

*This set of minutes was approved at the Town Council meeting on October 15, 2007*

**DURHAM TOWN COUNCIL  
TUESDAY, SEPTEMBER 17, 2007  
DURHAM TOWN HALL - COUNCIL CHAMBERS**

**MEMBERS PRESENT:** Chair Neil Niman; Councilor Jerry Needell; Councilor Karl Van Asselt; Councilor Diana Carroll; Councilor Julian Smith; Councilor Cathy Leach; Councilor Peter Stanhope; Councilor Henry Smith (arrived at 6:40 PM)

**MEMBERS ABSENT:** Councilor Mark Morong

**OTHERS PRESENT:** Town Administrator Todd Selig; Director of Planning and Community Development Jim Campbell; Business Manager Gail Jablonksi; Police Chief David Kurz; Fire Chief Peter O'Leary; Luke Vincent

**I. Call to Order**

Council Chair Neil Niman called the meeting to order at 6:34 PM.

**II. Approval of Agenda**

*Councilor Leach MOVED to approve the Agenda as submitted. Councilor Julian Smith SECONDED the motion, and it PASSED unanimously 7-0.*

**III. Nonpublic Session**

*Councilor Needell MOVED to go into nonpublic session in accordance with RSA 91-A:3 II (d) Land matters in accordance with RSA 91-A:3 II (d) consideration of the acquisition, sale or lease of real or personal property which, if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general community. The motion was SECONDED by Councilor Julian Smith and PASSED by a roll call vote of 7-0 as follows: Chair Neil Niman, Aye; Councilor Julian Smith, Aye; Councilor Jerry Needell, Aye; Councilor Cathy Leach, Aye; Councilor Karl Van Asselt, Aye; Councilor Peter Stanhope, Aye; Councilor Diana Carroll, Aye*

The Council entered into Nonpublic Session at 6:36 PM and Councilor Henry Smith arrived at 6:40 PM.

*Councilor Henry Smith MOVED to go back into public session. The motion was SECONDED by Councilor Julian Smith and PASSED on a roll call vote of 8-0 as follows: Chair Neil Niman, Aye; Councilor Julian Smith, Aye; Councilor Jerry Needell, Aye; Councilor Cathy Leach, Aye; Councilor Karl Van Asselt, Aye; Councilor Peter Stanhope, Aye; Councilor Diana Carroll, Aye; Councilor Henry Smith, Aye*

The Council returned to public session at 7:07 PM.

The Council stood in recess from 7:07 to 7:12 PM.

The meeting was called back to order at 7:12 PM.

***Councilor Needell MOVED to seal the Minutes from the Nonpublic session. The motion was SECONDED by Councilor Leach, and PASSED 8-0.***

#### **IV. Special Announcements**

Administrator Selig said Chief O’Leary was present to introduce the new Division Chief of Fire Prevention and Safety, Jason Cleary, who came from the Portsmouth Fire Department, having spent 14 years there as a company officer. He said Mr. Cleary had a great deal of experience and zest for fire prevention.

Town Clerk Lorrie Pitt performed the swearing in ceremony for Mr. Cleary.

Mr. Cleary introduced his wife and daughter. He said he appreciated the opportunity to serve in Durham, and thanked everyone for such an opportunity.

#### **V. Approval of Minutes**

August 20, 2007

**Page 5**, 1<sup>st</sup> paragraph under Item VII B, should read “...an issue he and Mr. Johnson had talked about was whether a home occupation....”

Same page, next paragraph, should read “Chair Niman said when he originally drafted a definition for virtual home occupation, he used wording that this use could take place in the primary or accessory structure.”

**Page 14**, 2<sup>nd</sup> paragraph from bottom, should read “..the exemption from \$32,000 to \$120,000”.

Also, headers should say 2007, not 2006.

***Councilor Van Asselt MOVED to approve the August 20, 2007. Councilor Needell SECONDED the motion, and it PASSED unanimously 8-0.***

#### **VI. Councilor and Town Administrator Roundtable**

Chair Niman said in order to move the Agenda forward more quickly, the roundtable discussion would occur toward the end of the meeting.

#### **VII. Pubic Comments**

**Henry Brackett, from Lee**, said he had come to discuss a common problem involving the School District. He said there were some policy changes proposed by the School Board, and said only one policy would be included that involved engagement with residents and taxpayers. He said this was something everyone should be concerned about, and said the Council and the citizens of the towns in the School District should contact the School Board and say the current policy should stay in place,

and should be followed.

He said one of the things the School Board was proposing was to change the public comment period at meetings so that they would not be actual agenda items, but instead would occur at the whim of the School Board. He said there was a website that outlined the policies he felt should be kept, and he listed these policies in detail. He said would provide Chair Niman with his letter, along with a copy of the proposed new policy for public comments he had referred to.

Councilor Needell asked what the timeline was for the proposed changes.

Mr. Brackett said there had to be two readings. He noted that he was the Chairperson of the Advisory Education Committee for Lee, and was also on the tri-town Budget committee. He said the first reading of these policy changes had been delayed at the most recent School Board meeting because of a long discussion regarding the Budget Committee.

**Bruce Campbell, 7 Rocky Lane**, said he wanted to discuss the plan for the disposition of 100% of the future land use tax change proceeds into the General Fund and not the conservation fund. He said he agreed with the Conservation Commission's recent letter on this subject. He noted the State's purpose in developing this funding mechanism, and also noted the Durham Master Plan goal of acquiring and maintaining open space. He said the Town was fortunate to have a Conservation Commission that had proven to be very effective in accomplishing this Town goal.

He said he recognized that there were significant budget challenges, but said he didn't recommend changes to this formula. He said he felt that making this change would make relatively little difference to the overall General Fund, but a huge difference to the conservation account, and the ability of the Conservation Commission to carry out its mission on the citizens' behalf in the future.

**Bill Hall, Smith Park Lane**, said he had spoken recently about the 401 permit, and that none of the procedures were followed that were required at the time the permitting process began. He also said the State had twice refused to answer the Town's letter asking what the restriction was based on, and had not indicated how the calculations involved had been made.

He said that when he had previously said the whole thing was illegal, he meant that the State had not accomplished any of the tasks necessary to enforce the 401 permit. He said this wouldn't stand up in court if it was shown to be arbitrary and capricious. He said he hoped that the legal opinion from Attorney Mitchell would not cause the Council to dismiss what he (Mr. Hall) had said. He said the legal opinion did not address what he had said.

**Peter Smith, Piscataqua Road**, said he was present as member of the Conservation Commission. He said the thing he would discuss was the meeting that would be held the following night at the police station meeting room, which would be a conservation priorities workshop. He provided details on this, and said it would be shown on DCAT at some point. He urged members of the Council and the public to take in this meeting.

Mr. Smith said a second issue he wished to discuss was the land use change tax initiative now before the Council. He said he regretted that he would not be able to be at the October 1<sup>st</sup> meeting when the Conservation Commission would be meeting with the Council, but said the views he would now express now were fully consistent with the unanimous views of the Conservation Commission.

He said there was an initiative before the Council to change the agreement that had been made in 2001 that devoted all land use change tax funds to the conservation fund, and to take that amount down to 0%. He noted that since the time the Town had first decided to put 50% in the conservation account in the 1990's, approximately 160 cities and towns in New Hampshire had adopted such policies.

He said the most common percentage allocated was 100% (70 towns) with the second most common percentage allocated being 50% (64 towns). He said towns and cities that had considered changing their minds brought this before the public. He said he didn't have definitive information on the number of times the percentage had been lowered, but said he had done enough research to know that this was very rare. He said most efforts had been to raise the percentage, and said efforts to lower it for the most part had been defeated.

