

This set of minutes was approved at the December 4, 2006 Town Council meeting.

**DURHAM TOWN COUNCIL
MONDAY, NOVEMBER 6, 2006
DURHAM TOWN HALL – COUNCIL CHAMBERS
7:00 PM**

MEMBERS PRESENT: Chair Neil Niman; Councilor Diana Carroll; Councilor Peter Smith; Councilor Mark Morong; Councilor Karl Van Asselt; Councilor Gerald Needell; Councilor Julian Smith; Councilor Catherine Leach; Councilor Henry Smith

MEMBERS ABSENT:

OTHERS PRESENT: Town Administrator Todd Selig; Public Works Director Mike Lynch; Business Manager Gail Jablonski; Town Assessor Rob Dix

I. Call to Order

II. Approval of Agenda

Councilor Carroll MOVED to approve the Agenda as submitted. Councilor Needell SECONDED the motion.

Chair Niman said the Council would talk about the 28 Madbury Road property under Agenda Item XI B. Other Business.

Councilor Needell MOVED to amend the Agenda to discuss the 28 Madbury Road property under Agenda Item XI B, Other Business. Councilor Leach SECONDED the motion, and it PASSED unanimously 9-0.

The Agenda as amended PASSED unanimously 9-0.

III. Special Announcements
No special announcements

IV. Approval of Minutes
No Minutes

V. Councilor and Town Administrator Roundtable

Administrator Selig noted that Election Day would take place the next day, and said voting would take place at Oyster River High School, from 8 am to 7 pm. He asked if any Council members could be there early to check out the voting machines, and also asked if they could be

there at 7 pm for the official closing of the polls. Councilor Peter Smith and Councilor Julian Smith said they would be there.

Councilor Needell reported to the Council on the agenda for the Planning Board's upcoming meeting on Wednesday. He said the Board would hear an application for site plan review and an application for subdivision for a proposed 78 unit age-restricted development on Madbury Road at a site that was formerly the Craig property.

Councilor Needell said there also would be public hearings on the revisions to provisions of the Zoning Ordinance concerning forestry/timber harvesting, and provisions of the Historic District overlay section of the Ordinance. He said these proposed revisions would then come to the Council, if there were no further changes as a result of the hearings.

Councilor Julian Smith said the Trails subcommittee of the Conservation Commission and Parks and Recreation Committee had essentially finished construction of the footbridge along Longmarsh Trail, so one could now walk the trail without getting one's feet wet. He said a number of volunteers had assisted with this project, and he also thanked the Public Works Department for delivering the materials for the project.

VI. Public Comments

Bill Hall said he didn't think ORYA should be supported just by Durham, and said the Town should have taken the posture that it would discuss this issue when the Towns of Lee and Madbury provided their proportional share of the support.

Administrator Selig noted that ORYA's funding request was being made to these other towns as well.

Mr. Hall said he was suggesting that Durham's agreement with ORYA would be contingent upon the involvement of the other towns.

Mr. Hall also noted that the Main Street improvements would be made on a Town road, even though this was a University project. He said the Town should supervise the engineering of the project, and provided details on why this was important.

Cammie Rowntree, ORYA President, read a detailed letter concerning ORYA's present financial difficulties and plans to address this.

David Proulx, 15 Sandybrook Drive, Treasurer of ORYA, said the current financial issues facing ORYA had created a great opportunity for the towns to work together to find solutions. He said the organization was asking for greater financial support so it could deliver programs in the short term, and said their request was quite small compared to other requests in Town for funding. He said although it would increase the tax rate, he felt recreation was one of the best investments a town could make. He said it sent a positive message to taxpayers that the Town valued the health and well being of Durham's youth.

Mr. Proulx noted that most other towns in the region had tax supported recreation programs. He said although he would support such a formal program, that was not what ORYA was now asking for. He said a formal program was a long-term solution.

He said Administrator Selig's proposed 2007 Budget included a 3% increase in funding for ORYA, and said that if the organization was funded at this level, there would be a significant reduction in programming, increased fees, and a potential dismantling of ORYA. He asked the Council for their support for ORYA, and for youth programming in general.

