

**This set of minutes was approved at the May 3, 2010 Town Council meeting**

**Durham Town Council  
Monday April 19, 2010  
Durham Town Hall - Council Chambers  
7:00 P.M.  
MINUTES**

**MEMBERS PRESENT:** Chair Diana Carroll; Councilor Neil Niman, Councilor Julian Smith; Councilor Doug Clark; Councilor Peter Stanhope (arrived at 8:04 PM); Councilor Mike Sievert; Councilor Robin Mower; Councilor Jay Gooze; Councilor Bill Cote

**MEMBERS ABSENT:** None

**OTHERS PRESENT:** Acting Town Administrator Gail Jablonski, Public Works Director Mike Lynch; Town Engineer Dave Cedarholm

**I. Call to Order**

Chair Carroll called the meeting to order at 7:05 pm.

**II. Approval of Agenda**

*Councilor Smith MOVED to approve the Agenda. Councilor Mower SECONDED the motion, and it PASSED unanimously 8-0.*

**III. Approval of Minutes**

March 1<sup>st</sup>, 2010

*Councilor Smith MOVED to approve the March 1, 2010 Minutes. Councilor Mower SECONDED the motion, and it PASSED 6-0-2, with Councilor Gooze and Councilor Cote abstaining because they were not on the Council when the meeting was held.*

March 15, 2010

*Councilor Mower MOVED to approve the March 15, 2010 Minutes. Councilor Sievert SECONDED the motion.*

Page 4, 2<sup>nd</sup> paragraph from bottom, should read "... of six different boards in other towns,..."

Page 8, 1<sup>st</sup> paragraph under Special Announcements, should read "...and ability to run a smooth Council meeting."

*Councilor Smith MOVED to approve the March 15, 2010 Minutes as amended. Councilor Mower SECONDED the motion, and it PASSED 7-0-1, with Councilor Niman abstaining because of his absence from the meeting.*

February 15, 2010 Nonpublic Session Minutes

Page 1, 1<sup>st</sup> paragraph, last word in second line should be parcel, not appraisal.

Page 3, 5<sup>th</sup> full paragraph, 1<sup>st</sup> line, should say “..he really liked...”

Page 5, should say “...Councilor Van Asselt...”

***Councilor Smith MOVED to approve the February 15, 2010 Nonpublic Session Minutes as amended. Councilor Sievert SECONDED the motion, and it PASSED unanimously 6-0-2, with Councilor Gooze and Councilor Cote abstaining because they were not on the Council when the meeting was held.***

**V. Councilor and Town Administrator Roundtable**

Chair Carroll said Administrator Selig Todd was not present, and said he would provide updates to the Council at the next meeting. She also said Business Manager Gail Jablonski would sit in for him at the meeting.

Councilor Gooze said he had just returned from a meeting in Albuquerque, and had spoken with developer Rob Dixon and others regarding the form-based code approach used there. He said Mr. Dixon was the reason behind a 12 block section of the city where the code was in place, and said about 4 buildings had been put up there so far.

He noted that Mr. Dixon had said it was important to know what kind of retail and other businesses were needed, through a marking study. He also said he was adamant about the fact that the approach had to be property-owner driven, and wouldn't work if it was government driven. He said Mr. Dixon also said it required a long term vision, and that this would be a long haul for Albuquerque.

Councilor Gooze said Mr. Dixon had said the city had the advantage of having a lot of open space from parking lots where they could put new development, and said there hadn't been a lot of renovation of existing building sites. He said they kept residential development off the first floor, and also said that if a business such as a tailor went in, there would be a written agreement that other tailors would not come in. He said they did this by committee, and determined what the best uses were for the area.

He said Mr. Dixon had explained that the city's Master Plan indicated what uses were wanted and where, and also explained that property owners had to be willing to adhere to it for the form-based code to work. He said Mr. Dixon was very enthusiastic about the approach, and was the driving force behind this, for the EDO section of the city. He said Mr. Dixon had said he would be very willing to come to Durham to talk about it.

Councilor Clark asked if Mr. Dixon was optimistic that the form-based code could work, and Councilor Gooze said yes, but noted that the economy right now made it hard to tell where things would go over the next few years. He said Albuquerque had started the process about 4-5 years ago.

Councilor Smith said the Planning Board had met the previous week, and deliberated on the Seacoast Repertory Theatre site plan and conditional use permit applications. He also said there had been a long, wide-ranging presentation from Dave Cedarholm on the draft stormwater management regulations. He said a revised draft would come back to the Planning Board.

He said he was the Planning Board representative to the Traffic Safety Committee, and said the University had asked about the possibility of metered parking on Garrison Road, next to the new Business School. He said this would provide short term access, and said it was an issue that might come forward as something for the Council to deal with.

Councilor Smith said he had attended the Integrated Waste Management Advisory Committee Meeting, and said they would be meeting on the first Thursday of each month, from 7:30 -8:30 pm. He said Heather Harvey was elected as the new Chair, and said there were currently several vacancies on the committee. He said he hoped to see some applications for new people to be on the committee.

Chair Carroll said she had helped organize a tour the previous Saturday of the newly renovated James Hall building on the UNH campus. She noted that she liked to provide opportunities like this for residents to access and get involved in University activities. She said the building was LEED designed, and noted that it couldn't get LEED certification until it had been up and running for awhile.

She said the renovation had taken 18 months, and said the building had been a good candidate for renovation because it was structurally sound and had some historic significance. She said the historic aspects were taken into consideration and preserved. She said one tour of the building was for the general audience, and said 22 people attended.

She said lighting and heating were controlled by motion sensors. She also said there was a roof garden where research would be done, and noted that the water quality would be analyzed. She said the toilets would be flushed with rainwater, which would be stored in cisterns underground.

Chair Carroll said the second tour, given by University Planner Doug Bencks and project manager Brenda Whitmore, discussed in more detail the technical aspects of the development, including the capture and reuse of waste heat. She noted that Ms. Whitmore would be the point person for the building for as long as she stayed at UNH.

She said as Durham created new development and renovated buildings, it should take advantage of sustainable systems, noting that there would be a strong commitment to this when the new Library was built. She said James Hall was open for people to see for themselves what had been done there.

