

This set of minutes was approved at the April 25, 2011 Town Council meeting

**Durham Town Council
Monday March 7, 2011
Durham Town Hall - Council Chambers
7:00P.M.
MINUTES**

MEMBERS PRESENT: Councilor Neil Niman; Councilor Julian Smith; Councilor Peter Stanhope (arrived at 7:25 PM); Councilor Mike Sievert; Councilor Doug Clark; Councilor Robin Mower; Councilor Jay Gooze (arrived at 7:16 pm); Councilor Bill Cote

MEMBERS ABSENT: Chair Diana Carroll

OTHERS PRESENT: Town Administrator Todd Selig; DPW Director Mike Lynch; Town Engineer Dave Cedarholm

I. Call to Order

Chair Pro Tem Niman called the meeting to order at 7:00 pm.

II. Approval of Agenda

Councilor Smith MOVED to approve the Agenda. Councilor Mower SECONDED the motion, and it PASSED unanimously 6-0.

III. Special Announcements

Acknowledgement for contributions made by outgoing Town Council members

Councilor Niman noted that Councilors Clark, Sievert and Smith's terms on the Council were ending, and that only Councilor Smith was on the ballot for another term. He said on behalf of the Town, the Town Council and Administrator Selig that they were appreciative of their service, and said all three Council members had made a number of contributions to the Town over the past three years. He wished Councilor Clark and Councilor Sievert a happy retirement, and said he hoped that this was not the last time the Town would see them.

IV. Approval of Minutes

January 24, 2011

Page 17, 3rd paragraph, should read “..proposed Ordinance off the table.”

Councilor Cote MOVED to approve the January 24, 2011 Minutes as amended. Councilor Smith SECONDED the motion, and it PASSED 4-0-2, with Councilor Clark and Councilor Sievert abstaining because of their absence from the meeting.

January 24, 2011 (Non-public)

Page 1, under Members Present, it should indicate that Councilor Smith was present, and that Councilor Clark and Councilor Sievert were not present.

Page 2, end of first paragraph, should read "...late, and mentioned other problems that were identical to present ones."

Councilor Smith MOVED to approve the January 24, 2011 Non-public Minutes. Councilor Mower SECONDED the motion, and it PASSED 4-0-2, with Councilor Clark and Councilor Sievert abstaining because of their absence from the meeting.

V. Councilor and Town Administrator Roundtable

Administrator Selig reminded everyone that the Town Elections would be held the following day.

Councilor Mower said the Master Plan survey subcommittee was finishing up its work on the survey, and said it would be sent on to the Planning Board, which would then consider it at their March 24th meeting.

She noted that the Conservation Commission had held a special meeting on March 3rd to consider the wetland and shoreland conditional use criteria as they applied to the Capstone application. She said the Commission had determined that the applicant did not meet one of the criteria, concerning whether there was another feasible location for the development, and believed strongly that different configurations for it were a possibility.

Councilor Mower also said there was discussion at that meeting on Capstone's proposal to create a conservation easement on a portion of their property. She said Commission members agreed on the following statement: "The Conservation Commission would like to emphasize that an easement or any additional protection along the Oyster River is a good idea. The Durham Conservation Commission believes that the Town is not the appropriate long term easement holder, and that a suitable third party is preferred."

She said the Planning Board would consider both of these statements at its meeting on Wednesday.

Councilor Mower said that at the charrette on C lot the previous Wednesday, there was some discussion on College Brook in regard to possible designs for redeveloping the property. She noted that Derek Sowers, a member of the Conservation Commission, had asked her to read a brief memo to the Council on this issue. She said the memo was also sent to Tom Kelley, UNH Chief Sustainability Officer, who after reading it had said he appreciated the comments, and would send them on to the UNH Ecological Taskforce.

Mr. Sowers' memo noted that he had been unable to attend the mini-charette but wanted to relay some thoughts on the redevelopment concept. He said he was very supportive of the overall concept, and said the issue he was most interested in was how this re-development effort might be able to improve conditions for College Brook, which currently ran entirely within pipes underneath the edge of C lot.

