, because he didn't think it was. He said he would like to see continued enforcement of the more than 3 unrelated provisions, etc.

Councilor Van Asselt said this was not a measurable issue, but said he would like to see some kind of evaluation on it before 2006

Councilor Julian Smith suggest that the wording for this initiative should be “Durham: It's Where YOU Live”

## ***Community***

- **More playing fields/skateboard park** - Councilor Niman said he hoped that a plan could be developed for providing more fields that could be brought to the Council, and also said he would like to see the development of a skateboard park. He noted he was now the Council's representative to the Parks and Recreation Committee.

Chair Sandberg said Councilor Niman might be able to provide a good link between economic development and the development of more parks and recreational opportunities.

- **Site and build Library** - Councilor Julian Smith said he would like to be able to tell the Library Board of Trustees that the Council was open to the idea of reconsidering a recommendation of the Town Hall site.

Chair Sandberg said it would be good to see if the Council could develop a consensus on this.

Councilor Van Asselt asked if the Council could express as a whole whether it wanted to support a new library, in general.

There was discussion about this. Chair Sandberg said that underlying question should be put forward, noting it didn't have to remain unanswered.

- **Vibrant downtown – work towards this;**– Councilor Carroll noted that this goal could also fit under other categories - revenue enhancement, etc. She said it could result from a number of approaches, and required vision.

Councilor Peter Smith said the meaning of what a vibrant downtown meant would probably be different for students than it would for residents. He said that because of the University, what existed downtown was set up for students, and he provided details on this.

Chair Sandberg said this brought up the question of what the role of the Town was concerning the downtown area. He noted that the Town contributed to this area in terms of aesthetics and maintenance.

Councilor Kraus noted that there were some good restaurants in downtown, and said there was a lot of depth in Durham. He said Councilor Smith's comments concerning the area were unfortunate, and played into existing stereotypes about the downtown.

Chair Sandberg said there were various perspectives on this, but said the Council's role was to determine how to spend taxpayer resources to help support the downtown so it was the kind of place that served the citizens of the Town.

Councilor Kraus said the Council had to be careful how it categorized the downtown area, and said it was far more than pizza shops.

Councilor Morong said there was a larger role for the Town to play concerning the downtown area than providing aesthetics and maintenance. He noted that if the Town decided to buy property and put a Library downtown, perhaps as part of a Town center, this would greatly impact what happened downtown, without contributing directly to the businesses.

- **Neighborhoods-residents should have some control over development in their neighborhood** - Councilor Carroll provided details on this. She said the Council needed to look at ways to work with the neighborhoods, and said that otherwise, dissatisfaction would grow. She also said that in neighborhoods where things were going well, the Town needed to find ways to maintain this.

Chair Sandberg noted that the Zoning rewrite process in some ways was addressing this, and he also noted that the Council could initiate changes to the Ordinance if this was necessary.

- **Work with Mill Road Plaza to provide more parking for downtown** -Councilor Julian Smith said this area was a useful place in Town, and said it was good it had been built in years past, because it couldn't be built today. He said he had watched how the parking lot was used, and said he thought that on most days, there was considerable excess parking available there. He suggested that some parking there could be leased, rented, etc. so it could be used by citizens who wished to use the downtown area. He noted that he personally parked at the Plaza, and then walked around the downtown area and did his shopping. He said he would like to institutionalize this.
- **A Movie House** – Councilor Julian Smith suggested this for the downtown area.

Chair Sandberg described the regulatory process by which this might come about.

Councilor Julian Smith said he would hate to see unnecessary barriers put up concerning a variety of uses.

### ***Properties of Interest to Durham or Town owned properties/facilities***

- **Develop, swap or sell Craig Supply property** – Councilor Van Asselt said a goal should be to make a decision on the property this year if possible. He described some possible options.

Chair Sandberg said perhaps there was a way to develop the property in a way that could meet both the University's and the Town's needs.

Councilor Van Asselt said short-term the Town could do something with the property, but long-term the property should go to the University and the Town should move forward with other properties it should have.

Councilor Morong said the Craig Supply site should be developed as a parking lot.

- **Keep Town Hall at its present site** - Councilor Julian Smith said he didn't want to see the Town Hall put any further out from the center of town than it presently was. He said he would not like to see it at a location similar to where the Police Station presently was.