VII. Unanimous Consent Agenda

- A. Shall the Town Council authorize the Town Administrator to sign the 2006 Tax Warrant?
- B. Shall the Town Council approve the water and sewer warrant for fall and authorize the Town Administrator to sign said warrant?

Councilor Henry Smith MOVED to authorize the Town Administrator to sign the Town of Durham's 2006 Tax Warrant directing the Tax Collector to collect taxes in the amount of \$22,029,732, and hereby approves the Fall 2006 water and sewer warrant totaling \$479,769.58, and commits the bills for charges to the Tax Collector for collection. The Durham Town Council further authorizes the Town Administrator to sign said warrant on its behalf. Councilor Needell SECONDED the motion, and it PASSED unanimously 9-0.

VIII. Committee Appointments

Councilor Leach MOVED to move Lorne Parnell from his current alternate position on the Planning Board to fill the un-expired regular member term of Kevin Webb, said term to expire on April 30, 2007. Councilor Needell SECONDED the motion.

Councilor Needell said Mr. Parnell had been a very active and dedicated member of the Planning Board, while serving as an alternate.

The motion PASSED unanimously 9-0.

IX. Presentation Items

No presentation items

X. Unfinished Business

Tax billing issue

Administrator Selig said the Council had previously decided that it wanted to go forward with consideration of this initiative, which had been brought forward by Councilor Carroll. He provided details on this issue, and said the greatest advantage of having a semi-annual tax billing

system was that it potentially provided the opportunity to save the Town money on interest costs. He said the net cost of borrowing, with the annual tax system, was \$190,000. Business Manager Gail Jablonski handed out a chart that first showed a calculation of earnings that assumed a property owner currently had the total amount due for property taxes in an account at the beginning of the year, and then showed a calculation of earnings that assumed the property owner placed 1/12 of his/her property taxes in an account at the beginning of each month, and where the balance was allowed to build.

There was detailed discussion about this chart.

Administrator Selig said that concern had been expressed that the initial projections concerning a semi-annual tax bill system hadn't anticipated any interest payments at all, but he said it was likely that borrowing would occur on behalf of the Town, even under a semi-annual tax system. He provided details on this.

There was detailed discussion about this issue.

Councilor Peter Smith suggested that if taxpayers all paid their taxes at the beginning of the calendar year, the Town wouldn't have to borrow funds. He provided details on this.

Councilor Van Asselt asked if the Town borrowed money from Citizens Bank or got a line of credit, and Ms. Jablonski said the money was borrowed.

Councilor Morong MOVED to open the public hearing on the concept of moving the Town of Durham's current property tax billing system from an annual to a semi-annual billing system. Councilor Leach SECONDED the motion, and it PASSED unanimously 9-0.

Robert Causey, 64 Bucks Hill Road, spoke against having a semi-annual tax bill. He said that he had an IRA, and explained the financial advantages of just having to pay at the end of the year. He also said he liked Councilor Peter Smith's idea of paying ahead, and staying ahead.

Margaret Christiansen, Emerson Road, said she was against having a semi-annual tax bill system. She noted that this idea had been discussed at least four times in the past that she was aware of, and that the Town actually did change to a semi-annual system for a period of time. She said there was such an uproar as a result of this that the system was quickly abolished. She said the bottom line was that it was better to pay the tax once a year, and she provided details on this.

Ruth Cunniff, 35 Frost Drive, said she was opposed to any change to the current annual tax bill. She said she thought that many Durham residents paid their taxes in January, which allowed them to double up on the deductible on their federal taxes every two years. She said this saved her about \$600-700 per year. She said the Town could borrow more cheaply than residents could, so it made sense to stay with the yearly tax bill.

There was discussion with Town Clerk Lorrie Pitt about Councilor Peter Smith's suggestion.

Malcolm Sandberg, Langley Road, said he applauded the Council when it could save money, but he said this was an instance where what was proposed didn't make sense. He said it came down to the fact that the Town could borrow money at a certain rate, and if a taxpayer could earn money at a higher rate, it made sense to stay with the annual tax collection system.