Mr. Smith said he was involved in working on the letter that had been sent to the Council from the Conservation Commission on this issue. He noted that some people had suggested that using these funds for conservation efforts was double dipping, in that money was taken away from the taxpayers when the money came in, and was also taken from them when the money was appropriated through bonding, pursuant to the \$2.5 million bond vote, which was paid for by the taxpayers.

He said this was an incorrect analysis. He said the money that came into the conservation fund was funds that would have been paid to the Town as taxes, but with current use taxation the landowner was able to pay at a lower tax rate. He said if the landowner changed his/her mind, there was a penalty, and the amount the landowner would have paid all along in property taxes had to be paid back. He said all the Conservation Commission did with this money was to re-circulate it, as a revolving fund, in putting it toward protection of other land.

He said although the authority existed for the Council to reduce the percentage to 0%, this would be a fundamental mistake as a policy. He noted that almost all of the money in the conservation fund presently was from only 4 projects. He alerted those listening that while the amount of money in the fund was not great and would never be great, the change of policy this Council would be making was of profound importance to the Town. He said whichever way the Council voted on it, he wanted it to realize how dramatic a decision this would be.

Councilor Needell received clarification that the meeting with the Conservation Commission on October 1<sup>st</sup> did not involve a public hearing, but was an open meeting.

### **VIII. Unanimous Consent Agenda**

Shall the Town Council approve the special event permit application submitted by the UNH Campus Recreation Department to close a portion of Main Street for the annual UNH Homecoming 5K road race on Saturday, October 13, 2007?

***Councilor Van Asselt MOVED to approve the Unanimous Consent Agenda Item approving the special event permit application submitted by the UNH Campus Recreation Department to close a portion of Main Street for the annual UNH Homecoming 5K road race on Saturday, October 13, 2007. Councilor Stanhope SECONDED the motion, and it PASSED unanimously 8-0.***

## **IX. Presentation Items**

### **A. Receive Annual Report of the IWMAC - Chuck Baldwin**

Mr. Baldwin explained that the IWMAC had been directing its energy to a variety of goals:

- He said the Committee continued to advance the cause to reduce, reuse, and recycle through educational outreach, including the publication of the “Down to Earth” newsletter in partnership with the Public Works Department.
- He said the Hazardous Waste collection had gone well, with an encouraging decline in numbers.
- He said a letter was sent to all Durham businesses outlining the opportunity to participate in Durham’s Friday commercial recycling pickup at no additional cost.
- He said Mark Morong and Town Engineer Dave Cedarholm were working on a proposal for a Swap Shop addition that would be used to specifically shelter construction materials.
- He noted that IWMAC had supported Town Councilor Needell’s recommendation to have the Carbon Coalition’s Climate Change Resolution added to the March 2007 Ballot, which was adopted. He said members of the IWMAC were involved with the Oyster River Carbon Challenge, a community initiative of the NH Carbon Challenge, whose common goal was to reduce residential CO<sub>2</sub> emissions.
- He noted the IWMAC was in favor of free access to the transfer station and recycling center, and said it was encouraged by the recent proposal by Kathryn Lilly related to this concept.
- He said IWMAC members had met with the Durham Landlord’s Association, Durham It’s Where U Live, and town officials regarding efforts to improve Durham’s downtown appearance. He said one step in that direction was the purchase of trash and recycling bins.
- He said the IWMAC had gone through extensive personnel changes in the past year. He said they were grateful and fortunate to have had the contributions of Jessie Mckone, and Council rep Mark Morong. He said they looked forward to working with new members Jenna Jambeck, Kim Nadeau, and Council rep Peter Stanhope.
- He said they were looking for two new members to the Committee.

Councilor Carroll said she hoped she could look forward to reading the IWMAC’s fall newsletter. She said it was a great contribution to the community, and said people actually sat down to read it.

Mr. Baldwin said the newsletter would in fact be coming out in the fall.

Councilor Henry Smith asked when the hurricane proof Swap shop addition might be coming on line.

Mr. Baldwin said he couldn’t say for sure. He said there had been an informal meeting, where it was indicated that some hurricane bracing would be needed for the structure in order for it to go forward as a formal proposal.

Councilor Carroll spoke about how pleased people were that this Swap shop addition would occur.

### **B. Receive Annual Report of the Historic District Commission - Nick Isaak**

Mr. Isaak provided a handout on the accomplishments of the HDC over the past year.

- He said the HDC and the Heritage Commission had approved a proposed renovation and expansion of St. George’s Episcopal Church on Main Street.
- He said they had also approved a flag and bracket for the Historical Association museum to better

indicate when it was open.

- He said the HDC had approved the repainting of several homes on Mains St. owned by Varsity Durham.
- He said the HDC had completed a brochure.
- He said the said the Historic District Overlay had been made an official part of the Zoning Ordinance He thanked Peter Smith, Cathy Leach, Karl Van Asselt, and Julian Smith for their work concerning this.
- He said the HDC had proposed and adopted a list of historic paint colors that was endorsed by the Society for the Protection of New England Antiquities. He noted that there were some design guidelines in the Ordinance concerning this, but said the HDC had felt that more detail on this was needed, for people to refer to.
- He said the HDC had applied for some grants, thanks to Karen Edwards, and he provided details on this. He said that as part of this, they had tried to get grant funds for the Court House. He said they were not successful, but would continue their efforts concerning this.
- He said an architectural historian from the NH Dept. of Historic Resources had visited the HDC, and had spoken about other grants the Town was eligible for. He noted that she had said the Town could potentially get full funding for the project to list the Town's historic properties.
- He said one of the benefits of having a Heritage Commission was to look at ways to protect historic properties in Town that were outside of the Historic District. He said a primary goal for next year was to do a survey of these properties. He noted that Councilor Henry Smith would be filling out the forms for his home, as a trial run to see how this went. He said that hopefully this could encourage other residents to do this rather than having the HDC fill out the information.

Councilor Carroll asked what kind of restoration work was of interest to the HDC concerning the Court House.

Mr. Isaak said it was largely maintenance work that was needed, and he said this was perhaps why they didn't get the grant.

Councilor Carroll said the Irving Company was interested in historic preservation, and had given a lot of money for this, in Canada, where the company was based. She said given the proximity of the Court House to the Irving station, it might make sense to make this connection.

Mr. Isaak said he would send a letter to Irving concerning this.

## **X. Unfinished Business**

### **A. PUBLIC HEARING on final Development Program and Financing Plan for the Stone Quarry Drive Tax Increment Finance District**

***Councilor Van Asselt MOVED to open the public hearing on the proposed Stone Quarry Drive Mixed Use Tax Increment financing District and Development Program and Financing Plan as recommended by the Economic Development Committee. Councilor Stanhope SECONDED the motion and it PASSED unanimously 8-0.***

Administrator Selig recommended that members of the public look at the information at the front of the table. He said there was a blowup map of the proposed TIF district, along with Exhibits E and F,

which were cost sheets, and an Executive Summary that provided a brief overview of the TIF project. He also said Underwood Engineering had provided a small map that he would use to provide an overview of the benefits of providing the Canney Road loop.

Administrator Selig then reviewed the fundamentals on Tax Incremental Financing (TIF) and TIF districts. (Please see the Executive Summary at the Town website, for what a TIF is, and how it works.)

Administrator Selig said a key question was whether for the Stone Quarry TIF Proposal, the market conditions in effect were such that they would prevent the proposed development from moving forward without public TIF dollars. He said a second question was whether this was a desirable location for the community to see development occur.