## **VI. Public Comments**

Yusi Wang Turell said she was a former candidate for the EDC, and was withdrawing from consideration because she didn't get her application in on time in order to go through the full process. She said she was interested in committing time and energy to the Town, noting that she had lived in Durham since 2007, and had two small children.

She said Durham had been a welcome change from Boston, and said she and her husband liked the balance of academic and rural life, and also said the business energy in Town appealed to them. She said she had time to commit, and said her skills in civil engineering, strategic planning and management consulting, and education and social entrepreneurship hopefully would serve the Town well. She said she looked forward to working as a committee member in the future.

Chair Carroll thanked Ms. Turell for offering her many talents to the Town.

**Bill Hall, 3 Smith Park Lane**, said this was the fourth time he'd spoken regarding fire lanes. He said Chief Landry had been careful to gloss over some things, noting that he wanted a fire lane at the Elderly Housing complex, but didn't tell the Council that the fire lane sign had been removed, and the space had been painted into the turnaround. He said this was the sort of thing that would get picked up with pre-planning. He said every principal building with twelve apartments in it should have one.

He spoke about the fire lane for the Community Church, and said the space was painted, but there was no sign, and said people parked there regularly. He said the tennis courts said no parking, but said there were two cars parked there. He said better enforcement was needed.

He said the access to the back of the Field House said no parking on either side, but said there were cars parked on both sides, and said he had seen a bus parked in the bottom access to it. He said it would be hard to get a fire truck in there with that access. He spoke further about blocked access at the front of the Field House, and the Whittemore Center. He also noted problems at the Railroad station, Wagon Hill and Madbury Court.

Mr. Hall said he could go on and on about the fact that fire lane signs were removed, fire lanes were not enforced, and the cooperation with the University was nonexistent. He said the Fire Department had fallen flat on its face concerning this issue. He said he had fought this battle a number of times, and asked Councilor Cote for some support on this, stating that he was the only Councilor with any experience on this issue.

**Sean Starkey, 80 Madbury Road**, said he was an alternate on the ZBA. He noted that he knew ZBA applicant Matt Savage from college, and said he would serve the ZBA very well. He said Mr. Savage would provide good perspective on things.

## **VII. Unanimous Consent Agenda**

- A. Resolution #2010-13 authorizing the acceptance of private donations and unanticipated revenues and the acceptance of grant revenues received by the Town of Durham between January 1 and December 31, 2009
- B. Shall the Town Council, upon recommendation of the Town Administrator, approve a Special Event Permit application submitted by the Alpha Chi Omega Sorority to close certain sections of Town roads for a 5K road race fundraiser on Saturday, April 24, 2010?
- C. Shall the Town Council, upon recommendation of the Town Administrator, reduce the appraisal of property owned by James & Sandra Ziegler at 31 Watson Road from \$385,000 to \$348,900,

grant a property tax abatement in the amount of \$36,100 of valuation to James & Sandra Ziegra, and authorize the Town Administrator to sign a settlement agreement between James & Sandra Ziegra and the Town of Durham relative to Docket No. 24683-08PT?

Chair Carroll said she would like to take Item A off the Unanimous Consent Agenda, for the purpose of acknowledging the donations made to the Town, and the grants received for 2009.

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

Chair Carroll read out loud the list of donations, which totaled \$1,700, as well as the list of grants, which totaled \$3,532.31.

***Councilor Mower MOVED to approve Resolution #2010-13, authorizing the acceptance of private donations and unanticipated revenues and the acceptance of grant revenues received the Town of Durham between January 1 and December 31, 2009. Councilor Cote SECONDED the motion, and it PASSED 8-0.***

## **VIII. Committee Appointments**

### Conservation Commission

***Councilor Smith MOVED to appoint Larry Harris to a three- year regular member term on the Conservation Commission, with a term expiration date of April 30, 2013. Councilor Sievert SECONDED the motion, and it PASSED unanimously 8-0.***

***Councilor Smith MOVED to appoint Peter Smith to a three- year alternate member term on the Conservation Commission, with a term expiration date of April 30, 2013. Councilor Mower SECONDED the motion, and it PASSED unanimously 8-0.***

Councilor Mower said she had received an email indicating that the Council should consider appointing Malin Clyde to the position that expired in 2013, and Derek Sowers to the position expiring in 2011. She said the two candidates had agreed between them that this was the way to go.

***Councilor Mower MOVED to appoint Malin Clyde to a three-year regular member term on the Conservation Commission, with a term expiration date of April 30, 2013. Councilor Smith SECONDED the motion, and it PASSED unanimously 8-0.***

***Councilor Mower MOVED to appoint Derek Sowers to fill the three-year regular member term on the Conservation Commission, with a term expiration date of April 30, 2011. Councilor Smith SECONDED the motion, and it PASSED unanimously 8-0.***

Historic District Commission

***Councilor Gooze MOVED to appoint Henry Smith to a three-year regular member term on the Historic District Commission, with a term expiration date of April 30, 2013. Councilor Smith SECONDED the motion.***

Councilor Gooze said Henry Smith had served the Town in a number of different capacities, and said it was good to see his service continue, on the HDC.

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

Durham Public Library Board of Trustees

Chair Carroll noted an email received from Library Board of Trustees Chair Doug Bencks in support of the three nominees. She said Lisa Pfeiffer would be a new appointment, while Emily Smith and Ann Windsor would be reappointments.

***Councilor Smith MOVED to appoint Lisa Pfeiffer, Emily Smith and Ann Windsor to one-year terms as alternate members on the Durham Public Library Board of Trustees, with term expiration dates of April 30, 2011. Councilor Mower SECONDED the motion, and it PASSED unanimously 8-0.***

Lamprey River Advisory Committee

***Councilor Mower MOVED to recommend James Hewitt and Richard Kelley for three-year term appointments to the Lamprey River Advisory Committee by the Commissioner for the State of New Hampshire Department of Environmental Services, with term expiration dates of April 30, 2012. Councilor Smith SECONDED the motion.***

It was noted that both Mr. Hewitt and Mr. Kelley were supposed to have been reappointed in 2009, so had already served a year of their next three year term. Chair Carroll explained that this was why their terms would expire in 2012.

