

This set of minutes was approved at the July 12, 2010 Town Council meeting

**Durham Town Council
Monday May 17, 2010
Durham Town Hall - Council Chambers
MINUTES
7:00 P.M.**

MEMBERS PRESENT: Chair Diana Carroll; Councilor Julian Smith; Councilor Doug Clark; Councilor Peter Stanhope; Councilor Mike Sievert; Councilor Robin Mower; Councilor Jay Gooze; Councilor Neil Niman (arrived during recess)

MEMBERS ABSENT: Councilor Neil Niman; Councilor Bill Cote

OTHERS PRESENT: Administrator Todd Selig

I. Call to Order

Chair Carroll called the meeting to order at 7:04 PM.

II. Approval of Agenda

Councilor Smith MOVED to approve the Agenda, and Councilor Mower SECONDED the motion.

Councilor Clark asked that the first item from the Unanimous Consent Agenda be removed.

Councilor Gooze noted that one of the abatement items in the Unanimous Consent Agenda was wrong, and Administrator Selig said this would be clarified.

The motion as amended PASSED unanimously 7-0.

There was discussion that typically a Unanimous Consent Agenda item was removed at the time that the Council got to that place in the Agenda, or it was rescheduled to New Business on the Agenda.

Councilor Mower MOVED to reconsider the vote, and Councilor Smith SECONDED the motion. It PASSED 6-1, with Councilor Stanhope voting against it.

Councilor Smith MOVED to approve the Agenda as submitted. Councilor Mower SECONDED the motion, and it PASSED 7—0.

III. Special Announcements - None

IV. Approval of Minutes - None

V. Councilor and Town Administrator Roundtable

Councilor Gooze said the Rental Housing Commission would be recommending one or more new ordinances to the Council.

Councilor Mower said the Energy Committee had discussed the idea of moving the bike rack at Town Hall to a more prominent, convenient location, and she provided details on this.

She also said the Conservation Commission had recently given its approval to the proposed Conditional Use Permit for the CWC proposal at 9-11 Madbury Road, concerning wetlands encroachment. She said the proposed project would probably improve things at Pettee Brook, noting that the rain garden that was planned would help address storm water runoff.

Councilor Mower said she had recently learned that the fee for getting a parking waiver in the downtown had not been changed since 1993, although the Council was supposed to review it annually. She said the fee was \$750, and said based on inflation, it would be \$1240. She noted that the Town was considering building a parking garage, and said this fee could go into fund to help pay for this or for parking improvements in general.

Councilor Sievert commended the Conservation Commission for getting up to speed regarding the paperwork for the Conditional Use Permit application for 9-11 Madbury Road. He said there seemed to be some administrative problems in getting the packets to Commission members in a timely manner, and said this needed to be addressed. He suggested that perhaps the paperwork could be provided electronically.

Councilor Mower agreed, and said there needed to be an administrative decision on who was responsible for this, especially if there was a timely aspect to getting the information. She noted that the Conservation Commission met once a month.

Councilor Sievert noted that Bike to Work Day would be held on Friday.

There was discussion on how to address the parking issue that had been raised. Councilor Gooze said he thought it would be appropriate to consider it as an Agenda item at a Council meeting. Councilor Mower said she would like it to be part of a larger discussion on parking in general, which could include a representative from the University.

Councilor Smith said the Planning Board had met recently, and re-elected Lorne Parnell as Chair and Susan Fuller as Vice Chair. He said Steve Roberts had been the Planning Board representative to the Conservation Commission, but had stepped down. Councilor Smith said in the absence of enthusiasm from others on the Planning Board concerning this position, he had volunteered. He said he had asked the Board if it was appropriate for a Council representative to the Planning Board to then be appointed to the Conservation Commission as a Planning Board representative. He asked any Councilor who had reservations about this to please raise them.

Councilor Smith said the Planning Board had reviewed a subdivision application for a property located at the intersection of Edgewood and Meadow Road. He said a public hearing was held and after it closed, the Board decided to open it again because it determined there were still a number of issues to be discussed, including reconsidering the location of the boundary line.

Councilor Smith spoke about the CWC site plan application and Conditional Use permit currently before the Planning Board, noting that the public hearing had closed and that deliberations had begun and would continue at the next meeting. He said there were several small issues to be addressed, including hearing back from Conservation Commission concerning the wetlands encroachment issue.

There was discussion on the issue of Councilor Smith serving as the Planning Board representative to the Conservation Commission.

Administrator Selig said there was no prohibition against this.

There was discussion on whether and how Councilor Smith would vote, and he said there was no telling how he would vote on each of the boards he served on.

Councilor Stanhope noted that there would be an historic tour of Durham after the Memorial Day Parade, and said one of the sites to be visited was the cemetery across the street. He said the idea of doing grave rubbings had been considered, which had necessitated consideration by the Cemetery Committee. He said a compromise had been suggested, involving conducting the tour and having a member of the HDC demonstrate doing a rubbing of a grave.

