

D-R-A-F-T

**Durham Town Council
Monday December 6, 2010
Durham Town Hall - Council Chambers
7:00 P.M.
MINUTES**

MEMBERS PRESENT: Council Chair Diana Carroll; Council Vice Chair Neil Niman; Councilor Julian Smith; Councilor Mike Sievert; Councilor Robin Mower; Councilor Doug Clark; Councilor Jay Gooze; Councilor Peter Stanhope; Councilor Bill Cote

MEMBERS ABSENT: None

OTHERS PRESENT: Town Administrator Todd Selig, Business Manager Gail Jablonski, DPW Director Mike Lynch; Police Chief Dave Kurz

I. Call to Order

Chair Carroll called the meeting to order at 7: 28 pm.

II. Approval of Agenda

Councilor Mower MOVED to remove from the Unanimous Consent Agenda item 7B, “Shall the Town Council, upon recommendation of the Town Administrator, ratify the Collective Bargaining Agreement between the Town of Durham and the American Federation of State, County and Municipal Employees (AFSCME) for the period January 1, 2010 through December 31, 2013”? and item 7C, “First Reading on Ordinance #2014-14 amending Chapter 132 “Tax Exemption and Credits” of the Durham Town Code by adding two New Sections: Section 132-8 “Small-scale Wind-powered Energy System and Section 132-9 “Central Wood-Fired Heating Systems”. Councilor Smith SECONDED the motion.

Councilor Mower said that regarding Unanimous Consent item 7C “First Reading on Ordinance #2014-14 amending Chapter 132 “Tax Exemption and Credits” of the Durham Town Code by adding two New Sections: Section 132-8 “Small-scale Wind-powered Energy System and Section 132-9 “Central Wood-Fired Heating Systems”, the Friday update included a notice that this would be on the Council’s Agenda. She said it was in regard to tax exemptions for wind powered and central wood fired heating systems, and said the notice had prompted some feedback from the community, which the Energy Committee had taken under advisement. She said they would like to return to the Council with some additional information.

The motion to approve the Agenda as amended PASSED unanimously 9-0.

III. Special Announcements

None

IV. Approval of Minutes

October 18, 2010

Page 6, 4th full paragraph, should read “..also helped provide tap water for the...”

Page 19, 4th full paragraph, should read “...noted the property at 99 Madbury Road..”

Councilor Smith MOVED to adopt the October 18, 2010 Minutes as amended. Councilor Sievert SECONDED the motion, and it PASSED 6-3, with Councilors Clark, Cote, and Mower abstaining because of their absence from the meeting.

November 1, 2010

Page 8, 3rd paragraph from bottom, should read “Councilor Gooze said Washington, D.C. had a Zip bike program...”

Councilor Smith MOVED to adopt the November 1, 2010 Minutes as amended. Councilor Mower SECONDED the motion, and it PASSED unanimously 9-0.

November 1, 2010 (nonpublic session Minutes)

The Minutes should indicate that Councilor Stanhope was absent, and the vote should be 8-0.

Councilor Smith MOVED to adopt the November 1, 2010 Nonpublic session Minutes as amended. Councilor Sievert SECONDED the motion, and it PASSED 8-0-1, with Councilor Stanhope abstaining because he had left the November 1st meeting.

V. Councilor and Town Administrator Roundtable

Councilor Smith said at the most recent Planning Board meeting, the Board met with Elizabeth Della Valle, a member of the B. Dennis team ,regarding some possible “quick fixes” to the Zoning Ordinance based on recommendations in the Strategic Plan. He said some of the suggested recommendations were moving forward. But he said a key decision at the meeting was that the recommendations that the Conditional Use permit process should involve a simple majority vote rather than a super majority vote would not be moving forward.

Councilor Smith said at the Planning Board meeting on Wednesday, there would be a brief discussion on the Energy Committee’s desire that all applicants coming before the Planning Board meet energy efficient building standards.

Councilor Mower noted that this Agenda item implied that there were specific standards in mind, but explained that the Energy Committee was simply interested in discussing goals rather than discussing specific standards.

Councilor Stanhope said the Historic District Commission had met recently, and heard a presentation on the burdens and benefits of placing a property on both the State and National registries of historic sites. He said it became clear that there was no real burden, and opened up the potential for a variety of grant funds that could be put toward Smith Chapel.

He said the HDC felt that putting on an asphalt roof would be detrimental to the property, and voted to have him ask the Council to consider going forward with repairing the roof with a slate roof, addressing the window repairs, and doing repairs to the mechanical systems. He said the cost would be approximately \$71,000, and said the HDC thought this could be obtained through bonding or any other revenue source the Council thought was appropriate.

Councilor Sievert congratulated the subcommittee on the choice of the new Parks and Recreation director, and also congratulated Sandra Devins for being hired for that position. Councilor Sievert also noted that there would be an additional tour of the UNH wind tunnel, on December 7th.

Councilor Clark said the Economic Development Committee had met on November 22nd, and said Dover's Economic Development Director gave a very informative talk, which was useful to the Town as it considered the role an economic developer might play in Durham. He said Mr. Barufaldi had claimed that Pease was nearly fully developed, and that this would lead to a lot of opportunities in surrounding towns.

Councilor Clark said Mr. Barufaldi had provided a nine part job description that could be of use to Durham, and also had said he reported to a board that oversaw his work, as well as to the City Manager. He said it was a great talk, and noted that Mr. Barufaldi had stressed that economic development happened because of relationships, not because of titles.

Councilor Mower asked when that EDC meeting would be shown on DCAT, and there was discussion.

Administrator Selig said he would find out and would put a notice on this in the Friday Update.

Chair Carroll agreed that it had been an excellent presentation, and noted that the EDC Chair had said it was like taking a Masters degree course in economic development.

Councilor Gooze said the IZIP committee should be coming forward to the Planning Board with some proposed regulatory changes within the next month or so to promote workforce housing. He noted that the Town was mandated to make some changes.

Councilor Gooze also said the next Rental Housing Commission meeting would take place early in 2011

Councilor Smith said the Conservation Commission recently had a site walk on the Capstone property. He said it was well attended, and noted that he and another Planning Board member had been there. He said Mr. Acken of Capstone and members of the local engineering team were also there.

He said Chief Kurz was also present for his very first site walk, given the fact that the development proposed would have over 600 beds. He said Capstone would be at the Conservation Commission meeting on Thursday with a modification of their conceptual plan, based on the discussion during the site walk and their first appearance before the Commission. He said Capstone hoped to have their application in by January.

Councilor Gooze made note of Chief Kurz's written review of other locations where Capstone had built student housing developments. It was also noted that this information was in the Friday Update

Councilor Cote said it was important that the development that was proposed would be very sensitive to the Durham Cemetery, and Councilor Smith said this issue had been brought up.

Councilor Mower asked Administrator Selig when the Council could expect an update regarding the wastewater system development charges. She said that with some large developments ahead, there was some sense or urgency on this.