Ed Valena, 9 Bagdad Road, read a detailed written explanation as to why it made sense to have a semi-annual tax bill.

Bill Hall, Smith Park Lane, said he agreed with Mr. Valena, and noted that none of the towns that had gone to this system had then gone back to annual tax collection. He also said he felt the Council needed to look at a number of things in order to get the Town's finances in order.

Mathew Fitch, Durham Point Road, said he was opposed to a semi-annual tax bill, and provided details on how this would impact him financially.

Councilor Julian Smith MOVED to close the public hearing. Councilor Henry Smith SECONDED the motion, and it PASSED unanimously 9-0.

Councilor Needell asked whether, if the Town went to semi-annual tax billing, this would be implemented the following year.

Administrator Selig said the Council would decide this. He suggested that it perhaps made sense to wait until 2008 in order to give the taxpayers more time to plan for the transition.

Councilor Needell said would like the Town to wait until 2008 to implement this, and said this would impact on how he decided on this issue.

Councilor Peter Smith said this proposed change would be acceptable to him if there were comprehensive data that currently was not before the Council. But he said from what he had heard and read from residents, it was clear the Town had no idea how such a policy would affect all the people in Durham. He also said it was important to understand the difference between saying town government could save money, and saying how this impacted the citizens.

Councilor Smith said in 1963, the State Legislature had passed a statute concerning prepayment of taxes, and he said this law had stayed essentially the same since that time. He read the statute, and said it indicated that Durham had been authorized to permit citizens to make more than one payment since that time. He said he believed the Town had done this in the past, and said that therefore, people making payments before December was nothing new in Durham.

He said nobody in Town had been aware of this, noting that he himself had learned about it only a few days before. He said unless the evidence showed that only by requiring a minimum of two payments a year, 6 months apart, there could be basic fairness throughout the community, he didn't think there was justification for taking this action. He said he thought the Town had a long way to go before saying that it should be mandatory that property owners make at least two payments a year.

Councilor Needell said he did not see the relevance of the prepayment issue to the topic before the Council.

Councilor Peter Smith said he believed that very few people in Town had any idea that they already had the option to pay their taxes more than once a year.

Councilor Needell said they would still have that option if the Council passed this resolution that evening.

Councilor Morong said even if some people pre-paid their taxes, he thought the Town would still have to take out a TAN.

Chair Niman provided details on how he had determined that a semi-annual tax bill was a win-win for him personally and for the Town, noting he put money aside each month for his taxes. He said the key question was how many people in Durham fell on each side of the sheet that had been provided, and said he would think the Town should go to semi-annual tax billing if the vast majority of citizens actually put a fixed amount aside each month for their tax bill, so were therefore better off with this system.

Councilor Needell said the person who put money in a cookie jar would benefit the most from this change, and the person with the most elaborate ability to generate income from assets would lose on this. He said the real question was where the balancing point was. He said he had struggled with this issue, and noted that for a lot of people, it was a wash, so seemed hardly worth the effort.

Councilor Van Asselt said about 80% of residents who were homeowners escrowed their taxes. He also said that all of the other towns in NH of Durham's size had semi-annual tax bills, and said he wondered why others would do this if it were not sound public policy.

Councilor Needell noted that it had been difficult to find any research on this topic.

There was discussion on why other communities in New Hampshire had changed over to semi-annual tax bills over time.

Cathy Watts of Ocean Bank and Town Clerk Lorrie Pitt estimated that 60-75% of Durham taxpayers paid their taxes through escrow accounts.

Councilor Peter Smith asked if it was known what percentage of persons with escrow accounts currently were required to pay their taxes that way.

Ms. Watts said approx 75% were required to pay their taxes through escrow accounts, and she provided details on this. She also explained why banks generally didn't like to do escrow accounts, and also noted that semi-annual tax bills doubled the paperwork for the bank.

Councilor Needell noted the taxpayers who said they made double tax payments in alternate years, and who it appeared would be most significantly negatively impacted by the change to

semi-annual tax billing. He asked if someone could still take advantage of this approach in some way with semi-annual billing.