Administrator Selig first provided corrections to some of the items in the Unanimous Consent Agenda. He also noted that said Johanna Knight of the Durham Business Association had provided a letter in regard to the Council's Agenda item concerning the proposed Zoning changes to the ORLI and MUDOR districts.

Administrator Selig said he had recently had a very positive meeting with University President Mark Huddleston regarding the idea of two way traffic on Main Street. He said they had also discussed the issues currently being addressed by the Rental Housing Commission.

Administrator Selig noted the issue of a possible location for a bike rack near the Town Offices, and suggested that it could be put in front of the building, so people could see it would be easier for people to see.

He noted that the Town Offices would be closed on Memorial Day.

He said the Main Street West project was moving ahead, noting that the Town's cost for the joint UNH/Town project would be less than \$100,000.

He said the first half of tax bills was likely to go out by the end of the week.

He said the School District was going through a strategic planning process, which would include a survey for members of the community to fill out. He also said anyone with ideas or concerns about the School District should visit the District's website, or contact Jocelyn O'Quinn or Paula Roy.

He said on Thursday, there would be a meeting put on by the Strafford Regional Planning Commission to discuss the nomination of the Oyster River to the NH Rivers Management and Protection Program. He said this would be a good opportunity for residents to learn about it. He

said from what he had read about the nomination, he was planning to write a letter of support. But he said he would stress the importance that the nomination not place in jeopardy the Town's water supply, and said he believed this was consistent with the Council's sustainability goal.

Administrator Selig said he would have information soon on vouchers this year for the UNH pool.

He noted that he'd received a query from Councilor Cote regarding the status of Emerson Road, between the Edgewood extension and Madbury Road. He said the DPW was planning to do a shim coat, and he provided details on this.

Administrator Selig provided details on the upcoming Bike to Work Day. He also spoke about the treasure hunt that would follow the Memorial Day parade.

Administrator Selig encouraged Councilors, Planning Board members and residents interested in the new student housing development at 22 Rosemary Lane to attend an open house there the following day, from 12 - 6 pm. He said this development was a good example of what students were looking for in rental units these days.

Councilor Stanhope spoke about Unanimous Consent Agenda Items E-H, which involved returning over \$158,000 in tax dollars to individual property owners, and noted that there had been abatements on previous Council agendas in 2010. He said it suggested that there was an error factor in the assessments that had been done, and he providing details on this.

He asked what the Town's economic exposure was regarding this, referring among other things to the current appeal from Goss, and said a concern was that the Town hadn't budgeted a sufficient amount of money to cover this and other tax refunds. He said if this was the case, refunding the money would further deplete the Town's fund balance.

Councilor Gooze said a resident who lived near the curve on Durham Point Road where the recent motorcycle fatality had occurred had spoken with him about the current posted speed limit on that road. He said this resident had noted that there was another accident there last year. Councilor Gooze asked what the right procedure was to address this issue.

Councilor Smith said it could be recommended to the Traffic Safety Committee and/or Police Chief Kurz.

Chief Kurz suggested that he be sent an email regarding this issue.

Administrator Selig spoke about how the Traffic Safety Committee operated. He said there was an open process where Councilors and others could attend meetings, and said traffic issues such as the one on Durham Point Road were channeled through it.

Chair Carroll announced that the Durham Farmers Market would open for the season on Monday, June 7th. She said the market was undergoing some big changes in moving to Mill Plaza near Durham Marketplace, and said owner Chuck Cressy was very excited that the market would be located there.

Chair Carroll said having the farmers market there could have a synergistic effect on the businesses in Mill Plaza and the downtown, so was an important element in the economic development of the area. She said the merchants there were excited, and also said the Economic Development Committee had been involved in making the move to Mill Plaza happen, because they understood the economic benefits that could come from such a move.

She spoke about the farmers and other vendors who would be at the market, noting that some producers were growing year round now, so customers should expect to see more produce in June than they would have seen last year.

Councilor Mower noted that Traffic/Transportation planner Rick Chellman, who had attended the recent meeting on possible two-way traffic on Main Street, had spoken about how successful farmers markets could be in generating economic change and encourage pedestrian-friendly areas.

Administrator Selig told Councilors that he had been spending time recently dealing with the issue of public risk management insurance pools, which was important in regard to the long term fiscal well being of the Town and the School District. He also said he was trying to track State Budget legislation, and spoke in detail about the fact that it did reflect a loss of revenues, and also a down shifting of costs to the local level.

Administrator Selig said the Town had received the final version of the B. Dennis Plan the previous Friday, and suggested that people start calling it the Durham Strategic Plan. He said the plan would be posted on the Town website and would also be available in hard copy form at the Town Hall.

VI. Public Comments (*NLT 7:45 PM*)

Roger Speidell, 7 Nobel K. Petersen Drive, said that in response to a question from Councilor Stanhope at the previous meeting, he had provided information on debt service for each of the School Districts he had provided cost per student information on. He said he had also provided debt service information on the Oyster River School District, which indicated that it was higher by over \$4,000 than the average of the other school systems. He provided details on this. But he said the higher Oyster River School District budget was not a result of debt service, but rather the result of a School Board with no oversight. He noted that the other schools he had listed had budget committees, while the ORSD did not.

