

**This set of minutes was approved at the Town Council meeting on January 14, 2008**

**DURHAM TOWN COUNCIL  
MONDAY, DECEMBER 3, 2007  
DURHAM TOWN HALL - COUNCIL CHAMBERS  
7:00 PM**

**MEMBERS PRESENT:** Chair Neil Niman; Councilor Mark Morong; Councilor Karl Van Asselt (arrived at 7:20 PM); Councilor Jerry Needell; Councilor Diana Carroll; Councilor Julian Smith; Councilor Henry Smith; Councilor Peter Stanhope

**MEMBERS ABSENT:** Councilor Cathy Leach

**OTHERS PRESENT:** Town Administrator Todd Selig; Business Manager Gail Jablonski, Director of Public Works Mike Lynch, Assessor Robb Dix

**I. Call to Order**

Chair Niman called the meeting to order at 7:01 PM.

**II. Approval of Agenda**

*Councilor Henry Smith MOVED to approve the Agenda as submitted. Councilor Morong SECONDED the motion.*

Councilor Stanhope asked that Item VIII, regarding the open ZBA position, be taken off the Agenda. He said he personally needed more time to evaluate the qualifications and voting records of the two alternates, noting that Saturday morning was the first that he had learned of this matter. He said that otherwise, he would have to abstain.

*Councilor Stanhope moved to amend the Agenda by removing Item VIII. Councilor Morong SECONDED the motion.*

Councilor Henry Smith said he opposed the motion, stating that he had a lot of confidence in ZBA Chair Jay Gooze, who had recommended that ZBA alternate Ruth Davis move up to the regular ZBA position.

Councilor Julian Smith said the Council should discuss this at its place on the Agenda that evening, rather than take it off the Agenda.

Chair Niman said he had known Ruth Davis for 10 years, so would be voting for her regardless. But he said he had a hard time saying no to Councilor Stanhope concerning the idea of having more time to evaluate the qualifications of the two alternates.

Councilor Carroll said she agreed with Chair Niman. She said she had seen Ms. Davis

at ZBA meetings, and said Chair Gooze's recommendation was fine with her. But she said the Council owed Councilor Stanhope the courtesy of having more time to consider this matter.

***The motion to amend the agenda PASSED 4-3, with Councilor Henry Smith, Councilor Julian Smith and Councilor Needell voting against it.***

***The motion to approve the Agenda, as amended, PASSED 7-0.***

### **III. Special Announcements**

- Administrator Selig thanked the Durham Business Association for sponsoring the annual "Light Up Durham" Celebration, and said there had been a good turnout for the event.
- He reminder residents that tax bills were due by the end of the day on Dec 10<sup>th</sup>.
- He said the Churchill Rink had opened that day, and also noted that the Whittemore Center ice had recently failed, so the University might want to use the Churchill Rink as long as it wasn't being used by others.
- He said the existing personnel policies were in the process of being updated, and provided details on this.
- Councilor Morong asked if the Right to Know Law came into play with that document, and Administrator Selig said it did not.

### **IV. Approval of Minutes**

#### November 5, 2007

Page 14, 9<sup>th</sup> paragraph, should read "...resulting in empty beds."

Page 17 1<sup>st</sup> paragraph, should read "Councilor Morong asked what a draft emergency actually meant."

Page 21, it should be noted under Item X C that Councilor Stanhope left the meeting during that discussion.

***Councilor Julian Smith MOVED to approve the November 5, 2007 Minutes as amended. Councilor Peter Stanhope SECONDED the motion, and it PASSED unanimously 7-0.***

#### November 12, 2007

Page 1, Under Members Present, strike the second "Leach"

Page 3, 1<sup>st</sup> full paragraph, 2<sup>nd</sup> sentence, should read "\$2.93 per 100 cubic feet" and "\$5.22 per 100 cubic feet."

***Councilor Morong MOVED to approve the November 12, 2007 Minutes as amended. Councilor Carroll SECONDED the motion, and it PASSED 6-0-1, with Councilor Stanhope abstaining because of his absence from that meeting.***

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

Councilor Henry Smith noted that the Boston Globe North had reported that the Department of Public Works phone number was finally listed in the Verizon phone directory.

Councilor Carroll said she was at the Dairy Bar the previous week taking the train to Portland, and noted that a lot of the intermodal transportation construction work for that location had been done, and appeared to be nearing completion. She said C&J Trailways had already started bus service there, with a bus leaving Durham at 5:30 am and leaving Boston to return north at 3:00 pm.

Councilor Carroll also pointed out that it was the holiday season, and said residents should remember to shop downtown, where there were a lot of useful gifts and a lot of gift certificates available.

Administrator Selig said discussions with the University regarding policing issues would begin soon, and said he had been thinking about getting some representation from the Council concerning this. He said he would like to ask Councilor Leach and Councilor Needell to participate in the process. He also noted that he, Business Manager Gail Jablonski, Police Chief Dave Kurz, Deputy Police Chief Renee Kelley, and consultant Russ Thibeault would be involved in this process. He said he wanted to be sure Councilors were comfortable with this process.

## **VI. Public Comments**

**Chris Mueller, 6 Timberbrook Lane**, spoke about the definition of “ecosystem”, and noted that when an ecosystem was imbalanced, it would either be destroyed over time, or would reinvent itself. He said the community of Durham was an ecosystem, and said the people living there were a part of it. He said food, water, infrastructure, houses, economic resources, conservation land, agricultural land, scenic vista, etc., all helped to maintain the viability of this ecosystem.

Mr. Mueller said he was concerned that Durham’s ecosystem was reaching a state of imbalance. He said 70% of taxes went to the School District, which for many residents created a tax situation that was not acceptable. He said residents then looked to the Town for relief, and the Town as a result might then make sacrifices to achieve a certain level of taxation for the Town. He said ultimately, the School Budget did affect the decisions the Council made.

He said the easy way out was to say the School Budget was the responsibility of the School Board. But he said having served on the tri-town Budget committee and having attended School Board meetings, he saw that the School Board at present lacked the oversight required to manage the School Budget.

He said the Durham Taxpayers Association asked that the Town Council continue to lead the Town toward fiscal responsibility. He noted that based on RSA 32 and RSA 195 12 A, the Town of Lee had sponsored a petition for a warrant article regarding the formation of a municipal School Budget Committee for the Oyster River School

District. He such a committee would be responsible for working to provide the School Board with its Budget.

Mr. Mueller said the Durham Taxpayers Association fully supported this effort, and asked that members of the Town Council do the same, as individuals and as community leaders. He said it would take leadership at both the Town and School Board levels to help the community reach its full potential in a fiscally responsible manner.

**Bill Hall, Smith Park Lane**, said he had observed a recent event where the School Board had hosted a large gathering of concerned parents, regarding a points system, and said he thought the School Board needed more than a Budget committee.

