

This set of minutes was approved at the Town Council meeting on January 12, 2009

**DURHAM TOWN COUNCIL AGENDA
MONDAY DECEMBER 1, 2008
DURHAM TOWN HALL - COUNCIL CHAMBERS
MINUTES**

MEMBERS PRESENT: Chair Neil Niman; Councilor Karl Van Asselt; Councilor Julian Smith; Councilor Cathy Leach (arrived at 7:41 pm); Councilor Mike Sievert; Councilor Peter Stanhope; Councilor Doug Clark

MEMBERS ABSENT: Councilor Henry Smith; Councilor Jerry Needell

OTHERS PRESENT: Town Administrator Todd Selig; Police Chief David Kurz; Business Manager Gail Jablonski

I. Call to Order

II. Approval of Agenda

Councilor Van Asselt MOVED to approve the Agenda. The motion was SECONDED by Councilor Sievert.

Councilor Julian Smith MOVED to amend the Agenda to move Item XI A to immediately follow the Unanimous Consent Agenda. Councilor Stanhope SECONDED the motion.

Councilor Smith explained that Earl Neal, the candidate for the DCAT position, couldn't be there until 8:00 pm, so it would be useful to move the acceptance of grant funds agenda item up. He also said that unless the public hearing on this item was moved up, it would occur after the agenda item on the Budget and CIP. He said that in the interest of time, he thought it would be better to allow those who wished to speak on the grant funds agenda item to speak earlier.

Chair Niman said he didn't care one way or the other on this, but noted that he thought the Council had reached resolution on the Budget.

The motion PASSED unanimously 6-0.

The Agenda as amended PASSED unanimously 6-0.

III. Special Announcements
None

IV. Approval of Minutes

October 20, 2008

Councilor Van Asselt MOVED to approve the October 20, 2008 Minutes. Councilor Julian Smith SECONDED the motion.

There was discussion about the vote on page 18 of the Minutes. It was affirmed that the vote should be 3-5-0, since Councilor Clark had in fact voted against the motion.

October 27, 2008

Councilor Van Asselt MOVED to approve the October 27, 2008 Minutes. Councilor Clark SECONDED the motion, and it PASSED unanimously 6-0.

V. Councilor and Town Administrator Roundtable

Chair Niman asked that the Council have a discussion on the Library issue under Other Business.

Administrator Selig said Business Manager Gail Jablonski would give an update on the tax rate that had been set the previous week, and Ms. Jablonski provided the following information:

| PORTION | 2007 | 2008 | VARIANCE | % INCREASE (DECREASE) |
|------------------|---------|---------|----------|--------------------------|
| Town of Durham | \$6.90 | \$6.52 | (\$0.38) | (5.50) |
| School (Local) | \$16.55 | \$15.74 | (\$0.81) | (4.89) |
| State Education | \$2.52 | \$2.26 | (\$0.26) | (10.3) |
| Strafford County | \$2.27 | \$2.15 | (\$0.12) | (5.29) |
| TOTAL | \$28.24 | \$26.67 | (\$1.57) | (5.55) |

Ms. Jablonski said that after the warrant was approved the tax bills would go out. She also noted that the Town had just received bond funds, so had enough cash to get through the end of the year.

Councilor Stanhope noted that the Council had not yet approved the revaluation.

Administrator Selig said the State had informed the Town that the revaluation that had occurred was appropriate. He said that to a certain extent, this was a rubber stamping process, unless the Council wanted to take a strong stand against the revaluation. He said the Council shouldn't approve the warrant if it wanted to take such a stand.

Councilor Stanhope asked if there was a communication in writing from the State, and Administrator Selig said there was in fact something in writing from David Hynes of the State Department of Revenue Administration saying that the results of the revaluation were appropriate.

Councilor Stanhope asked if the Council would get a copy of this before it voted, and Administrator Selig said the communication had been forwarded on to the Council, and he provided details on the review done by Mr. Hynes. Administrator Selig said he had done everything he could think of to bring in external reviewers to double-check the work of the Town's Assessor, and said to date the results had been positive.

He said the revaluation was thought to be of high quality across all sectors. He noted that there was a specific review on multiunit student housing. He said nothing he had seen to date led him to believe that the data itself was inaccurate. He said to hone the data further, individual property owners would have to come forward to demonstrate why an assessment was inaccurate. He said short of that, it had been demonstrated to him and the State appraiser that this had been a quality revaluation.

Councilor Stanhope asked Administrator Selig if he thought taxpayers who had been under-assessed would come forward.