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

***Councilor Smith MOVED to recommend William Hall and Richard Lord for three-year regular member term appointments to the Lamprey River Advisory Committee by the Commissioner for the State of New Hampshire Department of Environmental Services, with term expiration dates of April 30, 2013. Councilor Mower SECONDED the motion, and it PASSED unanimously 8-0.***

Planning Board

***Councilor Smith MOVED to appoint Lorne Parnell and Richard Ozenich to three-year regular member terms on the Planning Board, with term expiration dates of April 30, 2013. Councilor Mower SECONDED the motion, and it PASSED unanimously 8-0.***

Peter Wolfe introduced himself to the Council. He said he had moved to Durham 5-6 years ago, and had recently retired. He noted that he taught part-time at the Law Center. He also said he had been on the Planning Board in Warner, NH, and said it was important to be involved in local government.

Councilor Mower asked Mr. Wolfe if he had been able to observe any of the B. Dennis Design charrette, and Mr. Wolfe said he had not.

Chair Carroll thanked Mr. Wolfe for stepping forward.

***Councilor Smith MOVED to appoint Richard Wolfe to a three-year alternate member term on the Planning Board, with a term expiration date of April 30, 2013. Councilor Sievert SECONDED the motion.***

Councilor Sievert noted that Mr. Wolfe was a neighbor, and said he would be an excellent member of the Planning Board.

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

#### Zoning Board of Adjustment

***Councilor Gooze MOVED to appoint Sean Starkey and Carden Welsh to three-year regular member terms on the Zoning Board of Adjustment, with term expiration dates of April 30, 2013. Councilor Mower SECONDED the motion.***

Councilor Gooze noted that Mr. Welsh was a regular member, and had asked to be reappointed to that position, which was commendable. He said Mr. Starkey, who had asked to be appointed as a regular member, had been an excellent alternate member.

Councilor Sievert agreed.

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

***Councilor Gooze MOVED to appoint Christopher Mulligan to fill the unexpired three-year regular member vacancy on the Zoning Board of Adjustment, with a term expiration date of April 30, 2012. Councilor Smith SECONDED the motion.***

Councilor Gooze said Mr. Mulligan had been an excellent addition to the ZBA, noting that alternates didn't participate in discussion of applications, although this might change. He said Mr. Mulligan was a land use attorney, and had been excellent when he had served as a regular member for a particular application.

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

***Councilor Gooze MOVED to appoint Jerry Gottsacker to a three-year alternate member's term on the Zoning Board of Adjustment, with a term expiration date of April 30, 2013. Councilor Mower SECONDED the motion.***

Councilor Gooze said Mr. Gottsacker had been an excellent regular member, but was spending more and more time away, and felt he could better serve the Board as an alternate. He recommended that the Council grant his request to be an alternate.

Councilor Sievert said he had sat on the ZBA with Mr. Gottsacker, and recommended this appointment.

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

**Mathew Savage, 6 Meadow Road**, said he was seeking an alternate position on the ZBA, and said he wanted to be more active in the community. He said after discussion with Councilor Gooze and Mr. Starkey, he thought the ZBA was the place to start.

Councilor Gooze said Mr. Savage had been watching the ZBA meetings, and said he was a great neighbor and would make a great candidate.

Chair Carroll thanked Mr. Savage for stepping forward.

Councilor Stanhope arrived at 8:04 pm.

***Councilor Gooze MOVED to appoint Mathew Savage to fill the unexpired three-year alternate member vacancy on the Zoning Board of Adjustment, with a term expiration date of April 30, 2012. Councilor Smith SECONDED the motion, and it PASSED 8-0-1, with Councilor Stanhope abstaining because he had just arrived.***

Councilor Gooze noted that there was now the same number of EDC candidates as there were positions to be filled. It was agreed to handle this in the same order as indicated in the Councilor Communication.

#### DCAT Governance Committee

***Councilor Cote MOVED, upon the recommendation of the University of New Hampshire, to appoint Erika Mantz as the UNH representative on the DCAT Governance Committee for a one-year term, with term expiration date of April 30, 2011. Councilor Mower SECONDED the motion, and it PASSED unanimously 9-0.***

***Councilor Cote MOVED, upon the recommendation of the Oyster River Cooperative School District, to appoint Kathleen Young as the ORCSD representative on the DCAT Governance Committee for a one-year term, with term expiration date of April 30, 2011. Councilor Mower SECONDED the motion, and it PASSED unanimously 9-0.***

Chair Carroll noted that there were vacancies for a regular member position and an alternate member position on DCAT.

Durham Energy Committee

***Councilor Mower MOVED to appoint Peter Ejarque to the Durham Energy Committee. Councilor Gooze SECONDED the motion.***

Councilor Mower noted that Mr. Ejarque had introduced himself to the Council at the previous meeting. She said the Energy Committee welcomed him as a member.

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

Chair Carroll noted that there was no time limit for this position, and said there were currently two vacancies on this committee. She said this was a great committee, and said anyone interested in participating on this important topic was welcome to join.

Councilor Mower said meetings were held the second Monday of the month at 7:30 pm, and said people were welcome to attend to get a sense of what the committee did.

Parks and Recreation Committee

***Councilor Sievert MOVED to appoint David Leach and Diane Moore to three-year regular member terms on the Parks and Recreation Committee, with term expiration dates of April 30, 2013. Councilor Cote SECONDED the motion, and it PASSED unanimously 9-0.***

***Councilor Sievert MOVED to appoint Gregg Moore and Jean Olson to fill unexpired three-year regular member vacancies on the Parks and Recreation Committee, with term expiration dates of April 30, 2011. Councilor Cote SECONDED the motion, and it PASSED unanimously 9-0..***

Chair Carroll noted that there was one remaining alternate member vacancy on that committee.

Rental Housing Commission

***Councilor Gooze MOVED to appoint Katherine Marple as the neighborhood representative to the Rental Housing Commission. Councilor Clark SECONDED the motion.***

Councilor Gooze said he thought Ms. Marple would make a good addition to the Rental Housing Commission.

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

Councilor Gooze noted that there was a remaining tenant representative vacancy. There was discussion.

Economic Development Committee

Chair Carroll noted that Yusi Wang Turell had stepped down from being a candidate, but said she would still like to be involved with the Committee by serving on a subcommittee.