She also asked if there had been news about the report expected from transportation planner Rick Chellman, which would help move along an ordinance to the Council in order to regulate parking charges downtown.

Councilor Gooze updated the Council on the work of the Library building committee, which he said would be meeting almost every week over the next few months. He said noted that there were some community subcommittees involved as well as the building team.

Councilor Mower said the Master Plan Advisory Committee survey subcommittee was hashing out the framework that would be used for the survey that would be going out to residents. She noted that a main purpose of the Master Plan was to guide land use regulations and policy, which would affect the ZBA, PB, etc. She said if a policy wasn't referenced in the Master Plan, a regulation based on it could be subject to legal challenge.

She said it was important for residents to become engaged by responding to the survey, and being part of the upcoming visioning forum. She said the broader the input that was received, the better the Master Plan would be.

Administrator Selig first thanked the Seacoast Repertory Theatre for taking the lead with the Light Up Durham celebration. He also thanked the Durham Business Association and UNH for organizing a Christmas light contest among the fraternities/sororities and downtown businesses.

He noted the recent question raised by Councilor Gooze of how many students vs. non-students were riding Wildcat Transit. He said he had spoken with Dirk Timmons of the UNH Transportation Service, and said he hoped to be able to provide this information in late January. He said he also spoke with Mr. Timmons about the idea of allowing Durham residents to ride the UNH bus to surrounding towns for free, and said this discussion would continue. It was noted that residents could ride free within Durham, and that UNH faculty could ride free to surrounding towns.

Administrator Selig said an issue regarding Durham residents riding free to other Towns was that they would have to be able to show some form of very easy identification of Durham residence.

He said on December 16th, there would be a mini-charrette to look at layout options for a potential combined parking structure and fire station at C lot. There was discussion about

whether this would be shown on DCAT. Administrator Selig this was mainly a work session, and said the hope was that another session wouldn't be needed.

He said the Comcast franchise agreement negotiations were moving slowly, but said this was not a problem because the contract had another 1 ½ years on it. He said the ascertainment hearing had concluded, and said he had been in touch with Attorney Ciandella regarding next steps.

He said he had sent a communication to Library Trustees Chair Doug Bencks about the idea of keeping the Conservation Commission informed about the new Library project. He suggested that the Commission keep their ears to the ground and communicate what they would like to be involved with.

He said Town staff was working on a Council resolution that would outline the role of alternates on Durham boards and committees. He said this role would be consistent across all of them.

He said at the next Council meeting, there would be a presentation from George Rief and Town Engineer Dave Cedarholm on the Southeast Watershed Alliance (SWA).

He said Mr. Cedarholm had not had the opportunity to do further work regarding tie-in fees to the wastewater treatment system.

Councilor Mower said she saw this was a priority, given the with development projects coming forward. She said it was an outdated fee.

Administrator Selig noted various other projects Mr. Cedarholm was currently working on, but said he had not forgotten about the tie-in fee issue.

He said because of scheduling conflicts, he hadn't met with Rick Chellman recently, but said a meeting would be scheduled.

He said the Town was expecting information soon on the minute microscopic crack testing of the Oyster River dam that was being done on the UNH campus.

He said there would be some short term superficial repairs to the retaining wall on the Bodo/Burns side of the dam, to protect against spring flooding. H said this would allow the Town to comply with a DES order that had been received.

He noted that UNH had announced last week that it would be partnering with the Idea Greenhouse at a location downtown on Jenkin's Court, in order to create spin-off entrepreneurial activity from the UNH campus that would locate downtown. He explained that the Idea Greenhouse was an entrepreneurial venture started by EDC Chair Tom Elliot. He said this was a positive development, and was just the sort of thing they would like to see in Durham.

He noted that in the fall, the Town had pursued enforcement regarding a student housing property in the Faculty Development, and the property owner was required to pay the Town \$1,000. He said one installment payment, but no more, was made by the property owner, and a

bench warrant was subsequently issued for her arrest if she returned to New Hampshire, or Florida where she also owns property, and encountered a law enforcement officer.

He said this exhausted the Town's ability to take action, and also said the property owner had been informed by mail of where things stood. In addition, he said this situation would be publicized in order to let landowners know that the Town was very serious about holding them accountable if they didn't manage their properties appropriately.

Councilor Clark asked for an update on the issue of the extension of the boat ramp.

Administrator Selig said the DPW had submitted a wetland application to NHDES, and was waiting for approval. He noted that this project was at its heart a conservation project, to address the erosion problems at Jackson's Landing, and said as part of the project, some changes were made to the boat ramp area. He said there had been discussion about whether the improvements were positive or negative for people who launched boats there, and said the application sought some additional length to the ramp in order to allow people with boats additional time to use it.

He said the Conservation Commission didn't feel it was appropriate to use LUCT funds for this work. He said the Town would look at the DPW budget to see if \$10,000-12,000 was available, and if there wasn't, he intended to use some of the Contingency Fund for this.

Chair Carroll noted that the Conservation Commission had provided about \$130,000 from the LUCT for the Jackson's Landing project, and Administrator Selig explained that those funds had leveraged State and Federal grant funds, which further enhanced the site.

Chair Carroll said no money from the General Fund had been put into this project. She spoke about how the work that was done had helped to stabilize the site and also provided some recreational opportunities.

Chair Carroll thanked the Seacoast Repertory Theatre for their efforts with Light Up Durham, and said they were certainly being good neighbors.

She also extended a welcome to Falcon Bus Lines, which now provided bus service to and from Boston, and got people from Boston to Durham by 9:05 am. She said this was an earlier arrival time than that of the first Northbound train, which made Durham and UNH a more important commuter destination if one was using public transportation.

Chair Carroll noted that Durham had stores where holiday shopping could be done, and said she hoped residents would support them. She said they had gift certificates available, and said this was a great way to provide a holiday gift and also support downtown Durham.

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

John Kraus, Cutts Road, commended Town politicians for their brilliant plan to pay for the Roads Program. He said the Budget was out of control, and said too much money had been spent on special interests, earmarks, and entitlements. He said the citizens might find out the true cost of doing business the Durham way if the Council really raised taxes to cover it. He said the

citizens might complain, and might not reelect Councilors. He said bonding was free money, and was the municipal equity loan. He said debt could be used to pay for things they couldn't afford, and said Durham was Washington, DC in miniature.

He provided a handout, and noted that the roads in the Wedgewood area, where he lived, were way overdue for road repairs yet this was off the Council's radar. He said they had been in previous Road Programs in recent years yet had not been done, and provided details on this. But he said meanwhile, special roads like Emerson Road and Back River Road, which looked ok to him, had been moved up, and asked why.