Mr. Hall also noted a comment made at a recent Council meeting that if the Town took water from the Lamprey River, it would be ravaging the river. He said that was impossible, and also said it would be impossible for a gauge to even measure how much water would be taken from the river, given that this amount would be within the margin of error for the gauge.

He noted that Town Engineer Dave Cedarholm had said the Town had never had a drawn down of more than 6 inches by pumping. He said that was correct, and said the times the river had had been drawn down, this had happened by opening the gates. He said the reason he wanted the 401 restriction to be lifted was that it required the opening of the gates, and explained that once this happened, the water level would go down, and then there would be a problem in the wetlands.

Mr. Hall said the reason the water level hadn't gone down in the past when the river was pumped was that when 2800 gallons per minutes was pumped out, there was more than that coming down the river. He said the level never dropped below the lip of the dam when that had been done, although people had said there was a big drought at that time. He said he didn't know where those people had gotten their information from, because there was water going over the dam at that time.

He noted that Mr. Cedarholm had said it was difficult to use the Lamprey at low flow for recreation purposes. Mr. Hall said no one had had problems with using the Lamprey at times of low flow, although noting that one thing that made this difficult was the lack of parking, which was the Council's job.

He also said Mr. Cedarholm had said a wetlands study might cost \$100,000, but said he questioned what exactly they were supposed to study based on the 401 certificate.

Mr. Hall said the reason why the water level hadn't gone down below the lip of the dam the last time that pumping occurred was that a siphon was put in over the dam, which guaranteed that there would be as much water going over the dam after the water was taken out as there was before it was taken out. He said the siphon had been his idea, but said Mr. Lynch and Mr. Cedarholm, had decided not to use it. He said given the management and representation from the Public Works Department, making progress on the lifting of the 401 restriction was probably not going to

happen.

Councilor Van Asselt, who arrived at the meeting at 7:20 PM, took his place at the table at 7:31 PM.

## **VII. Unanimous Consent Agenda**

- A. Shall the Town Council accept the proposed 2008 Holiday Schedule submitted by the Town Administrator in accordance with the Town's Personnel Plan?
- B. RESOLUTION #2007-27 amending Resolution #2007-09 establishing the regular Town Council meeting dates for the period April 2007 through March 2008 by changing the second regular Council meeting date in January to Monday, January 28, 2007
- C. Shall the Town Council approve abatement for water in the amount of \$115.83 and sewer in the amount of \$202.50 and authorize the Town Administrator to sign said abatement amounts?

*Councilor Morong MOVED to approve Unanimous Consent Agenda Items A, B and C. Councilor Needell SECONDED the motion, and it PASSED unanimously 8-0.*

## **IX. Public Hearing**

**Public Hearing and Action on Resolution #2007-28** authorizing the acceptance and expenditure at a Land and Water Conservation Fund grant totaling \$20,000 from the National Park Service in partnership with the New Hampshire Department of Resources and Economic Development (DRED) for the Oyster River Universal Access Greenway Trail Project

*Councilor Henry Smith MOVED to open the Public Hearing on Resolution #2007-28 authorizing the acceptance and expenditure at a Land and Water Conservation Fund grant totaling \$20,000 from the National Park Service in partnership with the New Hampshire Department of Resources and Economic Development (DRED) for the Oyster River Universal Access Greenway Trail Project. Councilor Carroll SECONDED the motion, and it PASSED unanimously 8-0.*

Administrator Selig said this project was part of the goal of making some improvements to Jackson's Landing. He said the plan was to create a universal access trail leading from the waterfront, up around the graveyard, out past the playground and ice rink, out to Old Piscataqua Road, toward the Wastewater treatment plant and then back to a Town property located adjacent to Jackson's Landing. He said the idea was to make this area more accessible to the community.

He said a match for the grant would need to be provided by the Town, and said the plan was to do this through in-kind services and materials that would be provided by the Public Works Department. He said if there was any overage, there could possibly be discussion with the Conservation Commission about using some conservation funds.

**Bill Hall, Smith Park Lane**, provided some history on the area where the trail would go, explaining in detail that the structure of the land in that marshy area was uncertain, and that he had actually fallen into the water there in the 1970's. He said the Town therefore might want to think twice before developing that path.

***Councilor Van Asselt MOVED to close the public hearing, Councilor Julian Smith SECONDED the motion, and it PASSED unanimously 8-0.***

***Councilor Morong MOVED to adopt Resolution #2007-28 authorizing the acceptance and expenditure at a Land and Water Conservation Fund grant totaling \$20,000 from the National Park Service in partnership with the New Hampshire Department of Resources and Economic Development (DRED) for the Oyster River Universal Access Greenway Trail Project. Councilor Needell SECONDED the motion.***

Councilor Henry Smith noted that there were plans for an additional section of the trail, but received clarification that the funding didn't include this.

Councilor Morong said he had grown up on a salt marsh, and asked, concerning Mr. Hall's comments, whether in the process of doing this project, the Public Works Department could explore the land surrounding the pathway, and take appropriate action if problems were found.

Councilor Needell asked if the Council had seen the actual plan for this project.

Administrator Selig noted that the project had been discussed several times. He said the original idea was to construct a boardwalk from the parking area at Jackson's Landing, across the marsh area, to the outcropping area. He said he believed that this was not included in this project, noting that there had been wetland concerns. He described the proposed route for the trail again, and said it didn't bring one down to the marsh area. He said that was not to say that someone might not choose to explore the marsh, but the trail didn't actually go across the marsh.

Councilor Needell said he agreed with what Councilor Morong had said.

Councilor Morong noted that a person might be tempted to take a shortcut back to the parking lot.

Administrator Selig said some signage might be needed in order to address that kind of situation.

Councilor Carroll agreed, and asked if the Conservation Commission had looked into this.

Administrator Selig said he believed that the Parks and Recreation Committee and the Conservation Commission had been involved in the project.

Councilor Carroll asked who had actually walked this area.

Administrator Selig said there was no urgency to approving this Resolution, and said a walk could be organized so the Council could see the proposed walkway. He also noted that an archeological analysis of the area needed to be done, and that the grant was contingent upon a number of steps being taken.

Councilor Needell asked if there was a time limit regarding the expenditure of the grant funds. He also asked if this was a stand-alone project, in respect to the overall plans for Jackson's Landing. There was discussion about this.

Administrator Selig noted that in accepting these grant funds, the Town would be agreeing to not bar non-residents from the property. He said this would limit what the Town could charge in terms of out-of-town fees, and said he wanted the Council to go into this with its eyes open concerning such fees.

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

## **X. Unfinished Business**

### **A. Discussion and Action on Ordinance #2007-11** amending Chapter 4 "Administrative Code", Article IV, Section 4-18 of the Durham Town Code by adding the provisions for a Board of Assessors.

