

**D-R-A-F-T**

**Durham Town Council  
Monday September 14, 2009  
Durham Town Hall - Council Chambers  
MINUTES**

- MEMBERS PRESENT:** Chair Neil Niman; Councilor Karl Van Asselt; Councilor Jerry Needell; Councilor Julian Smith; Councilor Mike Sievert (arrived late); Councilor Doug Clark; Councilor Peter Stanhope; Councilor Diana Carroll; Councilor Robin Mower
- MEMBERS ABSENT:** None
- OTHERS PRESENT:** Business Manager Gail Jablonski

**I. Call to Order**

Chair Niman called the meeting to order at 7:02 pm.

**II. Approval of Agenda**

*Councilor Van Asselt MOVED to approve the Agenda as submitted. Councilor Clark SECONDED the motion.*

An informal change in the Agenda was made at the request of Councilor Carroll, who asked that Item B be taken off of the Unanimous Consent Agenda.

*The motion PASSED unanimously 8-0.*

**III. Special Announcements**

**IV. Minutes**

August 10, 2009 Work Session

Page 5, 5<sup>th</sup> full paragraph, should read "...some concern from the Jacques..."  
Page 17, next to last paragraph, should read "..he was thinking of having paths..."

*Councilor Mower MOVED to approve the August 10, 2009 Work Session Minutes as amended. Councilor Van Asselt SECONDED the motion, and it PASSED unanimously 8-0.*

**V. Councilor and Town Administrator Roundtable**

Chair Niman said Business Manager Gail Jablonski was sitting in as interim Town Administrator while Administrator Selig was in Montreal at a conference. He noted that Durham Day was on Sunday, and there was discussion on Councilors' participation in the event.

Councilor Needell said the Conservation Commission had met the previous week, and said there was a presentation at the meeting on the stormwater prevention protection plan for the Wiswall Bridge reconstruction project. He said the Commission was writing a letter accepting and concurring with the plan, and stating that it appreciated the effort that had gone into providing it to them. He said the monitoring aspects were of particular interest to the Commission.

He said an issue the Commission didn't deal with at the meeting was the presentation before the Planning Board the previous day on the proposed parking expansion at Mill Plaza. He noted that the application was not accepted by the Board that evening, and said the Commission had decided after a lot of discussion and public input that because there was no application yet, it was inappropriate for the Commission to act formally on it. He said they decided to wait to see what happened with the application.

Councilor Clark said he, Administrator Selig and Councilor Smith had recently met with the Superintendent of Schools, some principals, the Police Chief and a few others on the issue of drugs and alcohol. He said one conclusion of the meeting was the need for awareness, especially on the part of parents.

He said they had started using the Friday Update to inform residents on this issue, and said it was hoped this would become a regular part of Friday Updates, and would begin the process of developing an awareness of what the problems were, which would hopefully lead to solving them.

Councilor Smith said he should have abstained on the vote to approve the Minutes, noting that he was not at that meeting. He said he had read with great care the Minutes for that meeting, and had watched the DVD as well, which was of a very poor quality. He noted one potential site for Town facilities that no one at the meeting had talked about was the extensive amount of land around the transfer station.

He said he realized there was no enthusiasm for building a library or Town hall there, but said it was a very popular site, and said they might consider doing more with the land closer to Durham Point Road, or on the Newmarket side.

Councilor Sievert arrived at the meeting at 7:10 pm.

Councilor Smith said the Planning Board had met the previous week, and had finally crafted a good definition for "contiguous". He also said the Mill Plaza expansion application was not accepted by the Board, and said it would come back at the next meeting. He noted that the paperwork and comments in the Boards' packets brought back issues first raised in 2002 about the idea of expansion of parking.

He said the Planning Board had heard the first part of the proposed 2010 Budget (as part of a discussion on the draft CIP), and said a small budget item they spoke about was the Police Department's goal of arming every officer with a taser, which would also have a video camera attached in order to provide some accountability. He said he was not in favor of the idea of acquiring tasers.

Councilor Stanhope said the HDC had met, and said the only thing pending before it was an application from the Three Chimneys Inn to do some repair work. He said the original application included the use of some synthetic material, but said this application had been withdrawn, and they were now planning to use wood for the finish work around some outside decking.

He said the rest of the focus of the HDC meeting was on the historic tour that was planned, and he noted that 150-200 people, including several Councilors, had attended this tour the previous day. He said it was a good opportunity to talk to a number of people who were involved in various ways in Durham, and said he hadn't found a single person there who wasn't strongly in favor of preserving the Oyster River dam.

Councilor Stanhope said there appeared to be a core of people who would reappear if the Council chose to bring this subject up. He said the tour had ended at the Three Chimneys Inn, which had supported the idea of the tour along with the Community Church and the HDC. He said it was good to see the community involved in this event, and he noted that there was talk about making the tour a regular event.

Councilor Mower said this event showed that there was great interest in the Town's historic settings, and that there was the opportunity to build on this in many ways in terms of promoting the historic aspects of Durham, and developing a sense of community around that.

She said the Energy Committee had met that afternoon, and noted that the Chair, Kevin Gardner, had had a solar raising at his house recently, similar to a barn raising. She said a video was taken of this event, which would be made available to members of the community. She said it was an important step forward, and said it was a concept that residents might want to consider in order to reduce the cost of a solar installation.

Councilor Stanhope said he had been approached by a few members of the community expressing concern about the degradation of the downtown area with the return of students, which was an issue he had raised a few years ago. He said there was more trash than receptacles, and suggested the need for more receptacles.

He also said if the Town and the University used foot patrols during the early weeks of school, it might move students to respect the downtown area more. He spoke in further detail about the degradation that occurred, and noted among other things that in some instances it was a health hazard.

Councilor Stanhope said Councilors who attended the historic tour were somewhat embarrassed to find the Hamilton Smith Chapel, a municipal property, in such poor condition. He spoke in detail on this, and said while it was a Town treasure, it was literally being allowed to rot into the ground. He said he hoped the DPW would consider reallocating their efforts to address the shortcomings of maintenance of that property.

Councilor Carroll thanked those who had made the historic tour a reality, stating that it was a wonderful community event. She noted that Andrea Bodo had initiated the event.

She said the IWMAC's fall newsletter "Down to Earth" would be mailed out in early October. She also said the Committee had finalized its 2010 goals at its most recent meeting, and said the goals would be presented at a future Council meeting.

Councilor Carroll noted that the DCAT Committee had met on September 9<sup>th</sup>, and noted that there were three new cameras in the Council chambers that replaced older cameras that had been in need of replacement. She also said there was further review at the meeting of DCAT policies, and said this would continue throughout the fall. She said there was discussion about creating local programming, which several members were interested in doing.