He reviewed the costs of the 3 phases of the Stone Quarry TIF proposal:

- Phase One: \$850,000
- Phase Two: \$250,000
- Phase Three: \$250,000
- Total cost \$1,350,000

Administrator Selig said the total \$1,350,000 excluded the annual maintenance and operations costs. He said Phase I would be funded by public borrowing, while Phase 2 would be funded by expenditure from the Town's UDAG account. He said Phase 3 would be funded with grants, private investment, accumulated captured revenue, public borrowing, or a combination of these things, as determined by vote of the Town Council.

He next described the economic development benefits of the proposed project. He said the improvements described in the proposal were needed in order to service the existing population, accommodate planned growth in the area, and trigger additional growth. He said looping the water system would provide benefits within the TIF district by increasing water pressure, and would also benefit areas adjacent to the District and the community as a whole.

He said the proposed improvements had the potential to create between \$16-27 million in new property value within 7-15 years. He said these estimates were debatable, but were the numbers being used, and that the developer asserted were possible to achieve. He also said the Town's consultant felt this potential build-out was realistic. He said it was hard to know if this would occur within a 15 year time frame, but he said that based on Zoning, it was believed this buildout was possible.

Administrator Selig provided details on the fact that a Development Agreement would be executed. He explained that since construction of the proposed improvements would commence prior to realization of the required incremental value necessary to service the bonds to complete Phase 1 of the Development Plan (approximately \$5 million in assessed value at the existing tax rate), the Town Council would require the developer or developers to execute a clearly enforceable Guarantee Agreement. He said this agreement would require the developer(s) to pay any deficiency between the Town's actual annual cost for bond debt services and incremental tax values generated in the District.

Administrator Selig said the Town Assessor had determined that based on the 2006 tax rate, \$1 million in new assessed valuation would result in an impact of approximately \$0.03. He said that if the new valuation capped out at \$7 million, there would be a \$0.21 impact, which meant that a house valued at \$300,000 would see a tax decrease of \$60. He said a question was whether that benefit was offset by

seeing this development in that location.

He said the pay back projections utilized a 10-year bond, because this was more realistic than a longer bond amount. He said that based on a build-out schedule that added \$3 million of assessed valuation in the first year, and \$2 million in each of the following years, the developer would be required to contribute \$49,000 towards debt service in the first year only. He said that thereafter, the captured revenue would be sufficient to cover the debt service.

He said it was anticipated that sufficient captured revenue would be available to reimburse the UDAG allocation of \$250,000, plus interest in 2012. He also said it was anticipated that the \$250,000 required for Phase 3 would be available by the end of 2013. He noted that all of this depended on how quickly new taxable value was actually created in the TIF district.

Administrator Selig said that in terms of the relationship of the TIF district to the school funding formula, each \$1 million in new assessed value would result in an additional \$4,500 allocation to the school. He said based on the 2006 tax rate calculation, \$1 million in assessed valuation would generate \$24,740 in new revenue, leaving approximately \$20,240 for use to reduce taxes once the \$4,500 allocation to the school was subtracted out. He said these figures indicated that despite the amount that had to be taken out for school funding, it still made sense to use the TIF district to create new value.

Administrator Selig also said, for people who were only concerned with the impact of the TIF district on the Town part of the tax rate, \$1 million in new assessed valuation would result in an 8/10 of a cent impact on the Durham tax rate.

Chair Niman next explained that after the public hearing, the Council couldn't vote on the proposal for 15 days. He said this vote would occur in October, and said if the Council voted to approve the TIF district, Administrator Selig would negotiate the Developers Agreement, which would then come back to the Council for approval.

There was discussion that UDAG stood for urban development action grant, and that these funds, which were earmarked for economic development initiatives, had been obtained for the Town when it was trying to bring Technology Drive online. Administrator Selig said about \$400,000 was in the fund now.

Administrator Selig said TIF consultant Don Jutton, Engineer Phil MacDonald, and Community Planning and Development Director Jim Campbell were present to answer questions.

**William Hall, Smith Park Lane**, said his interest in the TIF district was very narrow. He noted that Mr. MacDonald had said the Canney Road loop would reduce the need for flushing of the system, but he said this was not true, and said the dead ends would still need to be flushed. He provided details on this. He also said that loop was closer to 2000 ft, and said it was absolutely not warranted.

He said a loop was needed so there weren't pressure drops in the fingers of the distribution system, and said this could be accomplished by taking a line from the pumping station, on Route 108 on the eastern side of Beards Creek over to Beards Landing, and taking it right to Coe Drive. He said this would be a fairly inexpensive thing to do, and should cost about \$50,000-60,000. He said he was confident that this would improve the water pressure on Ambler Way.



He said he supported extending the water line to Stone Quarry Drive and no further, and also supported considering the loop that would go across Beard's Creek.

Mr. Hall also said that it had been stated that several hundred feet of 8 inch pipe needed to be replaced as part of the proposed changes to the water system, but he said this could be done at any time, and there wouldn't be much difference in the cost. He said he was very disappointed that the Town's technical staff hadn't said these things to the Council.

**Chris Wilson, 9 Cold Spring Road**, said he was a member of the Economic Development Committee, and supported this TIF district proposal. He said this was a great opportunity for the Town to stabilize the tax rate, add value to the community, and obtain a commercial business district that the Town currently didn't have.

**Steve Jones, 33 Woodridge Road**, said he was present to read a statement written by resident Dennis Meadows. Mr. Jones first said that as a resident, he was concerned about his tax bill, and also said he had 20 years of experience in studying water quality issues on the Seacoast. He said he knew that if development was not done properly, this could cause negative impacts.

In his letter, **Dennis Meadows, 34 Laurel Lane**, said he had several questions concerning the TIF district proposal. He said he was generally in favor of projects that would lower his tax bill, but said the TIF proposal was not convincing concerning this. He said he had eight questions that had not been answered by the proposal:

- How many jobs will be generated for Durham residents?
- What evidence is there that this will lead to other business in the Town?
- Why are Phase II and III in this plan?
- Given the ongoing collapse in the real estate market, what is the basis for assuming that \$27 million in buildings will be constructed in the near future?
- What specific financial guarantees will Durham get for the risk of taking on the bond?
- What will be the increment in user fees and interest rates as a result of this project?
- Will the stretch of roadway on Route to 108 near Stone Quarry Drive eventually look like Stratham, and if not, why not? He noted that the Zoning Ordinance allowed mixed uses, with retail below, and also allowed warehouses.
- If this TIF is adopted, could we agree on a moratorium on further TIF projects until after historical data was available to show the accuracy of the assumptions being used to justify this project?

**Robin Mower, 11 Faculty Road**, said she was uncomfortable with several aspects of the TIF proposal. She said she didn't believe the public had been given a direct and clear explanation for the project, and enough time to consider it. She said the Executive Summary provided that evening would have been useful to have several weeks ahead of time.

She said this project had changed over time, including the rationale for the project. She said the original rationale was economic, but she said the project could no longer be seen as providing significant tax relief. She also questioned the use of UDAG funds to avoid putting the issue to referendum. She said the public should be under no illusion that there would be a guaranteed large revenue flow and a significant impact on the tax base. She said it was possible that the project would create enough revenue to cover the debt service, but not enough to cover Phase 3.

Ms. Mower said that Chair Niman on Sept 4<sup>th</sup> had said the rationale was quality of life, not taxes, and

she provided details on this. She said that while quality of life was allowed as a rationale, this was a subjective thing. She said a key quality of life to many people in Durham was the natural setting, and she noted that Councilor Carroll had pointed out that this was one of the main reasons people lived in Durham.