Administrator Selig said the Council had discussed this in October and had held a public hearing on it. But he said the matter had then been tabled in order to get additional information concerning how other communities had dealt with the abatement process and the kind of information the assessors in these communities prepared. He said examples had been received from Nashua and New Boston. He said the recommendation now was to take this issue off the table and decide how to proceed with it.

***Councilor Carroll MOVED to place Ordinance #2007-11 amending Chapter 4 "Administrative Code", Article IV, Section 4-18 of the Durham Town Code by adding the provisions for a Board of Assessors back on the table for discussion and possible action. Councilor Julian Smith SECONDED the motion, and it PASSED unanimously 8-0.***

Chair Niman explained the options for proceeding:

- Adopt the Ordinance as it currently is, or
- Make the decision on abatement requests based on having more detailed information on these requests in the future, or
- If the goal is to get the Council out of the abatement process, ask the Legislative delegation to change the existing State Statute so the Town Assessor can make the decision on abatement requests, a process which won't require action on the part of the Council

Administrator Selig noted a fourth possible option, to change the proposal so the appointing authority for a Board of Assessors would be the Town Administrator, not

the Town Council. He provided details on this.

There was discussion on this fourth option, and the fact that it would potentially get the Council out of the abatement request review process, unless people to serve on the Board of Assessors couldn't be found. It was noted that the Administrative Code would need to be changed in order to allow this, and that if the Board couldn't be convened, the responsibility for reviewing abatement requests would revert to the Council.

Councilor Stanhope said he questioned the need for a Board of Assessors. He noted the large volume of appeals that the Board of Assessors in Concord and Nashua reviewed each year, and said Durham wasn't likely to have this kind of volume. He said that if the Assessor prepared the kind of documentation that New Boston and Nashua prepared, he felt that Councilors were capable of reading and understanding that material.

He said the alternative at this point would be to take a hard look at how Durham addressed its assessing needs. He said he was somewhat troubled that the Town's Assessor would be taking on the responsibility of providing assessing services for the Towns of Madbury and Lee.

Administrator Selig noted that the Town of Lee, but not Madbury, would be involved in such an arrangement.

Councilor Stanhope said that looking at the amount of land area and housing units in Lee, he questioned how Durham's Assessor could take on that responsibility, if he was already fully employed in Durham.

Councilor Needell called a point of order. He said he appreciated that concern and said it was a legitimate question. But he said it was important to separate the Board of Assessors issue before the Council from the question of the role of the Assessor in Durham. He said whether or not there was a Board of assessors had nothing to do with the assessing process in the Town.

Councilor Stanhope asked Chair Niman to call for a vote to see if he could continue with his line of thought.

There was discussion, and it was determined that Councilor Van Asselt, Chair Niman, Councilor Julian Smith, and Councilor Henry Smith were in favor Councilor Stanhope continuing his line of thought while Councilor Morong, Councilor Needell, and Councilor Carroll were not. Councilor Stanhope abstained.

Councilor Stanhope said the need for a Board of Assessors was related to the underlying process. He said before approving a Board of Assessors, the Council should look at alternatives concerning how to approach this underlying process. He said that if the Council didn't decide to look at this at the present time, he would hope they would proceed under the current model of having the Council review abatement requests. But he said as part of this, the Council should ask the Assessor to provide a



more detailed, factual presentation to go along with his recommendations.

He noted that one of his questions concerning a Board of Assessors was whether they could attract people with sufficient qualifications in a Town of Durham's size.

Councilor Needell said the issue at hand was the process of handling appeals. He said the process over the past 20 years was that the Assessor's recommendations had been accepted, after some review. He said he saw no evidence that the process in New Boston was any different, noting that although more detailed information was provided to the Selectmen there, there was no real discussion about that information.

He said he was not quarreling with the assessment process itself, but said that he didn't feel the process of challenging an assessment was balanced. He provided details on this.

Chair Niman said he was troubled by the characterization that the Town was out to get property taxpayers. He also said he was content to keep the current process as it was, and said he didn't share the concerns that the process wasn't fair. He said if Councilors would like to see more information provided as part of this process, he would be happy to support that.

Councilor Needell said if his characterization was taken that way, he didn't mean it that way. He said he felt that taxpayers were treated very fairly by the Town, but said he just thought the process could be improved.

Councilor Morong said he had been on the fence on this issue. He suggested that more material should in fact be provided, and should come out a month in advance. He also said that perhaps there could be a special Council meeting, or time set aside at a regular meeting, to review the abatement requests. He said this was an important enough item to warrant that kind of attention from the Council.

Councilor Stanhope noted that he had been frustrated earlier in the year when the assessment review was squeezed onto a Council agenda. He said given the limited number of abatement requests to review, he thought a relatively short meeting could address them. He said having the additional information, and enough time to review it would be a more efficient approach, and would allow the Council to address its responsibility,

Councilor Carroll said she was at the other end of the spectrum, and said she would like the Administrator to contact legislators about make a change in State policy so the Council didn't have to be involved in this process. She said there was qualified Town staff to deal with it.

Councilor Henry Smith said he was not unhappy with the current process. He also said if the Council was provided with more information on abatement requests, and was allowed the time to review it, he wouldn't mind having an extra meeting for this. But he said he wouldn't want to put too much more work on the assessor to provide detail.

Councilor Morong said he wouldn't mind pursuing what Councilor Carroll had said, but said that might take some time. He said in the meantime, he recommended doing what he had previously spoken about.

Administrator Selig provided some history on how the process of reviewing abatements had evolved for NH towns. He said that now, as many towns had hired professional assessors, what was left to a Board of Selectmen or Town Council was to discuss with the assessor whether particular abatement requests were reasonable. He also noted that the taxpayer had the further option of appeal a ruling on an abatement request to the State.

He said he felt the current process was a good one. He said he wouldn't recommend changing it through a change of State law, stating that he felt it was healthy for an assessor to know these abatement requests would be reviewed in public. He said this forced an assessor to do due diligence that recommendations were solid. He said he did feel more detail on abatement requests should be provided.

Administrator Selig noted that Town Assessor Rob Dix had said he would like to work with Board of Assessors. But he said he personally cringed at the idea of creating more burden for staff members.

Councilor Needell said the current process didn't really provide the opportunity for an appeal to be fully debated, and said he found the process to be inadequate. But he said if this proposed ordinance was not approved, the Council could start the review process earlier so there was time to do the work involved. He noted that the entire town was being reassessed next year, so there were likely to be more abatement requests to review.

***The motion FAILED 2-6 , with Councilor Julian Smith and Councilor Needell voting in favor of it.***

**B. Continued discussion on a Council-initiated zoning change to address various issues related to future development along Route 108**

Chair Niman noted that the Council had previously decided to revise the Table of Uses to change mixed use with parking in this district from a conditional use to a not permitted use. He said there had also been discussion regarding the transfer of development rights/density issue.