She said the City of Portsmouth had a quarterly newsletter called the "Sustainability News", and noted that it talked about some of the initiatives UNH Professor Burt Cohen had spoken with the Council about some weeks back, regarding the principles of the Natural Step and how they were being put into practice in Portsmouth. She provided copies of the newsletter to Councilors, and asked them to pass their copies on to Town committees when they were done with them. She also said the newsletter was available online at <http://www.cityofportsmouth.com/sustainability/timeline.htm>.

Councilor Carroll said that at the previous Council meeting, Councilor Van Asselt had noted an article in Down East Magazine on how residents in Maine over 60 could volunteer and receive a property tax credit. She noted that in Saco, Maine, the tax credit was \$750. She said she had spoken with the tax collector in Saco the previous week, and had learned that the program had been in operation for a year, and had been so successful that it would be expanded next year.

She said she thought this kind of program had merit and could be successful in Durham. She said she wondered if the Council was interested in pursuing this idea, and said she had detailed information on it that she could use to create a Council Communication on an approach to possibly recommend to Administrator Selig.

Councilor Mower said she thought it was a good idea to look into, and other Councilors agreed.

Councilor Carroll said she would therefore put together a Council Communication on the idea. She noted a final item, which was that Wednesday, September 16<sup>th</sup> was ladies' night in downtown Durham. She said that evening, various businesses would stay open

until 9 pm so women could come in and do some shopping. She provided details on participating businesses, and encouraged women in Town to turn out for the event.

Councilor Sievert said the Parks and Recreation Committee was transitioning to sharing some of their work with the new part-time recreation director. He said the Committee had been frustrated with the news that the parking lot that had been designed for Wagon Hill farm could not be funded through the trust fund for Wagon Hill because it didn't qualify as care and maintenance under the terms of the trust. He said the Committee would still push forward to get the parking area constructed at a later date.

He also said that with the new Recreation director, it was hoped that the Committee could focus on more development and use of Town recreation properties.

Councilor Van Asselt noted that Cumberland Farms had sat empty for three years, and said all it would take to change this situation would be to change about 5 words in the Zoning Ordinance to allow people to park in the front. He said he'd spoken to Mr. Campbell about this, and asked if perhaps Councilor Smith, as the Council representative, would be willing to take this idea to the Planning Board.

He said Cumberland Farms was not going to come forward to the Town to ask that the Ordinance be changed, and explained that some potential buyers were reluctant to purchase the property otherwise. He said there was only one property in the Courthouse district, Cumberland Farms, which would be impacted by such a Zoning change, and he provided details on this.

Councilor Smith suggested that he and Councilor Van Asselt should do a preliminary site walk, and he could then bring this idea to the Planning Board.

Councilor Mower asked if this involved the addition of parking spaces or the shifting of parking. She noted that Portsmouth was interested in changing a perceived outdated style of parking along Lafayette Road, and thought pedestrian traffic could be encouraged by putting parking behind buildings. She said she had seen this idea supported in planning journals.

She asked if the issue involved the need for more parking, and Councilor Van Asselt said yes, and explained that the amount of room available on the site for parking was not enough to support a business without the use of the front area.

Councilor Needell said it seemed this would be a good candidate for a variance, but said it also seemed that the owners weren't interested in going for one.

There was discussion. It was noted that the parking was no longer allowed in front because the site had been vacant for over a year.

Chair Niman asked how Councilors would feel about possibly starting the next Council meeting at 6 pm, noting there would be a non-meeting meeting as well as a non-public

session. Councilors agreed that this would be possible.

## **VI. Public Comments**

**Bill Hall, Smith Park Lane**, spoke about the notice in the paper about the Drinking Water SRF loan environmental review. He said it said the 401 certificate restrictions were difficult, and he read from it. He said it was the operative statement used to predicate \$600,000, and said it was not true. He also said the reason why the protection of public water supplies was not part of the report was that nothing said about the 401 certificate would stand up.

He said he and Richard Kelley had spoken with NHDES Commissioner Burack about the 401 certificate the previous summer, and said Mr. Burack had been reserved, while Mr. Currier was impossible to talk to. Mr. Hall said the recent letter from Mr. Burack was one that he couldn't possibly have dictated better himself. He read some excerpts from the letter, which said among other things that the 401 certificate would be replaced by the instream flow rules, and would not be incorporated into them.

Mr. Hall also said the letter indicated that dam management plans would be part of a larger water management plan designated in part to protect public water supplies' current and future needs. He spoke in some detail on how this would benefit Durham. He said this letter meant the Town would never have to go to court in order to get its water as prescribed by State law.

Councilor Smith said Mr. Hall was referring to the cover letter that came with a long response by NHDES to comments from various towns on the protected instream flow study report that had been put out some months ago. He said he had read the report, and said it was a very difficult document to read.

He said Mr. Burack had signed off on a 100 page single space response to the comments on the report. He said Mr. Hall had among other things read a letter from Emery Garret questioning some of the statements in the report. He said he done a lot of reading on this issue over the previous week, and said NHDES was in some kind of disarray over this matter.

Mr. Hall said it appeared that Mr. Burack had come down firmly on the Town's side, and said this should be recognized. He said the only reason the Town had gotten into this situation in the first place was that there had been secret meetings, and he spoke in detail on this. He asked Councilors if they either didn't understand or didn't believe what he had been saying about this issue, noting that regardless of what he had said, the Council had voted to spend half a million dollars on the Spruce Hole aquifer project.

Chair Niman said the Council wasn't going to discuss that issue at the moment, and Councilor Smith suggested that they discuss it under the Extended Roundtable. Chair Niman said it would be a topic at the next Council meeting, and said the relevant information would be provided in advance of that meeting. He questioned whether there

could be an intelligent discussion at the present meeting without that information.

Councilor Smith said someone at the table had seen some of the materials and the ad, and could speak to that at the present meeting.

Chair Niman said if the Council was interested in hearing about this issue, Councilor Smith would have the opportunity to speak on it

## **VII. Unanimous Consent Agenda**

- A. Shall the Town Council approve the special event permit application submitted by the UNH Campus Recreation Department to close a portion of Main Street for the Annual Homecoming 5K road race on Saturday, October 10, 2009?
- B. Shall the Town Council authorize the Town Administrator to submit a Purchase Requisition to the Business Office and sign an agreement between the Town of Durham and Lemay Erickson Wilcox Architects in the amount of \$35,600 for the feasibility study of the selected sites for location of a Fire Department?
- C. Shall the Town Council, upon the recommendation of the Town Administrator, approve Release of Easements on a fifteen-foot wide sewer easement and a two-foot wide highway easement located on 6 Jenkins Court and authorize the Town Administrator to sign said Release of Easements for their documentation and recording at the Strafford County Register of Deeds?

Chair Niman noted that he had been requested to take Item B of the Unanimous Consent Agenda.