Mr. Speidell noted that over the past 10 years, the School Budget had increased by over 1000 percent, and said the voters had thrown out the School Board incumbent by a 2-1 vote. He said it was important that the School Board create an advisory budget committee, and also pass a 0 increase budget. He asked the Town Council to rally constituents to contact the School Board in every way possible about these things.

Seth Fiermonti, 8 Partridge Berry Lane, said he was glad to hear about Bike to Work Day. He also said he and his wife frequented the local Farmers Market, and spoke about the importance of buying locally-produced vegetables and fruits, given the amount of pesticides being found in non-local produce.

Mr. Fiermonti noted that he had done a transcript of the most recent School Board meeting and provided this to the Council, explaining that he had also included his own comments in bold. He spoke about the concept of risk management in regard to the School Board's expenditure of tax money. He asked whether the Town bid out for its auditor, stating that the Board did not do so. He said he didn't want to create an environment where there could be problems such as auditor fraud.

He said while there was a long discussion at the meeting on the idea of creating an audit committee, there was no decision and the issue was deferred it to the next meeting. He also said while there had been discussion on the issue of mistrust of the School Board, it was really risk management that was needed. He spoke about the fact that last year's audit was over 9 months late, and also spoke about the fact that the Council had provided guidance concerning the need for an audit committee in its recent Resolution.

Mr. Fiermonti said he didn't think the School Board grasped the issues the Council was presenting to it, and said having a budget committee and an audit committee would be a step on the right path. He said Mr. Speidell had been asking questions for several years, but there had been no answer to them.

Administrator Selig explained that the Town Charter required that the Town go out to bid once every 5 years for an auditor, and the Council awarded the contract. He said the Town was also required to change its auditor every 10 years.

Ann Lane, 43 Stagecoach Road, announced her candidacy as a State representative for Durham, Lee and Madbury, and spoke in some detail on why she was doing so.

Bill Hall, Smith Park Lane, spoke in detail about the issue of the fire lanes at the High School. He also spoke about the fire lanes at the Field House, and said he had recently observed parking there all weekend, with no tickets given. He said enforcement was not being done in places of assembly in Town where there were thousands of people.

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

- A. **FIRST READING ON ORDINANCE #2010-05** amending Chapter 153 "Vehicles and Traffic", Section 153-43 "Schedule XI: Stop intersections" of the Durham Town Code by placing stop signs at the intersection of Ross Road and Stagecoach Road
- B. Shall the Town Council, upon recommendation of the Town Administrator, provide its advice and consent to amend the Town-wide Master Fee Schedule to create an application fee for the Community Revitalization Tax Relief Incentive Program?
- C. Shall the Town Council rescind the spring 2010 water/sewer warrant approved on May 3, 2010, approve the corrected spring 2010 water/sewer warrant, and authorize the Town Administrator to sign the corrected warrant?
- D. Shall the Town Council authorize the Town Administrator to sign the Town of Durham's 2010 tax warrant (1st half) and direct the Town Clerk-Tax Collector to collect partial payment of

- property taxes assessed on April 1, 2010 in the amount of \$12,042,459?
- E. Shall the Town Council, upon recommendation of the Town Administrator, reduce the appraisal of property owned by Mary Ann Esposito Trust at 20 Deer Meadow Road from \$850,700 to \$805,600, grant a property tax abatement in the amount of \$45,100 of valuation to Mary Ann Esposito Trust, and authorize the Town Administrator to sign a Settlement Agreement between Mary Ann Esposito Trust and the Town of Durham relative to Docket No. 24089-08PT?
 - F. Shall the Town Council, upon recommendation of the Town Administrator, reduce the appraisal of property owned by Jeffrey P. and Sherry N. Harriton at 25 Deer Meadow Road from \$857,900 to \$831,300, grant a property tax abatement in the amount of \$26,600 of valuation to the Harritons, and authorize the Town Administrator to sign a Settlement Agreement between Jeffrey P. and Sherry N. Harriton and the Town of Durham relative to Docket No. 24054-08PT?
 - G. Shall the Town Council, upon recommendation of the Town Administrator, reduce the appraisal of property owned by Cheney Revocable Trust at 575 Bay Road from \$814,700 to \$751,000, grant a property tax abatement for **tax year 2007** in the amount of \$63,700 of valuation to Cheney Revocable Trust, and authorize the Town Administrator to sign a Settlement Agreement between Cheney Revocable Trust and the Town of Durham relative to Docket No. 23848-08PT?
 - H. Shall the Town Council, upon recommendation of the Town Administrator, reduce the appraisal of property owned by Cheney Revocable Trust at 575 Bay Road from \$783,100 to \$760,400, grant a property tax abatement for **tax year 2008** in the amount of \$22,700 of valuation to Cheney Revocable Trust, and authorize the Town Administrator to sign a Settlement Agreement between Cheney Revocable Trust and the Town of Durham relative to Docket No. 24052-08PT?