Ms. Watts said people could search out investments that would work with this.

Councilor Henry Smith said even though it wasn't generally that much better financially for taxpayers in Durham to pay their taxes semi-annually, it was at least better. He also said he had to believe that other towns over 5,000 in population who had switched over to this system had done so for a good reason.

Councilor Carroll said she had spoken with the Stratham town administrator regarding the fact that that Town had recently changed to semi-annual tax billing, and she provided details on the reasons it had done this. She said only a few people in Stratham has spoken out against this change, and also said the changeover hadn't cost the town much administratively. She said after the Stratham selectmen voted for the change last year, a letter went out in January. She said when the tax bill arrived in June, things had gone smoothly.

Councilor Peter Smith said the impetus for this proposal for Durham was to save money in the Budget. He said if it was the case that for the bulk of Durham's citizens, there would be a net benefit of \$20-30, the issue seemed hardly worth discussing. But he said if the situation was such that the current situation could save residents hundreds of dollars, and a change could really hurt them financially, that was worth talking about.

There was further discussion about this issue.

Councilor Henry Smith MOVED to authorize Administrator Selig to move the Town of Durham's current property tax billing system from an annual to a semi-annual billing system. Councilor Carroll SECONDED the motion.

Councilor Needell moved to amend the motion to read "...beginning with the 2008 tax year." Councilor Van Asselt SECONDED the motion, and it PASSED 7-2, with Councilor Julian Smith and Councilor Peter Smith voting against it.

Councilor Needell said he had heard from Councilor Van Asselt and Ms. Watts that 75-80% of people in Durham paying taxes were in the category of people for whom there would be a slightly positive effect from going to semi-annual tax billing. He said this weighed heavily for him in terms of going forward with the proposed change, and said he was therefore inclined to agree with this change.

The motion PASSED 7-2, with Councilor Peter Smith and Councilor Julian Smith voting against it.

The Council went into recess from 9:01 to 9:08 PM.

- B.** Discuss recommendations from the Parks and Recreation Committee relative to the future of recreation in the Town of Durham and support for the Mill Pond Center and Oyster River Youth Association.

John Parry, Chair of the Parks and Recreation Committee, spoke before the Council, and reviewed the recommendations the Committee had developed. He said it was felt that a recreation director could be a beneficial appointment, explaining that there were many recreation related services in Town that were currently lacking, especially for adults and seniors. He said this person could also play a key role in the operation of additional facilities, for example, the Ice Rink and the Mill Pond Center.

He said a recreation director could also do grant writing, which was a key function in making recreation programs successful. He said the person could also coordinate special events in Town, noting that currently, a variety of people coordinated special events in Durham. Finally, he said recreation director could play key role in coordinating various recreation activities in the area, in partnership with UNH, the School District, Lee, and Madbury.

Mr. Parry said the Committee's second recommendation was the completion of a strategic plan. He said a key part of this was to appoint a study committee with representation from the three towns, and from recreation experts at UNH who would provide assessment and direction as to what a three-town cooperative effort could look like.

Mr. Parry said another recommendation was to sell some town recreation oriented property that was currently underutilized. He also said the Town could pursue grant funding opportunities.

ORYA

Mr. Parry next spoke about the Oyster River Youth Association (ORYA). He said the Parks and Recreation Committee recommended that the Town take responsibility for the maintenance and administration of the [Jackson's Landing] Ice Rink. He said the ice rink was heavily used, and the loss of this recreation opportunity in Durham would be significant. He said the Committee felt the Town could manage it well, make improvements to it, and could even market the use of the rink in order to generate some income.

He said another recommendation was that there be a one-year increase, not to exceed \$90,000, in the annual payment made to the ORYA in order to assist them through their current financial challenges. He noted that this amount was in between the prior \$30,000 amount and the \$140,000 requested recently by ORYA. He said the Committee felt that most of the requests on ORYA's list were appropriate, and thought a few could be deferred to make the amount being requested more reasonable

Mr. Parry said the current Board of ORYA had made a concerted effort to look at the situation of the organization and identify weaknesses, and was currently making a strong effort to make changes that were needed. He said staff was needed in order to make the improvements, which required money, but he said people didn't want to give the organization money until the improvements were made. He said for the long term, a funding formula should be developed that was tied to desired outcomes.