Hans Heilbronner, 53 Mill Pond Road, said he was there in support of the full restoration of Smith Chapel, and a bond issue to accomplish this. He said he had recently sat next to a woman who was married there and was very upset about its condition. He said she suggested that the Town should commence a campaign among the many couples who were married there in order to bring in outside support for the refurbishing of the Chapel to its original form. He said he had told her he would do his best to bring this idea to the Council and the University. He said the Chapel was an icon, and its image shouldn't be changed. He said he was glad to hear that the HDC also favored this position.

Phyllis Heilbronner, 53 Mill Pond Road, said she was there to support the effort to restore the Chapel to its original condition. She said it was a Town treasure, located in a lovely spot, and was unique in Durham's history. She said it was a favorite running route, walking route, and said others had expressed strong support for restoring it. She also said a slate roof would last longer and make it more eligible for grants. She said she hoped the Council would think long term, and consider maintenance as a high priority.

Ms. Heilbronner said she had recently met with a young UNH student working with a group trying to bridge the divide between some students causing problems and those who valued living in Durham. She said this student had said she loved her connection to Durham, walking and shopping downtown, and going to the Mill Pond. She said UNH was a funding source to consider in terms of keeping Smith Chapel, and noted that it was no longer an option for UNH students to get married there.

She spoke about a recent effort to restore a general store in the heart of Putney Vermont. She said the building had subsequently burned down, but the town had then rebuilt the structure. She asked that the Council restore Smith Chapel now, so they didn't have to pay more for this later.

Bill Hall, Smith Park Lane, said he was concerned about the proposed \$500,000 increase in spending in the proposed Budget, and provided some history on the idea of bonding of roads in Durham. He also noted the savings achieved in recent years from improving the management of the transfer station, which he said had resulted in a six-figure savings. He also said after the last Assessor left, it turned out that this issue should have been dealt with more promptly. He said there were some other areas that needed to be addressed in terms of how the Town conducted itself.

Mr. Hall noted that he had come before the Council some years back regarding the need for forestry work in Durham in order to avoid fires. He noted the recent work done in the Spruce

Forest area, and then said an area where some tree cutting was badly needed was the north 40 at Wagon Hill. He noted that if the wood was chipped, it could be used as fuel at the electrical plant nearby.

Mr. Hall said another area where cutting was badly needed was the transfer station, and he noted that there had been some fires in the area last year. He provided details on where the cutting was especially needed, including the left side of Durham Point Road, near Sumner's Corner. He also spoke about the difficulty of accessing the area if there was a fire. He said these areas could provide potentially tens of thousands of dollars if the right person did the work. He said he would be glad to do the job, and noted that he had done the forestry work at the Doe Farm.

Pat White, 18 Williams Way, said she represented the Morgan Way neighborhood, and thanked the Council for the continued inclusion of their project in the Budget. She said it truly was a life saving project.

Andrea Bodo, 20 Newmarket Road, asked that the Council rescue Smith Chapel. She spoke in some detail about Hamilton Smith, noting among other things that he had been one of the world's foremost mining engineers. She said the family invested in Durham and UNH, and had given Durham so much. She spoke in some detail on this, and noted that Smith Chapel was left to the Town as a gift.

She said the people of Durham needed physical representations of the past in order to define and make sense of their place in the Town's culture and history. She said cultural, architectural and historical resources were the visual anchors of their neighborhoods, and said the Council and individual citizens must take action to ensure the preservation of the physical settings where past events and patterns of life had occurred, so they could continue to be a part of daily life.

Ms. Bodo said the stewardship and interpretation of historic resources said much about Durham's awareness of its own identity. She said the Town wasn't doing a very good job of being stewards of Smith Chapel. She said if it was on the National Register, the Town could apply for emergency funding for the roof, and the Council on the Arts could help with a grant for the stained glass windows.

She said the cost of the application to get the Chapel on the National Register could be borne by a grant because of Durham's status of a certified local government. She said in the meantime, she hoped the Council would find a way to preserve this historic treasure, which was irreplaceable.

Cindy Cooper, 41 Mill Pond Road, thanked the Town for their quick response in terms of cutting some trees on Town land that could have done some damage to her property in a wind storm. She noted the significant damage to her property with the prior windstorm in February. She also said she was in favor of restoring Smith Chapel. She said it had been a great place to hold birthday parties, for free, when her kids were young, so it was multifunctional. She suggested that the Town could perhaps charge a fee for allowing people to use it, as a way to raise money for the work that needed to be done on it.

Nancy Sandberg, 15 Langley Road, said it was important for the Town to maintain and restore Smith Chapel. She said it should be put on the National Register of Historic Places, and was well

qualified for this because of the building's architecture and history. She said she hoped the Town could at least protect the structure well until funding was available to replace the original slate roof. She said she hoped they all could be good stewards of this wonderful gift to the Town.

Phyllis Bennett, Durham Point Road, said she came to Durham to start a newspaper in the 1970's, and chose Durham because there was a sense of community that was exceptional. She noted the oil refinery proposed at that time, during recessionary times. She said the people of Durham stood tall in the face of this because they believed in the values not just of the moment but also of the past and the future.

She said the Town should reflect on the history of Smith Chapel, but also said it represented the future, and what the Town said was important to preserve for that future. She said it was more than a roof or windows, and represented an evolution of the Durham community.

Susan MacClennan, 21 Newmarket Road, said she supported the idea of Smith Chapel being maintained and restored., and also supported the idea of it being on the National Register of Historic Sites.

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

- A. Shall the Town Council provide its "advice and consent" for appointment by the Town Administrator of a part-time Parks and Recreation Director ?
- B. Shall the Town Council, upon recommendation of the Town Administrator, ratify the Collective Bargaining Agreement between the Town of Durham and the American Federation of State, County and Municipal Employees (AFSCME) for the period January 1, 2010 through December 31, 2013 ? **(This item was removed from the Council agenda under "Approval of Agenda" above).**
- C. First Reading on Ordinance #2014-14 amending Chapter 132 "Tax Exemption and Credits" of the Durham Town Code by adding two New Sections: Section 132-8 "Small-scale Wind-powered Energy System and Section 132-9 "Central Wood-Fired Heating Systems". **(This item was removed from the Council agenda under "Approval of Agenda" above).**
- D. Shall the Town Council schedule a Public Hearing for Monday, December 20, 2010 on a resolution authorizing the acceptance and expenditure of \$90,012.27 in unanticipated revenue from the State of New Hampshire Department of Safety following the February 2010 wind storm event ?
- E. Shall the Town Council accept the Town Administrator's intent, as authorized in the Town of Durham Purchasing Policy, to enter into a Primex3 Workers' Compensation 7.5% multi-year discount program and sign a membership agreement ?
- F. Shall the Town Council accept the Town Administrator's intent, as authorized in the Town of Durham Purchasing Policy, to sign an application and participation agreement with the Local Government Center Property Liability Trust, LLC ?

Councilor Niman MOVED to approve Unanimous Consent Agenda items A, D, E and F. Councilor Gooze SECONDED the motion, and it PASSED unanimously 9-0.