She said protecting the natural setting from degradation, visible or otherwise, was a primary value for many residents. She said all residents benefited from attractive entrance ways to Town, and said she hoped the development plans for the front fields of the project, opposite Canney Road, took that into account.

She said it was unfair for the Council to disdain the concern that many residents had expressed regarding potential changes to Route 108. She said the Zoning Ordinance disallowed strip development, but it had chinks in its armor. She said this area could look significantly different in the next decade. She said she supported Phase 1, and the improvements in the quality of life that could come from having local professional offices.

But she said she would like the Town Council to put this to a Town wide referendum. She said few people understood the TIF proposal and what was involved, and said it seemed reasonable to have the whole Town weigh in on this.

**Phyllis Heilbronner, 51 Mill Road**, said she had attended meetings concerning the Mill Plaza redevelopment, and the TIF proposal. She said she hoped the development that would occur at Stone Quarry Drive would be truly thoughtful. She also said the Town needed to look carefully at infrastructure issues, including the ability to handle increased traffic as a result of increased development. She said the Town needed to look at the long term effects of everything it did.

**Richard Kelley, 47 Stagecoach Road**, said that currently, people living in Durham were forced to travel elsewhere to get most professional services, and said he would like to have a doctor in Durham he could go to. He said he supported the TIF proposal, but asked that the Council address the concerns about the loop expressed by Mr. Hall, which had left a lot of questions in his own mind.

**Jennifer Rief, 25 Winecellar Road**, read a statement from **Chris Mueller**, the Co-chair of the Durham Taxpayers Association. In the letter, Mr. Wheeler said the TIF proposal was not merely an attempt to grow the Town out of the tax situation and get tax relief. He said it was one of many solutions that, when added together, provided meaningful tax relief. He said significant relief would happen after the initial investment was paid in full, and the incremental tax revenue could then be applied to the General Fund.

He said this was not an immediate solution, but said this didn't mean the Town shouldn't plan for the future, and use it as a good long term option. He said that was the kind of thinking that had gotten the Town to this point in the first place. He said if previous Town Councils had acted with foresight, they might not all be here discussing this now.

He said it took many years of failed leadership to bring the Town to this point, and said it would take many years to turn this around. He said people were looking to the Council to provide a solution. He said this was a defining moment for the Council, and said if the Council believed this was a good long term solution to improve the financial health of the Town, it should vote in favor of the TIF proposal.

The Council stood in recess from 8:28 to 8:40 PM.

**Jerry Gottsacker, 107 Madbury Road**, said he was a Co-chair of the Durham Taxpayers Association. He said there were two camps concerning this issue, the taxpayers concerned about sustainability and tax relief, and the stay-the-course people. He criticized comments that had been made that Durham taxes should be higher because the Town was unique and special. He said the stay-the-course people had recently said that a \$0.21 drop in the tax rate for \$7 million in new assessed valuation wasn't important. He noted that Councilor Carroll had spoken about the importance of energy saving light bulbs, and he said whether it was light bulbs or tax savings, it all added up.

Mr. Gottsacker said he believed that taxes were a critical issue for Durham, and one that must be attacked from all angles: a broader tax base, spending restraint, efficiency and productivity in Town government, UNH paying its fair share, focus on the School budget, etc.

He provided details on how he saw the tax impact of the TIF proposal. He noted that the Durham Taxpayers Association had had a table at Durham Day, and people who stopped by the table were skeptical that anything could be done about taxes. But he said the Association was not discouraged, and was pushing for a 0% tax increase for 2008. He said the taxpayers had spoken loudly and clearly last election on this, and would do so again in 2008. He said he supported smart growth, and supported the Stone Quarry Drive TIF proposal.

**Beth Olshansky, Packers Falls Road**, thanked the Council for the Executive Summary. She said one of the things that concerned her was that it was a bit disconnected from the Council discussion on September 4<sup>th</sup>. She noted that Councilor Needell had spoken about not over-projecting, or inflating what the Town might see in terms of tax revenues from the TIF district. She said this conversation was not reflected clearly in the Executive Summary.

Administrator Selig noted that there was reference in the Executive Summary to the \$7 million Councilor Needell had spoke about, under Tax Impact.

Ms. Olshansky said her point was that there had been a lot of inflated expectations about what this TIF district would generate, so it was important for the public to be aware of the September 4<sup>th</sup> discussion. She said at the end of that meeting, when it was brought forth that not all that much money might come from the TIF district, she appreciated Chair Niman's comment, that this was not just about tax relief, but was also about what else it could offer citizens in terms of services, infrastructure improvements, and amenities.

She said if they were looking at the TIF district proposal in terms of amenities, it was also appropriate to look at how it could work for a broader range of citizens. She noted that an item removed from a previous draft of the TIF document was the idea of gateway enhancements.

She said it was important to weigh the pros and cons of the TIF district, and said she didn't like the polarizing attitudes in Town. She said she didn't think anyone in Durham wanted high taxes, and also said she thought most people in Durham appreciated its rural character. She said she personally was not speaking against the TIF district, but about possible repercussions.

Ms. Olshansky said regarding the idea of thoughtful development, it was important to go back and look at the Master Plan, which spoke about the importance of preventing strip development. She also said a

goal in the Master Plan concerning the Route 108 area was to maintain a sense of open space, and said it also said retail sales, with the exception of things like nurseries, was inappropriate. She said she would like the Council to look thoughtfully at the Zoning Ordinance. She said even though standard retail wasn't allowed, mixed use was allowed, and she said a two story strip mall was possible. She said this was contrary to what the Master Plan had said.

She said as the Town moved forward with tax relief initiatives, she would like to see the Council balance this with the importance of retaining the character many residents treasured. She said this didn't have to be a black and white, polarizing issue.

Ms. Olshansky said she liked the architectural design of the professional building Mr. Garvey planned for the Stone Quarry site, and noted that he had suggested that he might be willing to have some design guidelines for the lots that he personally wouldn't be developing. She said this would be an important conversation for the Council to have, and said these guidelines would ensure there would be some aesthetic consideration given to the Town's gateways.

She also suggested that regarding the idea of maintaining and preserving open space in this area of Town, as discussed in the Master Plan, it might be possible to do a density transfer so the fields in front could be preserved and somewhat greater density would be allowed elsewhere on the lot, tucked away from the road. She said she had discussed this with Zoning Administrator Tom Johnson, and she said with the recommendation of the Town Council, the ZBA might approve something that would be of benefit to the community. She said there would be no financial impact from this, and said it might even provide a cheaper development solution.

Ms. Olshansky said there was room for everyone to contribute to the conversation, and she said finding balance was what the Master Plan was all about. She said many different citizens had worked on this, to create a vision for the future.

**Annmari Harris, Oyster River Road**, said she realized one thing that had not been stated was the possibility that if infrastructure extended as far as Stone Quarry Drive, it might someday be further extended to the Madbury town line. She said she had asked some people what the process would be to ensure that there wasn't a "domino" possibility. She said she understood that the Planning Board or the Council could initiate a change in the Zoning, in the area beyond Stone Quarry Drive, so there wouldn't be the possibility of mixed use.

She said this might be a way of compromising that would alleviate some of the anxieties people felt about additional possible development beyond Stone Quarry Drive, and she requested that the Council consider initiating this Zoning change. She noted that residents living further down Route 108 were strongly opposed to the recent change of use.

Ms. Harris also said it would have been nice if the Executive Summary had been the first page of the thick TIF packet. She said she believed there would have been much wider commentary on the proposal if it had existed. She requested that the public hearing be extended, because the public would benefit from seeing this in summary form.