***Councilor Clark MOVED to appoint Thomas Elliott to a two-year regular member term on the Economic Development Committee, with a term expiration date of April 30, 2012. Councilor Mower SECONDED the motion.***

Councilor Mower said they were very fortunate to have Mr. Elliot as Chair, and Councilor Clark agreed.

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

Councilor Clark said Mr. Elliot had already spoken to the two other candidates for the Committee, and asked if he could perhaps indicate which term was appropriate for each of the candidates.

Mr. Elliott said he hadn't had a discussion with the candidates about this, and said either would be pleased to be appointed.

Councilor Cote asked about the role of the alternate member, in terms of voting.

Mr. Elliott said since he had served on the Board, he hadn't seen a vote of consequence taken that had forced them to make a distinction between a regular member and an alternate.

There was discussion.

Councilor Mower said prior to Mr. Elliott's term, there was an important vote taken.

Councilor Clark said he didn't know what the official policy was. But he said he didn't remember a meeting where there were regular members and extra alternates.

Mr. Elliott said a confusing issue was whether it was required that an EDC candidate speak before the Council. He said another issue was whether non-Town residents could be a member of the EDC.

Councilor Clark said his understanding was that there was an invitation to speak, but not a requirement.

Mr. Elliott said he highly recommended all three candidates, and said in due time, the Council might want to increase the number of members, if the interest in being on the committee continued.

Chair Carroll noted that Jason Lenk had stepped down from being a regular member, and that Richard England had been serving as an alternate. She said they would therefore appoint Mr. England as a regular member.

Councilor Mower said Jason Lenk's term was a three-year term expiring in 2011. Councilor Clark suggested going in the order presented.

***Councilor Clark MOVED to appoint James Lawson to fill the unexpired two-year regular member vacancy on the Economic Development Committee, with a term expiration dates of April 30, 2011. Councilor Mower SECONDED the motion.***

Councilor Cote said he had known Mr. Lawson for many years, and was a highly successful businessman who would make a wonderful addition to the EDC.

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

***Councilor Clark MOVED to appoint Ute Luxem to a two-year alternate member term on the Economic Development Committee, with a term expiration date of April 30, 2012. Councilor Mower SECONDED the motion.***

Councilor Sievert said he knew Ms. Luxem, and said her background made her qualified for this position.

***Councilor Clark MOVED to appoint Richard England to fill the unexpired three-year regular member vacancy on the Economic Development Committee, with a term expiration date of April 30, 2011. Councilor Sievert SECONDED the motion, and it PASSED unanimously 9-0.***

Chair Carroll noted that there were no applications received for the following boards and committees:

IWMAC - Chair Carroll noted that this was the Town recycling committee, and that it also did a lot of good work in the area of solid waste and hazardous waste management. She said there were two regular member vacancies, and one alternate vacancy, and asked anyone interested in these issues to step forward.

Strafford Regional Planning Commission - Chair Carroll said there was one 4-year term available, for someone who wanted to get involved in regional planning. She said this was an excellent group that met quarterly.

Councilor Mower said this was a Commission where there was the opportunity find out what was happening regionally, and to find out about money that might be available for transportation projects, etc. She said it would be great to have more representation on it.

Churchill Rink at Jackson's Landing Advisory Committee - Chair Carroll said there were two regular member vacancies for 2-year terms.

Chair Carroll thanked those who have stepped forward to serve on the various boards and committees.

Councilor Mower said it was important to note that members of the public were welcome to apply for positions whenever there was a vacancy on a committee throughout the year. Chair Carroll noted that Derek Sowers was present, and asked him if he would like to speak.

Mr. Sowers said he had been interested in the town since he had lived in Durham. He said he went to UNH and now worked at UNH on environmental work, and would be happy to be on the Conservation Commission.

Councilor Gooze said it was commendable that Ms. Turell had stepped down from consideration on the EDC because she had come in so late in the process.

Councilor Mower noted that Ms. Turell was still eager to participate, perhaps on one of the EDC subcommittees.

The Council stood in recess from 8:33 to 8:44 pm

## **IX. Presentation Items**

- A. Preliminary results on Spruce Hole municipal well project - John Brooks and Jamie Emery, Emery & Garret Groundwater Inc.

Chair Carroll asked Town Engineer Dave Cedarholm to introduce this topic.

Mr. Cedarholm said he was pleased to finally bring Emery and Garrett back before the Council. He said it had been about a year since they had presented the proposal for Phases II and III of the project, and he noted that Phase I, which was done in 2007, was preparing the preliminary well siting report and preliminary application for a large groundwater withdrawal. He said in early 2009, they began working on Phase II, which was the investigation to decide where the final production well should go, and preparation to do the pump test. He said Phase III would be an artificial groundwater recharge exercise.

He introduced Mr. Brooks and Mr. Emery, as well as Mike Metcalf of Underwood Engineers. He noted that not included in the Council Communication was that last year a \$615,000 budget was approved for this project. He said when the federal stimulus money became available in 2009, the companies had worked hard to get the Town a \$225,000 grant to help with this project. He said the grant would pay for more than a third of Phase II and III, and explained that half of the production well, some of the monitoring wells, and half of the artificial recharge would be paid for with this grant money.

Mr. Emery said the project was very interesting, and was coming out better than they had expected. He said he would be providing some exciting information on this in his presentation. He showed the original location for the proposed production well, between the Lee and Durham town line. He also noted the old pipeline taken from the Lamprey and discharging into the Oyster River, which had been replaced by a new pipeline that took water from the Lamprey directly to the water treatment plant at the Oyster River.

He listed the following Tasks that had been undertaken:

- Review of existing hydrogeologic data
- Submittal of preliminary hydrogeologic report to NHDES
- Submittal of response to NHDES comments

- Geophysical investigations - to better characterize the aquifer
- Evaluation of existing and proposed monitoring well locations
- Exploratory test and monitoring well drilling
- Drilling and preliminary testing of 18 inch production well
- Preliminary water quality assessment of production well

Mr. Emery provided details on the background information for this project, which went back to the early 1950's, and said it was used for the submittal of the preliminary hydrogeologic report. He said the information generated indicated that there was a trough formed, trending east-west, which was part of where the Spruce Bog area was. He said it was also formed by a depression in the bedrock surface, which was important because it formed the stratified drift aquifer. He noted that 60-75 ft of saturated sand and gravel deposits existed near Spruce Hole.