***Councilor Smith MOVED to approve Unanimous consent agenda items A and C, and Councilor Stanhope SECONDED the motion.***

Councilor Sievert recused himself.

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

There was discussion on Item B.

Councilor Carroll said she had some questions for Chief Landry, and first said she was really glad this initiative was moving ahead. She said she had Googled the company chosen, and it looked like they did excellent work including buildings that were LEED certified and were very durable.

She said there was an interesting overlap of siting the building and determining the architecture, and asked how this would be done. She also said it looked like there were charities planned so that residents could provide input.

Chief Landry said the study would determine the size needed for the building. He said they were looking at three sites at this point, and said they wouldn't get specific as to the architectural style, but would look at some conceptual plans for the different sites.

He said the goal was to narrow this down to at least two sites. He said they were still looking at B lot, the Madbury Road site, and Stone Quarry drive, and said there were pros and cons to all of these sites. He said if they ended up with B lot, there would probably be a brick building in order to fit in, and said if they wound up at Stone Quarry, they would probably use clapboard.

Councilor Carroll asked Chief Landry to explain why the current site couldn't be used, and he said UNH's goal was to have a walking campus in that area, so it didn't want the fire trucks, ambulances and other vehicles there. He also noted that it was a difficult site to get out of, given the fact that there were 5 crosswalks between the station and Main street.

Councilor Needell said everyone had a different idea about where the new fire station should be, and said he didn't know how aware the general public was that this had been focused down to the three sites. He asked Chief Landry if he and the architectural firm were prepared for questions about other possible sites, and about why these three sites were the best.

Chief Landry said absolutely, and noted that there had been many meetings with University planner Doug Bencks to discuss University and Town sites that were available. He said a key factor was that there needed to be a site with 2.0 to 2.5 acres. He said they might be able to use a site with 1.5 acres but said he didn't really expect this. But he said the experts would help determine this.

He said almost any building would work at B lot because there was enough room there, so it would get a cursory look, and a charette wasn't needed. But he said it made sense to have charettes for the Madbury Road and Stone Quarry Drive sites. He said a big part of this study would be to determine the size of the facility that was needed. He said he liked it that the architectural firm chosen turned over another fire station every 18 months, and might have ideas to share about previous projects.

Councilor Needell said it sounded like the idea was that the space needs would be portable from site to site, so that if the site to be used should change for some reason, all would not be lost.

Chief Landry said absolutely. He also said a charette was a starting point, and that coming up with the square footage was an important part of this.

Councilor Van Asselt said it was important to keep separate the selection of the site and the look of the site. He said the site chosen was the really important decision, and was not one for the community to make. He said he assumed that the Fire Department, with expertise, would decide what it needed in order to respond to fires in the community.



Councilor Mower said she and Chief Landry had had a discussion that day, and she asked him to share his comments about response times, and the benefits of the Stone Quarry Drive location.

Chief Landry said 60% of Town would get a faster response time if the station was there, because it would be closer to Route 4, Route 108, Durham Point Road, etc., excluding campus. But he said there would be a slower response time for the Mill Road and Packers Falls Road area because trucks would have to drive through Town to get there.

He said he had thought UNH would be against having the station at Stone Quarry Drive, but said Mr. Bencks had said they didn't care as long as the station was within a mile of campus. He noted that if they were at Stone Quarry Drive, they would be closer to the downtown.

He stressed that accurate numbers hadn't been run on all of this yet, and spoke further about the pros and cons of the three sites.

Councilor Mower said she was glad to hear the energy orientation of the architectural firm that had been chosen, and noted that this had been discussed by the Energy Committee. She also said she was curious to hear that UNH would like the Fire Department moved because they were focusing on having a pedestrian campus.

She noted that the Town had spoken about trying to encourage pedestrian traffic downtown, which reflected a tension between UNH, an entity that was probably responsible for a large portion of the need for a large fire department in Durham, and the Town, which was much smaller and was struggling to make the downtown more vibrant.

Councilor Mower said she believed Councilor Van Asselt had asked at a previous meeting if all avenues had been explored regarding using a UNH property as the site of the new fire station. She said she would hope something else could be come up with.

Chief Landry said the sites UNH would be willing to give up were a bit larger and were too far out of Town.

Councilor Carroll said it appeared that only if the architects said the footprint could be significantly smaller that some other sites might open up, and that this was a long shot.

Councilor Sievert said the planning consultant the Town had just hired had a traffic consultant. He said perhaps if traffic was re-routed through the downtown that would benefit the Stone Quarry site as a location for the Fire Department. He also asked why B lot wasn't being pushed.

Chief Landry said he had been pushing it, but said UNH had to have a certain number of parking spots, and if the fire station took up a portion of that, it would have to put up a parking garage, which was not in the University's master plan and would be expensive.

Councilor Sievert said it sounded like B lot was the top spot, so maybe UNH would come around after the design process was completed.

Councilor Mower said it might be helpful for the public to know when the charettes would be held, and Chief Landry said this information would be provided to the Council.

Councilor Needell noted the reference to 4 sites in some the final language of the contract, and Chief Landry said the attorney would check this.

***Councilor Mower MOVED to authorize the Town Administrator to submit a Purchase Requisition to the Business Office and sign an agreement between the Town of Durham and Lemay Erickson Wilcox Architects for the feasibility study of the selected sites for location of a fire station. Councilor Sievert SECONDED the motion, and it PASSED unanimously 9-0.***

### **VIII. Committee Appointments**

- A. Shall the Town Council appoint Thomas Elliot, 26 Edgewood road, as a member of the Economic Development Committee?

Mr. Elliot said he had moved to Durham in June, and was very excited about the downtown revitalization effort in Durham. He noted that he grew up in Newport, NH which had done a great job of revitalizing its downtown, and had also lived in Hanover, NH after college. He said he had been a small businessman there, and had moved to Durham with great hopes that revitalization of the downtown would take place. He said his goal as a resident and a small businessman on the EDC was to see this happen, and to see it the downtown become friendly for families as well as students.

Mr. Elliot received clarification that he would be an alternate on the EDC.

***Councilor Carroll MOVED to appoint Thomas Elliot, 26 Edgewood Road, as an alternate member to the Economic Development Committee, said term to expire on April 30, 2010. Councilor Clark SECONDED the motion, and it PASSED unanimously 9-0.***

- B. Shall the Town Council appoint Peter Ejarque, 30 Long Pond road, as a member to the Durham Energy Committee?

Councilor Mower noted a brief letter of endorsement the Council had received from the chair of the Energy Committee.

***Councilor MOWER MOVED to appoint Peter Ejarque, 30 Long Pond Road, to the Durham Energy Committee. Councilor Stanhope SECONDED the motion.***

Councilor Needell asked whether Mr. Ejarque was actually a resident of Durham, noting that Mr. Ejarque was building a house on his property.