Chair Carroll said Councilor Clark had asked that Unanimous Consent Item A. be pulled.

Regarding Unanimous Consent Agenda Item A, Councilor Clark asked for the rationale for having two stop signs rather than three.

Police Chief Kurz said the Traffic Safety Committee had talked about the traffic at this location a number of times, because of the significant desire from residents of the area to control the speed there. He said most recently, they had said they wanted a three way stop sign, but said the Traffic Safety Committee was opposed to this because it didn't see the need for it.

He said this was not a high accident area, and also said he was concerned that three way stop signs could become the norm in Durham if one was approved here. He said it was largely the residents of the neighborhood who were causing the speeding problems, and said he wasn't sure that putting in a stop sign would solve them. He said this recommendation was the most viable to appease the neighborhood.

There was detailed discussion between Chief Kurz and Council members on this issue, including what exactly the safety issues were in this area.

Councilor Clark said it wasn't the Council's job to second guess the Traffic Safety Committee.

Councilor Smith said he had followed this issue as a member of the Traffic Safety Committee and had talked to the resident who was closest to it. He said she and the committee had come up

with best solution, and said if this didn't work, perhaps a third stop sign would be appropriate.

Councilor Sievert noted that he had designed the road involved, and provided details on this. He said there definitely was a speeding problem in that area, including the fact that delivery trucks fly down that road. He questioned whether the stop sign proposed was the right one to have, and said the speeding problem was from the cars and trucks that came in off of Route 108. He suggested having a stop sign for these cars coming in.

Chief Kurz said the neighborhood wanted the three way stop sign, but said if this was done, there would be several other proposals for three way stop signs in Town.

Councilor Mower said she hadn't followed this to a great extent, but said three way stop signs didn't always work. She also asked whether this was an issue that the neighborhood association could address, stating that not everything could be legislated.

Chief Kurz said the Traffic Safety Committee wasn't sure the proposed stop sign would solve the problem, but did think it was a step in the right direction.

Councilor Clark said he was not advocating anything in particular, and said he wasn't sure how this situation was different than where he lived, where there was only one stop sign.

Chief Kurz said the Department couldn't commit a lot of resources to this problem, so the reality was that the Traffic Safety Committee had created a proposal because it had been asked repeatedly to look at the issue. He said if other neighborhoods asked for this, the Department would respond to that as well.

Councilor Smith noted that Chief Kurz had sent letters to the residents of the area, and asked what the response had been.

Chief Kurz said he hadn't heard anything back yet.

Councilor Smith said a three way stop sign had been effective on Packers Falls Road at the Wiswall Road intersection.

Councilor Smith MOVED on First Reading Ordinance #2010-05 amending Chapter 153 "Vehicles and Traffic", Section 153-43 "Schedule XI: Stop intersections" of the Durham Town Code by placing stop signs at the intersection of Ross Road and Stagecoach Road, and schedules a Public Hearing for June 7, 2010. Councilor Mower SECONDED the motion.

Councilor Stanhope asked Chief Kurz whether, absent a proliferation of phone calls, he would have proposed this, and Chief Kurz said no.

Councilor Gooze said the neighbors had a right to request this, and said he didn't think this should be dismissed. He said they should at least be allowed to have a public hearing on this issue.

Chief Kurz said the reality was that there were a lot of things on his desk, and also said if he saw a crisis, he made sure that the Town Administrator and the Council were aware of it. He said this

was the Committee's solution to this particular challenge, but said the question from Councilor Stanhope was legitimate in that this was not on his own list of things to focus on immediately.

Chair Carroll said Chief Kurz was doing his job, and the Council was doing its job in sending this to public hearing and then hearing what the neighbors and the public had to say. She noted Councilor Mower's suggestion about the neighbors getting together to address this issue internally, and also said the issue of trucks coming through should be looked at.

The motion PASSED 7-0.

Councilor Mower MOVED to approve Unanimous Consent Agenda Items B-H, as amended. Councilor Clark SECONDED the motion, and it PASSED unanimously 7-0.

VIII. Committee Appointments – None

The Council stood in recess from 8:24 to 8:25 PM. Councilor Niman arrived during the recess.

IX. Presentation Items

- A. John Hatch Park at the Wiswall historic mill site – Richard Lord, Wiswall Historic Interpretation Committee

Chair Carroll noted that resident Dick Lord was also a long time member of the Lamprey River Advisory Committee, and would provide the Council with an update.

Mr. Lord said the Committee thought it was appropriate to report back to the Council at this point about the work that it had been doing. He first spoke about the stone that had been mined from the old bridge and turned into a veneer, noting that this wasn't considered to be engineering practice from a structural perspective, but was thought by the LRAC to be very important in order to make the appearance of the third face consistent. He explained that this was why the LRAC had provided the funds for the additional face, and said they had gotten as close as they could to getting historic stonework out there.

He explained that part of the committee's charge was to create some historic display panels for the park. He said it had been a hard job deciding what information to leave off of them, noting that the historic preservation firm hired by FEMA had published a fascinating 80 page report on the history of the area.