He said the discussion at the present meeting would focus on the issue of wholesale sales uses. He said it had been determined from discussion with Town Counsel that wholesale membership clubs could not be banned, and it was suggested that the Town could instead do what the Town of Northwood did, which was to limit the size of warehouses that could engage in wholesale sales.

He said the question was whether the Council was in favor of moving in that direction, and whether this should apply only in the OR-Route 108 district or

throughout the Town.

Councilor Needell asked why 35,000 sf was the recommended size limitation.

There was detailed discussion about this.

Councilor Carroll said she was concerned about that size limit, stating that it sounded pretty large for that area of Town. She noted that it was close to an acre.

Chair Niman said he didn't believe there were any lots on that road that actually had an acre of buildable land.

Councilor Needell said there were at least a few large lots that could have buildings of that size built on them. He said he believed the goal with this issue was to only apply to a retail type of establishment, and said he didn't think it was to eliminate buildings larger than 35,000 sf, as long as they were not involved with retail sales. He also said a question was whether they were trying to prevent this type of store anywhere in town, or just in that district.

Administrator Selig provided details on how Town Counsel had looked at this issue, and noted that the question had been asked as to what the purpose of making a change was, to prevent wholesale clubs or to prevent large buildings in that area.

He noted that there had been further refinement of the options after the Council's meeting packet had gone out. He explained that what could perhaps be done was to say in the definition of wholesale sales: "Wholesale Sales - Trade that involves the sale of merchandise, in bulk or large quantities, exclusively to retailers for resale ....." He noted that currently, it was arguable where a business like BJ's would fall, under wholesale or retail sales, so by adding this language, those types of uses would be considered retail sales.

Chair Niman asked if doing this would mean that the square footage approach wouldn't be needed.

Administrator Selig said that depended on what they were trying to accomplish. He said it would ensure that a BJ's type of business would fall under the retail definition, which would limit them to between 5,000 and 20,000 sf. But he said it would not prevent large wholesale warehouses from being built out on the Route 108 corridor.

Councilor Needell said his concern was that he was not sure they wanted to eliminate wholesale sales in ORLI, etc., and said he thought what was not wanted was wholesale retail sales. He also said they could simply disallow that use in the Route 108 district.

Councilor Van Asselt said if the concern was size, this limitation would happen along Route 108 anyway with the current zoning. He said he didn't know why people were talking about this proposed change. There was discussion on this.

Councilor Stanhope said he agreed with Councilor Van Asselt.

***Councilor Needell MOVED to amend the definition of wholesale sales to insert the word “exclusively” so the definition will read “Wholesale Sales - Trade that involves the sale of merchandise, in bulk or large quantities, exclusively to retailers for resale...”. Councilor Morong SECONDED the motion.***

Administrator Selig said it appeared that by adding “exclusively“, they would have the definition they wanted.

Chair Niman explained that passing this motion would mean that this Council initiated Zoning change would then come back in the form of a Resolution. He said the first part of it would be the proposed change concerning mixed use with parking, and the second part would be this proposed change in the definition of wholesale sales. He said the Council would then decide if it wanted to send this on to the Planning Board.

Administrator Selig summarized that right now, it could be argued that BJ’s could fall under wholesale or retail, so by adding this wording, businesses like this would fall within the retail stores definition.

Councilor Needell noted that at the most recent Planning Board meeting, the Board voted to make the same change the Council was proposing concerning mixed use with parking. He said the Board was also debating whether to redefine mixed use with parking into two separate categories, one with retail, and one with office. He provided further details on this.

He said a question was whether the Council would prefer not to bring this proposed Zoning change forward, since the Planning Board would be doing so. He said if the Board brought it forward and split it into two separate categories, it was likely it would only be recommending the removal of retail. He asked whether the Council supported this, and said if not, they could come up with conflicting proposals.

Chair Niman said the Council needed to address the motion before addressing that issue.

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

Councilor Needell explained that the Planning Board would be moving ahead with recommended Zoning Rewrite changes in January, and said the possible split would be to separate mixed use with retail from mixed use with office space. He suggested that the Council defer addressing the mixed use issue, and let the Planning Board come forward with its proposal concerning this. He said it would be good if the Council could provide guidance to the Board concerning the idea of making this split, and could indicate whether it had any problem with removing retail mixed use but keeping office mixed use for this district.

Chair Niman said he had no objection to that, and in fact would object if mixed use

office was removed.

Councilor Van Asselt asked why the Planning Board and the Council were addressing this simultaneously.

Administrator Selig said the Council had brought forward this initiative in order to be responsive to public input that had occurred as result of the Stone Quarry Drive TIF process.

Councilor Needell said Planning Board action was in response to lengthy discussion about another application in a different district, where this issue of mixed use retail vs. mixed use office had come up. He said the Board had realized that the same conflict concerning these two categories could happen in other districts, so the Zoning Rewrite had decided to try and fix them both.

Chair Niman said the Council would sit on this issue for now, and would see what came forward from the Planning Board.

The Council stood in recess from 8:38-8:47 pm

#### **C. Continued deliberation on the Administrator's proposes FY 2008-2017 Capital Improvement Plan**

Chair Niman summarized that at the previous Budget workshop, the Council had worked through 2008, and was then going to discuss the out years of the CIP.

Administrator Selig said he had received additional information from the State Fire Marshall that it was not necessary to do the Police Department renovations. He provided details on this, and said this \$39,000 project could therefore be removed entirely from the CIP.

Chair Niman said he would like to make a radical suggestion. He said a concern about the Budget, going forward, was that when one looked at future projections concerning the tax rate and the use of fund balance, holding to a 2% increase over the next three years meant the Town would run out of fund balance. He said this was an argument for not doing anything with the current Budget, especially because of the large capital projects that would be coming forward in the future, which had been worked into the fiscal forecast.

He asked if there was perhaps a way the Council could think creatively about taking care of some of these large projects, without having to see large increases in the tax rate. He noted that he was committed to building a new library at Mill Plaza, and said any recommendations he would make about Town facilities had nothing to do with the library.

Chair Niman said he believed the Town should purchase the Durham Evangelical Church, and should move the Town Hall, the Police station and the District Court into that facility, which contained 27,000 sf. He said the Town Hall that was desired

would take up about 15,000 sf, and said Chief Kurz would like a 10,000 sf Police station in the future. He also said he didn't believe that the current District Court was more than 2,000 sf.

He said the reason he was proposing this was that he thought this could be done without having to raise taxes. He said he thought the Town could sell the Town Hall property, which was possibly worth more than \$1 million. He said if it were sold and became a taxable property, the approximately \$35,000 in annual tax revenues from this could possibly service about \$750,000 of bonding authority.

Chair Niman also said the State paid the Town \$36,000 a year to rent the Court house, which meant there would be another \$750,000 of bonding authority. He noted that the Town could either continue to rent this property, or could sell it. He said \$750,000 plus \$750,000 plus the \$1 million the Town could possibly get from selling the Town Hall property resulted in \$2.5 million.