Administrator Selig said it was likely that taxpayers who had been over-assessed would come forward. He encouraged all property owners to bring forward data to make sure that their revaluations were as accurate as possible. He noted that with multi-unit properties, owners weren't coming forward with cash flow data, so that sales data had been used for assessment purposes.

He said one area where he thought the Town could have done a better job during the revaluation process was its communication with the community. He said this communication should have taken place earlier, and there should have been more of it. He said this would be done in the future. He noted that he had asked the State if the revaluation could be postponed because of the recession, but was told this could not be done.

Councilor Julian Smith said Conservation Commission member Dwight Baldwin and Recreation Committee member John Perry had put together a work session on Town land across from the Churchill Rink, which was well attended. He provided details on the work that was done, including clearing a loop trail. He noted some sites in this area that would make some very good locations for a combined Library/Town Hall. He encouraged citizens to visit the new trails in the vicinity of Jackson's Landing.

Administrator Selig noted an email he had sent that day, concerning the fact that he had met with Fire Chief O'Leary, who had recently signed an agreement to become the Fire Chief for Fond du Lac, Wisconsin. He said he would be thinking through the best way to fill the resulting vacancy, and said this could include an internal promotion process. He said Division Chief Landry would be the acting Chief if needed in the interim.

Councilor Julian Smith asked if there was a requirement to advertise beyond the Town for this position.

Administrator Selig said the Town was required to advertise internally, and said advertising externally was optional.

Councilor Julian Smith said there were a number of well-respected senior members of the Fire Department, and said he thought a Fire Chief could be found among them.

Administrator Selig said it was very possible that the next Chief would come from within the Fire Department.

Administrator Selig said he had received a letter from John Parry, the former chair of the Parks and Recreation Committee, and Co-Chair of the Jackson's Landing Committee. He read this letter, which expressed how pleased Mr. Parry was with the way the Jackson's Landing project had progressed. Mr. Parry spoke about the significant effort Public Works Director Mike Lynch had put into the various aspects of the project, and said his knowledge and expertise had been invaluable. He said this project would not have happened without Mr. Lynch's efforts, and said he deserved much of the credit for its success. Mr. Parry said this was a great example of the Town working together in a cost effective way, and said he looked forward to the opening of Jackson's Landing in the spring.

Administrator Selig said there were also letters from other members of the Jackson's Landing Committee that he would forward to Councilors. He read from a letter from Peter Cathy, the UNH Crew Chief, which said this had been a well-organized effort, which had resulted in aesthetic and logistical improvements to Jackson's Landing. He said there was now room to turn and park trailers down by the boathouse, and he also noted the improvements in the runoff problems.

VI. Public Comments (*NLT 7:30 PM*)

Roger Speidell, Nobel K. Petersen Drive, said he had recently spoken to the School Board for the 20th time. He then showed a newspaper headline regarding the fact that the president of the Red Sox would be keeping ticket costs the same, given the economy. Mr. Speidell said the School Board should show this same sensitivity by not increasing the School Budget for next year. He noted that MIT had recently reduced its budget by \$50 million, and said it seemed that the School District could at least hold to a 0% increase.

He said if the recession deepened in New Hampshire, School Board members could ease some of the pain by holding the line on their Budget. He noted the School Board's mantra "Good to Great", and he asked the Board to be great by being sensitive to the economic situation facing everyone. He said it would be good for students to see this. Mr. Speidell said he appreciated what the Council had done with its Budget this year, and said he wished the School Board would do the same.

Administrator Selig said he had received a mailer from the School Board about its budgetary approach, which was to ask that the School administration keep spending increases down to 3%.

Bill Hall, Smith Park Lane, said he had watched the recent water presentation by Mike Metcalf and others. He said the Council wasn't given other choices than the Spruce Hole well, and he provided details on this. On another issue, Mr. Hall said there was no short answer to the sewer capacity issue, and he spoke in detail about the need for better planning and engineering of the Town's sewer infrastructure.

Dwight Baldwin, 6 Fairchild Drive, said he was present to compliment Mr. Lynch on the work he had done on the Jackson's Landing project. He said it was now a much more usable facility, although there was still work to be done. He said the sedimentation was almost eliminated now, and said the Town could be proud of this. He said this project was a really good example of what town leaders and citizens could do when they worked together to accomplish an important goal.

Robbi Woodburn, 6 Cormorant Circle, said she was present to echo what had been said by others regarding the Jackson's Landing project. She noted that it wasn't finished yet so it was a little premature to go there, but she said it was moving forward. She said more projects like this should be done in Durham, and said Mr. Lynch had done a terrific job. She noted that his perseverance in getting funding was an important part of this effort.