Mill Pond Center

Mr. Parry said the Parks and Recreation Committee was in favor of acquiring the property, and recommended that the Council give strong consideration to purchasing it. He said the Committee envisioned this property becoming a town-owned arts, recreation, and cultural center, as well as having some characteristics of a community center and gathering place. He said further study would be needed in order to ascertain how the property could best be used by the Town.

Councilor Carroll noted the offer to ORYA of in-kind services, and she asked Mr. Parry if the committee saw this as being separate or part of the \$90,000.

Mr. Parry said in-kind services did need to be figured in somehow, but said the Parks and Recreation Committee had looked just at the Budget request.

Councilor Van Asselt asked if there was discussion by the Committee about the School District's role in parks and recreation.

Mr. Parry said he and the Committee thought there was definitely interest in this, and the potential of having a cooperative program with the three towns. He said this would be an ideal solution, but he said there were challenges to such an approach, so it was hard to say whether it could work. He said the Committee had not gotten into details about this, but had recommended that there be a three-town study committee, involving the three towns and the School District.

Councilor Needell noted that in past years, the Council had given ORYA what had been requested. He said he understood that ORYA was in financial trouble, but said he felt the Council hadn't been aware of this, and then all of sudden the problem was upon it, and it was being told \$90,000 was needed in order for ORYA to continue.

He said he didn't see the basis for meeting ORYA half-way with its budget. He said he agreed that a long-term solution was the only way to move forward, and that development of a plan was important. But he said the request by ORYA had caught him by surprise, and he didn't quite know how to deal with it.

Mr. Parry said the Parks and Recreation Committee had looked at ORYA's budget item by item, and thought that nothing in it seemed unreasonable, but that some things in it could be deferred, which was how the figure of \$90,000 had been arrived at. He said it was agreed this represented a large increase, but he said the ORYA Board of Directors was different than the previous Board.

He said perhaps someone should have taken a harder look at the running of the organization in the past, but he said the same thing could perhaps be said about the Parks and Recreation Committee, noting that at some point it could perhaps have worked more closely with ORYA. He said the responsibility for the problems could be spread around.

Councilor Needell said he was not looking for where the blame should go, but was trying to look at how to move forward. He said a fundamental problem was facilities management, and said a key question was how this organization should be doing this in the first place.

Mr. Parry said the short-term recommendations bought time to develop better long-term recommendations.

Councilor Peter Smith said regarding the financial difficulties, ORYA was \$50,000 in the red this year. He asked if this had happened last year, or had existed longer than that.

Dave Proulx said he had joined ORYA a year ago as treasurer, and said he had found that the record keeping was poor. He provide some details on the organization's financial management, and said a key problem was that as the number of programs had grown, money had not been set aside to replace equipment, and to address the maintenance of the ice rink.

He said 3-4 years ago, the Board decided that a senior staff person needed to be hired, because of ongoing administrative issues, in servicing programs and participants. He provided details on how the finances had deteriorated over the last few years. He noted that over the course of the organization's history, there had been some building of reserves, but he said in recent years, a reserve of \$50,000 had gone down to almost zero.

ORYA President Cammie Rowntree provided details on how the financial plan that should have been implemented was not implemented.

Mr. Proulx said he had found that the user fees did not reflect the full cost of programs, also noting that there had been undercharging for time on the ice rink, so that the cost for utilities and maintenance contingencies wasn't covered. He said that mid-way through 2005, there was concern that ORYA wouldn't survive, and he said spring user fees were then increased, which the public had not liked. He said these fees were now 50-100% more than what other towns were charging for the same program.

Councilor Morong noted that Mr. Parry had said there were some things that could be deferred to other years, and he asked if these things would therefore be seen in later years, so this year's situation would therefore not be a one-time situation.