*At the beginning of the meeting, Councilor Julian Smith said he would like to see the Council come to agreement with the Library Board of Trustees on the site for a new library. He said he hoped the Trustees would come back and readdress the idea of the Town Hall site as a possible location for the library. He said he also hoped the Council could end discussion on trading use of the Town Hall site, or of any other use of the Town Hall site. He said he would like the Council to decide that the present location was where Town hall was going to stay. He said he would like the Council to end discussion about the potential economic development potential of the site, and said it was important to get this issue out in the open.*

- **End "interest" in Smittys Sunoco** - Councilor Kraus noted the Council had voted in November to not have further interest in this property for a new Library. He said he

would like to see the Council vote up or down on whether there would be any further pursuit of the Smittys property, and said it could then move forward from that point.

- **Act to acquire land to make the Court House contiguous with the Town Hall property** - Chair Sandberg noted there was currently an application before the Planning Board to build a gas station at the Smittys property, and said if the Town was ever going to acquire this land to make the Court House contiguous with the Town Hall property, now was the time to do so. He said this issue should be on the next agenda, or one in the near future so the Council could determine whether it wished to initiate steps to acquire the land.

He said if he were to bring such a proposal forward, he would draw an arbitrary line, to start with, roughly down the ridge pole of Smittys garage, and bring it straight back to the Town property line. He said he would then present the case that it was in the public interest to provide parking for the Court House, and said it would also resolve the issue of whether there would be another access route onto the property from Newmarket Road. He said this was an issue of substantial concern, and said the Council ought to resolve this early on, before things went much farther.

Councilor Julian Smith said it didn't sound like that would resolve the issue. He recommended that the Council go for even less than Chair Sandberg had suggested, and said he would draw a line about 10 ft. to the east of the Courthouse, parallel to Route 108, and consider offering the developer of the Smittys property a right of way across the Town Hall parking lot to Schoolhouse Lane in exchange for that strip of land.

- **Grange** – Councilor Niman noted something he had forgotten to put on the list. He asked if the Grange could be added to the list.

Chair Sandberg said it was built in 1800s, and said the Town owned the property all the way back to the Mill Pond Plaza. He noted there had previously been discussion about putting the new library there, among other things, and provided details on this. He said to him it was a primary site for a library, and also noted there had been discussion about moving the building itself to another location.

Councilor Peter Smith said there had been quite a bit of interest in preserving the building.

Councilor Kraus noted that when he was on the Council in the early 1990's, the Grange had been a hot button issue. He said one might be surprised, if suggestions were made to change the property.

Councilor Niman asked if the building might perhaps be moved over to the Mill Pond and used for the library. He said there would be parking right next to it, there would be handicap access, and it would be in the center of Town.



- **Future Use/disposition of Town owned properties** – Councilor Van Asselt said there appeared to be no plan for management of Town properties, and said he would like to see such a plan developed.

Councilor Peter Smith said the taskforce had been looking at all of the land owned by the Town, and was developing recommendations concerning these properties.

Councilor Van Asselt said he would like to see the Council more involved with this whole process.

### ***Basic Operations/Services***

- **Cut Fire department budget by \$400,000** - Councilor Kraus noted he was waiting for Councilor Niman to bring forward information related to the Budget.
- **Cut back or phase out spring and fall cleanup** – Councilor Julian Smith said he would like to see the phase out of spring and fall cleanup, and to have Town staff spend more time keeping roads free of garbage. He noted he picked up litter along a large stretch of the road in his neighborhood, and said he was picking up so much litter, especially beer cans and water bottles, that it was clear that people were throwing out a lot of stuff. He said he would like to cut back on staff picking up things that residents could bring to dump, and would like to see the transfer station open more days every week.
- **Issue dump permits with tax receipt** – Councilor Julian Smith noted some residents were upset about needing to get permits, and said that with this approach, it would be easier for citizens to have access to dump.

Chair Sandberg noted this goal was a good example of something that a particular Councilor could draft, as a Council communication, in order to advocate that a policy should be changed.

Councilor Carroll noted the Council should consider the fact that the permit issue had been discussed at length by the Integrated Waste Management Committee, before it started rehashing an issue that had finally been brought to some conclusion.

- **Add \$200,000 to Road Program** – Councilor Kraus recommended this, and said funding for this could come from savings resulting from cutting the Fire Department Budget.
- **Implement dispatch move**

Administrator Selig noted this did not require the approval of the Council, but he said if the Council was against doing this, he would not approve it. He noted that this was not an especially popular issue with Town staff, providing details on this and on the difficulty of trying to turn the Town in this direction.

He also said it was not in the interest of University police to do this, and said he had been pushing the University to hold its police department accountable on this.