He said this was an unhealthy situation for the brook and its ability to support life, and said hopefully people could intuitively agree that running a stream in culvert pipes for long distances was not good. He said significant re-development projects provided the opportunity to un-do some of the poor environmental management practices of the past, and said that in many urban settings, streams such as College Brook were being revived by "daylighting" the stream.

Mr. Sowers noted that the UNH Stormwater Center was currently undertaking a major project like this in Dover, which involved removing pavement and pipe infrastructure, and restoring somewhat of a more natural stream channel and vegetated buffer strip. He said that while this type of approach for College Brook would obviously involve costs, it was likely that supplemental restoration grant funds could be obtained to support this component of a C Lot re-development plan. He said people like himself were willing to write grants for this purpose.

He said the benefits to College Brook's ecology and aesthetic appeal would be very significant. He said combined with thoughtful stormwater management at this re-development site, there was a huge potential to greatly improve water quality in the brook in what was now a heavily impacted area. He also said he thought that UNH Facilities would support this type of improvement as consistent with UNH's commitment to running a sustainable campus. Mr. Sowers asked that his input be considered as part of the charrette visioning process.

Councilor Mower said the Council would probably hear more on this. She noted that there were some challenges in regard to elevation changes on C lot, but said the whole issue of College Brook on that site hadn't been looked at closely enough yet.

Councilor Clark said at the most recent EDC meeting, there was discussion on the business visitation survey results, and said the committee would make a presentation on this to the Council in the near future. He said there was also a long discussion on the idea of having a TIF district for the commercial core, which would be used to build the infrastructure to pay for some of the things people wanted for the commercial core.

Councilor Clark thanked Councilors, Administrator Selig, and Town staff for their work, and said he was proud of the way this Town's government operated, and the level of civility involved. He said he would like to leave the Council with two thoughts. He said the system by which the Town operated was set up in order to create balance, and said this made it hard to get things done. He said they were at a time when they needed to find a way to move forward, and he urged the Council and residents to find ways to collaborate.

He said his only criticism was that there had been a loss of momentum in the revitalization of the commercial core, and said the Town was headed for a fiscal crisis if something wasn't done. He noted the list of things residents said they wanted for the Town, but said he hadn't heard enough about how the Town would come up with the money to pay for this. He said it was important to find a balance between cultural and economic sustainability.

Councilor Smith said that at its meeting on Wednesday, the Planning Board would have a public hearing on a proposed change of use of the former Hickory Pond Inn from a bed and breakfast to an elder care facility. He said there would also be an acceptance consideration of a commercial concession trailer that the applicants proposed to operate temporarily as a take out restaurant on the formerly Town owned property behind the Don Thompson building off of Pettee Brook Road. He said the plan was for the restaurant to eventually be located inside the multi-use building that was planned for the Kostis property.

Councilor Gooze arrived at the meeting at 7:16 pm.

Councilor Smith said the Planning Board would deliberate on the Capstone application at the meeting on Wednesday. He also said the Board would hold its quarterly planning session at an extra meeting on March 16th.

Councilor Mower said her understanding was that there would be discussion at the quarterly planning meeting with the Energy Committee about an energy checklist that could be used by the Planning Board as part of reviewing applications.

Administrator Selig said the Rental Housing Commission (RHC) had met the previous week, and said there was a modest turnout. He said the Fire Department and Police Department provided reports on the calls they had been receiving, and noted that calls regarding noise, etc., were down.

He noted that there had been a request by the Durham Landlords Association for the RHC to reconsider aspects of the Disorderly House Ordinance that was adopted last year. He said RHC members asked what specific improvements the Association would like to see, and said Paul Berton had said he would go back to them and find out.

Administrator Selig said Mr. Berton provided a sign for the RHC that had been used in Plymouth last year, which indicated that families lived there, and that people should respect the neighbors. He said the Town would get permission to use the sign, and said there would be a minimal cost for it.