VIII. Committee Appointments

None

IX. Presentation Items

- A. Receive annual report of the Integrated Waste Management Advisory Committee - Heather Harvey, Chair

Heather Harvey, Chair of the IWMAC, spoke before the Council. She said the Committee was in a transitional period, with the resignation of some members, and said they were actively recruiting new members to assist them in carrying out their mission.

She said the Committee continued to support recycling, but also emphasized the reduction and reuse of materials as higher in priority. She noted that aside from sustaining the environment, recycling, reduction, and reuse decreased waste disposal costs incurred by the Town.

She said the Committee educated and encouraged Durham residents to: reduce waste by composting and recycling; utilize more reusable products whenever possible; avoid unnecessary packaging or bagging; reuse items through the Swap Shop; and purchase more sustainable and local products.

Ms. Harvey next reviewed the Committee's accomplishments in 2010:

- Matthew Courtland prepared a report on Durham's "Waste per Person" for 2007, 2008 and 2009;
- Addition to the Swap Shop is nearly complete.
- Doug Bullen led a discussion with the Committee on the upcoming changes to recycling, involving inclusion of plastics 1-7 (currently, only plastics 1-2 are recycled).

Ms. Harvey also outlined the Committee's goals for 2011:

- Continue "Waste per Person" reporting, with data from Doug Bullen
- Explore submitting informative articles in Friday Updates (in lieu of Down to Earth newsletter)
- Recruit new members
- Complete Swap Shop addition, and improve marketing, including use of Friday Update
- Research single stream recycling options for Durham; see what other towns are doing, including composting
- Swap Shop volunteer appreciation event, hopefully in the spring

Councilor Gooze asked for details on single stream recycling, and Ms. Harvey said this was a recycling process where a resident could put all recyclables together so no sorting was needed. She said the items then got separated at the Waste Management plant.

Chair Carroll noted that Oyster River High School had started single stream recycling two years ago, and since then, the amount of recycling being done had gone up 50%.

Ms. Harvey said a new contract had just been signed with Waste Management, and noted that single stream recycling could be added to the contract if the Town chose to do this. Chair Carroll said it might be nice to have a presentation on this approach.

Councilor Cote said he would like to recognize the hard work of the volunteers at the Swap Shop, noting the occasional somewhat chaotic conditions there.

Councilor Mower noted that some Swap Shop members, while they welcomed drop offs, encouraged residents to think carefully about what they dropped off such as bulk items. She said some volunteers were older so had difficulty moving them.

Ms. Harvey said there had been discussion with the volunteers about this issue, and said volunteers should talk with an employee at the transfer station rather than trying to move the large items themselves.

Councilor Mower said it was a good idea for people to check in when dropping off something at the transfer station, to see if this was appropriate.

Chair Carroll noted the presentation by Denise Hart at a recent Council meeting concerning the problems with bottled water, as well as the discussion then about possibly eliminating bottled water at Durham Day festivities and instead having tap water available. She asked if the IWMAC Committee and the Parks and Recreation Committee would perhaps be interested in this.

Ms. Harvey said the IWMAC definitely backed this idea, and she noted research that had been done on what some other towns were doing to eliminate using bottled water. She said she had thought there was no bottled water at Durham Day this year, and there was discussion.

Administrator Selig said a challenge was that the water source at Wagon Hill was up at the top of the property.

Councilor Sievert said there would be a new sink at Durham Day next year thanks to the Parks and Recreation Committee. He also said they were in favor of promoting the idea of using tap water rather than bottled water.

Chair Carroll noted that recycling plastic cost more than making new plastic. She also said if they could use tap water and people brought their own mugs, etc, this could help get to a zero waste event.

Ms. Harvey spoke briefly about the concept of zero waste, and said it was important to reuse materials and reduce the use of some materials, in addition to recycling them.

Councilor Mower asked if there was any support the committee would like from Town staff or other boards and committees.

Ms. Harvey said they were short on committee members, so getting out the word on this would be appreciated.

B. Receive annual report of the Rental Housing Commission - Sam Flanders, Chair

Mr. Flanders provided a short slide presentation. He said the Commission had been very busy in 2010, addressing issues related to noise, trash, cars and upkeep of rental properties. He said the primary focus had been on single family homes, and on strategies for reducing problems related to large groups of individuals making noise while traveling through residential neighborhoods late at night.

Mr. Flanders said that through joint efforts of the Town, community advocates, UNH, UNH students, and professional landlords, the RHC had:

- Added commission members, including two student reps and two neighborhood reps
- Strengthened the Town's relationship with UNH, in particular with regard to working to respond to problem properties
- Recommended changes to Durham's noise ordinance, resulting in a change in the start time from 11 pm to 10 pm, and changes to the method by which violations were determined
- Worked with the police to encourage stronger responses to neighborhood disturbances, and recommended passage of Durham's Disorderly House Ordinance
- Encouraged the Town to actively communicate with owners of homes in the inner core of Town regarding Town ordinances and enforcement policies. This communication and subsequent enforcement was directly responsible for improvements in parking behaviors and general appearances of the properties.
- Encouraged the Town to take a more aggressive posture with regard to land use violations, in particular concerning parking and trash. Durham's Code Enforcement did an outstanding job enforcing Town ordinances.

Mr. Flanders said as a result of these efforts, there had been a significant positive effect on the atmosphere of affected neighborhoods, and said they now felt more like residential areas than low income rental housing.

But he said managing problems wasn't enough. He said the RHC needed to focus more on the root causes of single family rental problems, so that these problems could be reduced or eliminated, rather than just managed. He described in some detail the stages of decline for core single family home neighborhoods.

- Home sold to absentee landlord who wasn't paying attention to the property
- Introduction of incompatible lifestyles - noise, traffic, parties
- Gradual deterioration of property condition
- Measurable reduction in neighborhood quality of life
- Permanent resident decides to move away, which can create a loop process. As one house after another goes this way, this puts pressure on remaining residents in the neighborhood.
- Neighborhood deterioration continues inside and out, from the effects of transient neighbors
- Cycle accelerates - downtown transient slums are created.

- Core conversion shifts the tax burden to outlying residents
- Increasing civil disturbances have adverse effect on all Town property values

Mr. Flanders next referred to a paper he had provided to the Council with some preliminary thoughts and ideas on what could be done to stop this process of neighborhood deterioration. He said he would like the public to have access to this report, and also said he would like to return to the Council after conferring with RHC members about the report, in order to provide more detail on systemic issues and potential solutions.

Councilor Cote said the white paper Sam had written was excellent, and provided a great framework about how to be proactive and creative in solving the problems.

Councilor Gooze said he agreed that the systemic problems had to be addressed, but said he also wanted to commend Code Enforcement. He said he was stopped frequently by residents who had seen the difference. He also said it was important to keep in mind that the Town would need to do enforcement in the spring as well.