Councilor Stanhope asked Ms. Woodburn if her sense was that the project would be completed within the budget, and Ms. Woodburn said she had not been a part of that aspect of the project.

Councilor Julian Smith asked Ms. Woodburn if she really meant that people shouldn't visit Jackson's Landing yet, and Ms. Woodburn said she meant to say that if people did go there, their expectations shouldn't be too high since the project wasn't yet complete.

Mr. Hall said he had visited the landing, and said the launching ramp was now shorter and shallower. He provided details on this, and said he would watch things carefully to see how things went.

Councilor Leach arrived at the meeting at 7:41 pm.

Administrator Selig said he felt the need to reiterate that residents were entitled to express their opinions under Public Comments. But he said residents should not jump to the conclusion that everything Mr. Hall said was accurate.

He said that concerning the sewer line issue, there was an access point as part of the new underpass UNH had put in, which could have accepted a new sewer line. He said the Public Works Department had made a strong argument to put a new sewer line in, but UNH had been unwilling to do this for cost reasons. Regarding the manhole project Mr. Hall had spoken about, he said this project was contracted out because it was too deep for Town equipment to work on.

Concerning the length of the boat launch at Jackson's Landing, Administrator Selig said his understanding was that it was the same length as it had been before.

Councilor Sievert said the ramp was actually 2-3% steeper now. He said the reason it wasn't put in deeper was that the river was too shallow, and the reason it wasn't put in longer was that the ramp needed to be at a slope. He said hopefully it could be made deeper once dredging was done.

VII. Unanimous Consent Agenda (*Requires unanimous approval. Individual items may be removed by any councilor for separate discussion and vote*)

- A. Shall the Town Council authorize the Town Administrator to sign the 2008 Property Tax Warrant?

- B. Shall the Town Council accept the proposed 2009 Holiday Schedule submitted by the Town Administrator in accordance with the Town's Personnel Plan?
- C. Shall the Town Council approve and sign the March 10, 2009 Town Election Warrant?

Councilor Stanhope asked that Item VII A be removed from the Unanimous Consent Agenda.

Councilor Van Asselt MOVED to approve Unanimous Consent Agenda Items B and C. Councilor Stanhope SECONDED the motion, and it PASSED unanimously 7-0.

There was then discussion about Unanimous Consent Agenda Item A. Councilor Stanhope said it was great that tax rate went down, but he said he wanted to get onto the public record what the actual increase in expenditures were by the various components that made up the tax rate. He noted that the Town portion did not increase.

Gail said she didn't have that information available.

Administrator Selig said the County budget had gone up significantly and the School Budget had gone up as well. He said the decrease in the property tax rate wasn't driven by a reduction in spending; it was driven by a decrease in the overall evaluation.

Councilor Stanhope said he wanted to get that onto the public record. He asked that the increase in expenditures by the various components that made up the tax rate be put into the Administrator's Notes.

Administrator Selig said that in terms of the increase in revaluations, while residential properties had increased at a rate of 5%, student housing properties had increased by about 55%. He said commercial/industrial properties had increased by about 8%. He said Durham was experiencing a shift in the tax burden, so that the multi-family properties would be taking on more of the burden, while residential properties would be taking on slightly less of the burden.

Councilor Stanhope said he had read the opinions of the revaluation work that had been done, and said they consistently referred to the fact that statistically speaking, the assessment was within acceptable parameters. He said that in his own assessment practice, he saw a number of properties appraised or sold where the assessments were substantially below what their values were. He spoke in detail on this, and said his concern was that the Town Assessor relied heavily on his software. He said this approach was resulting in transferring the property tax burden to those who were over-assessed or under-assessed, and said he therefore could not in good conscience support the assessment as completed.

Councilor Leach MOVED to authorize the Town Administrator to sign the Town of Durham 2008 Property Tax Warrant directing the Tax Collector to collect taxes in the amount of \$12,033,729.47. Councilor Clark SECONDED the motion.

Councilor Van Asselt asked Administrator Selig if what Councilor Stanhope had said was right.

Administrator Selig said he had discussed this issue with the Assessor, and had asked him if he had gone back through the database, and had exercised judgment in making individual adjustments. Administrator Selig noted that assessors in some other towns had told him they scoured the data to find outliers. He said Mr. Dix had said he had done all of these things.

Concerning the issue of aberrations in sales, Administrator Selig he said he didn't know the properties and the factors driving the differences. He said assessing was not a perfect practice, and said one never knew for certain a property's true value until it went up for sale. He said the State did allow a 10% deviation on either side, and said the Town's assessment was well within that deviation, so it was classified as a good to excellent valuation. He said the Assessment Office did the best it could to do a good assessment. He said if property owners or abutters were aggrieved, the abatement process was available to them.