He said there had been a saw mill and a paper mill there, and said it was the center of commerce for the Town, with the economic activity there exceeding the ship building trade at that time. He said it all burned down in a fire in 1883, and wasn't rebuilt because it was underinsured. He noted that the full historical report was on the LRAC website.

Mr. Lord said it was fortunate that the LRAC had instituted a small grants program last year, and noted that Curt McHale had promised to create a 15 minute video that would tell the history of the Wiswall Mills. He provided details on this.

He said the Wiswall Historic Interpretation Committee had been working on ideas as to what to put at the park. He said whatever was there would need to be vandal proof and patrolled well. He said the LRAC had already built two of the kiosks and created a tour map, and said he believed that more than two information panels would be created for the park. He provided details on plans for the design and making of the information display panels at the park.

Mr. Lord showed the Council some design ideas for the park that the DPW had come up with in the 1990's, at the request of the Town Administrator, and said some of the information from that plan was still valid today. He explained that landscape architect Robbi Woodburn had recently gotten involved and had started the Committee on an updated process of designing the park. Among other things, he said that with the new bridge construction, it was believed that a canoe launch could be put in along the abutment, in a way that would be convenient and safe. He noted that the wetlands permit for this had already been obtained.

He also spoke about the fact that the planned fish ladder would have an historic mitigation component, and said it would therefore be useful for the Committee to work with the Natural Resources Conservation Service on the fish ladder program. He said he would like the Council to consider extending the Committee's scope in order to allow this, and also to allow it to do park planning. He said the Committee felt that it was logical that it continue the work of the original park committee.

Chair Carroll spoke about the changes that had recently been made to Jackson's Landing, and about the significant difference this had made for residents. She said she could imagine that the planned changes at John Hatch would also make a significant difference in the Town.

Councilor Gooze said he had recently taken a bike ride with a friend and ended up on Wiswall Road. He said they had looked across at the bridge, and liked the way the stone face looked.

Administrator Selig suggested that the Committee bring back its recommendations as a Resolution for the Council to consider. There was discussion with Mr. Lord.

Councilor Mower asked if there would be other requirements for historic mitigation, beyond the fish ladder, and there was discussion with Mr. Lord

Chair Carroll thanked Mr. Lord for his presentation, as well as his efforts in regard to the historic Wiswall mill site.

B. UNH efforts toward developing alternative modes of transportation – Stephen Pesci, UNH Campus Planning and Dirk Timmons, UNH Transportation Services

Mr. Pesci spoke about the need to be cognizant of all the factors that worked together to represent transportation at UNH and Durham as a whole and emphasized the importance of dealing with the demand side of transportation and not just the supply side. He explained what the concept of transportation demand management in the area entailed:

- Enhancement of the walking campus
- Reduction in transportation impacts on the community
- Improvement of the network of streets

- Improvement of the mobility for the UNH community with a systems approach
- Consideration given to energy and emission impacts of choices

Mr. Pesci spoke about the campus Master Plan goals and changing population, and how this affected transportation demand. He said the goal was to house at least 60% of undergraduates on campus, and to do limited parking expansion, while maintaining the freshman parking ban. He also spoke about changing student and work populations at UNH.

He explained the role of the Transportation Policy Committee in creating and maintaining a dialogue on transportation choices, costs and impacts on land use, climate and energy. He then noted the following system improvements over the past several years:

- Transit went up 100% since 2001, reflected in 1.1 million trips
- Parking permits either flat or down in recent years
- New services, such as the ZipCar and Go-LoCo
- Ongoing improvements in short-term access, campus transit standards
 - New transit equipment, higher transit frequency
 - Improved parking lot enforcement and services
 - Student transportation fee assistance
 - Aggressive pursuit of grant funding

Mr. Pesci explained further how a systems approach was needed and was being used to address transportation issues. He noted that after heat and electricity, UNH fleet fuel consumption and personal commuting were the biggest energy uses and emission generators, and explained how UNH was working hard to make significant reductions in both of these areas.

He also spoke about the community impacts of transportation choices, and said UNH had been working successfully to reduce vehicular commute traffic to Durham, and to reduce impacts on Durham neighborhoods. Mr. Pesci explained that within the context of the 20 year Master Plan, UNH would further reduce commute trips and emissions through on-campus housing and other efforts. He provided a visualization of Academic Way in the future, which exemplified the walking campus that UNH was working toward

Dirk Timmons, Director of University Transportation Services, provided details on the wide variety of transportation services provided by University Transportation Services, and explained that these services were funded through a combination of parking permits, a student transportation fee and federal capital investment in transit fleet equipment.

Mr. Timmons spoke in detail about Wildcat Transit, which he said was free for UNH ID holders, cost \$1.50 per ride for others, and traveled to Dover, Portsmouth and Newmarket. He said buses traveled the routes on a nearly hourly basis during academic weekdays, provided a daily service on non-weekdays during the school year, and also provided daily service on weekdays during UNH breaks.