Councilor Mower said the Energy Committee had discussed this, and had decided that they were willing to welcome Mr. Ejarque as an honorary member until such time as he actually lived there.

Councilor Needell recommended making the appointment contingent upon the Town Administrator verifying that Mr. Ejarque was eligible.

Councilor Mower suggested that this could be addressed at the next Council meeting, which would take place before the next Energy Committee meeting. Other Councilors agreed with this.

***Councilor Needell MOVED to postpone action on the motion to appoint Peter Ejarque, 30 Long Pond Road, to the Durham Energy Committee. Councilor Van Asselt SECONDED the motion, and it PASSED unanimously 9-0.***

Chair Niman said this item would be brought back at the next Council meeting.

**IX. Presentation Items**

**X. Unfinished Business**

- A. Public Hearing and Action on Ordinance #2009-08 amending Chapter 132 “Tax Exemptions and Credits”, Section 132-3 of the Durham Town Code to increase criteria and exemption amounts in order to offer meaningful property tax relief to qualified elderly residents

***Councilor Mower MOVED to open the Public Hearing on Ordinance #2009-08 amending Chapter 132 “Tax Exemptions and Credits”, Section 132-3 of the Durham Town Code to increase criteria and exemption amounts in order to offer meaningful property tax relief to qualified elderly residents. Councilor Carroll SECONDED the motion, and it PASSED unanimously 9-0***

Chair Niman noted that there were no members of the public who wished to speak at the public hearing.

***Councilor Smith MOVED to close the Public Hearing on Ordinance #2009-08 amending Chapter 132 “Tax Exemptions and Credits”, Section 132-3 of the Durham Town Code to increase criteria and exemption amounts in order to offer meaningful property tax relief to qualified elderly residents. Councilor Mower SECONDED the motion, and it PASSED unanimously 9-0.***

***Councilor Mower MOVED to Adopt Ordinance #2009-08 amending Chapter 132 “Tax Exemptions and Credits”, Section 132-3 of the Durham Town Code to increase criteria and exemption amounts in order to offer meaningful property tax relief to qualified elderly residents. Councilor Carroll SECONDED the motion, and it PASSED***

***unanimously 9-0.***

Councilor Carroll thanked everyone for their support, and said something to be done next was to notify the elderly in the community that the criteria had been changed, so they could check their eligibility. She recommended sending this information out with the next tax bill.

- B. Public hearing and Action on Ordinance #2009-09 amending Chapter 106 “Sewers”, Section 106-2(B) by authorizing the Town to grant waivers from the connection requirement outlined within this section pursuant to RSA 147:8.

***Councilor Smith MOVED to open the Public Hearing on Ordinance #2009-09 amending Chapter 106 “Sewers”, Section 106-2(B) by authorizing the Town to grant waivers from the connection requirement outlined within this section pursuant to RSA 147:8. Councilor Mower SECONDED the motion, and it PASSED unanimously 9-0.***

***Councilor Mower MOVED to close the Public Hearing on Ordinance #2009-09 amending Chapter 106 “Sewers”, Section 106-2(B) by authorizing the Town to grant waivers from the connection requirement outlined within this section pursuant to RSA 147:8. Councilor Sievert SECONDED the motion, and it PASSED unanimously 9-0.***

***Councilor Stanhope MOVED to Adopt Ordinance #2009-09 amending Chapter 106 “Sewers”, Section 106-2(B) by authorizing the Town to grant waivers from the connection requirement outlined within this section pursuant to RSA 147:8. Councilor Van Asselt SECONDED the motion.***

Councilor Needell said he had no problem with adopting this, and said it was something allowed by RSA 147:8 that gave the Town some flexibility. But he asked how much flexibility it would actually provide. He said according to the Ordinance, someone with a system installed prior to 1985 would have to hook up if a sewer line was put in.

Mr. Cedarholm said his interpretation was that someone with a system installed prior to 1985 would have to fully document the location and functionality of the septic system, in order not to have to hook up to the sewer.

Councilor Needell said that was a benefit. He asked whether any of the six homes involved with the particular sewer installation that had been discussed had a septic system that were installed before 1985.

Mr. Cedarholm said he didn’t know.

Councilor Needell said a question he had was whether more flexibility than this was desired. He noted that if the issue of a sewer line coming through wasn’t involved, no one would care about the septic systems nearby. He said while he understood that this was an opportunity to improve the environmental quality of the neighborhood, he was struggling with how fair it was to those particular homeowners.

Mr. Cedarholm said perhaps this could be seen as one of the shortcomings of living near where there was a sewer line that could one day pass by.

Chair Niman said it seemed that one would also get the benefit of being able to hook up and not have to spend thousands on a new septic system.

There was discussion on whether there was a tax differential for properties on sewer as compared to those on septic systems. Councilor Mower said she had talked with former Assessor Rob Dix about this, and he had said that at least in Durham, it hadn't been proven to be a factor.

Councilor Carroll said she was bothered by the 1985 date, and Mr. Cedarholm noted that this was the date when the State had adopted certain rules regarding septic systems and sewers. Councilor Carroll asked how much it would cost property owners to have to prove that their systems were sufficient, and Mr. Cedarholm said this would probably cost \$500-2,500. He also said it could cost \$3,000-8,000 to connect up to the sewer line.

Councilor Sievert said it would be probably cost between \$1,000-1,500 to get the system tested. He said the Town wanted people to tie into the sewer system if it was extended, so they had to be careful about giving waivers not to tie into it. He noted that he designed septic systems for a living and was fully in favor of them, but said it wasn't unreasonable to require that a property owner prove their system was in working order.

He said it didn't really matter what year the septic system was built, and probably mattered more what kind of maintenance was done, and if this could be proved. He said an older system wouldn't have that kind of paperwork, so there would be more of a burden on the homeowner to prove that the system worked.

Councilor Mower asked if there was a particular age at which a septic system did tend to become an issue, from a functional perspective.

Councilor Sievert said there was no arbitrary age, and noted that the 1985 date reflected the State regulations, and better science by that point in time. He said typically a system might last 15-20 years, but said it could last 30-40 years.

Councilor Mower said it therefore perhaps wasn't an unreasonable thing to say that it was time to check out a septic system built before 1985.

Councilor Sievert said that wasn't unreasonable, and also said a homeowner would know when there was a problem.

Councilor Smith said his own septic system was 39 years old.

Councilor Stanhope said something that troubled him was that a property owner could expend the \$1,000-2,000 but then find he wouldn't be granted a waiver based on the findings. He also said that if the site contained ledge or if the hookup would have to cross

a public way, a sewer hookup could cost \$15,000-20,000.