Chair Niman said his concern was that if the Council didn't approve this, the Town would get into a fight with the State. He said what Councilor Stanhope was talking about seemed to be a personnel issue in terms of the quality of work that had been done, or an issue of how assessing was done in Durham. He said he would have no problem discussing these issues on a future Council agenda, but said he didn't want to confuse that with the present situation.

He said the assessment results had been with the State's parameters, and said he didn't know where the Council would get, fighting with the State. He said if the Council felt this was a flawed process, it should change it, and said if the flaws were great enough, the whole Town could be revalued.

Councilor Julian Smith received clarification that the vote on this did not have to be unanimous. He then suggested that the Council vote on the motion.

Administrator Selig said it was important not to lose sight of the fact that some outside reviewers had been brought in to evaluate the Town's assessment process, and had found it to be a good one.

Councilor Clark said he saw this as a process issue, and said the process seemed flawed, noting the drastic increase in the assessments for the multiunit properties as an example. But he said he agreed with Chair Niman that it wouldn't get the Town anywhere fighting this right now.

Administrator Selig said another way to look at this was that if it was appropriate for the multi-unit properties valuations to increase by 55%, for the last 3 to 4 years, they had been under-assessed, and the other segments of the Town had therefore been paying more than they should.

The motion PASSED 6-1, with Councilor Stanhope voting against it.

XI. New Business

- A. Public Hearing and Action on Resolution #2008-21** authorizing the acceptance of grant funds in the amount of \$9,690 from the US Department of Justice, Community-Oriented Policing Service (COPS) "Secure our Schools" and authorizing dispersal of said grant funds to the Oyster River School District for the purposes intended

Councilor Van Asselt MOVED to open the public hearing on Resolution #2008-21 authorizing the acceptance of grant funds in the amount of \$9,690 form the US Department of Justice, Community-Oriented Policing Service (COPS) “Secure our Schools” and authorizing dispersal of said grant funds to the Oyster River School District for the purposes intended. Councilor Stanhope SECONDED the motion, and it PASSED unanimously 7-0.

Administrator Selig explained that the Police Department had notified the Oyster River High school that grant funds focusing on security in schools were available, and that the grant had subsequently been awarded, to fund the installation of a closed circuit security camera system for the inside and outside of the High School. He said a match was involved, which had already been approved by the School Board. He said approving this Resolution would allow the Business Manager to request payment from the Federal government.

Monica Smith, 246 Packers Falls Road, said she objected to the installation of these cameras. She said there was no guarantee that they would make anyone safe, and also said they would use a lot of energy, noting that as part of having the camera system, the lights would need to be on inside and outside, 24 hours a day. She said it was a waste of money to rely too much on electronic means to keep the country safe.

Councilor Van Asselt MOVED to close the public hearing. Councilor Stanhope SECONDED the motion, and it PASSED unanimously 7-0.

Councilor Van Asselt MOVED to approve Resolution #2008-21 authorizing the acceptance of grant funds in the amount of \$9,690 form the US Department of Justice, Community-Oriented Policing Service (COPS) “Secure our Schools” and authorizing dispersal of said grant funds to the Oyster River School District for the purposes intended. Councilor Leach SECONDED the motion.

Councilor Julian Smith noted that he had attended a public input session hosted by the Energy Committee. He said a member of the public had pointed out that the lights at the High School and the Middle School were on all night, every night, regardless of whether or not anything was going on there. He said someone else had pointed out that the light meters were set so that on cloudy days, the lights went on. He said he had visited the schools several times at night and found this to be true.

He said it was very expensive for the School system to have those lights on all the time, and said it would be more cost effective if the School Board hired someone to patrol at night, with the lights off. He said that culturally, socially, and environmentally, it was a good thing to end light pollution. He also said he agreed with Mrs. Smith that people relied too much on technology, and should rely more on human beings to keep an eye on what was going on.

Councilor Stanhope said he agreed, noting that he lived near the High School, and said it looked like a space ship had landed, in terms of the light pollution. He also said he was opposed to this project because of the Orwellian feel to it, and said there were better ways to achieve security. In addition, he said the maintenance and replacement costs of the cameras would be another cost for the Town to bear over time, and said there was the energy consumption aspect of this as well.

He said he was not aware that there was serious vandalism problem, and said it would seem to be enough to have the police nearby. He said he had inquired what some other towns of similar size did, and didn't identify any other schools that approached the security of buildings with this kind of capital cost.