He noted that his idea would mean the Town wouldn't have to spend \$500,000 for planned improvements to the Police Station, and could sell it. He said this meant a total of about \$3.3 million could be available to purchase the Evangelical Church property, which was in the ballpark of what would be needed for negotiations.

He said he didn't think his ideas were outside of the realm of what was realistic. He said while he too would like to see the Town Hall located closer to the center of Town, what he had described was a way to abandon the present Town Hall facility, which was inadequate, and abandon an inadequate police station, in a way that wouldn't force the Town to raise taxes.

Councilor Morong asked if the cost of moving Town Hall and Police station operations to a new location had been factored in.

Chair Niman said he didn't have details like that worked out yet, but noted that the Council could potentially decide on his idea before spending the \$120,000 on the municipal network, which would have to be hooked up to the Police station. He also said his concept would save the money the \$135,000 the Town would otherwise be spending to make renovations to Town Hall, and would also save money that otherwise would have to be spent on a needs assessment for the Police station.

He said he was not suggesting that the Council make a decision on this that evening. But he said he would like to know if there was any interest on the Council in pursuing this idea. He said if so, the idea could be sent on to the Economic Development Council or to some other committee to find answers regarding the details. He said he didn't know what it would cost to renovate the Church, and also said he didn't know what the purchase price would be. But he said perhaps they could nail down a firm price on this.

Councilor Needell said this was an interesting suggestion, and said he would be happy to see the Council pursue it further. He asked if the \$4 million price for the Church was about the same ballpark figure as the price for the Greens property. He

noted that the discussion had always been that the Town would like to see the Evangelical Church property sold, and then go onto the tax rolls. He said if the Town bought the property, that wouldn't happen, but other options would become available. He noted that there were other properties in Town that would also be workable. But he said the idea of moving the Town Hall to the outer part of Town was not a problem for him, and said he thought the proposal had merit.

Chair Niman said the Greens property could be a prime commercial property, and also said that if the Town bought it, the building would have to be built. He said his idea was that the Church property would be suitable for municipal use, and wouldn't be expensive to renovate and convert to these alternate uses. He said what made this idea so attractive was that there was an existing 27,000 sf building on the property.

Councilor Stanhope said he supported investigating this proposal. He said he thought it was highly unlikely that the Church would be purchased and then come onto the tax rolls, and said most likely a nonprofit entity would purchase it. He said \$4 million might be the high end of the price range. He said he was not opposed to locating the Town Hall there, and said he didn't think this would present a significant inconvenience. He said the Police station looked like it was already obsolete, and also said it looked like the Church building would lend itself to small office use.

He said this idea had the ability to solve a number of problems, and said even if it didn't turn out to be revenue neutral, the cost to the Town would be minimal. He also noted that the cost of moving Town Hall would have to be faced at some point anyway, regardless of what the location for it would be. He said the existing building appeared to be grossly inefficient. He said the EDC seemed to be in the position to look at this idea and bring back a proposal to the Council.

Councilor Henry Smith said this was an interesting idea, but said he had no idea what the cost of renovating the building would be. He asked if this might involve adding an additional story to some parts of the building.

Administrator Selig said that size wise, that building could easily accommodate a Town Hall and a Police station. He said he wasn't sure that the District Court could be fit in there. He said there was plenty of parking, and said it was a lovely facility. He noted that the Church had graciously allowed the Police Department to stage a large number of police officers there after the World Series was over. He said that functionally, it would be a great building for the Town. He said some retrofitting would be needed, and provided some details on this.

He said the Church had expressed an interest in selling the property to the Town, but said that up to this point, the Council hadn't had much interested in looking at that idea. He said the perfect scenario had been to have the Town Hall and the Police Station downtown, but said there was the fiscal reality that had to be looked at. He said if that scenario wasn't affordable, they had to look at what was affordable. He said there was a real possibility to work with the Church to find a price that met everyone's needs.

There was discussion about the fact that this concept did not include the idea of putting a library there.

Administrator Selig provided details on how the Mill Plaza redevelopment and the TIF district approach could make a library on that site possible, which would mean that that long term capital expense could be addressed as well. He said all of these things together would have a substantial impact on the long range fiscal forecast for the Town.

Chair Niman said that was his goal.

Councilor Van Asselt said he was glad to hear discussion on this, and also said it made sense to give this to the EDC to take further. He said one of the things that had been discussed at a recent EDC meeting was that the Committee wanted the Council to give it things it was interested in, and he said this idea seemed to fit with that.

He asked whether the Council could make this request to the EDC a bit broader, to include looking at some other possible properties as well. He said he hadn't given up on the Greens building either, and said another property with a great deal of potential was Mill Pond. He said this entity would continue to experience change over the next few years, and said it was a prime piece of land that could be used to address conservation, community, and economic development purposes. He said he kept envisioning something like the McConnell Center there, and said although this would be a big investment, he thought there were groups that might be interested in this.

Councilor Van Asselt said the Church property was in limbo, and said he would be happy to limit the EDC's work to looking just at that property. But he said broadening this a bit also made sense.

Chair Niman said the general consensus of the Council appeared to be that it would ask the EDC to consider whether it made sense to move the Town Hall and the Police station, and perhaps the District Court, to the Evangelical Church, and to begin to work up some numbers, so the Council could at some point decide whether it made sense to move forward with this.

Regarding another CIP item, Councilor Needell said a perennial question was regarding the future expenditure of \$3.3 million for the expansion of the wastewater treatment plant. He asked where things stood with this.

Administrator Selig said that money was focused on future extension of the outfall from the wastewater treatment plant farther down the Oyster River. He said it was not clear whether doing this would be required when the EPA granted the new permit. He said the Town was still waiting for this permit. He noted that the \$3.3 million figure, which was estimated in 2004, was likely to be significantly higher now. But he said the EPA might be just as likely to say that instead of the outfall, the Town would need to upgrade the plant itself. He said the Town had no idea what that would cost because it wasn't known what the requirements would be.



He noted that in 1999, the EPA was going to require stricter standards. He provided details on how the Town had worked cooperatively with the EPA to address issues at the plant, and had modified the treatment process to obtain a cleaner discharge. He also explained that there were other wastewater treatment plants in the region with greater problems than Durham's

He said the capacity of the plant was 2.5 million gallons per day, and said it was now at 1.5 million. He explained that the 2.5 million gallon capacity was predicated on the existing permit. He said if the requirements were tightened, this might have an impact on the capacity of the plant. He noted that this had created an issue with potential developers and the Mill Plaza redevelopment.

Administrator Selig said the Town needed to be able to understand what impact that development would have on the processes that were put in place at the treatment plant. He said Wright Pierce had recently been engaged to collect data, including data from UNH, to first get a better idea of existing loads on the system.