Mr. Flanders said in his neighborhood it was like night and day now in terms of the improvement. But he said there should be a dual-pronged approach, with enforcement as well as addressing the systemic issues.

Councilor Stanhope congratulated Mr. Flanders, and said he had demonstrated the power of one. He said this spoke to the fact that government wasn't always the solution, and that sometimes citizens could address a problem by being proactive and using government effectively to help solve a problem.

Councilor Clark said the analysis of the cycle of deterioration was spot on. He also said the systemic problem wasn't just about student rentals, and was about how students found an outlet to socialize. He said drinking behaviors had been pushed someplace else, and said they needed to have their eyes wide open about this.

There was discussion that some of the drinking behavior had now moved to the woods in Durham.

Councilor Gooze said it was a systemic problem, and said they needed to work with the University.

Chair Carroll thanked Mr. Flanders and the RHC for their work, including the University and UNH students.

Mr. Flanders said there were a lot of different perspectives on the RHC, and said this created a good result.

Chair Carroll said the Council would see Mr. Flanders again this winter.

The Council stood in recess from 9:05 to 9:13 pm.

X. Unfinished Business

- A. **Public Hearing and Action on Resolution #2010-20** authorizing the acceptance and expenditure of \$22,172.00 in unanticipated revenue from the New Hampshire Department of Safety for the purpose of upgrading the existing cameras, software and Digital Video Recorder at the Durham Police Department

Councilor Smith MOVED to open the Public Hearing on Resolution #2010-20 authorizing the acceptance and expenditure of \$22,172.00 in unanticipated revenue from the New Hampshire Department of Safety for the purpose of upgrading the existing cameras, software and Digital Video Recorder at the Durham Police Department. Councilor Mower SECONDED the motion, and it PASSED unanimously 9-0.

There were no members of the public who spoke.

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

Councilor Smith MOVED to Adopt Resolution #2010-20 authorizing the acceptance and expenditure of \$22,172.00 in unanticipated revenue from the New Hampshire Department of Safety for the purpose of upgrading the existing cameras, software and Digital Video Recorder at the Durham Police Department. Councilor Mower SECONDED the motion.

Councilor Gooze asked if this was in the Budget, noting that the Council Communication had said this upgrade had been scheduled to occur for 2011.

Chief Kurz said it was not in the Budget, and said if grant money hadn't been found, it wouldn't be happening.

The motion PASSED unanimously 9-0.

- B. First Reading on Ordinance #2010-15, a Council initiated ordinance change that would amend Article XIX "Conservation Subdivision", Section 175-107(B) "Applicability", to add Office, Research and Light Industry and Multi-Unit Dwelling/Office Research Zoning districts to the list of zones to which conservation subdivision regulations apply

Councilor Gooze MOVED to approve on First Reading Ordinance #2010-15, a Council initiated ordinance change that would amend Article XIX "Conservation Subdivision", Section 175-107(B) "Applicability", to add Office, Research and Light Industry and Multi-Unit Dwelling/Office Research Zoning districts to the list of zones to which conservation subdivision regulations apply, and schedule the public hearing for December 20th, 2010. Councilor Smith SECONDED the motion.

Councilor Gooze provided some brief background on the sequence of events leading up to this proposed Zoning change by the Council. He proposed that this change should be made in the interest of following through with what the Council originally did when the issue came up for the

first time. He said he was sorry the Planning Board hadn't seen fit to recommend this, and said he thought this Ordinance was the proper way to proceed.

He also said the whole issue of what should be done in these two districts, and what should be done with conservation subdivisions, needed to be addressed as part of the Master Plan update/Zoning rewrite, and he spoke further on this.

Councilor Smith said he supported this proposed Zoning change. But he noted that he would not be present for the December 20th Council meeting, and said it would be prudent to determine whether there would be a quorum for the meeting. It was determined that there would be enough Councilors present to make a quorum.

Chair Carroll asked Councilor Smith if he would like to be present for the public hearing, and Councilor Smith said he was fine with moving forward as was now proposed. He said it had been the sense of most of the Council that this was something they wanted to do. He said if they did do it, the Planning Board would be more likely to look at some revisions to the Zoning Ordinance that would clarify the impact of applying these regulations to the ORLI and MUDOR districts. He said this could and should be done separately.

Councilor Sievert said he was against this proposed Zoning change, even though he had recently spoken with Councilor Gooze about it. He said he didn't think throwing something that wasn't right at another thing that perhaps was not the right decision was the right thing to do. He said the Conditional Use process provided more than enough protection, and said conservation subdivision put the icing on the cake to stop all development.

Councilor Mower said it was appropriate to be concerned about this particular request being too simplistic. She said when she voted at the time this issue first came up before the Council, she did so because she believed in consistency. She said if they were going to allow single family dwellings in a particular district, they should follow the guidance of the Master Plan, which pretty clearly stated that the Town would prefer that residential development follow the conservation subdivision regulations. She said whether or not they had changed their opinion about conservation subdivision was a different question.

But she said there were some complexities that resulted from making this simplistic change. She said there were parts of the Town's regulations that reflected conservation subdivision guidelines, and those were not being addressed by this change. But she said she didn't feel comfortable waiting until after they got through the Master Planning process and the Zoning rewrite that would derive from it.

Councilor Mower said that process would take several years, and said in the mean time, this part of Town would be open to a type of residential development that might not reflect what the current intent of the Master Plan was, or the regulations that applied to single family dwellings in other parts of Town.

She said she was conflicted about what to do, and was open to suggestions. She said she would like the Planning Board to look at this issue soon, and said she hoped the Council would ask

Administrator Selig to ask Mr. Campbell to bring this up, and perhaps to bring to the Planning Board an analysis of the existing regulations and where there were problematic areas, such as in the Table of Dimensional Standards.

Councilor Niman asked Councilor Mower if she was suggesting that the Council postpone action on this until they came up with a set of modifications to the conservation subdivision regulations.

Councilor Mower said she wasn't asking for changes to the conservation subdivision regulations per se, and was asking for a follow through on what it meant to allow single family dwellings in these two districts. She noted as an example that looking at the Table of dimensional standards, a much higher density would be allowed in these districts than for a normal single family dwelling. She said there might be some unintended consequences from applying these and other standards.

She said it was unfortunate that single family dwellings were first allowed in this area, defined as such, when they were really talking about something different. She said she believed this had come about because of the Spruce Wood development, and provided details on this.

Councilor Niman asked if a better approach would be allowing something other than single family homes in ORLI and MUDOR, in other words, types of dwelling units that would permit a broader range of development.

Councilor Mower said she didn't want to be in the position of planning, and said she didn't see this as the Council's role. But she said she did think it was reasonable to point out inconsistencies and the possibility of unintended consequences, and said the Planning Board did need to do some real planning for this area of Town. She said ORLI was quite a mongrel of a district right now, and said different portions might require different treatment and uses. She it had become problematic to plan for an area with such different characteristics.