Councilor Leach asked for details on why the School wanted this surveillance system, and there was discussion with Police Chief Kurz about the rationale for this. He explained that it was a proactive approach to prevent possible problems. He noted that he was able to apply for the grant while the School was not, and said he had seen this as an opportunity to offset some of the cost of a surveillance system that the School wanted. He provided clarification that the School had planned to go ahead with the system regardless of whether the grant was obtained, and described how the match from the School would work.

Councilor Leach said if the Council said no to this Resolution, the School Board might say getting the surveillance equipment was important anyway. She said the Council would be saying no to money that would help offset their Budget and the tax rate.

Councilor Clark said the funding was already committed, and asked whether it really mattered what the Council thought about the project.

Chair Niman said he had been surprised to hear that there was bidding involved with this project. He then said that he didn't think it was appropriate for the Council to tell the School Board what to do. He said the Council wouldn't stop the project if it didn't approve the money, and said if Councilors were unhappy with the project, they should go to the School Board. He said denying the grant money would essentially mean that the taxpayers would have to come up with the difference, which didn't make sense. He said he therefore planned to support the Resolution.

Councilor Julian Smith said it was the Council's responsibility to accept or not accept this money, and said he hoped it would not accept it. He said the Council wasn't telling the School Board what to do if it voted against the Resolution, but he said it could signal an opposition to this kind of electronic surveillance. He said it might be appropriate to table the motion until the Council got some advice on the Resolution from the Energy Committee. He said there were other ways to discourage vandalism, etc.

Councilor Stanhope said he disagreed that the Council in some way would be telling the School Board how to run the district if it voted against this Resolution. He said there had been substantial comment about how the School Board spent its money, and said if the Council indicated that it didn't concur with accepting the grant money, it would be making a policy statement. He also said he suspected that this kind of surveillance would not have discouraged something like Columbine.

Chief Kurz said his sole purpose in bringing this idea forward to the High School was to save the taxpayers money. He said philosophical arguments could be made regarding this issue, but he said if the Council didn't want the money, he was fine with this.

Councilor Sievert said he thought the Council would be foolish not to take this money, because it would be spent whether or not it did so. He also noted that his daughter had recently graduated from high school, and there had occasionally been some problems.

The motion PASSED 5-2, with Councilor Julian Smith and Councilor Stanhope voting against it.

VIII. Committee Appointments

Chip Neal, Riverveiw Road, said two friends on the DCAT Committee had encouraged him to join them on it. He said hopefully he had skills and experience that would be useful on the Committee.

Councilor Stanhope MOVED to nominate Earl “Chip” Neal, 11 Riverview Road, to the Durham Cable Access Television (DCAT) Governance Committee with a term expiration of April 30, 2011. Councilor Julian Smith SECONDED the motion, and it PASSED unanimously 7-0.

IX. Presentation Item

None

X. Unfinished Business

- A. **PUBLIC HEARING AND ACTION ON ORDINANCE #2008-19** amending Chapter 124 “Street Vending, Peddling, and Soliciting, Section 124-7 (D) “Permit Procedure” of the Durham Town Code by lowering the fee for obtaining a street vending license

Councilor Stanhope left the table at 8:23 pm.

Councilor Leach MOVED to open the public hearing on ORDINANCE #2008-19 amending Chapter 124 “Street Vending, Peddling, and Soliciting, Section 124-7 (D) “Permit Procedure” of the Durham Town Code by lowering the fee for obtaining a street vending license. Councilor Sievert SECONDED the motion, and it PASSED 6-0.

There were no members of the public who wished to speak.

Councilor Leach MOVED to close the public hearing. Councilor Julian Smith SECONDED the motion, and it PASSED 6-0.

Councilor Van Asselt MOVED to Adopt ORDINANCE #2008-19 amending Chapter 124 “Street Vending, Peddling, and Soliciting, Section 124-7 (D) “Permit Procedure” of the Durham Town Code by lowering the fee for obtaining a street vending license. Councilor Leach SECONDED the motion.

Councilor Clark said he didn’t understand how the permit fee numbers here had been arrived at.

There was discussion on how these numbers had been worked out at the previous Council meeting. Administrator Selig noted that the Council had thought the initially recommended change to the fee had been too low, so it had been raised somewhat. He also said Councilor Stanhope had brought up a

valid point that the anticipated increase in police calls from residents about vendors justified a somewhat larger amount for the fee.

Councilor Stanhope returned to the table at 8:26 pm.

The motion PASSED unanimously 7-0.

- B. Formal submission of finalized “Personnel Plan” and “Administrative Regulations” prepared by the Town Administrator and Business Manager.