He said it was the Town's goal to make the change in January of 2006, and said to make this happen, the Town would need to make the change very quickly, noting new software would be required. He said the most recent discussions with the County indicated it would also need a certain amount of time to do the upgrade, and he noted there was a lot of hesitancy on the part of the County sheriff concerning the change. But he said the County Commissioners saw the benefits of making the change.

- **Merge police departments** - Councilor Peter Smith recommended this goal.
- **Examine whether there is duplication in ambulance corps/fire department relationship, and if so, eliminate it**

### ***Planning/Zoning***

- **Enact remaining zoning pieces** - Councilor Peter Smith said it was very important that the Zoning rewrite process be completed this year.

Chair Sandberg said all Councilors should read through the proposed changes to the Zoning Ordinance it very carefully.

- **Adopt policy on planning capacity** - Councilor Van Asselt said that when the Town needed planning assistance with development applications, this should be available. He noted that many NH towns had a policy on this, and said the Town should be able to hire out wetlands analyses, etc., with the costs of such analyses being born by the developer.

Chair Sandberg said the Planning Board already had the prerogative to do this, and Councilor Peter Smith noted that State law allowed this.

Councilor Van Asselt said it was a policy that was not being used, and described a development proposal in Town where Department heads said there were no problems, but the neighborhood that would be impacted by the proposed project had to hire an outside expert to do an analysis.

There was discussion about this. Councilor Van Asselt said he would like to know what options a neighborhood had in a situation like that, other than saying it didn't agree with what the Department heads had said.

### ***Housing***

- **Develop rental registry** – Councilor Van Asselt said he still believed the Town should do this.
- **Develop Town policy on senior and affordable housing** – Councilor Van Asselt said he was not sure this goal was as measurable as the previous one he had listed under this category. He said he continued to think Durham was a town that was

attractive to seniors, and he said there should be a policy as to whether senior housing would be encouraged.

He said related to this was whether there should be a policy that encouraged affordable housing, noting that it would be good if police, fire, and school personnel working in Durham were able to live in the Town. He suggested the Town could develop a policy to allow/require a percentage of a particular development, such as Spruce Woods, to be affordable.

Councilor Peter Smith noted that the NH Supreme Court had ruled that every town must provide some affordable housing, and noted that Durham had slid by on this because the percentage of student housing in the Town statistically demonstrated that it was doing so. But he said the Town was not providing affordable housing for the regular Town population.

Chair Sandberg said the question was whether the Council needed to take action to adopt a policy on this.

Councilor Peter Smith said this was probably not something that would be on the list for this year.

Councilor Van Asselt said his bias was that the Town policy should have been that X units in Fitts Farm must be affordable. He said this kind of policy would have to be articulated and enforced with a developer, and said he would be interested in developing something like it.

- **Encourage citizens to share homes with UNH students** – Councilor Julian Smith noted this was a University town, where one heard objections to homes being turned into rentals. He said something residents could do to help citizens, especially senior citizens, would be to allow them to share their houses with students. He said this would help them pay their taxes, and would also be a way to put more responsible adults in contact with students. He said he personally had done this, and said that it generally had been a good thing to do.

Chair Sandberg noted this was presently permitted under the Zoning Ordinance.

### ***Open Space***

- **Land preservation** – Councilor Carroll said it was important to preserve land in Durham now, because of development pressures. She also pointed out that there was no overlay for the Town's farmland, although the University presently had such an overlay, and she said she would like to see the Town develop one.

Chair Sandberg asked for ideas from Councilors on how to could proceed, now that these goals had been listed.

Councilor Morong said it would be good to do a CIP type grid, and he suggested that perhaps Administrator Selig could develop an empty grid, provide this to the Council, and it could then fill it in this year's goals, next year's goals, and so on.

Chair Sandberg suggested that it could also include short-term columns for 3-month goals, 6 month goals, etc.

Councilor Kraus said that perhaps some redundancy could be culled out of the goals list by Administrator Selig. He said there should also be an opportunity for Councilors to add in additional goals that may have been missed that evening. He said the goals list could then be prioritized, based on different time windows, and said this whole thing could be organized very quickly.

Chair Sandberg said the Council's calendar model could also be used to plug in different goals.

Councilor Van Asselt said he hoped Administrator Selig wouldn't drop items from his green page list that hadn't made it onto the large goals sheets. He said that perhaps there should be a secondary list.

Councilor Julian Smith asked if Chair Sandberg would be willing to hear Bill Hall speak briefly on the draw down of the Wiswall Dam. Councilors agreed Mr. Hall could do this under Public Comments at a future Council meeting.

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

The meeting ADJOURNED at 9:30 PM.

Victoria Parmele, minutes taker