He said there wasn't any economic consideration given to this, and noted that hooking up to the sewer wouldn't change the value of the property one dollar. He said the criteria he thought the Council needed to apply concerning a waiver was how each of them would want to be treated in the same situation.

Chair Niman said he thought they were talking about two separate issues. He said the issue before them that evening was whether the Council wanted to allow people the opportunity to apply for a waiver, as good public policy.

He said the other issue they were getting at, which required a whole different discussion, was what was fair to nearby properties when a developer was developing a piece of property and wanted to put in a sewer line. He questioned why the Town wouldn't be able to ask the developer to pay for the sewer hookup to these nearby properties, in exchange for allowing the sewer extension. He spoke in further detail on this.

Councilor Needell said the thing he was wrestling with just with the waiver issue was that it was probably a tool the Town needed to have, but said he wondered if the Town needed to have even more waiver capability. He noted that when he bought his house, it was one of the few houses with Town sewer but not Town water because of a 150 ft of ledge between the house and the water line.

He asked if it would be useful to have some other alternatives for people who found themselves in situations like this. He also asked what other towns did concerning these kinds of situations.

Chair Niman asked if perhaps the waiver process could be extended in other directions.

Mr. Cedarholm suggested that if someone had a septic system that didn't pass muster, they could put in a new system and use that documentation to get a waiver.

Councilor Sievert said the bottom line was that they should allow waivers, but said the second level was what happened in a weird situation. He said the situation most of the time in Durham was that there was ledge and clay on a site, so that tying into the sewer line was a lot cheaper than putting in a septic system. He said if the septic system on such a site failed, a property owner would therefore be likely to tie into the sewer.

But he said a situation where things would tip the other way was if there was a large lot, with the house set far back on it, and there was a lot of ledge. He said in such a situation, while it might cost \$40,000 to tie into the sewer line, it would cost \$20,000 to put in a new septic system, so granting the waiver would probably be appropriate.

Councilor Mower said she wondered if they perhaps should be explicit about the possibility of having to replace a septic system that failed, in order to meet the requirements of this Ordinance. She said she was reluctant to let it stand as it was, given

the fact that the language was being interpreted in different ways.

Mr. Cedarholm said his understanding was that Administrator Selig was interested in keeping the Ordinance itself rather broad, to allow DPW and the Town Attorney flexibility in developing the waiver form and specific conditions.

Chair Niman said in other words, passing the Ordinance that evening would provide the ability to grant waivers, and in the future, something would come back to the Council that explained the requirements for the waiver and the waiver process.

Councilor Mower said she was concerned that the Ordinance might seem to close the door for some property owners, without their realizing that the waiver might actually allow something.

There was further discussion.

Councilor Stanhope asked Councilor Sievert whether, if he was asked to design a replacement system for a property owner that would have to be approved by the State and the Town and there was a sewer line nearby, it was reasonable to assume that the permits would not be granted.

Councilor Sievert said not all towns had a requirement for prior approval by the State. He said some towns didn't even know when septic systems were being built, and the property owner only dealt with the State.

Councilor Stanhope asked what Durham's policy was, and Councilor Sievert said there had to be pre-approval prior to State approval, which was provided by the Code Officer. He said the Code Officer would know whether a sewer hookup was available, and could then tell the property owner, so the permit would not be granted or a waiver was required.

Councilor Van Asselt said the policy issue was whether the Council wanted to allow waivers. He said the sewer line situation was like living next door to land that was going to be developed, in that the person living there should have bought up the land if he didn't want it developed.

He said there was nothing wrong with taking a policy position that if residents had access to a sewer line, they should be forced to hook up to it. He said there were environmental and other justifications for doing this, no matter what the cost was. He said people took a chance when they lived on the edge of a sewer system and there were some undeveloped lots down the road.

Councilor Needell said this was an abstract issue right now, although it probably would be based on reality fairly soon, at which time the policy issues would come into play. He said right now, the Caldarola project had been approved, but the sewer and water permits hadn't been approved.

He said this kind of situation had always been a source of frustration on the Planning Board, because discussions like this could circumvent an action of the Planning Board. He said it would be nice to be able to get the water and sewer line issues solved before the Board's final decisions were made on projects.

Chair Niman said another plea was not to make policy for the entire town based on a situation with six houses. He noted discussion over time about the Woodridge neighborhood, and the potentially failing/failing septic systems there.

He said an economic argument concerning sewer hookup was that there were such high fixed costs for the infrastructure that as many houses as possible needed to be hooked up in order to share them. But he said the question was if, when the 60 plus people from Woodridge came before the Council, the Council was going to say they all needed to hook up to the sewer.

He said this waiver process would allow some flexibility, and he asked that the Council think beyond the six houses near the Caldarola subdivision project and think in more general terms when this policy issue came before them.

Councilor Mower asked what other towns did in terms of requiring developers to pay for hookups, and if there was some kind of threshold. She said this might be worth researching, among other reasons to consider the fairness issue.

Councilor Sievert said his experience was that towns required that residents living next to the sewer line had to hook up. He also said he suspected that the Council didn't want to go down the road of making the developer pay for the hookups.

Councilor Stanhope said it sounded like everyone at the table was in favor of giving the Council the authority to grant waivers. He said he thought there was a great policy discussion ahead of them in terms of how the granting of waivers would be structured. He then moved the question.

***The motion PASSED unanimously 9-0.***

The Council stood in recess from 8:46-8:56 PM.

C. Continued discussion on proposal presented by Councilor Karl Van Asselt regarding the possible creation of a Durham Housing Authority

Councilor Van Asselt noted that he had started going through the process of discussing the idea of a housing authority with Council members about five years ago. He noted that the last time this was discussed, the consensus was to let things sit for awhile and then bring it back.

He said the last time there was conversation on it, there was continued discussion on the issue of the autonomous nature of a housing authority. He said there was no question that



a housing authority would play a key role concerning affordable housing in Durham. He also said it would be a somewhat autonomous board, and more autonomous than anything else in Durham.

But he said the idea that a housing authority wouldn't be responsive to the community wasn't quite true, stating that the commissioners were appointed by the Town Administrator, and that anything they did was subject to local regulations and ordinances.

Councilor Van Asselt noted it had been said that affordable housing could be done without a housing authority, but said it was more likely that it would be done with it. He also said it had the potential to do other things like create public housing and administer a Section 8 program, which was basically a private subsidy for the elderly and or families in apartments. He noted that there were a number of Section 8 tenants in Durham who were administered by the State agency.

He said a housing authority could also get into things like the management of an affordable housing project, or running a short term emergency housing project. He said the range of projects was very broad and he provided details on this.

Councilor Van Asselt said it was highly unlikely that public housing would be created with a Durham housing authority, mainly because there wasn't going to be any money. But he said what could happen in the public housing area was a Section 8 program. He noted two large complexes in Durham where more than 50% of the people living there were on Section 8.