There was discussion about this.

Councilor Morong said something that concerned him about Durham bailing out the ORYA without a plan, and without other entities involved, was that this could result in some complacency.

Mr. Proulx said ORYA was not asking for a bail out, and was trying to present the Council with the reality of running the organization right now while trying to develop a long-term solution. He said it was recognized that ORYA needed to be accountable for the money if it was received, and he said the organization wanted to partner with other entities. He said they were actively working with the other towns, and he provided details on this. He said ultimately, ORYA would like to

have a full funding plan, and he said if some of the towns provided greater funds than the others, the user fees would be proportional to this funding.

Mr. Parry said the Parks and Recreation Committee saw the value of having a set amount of funding for one year, and then having an outcome based funding formula in future years, with an agreed upon product between the Town and ORYA. He said the funding would be based on that, in order to address the complacency issue.

Councilor Leach said it seemed like everyone agreed that a study committee was needed in order to come up with a long-range plan, and said perhaps the Council could get that to a point where most members agreed on it, and could direct Administrator Selig regarding this. She also said that regarding the idea of in-kind services, she thought the Council should commit to finding office and storage space for ORYA.

Chair Niman asked if Councilors were in favor of a committee that would discuss the future of recreation in the three towns.

Councilor Peter Smith said that was a different idea than the idea of a committee to determine the interface between the Town and ORYA, and said this difference would not have immediate implications for the operation of ORYA. He said it was apparent from the discussion that ORYA was asking for cash, and he said the financial hole that had been described was huge. He said the committee being discussed here wouldn't solve that problem.

Councilor Leach said she thought that was understood. She said she would like the Council to direct Administrator Selig to get in-kind services in a timely way so there could be immediate help for ORYA.

Chair Niman asked if everyone was in favor of a committee of the three towns, noting that it seemed that the Lee and Madbury selectmen were generally in favor of this idea.

Councilor Needell said it would be good if the committee had a clear structure.

Administrator Selig asked if it was envisioned that the Parks and Recreation Committee would be spearheading this committee that would meet regularly in order to develop a three-town vision, or if instead there should be a new Council committee with representation from the Parks and Recreation Committee.

Councilor Leach said she would prefer that it not necessarily be a Parks and Recreation Committee-centered committee. She said this was a political issue, which it was difficult for a volunteer committee to move through. She said the model she was thinking about was the one the Jackson's Landing Committee had developed.

Mr. Parry said he agreed with this.

Councilor Leach noted the recreation survey the Parks and Recreation Committee was presently doing, and said they had worked closely with a UNH professor on this. She said perhaps the professor's graduate student could be involved in spearheading this new committee. Chair Niman asked if there was general consensus on the Council about the idea of this new committee.

Councilor Needell said there were six entities, the three towns, UNH, the Oyster River School District, and ORYA, and he said all of them should be represented on the committee, and should be expected to contribute to it.

Councilor Carroll said the charge of that committee needed to be thoughtfully put together. Councilor Peter Smith said it was essential that the Oyster River School District be a part of this effort, and that each of the towns have one representative from the governing body. He said the biggest part of this, in the end, would be money.

Administrator Selig said he envisioned the Parks and Recreation Committee focusing on Durham recreation issues. He said the process for a new three-town committee to follow would require a bit of finesse, and would need to involve buy-in over time.

Chair Niman said that regarding in-kind services, he wondered if it would be possible to meet with ORYA to come up with a possible list, and a dollar amount of what this would cost the Town, and what the benefits to ORYA would be.

Councilor Peter Smith said it would also need to be determined what the consequence would be of putting existing Town staff on this project, if this was what was planned, or if this would simply involve excess staff time that didn't cost dollars.

Chair Niman said this was something that could be discussed by the Council during Budget season.

Administrator Selig said he had already initiated a process for looking at this.

Councilor Leach said she encouraged the Council to keep the ice rink going, stating that it was a resource that all Durham residents used, not just ORYA. She said it was the most social place in Town, other than the outdoor pool.