Councilor Gooze said what Councilor Mower was asking for should have been done before, but it wasn't. He spoke about how the process had unfolded. He also noted that the Council could recommend to the Planning Board anything it wanted, but the Board didn't have to follow what the Council said.

Councilor Mower said it might be hopeful but not realistic to rely on changes that would come years from now, in terms of having the impact on potential development in the near future. She said she was open to the possibility that this proposed Zoning change was the best of two difficult situations, and would allow them at least to be consistent in the way single family development was treated.

Councilor Smith noted that the Planning Board could initiate these changes on its own. He said if the conservation subdivision regulations were applied to ORLI and MUDOR, there would be some pressure on the Planning Board to recommend to the Council changes to the conservation subdivision language itself, which would address some of the problems.

He said some Board members had said essentially what Councilor Sievert had just said, that applying conservation subdivision regulations to ORLI and MUDOR would prevent all

development. But he said it applied only to residential subdivision of a parcel into more than three lots, and didn't apply to Capstone and other developments like it. He said a developer could buy the Tecce land and subdivide it for commercial development, and said applying conservation subdivision regulations to ORLI and MUDOR would make it more likely that the land would be held for commercial development.

Councilor Smith noted that it had been almost five months since the meeting when Councilor Gooze had suggested this Zoning change. He also said this should have been a Council-initiated process rather than a Planning Board-initiated process.

Administrator Selig said the reason it had taken five months was that the Planning Board had twice thought the proposed Zoning change wasn't in the Town's best interest.

There was further discussion on why the process had taken so long, and Councilor Smith said the Administrator shouldn't blame this all on the Planning Board.

Councilor Niman asked what difference it made whether it was a month or five months. He said the Council said it would get it done, and said they were moving through the process. He said if it took another five months, nothing would be different.

Councilor Mower asked if it was possibly the will of the Council to ask Administrator Selig to ask Mr. Campbell to identify parts of the land use regulations that would be affected by this and bring them to the Planning Board.

Councilor Cote said it would be nice if the Council as well could see an "if this, then this" type of scenario regarding the dimensional controls in ORLI and MUDOR. He also said he agreed with what Councilor Niman had said.

Councilor Mower said she was happy to vote that evening, but just was thinking of a follow-up.

The motion PASSED unanimously 9-0.

- C. Continued discussion on the FY 2011 Operating Budgets, Capital Budget, and the 2011-2020 Capital Improvement Plan, and Action on Resolution #2010-21 approving and adopting the FY 2011 Operating Budgets, Capital Budget, and the 2011-2020 Capital Improvement Plan

Chair Carroll said hopefully they could finish their discussion on the Budget, and make amendments to it that evening. She asked Councilors to bring forward items to the Budget that they would like to discuss.

Councilor Gooze said there should be discussion on Smith Chapel and how the Council wanted to deal with it, in terms of bonding and if so, how much, or if they wanted to stay with the recommendation of Administrator Selig in the current Budget.

Administrator Selig noted that he had been contacted by the Trustees of the Trust Fund, and said they would be fully supportive of adding funds to fully address the problem. He also said he as

well as the DPW Director would be pleased to do this, but said this was the kind of discussion for the Council to have on an historical asset. He added that Mr. Lynch had been married at the Chapel.

Chair Carroll said in the current budget, \$6,000 had been appropriated for an asphalt roof. She said they had heard that it would cost \$71,000 for a slate roof, the windows and other immediate repairs, so they were talking about an increase of \$65,000 over what had been proposed in the Budget.

Councilor Sievert said he wasn't in favor of bonding this project, but was in favor of the building going on the National Register of Historic Places, and was in favor of repairing it. He said he might have a source of free slate, and said he would continue to look into this.

Councilor Sievert also said he thought they should talk about the idea of switching the current appropriation of the Land Use Change Tax (LUCT) funds to the Conservation Commission at a 100% to the General Fund, especially for a project like this.

Councilor Mower said it was important to get Smith Chapel on the Historic Register, and said she would support that. She said this would allow the opportunity for grant funds, and might obviate the need to come up with money for it in the Budget. She also said Councilors might want reminding that the Conservation Fund, largely funded by the LUCT, was under the authority of the Conservation Commission by State mandate, and could be used only to meet certain uses. She said preservation of historic structures was not among those, and said she would therefore not look to those funds for this purpose.

Councilor Sievert said he was talking about possibly transferring those funds in the future to the General Fund.

Councilor Mower said that would be up to the Council, with input from the public. She also noted that there was significant discussion on this issue a few years ago, when there was significant support from the public to continue with the current funding. She said there would be some updating of what other towns were doing in regard to this funding, and also noted that the Conservation Commission would not be in favor of making such a change. She noted that the amount of funding received was erratic, and provided some details on this.

Councilor Sievert said he wasn't against the Conservation Commission on this, but said in these difficult economic times, this was taxpayer money that could be looked at for other uses, such as the repair of Smith Chapel.

Councilor Clark said he was in favor of repairing the Chapel with the original materials, but was not in favor of bonding. He said if they did get it on the National Register, they would qualify for a number of federal funds, and also said they had not made a legitimate effort yet to see if there was private funding available. He asked about timing issues, and also said he didn't want to put this on the shoulders of the taxpayers.

Chair Carroll said \$71,000 would be needed to stabilize the building, but said additional money would be needed to finish the interior and exterior and complete the project.

DPW Director Mike Lynch said \$71,000 would take care of all of the immediate issues, and he provided details on this. He said the majority of the exterior and interior framework repairs could be done, along with a ventilation system in order to avoid further moisture problems, and some cosmetic work on the glass windows. He said work that would still need to be done included additional waterproofing, drainage improvements, stabilization of the retaining wall, etc, and said this work could easily cost another \$100,000.

Chair Carroll said a lot of the State grant money came in small amounts, and said she didn't see how this could get them to the \$71,000 that was needed now. She asked whether if they bonded 70,000 and spent it, they could get the money back from these various grants. There was discussion.

Administrator Selig noted that some local match funds would be needed in order to be successful in getting some federal grant money.

Councilor Stanhope said if they chose to fund this, not all the work would be done instantly. But he said they had to get a roof on the building or they would lose it. He said the HDC had already started the application process to get the Chapel on the National Registry, and said once this happened, it would go on the State registry as well and would be eligible for State funds. He said the \$71,000 would just secure the building, or the Town would be exposed to greater costs because of the progression of the deterioration.

He also said the LUCT funds were deferred property taxes, and said the Town could choose where to put those dollars. He said historically, the funds had gone mostly to the Conservation Commission, which had spent them on preserving natural resources. He said if the Council thought those funds should flow into the General Fund for use in preserving historic structures or other needed projects in the community that was appropriate.

Councilor Stanhope also said if the operational costs of the community stabilized, and regular tax revenue was sufficient to support those costs, they could then return the cash flows back to the Conservation Commission. He suggested that the Council should look at where those funds went, on a periodic basis.