**Nell Neal, 11 Riverview Road**, said she had lived in Dover for 27 years, had had served on the Conservation Commission for about 12 of them. She said she had seen Dover develop, and run amuck so that every artery now had a commercial strip on it. She said Dover had also allowed development in

existing neighborhoods without enough regard for them. She said when this had happened to her family, they decided to move to Durham. She said they knew there would be higher taxes, but realized that you get what you pay for.

She said they had felt Durham had a sense of community and a concern for the character of the Town, and that the governing bodies made decisions to conserve that. She said they had noticed that where there was commercial development, it was tucked back to maintain the Town's character and its natural landscape. She urged the Council to consider not developing the lots right along the road, so it would still look like Durham. Ms. Neal also said she hated to hear polarizing comments, and said they almost sounded threatening. She said this was not the right way for members of the community to plan together, and said they could all do better.

**Bill Hall** said he had been the only person at the public hearings on the Jackson's Landing plan who spoke in favor of leaving parking where the boats were launched. He said the purpose of this property was to have a launch ramp and dock. He said he had launched boats there for 50 years, and said he went down there more than 100 times a year, but generally hadn't seen members of the Council there.

He said the Jackson's Landing Committee had an agenda, and had no concern for the people who have used that place regularly, and who were now aghast at the plans for parking. Mr. Hall said the parking spaces didn't have to be eliminated in order to have a park there. He also said it was not appropriate to include the Jackson's Landings improvements as part of the TIF, and said this was not what had been discussed at the Jackson's Landings public hearings.

**Robin Mower** echoed the comments regarding polarization of attitudes, and said this was distressing to hear about and experience. She said most people were interested in having some kind of development in Durham. She said she had attended several Mill Plaza Study committee meetings, and said this was a complex project. She noted that a facilitator was used for that process, in recognition of the fact that there were many different stakeholders and idea.

She said the Town would benefit from having a facilitator for a TIF district project. She said although that was not likely to happen now, it was important to remember to listen to what other people were saying, and asking for.

She also said that at the Mill Plaza meetings, there had been some discussion by the AIA team that should the need arise, there might be a request to change the Zoning Ordinance if it was felt this would benefit the Town. She said that as Ms. Harris had pointed out, it might be possible to incorporate ways to protect visual elements. She said if there was, she would urge the Council to do so.

**Phil MacDonald of Underwood Engineers** spoke briefly concerning the benefits of doing the Canney Road loop: improvements in emergency response; simplification of maintenance; improvements in fire protection; and improvements in public health. He noted that a fact sheet had been provided concerning this.

Mr. MacDonald then described a schematic of the Town water system, and demonstrated the Phase 1 and 2 connections that were planned. He spoke in some detail about the advantage of the Canney Road loop vs. a Beard's Landing loop, noting among other things that the Beard's Landing approach still left some dead ends that could be problematic.

Councilor Carroll asked for details concerning how often water mains actually broke, and the issue of isolation and maintenance of pipes.

Councilor Carroll said that when she had read the information provided on water quality improvements, etc., she wondered why the proposed changes weren't done a long time ago.

There was brief discussion on this. Chair Niman said he didn't want a debate on the water system that evening, and said perhaps they could discuss this on another evening. He noted that members of the public could still comment on the TIF proposal for at least the next 15 days. He asked Administrator Selig to put the executive summary of the TIF report on the Town website.

Administrator Selig said the soonest the Council could take this up was October 15<sup>th</sup>. He said in the mean time, residents could provide comments in writing, and could provide public comments at the October 1<sup>st</sup> meeting. He said the entire TIF plan, was already on the Town website, under the Planning Department, and said he would put the Executive Summary on there as well.

***Councilor Van Asselt MOVED to close the public hearing. Councilor Leach SECONDED the motion.***

Councilor Carroll said she had taken some notes based on what members of the public had said, and said she had some questions about some of these things, for example, what had happened to the gateway language. She said she would like these questions to be answered before the Council went into deliberations.

Councilor Julian Smith said there was a brief reference in an earlier draft about gateway enhancement. He said there had been no specifics on what form that enhancement would take, so this abstraction had disappeared from the document.

Councilor Henry Smith said he thought there had been discussion about sidewalk enhancements, specific to the gateway idea.

Administrator Selig said this idea was dropped when concern was expressed about going to the Madbury line as part of Phase 3.

Chair Niman noted the suggestions made that evening concerning design guidelines, and said when the development agreement was negotiated, perhaps some guidelines could be negotiated as part of this. He also said perhaps Mr. Johnson had some suggestions the developer might be receptive to concerning the idea suggested of not developing the front fields in exchange for somewhat higher density allowed elsewhere on the lot.

He said he didn't see why the Council couldn't pursue this. He also said the Town could get rid of retail uses in this zone, through a process that would be independent from the TIF project. In answer to Councilor Carroll, Chair Niman said he did feel comfortable that the Council could take these ideas into the deliberations.

Councilor Needell said after the 15 day period, the Council could adopt the TIF proposal as it was, could reject it as it was, or could modify it. He said it was important for the Council to consider all three of those options. He also received clarification that if it was modified, and the change was

considered substantial, another public hearing would then be required.

***The motion PASSED unanimously 8-0.***

- B. Transition of Dispatching Services From the University of New Hampshire Communications Center to the Strafford County Dispatch Center.
1. Presentation by Dr. Ralph Ioimo, Project Manager/Public Safety Consultant
  2. Resolution #2007-23 waiving the purchasing requirements of Chapter 4 “Administrative Code”, Article IV “Procurement”, Section 4-23 “Exceptions, Waiver, Standardization and Emergencies” of the Durham Town Code for purchases from Information Management Corporation for public safety information system software due to the need for standardization of the materials, supplies, equipment and services of said information system software relative to the transition of dispatch services from the University of New Hampshire Communications Center to the Strafford County Dispatch Center.

Administrator Selig said that for about 4 years, the Town had been looking at the idea of making the transition to the County Dispatch Center. He explained that after the new Strafford County facility was constructed about a year ago, and Town staff had toured it, they had decided to move ahead more aggressively to determine if such a transition would be feasible.

He said that currently, the Town used a combined Town/UNH facility that was owned and operated by UNH. He said the costs were shared 60/40, with Durham’s 40% costing the Town about \$270,000 per year. He said with the transition to the County, the cost would be about \$30,000 per year.

Administrator Selig said the presentation by Mr. Ioimo would be followed by a request for action by the Council on a sole source award of services.

Councilor Van Asselt asked Administrator Selig what he actually wanted from the Council concerning this Agenda item.

Administrator Selig said he wanted the Council to approve Resolution #2007-23, which waived the purchasing requirements, and granted a sole source award of services. He said the software and training involved with this was needed in order for the Dispatch Center transition to move ahead.

Councilor Van Asselt said that therefore, implicit in approving this Resolution was approving the change to the County Dispatch Center

Administrator Selig said that was correct. He said at present, Durham was on a path to make this transition. He said he was asking the Council to take this action that evening with the Resolution in order to move the Dispatch Center to the County.

Councilor Van Asselt asked why the Council didn’t simply approve that move.

Councilor Leach asked for clarification on what the Council’s role was in this process.

Administrator Selig said the role of the Council was to hear the presentation by Mr. Ioimo, and to learn about the process for transitioning the Dispatch Center to the County. He said the concern the year before was that there were many unknowns as to whether such a transition would in the long term hurt

public safety.

He said it was now believed that there would be no negative impacts, and said it was hoped that based on this, the Council would have confidence in approving this Resolution. He noted that there were additional outstanding technical issues still to be completed, but said in effect, by approving the Resolution, the Town would go ahead with the change.