Chair Niman summarized that Administrator Selig was handing them to the Council that evening, and if the Council didn’t veto them within 30 days, they became the de-facto “Personnel Plan” and “Administrative Regulations”.

Councilor Julian Smith asked if Administrator Selig would be able to make some minor amendments to the documents.

Administrator Selig said this could be done if they were non-substantive changes. He said he and Ms. Jablonski had taken into account feedback from the Council on the documents. He said a definition was included on what “town” was, and also said the wording on “orientation period” had been fleshed out.

Chair Niman asked Councilors to let him know within the next 30 days if they found anything objectionable in these documents.

Councilor Clark received clarification that all full time Town employees were eligible to participate in the NH State Retirement Program. He said for non-unionized employees, there was also a voluntary 457 plan.

- C. Adoption of Resolution #2008-22 approving and adopting the FY 2009 General Operating Budgets, Capital Fund Budget, and the 2009-2018 Capital Improvement Plan

Councilor Van Asselt MOVED to ADOPT Resolution #2008-22 approving and adopting the FY 2009 Operating Budgets and Capital Fund Budget, and the 2009-2018 Capital Improvement Plan. Councilor Stanhope SECONDED the motion.

Administrator Selig said there was a non-substantive change to the Budget, noting that although the local property tax rate had been projected to be \$7.03 per thousand, it was \$6.52 per thousand based on the revaluation numbers.

The motion PASSED unanimously 7-0.

XI. New Business

A. Other Business

Chair Niman said things might have gotten to the point where the Library Board of Trustees was moving ahead concerning a new library. He said that in discussion with Chair Doug Bencks two weeks ago, he had learned that the Trustees would like to acquire a property owned by Varsity Durham at 2 Mill Pond Road. He said he thought it would be appropriate to put this issue on the agenda of the next Council meeting.

He said the first thing to consider was that at some point, a vote of the Council would be required in order to acquire the property. He said a second thing for the Council to consider was that Varsity Durham had expressed an interest in buying the Grange, and funds from this sale could perhaps be used to offset buying the 2 Mill Pond Road property. He said a question therefore was whether there was interest in selling the Grange. He said the Council would need to let Administrator Selig know if it was interested in this, so he could negotiate on this matter.

He said the Council also needed to think about the fact that if it supported the 2 Mill Pond Road proposal, there could not be a combined Town Hall/library. He said if the Council did want a combined facility located reasonably close to downtown, the only place he could think of for this right now was a property Roger Jacques said he was interested in selling. He provided details on this. He said he didn't know if the Trustees would be willing to go along with that, but he said if the Council wanted a combined facility, it should raise this at the next meeting. He said this was the only piece of land at a reasonably price located close to downtown where a combined facility could fit.

Chair Niman said the next issue he wanted to raise with the Council was that it had never really discussed how costs would be shared between the Library and the Town for a new facility. He noted that the Trustees had said they were willing to raise \$1 million, and said a question was whether the Council expected them to raise more than that.

Councilor Leach asked if the Council would be provided with some information concerning costs issues. She also asked if there would need to be a warrant for the voters to vote on, for a project like this.

Chair Niman said a warrant would be required if the Town had to pay more than \$1 million. He said the Council could say to the Trustees that it was only willing to pay a million or less, and that they had to raise the rest of the money. He said the Council could also say the Trustees would pay all of the cost, in which case, this would have to go on the warrant. He said the concern would then be that the Town acquired the property and the warrant might then fail.

He said when Library Trustee Doug Bencks came to speak with the Council, perhaps there could be discussion on the idea of the Town buying an option on the property and locking in the location, but not buying it outright. He said this might be a strong indication for the Trustees so that that they could then feel comfortable about raising the money.

He said his expectation was that as part of that scenario, the Council would provide feedback to Administrator Selig, who would then sit down with the Chair of the Library Trustees to put forward a proposal for acquiring that site. He said he would hope that there would be some idea on how the costs would be shared at that point. He said there would be a public hearing, and based on comments

received, the proposal would either be revised, or would move forward to be voted on by the Council.

Chair Niman said he wanted the Council's feedback now about the process he had outlined, and whether they perhaps would like to see a different process.

Councilor Clark said there were a lot of moving parts to this process, and said a question was how many of them could be nailed down before there was a meeting. He noted that at a previous meeting, there had been three possible scenarios discussed concerning a new Town Hall, one at the Church, one at the Business Park and one downtown. He said now they were hearing there were other possible properties, and said he wondered if there were others the Council needed to be thinking about, in terms of trading to get what they wanted.

He also said he didn't know if the numbers from the last meeting were solid enough to allow a conclusion that a shared Town Hall and Library would save a certain amount of money. But he said he would like to know what that number was.