He noted that Wildcat Transit had gone from 110,4986 passenger trips in fiscal year 2001 to 257,249 in fiscal year 2010, and that Campus Connector had gone from 480,684 passenger trips in fiscal year 2001 to 842,282 in fiscal year 2009. He said this had avoided significant private

vehicle miles traveled, and resulted in less traffic. He noted the significant financial investment that was involved in being able to realize these savings.

Mr. Timmons also provided details on the variety of other innovative transportation services available to UNH faculty, staff and students.

Mr. Pesci told Councilors that UNH was a state leader in alternative fuel use for its fleet of vehicles, using both compressed natural gas (CNG) and diesel with a 20% biodiesel component.

He noted among other things that biodiesel, which had been introduced in 2006, was now used in over 85% of UNH's diesel fleet. He said for fiscal year 2009, 10% of the total fleet, and 20% of the transit fleet was powered by CNG, and said that would grow dramatically next year.

He provided details on a variety of institutional changes being made in regard to UNH vehicles that was resulting in energy savings. He also noted that the University published a greenhouse gas emissions inventory, based on work with Clean Air Cool Planet, and said this had been updated every year since 1999.

Mr. Pesci spoke about UNH's role in terms of regional transportation policy development, and also spoke in some detail about on-going collaboration with Durham on the following transportation related issues:

- Durham-UNH traffic model
- Advocacy of improvements to Route 108
- Brownfield/redevelopment applications for the Craig Supply property
- Shared management of the Main Street CMAQ and TE projects
- Dialog regarding downtown traffic patterns and development partnerships
- Traffic safety coordination

He also spoke about a variety of coordinated efforts UNH was involved with concerning energy, transportation and climate education. He then described in some detail the varied transportation improvements made or being made, including new, clean fuel vehicles, the Main Street East project, the Rail Station, the CNG Station/garage, and the Main Street West project currently under construction. He also spoke about the increasing role of the Amtrak Downeaster and C&J Trailways in providing intercity transit options, as well as the increasing role of ZipCars at UNH.

Mr. Pesci spoke in some detail about the Durham-UNH Traffic model that was available for use by the Town, the University and developers, at the discretion of the Planning Board. He noted that the model had been used to evaluate the proposed South Drive Transitway.

He concluded his presentation with an outline of other opportunities and next steps being pursued.

Chair Carroll asked Councilors if said if would like to invite Mr. Pesci and Mr. Timmons back to another Council meeting, after having had some time to digest the material that had been provided. She noted that they were available for a work session on transportation topics.

Councilor Gooze noted UNH plans to increase on campus housing, and asked where these people were expected to park, if not in Town.

Mr. Timmons noted UNH's policy that freshman couldn't have cars on campus. He also said there were 200-300 empty parking spaces now, so there were spaces available if they were needed.

Mr. Pesci explained that the first time a prospective student learned about UNH, he/she got the message that they didn't need a car. He also said students now paid \$350 to park their cars on campus.

Mr. Timmons said the availability of Zip Cars was helping, and he noted that many parents were excited that between Zip Cars, buses and trains, their kids didn't need to have a vehicle. He said UNH was challenging the expectation that they needed a car, and said more and more people were realizing that it cost a lot to have one.

Councilor Gooze said as the Council discussed its parking problems, it too should be thinking of ways to convince people that they didn't need cars.

Mr. Pesci said this involved a demand change, and said the key was to do it incrementally, step by step.

Mr. Timmons noted a grant UNH had applied for to integrate GPS with UNH's bus system so people could find out exactly where buses were at any point in time. He said in this way, they were less likely to lose interest in taking the bus because of a concern that they were not dependable.

Chair Carroll noted that many landlords in Town rewarded the wrong behavior in that a student who brought a car paid the same rent as one who didn't. She said she realized the private property was involved, but said the landlords should think about whether there should be such free parking.

Paul Berton said landlords were seeing a downturn in demand for parking, but said he saw this as an economic issue. He said many landlords paid the same transportation fee as the dorms, but the buses didn't come to their apartments. He asked if this was being considered.

Mr. Timmons explained that adjustments continue to be made to the system, and said bus stops were being added over time. He also said servicing all apartment complexes was difficult, and noted the danger of putting bus stops in some parking lots. He said they would continue to look at ways to expand the system safely, and would work with the Traffic Safety Committee on this.

Mr. Berton said perhaps the Durham Landlords Association could participate in a Traffic Safety Committee meeting on this subject, and it was agreed that this would be a good idea.

Councilor Clark said it was commendable that there were one million rides per year, and suggested that there were synergies between UNH's needs and the Town's needs. He then asked if UNH had any data on the location of faculty and students in Durham neighborhoods.

Mr. Pesci said they did have this information, including scatter plot maps on it, and said it was used in route planning and in adjusting policies. Regarding the idea of possible synergies with the Town, he said they were excited about how the Town of Durham could capitalize on the fantastic transit system that had been developed at UNH. He said UNH was with the Town on this, and wanted to see more riders on its existing routes. He provided details on this.