Durham Manager of Information Technology Luke Vincent spoke before the Council, and said he was really excited about this project. He said it was a project that was important to every resident of Durham, and said it had been approached with great care. He said it had been recognized that perspective was needed on the best way to proceed, so the Town had hired consultant Ralph Ioimo, who was the best of several candidates for the project.

He said Mr. Ioimo had been the glue that took the Town's knowledge of specific aspects of the system and combined into a list of steps that needed to be taken to move forward with the project. He said the report Mr. Ioimo had developed would be available online, and said there was also a project plan.

Mr. Ioimo provided a detailed slide presentation on the feasibility report he had developed. He said the report was based among other things on an onsite assessment of the UNH Dispatch Center and the Strafford County Dispatch Center. He also said a number of meetings were held with the various participants to discuss the necessary steps in a transition.

He said the current costs the Town paid for dispatching were looked at along with the costs associated with transitioning to the County Dispatch Center. He said a detailed project plan was developed, which identified major tasks and subtasks, and the time needed to complete them, in order for the transition to happen.

Mr. Ioimo said his firm had determined, based on the information collected and the analyses performed, that there was no technical or functional reason that precluded the transition. He said this could happen, if the desire was there. He then reviewed the many tasks that needed to be performed in order to accomplish the transition, along with issues associated with these tasks. He said that based on this list, the earliest "go live" date was February 1, 2008.

Mr. Ioimo reviewed the risk factors that Durham needed to address or be prepared to address as this process moved forward:

- He explained that the work volume the Town of Durham added to the communication center warranted one post position, or five call taker/dispatchers. He said the Sheriff planned to handle this by hiring three call takers/dispatchers, and filling the gap with overtime slots. He said the Sheriff's proposed staffing methodology posed a risk.
- He said the training of new call takers/dispatchers required 12 weeks for complete training. He said it would be necessary to ensure that these people were hired in ample time to complete at least the preliminary training, in order to allow them to be productive before the "go live" date.
- He said there was a short training window for when the new call takers/dispatchers must be hired in order to guarantee their availability by the time the Dispatch Center started to service Durham.
- He said the Town of Durham and the County had been working by means of a "gentlemen's agreement", and said he highly recommended that they develop a Memorandum of Understanding that covered operations, administration, and costs.



- He said the Town would need to obtain the necessary frequencies from the FCC, explaining that delays in obtaining these could delay the project.
- He said there was a risk in converting the current VisionAIR and TIPS data to the new IMC system. He explained that important data could be lost, and said the cost to convert could exceed the budgeted conversion costs.

Mr. Ioimo reviewed the Project Costs, for the following items, in the first year of operation:

- Required Radio enhancements
- FCC Licensing Fees
- Police CAD and Records Management
- Fire CAD and Records Management
- Leased Line Annual Cost
- Strafford County Dispatch Center Telecommunication, Call Taking and Dispatch Services

Total Known Project Costs: \$511,491; with contingency of 10%, \$562,982

He then reviewed the Recurring Annual Costs:

- Strafford County Dispatch Center Telecommunication, Call taking and Dispatch Services
- Police software maintenance costs
- Fire software maintenance costs
- Leased line costs

Total Recurring Costs: \$76,300; with contingency of 10%, \$83,930

Mr. Ioimo said these numbers indicated that in the long term, the Town of Durham stood to save a significant amount of money. He then provided the following recommendations:

- All Strafford County Dispatchers should receive Fire Dispatch training, utilizing the IMC CAD Fire Dispatch System.
- The dispatchers should ride along with the Fire Department for one or more tours to learn the Durham idiosyncrasies.
- The hiring of call takers/dispatchers should begin immediately in order to ensure they will be ready to begin dispatching at the cutover.
- Both UNH and Strafford should consider an interface that will allow for the transfer of call data from one center to another.
- The transfer of E9-1-1 calls from Strafford to UNH and vice versa must be worked out either strategically or through a computer interface, preferably a computer interface.
- The Town of Durham should obtain a Memorandum of Understanding with Strafford County. Cost creep in combined communication centers is a big risk; the MOU should encompass cost controls.

Mr. Ioimo said there was no reason Durham couldn't do this transition. He said he had learned over the years with the many projects he had been involved with that it was not the technology that stopped a project from happening, it was the desire on the part of the agencies involved to make it happen.

There was discussion about what it meant if the go live date was delayed, and the fact that among other things, this would push back the pay back time accordingly. Chair Niman noted that the out of pocket costs to UNH would continue during the delay.

Councilor Leach asked for clarification that there would not be any safety implications of such a delay.

Councilor Needell asked what item was the one that was most likely to break the go live date.

Mr. Ioimo said it was bringing up the CAD system, including the training involved. He said there was a short time frame, and said Town and County staff had a lot of work to do.

There was discussion about the schedule, and the fact that November and December were difficult months. Mr. Ioimo said the contingency factor took the weather into account.

Councilor Needell asked how receptive the County was to the recommendation concerning staff training.

Mr. Ioimo said they had been very receptive, and he provided some details on what was involved.

Councilor Leach asked for details on communication with the UNH Dispatch Center and other appropriate UNH entities concerning the transition.

Administrator Selig said there had been ongoing conversations with the University, and said the Town had been assured that there would be cooperation. He provided details on this.

Councilor Leach asked if UNH thought the transition could be implemented, and if the various issues could be worked out.

Mr. Ioimo said he didn't see any issues with UNH that couldn't be worked out.

Councilor Leach said the annual cost was more likely around \$76,000, not \$33,000. She asked for details on the leased line cost of \$30,000.

Mr. Ioimo explained that having leased data lines might be a better approach because they were less vulnerable to interruption than a microwave system.

Councilor Leach asked if there was any reason not to move forward with the transition, from a safety perspective, and Mr. Ioimo said he didn't think there were any issues that couldn't be overcome.

Councilor Leach asked if citizens would see any delay in response time, and Mr. Ioimo said he didn't see why this should happen.

Administrator Selig noted that there were actually some safety enhancements with the new plan, and Mr. Ioimo provided details on this, noting among other things that there would be mobile computing capabilities that the Town currently didn't have.

Councilor Van Asselt said it was important to hear from the Fire and Police Departments that from a program standpoint, they could use this new system.

Councilor Stanhope asked if there would be a change in employee staffing with the new system, and was told no. He also asked if the track record of the performance of the County Dispatch center had been studied, and if so, what had been found.

Administrator Selig said the Town had collected a lot of information on this prior to the new County

facility that was built. He said dispatch capabilities had been upgraded significantly with the new facility, and said it should be able to meet the Town's needs. He said there might be some deterioration in customer service at first because there would be less familiarity with Durham as compared to the UNH Dispatch Center. But he said it was felt that in time, this would improve.

Mr. Ioimo said this loss of customer service did tend to happen at first with changeovers to regional dispatch centers. He said it would take some time to learn about Durham, and said he recommended ride-alongs with the Fire and Police departments to help with this.

Administrator Selig said he felt the savings the Town would receive made up for the minimum loss of service, especially knowing that in time, this level of service would improve. He also noted that the fact that Durham was coming to the County would be a shock to the system. He said cities and towns in the County were watching to see how things went, and he said if the move was successful, the prediction was that the Dispatch Center would grow in terms of its reach.

Mr. Ioimo agreed that Durham's move to the County Dispatch center would be a driving force that would push the center toward greater professionalism.

Councilor Stanhope asked to see the Towns that were currently served by the County facility. He also said he was concerned about being short of personnel, and asked if turnover would be a big concern.

Mr. Ioimo explained that the Sheriff wanted to be cautious about adding permanent employees. He said the overtime issue was one the Town would want to negotiate on, noting that there was the concern about what assurances there were that people would want to do overtime. He agreed that this staffing issue must be included in the Memorandum of Understanding.