He explained that possible impacts from groundwater withdrawal on nearby brooks, wetlands, private wells and public supply wells all needed to be considered, and noted that a key question was possible impacts on the Spruce Hole Bog. He spoke in detail about the hydrology of the bog, and how it was originally formed.

He said a series of pumping tests was done in the 1990's, and said this allowed them to get a sense of impacts, looking at the observation wells that already existed on the site. He said this information was used at that time to plot the drawdown, and to define a 1500 ft zone of influence. He spoke further on this, and said they had to investigate a fairly large area in order to show that pulling water out of the ground wouldn't adversely impact anyone down-gradient or in the zone of contribution, or in the immediate watershed they were withdrawing water from.

Mr. Emery said the preliminary report was submitted in 2008, and said as part of the permitting process, a voluntary public information meeting was held. He noted that this was somewhat unusual. He said as a result of this, the public hearing was not requested after the preliminary report was submitted.

He said once preliminary approval to move forward was received from NHDES, they did a geophysical investigation of the area to further characterize the aquifer, noting that they had hoped to be able to put the production well in Durham. He spoke in detail about this, and said based on the information received, they were able to identify where they thought the production well should go.

But he said they then had to evaluate the connection between the existing monitoring wells and the aquifer, to see if these wells would be useful. He said they also had to come up with additional monitoring well locations in order to meet DES requirements for a large groundwater withdrawal permit. He noted the 1000 ft buffer, and said letters were sent to 30 homeowners whose properties were located strategically within this buffer. He said they got permission to monitor wells on some but not all of these properties, and also said they had drilled some additional monitoring wells.

Mr. Emery said as a result of the exploratory drilling, they determined that the proposed production well site would not be able to provide the supply of water that was needed. But he

said moving further to the west, the deposits were more transmissive and permeable, and therefore more productive. He said it was therefore decided that the production well should be located at the gravel pit, which he noted was property owned by the Town.

He said it was agreed that there would be 37 monitoring locations, and said 20 were monitoring wells; 6 were piezometers, which were shallow wells next to either wetlands or surface water supplies; some were surface water monitoring locations; and 6 were domestic wells that homeowners had allowed permission to monitor. He said these locations would be monitored before, during and after the pump tests.

Mr. Emery provided details on the drilling and development of the production well. He then explained the preliminary step test that was done on the well, and said the good news was that as compared to a 180 gallon per minute pump test done of a well in the area in the 1990s, they were able to pump the new production well at 280 gallons per minute, then up to 530 gallons per minute, and then up to 780 gallons per minute, which was a million gallons per day.

He explained that even at the 780 gpm rate, only 24% of the available drawdown was used, and said this was much higher than they ever had anticipated. He said the specific capacity of the production well was 700-800% of the specific capacity of the well tested in the 1990s. He then explained that this potential short term production capacity should be used for meeting peak demands.

Mr. Emery said there was also good news in terms of the water quality of the aquifer, noting that no VOCs, SOCs, iron or manganese had been detected. He also said the sodium level was very low, which was incredible. He said this was a really pristine site, with excellent water chemistry.

He said the next step was to do a pump test at 700 gpm. He said it was understood that this couldn't be sustained all year, but said they wanted to see if it could help meet peak demand during September through November, when the Lamprey flows were lowest, and UNH came into session. He said if it could, this would solve a lot of the immediate as well as future water supply needs. He noted that periods of lower pumping rates would correspond with greater availability of surface water resources.

Mr. Emery described the next steps of the work program. He said they were considering moving the pump test to the summer, when lower flows were expected. He said a numerical model of groundwater flow would be developed to simulate drought conditions, and consider what the long term pumping yield could be. He also said the final hydrogeologic report would be prepared. He spoke briefly about the design and installation of the production well infrastructure and pipeline.

He said the pump test would run at 700 gpm for 5-7 days, and noted that the water would be discharged into the Oyster River. He said monitoring wells would be observed, and also said water chemistry would be analyzed in more detail. He said a model would then be developed to define the sustainable yield of the aquifer, the zone of contribution, the wellhead protection area, and potential impacts on local streams and wetlands.

He said when the final report was submitted, local communities and their public water supplies could request a public hearing, and said there would also be the opportunity for people to submit written comments. He said a technical review would be done by NHDES before it rendered a decision regarding the large groundwater withdrawal permit.

Mr. Emery spoke briefly about the artificial recharge assessment component of the project, which he said in the future could perhaps be used to develop additional supplies on a longer term basis, from the same location. He spoke about the potential to pump water from the Lamprey River during high flows and store it in the unsaturated portion of the aquifer. He said if this was done, they might be able to pump 700 gpm from the production well all year long. He said he had looked at this kind of approach in Newmarket and Dover, and spoke in some detail on this. He showed two potential locations to bring water in from the Lamprey.

He summarized the two key points: that there was a great opportunity to pump as much as a million gallons per day to meet short term peak demand, and that the water quality of the aquifer was very high. He said hopefully, the permit from NHDES would be received within the next year.

Councilor Sievert referred to the excellent water chemistry of the aquifer, and asked what the negatives therefore were of doing artificial recharge.

Mr. Emery said a detailed protocol would have to be followed, as well as pilot testing and modeling. Concerning potential contamination, he said if it was felt that there was a risk of contaminating the aquifer, they would stop the artificial recharge process. He said that was one of the reasons why pilot testing was so important.

Councilor Clark asked what the life expectancy was of an aquifer like this.

Mr. Emery said the long term sustainable yield still needed to be defined. He said they would provide a management plan to the Town on what could be pumped, based on the average historical rainfall.

Councilor Mower asked about the ecology of the area, and how it was affected biologically.

Mr. Emery said the perched nature of the bog was in the Town's favor, because this meant using the aquifer would not draw down water from the bog. He said that conclusion was relatively well accepted by everyone who had studied the bog over the years, but noted that this would be studied further. He also said as part of getting the groundwater withdrawal permit, it had to be demonstrated that there would be no adverse impacts on wetlands in the area, and not just those in the area of the Spruce Hole bog.