Councilor Stanhope said at some point, in terms of funding the library site, he thought this was something that should go to the voters as a warrant article. He said he hoped that the Council wouldn't try to circumvent that process.

Chair Niman said he had not meant to imply that he wanted to circumvent that process.

Councilor Julian Smith said the Trustees were aware that building a new library would, somewhere down the road, require a bond issue unless the Trustees received the money from another source. He noted that the Trustees had recently agreed to focus on the Mill Pond Road parcel, but had not yet agreed to buy it. He said he hoped there would be an opportunity to discuss this matter with the public.

He also said he hoped Mill Plaza owner John Pinto would get the impression that the Trustees and others were becoming a little tired of waiting to hear from him. Regarding the issue of making some accommodation with the Town concerning costs, he said the Trustees had enough money to buy the property, but knew they couldn't purchase it on their own.

Councilor Leach said her concern was related to Councilor Clark's concerns. She said she was not sure how they would figure out any of these issues at the next Council meeting and come to any conclusions on them. She asked whether perhaps questions should be formulated ahead of time. She said Chair Niman had laid out a great process, but she said a question was how they could be further along with this process in two weeks.

Chair Niman said Councilors would have two weeks to think about this. He said they could ask Doug Bencks if the Trustees were interested in a combined facility, and whether, if the Council had a location in mind for this, the Trustees might be supportive of that. He said he saw this as the beginning of the conversation, and said in saying he wanted things to move forward, he meant that it was time to start to resolve some of the issues involved.

He said he was committed to finding a home for the Library, and said he would like this to be done in a way where everyone understood the choices that were available and that needed to be made. He said that was why he had brought up the Jacques property, so the Council could think more about choices. He said if the Town sold the Town Hall property for \$2 million, and was committed to a combined facility, it could put the money toward that. He said he wanted the Council to think about these kinds of things. He said he was sensitive to concerns about how the various issues would be resolved, but said he hoped they could come up with some things.

Councilor Julian Smith spoke about the issue of the danger of taking properties off the tax roll. He said he thought there might be some ways to put some Town properties on the tax roll, and get a municipal complex and a new home for the police department. He said Steve Schuster would be coming to speak about some possibilities with the EDC.

He said one of the issues Chinburg Builders had run into was that NHDOT considered the entrance on Route 4 to be a temporary entrance, and was insistent that the developer push Old Piscataqua Road all the way to the Business Park, and cut off the Route 4 entrance. He noted that there was University land next to the sewage treatment plant that the Town had gotten for a dollar, and said he thought the Town could find some additional acreage from UNH next to an extended Old Piscataqua Road. He said there were some significant possibilities out there that should be kept in mind.

Councilor Leach said she thought the Council should try to focus the discussion, and she suggested that perhaps an outline of particular things Councilors wanted to discuss could be developed before the meeting.

Councilor Van Asselt said if the Council expressed its opinions to Doug Bencks, he wasn't sure what this would accomplish. He said what the Council would need to decide was whether it wanted to ask the voters to spend money on the library.

Chair Niman said the Council needed to decide what it was that it would ask the voters to provide money for, and also needed to consider what its share of the costs should be and thus how much money it would ask the voters for. He discussed the fact that there might potentially be some other ways to finance this, such as using a TIF district downtown. He said he might bring a proposal on this forward at some point.

Councilor Sievert questioned what process other than what Chair Niman had outlined would work better at this point. He said starting with a potential site, the questions that needed to be asked started to come out.

Chair Niman suggested that Councilors could email their questions to the Trustees ahead of time so they would have time to think about them.

Councilor Clark said he didn't understand how these things could be assessed without some kind of economic analysis of the various options, and a way to understand both the short term as well as the longer-term issues that were involved.

Councilor Stanhope said it was great that the Trustees had identified their interest in the Mill Pond Road site, but he said he wasn't sure what the benefit would be of meeting at this point. He said perhaps a joint subcommittee could develop a firm approval that both the Council and the Trustees could then approve or not. He said that otherwise, they would just be gathering and talking about these things. He asked what the Trustees were looking for from the Council.

Councilor Leach asked the Council's role was in this process. She said her gut feeling was to defer to the Trustees, and said she was unsure of what they were looking for from the Council.

Administrator Selig said his impression was that the Trustees had grown impatient. He said their number one site for a new library had been Mill Plaza, and the 2 Mill Pond Road site was their second choice. He said the Trustees were saying that it didn't look like the library would happen at the Mill Plaza site, so they were moving forward with their second site. He noted that they were not interested in locating the library at the Business Park or at the Evangelical Church.