He said it was very likely that substantial improvements to the plant would be needed, but said it wasn't clear right now whether this would involve extending the outfall, making improvements to the plant, or another solution. He said the cost would probably be higher than \$3.3 million, and said it would likely happen some time after 2010. He provided further details on this.

Councilor Needell asked Administrator Selig if he was comfortable with this CIP item staying where it was, as a recognition that something needed to be done at some point.

Administrator Selig said yes, and provided details on this. He said it was reasonable, if the Town got the permit in 2008, to say it had plans to do the upgrades by 2010. He said having this item in the CIP showed the Town's good faith concerning this.

Councilor Needell said a related concern was that in a previous year, there was a proposal to extend sewer capacity to the west end of Town. He asked whether, if this were done, the Town would run into capacity problems. He also questioned having to do large expenditures two years in a row, and the impacts this would have on sewer users.

Administrator Selig said the sewer improvements that were needed there had to be fleshed out, and he provided details on this. He said one option was that a developer would pay for some of the improvements. He also said it was possible that there was another route to access the plant, by running the line out Mill Road and connecting to the existing system at that location.

He said a number of developers had spoken with the Public Works Department about this. He said a developer would likely have to pay the upfront cost for this, and said that possibly through the creation of a betterment district, the developer could be reimbursed later for those upfront costs.

Councilor Needell asked whether, if development occurred, the tradeoff was going to be that the Town would be required to put in several million dollars in order to meet current and future infrastructure requirements. He noted that an alternative to this would be to say the Town didn't want new development.

Administrator Selig said this was a key issue for the Council to address. He said there was a pent up demand for development at the west edge of Town, and said the Council needed to discuss what it was willing to do to attract development. He said a developer at the West end who he had spoken with had expressed interest in extending the wastewater line down Mast Road, but he said the expectation was that the Town would pay the full cost of the upgrades to the line since it was a pre-existing situation. He said any changes there would also involve the University, which would need to do upgrades for its future development plans.

He said the question was whether the Town wanted to move up its schedule to accommodate the developer. He noted that there were other alternatives, such as running the sewer out Mill Road, which avoided the bottleneck. He said it was possible that the cost of doing this would be the same as running the line down Mast Road, but said it would avoid the cost of addressing the bottleneck. But he said the reason this item was in the CIP for 2009 was that his sense of the Council was that it was supportive of development, and this was a placeholder to say to a developer that the Town was ready to make these improvements.

Administrator Selig said another challenge was how running a wastewater line down Mill Road would impact the collection system there. He noted that these were the kinds of issues that had previously sat on the backburner.

He said the infrastructure analysis also included the water issue. He said there were bona fide reasons to look at using the Spruce Hole aquifer, in general, but he said if the Town was looking to have more development, and if the proposed developments that were on the books moved forward, this would put the Town in a situation where it needed the water in order to support taxable development. He noted that this also put the Town in a different position with the University, and changed the discussion on Spruce Hole.

Councilor Morong said that was why he had agreed that the Town needed the study on Spruce Hole, so there would be a negotiating stick with developers. He said it was also why he was not supportive of approving the Spruce Hole development project until there had been that conversation.

Administrator Selig said there had been discussions with the McNeill development team and the Farrell/Garvey development team, and said they had asked some fair questions, such as whether, if the Town went forward with its planning process, there would be sufficient water and wastewater capacity to meet the demand from their developments. He said the Town hadn't had sufficient information to answer those questions, and questions concerning other possible developments, at Mill Plaza, the Business Park, and Stone Quarry Drive. He said it was important for the Town to be on top of these kinds of things.

Councilor Needell noted that when the Town had considered the idea of an impact fee ordinance a few years ago, there was discussion about having this ordinance also address water and wastewater infrastructure improvements. He asked where things stood with that.

Administrator Selig said that Bruce Mayberry, who had written the Town's Impact Fee Ordinance, had been very busy, but said the Town had just received a proposal from him to address water, wastewater, storm water, fire, library and police in the Ordinance, for \$25,000-30,000. He noted that Mr. Mayberry had said that the Town was likely to have better success using an off-site exaction rather than impact fees, for storm water, water and wastewater, but said he was still willing to develop information on impact fees for these things.

He said the developers he had spoken with were aware of the potential limitations of the wastewater treatment plant. He said the Town had said they could move ahead with doing on-site septic systems, but he said the question was whether the Town wanted this approach in that part of Town, near the aquifer. He said it might be possible to figure out how much it would cost the developers to build a septic system there, and then instead, to have them give that money to the Town to use to make needed improvements at the treatment plant, which then helped everybody. He said the potential west end developments would provide tax dollars for the Town, and said these revenues could be designated to pay down some of the direct fiscal impacts from infrastructure improvements, so the sewer users were not the only ones supporting that development. He said he was hopeful that the CIP would drive this conversation.

There was discussion as to whether using the Mill Road route would simply be avoiding the West end problem, which would still have to be dealt with. Administrator Selig agreed this problem would still need to be addressed, but he said a side benefit of the Mill Road approach was that the Woodridge development, which had seen a number of septic system failures, was out there. He said it would therefore be good to have the sewer line out there, so people could tie into it at some point.

Councilor Van Asselt noted other developments in that area, where hookup to sewer would make sense. He also said this would broaden the number of sewer users, which would be nice.

There was discussion that a homeowner wouldn't have to stop using an existing, functional septic system if the sewer line went by the house, but would need to connect if there was a failed system or a new house being built.

There was further discussion about the idea of extending the sewer line in this area of Town.

Administrator Selig said if the Town wanted to see development in the Technology Drive area, this issue had to be addressed.

Councilor Needell asked what the Council needed to do with the CIP in order to address these issues.

There was further discussion on this, including who exactly was taking responsibility for making some of these things happen.

Administrator Selig said he had directed money to be expended to gather more data on these issues. He said that regarding wastewater initiative, there would be approximately \$22,000 to address this issue, and provided details on this.

He said Wright Pierce had been asked to provide an RFP, given its experience in this area. He said \$10,000 would be spent on data gathering, another \$10,000 would be spent on the report, and \$2,000 would be needed for meetings. He said the money to pay for this would come out of money that had been budgeted for wastewater issues in 2007, and also noted that the University would be paying 2/3 of the cost.

He said he hadn't been at a point of negotiating concerning this, but had been doing some fact finding. He said he had asked Chair Niman to sit in on a number of the discussions, and said he had been willing to do this. He said it appeared that the Mill Road approach was somewhat more desirable because the upfront cost was lower. He said there had been general discussion about the idea of a betterment assessment, noting that he and Chair Niman had been looking at different ways to have private entities pay some of the costs.

Administrator Selig said it would be helpful to get a sense of how willing the Council was to expend money up front in order to overtly encouraged development. He explained that if he knew that the Council wanted development but felt there had to be some cooperation from other entities, developers would then know up front that they would need to share in the costs.