He said the RHC was also interested in moving forward with a program where there would be welcoming signage at the entrance to neighborhoods, and said some artwork would be developed to go along with this.

He said the EDC also discussed the concept of providing a seal of approval for professionally operated housing stock that met certain minimum standards. He explained

that Durham would develop the standards, and noted that it would be a voluntary program. He provided further details on what would be involved.

Councilor Mower asked if the Durham Landlords Association was interested in such a program, and Administrator Selig said some interest had been expressed in it by Association members.

Councilor Gooze said that regarding the idea of holding off on using the Disorderly House Ordinance, if the DLA could get the same result in a different way, and get offenders to the table, the RHC would certainly give it some consideration.

Administrator Selig said the RHC listened to complaints about a situation on Bay View Road, where people were cutting through to get to Young Drive. He said the Town would redouble its efforts in that area.

Councilor Gooze noted that he was on the design committee for the new Library. He said the committee had heard from various people that the size of the library mattered, and that while what had originally been designed would be good for the Town, it would be more than they could afford. He acknowledged that the original design was large, and said after it was paired down to 12,000, the design committee said it was still too big.

He said the designers would be coming back with another design that was smaller, and said the committee, which would be meeting on Thursday, was excited about what they would be seeing. He said it would be a nice looking project, and said the new Library could look nice and still not cost too much.

Councilor Stanhope arrived at this point.

Administrator Selig said at the recent mini-charrette concerning possible redevelopment of C lot, some good feedback was received from the community. He said there was consistent interest in pursuing the redevelopment of a new fire station specifically and possible other uses in the future, but not about structured parking. He said a critical factor discussed at the charrette was that the University currently had about 210 parking spaces at C lot, and they were eager to retain them. He provided details on this.

He said there was also discussion at the charrette that the Town would like to own the site for the Fire Department, and said after discussion, it was decided that the architectural firm should do an analysis for the site facing Mill Road.

Councilor Niman said DCAT had met recently, and discussed the idea of a franchise fee, and whether this should be part of the negotiations on a new agreement with Comcast. He noted that DCAT currently was not funded well through the Budget, yet there were a lot of projects that DCAT members and residents would like to do in terms of providing local programming. He said there would be further discussion on this issue.

Councilor Gooze noted that he had been at a really nice faculty concert at UNH the previous week, which was not as well attended as it should have been. He said there were only five young people there, and said the Town needed to get the word out to Durham residents about using the University more. He noted that it was one of the reasons people wanted to live in Durham, and he recommended that residents get on UNH's mailing list concerning events.

Councilor Mower noted that there had been previous discussion by the Council about linking the Town website to the UNH calendar. There was discussion about pursuing this idea.

Councilor Cote noted that he had recently seen some Durham residents who he knew in Portsmouth, and they remarked that they came to Portsmouth to enjoy the theatre. He said they didn't want to deal with parking at UNH and walking to the Paul Arts Center, and said this was holding a lot of people back from enjoying what the University had to offer. There was discussion on this.

VI. Public Comments (NLT 7:45 PM)

Ann Lane, 43 Stagecoach Road, announce her candidacy for the School Board, and provided some details on her qualifications, and reasons for wanting to serve.

Megan Turnbull, Sandy Brook Drive, announced her candidacy for the School Board, and provided some details on her qualifications, and reasons for wanting to serve.

Jim Kach, of Madbury, announced his candidacy for the School Board, and provided details on his qualifications and reasons for wanting to serve.

Sarah Badger Wilson, said the Parks and Recreation Committee wanted to thank Councilor Sievert for his work as the Council representative to that committee. She said his assistance, including offering his expertise for free, had been invaluable, and said they hoped he would consider joining the committee as a resident.

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

None

VIII. Committee Appointments

- A. Shall the Town Council move alternate member Ute Luxem to fill the unexpired regular member term vacancy of Richard England on the Economic Development Committee, said term to expire on April 30, 2011?