Mr. Cedarholm asked how old the water in the aquifer was.

Mr. Emery said the water chemistry, with the limited amount of leached minerals, indicated that the aquifer was relatively young.

Mr. Cedarholm said if artificial recharge was done, he'd like to know how long it would take for the water to be transferred from the recharge basin to the well.

Mr. Emery said the modeling done of Newmarket indicated that it took months. He explained that recharge basins preferably were gravel pond pits, although injection wells could also be used.

Councilor Mower asked if there was existing artificial recharge wells that had been studied that would be this extensive.

Mr. Metcalf provided details on this.

Mr. Emery said for New England, it was significant. He spoke in some detail on why Durham was in a good position to do this, given the water quantity and quality of the aquifer, the protected environment surrounding it that was owned by the Town, etc.

Councilor Mower asked if they had taken into consideration the much greater fluctuation in rainfall that might come with climate change.

Mr. Emery said this was the kind of thing the Town would want to protect itself against, and said keeping the aquifer full of water through artificial recharge could address irregularities regarding rainfall. He noted the cost involved in having a man-made storage tank.

Chair Carroll asked for details on how the water from the well would get to someone's faucet.

Mr. Emery said the well water would be pumped from the well, treated, pumped to a tank, and the water would then go by gravity feed into homes.

Mr. Metcalf said it would mix with water in the system from the Oyster River, and said right now the water from the Lee well did this. He noted the importance, in terms of treatment, of making sure the water leaving a well was as close as possible in terms of quality to water from other places, to minimize interactions within the system.

Chair Carroll said the quality of the water from the new production well was so high, and said it was too bad it had to be mixed with anything else. She said she hoped it would be separate, but said it looked like this wasn't possible because of the distribution system.

Mr. Metcalf said there was the possibility that with the Lee well and the Spruce Hole well, the entire system could be fed with groundwater and less surface water.

Chair Carroll said this would offer the residents some exceptional water.

Mr. Cedarholm noted that there were water quality issues with the Oyster River and the Lamprey River at different times of year, but he said a reason why the water treatment plant liked the Lamprey River water so much was that for the most part, its water quality was exceptional.

Councilor Gooze asked how the 1/3 to 2/3 ratio was arrived at.

Mr. Cedarholm said on average, the University used twice as much water as the Town, and generated twice as much of the wastewater.

Bill Hall said the Town had been taking all of its water from the Lamprey River for the past year and a half, except when it went short and because of the restriction.

Chair Carroll thanked everyone for attending, and said the presentation had been very informative.

**B. Financial Report through March 31, 2010 - Gail Jablonski, Business Manager**

She said they were running right on target for the first quarter, and said revenues were low because bills hadn't gone out yet. She said the tax warrant would be on the May 17<sup>th</sup> meeting, and said bills would go out soon after. She said the water and sewer bill warrants would be on the May 3<sup>rd</sup> meeting.

She said that concerning expenditures, 36% of the snow budget had been used. She also said the Communications Center Budget item was already 85% spent, but said that was for a one time fee in regard to the Police Department portion. She noted that the Fire Department portion came right out of its budget.

She also said the Other General Government category had been spent to a larger extent, and she provided details on this, noting that a big portion of the expenditure was for the property and liability insurance payment.

Ms. Jablonski said another expenditure that was already largely spent was the Direct Assistance Budget item, under Health and Welfare. She explained that this occurred because once the various organizations involved saw what money was appropriated, they asked for the funds so they could put it into their own funds. She said \$9,000 was budgeted for the direct assistance portion, and said about \$2,500 of this had been spent so far, for 3-4 cases.

She said the Water, Sewer, Parking, Depot Road, Churchill Rink and Library funds were all doing fine, and said that was what they liked to see.

It was noted that direct assistance referred to residents who needed financial help from the Town.

Chair Carroll thanked Ms. Jablonski, and said it was a great first quarter report.

**X. Unfinished Business**

- A. Public Hearing and Action on Ordinance #2010-04 amending Chapter 4 "Administrative Code", Article IC, Section 4-18 of the Durham Town Code to lift the residency requirement for membership on the Economic Development Committee and allow non-residents to become members.

***Councilor Smith MOVED to open the Public Hearing on Ordinance #2010-04 amending Chapter 4 “Administrative Code“, Article IC, Section 4-18 of the Durham Town Code to lift the residency requirement for membership on the Economic Development Committee and allow non-residents to become members. Councilor Clark SECONDED the motion, and it PASSED unanimously 9-0.***

There were no members of the public who came forward to speak.

***Councilor Smith MOVED to close the Public Hearing. Councilor Mower SECONDED the motion, and it PASSED unanimously 9-0.***

***Councilor Gooze MOVED to approve Ordinance #2010-04 amending Chapter 4 “Administrative Code“, Article IC, Section 4-18 of the Durham Town Code to lift the residency requirement for membership on the Economic Development Committee and allow non-residents to become members. Councilor Smith SECONDED the motion.***

Councilor Mower said it might be reasonable to explain why the EDC might be interested in having members who are not residents. She noted there had been some questions from the public on this. She said she recalled that there had been discussion that there were business and property owners in Durham who did not live in Durham, but had a strong interest in the economic vitality of the community, and the Council therefore wanted to extend membership to them.

Councilor Clark said another reason was that non-residents could provide additional expertise to the committee.

Councilor Mower noted as an example that there might be someone who worked at UNH and was not a resident, but was interested in the revitalization of the downtown.

Councilor Gooze said there might come a time where there was a conflict between a development that would be good for the Town and the neighborhood where it was proposed. He noted that a reason he ran for the Town Council was to protect the neighborhoods. He said he was generally in favor of allowing non-residents to be members of the EDC, but said he wanted to be sure that the Council wasn't in a position of someone putting pressure on the EDC to push a project that came into conflict with the character of a neighborhood, etc. He said he was 100% in favor of allowing non-residents on the EDC in terms of getting additional expertise.

Councilor Clark said he didn't think what Councilor Gooze was concerned about would be a big problem, because of the degree of power the EDC as well as its mission, which was completely aligned with the mission of the Council. He said the EDC had thoughtful discussions about balancing the need for economic development with maintaining the character of the community. He also said he thought all the Town's boards and committees would benefit from having a diversity of opinions.