Councilor Needell said he would hope that if a negotiated proposal came before the Council, that regardless of who participated in these discussions, that proposal would come from Administrator Selig. He said he would feel very uncomfortable if any Councilor negotiated an agreement and brought it before the Council. He provided further details on this.

Administrator Selig stated that Chair Niman had not done that, and Councilor Needell said he was not suggesting that he had.

Councilor Van Asselt said the way this was being handled was fine, and said he didn't think that anyone on the Council was interested in seeing the tax rate go higher. He said that given that this was the ultimate goal, one of the options to help address that was broadening the tax base, in keeping with other parameters for the Town.

Councilor Needell said he was not uncomfortable with what was being done. But he said he was very reluctant to ask the Town to invest in development that would be coming forward. He said he would like developers to feel that if there was going to be development, they would bear the burden of the costs involved, unless he could be

absolutely convinced that there was some other possible mechanism.

He also said he did not subscribe automatically to the idea that Durham could grow itself out of its tax situation. He said he didn't disagree that taxes were too high, and said he thought it would be wonderful to be able to reduce them. But he said he didn't think that economic development was necessarily the path by which that would occur. He said his sense was that development projects should come forward without the expectation of tax dollars to enable them.

Councilor Van Asselt said there was a difference between spending time and money to see if development was desirable and putting a package together and financing that development. He said he had no problem with the way Administrator Selig was using limited resources to look at these things, and Councilor Needell said he didn't disagree with that

Councilor Van Asselt said a discussion on development would need to occur when a development was laid on the table. He said Administrator Selig was not addressing that at this point.

Administrator Selig said he would like to know the Council's thought on spending money on recreation fields. He also noted that he had pushed the Wagon Hill parking project out further in the CIP, stating that this was not an urgent issue, and that the parking was workable the way it was.

Councilor Morong said he agreed, stating that unless Chair Niman could come up with a creative way to finance it, the Town didn't have the money for it right now.

Chair Niman said it was his understanding that there was a fund given to the Town to pay for the improvements at Wagon Hill. He said when that could happen, he would be happy to expand the parking there. He said he would like the project to be self-financing.

Regarding the athletic fields issue, Chair Niman said he had been in favor of this for a long time, and said he thought it might be possible to explore an option that would involve land becoming available that wouldn't cost the Town much money. He said he would hate to say the Town couldn't afford this, and said the opportunity might come along where there was a piece of land that would cost significantly less than \$244,000. He said he would like the Council to look into this issue more.

Councilor Needell said a concern was the cost of developing the recreational fields, even if it got the land for them.

Administrator Selig said this proposal in the CIP was tied specifically to the gravel pit property, which the Town already owned.

Councilor Needell said he thought this was an issue the Council needed to address as a community, as part of improving the recreational offerings in the Town.

Councilor Van Asselt said Councilor Leach had spent a good deal of time on this issue. He provided some details on the committee that was meeting concerning it, and said someone was going to have to provide some leadership regarding the big dollars that would be needed to make this project happen.

On another issue, Administrator Selig noted money in the CIP for sidewalk reconstruction on Pettee Brook Lane, in the years 2010 and 2011. He said at a time of scarce tax dollars, this was a project to move to those out years. He said another issue was the Main Street Sidewalk brick edging replacement. He noted that every year, at least one Councilor asked about this, but he said if the Council provided him with some amnesty on the issue, he would take it out of the CIP. He said on the other hand, if they wanted to see perfect brickwork, it would cost some money.

Councilor Needell said he didn't think that moving out the work on the Pettee Brook Lane sidewalk a few years would be a problem. He noted that there were a number of issues involving that area of Town that were yet to be resolved, including the idea of possibly closing it to cars.

Chair Niman agreed. He also noted that he had never brought up the idea of replacing the brick edging and said it wouldn't bother him if it disappeared from the CIP.

Administrator Selig said he recommended removing that item from the CIP, and Councilors agreed with this.

Councilor Van Asselt asked if there was anything in the CIP concerning improvements in street lighting.

Public Works Director Mike Lynch said the Town's lighting scheme was to put the appropriate wattage of streetlights at every intersection, and to enhance some of the areas that saw more pedestrian traffic, such as Mill Road and Madbury Road. Councilor Van Asselt asked Mr. Lynch if he could speak with Councilor Leach concerning this.

Administrator Selig said he would bring forward a Resolution on the Budget and CIP for the December 17<sup>th</sup> meeting. There was discussion that there would not need to be a Council meeting on December 10<sup>th</sup>.

## **XI. New Business**

- A. Discussion regarding the establishment of a Municipal and Transportation Improvement Capital Reserve Fund with funds collected through motor vehicle registration.

Administrator Selig said this was a proposal that had been brought forward with the proposed 2008 Capital Budget. He said it was possible under State Statute to do this, said with a \$5 fee, and 6,000 registered vehicles, just over \$30,000 in revenues would be generated each year. He said there was somewhat of a tradeoff in that residents would see some reduction in their property taxes, but would have to pay this new fee

when they registered their car.

He said the money generated would be put in a capital reserve fund for transportation improvement projects of various kinds. He said it was proposed that for 2008, the funds would be devoted to offsetting costs in the Roads Program. He said if the Council decided to move forward with this, a public hearing would need to be held, and the Council would then need to wait no less than 15 days and more than 45 days to act on it.

Councilor Carroll said she supported moving forward, but with some caveats. She said her understanding was that this Statute was intended to provide towns with money for several forms of transportation, including mass transit, bicycle paths, etc. She said she was happy to move forward with this, but said she was concerned about the way it was presently to be used. She said she didn't believe the intent of this law was to provide towns with direct tax relief.

She said she was also very sensitive to the fact that every time something was being done regarding transportation, this translated into roads. She said she thought the Town needed to get away from that, and needed to think more about mass transportation. She said she realized that the greatest mass transit system in the State was run by the University, which Durham could access. But she said she hated to see everything coming down to roads., noting how this generally happened at the State level as well. She said she planned to look into the intent of this law more.

Councilor Morong noted that trailers were listed under the definition of motor vehicles. He said it seemed onerous to have to pay \$5 for a boat or snowmobile trailer, or for any vehicle without a motor. He said he wasn't sure the State law was written in a way so that the distinction could be made.

Councilor Needell asked if the 6,000 figure included trailers. He said it would be interesting to know the fiscal impact, depending on whether trailers were included in that number. He said he had done some calculations to determine if it might be more equitable to use tax money rather than having a \$5 fee. He said he had determined that this fee would not be an unfair way to distribute some costs. He said he didn't have a problem with creating this fund, and using it to offset costs that were appropriate to charge to it.

***Councilor Needell MOVED to extend the meeting past the 10:00 pm adjournment time. Councilor Julian Smith SECONDED the motion, and it PASSED 7-1, with Councilor Stanhope voting against it.***

Councilor Stanhope said he was against the establishment of the fund and tax.