He said the chance of having a Section 8 program run by a housing authority was probably the most likely thing that would happen with federal funds, noting that it was safer to do this and affordable housing than it was to do public housing.

Councilor Van Asselt said a housing authority had nothing to do with student housing because that was not what the entity could do with the funding that was available. He noted that Chair Niman's comment the last time they discussed this was that he was sort of in a position of having to support a housing authority or being against affordable housing.

Councilor Van Asselt said a housing authority couldn't guarantee, but could enhance the possibility of affordable housing in Durham because affordable housing came primarily from the federal tax credit program, and couldn't happen without a local nonprofit sponsor.

He said the NH Housing Authority had recently told him that the Town itself could not be that sponsor, so it would have to have a nonprofit sponsor be involved with a private developer in order to take advantage of the tax credits, which were private equity that built the house. He said the housing authority was the logical vehicle to do this, and brought private capital into the community to build affordable housing, in a joint partnership with the developer.

Councilor Van Asselt said there was a large population of elderly residents in Durham who already lived in Section 8 housing. He also said there was a large segment of the community that liked this idea, and noted that not all elderly residents in Durham were rich, including himself. He said there could also be Section 8 family support, which got into the whole question of whether Durham wanted Section 8 tenants, with children being subsidized to live in private apartments and put their kids in the School.

He said it was really a question of whether the Council wanted to go any further with this. He said Durham needed affordable housing, and said the best way to get there was to have a housing authority. He said based on the way the Statute was written, he thought the concern about autonomy had been blown out of proportion. He said it just wouldn't happen that a housing authority would run ahead of the community.

Councilor Van Asselt said the five people appointed would be as responsive to the community as the Council was, even though they were appointed by the Town Administrator. He said he was confident that the people who would be appointed would be interested in serving but would not be interested in running away from the community. He said he had not seen this in any of his experience with other towns in the Seacoast area.

He noted that if there was some interest in building a parking garage in Durham, a housing authority could do this. He said it could issue bonds and do other things, and stated again that he had no fear that it would run away from the community. He said if the Council was interested in going further with this approach, it could be put on a future agenda.

He said there were plenty of affordable housing projects done without a housing authority, but said they were much more difficult to do. He said unless the economy turned around a lot faster within the next 5-10 years, it wouldn't happen. He noted that the Housing Partnership did affordable housing, and could be the sponsor in Durham. But he said he would feel much better about having the Durham housing authority as the local sponsor than Southern NH Services.

Councilor Stanhope said he would support bringing this idea forward because there were a lot of good reasons for it. He agreed that he had never seen evidence of a housing authority running away from the agenda of the elected government. He asked how housing authorities were generally funded, and also asked how floating bonds affected the credit of the host community.

Councilor Van Asselt said a housing authority would be supported through a federal subsidy and from rents. He said anything else would come from any other kinds of activities they were involved with. He said without a housing stock, a Durham housing authority wouldn't get a federal subsidy. He said there wasn't any local money except perhaps CDBG funds some towns had chosen to give to housing authorities for local projects.

He explained that a housing authority could use its portfolio of housing to collateralize debt. But he said it wouldn't go out and issue bonds. He said if there was someone who wanted to create 20 units of elderly affordable housing, the housing authority would be eligible for a \$30,000 tech assistance grant from the NH Housing Finance Authority to work with the developer to put together the plan. He said the developer would receive tax credits, and the project would come before the Planning Board. He said from that cash flow, the housing authority would get the revenue to work on affordable housing.

Councilor Van Asselt said if a housing authority in Durham got into the public housing business, it wouldn't get into building structures for public housing because there was no money, and hadn't been for 18 years. But he said if the federal government made a certain number of Section 8 certificates available and the Durham housing authority applied for some of them, it would receive an administrative subsidy to manage the Section 8 program, and would give out certificates to residents to help subsidize their rent.

He noted that the Council could also give a housing authority \$100,000 to get started, which probably wouldn't happen.

Councilor Mower said she wondered about the realism of the expectation that either elderly residents would move from homes they currently had into new more affordable houses, or that these would attract employees in Durham.

Councilor Van Asselt said it was a fair question, and said they were two different audiences. He said he thought there would be people who worked at the University who would be interested in the Section 8 housing or affordable housing.

Councilor Mower asked if there were employees of the Town who would be interested.

Councilor Van Asselt said his guess was that most Town employees made too much money to qualify.

Councilor Mower said the eligible pool might actually be people who worked at UNH, and said there was then the question of whether the Town wanted to be in the business of providing housing for them.

Councilor Van Asselt said that was a fair question. But he noted that he had heard councilors and others say they needed to be able to stop people from commuting 60 miles to work every day.

Councilor Mower said that was a fair statement.

Councilor Van Asselt said there were perhaps some people who worked for the DPW who would qualify. He said the elderly resident issue was different, and said in Rochester there were elderly residents applying for public housing assistance every day even though they had their own homes. He said typically they could no longer live alone and their

income qualified. He said he wasn't sure there was a huge audience like this in Durham, but said he suspected there were some. He noted that Bagdad Woods and Churchill were the two Section 8 elderly apartment complexes in Durham.

Councilor Needell asked why a private developer couldn't get the subsidy without a housing authority.

Councilor Van Asselt said there had to be a nonprofit sponsor in order to do affordable housing.

Councilor Needell said he assumed a developer could go to the Housing Partnership for something like this, but that this approach would be more difficult. He said it sounded like by creating a housing authority, the Town would be actively seeking partners.

Councilor Van Asselt said a housing authority should be created in order to have the capacity to do affordable housing in Durham in the event that a developer was interested in doing it.

Councilor Needell asked for more information on what the reason would be for having a housing authority in Durham.

Councilor Van Asselt said traditional public housing was unlikely to happen in Durham, but what would happen was that as people had more and more difficulty affording to rent or own a home, Congress would continue to increase the pool of cash available for a residential subsidy through the Section 8 program and variations of it, in order to provide subsidies for rents in private apartments.

Councilor Needell asked whether if a housing authority was created, there would be nothing for it to do until a developer came forward.

Councilor Van Asselt noted that in Rochester, the housing authority provided emergency housing in the event of fires, floods, etc., and said he could see a housing authority playing that role in Durham. He also noted that several housing authorities in the area had gotten into the after school business since they were eligible for particular grant funds. He said he suspected that Durham could use this as well.

He said he would love to say that a housing authority should be created and then they would get an affordable housing project. But he said he was advocating it because it would be in existence if a developer came along.

Councilor Mower asked Councilor Van Asselt if there had been discussion with realtors about whether developers wanting to do this kind of housing had approached them. She also asked him if towns of comparable size had housing authorities.