Chair Niman said he thought that if the Trustees wanted the Mill Pond Road site, they could come up with the money for it. He said he would prefer that they put an option on it, and said he would be fine with this approach. But he said he had raised the idea of the Jacques property because there was some interest in having a combined facility. He said if the majority of the members of the Council were committed to a joint facility, they would have to figure out how to make this worthwhile for the Trustees. He said perhaps the Town could put some money on the table to pique their interest.

He said the Council needed to figure out whether it wanted to say the Trustees should do what they wanted, or if the Council should instead place some limits on this. He said the Trustees' decision would have consequences for the Town's budget, given the fact that a 12,000 sf facility would have higher operating costs than a 6,000 sf facility. He said the Town was responsible for paying for these costs, and he noted that the Council had never actually said that it would support a 12,000 sf facility. He said the Council had never raised the issue before that perhaps the Town could only afford a 6,000 sf library, and he said there needed to be a discussion on this.

Councilor Julian Smith suggested that it would be better for the Council to have a discussion on these things before meeting with the Trustees. He noted that they wouldn't be meeting until the Thursday after the Council's next meeting. He also said that the Trustees' vote concerning the Mill Pond Road property had not been unanimous, and some members had not been present. He said he had not voted with the majority. He said it might be good to get a brief presentation from Doug Bencks at the next Council meeting. But he said the Council needed to have a discussion on whether it wanted to have a joint facility. He said he thought it would be hard to find a site for this downtown.

Chair Niman said he would like Administrator Selig to ask Doug Bencks if it made sense to wait until January to have a talk with the Council. But he said he would like the Council to have a substantive discussion on these issues at its next meeting.

Councilor Leach said she and Chair Niman could outline the issues for the Council to discuss in a Council Communication.

Chair Niman agreed this was a good idea, so there could be a productive discussion. He said in order to move this forward, some issues first needed to be resolved.

Councilor Stanhope said he wished the Trustees would come forward with a more formal proposal, which the Council could then discuss and then either vote up or down. He noted that there wouldn't be anything ready to go on the warrant for 2009, and said there were many cost issues to be addressed, in terms of future bonding of a project.

Chair Niman said perhaps creating a subcommittee was the approach that should be taken, but he said there were perhaps other approaches as well. But he said it was time to get resolution on these issues, in order to develop a specific proposal to put before the public.

Councilor Sievert questioned why a formal proposal was needed now, when everyone was still in the planning stages.

Councilor Van Asselt made note of the 0% tax rate increase in the Budget for 2009, which had finally been accomplished after several years. He said he was appalled that there was now discussion on a possible bond issue for a new Town Hall and Library, and said when a bond issue was passed by residents, it was not free money.

Councilor Leach said no Councilors had said this, and said they were looking out a few years. She said her own goal was to move the conversation forward on these issues.

Councilor Van Asselt said he wasn't asking that the Council not discuss these issues, but he said it was important to be sensitive right now. He said when these kinds of things were thrown on the table, they tended to take on a life of their own. He said he was glad Chair Niman had brought this forward, and said he would be happy to discuss it. He said he hoped a process could be developed that they could work with, but he said in the end, a project would cost a lot of money.

Chair Niman said if it turned out that the Council wanted to hold off on the library project because of the economy, this was something that would be important to communicate to the Trustees. He also spoke about the issue of the operating costs for a 12,000 sf facility as compared to a 6,000 sf facility, and said this would also need to be discussed.

Administrator Selig briefly described a possible approach of building a combined Library and apartment complex on the Mill Pond Road site, and using a TIF that would be unique to that site. He said the value obtained from the apartments could be used to help pay the debt service on the Library.

Chair Niman said a question would be whether the Trustees would be willing to consider that kind of thing. He said if the Council didn't have a discussion with the Trustees, it wouldn't know the answer to that question.

He asked that Councilors email any issues, ideas or questions to Administrator Selig, so that he could compile a list. He said he and Councilor Leach would then develop a Council Communication for a focused discussion on the key issues that were delineated.

XII. Nonpublic Session

XIII. Extended Councilor and Town Administrator Roundtable (if required)

XIV. Adjourn (NLT 10:30 PM)

Councilor Julian Smith MOVED to adjourn the meeting.

Chair Niman made note of the fact that the reason the meeting was adjourning early was that Administrator Selig and Business Manager Gail Jablonski had done an exceptional job on the Budget and CIP, and there was a decrease in spending.

Councilor Leach SECONDED the motion, and it PASSED unanimously 7-0.

Adjournment at 9:15 pm.

Victoria Parmele, Minutes taker