Councilor Clark said the Council's strategic planning process showed that there should be parking on streets rather than structured parking.

Mr. Pesci noted that with the volume of parking needed at UNH, they couldn't get there that way because they simply didn't have enough linear feet of street.

There was discussion that residents who wanted to take the train could park at a reduced cost at the Depot Road lot, and that it would be a good idea to put information on this on the Friday Update.

Councilor Sievert asked how the new traffic planning the Town was working on would impact UNH transportation planning, and also asked for details on the new road UNH was planning to put in.

Mr. Pesci said if the Town went with some two way streets, this would provide UNH with more flexibility in terms of bus routes, etc., and said it was really exciting to see these things being looked at. He noted that he had brainstormed with the Town about a possible roundabout for Quad Way roundabout, which among other things would reduce the backup at the intersection of Mill Road and Main Street.

Councilor Sievert said he was hoping to hear that response, and also said he thought the joint traffic model would be a powerful tool for working on these design ideas.

Mr. Pesci said the model would be able to pick up the impacts of design ideas that their brains couldn't see.

Councilor Sievert said he was concerned that the growth of University businesses was hurting Durham's downtown, and said this would be part of the discussion when the Council looked further at expanding the downtown. He also said that while the Council did want to minimize vehicles, they also needed to get people into Durham. In addition, he said he'd been surprised to learn that UNH was looking at putting a new parking facility at "A" lot. He suggested that instead there should be a concentrated parking facility downtown.

Mr. Pesci said they were open to discussion on this, and noted that with a parking facility, it was important to have one that was used during the week but also on the weekend. He said perhaps UNH and the Town could afford a parking facility downtown together, but said UNH couldn't afford it alone.

Councilor Sievert and Mr. Pesci agreed that it would be great to continue these conversations between the Town and UNH.

Administrator Selig said UNH was open to looking at doing structured parking, and he spoke in some detail on this. He said the UNH traffic people wanted to be sure that UNH and Town transportation plans were working together.

He noted that Durham residents could travel on Wildcat Transit for \$1.50, and could travel free on the Campus Connector. He said they all wanted to find ways to better integrate the UNH system into the neighborhoods for residents, including students living in the neighborhoods. He and Mr. Pesci explained that new fleets being brought on board would be much quieter, would have less exhaust issues, and would have drivers who were well trained.

Administrator Selig also said that as the ZipCar program picked up steam, the hope was to locate it on Main Street so it would also be available for residents. He also noted that there had been discussion about a possible joint parking structure at UNH's C lot.

Administrator Selig also noted that Mr. Timmons was UNH's chief enforcement person in regard to fire lanes.

He said Mr. Pesci and Mr. Timmons had done a great job integrating with the Town, in ways that had never been done years ago.

Councilor Clark said there needed to be a plan, stating that his priority was to be able to live in a neighborhood and not have to get in a car to go to Durham Marketplace.

There was discussion about how to proceed in terms of meeting further with UNH representatives on transportation planning issues, and developing a transportation plan.

Councilor Mower agreed that a plan was needed, but noted that there would be several student apartment buildings opening in the fall. She said there might be ways to work in some disincentives for students living there to bring their cars to Town.

Administrator Selig also spoke about the importance of revisiting the management of the Town's downtown parking.

Councilor Sievert said he liked the idea of having a workshop to work on a transportation plan, and noted that they could utilize the traffic model.

Chair Carroll said an agenda for such a work session would be put together, and said Councilors could make suggestions as to what it should include. She thanked Mr. Pesci and Mr. Timmons for their great presentation, and thanked everyone for the ensuing discussion. She said it was great to see an area where there could be so many positive impacts on the community.

X. Unfinished Business

Discussion on the Oyster River Cooperative School Board's response to Town of Durham Resolution #2010-02 requesting adequate documentation regarding the expenditure of surplus funds from the ORCSD's 2009 Fiscal Year

After discussion, the Council agreed to defer this discussion to the next Council meeting.

Councilor Gooze MOVED to defer the discussion on this Agenda Item to the June 7, 2010 town meeting. Councilor Stanhope SECONDED the motion, and it PASSED unanimously 8-0.

XI. New Business

A. FIRST READING ON ORDINANCE #2010-06 amending certain sections within Chapter 85 “Noise” of the Durham Town Code

Chief Kurz said there had been a review of the existing noise provisions in the Town Code as a result of discussion with the Rental Housing Commission and Administrator Selig. He said while at one time, the Town did use a decibel meter in regard to noise issues, it was now believed they were dealing with a more subjective situation, where noise that bothered one person might not bother someone else.

He said the proposed amendment got rid of the decibel level aspect of the regulation. He said the Town’s attorney as well as Deputy Chief Kelly and the District Court had looked at what was proposed, and had found it to be workable for them.

Councilor Smith noted that it would be good to have data at the public hearing on how many arrests there had been in recent years for noise problems.

Councilor Gooze said the word “annoying” in the Ordinance was subjective, and Chief Kurz said this language existed now in the Town Code. He said there would always be a subjective element to this

There was discussion that the police didn’t require that someone making a complaint about a noise issue give their name, or to go to court. He said an anonymous call would prompt the Police Department to respond, and said how the officer responding to the situation dealt with it was based on training.