Councilor Van Asselt said he hadn't asked realtors about this, but said this could be done if the town was thinking of moving forward with a housing authority. He said he had

made the assumption that a significant number of people working at UNH would like to live in Durham if they had the chance, rather than commuting. But he said information was needed to determine this.

He said UNH people believed there was a need for affordable housing for their administrative staff. He also said in NH, the closest town to Durham with a housing authority was Newmarket, also noting that Hanover and Keene had them. In answer to Councilor Mower's second question, he said Durham might be the smallest town in the State to have a housing authority but said he wasn't sure size was that significant.

Councilor Mower said a question was whether there was enough diversity.

Councilor Van Asselt said he saw the diversity issue in Durham in terms of the inability of people who worked there to live there. He said most people who lived in Durham could afford to live there, but said he saw a potential housing population being a community of workers in Durham who didn't live there. He said he believed UNH would support that statement.

Councilor Needell noted an issue discussed before was that appointment to the housing authority would be done by the Town Administrator, and said he had been a bit unsure of that authority. He said regardless of the interpretation, he was trying to decide if it would be better to have the appointment by the Administrator or the Town Council. He said there would be no accountability to either entity, but asked why the appointment shouldn't be made by the Council.

Councilor Van Asselt said if legal counsel said the Statute could be read to include the Town Council, he had no problem with this. He said it wasn't a political appointment, and was like other committees. He said he suspected people wanting to serve would have the agenda of wanting to work on housing.

Chair Niman asked Councilors if they thought Councilor Van Asselt should bring something back to the Council.

Councilor Van Asselt said there was nothing wrong with saying not to bring it back. But he said if there was interest in bringing it back, he would provide a real proposal that would include a policy decision for the Council to make on who could appoint the members of the housing authority. He also said he would provide better information from UNH in terms of affordable housing issues in Town. He said he saw a housing authority helping with affordable housing for UNH employees over the next 10 years.

Councilor Needell said saying he was not interested in bringing this back did not mean he wasn't interested in what Councilor Van Asselt had just said, But he said he thought the need for another body of this type wasn't compelling at this point. He said he appreciated the attempt to make him feel better about the autonomy issue, but said he didn't need to see the housing authority issue come back.

Chair Niman said he disagreed. He said there were a lot of good projects in Town where the economics didn't quite work, and said he had discovered that programs like this could help to make the economics work. He said in order to take advantage of them, an entity was needed that was familiar with the programs and dollars, and that could go out and get the funding.

He said what would ultimately make the hotel project work was the various tax credits out there, and said he viewed these kinds of institutions as helpful rather than harmful. He questioned coming to Council meetings and talking about the importance of energy and sustainability, yet saying it was ok that people who worked in Durham lived in Farmington, and that the Town didn't need to do anything about it.

Chair Niman said he didn't know why the Council wouldn't want to have a housing authority in order to take advantage of economic opportunities that currently existed to bring these kinds of tax credits into Town, so the people who worked in Durham could better afford to live there, and the Council could do its part to create a more sustainable town. He said there was potentially a lot of value in this approach because there were more and more programs moving in that direction. He said it would be silly not to be able to go out and get the tax credits to make projects work.

Councilor Mower said she found it difficult to imagine that there would be volunteers stepping forward to be on the commission, and said it would be sad if there was an ineffective housing authority.

Regarding the energy efficiency issue, she said she hoped the Town would find ways to reduce energy use from other angles, and noted that there was a great need in the existing neighborhoods to reduce energy consumption. She said she didn't know whether reducing car trips would be the biggest bang for the buck.

Councilor Clark said that as a part of the SWOT analysis, the EDC had talked about some of the greatest strengths of the Town, which was the high level of skilled, educated workers. He said his dream of what the downtown would look like was commercial and retail downstairs, and workforce condominiums on the third and fourth floors. He said Durham would be a much more diverse and healthy town if it could populate the downtown with workforce housing as opposed to students.

He said if a housing authority could provide access and an avenue to get tax credits that could perhaps put some potential projects over the edge, he didn't see why the housing authority idea shouldn't be brought back. He said he had some questions and concerns about what the workforce population would look like, and if the Town would start attracting residents from other towns. But he said if this was a tool that helped with the revitalization of the downtown, he would think they would want to take advantage of it.

Councilor Sievert said he agreed with Councilor Clark, and said his main question was how a housing authority could help bring adult housing to the downtown. He said they should at least bring this back to talk about this.

Councilor Mower asked if they could get some information on the makeup and vacancies of housing authority commissions in smaller towns.

Councilor Van Asselt said he would look into this. He also said he could provide some examples of developments like what Councilor Clark had talked about. He noted a project in downtown Exeter.

Councilor Stanhope said for a long time, he had thought that the demographics downtown would have to change. He said what Councilor Van Asselt was alluding to was a program that created economic incentives for people other than students to live there, which could increase diversity. He said it was noted on the historic tour that there used to be a clothing store for adults downtown, and said something like this could come back.

He said downtown Exeter was an outstanding example of what a housing authority could accomplish. He said he didn't see any reason not to bring this housing authority idea forward with a more formal discussion. He said they had all had reservations about autonomy and other issues, but said there could be significant benefits, and said if the Council didn't explore them it wouldn't be diligent in considering what Durham needed.

Councilor Carroll said she really liked the vision Councilor Clark had shared, and said she could buy into it immediately. She said she would like to know how much a housing authority could actually help, and would like to see this spelled out a lot more. She said she agreed with all Councilor Van Asselt's goals. She said she was not convinced 100% but was willing to listen as to whether the housing authority was the way to make those goals come true.

She said she was very disappointed that the Town had not taken other measures over the years. She noted that there was existing housing in Durham that was workforce housing, in neighborhoods, but said over and over again it went to students. She said there had been no will to do something about this, and said the reaction had been to build more.

Councilor Carroll said workforce housing should be part of every neighborhood of every community and every new subdivision that was built. She noted that Exeter had done this with Mr. Chinburg's development, and that he had gotten some extra density by putting in at least 10% of workforce housing. She said the workforce housing there was not distinguishable from the non-workforce housing.

Councilor Van Asselt said he would bring 5-6 things on this issue back to the Council.

Councilor Mower said she would find it helpful to get a matrix that included goals for Durham and how a housing authority might help to achieve them along with other instruments that might also help the Council achieve these goals. She said in this way, the advantages and disadvantages of a housing authority could be clearly seen.

## **XI. New Business**

None

**XII. Nonpublic Session (if required)**

**XIII. Extended Councilor and Town Council Roundtable (if required)**

Councilor Smith noted that there would be a presentation on water issues at the next Council meeting. He also said that back in the spring, the Council had voted to spend money on the pump test for the Spruce Hole aquifer, which involved installing injection wells and the well to withdraw water. He noted that he and Councilor Stanhope had voted against this.