Councilor Henry Smith MOVED to extend the adjournment time past 10:00 pm. Councilor Carroll SECONDED the motion, and it PASSED 8-1, with Councilor Morong voting against it.

Main Street Enhancements

Administrator Selig said the present design for the Main Street enhancement had been under review for the past year, noting that Councilor Needell had represented the Council during this process. He said the Town had partnered with UNH to develop a project that met the Town's needs at a cost that it could deal with.

He said that a recent public hearing had resulted in minimal changes to the plan, also noting that previous input had resulted in some changes to design. He said it was hoped that the project would go out to bid by the first of the year, and that construction would also begin in 2007. He said he thought this was a good plan, and said he recommended that it move forward.

Councilor Needell said this project had been approved by the University, and the funding agents, and said it would be difficult to make substantial changes to it at this point.

There was discussion about the proposed lighting design, and there was also discussion about the proposed removal of the Nesmith Hall driveway on Main Street, and the safety issues with the current crosswalk in that area.

Public Works Director Mike Lynch said considerable effort had been made to address the crosswalk issue. He said the plan right now was to provide light to the crosswalk area, but not to change it otherwise.

Councilor Peter Smith noted the light at the corner of College Road and Main Street, and that the Town owned this light and controlled the sequencing of it. He asked if this sequencing had been discussed.

Mr. Lynch said it had, and said the traffic engineers had decided that the sequencing should move faster.

Councilor Peter Smith asked if there had been any discussion of the role of UNH police officers at critical times of day, and the need for increased services.

Mr. Lynch said policing of the corridor was discussed, and said this would continue to be a shared venture between the University and Town police.

University Planner Doug Bencks said there had been general discussion of police officers' role in traffic control, but he said there were no specific details on additional human resources that would be involved.

Councilor Peter Smith spoke about the need for this human element to assist at problematic times.

Chair Niman asked Planning Board Richard Kelley to provide his comments concerning the project.

Mr. Kelley said the Planning Board had noted that there was a large number of students crossing Main Street, - coming to and from the MUB area. He said the project didn't do much in terms of addressing the congestion there, and pedestrian flows. He provided details on this.

He also spoke about the future possible need for a traffic signal at Edgewood Road and Main Street, and said if this happened, the light would need to be synchronized with the College Road light. He noted that the Planning Board had asked for the accident history in this area. He said it

was common for someone in the right hand lane to not turn onto College Road, but instead to continue forward on Main Street. He said he had been told that the lanes at this intersection couldn't be changed because of the existing utility infrastructure, but he said there was conflicting information on this.

Mr. Kelley also spoke about the cross walk further out on Main Street, at the top of hill in the area of the stairs leading out of A lot. He said there was concern about allowing pedestrians to cross at that location, given the hill, and the speeds of vehicles moving through that area.

Mr. Lynch said regarding the concerns about congestion where students crossed Main Street in the vicinity of the MUB, there had been a lot of discussion about removing the path on the other side of Main Street from the MUB, which would help eliminate the need to cross there.

Administrator Selig said this location hadn't been a formal path until a few years ago, when former UNH President Hart felt the path should be formalized. He said Town staff had disagreed, but it was on University property

Mr. Lynch said concerning the traffic light issue, there had been ongoing discussions with the engineers on this, and a memo had been received that indicated that the traffic load at Edgewood Road didn't warrant a light at present. He also said that concerning the intersection design at College Road, shifting the lanes would change the alignment of the bike lane and the sidewalk. He also noted that College Road itself was scheduled for elimination at some point in the future.

Councilor Leach said she felt that taking the Nesmith Hall driveway out of the equation would be helpful in that area.

Mr. Lynch said the cross walk further out on Main Street on the hill had been discussed a great deal. He said they were looking at doing something to make the cross walk so visible that one couldn't miss it. He said this was not the best location for a crosswalk, but he said the amount of foot traffic coming out of A lot and crossing here was substantial. He noted that the cross walk was eliminated for a trial period, but he said people then dashed across the road on the diagonal, all along the hill. He said they had also looked at moving the stairs, but it was felt they needed to be there. He described a possible design for signage there to improve safety, which included solar powered lighting,

Councilor Needell MOVED to endorse the CMAQ Main Street Enhancement project, which improves transportation, bicycle, and pedestrian movements and safety along Main Street between Pettee Brook Lane and the Railroad Bridge. Councilor Carroll SECONDED the motion, and it PASSED 8-1, with Councilor Julian Smith voting against it.