He noted that the Town had just sold the Durham Business Park, and was told by Administrator Selig that the money from this would go to reimburse the Sewer Fund.

Administrator Selig said there were some other parcels the Town could sell, such as a parcel in Lee and one in the Faculty neighborhood.

Councilor Stanhope said the Council should look at the resources the Town had that it didn't need to hold. He also said the regional community was beginning to look at Durham more carefully in terms of locating economic entities there, in part because the tax rate had been kept stable over the past few years, and the School District had been acting more responsibly. He

explained further his rationale for bonding the work on Smith Chapel, and said if they couldn't act responsibly regarding financing the work that was needed, they should put the property up for sale.

Councilor Gooze asked what the impact would be on the tax rate as a result of funding the repairs with the current Budget, and Ms. Jablonski said the tax rate would increase about \$0.09, which would be about a 1.7% increase.

Councilor Mower said there might be other areas in the Budget where they could make a trade.

Administrator Selig noted the excellent work done by Andrea Bodo in trying to raise funds for Smith Chapel. He said \$2,000 was raised last year from the Chili Cookoff, and said Ms. Bodo had also approached businesses in Town about sponsoring the property. He also noted the holiday ornament that had been created, with a picture of Smith Chapel on it, and was being sold for \$5 as part of fundraising efforts.

Councilor Cote noted that he had done some brainstorming about the idea of residents buying individual pieces of slate that would be used on the Chapel.

Chair Carroll said that was a great idea, and also noted the idea of selling the slate that would be taken off the roof as part of fundraising efforts.

Councilor Cote asked whether the roof under the tarp would survive the winter.

Mr. Lynch said the roof was structurally sound enough to survive the winter. He said the exterior framing directly under the slate was wide pine board, and said the boards appeared to be reasonably sound. He said of the \$29,000 estimated for the roof work, about \$6,000 was designated for work on the framing itself. He said the ceiling inside was mahogany, and said it was in pretty good shape.

Councilor Smith asked if there was a space between the sheathing and the mahogany, and Mr. Lynch said he didn't know. Councilor Smith determined from speaking with Mr. Lynch that if the funds for the Chapel were budgeted that evening, the work could be done over the winter. He asked if there was any danger of trees damaging a new roof on the Chapel, and Mr. Lynch noted that it was a wooded lot, so there was the possibility that this could happen.

Chair Carroll said it sounded like consensus was building on the Council to do something about Smith Chapel. She said if that was true, the question was how to go about this.

Councilor Smith said thinking about taking something out of the LUCT fund or selling a Town property wasn't going to get this done. He asked if it would be possible to put this project in the Budget, and then leave it up to Administrator Selig to bond it or find the money for it in another part of the Budget.

Administrator Selig said if the Council did that, he would make it happen in some way, but said he didn't have the solution that evening.

Councilor Mower suggested some areas of the Budget she thought money could be taken out of. She said she understood the inclination to add historic lighting to Jenkin's Court and give a facelift to Pettee Brook Road. But she said doing this work was premature when they didn't have a plan for the downtown, so she would rather not take money from the UDAG fund for this work. She noted that this fund was not able to fund work on Smith Chapel, but said some shifting of funds might be possible.

Councilor Gooze said taking the money away from lighting work on Jenkins Court would impact the possible commercial venture at Matt Crape's building. There was discussion.

Councilor Stanhope said Councilor Smith's suggestion showed some wisdom. He said Councilors weren't qualified to micromanage the Budget, noting that they all had their pet projects. He said the Council should be concerned with how much money would be spent, what the tax rate would be, and if they were going to bond, or ask Administrator Selig to sharpen his pencil again. He said the question before the Council should be whether they wanted to bond the work on the Chapel, or instead put it in the Budget.

Chair Carroll suggested making a motion on the Budget, and they could then make amendments.

Councilor Smith MOVED to adopt Resolution #2010-21 approving and adopting the FY 2011 Operating Budgets, Capital Budget, and the 2011-2020 Capital Improvement Plan.

Councilor Stanhope MOVED that the \$71,000 to address the immediate repairs to the Smith Chapel be raised by bonding.

Councilor Niman suggested the correct way to proceed, and Councilor Stanhope said he would instead ask for a show of hands regarding bonding.

Councilor Gooze said if they didn't chose to bond, the Council would be giving complete discretion to Administrator Selig to find the money.

Councilor Niman said that was true, unless Councilor Gooze or someone else wanted to suggest something else to cut from the Budget.

Councilor Mower noted that Administrator Selig had said in the past that the Budget reflected the Town's values. She said to the extent that the 9 Councilors represented the Town in various ways, their input was also of value in providing input on the Budget. She then said she was curious whether there were other instances where the restoration of an historic structure had been bonded.

Administrator Selig said it wasn't an unusual use, and also said it was a good time to bond because of interest rates. He also noted that using slate for the roof would be much more economical in the long term .

Councilor Gooze said he would be willing to bond, but at the same time would like to give Administrator Selig a chance to find something to cut.

Councilor Cote asked what the term of the bond would be, and what the final cost would be.

Ms. Jablonski said it would be a 10 year bond, at 4%, and said the total cost would be \$71,000 in principal and \$15,620 in interest. There was discussion that interest rates were going up.

Councilor Clark said if they acknowledged they wanted to get the building in the National Registry, and would apply for grants and raise private money, he didn't understand why they had to talk about bonding.

Councilor Mower said local matching funds were often a requirement.

Chair Carroll said they could consider bonding less, but noted that they had heard that \$71,000 was needed to stabilize the building as soon as possible.

Councilor Niman noted that the Pettee Brook improvements were to be bonded, and asked about doing half of these, and applying the rest to the Chapel.

Administrator Selig said there were two parts to this project that had been put together, but said they could be broken out again.

Councilor Sievert noted the conversation he had had with Mr. Lynch about this project.

Mr. Lynch said it looked like the Kostis project on Pettee Brook Lane would be moved out a year, and said their work involved the sidewalk area, retaining walls, grading, etc. He said that work needed to happen before the Town did its road work, but he said the Town's lighting work could be done before that.

Ms. Jablonski noted that the work was broken down into \$87,000 for one year and \$54,000 for the next year.

Administrator Selig suggested that the Council could take \$71,000 off of the Pettee Brook Road project and allocate it to Smith Chapel instead. He said to the extent that they were short when it came time to complete the Pettee Brook project, they could come back for those additional funds.

Councilor Mower said it was possible there would be other sources of revenue.

Councilor Gooze said there might be less in the way of revenue sources from the State.

Mr. Lynch noted that in 2012, Pettee Brook Lane was scheduled to get the road overlay.

Chair Carroll asked Councilors what they thought about this possible compromise, to shift some of the bonding of the Pettee Brook Road project to bonding the work on the Smith Chapel.