He spoke about the 100 page response by NHDES Commissioner Tom Burack to comments from the public and consulting firms on the protected instream flow report, and said he had read it along with the report itself as well as other information. He said the overwrought and sometimes poorly argued information in the instream flow report suggested that DES had a number of abstract goals having to do with the natural environment, in an environment that had been affected by humans for hundreds of years.

Councilor Smith said he thought the Town should back off planning to mine water from Spruce Hole until the 401 certificate matter had been straightened out, and until the Town had looked at other ways to supply the water it needed. He said he hoped someone on the affirmative side for the motion he and Councilor Stanhope had voted against would move for reconsideration of that motion, stating that they hadn't gone too far down the road yet regarding the Spruce Hole study.

He also asked the Council to pay attention to what they were going to discuss next week on this issue, and to consider that possibility that they should back away from plans to mine the Spruce Hole aquifer.

Councilor Mower asked if perhaps Councilor Smith could develop a Council Communication regarding this. She noted that there were lengthy documents involved, and that a Council Communication could point Councilors to key areas in it.

Councilor Smith said he could do that.

Councilor Needell asked for details on what was on the agenda next week concerning this issue.

There was discussion that attorney Dana Bisbee had been hired to represent the Town regarding the 401 certificate, and would be coming to speak to the Council.

Chair Niman said the reason he had voted to support the investigation of the aquifer had nothing to do with the 401 certificate. He said the aquifer had been identified as a potential water supply for the Town, and said he thought the prudent thing to do was to determine the value of that asset. He said he would also like to know if artificial recharge



of the aquifer was possible or not. He said 10-20 years from now, it would be important to have this information if the Town needed to have another water supply.

He also said he had heard there was a movement now to make the Oyster River a protected river, which could affect the Town's ability to take water out of it. He said he had always felt that if they were concerned about the environment, they should look at water sources from a more holistic perspective, and said it might be best management practice to use all the Town's water sources.

Chair Niman said they might want to put voluntary restrictions on withdrawals from the Lamprey or the Oyster River to better manage the watershed, but he asked how they could do this kind of management without knowing the value of all the water resources in the watershed. He said the information was needed in order to put together a sensible management plan. He said he didn't understand the constant linking of Spruce Hole with the 401 certificate, and said he simply thought they should be prudent stewards of the resources they owned.

Councilor Smith said there was a linkage, and said the notice in Fosters said that because of the 401 restriction, the plan had been for some time to take water out of the Lamprey in the spring when the flow was high, and that the aquifer recharge approach would require taking water out of the Lamprey at that time so the water would be available to the Town when it needed it.

Chair Niman said he was not responsible for what Town staff had put in the newspaper, but he said the Council had not appropriated the money for the artificial recharge strategy. He said it was not clear whether the strategy was workable or not, and said it was his understanding that the money they were about to spend was to find out if recharge was economically feasible and made sense for the environment.

He said he was just trying to move forward and collect information so the Council could make good decisions and be good environmental stewards. He said he didn't understand why some people were thinking that the Council was committed to spend money on the recharge project itself.

Councilor Mower said she thought there might be some question in some peoples' minds as to whether this was the right time to do the recharge testing if it wasn't needed right now, and if a 10 year lead time was needed, and said she thought this was a reasonable question to ask.

Chair Niman said he thought that if the Federal government was willing to put up \$650,000, and if the University was willing to pay half of what was left over, this was a pretty cheap way to answer these questions. He said now was therefore a good time to do this.

Councilor Clark said Chair Niman's rationale for doing the study was the clearest articulation on this subject he had heard so far. But he said in fairness, the Council had

heard the other side presented from Town staff on why to do this. He said he thought that was where the confusion and conspiracy theories had come in.

He said he had voted in favor of spending the money to find out what the possibilities were, in the spirit of what Chair Niman had said. But he said he did understand why there was this grey cast over the discussion, and said the notice in the paper didn't help.

Councilor Sievert said he had voted in favor of exploring the possibilities, and would not make a motion to reconsider that. He noted that he had recently attended a hearing on Exeter's water supply, and said right now everyone was looking at regional solutions to water issues. He said the Town would be negligent if it didn't explore the resource it had to see if there was an asset there.

He said a groundwater solution for a water supply was better than a surface water solution because of possible contamination problems. He noted that the cost of treating surface water supplies was 10-20 times greater than the cost of treating groundwater supplies. He said there were real benefits to determining if Spruce Hole was a viable water source.

Councilor Smith said they could treat water from the Lamprey River by bringing it through packed wells on the banks of the river, rather than putting it into Spruce Hole.

Councilor Sievert said right now they were just looking at the value of Spruce Hole, and said the recharge study would be the next step. He also said he wasn't sure if putting surface water into the groundwater supply was the right thing to do.

Councilor Smith said he thought that had been the plan all along, and said he believed it still was.

Councilor Needell said the Council had approved funding of testing recharge capabilities, and noted that he had been against this and was still concerned about it. He said it was argued at that time that this was needed in order to make a full determinations. He said in the presentations made on this subject so far, some had been cavalier with the recharge as being the primary goal, and some had not been. He said there was room for interpretation in terms of what people had heard.

He said his support for the development of Spruce Hole was based on the premise that this groundwater supply was a resource the Town needed to understand and be ready to use if it was needed. He said he hadn't been willing to go forward with the recharge study until he knew more about it. He said in the ensuing discussions, the two projects had been blended.

Councilor Smith said the Council was in good shape to ask questions at the next meeting, and noted that Mr. Cedarholm would be there. He noted that he remembered him talking about how the injection of water from the Lamprey River into Spruce Hole would not damage the aquifer.

Councilor Mower noted that Emery and Garret had discussed this as well.

There was discussion as to whether money had actually been committed to do the recharge study.

Councilor Van Asselt said he liked what Chair Niman had said. He also said he appreciated that some around the table were experts on water issues, but said he didn't think the Council should second guess Administrator Selig on this issue. He said Administrator Selig had said it was important to find out what was there, and said not to support him in some of these areas would be a mistake.

Councilor Mower agreed that they should look at this from a holistic perspective, and said there was a lot of information to gather in order to be able to do this. She said this first step was probably a reasonable one, but said they shouldn't lose sight that there were many different types of experts to consult with when talking about drinking water supplies and the impact on the environment.

There was discussion that the following week, there would be a non-public meeting with an attorney hired to represent the Town in dealing with the 401 certificate.

Councilor Needell pointed out that the vote on this issue had been taken, and that he was not interested in revisiting that discussion.

#### **XIV. Adjournment**

***Councilor Mower MOVED to adjourn the meeting. Councilor Sievert SECONDED the motion, and it PASSED unanimously 9-0.***

Adjournment at 10:06 pm

Victoria Parmele, Minutes taker