Councilor Mower said there was a Council Rep to the EDC, and also said the EDC Chair had reached out to various boards to invite representation to the EDC meetings, so there would be checks and balances. But she said what Councilor Gooze had said was a valid point.

Councilor Smith noted that the proposed amendment to the Town Code replaced the word “citizens” with “members”. He said he would vote for this motion, but pointed out that the language in the Administrative Code didn’t actually say members didn’t have to be residents of Durham. He said he wasn’t suggesting changing anything, but said the wording didn’t quite get at it. He suggested that if there was any question on this in the future, the discussion in the Minutes could be checked.

There was discussion. Councilor Mower said she thought the word members was ok in this instance.

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

- B. Public Hearing and Action on Resolution #2010-12**, authorizing the acceptance and expenditure of an Energy Efficiency and Conservation Block Grant in the amount of \$167,310 for street lighting upgrades

***Councilor Smith MOVED to open the Public Hearing on Resolution #2010-12, authorizing the acceptance and expenditure of an Energy Efficiency and Conservation Block Grant in the amount of \$167,310 for street lighting upgrades. Councilor Mower SECONDED the motion and it PASSED unanimously 9-0.***

There were no members of the public who came forward to speak.

***Councilor Smith MOVED to close the Public Hearing. Councilor Mower SECONDED the motion and it PASSED unanimously 9-0.***

***Councilor Smith MOVED upon the recommendation of the Town Administrator to Adopt Resolution #2010-12, authorizing the acceptance and expenditure of an Energy Efficiency and Conservation Block Grant in the amount of \$167,310 for street lighting upgrades. Councilor Mower SECONDED the motion.***

Chair Carroll noted that DPW Director Mike Lynch was present if Councilors had questions on the grant and what it would be used for.

There was discussion that this was a good deal.

Councilor Mower noted that a recent Friday Update had provided some details on the project, for members of the public who were interested.

Councilor Clark asked if there would be an effect on the quality of the light.

Mr. Lynch said DPW didn’t think so, but he said LED lighting was a new technology. He said it had improved over the past few years, but said it was still evolving. He said LED required 1/3 the energy of traditional lighting, and noted there was one on the T-Hall stairway. He said the life expectancy of the LED lighting was 12-15 years, compared to a 2-3 year life expectancy for today’s lighting.

He said two other LED lights had been installed on Church Hill, as part of the Jefferson ornamental lighting there. He said they were on the two poles before the Post Office, and said there was no change in terms of brightness or quality, and said he thought it was a little softer than the other street lighting on Church Hill.

Councilor Mower asked if there could be a benefit in terms of safety, if glare was reduced.

Mr. Lynch said there could be, on Church Hill.

Councilor Cote asked about the cost of replacement bulbs.

Mr. Lynch said the initial bulbs would each cost about \$500, and said the grant would pay for them. He noted that the grant was unique in that it was a 100% grant. He said if the bulbs lasted 15 years, the theory was that they would be much cheaper in the future.

Chair Carroll asked what lighting would be changed.

Mr. Lynch said about 230 bulbs would be installed, for all the ornamental lighting in Town. He provided details on this, and noted that it included the West End improvement lighting. He said the lighting would be installed after a bidding process involving electrical contractors and electricians, and said they were working out the process. He said the grant would pay for the lights as well as the installation.

Chair Carroll asked what would be done with the used lights.

Mr. Lynch said the base of the light and the fixture wouldn't change. He said the internal components including the bulbs that were removed would be stored, and said they could be reused if needed.

There was discussion about whether these bulbs could be used some place else in Town, or perhaps could be sold.

Mr. Lynch said a lot of them were reaching the end of their life expectancy. He also said the lights were very specific in terms of where they could be used.

Councilor Gooze suggested that once it was known whether the new LED bulbs were working, the used bulbs could be put on the market.

In answer to a question from Councilor Clark, Mr. Lynch said the replacement bulbs would represent about 35% of the value of the street light.

Councilor Clark said he lived on a road that was very poorly lit, and said he would like to see a streetlight on his corner.

Mr. Lynch said the lighting that would be installed in a location like that would be a different, more traditional type, and he provided details on this. He said it would take several years before LED lighting would be used in a situation like this.

Councilor Mower asked if there was a cost associated with the storage of the replaced parts, and also asked if it was likely the Town would need them. She asked if it would make sense to recycle them, and noted that about 97% of the materials from the James Hall redevelopment was recycled and reused. She said while the Town might not get a lot of money from selling the replaced parts, it might save some money in terms of storage of the parts.

Mr. Lynch suggested that there could be an alternative bid that would involve recycling the inner parts of the lighting. He also said the idea was to store the used lights in the boxes for the new lights, and said there was room to store them so no additional expense would be involved.

Chair Carroll thanked Mr. Lynch for writing another successful grant, and said the Town was the beneficiary.

Mr. Lynch noted that the grant was from surplus ARRA (American Recovery and Reinvestment Act) money, and he provided details on this.

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

C. Continued discussion regarding the development of Town Council goals for 2009/2010

Chair Carroll noted that this was one of the more important Agenda items, but the hour was late, and said they might have to remedy this situation at future meetings. She said a reworking of the Goals had been provided, noting that this had been done by Administrator Selig.

She said there were so many words and categories that it seemed they had to discuss how to discuss the document. She suggested that the Council focus that evening on discussing the goal of the Central Business district and downtown commercial core redevelopment, which she had heard was the most important goal of the Council. She suggested that they flesh out what they would like to happen and what was needed for this to occur.

Councilor Gooze said there was a lot of detail in this category, and said he would like to see the Council develop more general goals for it. He said the core of the first paragraph was really what they wanted to do, and said they could also think of some practical things under this that could accomplished this year.

There was discussion that the Council had never done this kind of goal setting before.

Councilor Clark said the reason they hadn't done this before was that this was a continuation of last year's goals, so it was easier to jump into the detail now. But he agreed that a lot of the points under the main goal weren't needed, and suggested that they should focus on the next big things.

Councilor Sievert said he thought they should go back to last year's goals, see which were met, and then move things around from there.