The consensus among Councilors was that this was a good idea. It was noted that this wouldn't change the overall Budget, so would not raise the tax rate.

Ms. Jablonski said the remaining money would be brought forward to the next year.

Councilor Clark recommended putting the foot on the gas to get money anywhere but from the taxpayers.

Chair Carroll said the day after the HDC meeting, Andrea Bodo had been making contacts with people at the State.

Councilor Sievert said another thing the Council shouldn't lose sight of was that they wanted to make an investment in the downtown area, and this compromise was taking money away from that.

Councilor Mower said she would like the Town to do more planning downtown before spending the money.

Chair Carroll asked that a second be made to approve the Budget, and said amendments could then be made to the motion.

Councilor Gooze SECONDED the motion made by Councilor Smith to adopt Resolution #2010-21.

Councilor Mower MOVED to modify the Budget and CIP documents to reflect a reduction in the Pettee Brook Lane bonded project by \$65,000 and the adding of a new bonded project called Smith Park Chapel repairs in the amount of \$65,000, with a net impact of zero to the Budget. Councilor Stanhope SECONDED the motion.

Administrator Selig said a possible fundraising idea was to ask Capstone, as part of some goodwill to the community, to sponsor improvements to the Chapel. He said this would not be tied in any way to the permitting process.

Councilor Mower said she didn't think this was a good idea, and said perception was everything.

The motion to amend the Budget and CIP documents PASSED unanimously 9-0.

Councilor Smith MOVED to extend the meeting past 10:30 pm. Councilor Mower SECONDED the motion, and it PASSED 7-2, with Councilors Stanhope and Sievert voting against it.

Councilor Smith noted that the Council was approving a CIP that extended for a number of years.

Councilor Smith MOVED to amend the CIP by not bonding the road repairs for fiscal years 2011-2013. He said he didn't have a solution for how to pay for road repairs, and said he realized he probably wouldn't get a second. He said they might have to ask Administrator Selig to figure out what to do, which could mean not repairing any roads this year other than patching, or increasing the tax rate.

Councilor Stanhope SECONDED the motion.

Chair Carroll noted that this motion related to the proposed Budget in terms of not bonding the Roads Program for 2011.

Councilor Gooze referred to the comment made by resident John Kraus, and said he was confused about distinguishing those roads that were really falling apart from those that had a lot of potholes.

Mr. Lynch said it was a fluid program, and said every road was looked at each year. He said some roads deteriorated at a faster rate than others, so some roads moved up in the program, and some roads moved back. He noted that it wasn't unusual for a road to get to a deteriorated state but then stay at that state for several years, in which case it might drop down on the schedule. He said one of the biggest issues over the past three years was that the program wasn't funded. He also noted the recent focus on improvements to Madbury Road.

Councilor Cote asked what criteria were used to evaluate a road, and Mr. Lynch said a computer program was used, but said he also walked each road. He said core samples of roads were taken, and were compared to previous samples, and also said core samples of the gravel underneath were taken to see how deep it was. He said traffic analysis data was also used, in order to pick up roads that were seeing increasing traffic and traffic impacts. He noted Emerson Road as an example of this.

Councilor Gooze asked if the highest priority roads in the program right now all had to be done in 2011.

Mr. Lynch said the list included roads that were very bad, like Emerson Road, and also those that were getting bad. He noted that the roads out by Route 4, including Shearwater St., Razorbill Circle and Cormorant Circle were built in the late 1980's and had had no treatment. He said they wouldn't fall apart tomorrow because there was a good base underneath them. But he said if the DPW didn't apply a wearing surface to them now or in the very near future, they would deteriorate quickly and might require more treatment.

Councilor Gooze said he was just trying to be sure that these roads needed to be done, and if so, how they were going to pay for them.

Councilor Stanhope calculated that if instead of bonding the road work, they funded it by putting it on the tax rate, it would increase by 0.50. He also noted that they couldn't keep deferring the road work.

Administrator Selig noted that Dover had done a \$5 million bond to do the city's roads all at once, while Durham's approach had been to do the road work incrementally, and avoid bonding. He said the Town had scaled back on the road program over the past few years, and this had now caught up with them.

Councilor Gooze said he was not against doing this, and summarized again what the Council was weighing in regard to funding the Roads Program or not through bonding.

Councilor Sievert said this was a situation that was similar to the situation with Smith Chapel. He said the Town hadn't increased the Roads program since 2008, and said they should have been incrementally increasing spending on it rather than waiting until now.

Administrator Selig said if the choice was not to bond the road work, the \$418,000 would be added to the Budget, or they would have to determine \$418,000 or some portion of it that was already in the Budget that would be taken out. He said there would be some significant consequences from making this shift.

Councilor Mower noted that there was some uncertainty about how the economy would be over the next several years, so there was no guarantee that they would be significantly better off in 2014.

Councilor Niman explained that if this motion failed, the Council didn't necessarily have to approve the Budget in order for the Roads Program to be bonded. He said if the Council did nothing, the Town Administrator's Budget would become the Budget for 2011.

The motion to amend the CIP FAILED 3-6, with Councilor Smith, Councilor Mower, and Councilor Stanhope voting in favor of it.

Chair Carroll asked Councilors if they wished to bring up any other amendments to the Budget.

Councilor Cote said he had had a discussion with Chief Landry about why the Town was spending in excess of \$200,000 on overtime. He said he came away from the discussion confident that the Chief had a handle on past practices that were not necessarily the best. He also said sick time was being monitored, and said he was therefore comfortable with what was proposed in the Budget regarding overtime pay. He said the number was justified.

Chair Carroll said she had seen a lot of budget processes in Durham over the years, including while being on the Council. She said dealing with budgets and taxes in recessionary times was difficult, but she noted that Durham had had good times economically, and would probably see them again.

She said when times were good, it was amazing that more money wasn't put aside in reserve accounts for historical buildings or other important projects, or in a savings account the Town would have if something came up that was really important. She cautioned that the Council should think about doing this during good times, so that when recessionary times came again, the Town would be as prepared for them as possible.

The motion to adopt Resolution #2010-21 PASSED 5-4, with Councilors Smith, Mower, Stanhope and Niman voting against it.

Councilor Cote noted the survey results presented at the recent Durham It's Where U Live meeting, which indicated that the greatest community connection for UNH students was the Waysmeet Center. It was noted that this meeting was attended by Administrator Selig, Chair Carroll, Councilor Cote and Councilor Gooze.

Chair Carroll explained that a class of students from the Thompson School had done the survey of residents, UNH students, etc., in order to look at the Durham/UNH community. She said a lot of good will was generated that evening, and said several people at the meeting had signed up to come to another meeting on this issue.

Councilor Gooze said one thing that came out of it was the idea of trying to get communication between DCAT and the UNH community station.

Administrator Selig noted that this would be a part of the franchise negotiations with Comcast.

XIV. Adjourn

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

Adjournment at 10:50 pm

Victoria Parmele, Minutes taker