There was discussion that the County Dispatch Center was currently in the process of seeking CALEA certification.

Councilor Needell said the Town wouldn't be getting something for nothing. He also noted that the taxes Durham residents paid to the County would help pay for the additional employees at the Dispatch center. He asked what the Town would be trading away, other than some loss of personal service, in making the transition to the County.

Mr. Ioimo said the Town might be trading away some response time for certain kinds of calls, and he provided details on this.

Councilor Carroll asked if there had been problems with the UNH Dispatch Center, other than cost.

Administrator Selig said customer service had been good but he said responsiveness regarding technical issues with the UNH records management system had raised some concerns over time. He said the move to the new IMC system was viewed by the Police Department as a major improvement. Councilor Carroll asked where the microwave system would be placed.

Mr. Vincent said they were looking at using Stoke Hall, with an intermediate path to the Beech Hill tower, and down to Strafford.

Administrator Selig said a 100 ft tower at the Police Department would really complete the system and

eliminate some recurrent costs, but he said this wasn't presently in the cards.

Councilor Carroll asked if Durham would have any influence on policies concerning how this facility was run.

Mr. Ioimo said all the agencies that the facility dispatched for met as a group and set policies. But he said the MOU, which would be renegotiated periodically, should cover the major issues.

Administrator Selig said each department had one representative to this policy committee.

Councilor Van Asselt asked how Councilors voting yes on this would tell people what the difference would be, spending half a million dollars on this, when Durham already had a good dispatch center.

Administrator Selig said in doing this, the Town was taking advantage of something it already paid taxes for, and that it was entitled to. He said UNH had provided great service, but it was more costly. He noted that if the County government structure was eliminated, there might be a different discussion.

Councilor Needell asked if any of the costs incurred here were part of the shared agreement with UNH.

Administrator Selig said about \$80,000 would be covered by fees generated and collected over time at the UNH Dispatch facility. He said the Town would apply those funds toward the transition costs. He said Business Manager Gail Jablonski had developed an overview of where the various funds to pay for the transition would come from, and what the payback schedule would be.

***Councilor Needell MOVED to extend the meeting beyond 10:00 pm. Councilor Van Asselt SECONDED the motion, and it PASSED unanimously 8-0.***

Chief Kurz said the Police Department had received the instruction to make this happen, without sacrificing safety. He noted that this was more technically challenging than had been anticipated. He said research he had done had found that regional dispatching systems were the way to go, and said although there were challenges in making the transition, they were solvable. He said it would save the Town significant money, and said there were no significant obstacles in the way.

He noted that the IMC software was what everyone in NH used except UNH and Durham. He said the UNH system had been difficult to work with, and said he was looking forward to using a more flexible, user-friendly, stronger data system. He provided details on how the existing data would have to be converted to IMC.

Administrator Selig noted that Durham police officers had never been able to use laptops on patrol because of the existing VisionAir system.

Councilor Needell asked how the transition would impact the Car 54 installation, and was told IMC would work with it, while VisionAir did not.

Fire Chief O'Leary said he had a fair amount of experience with regional dispatching. He said the concerns he had expressed from the beginning of this process was that without proper training of dispatchers, Fire Department personnel would be at risk. He noted that the County dispatchers didn't have a lot of experience with fire dispatching, while UNH did, and said the assurances he had been

given were that the County would train their dispatchers. He said it would be a huge relief to him if that issue was solved.

He said another concern was the radio infrastructure, and the ability there would be to use portable radios. He said the Fire Department needed to be able to communicate to Strafford County the way it did to UNH, and he said otherwise, there was significant risk. He noted that the fire radio infrastructure was analog, while the police radio infrastructure was digital and more advanced.

Chief O'Leary expressed concerns about other response issues, including the transfer of E9-1-1 calls from Strafford to UNH and vice versa, which would have to be worked out. He said if all the things Mr. Ioimo had spoken about were put in place, things would be ok. But he said he remained somewhat skeptical because there were some unknowns, especially for the Fire Department.

Councilor Needell said the Council had heard from the consultant that these issues were all solvable, and that the go live date was the big unknown. He asked Chief O'Leary if he shared this perspective, or if he was concerned that the system might not function right.

Chief O'Leary said the radio infrastructure was his greatest concern, in terms of whether there would be sufficient training of dispatchers, so the Fire Department could be alerted correctly.

There was further discussion about response capabilities.

Ms. Jablonski went through the one time costs and the recurring costs for the transition, along with the pay back schedule. She said the Town would save \$88,000 in 2008, and said the amount saved would increase every year as the interest cost dropped. She said there was a 4 ½ year pay back schedule, and said at the end of 5 years, the Town would be debt free, having paid off the bond. She also said \$479,250 would have been returned to the General Fund.

Councilor Needell asked if there was any funding out there to help pay for some of these improvements.

Mr. Ioimo said this was the kind of thing that the Homeland Security Department liked to pay for. He noted that most of that money went to the State, which then decided where it went from there.

Administrator Selig said another potential offset to the cost was that there was approximately \$170,000 in infrastructure improvements which would already been in place if the County was providing dispatching serviced in Durham. He said it was his own position that the County should cover that cost, but he said this couldn't be covered up front. He said he had discussed with the County the idea of waiving the \$33,000 toward capital costs until the \$170,000 amount of investment was paid off. He said this was a possibility that was still hanging out there.

Councilor Leach asked if the \$80,000 from UNH had been figured into the numbers Ms. Jablonski had gone through, and was told yes. She also asked whether yearly costs could be expected to increase in the future, and Administrator Selig said yes, but also noted that UNH costs would most likely be increasing as well.

There was discussion that yearly costs for using the Dispatch Center would be calculated based on census data, just as this data was used to determine the amount of tax Durham owed the County each

year.

Councilor Van Asselt asked Administrator Selig if he was sure that the costs would be the same or less through the County than they would be with UNH.

Administrator Selig said yes, He said member towns were focused on saving every penny, while UNH was generally focused on larger goals.

Chair Niman noted that the University had proposed a large increase in recent years, which supported what Administrator Selig had said.

***Councilor Van Asselt MOVED to hereby adopt Resolution #2007-23 waiving the purchasing requirements of Chapter 4, Administrative Code”, Article IV “Procurement”, Section 4-23 “Exceptions, Waiver, Standardization and Emergencies” of the Durham Town Code for purchases from Information Management Corporation for public safety information system software due to the need for standardization of the materials, supplies, equipment, and services of said information system software relative to the transition of dispatching services from the University of New Hampshire Communications Center to the Strafford County Dispatch Center. Councilor Henry Smith SECONDED the motion.***

Administrator Selig said it was likely that on October 1<sup>st</sup>, the Council would be presented with a Resolution to amend the 2007 budget by the amounts listed here. He said a public hearing would be required, and also said a 2/3 vote would be required, as was the case with the present motion.

Councilor Leach said that everyone involved had done a really good job with the presentation and the discussion on this issue.

Councilor Carroll said she had heard some concerns expressed, especially by the Fire Department. She said she presumed that the transition would not be finalized until everything that was needed was in place.

Administrator Selig said he hoped Councilors had all heard the attention to detail that was needed in order to address the infrastructure issues. He said the Town would need to move ahead immediately with the software conversion. He said the transition would be done carefully, and said the switch wouldn't be flipped unless staff were comfortable that everything was in place. He said if more time was needed, they would take this time.

***The motion PASSED unanimously 8-0.***

The Council stood in recess from 10:55 to 11:01 PM.