Councilor Clark said Administrator Selig had done a pretty good job of crossing out the goals that were accomplished, and then indicating what could be next. He said what had become somewhat problematic was that they had now gone 4-5 levels deep, when they should probably stay several levels higher.

Councilor Smith said this was a dreadful document, with too much in it, and statements that were gobbledygook. He also said he'd counted five references to customers, and noted that he hated seeing this word on Town signs, etc. He said the document needed a lot of wordsmithing, and said while he wasn't volunteering to do this work, he did have some recommendations to make.

Councilor Cote said taking a more global view, the customer could be a visitor or anyone who took the services of the Town. He said they were essentially in the customer service business.

Councilor Smith said they were in the business of public service, and said he didn't think they should think of the people they served as customers. He said he thought there was a philosophical difference.

Chair Carroll said perhaps they should let this issue go for now, and said her sense was that Administrator Selig had been using the language from the Kaizen approach.

Councilor Niman suggested that everything under the individual paragraphs should be eliminated. He said he would like to see if there was consensus to keep these paragraphs, and said if so, he thought they should define the one or two things under each paragraph that they all agreed they would like to see accomplished.

Councilor Smith said he liked that approach.

Councilor Mower said some of these paragraphs meandered, and were "kitchen sink" like.

Councilor Niman said perhaps at some point the paragraphs could be rewritten, but said he wasn't sure that would accomplish what they needed to accomplish, which was what the 5-10 things were they wanted to accomplish this year along with Town staff.

Councilor Gooze said he was concerned that a goal was to implement the B Dennis plan overall before there was more discussion.

Councilor Sievert said the work had already been done, and said the plan had provided a focus. He said the idea now was to move forward and get more specific. But he noted that Councilor Niman had suggested removing everything other than the first paragraph of the goal.

Councilor Gooze said there were some things in there that the Council should be serious about doing, but said he didn't want to imply with the goal that the Council was accepting the entire B Dennis plan.

Councilor Niman said a goal should be to evaluate the B Dennis plan and figure out what they wanted to pull out of it and move forward with. He said he wanted the Council to start discussing what they liked and didn't like about it.

Chair Carroll said this might be the first thing the Council would do, noting that this would be a fundamental part of the process.

Councilor Mower said historically, she didn't think the Council had created a list of goals along with strategies to support the goals. She said in some cases, the bullet points that had been included in the draft were strategies or perhaps considerations to be made. She asked if they should talk briefly about whether they wanted to agree upon goals, and in addition provide some guidance to Administrator Selig and Town staff on the strategies and tactics they believed were important.

Councilor Niman said that was what he was proposing, to provide some tactics under the broader goals.

Chair Carroll said that could be used as a kind of template for this process.

Councilor Smith said when this process began, he said his only goal was to have a one page goal statement. He said Councilor Niman's recommendation could get it down to two pages. He said a danger of including all of the bullet points was that Administrator Selig would feel it was necessary to flesh out and update the Council on what happened with each of them, and said this would be very time consuming for everyone.

Councilor Sievert noted that it was the Council that had asked Administrator Selig to summarize what Councilors had provided to him.

Chair Carroll said she had heard from the Council that they should keep the main paragraph of each goal, making sure they were well stated, and get rid of everything underneath them. She said she had also heard that they should put time aside to discuss the B Dennis plan in detail, and make a list of what they did and did not want to move forward from it.

Councilor Gooze noted the goal of maintaining the integrity of Durham neighborhoods. He said he had also included an item concerning funding for a part time code enforcement officer, and asked how he was supposed to bring something like that up.

Chair Carroll said that was a strategy, and Councilor Gooze asked when Councilors would be able to ask for these strategies to be done, in order to implement goals.

Councilor Cote said they were all on the same page in terms of what they wanted to move forward with. He said there were goals and objectives, and he outlined how the objectives could be developed. He said they shouldn't get bogged down in the minutia that was in the draft goals document, and said they should focus on some things they could accomplish.

Councilor Niman said he expected that the Rental Housing Commission would come forward with a proposal, which might include some ordinance proposals. He said the Council would then discuss the proposals and vote them up or down. He said if they were voted up, the question would then be how to enforce them, which would devolve into the Budget discussion. He said the issue of manpower could be addressed during this process.

Councilor Gooze said in other words, individuals could bring up issues under the general goals, and said he was comfortable with this process.

Councilor Clark said he thought they were in agreement, but suggested that under each goal, they should choose 1 or 2 supporting points they thought were significant enough to list. He suggested that this could be a homework assignment for Councilors to think about.

Chair Carroll noted that this kind of approach had been used in the past, and she elaborated on this. She said the next homework assignment after that would be to individually evaluate the B Dennis report. She noted that they didn't have the final report yet.

Councilor Mower asked that the Council formally ask Administrator Selig to nudge the B Dennis team to get them the final report. She said the delay in getting the report was something she thought the Council should keep in mind, in deciding whether to move forward with them. She said if they did want to move forward fairly quickly, there was a time element issue as well as the issue of the quality of the work. She asked if a consensus on this should be established.

There was further discussion on how to refine the draft Goals document, starting with the goal "Maintain the integrity of Durham neighborhoods".

Councilor Niman recommended that a consensus should be reached by email on how to refine down each of the goal paragraphs. He said Councilors could each provide the edits they would like to see made.

After further discussion, Councilor Clark said the Council should follow the approach Councilor Niman had suggested.

Councilor Smith said he liked this approach, but asked whether or not the bullet points would be removed.

Councilor Niman said that was what he would like to see and Councilor Smith agreed. Councilor Niman said Councilors could each suggest changes or removal of words in the paragraphs, and could also recommend one or two strategies under each paragraph.

Chair Carroll said she and Administrator Selig would then look at all of the edits, and put something together.

Councilor Mower suggested that while wording from some bullets could be included, this wording could be put into the paragraph itself. She also said ideas beyond the bulleted points could be included.

It was agreed that comments from Councilors needed to be provided by April 26<sup>th</sup>, in order for the final version of the goals document to be included the packet for the next meeting. Chair Carroll said in the mean time, they would find out about getting the report from B Dennis, so they could read it and then discuss and evaluate it.

**XI. New Business**

**XII. Adjournment**

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

Adjournment at 10:34 pm.

Victoria Parmele, Minutes taker