XI. New Business

A. Financial Report through September 30, 2006 – Gail Jablonski, Business Manager

Administrator Selig said everything was right on track, and he said Ms. Jablonski was doing a wonderful job as Business Manager.

B. Other business

Discussion on 28 Madbury Road property

Ed Valena, Library Trustee, noted this was on short list for potential library sites, and would be coming up for auction shortly. He said the Trustees believed the property would go for less at auction than it would if it went out on the market. He said the property was under an acre, and said not a lot was known about its current condition. He said the Trustees liked the location of the property, especially its close proximity to the Middle School

Chair Niman said the Trustees were here to speak to the Council about this because the Town would have to own the property that the Trustees recommended. He said they were now in public session, looking to see if the Council was interested in pursuing this. He said if it was, the Council would then go into nonpublic session with the Trustees to talk about how much they all would be willing to bid for the property.

Councilor Needell said he assumed that the Town could decide to bid on the property for other purposes too. He also asked the Trustees if their intent was to utilize the existing structure there, or just the lot itself.

Mr. Valena said he didn't have an answer for this at present because most hadn't seen the inside of the building.

There was discussion about the size of the structure and about its current condition.

Councilor Peter Smith asked whether if the building had to be torn down, the Trustees would still want to buy it, and if so, why.

Mr. Valena said the property was on the Trustees' short list because of its location.

Councilor Peter Smith said it was probable that the structure on the property would have to be torn down, noting that he had been in it. He said it wouldn't be a responsible thing to say that the property was wanted, unless it was clear that the value of the property only included the land.

Mr. Valena said it would be a pleasant surprise if the building were usable.

Councilor Peter Smith asked if it was known whether an adequate building could be put on the site.

Mr. Valena said he didn't know the answer to that.

Trustee Doug Bencks said a specific analysis on this kind of thing hadn't been done. He said the Trustees had looked at other sites of comparable size downtown, and had a sense that a lot of that size could accommodate the library.

Administrator Selig noted that there was parking on Madbury Road and on Dennison Road in that area, which would be available if there were evening programs at a library on that property.

Councilor Peter Smith asked if this site was so superior to other sites the Trustees had looked at that on this very short notice, they could reach a firm conclusion that this physical site was better than others that had been found.

Mr. Bencks said his own view was that it wasn't a question of this being the superior site, but rather that it had a number of good qualities that made it attractive, including the fact that it was available. He said if money were no object, there were other sites that he would choose instead.

Councilor Peter Smith asked if the sense was that this would be a much better financial deal.

Mr. Valena said when things sold at auction, they usually sold at less than market value.

There was consensus that the Council had heard enough positive things about this to matter to decide to go into nonpublic session to discuss it further.

It was noted at the December 4th meeting that there was no motion or second to go into nonpublic session. Administrator Selig said, however, that it was clearly intended to be a nonpublic session, given that there was a roll call vote taken.

Chair Neil Niman aye
Councilor Diana Carroll aye
Councilor Peter Smith aye
Councilor Mark Morong aye
Councilor Karl Van Asselt aye

Councilor Gerald Needell aye
Councilor Julian Smith aye
Councilor Henry Smith aye
Councilor Catherine Leach aye

The Council entered into Nonpublic Session at 10:40 PM.

The Council returned to public session at 11:21 PM.

Councilor Peter Smith MOVED to seal the November 6, 2006 nonpublic session Minutes. Councilor Van Asselt SECONDED the motion, and it PASSED unanimously 9-0.

XIII. Adjourn

Councilor Morong MOVED to adjourn the meeting. Councilor Leach SECONDED the motion, and it PASSED unanimously 9-0.

Adjournment at 11:22 PM.

Victoria Parmele, Minutes taker