C. Discussion relative to the September 11, 2007 tri-town meeting with the Oyster River School Board

Chair Niman said he wanted to update Councilors on what had happened at the end of the tri-Town meeting. He noted that Councilor Leach had suggested that it could help if the number of people involved was reduced, and had suggested that the chairs of the various governing bodies, the Chair of the School Board and the School Superintendent should get together to talk. He said that was how they were going to proceed, and said he therefore wanted to check with the Council about what he

could say at that meeting.

Chair Niman also said that a representative from Lee had expressed willingness to talk about the apportionment formula. He also said Madbury had agreed to sit down and talk about it at least once. He said he felt this was a very good outcome. He said he would like the Council to talk about what might be discussed with Lee and Madbury concerning the apportionment formula. He said he would also like the Council to discuss the future of the Budget committee.

He said he didn't want the apportionment formula discussions to go the way they had a few years back. He said this time, he would like to sit down and agree to collect some common data. He provide details on historical data on all three towns from 1963-1993 that had been collected by Lee and included in a report written in the 1990's on how the school funding formula impacted the three towns.

He suggested that this study should be updated to 2006, which would mean there would be almost fifty years of data with which to better evaluate the situation. He said while everyone might not interpret the data the same way, at least there would be clean data.

Chair Niman also said he hoped the committee would look at why some towns in cooperative school districts were happy, and the kinds of discussions and solutions they had come up with to ensure that all the towns in a district were satisfied. He said he thought the committee should also look at why some towns were unhappy about being in cooperative school districts.

He said with this kind of information, and looking at a range of apportionment formulas, the committee could then have a discussion. He said last time, there was no data. He said he hoped Lee and Madbury would at least agree to the idea of data collection, and also said if they could then agree on some data, it might be appropriate for each town to take a position, relative to the formula, and to recommend solutions. He said they could then come together to see if there was common ground

He said if Durham was the only one to say the formula was not fair, it could then decide where to go from there. He said he hoped that this way, each town could develop a position and an understanding of why each town took the position it did, and could help come up with a cooperative solution. He asked if Councilors liked this approach.

Councilor Needell said he liked it a lot. He said while the tax situation was an urgent matter, this issue was not going to be solved quickly. He said after collecting this information, people could then decide where to go with it. He asked if the current representatives to the committee were happy to participate in such a process.

Chair Niman said he didn't know. He said the first thing to do would be to see if Lee and Madbury thought this was a good approach, and then they could figure out the mechanism to carry this out.

Councilor Stanhope said he hoped if it got to the point where the three towns had put their positions down and couldn't reach an agreement, they would consider having professional arbitration, rather than having Durham go its own way.

Other Council members agreed Chair Niman's approach was a good one.

Chair Niman said the School Budget Committee had done a great job, and said he would like it to

continue.

There was detailed discussion on how this Committee could play a meaningful role in shaping the budget of the School District.

Councilor Stanhope said if it didn't appear the School Board had an interest in having the Committee participate in the Budget process, the Council could ask the Committee to report back to it. He said this would provide the Committee with a public forum to distribute its information to the public. He provided details on this. He also said the Council should ask the committee to look at the Town Budget, as a demonstration of good will.

Councilor Leach said she felt more comfortable with the Budget Committee being more of a citizen impetus group rather than a Council-driven group.

Councilor Needell said this was not the Council's Budget involved here. He said it was ok if the Council wanted to appoint a committee to get at this, but said it was the Committee that would have to persuade the School Board to embrace any recommendations. He said the School Board process should be open enough to allow this input, and if it wasn't, they had to deal with this.

He said the Council might want to appoint a member of the Council to go to School Board meetings, but he said this was a different issue. He said it was disconcerting to hear about concerns with the present process and the degree of openness. He also said the work of the Budget Committee so far was meaningful and well done, but said he was not sure what their role should be going forward.

Jerry Gottsacker said he was a member of the Budget Committee from Durham, and said he had been going to School Board meetings over the past several months. He said he had observed that the School Board wasn't really interested in public input. He said there was great cooperation between the three towns on the Budget Committee, but said the member representing the School Board wanted the Committee's report to make the School Board look good. He also said it was difficult to get information. He said if things proceeded as they had been proceeding, the process would go nowhere and the Committee members would lose interest. He also said there simply wasn't time for the Budget Committee to also look at the School Budget.

Henry Brackett, from Lee, who served on the Budget Committee, said voters without kids in the schools didn't see the details of money being spent. He said these details were not out in the open for members of the public to learn about, and he provided details on this.

He said there were policies in place that were supposed to be used to run the School District, but said they had not been followed. He said information dissemination was not as accurate as it could be. He said there needed to be a way to look at the Budget, and what people were paying money for that they weren't getting the benefits from.

Councilor Leach said at the upcoming meeting they were going to, Administrator Selig and Chair Niman should ask how people wanted the Budget Committee to proceed. She said there also needed to be discussion with the School Board about how the public could be better educated on the budget, and have more of a voice concerning it. She suggested that if no progress was made, it might make sense to put the formulation of a district-wide Budget Committee on the ballot for residents to vote on.



Councilor Needell said these were important issues, but were School Board issues. He said he didn't think it was appropriate to inject the Council into the Board's role. He said it was important that the concerns being raised were brought forward. But he said the Council couldn't put an article concerning this on the warrant. He said the Council had to be very careful to keep the School Board process and the Town process separate.

Chair Niman said he didn't disagree with this, but said perhaps they could help this process. He said one way to do this was to allow the Budget Committee to meet in the Council Chambers, and to broadcast the meetings to the entire district in order to make it easier for the Budget Committee to communicate with the public. He said the question was whether the Council would support such an approach.

Councilor Stanhope said the meeting with Lee and Madbury would be a forum to make it clear that the three towns were hearing from their taxpayers that they were unhappy with their taxes, a key component of which was the School budget, and that the citizens were not satisfied with the School budgetary process.

Councilor Needell asked if the upcoming meeting would be a public meeting, and Chair Niman said he assumed would be, and would let people know when it would take place.

#### **XI. New Business**

There was no new business.

#### **XII. Extended Councilor and Town Administrator Roundtable (if required)**

Chair Niman thanked Nicole Moore for doing a great job organizing the Durham Day picnic and announced there would be no time for a Council and Town Administrator Roundtable.

Councilor Henry Smith said it was important that when the vote on the TIF was taken, all nine Council members were present.

Administrator Selig made note of a Center for Public Policy brochure entitled "*Shifting the Load: dealing with Tax Exemptions*", which would be very helpful to the Council as it dealt with this issue.

#### **XIII. Nonpublic Session (if required)**

***Councilor Needell MOVED to go into Nonpublic Session in accordance with RSA 91-A:3 II c. Councilor Julian Smith SECONDED the motion, and it PASSED unanimously 8-0 by roll call vote of 8-0 as follows: Chair Neil Niman, Aye; Councilor Julian Smith, Aye; Councilor Jerry Needell, Aye; Councilor Cathy Leach, Aye; Councilor Karl Van Asselt, Absent; Councilor Peter Stanhope, Aye; Councilor Diana Carroll, Aye; Councilor Henry Smith, Aye; Councilor Mark Morong, Absent***

The Council entered into Nonpublic session at 11:32 PM.

Councilor Karl Van Asselt left the meeting at 11:34 PM.

The Council returned to public session at 11:53 PM.

***Councilor Needell MOVED to seal the Minutes. Councilor Henry Smith SECONDED the motion, and it PASSED unanimously 7-0.***

**XIV. Adjournment**

***Councilor Leach MOVED to adjourn the meeting. Councilor Carroll SECONDED the motion, and it PASSED unanimously 7-0.***

Adjournment at 11:54 PM

Victoria Parmele, Minutes taker