Councilor Mower noted that she had researched noise ordinances for some other New Hampshire towns, including Hanover, and had found that discretion was allowed on the part of the responding officer. She provided details on this.

There was discussion on the idea of defining the word “annoying”, and whether this would be a substantive change or not.

Councilor Mower said she thought several definitions might be in order.

Councilor Sievert said what was proposed was discretionary, and said he was concerned about how it would impact homeowners. He asked if it would mean a chain saw couldn’t be used, or only couldn’t be used if someone complained.

Chief Kurz said someone would have to complain, and said he would be hard pressed to see a police officer going to a house regarding a chainsaw. He said the ordinance allowed some flexibility.

There was detailed discussion on what the time limit should be, and whether 10 pm was too early.

Councilor Gooze said if it was 11 pm, it might be 12 pm by the time those causing the noise were dispersed. He said 10 pm sounded like a reasonable time, and also said he didn't think neighbors were going to complain when residents had parties at their houses.

Chief Kurz said if someone called at 2 pm with a complaint, the Police Department would respond. He said they shouldn't get caught up on the times in the ordinance.

There was further detailed discussion on what the time limit should be and there was agreement about using the time period from 10 pm to 7 am, every day.

Administrator Selig agreed with the schedule that was proposed, stating that it was important to focus not only on student housing in the neighborhoods but also broadly as to how the ordinance would apply to property owners. He suggested that this change to the draft Ordinance be made as part of a friendly amendment. He noted that it had already been agreed that they should get rid of the decibel table.

Councilor Mower agreed to email some definitions that would be appropriate.

Councilor Gooze MOVED to extend the meeting beyond 10:30 pm. Councilor Smith SECONDED the motion, and it PASSED unanimously 8-0.

There was discussion on language on page 4 of the draft amendment, beginning "Evidence of a...", and whether it was clear what it meant. Chief Kurz said this had been the District Court judge's recommendation.

Councilor Mower suggested that they should look at the master fee schedule to see what the fee was for a noise violation.

Chief Kurz said Deputy Chief Kelley had advised that there should be a \$100 fine for a first offense.

Councilor Mower said several other towns she had looked had a \$300. She said hopefully it wouldn't have to be used.

There was discussion about whether it should be defined in the Town Code what the noises that would result in violations could be. Chief Kurz said he would prefer not to have everything defined. He said this was an overtly subjective situation, where a person would articulate a particular noise that was an annoyance.

Councilor Gooze noted that the wording "not limited to..." addressed this.

Councilor Stanhope said he agreed with Councilor Mower that there should be some definitions. But he said he was concerned that if the Code was subjective and vague, a noise complaint would be appealed to Superior Court and the Town would wind up spending a lot of money to take care of an incident that didn't demand that kind of investment. He also noted that most yelling in Town happened within the public way, and there was no property owner involved.

Chief Kurz asked if the language Councilor Mower had provided was acceptable, and Administrator Selig Todd suggested that this language be sent to Chief Kurz and then brought back to the Council for the Unanimous Consent Agenda and a later public hearing. He said this made more sense than having the Council working on it further that evening.

Councilor Mower noted that Dover's noise ordinance was complaint-driven, but it was completely up to the police officer to say what was annoying. She said she would pass this ordinance and others on to Chief Kurz.

Councilor Clark asked if there was a way to have a legal outdoor celebration in Durham.

There was discussion. Chief Kurz explained that police officers utilized discretion, and would not go in and break up a party under those circumstances.

Chair Carroll said she thought 11 pm to 7 am was more reasonable, and there was further discussion.

Mr. Campbell explained that the Council had until June 21st to have the public hearing on this issue.

Administrator Selig suggested that the Council could discuss the proposed Ordinance again on June 7th, and have the public hearing on June 21st.

There was discussion on further work to be done on the draft Ordinance in order to get it ready for the June 7th meeting.

- B. FIRST READING ON ORDINANCE #2010-07** amending Chapter 175 "Zoning", Article XII "Zone Requirements", Section 175-53 "Table of Uses", "III Residential Uses" to allow single-family homes and duplexes in the ORLI zone as a conditional use and to allow single-family homes in the MUDOR zone as a conditional use

Postponed to the June 7, 2010 meeting.

- C.** Discussion on an application submitted by the Sigma Beta Alumni Association for short-term property tax relief under the Community Revitalization Tax Relief Incentive Program (RSA 79-E) adopted by the Town Council on May 4, 2009 and schedule a public hearing on said application for Monday, June 7, 2010

Postponed to the June 7, 2010 meeting.

- D.** Other business

XII. Nonpublic Session (if required)

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

XIV. Adjourn (NLT 10:30 PM)

Councilor Mower MOVED to adjourn the meeting. Councilor Gooze SECONDED the motion, and it PASSED unanimously 8-0.

Adjournment at 10:50 pm

Victoria Parmele, Minutes taker