Councilor Julian Smith said he was in favor of it.

Councilor Henry Smith said he was in favor of moving this idea along, but said he was not in favor of taxing non-motorized vehicles.

Councilor Van Asselt said he was opposed to this idea, stating that it was a nuisance tax.

Chair Niman said he was in favor of it. He said UNH students shared Town roads, and some registered their vehicles in Town. He said until the Town was able to get payment in lieu of taxes from the University, this was a nuisance tax he was willing to endure.

Councilor Morong noted that a student registering a car in Durham was hopefully renting an apartment in Town, and he said a landlord paid taxes on that property. There was further discussion.

Chair Niman said the general sense of the Council was that they should move forward with the establishment of this fund.

Administrator Selig said there would be a public hearing on this issue. There was discussion that after the hearing, the Council would need to vote on a Resolution to formally authorize this fund.

#### B. Other Business

Councilor Stanhope said he had attended the recent quarterly meeting of the Strafford Regional Planning Commission. He said he had learned there that the project for the widening of the Dover/Newington bridge, and the associated road work, had been deleted from NHDOT's 10 Year Plan.

He expressed concern about the significant environmental impacts that would result from this, because of traffic backups on this road. He also spoke about safety concerns, as well as economic impacts that would result from the increasing congestion problems experienced on this road.

He provided details on the politics involved with this situation, and said Strafford Regional Planning Commission had asked that the towns in this area communicate, through their Selectmen and Town Councils and Town Administrators, to the Governor and State representatives, that this project should be added back into the 10 Year Plan. He said that absent this, with the next round of growth in the early part of the next decade, the situation would be much worse, by all projections, as Towns to the west so more development.

Councilor Stanhope said he had asked Administrator Selig to help him develop a motion concerning this, and said he hoped the Town Council would consider approving it and giving Administrator Selig instruction to communicate the Council's wish that the project should be re-instated into the 10 Year Plan.

***Councilor Stanhope MOVED that the Town Council request the Administrator to write to the Governor, Executive Council, and Durham Legislative Delegation in support of NHDOT Project #11238, a project that would impact the Newington to Dover corridor along NH 16/Route 4/Spaulding Turnpike by widening the turnpike***



***including Little Bay bridges from Gosling Road in Newington to the Dover tolls in Dover. Councilor Van Asselt SECONDED the motion.***

Councilor Carroll said she appreciated what Councilor Stanhope had said about the environment impacts of congestion. But she said she didn't think they could build themselves out of this situation. She said she had gone to some of the public hearings on the 10 Year Plan, and said it was clear that on many levels, there was a big call for more mass transit in NH.

She said the only way she would support this motion would be if there was an amendment saying the Town supported putting the money for this project back in the 10 Year Plan with the understanding that one lane in each direction would be dedicated for buses and car pooling. She said they all needed to think in those terms, in moving forward.

Councilor Needell said that was a great idea, noting that almost every road in the Seattle area, which he had just visited, had these dedicated lanes. He said the existing transportation corridor in the Seacoast area was broken, and needed work. He asked what the time frame was within which action on this present issue needed to occur.

Councilor Stanhope said the Governor would be making a decision on it within the week. He said one of the things NHDOT had indicated was that any project that was added could not be revised, and had to be permittable or permitted, as proposed. He said changing the scope of any projects would mean it would not be added, and said that an amendment, as suggested by Councilor Carroll would ensure that the reinstatement of the project wouldn't go forward.

Councilor Carroll said she therefore could not support the motion. She said this was a clear way for any Councilors who felt that way to send a message on what they wanted in the future.

Councilor Henry Smith said he believed the project as proposed would not solve the corridor's transportation problems, and he provided details on this. He said his alternative was a strong statement regarding the development of public transportation.

Councilor Julian Smith said he agreed that if the roads were built, more cars would come, and said he couldn't vote for this motion.

Councilor Van Asselt said he had to support this motion because dreams of public transit in NH were in fact only dreams. He said the State wouldn't make an investment in public transit, so the area would either get a bridge they all could get over, or nothing.

Administrator Selig noted that the existing proposal that was removed from the 10 Year Plan had included park and ride areas, and had also included demand management strategies and strategic efforts to encourage mass transit. He said the area simply didn't have sufficient population density for something like light rail right now, but said there was definitely sufficient density for buses. He noted that with

traffic bottlenecks, properties in Durham would become less desirable to live in. He said he therefore supported this motion, which supported property values in Durham.

Councilor Julian Smith said he would rather see Durham be desirable to people who, if they wished to work in Boston, would take the train from downtown Durham.

Councilor Henry Smith said Councilor Van Asselt might be right, but said one would also be dreaming if he thought having 8 traffic lanes would solve the problem.

Councilor Stanhope noted that drivers were finding alternate routes to avoid backed-up traffic, and said some of these went through downtown Durham. He provided details on this, and said this meant the cars were bringing pollution to the center of Town. He noted that he had difficulty coming out of his driveway some mornings because of this traffic, and said it was naive to think that not supporting this bridge, and the design and traffic management features, would protect Durham. He said it would destroy Durham.

Councilor Julian Smith said he thought this was overstated.

Administrator Selig said it was important to realize that this plan represented many years of study and compromise by the region. He said by supporting it, this kept money and process in a project that had the potential to benefit Durham. He said letting it go meant there would be no changes to the corridor over the next 10 years, while congestion would increase, which would be harmful to the Town.

Councilor Julian Smith asked what would happen if the Council didn't endorse this.

Administrator Selig said the reinstatement of the project would be less likely to happen if Durham didn't support this. He said it would be better if the communities together sent a strong message.

Councilor Needell said the request to consider this proposal was fine, but said he didn't know what keeping this project in the 10 Year Plan meant in terms of what project would therefore be taken out of it. He asked what the Legislative delegation's stance was on this.

Councilor Stanhope said Executive Councilors Shea and Hollingsworth strongly supported this, and said Councilor Hollingsworth had been quite upset that she wasn't informed that it had been removed.

Councilor Morong said he didn't think that not doing this bridge would slow development, and said it instead would back up traffic onto local roads that were not designed to handle it. He said he saw more and more intersections backed up that had never backed up in the past, and said he felt it was important to get rid of the log jam on the bridge and let the traffic flow.

Administrator Selig noted that this was simply a statement of support for the project, and said it was up to the Governor and the Executive Council to decide what to do.

*The motion PASSED 5-3, with Councilor Julian Smith, Councilor Carroll, and Councilor Henry Smith voting against it.*

**XII. Adjournment**

*Councilor Julian Smith MOVED to adjourn the meeting. Councilor Henry Smith SECONDED the motion, and it PASSED unanimously 8-0.*

The meeting ADJOURNED at 10:26 PM.

Victoria Parmele, Minutes taker