Councilor Clark MOVED to approve moving alternate member Ute Luxem to fill the unexpired regular member term vacancy of Richard England on the Economic Development Committee, said term to expire on April 30, 2011. Councilor Sievert SECONDED the motion, and it PASSED unanimously 8-0.

- B. Shall the Town Council appoint Ken Chadwick, 49 Edgewood Road, to fill the unexpired alternate member term vacancy of Ute Luxem on the Economic Development Committee, said term to expire on April 30, 2012?

Councilor Cote MOVED to appoint Ken Chadwick, 49 Edgewood Road, to fill the unexpired alternate member term vacancy of Ute Luxem on the Economic Development Committee, said term to expire on April 30, 2012. Councilor Gooze SECONDED the motion.

Mr. Chadwick said he had lived in Durham for 10 years, and had worked in the retail business for 20 years. He said he currently worked for a conservation organization, and said he was looking forward to joining the committee.

There was brief discussion about Mr. Chadwick's extensive experience in a number of areas that related to the work of the EDC.

The motion PASSED unanimously 8-0.

IX. Presentation Item

Overview, public comments, and Council discussion regarding the boat launch ramp at Jackson's Landing Recreational Area

Administrator Selig said Town Engineer Dave Cedarholm and Mike Sievert of MJS Engineering would provide background on the old boat ramp, as well as information on the design and construction of the various improvements at Jackson's Landing improvements, including changes to the boat ramp, and how the new design of the boat ramp had altered what was there before.

He said members of the public with their own perspectives on the boat ramp would also have the opportunity to provide their views, and said Councilors would then have a chance to discuss how they might want to proceed concerning this issue.

It was noted that some Durham residents had been disappointed in the length of the boat launching ramp, and that in late December of 2010, the Durham Public Works Department had therefore applied for an addendum to the Wetlands Permit previously issued, in order to allow for the extension of the boat launching ramp by an additional 23 feet. He said the Town had tried to make a number of improvements, but there was still concern on the part of some residents about whether there was sufficient slope and depth to the boat ramp to allow the maximum amount of launching time during high tide.

Mr. Cedarholm provided some background on the redevelopment of the Jackson's Landing site. He noted that it had previously been a big gravel parking lot, and said the whole site eventually became graded toward the boat ramp, resulting in erosion and sedimentation when it rained and stormwater flowed on the site, particularly down from the access road. He said that road became one big erosion rut.

He showed photos of the boat ramp at various tides, and noted that at low tide, the slope had been 5-6%, which had made it quite difficult to get a boat into the water. He said an existing conditions plan done by Doucet Survey in 2006 had helped to identify where the problems were, and said this was a follow-up to a lengthy study that had looked at the idea of dredging the river. He said erosion and water quality issues were identified at that time, and the Council decided to address them, but not to dredge the river.

Mr. Cedarholm described the work that was subsequently done by the Jackson's Landing Committee on a conceptual plan for the site in 2007 to address the erosion and sedimentation problems as well as a number of other issues, including the boat ramp. He explained that the design included converting the parking area near the water to turf and grading it so that stormwater would drain away from the ramp area and river and into a vegetated swale behind the boat house. He said that by raising the elevation of that part of the parking lot, this allowed for the boat ramp to be steepened to a 10% slope.

He showed photos of the Adams Point boat ramp, where about 15 years ago there had been erosion issues. He said the ramp there was re-done by NH Fish and Game, and went from a 10% slope to a 7% slope., but later was ripped out and went back to a 10% slope. He said the Jackson's Landing boat ramp had been modeled after this project. He noted that at low tide, boats couldn't get into the water there either.

He said the DPW had also looked at the Chapman's Landing boat ramp in Stratham. He said the situation was different there in that a boat could be launched at low tide, but said there was a crazy current there. Mr. Cedarholm provided a variety of photos on various problems with boat ramps, in different situations.

Mr. Cedarholm said the plan with the Jackson's Landing ramp had been to improve the existing ramp, but not necessarily to extend the time during which it could be used. He noted that the wetland permit was needed because they were working in a tidal area.

Mike Sievert provided additional details about the Jackson's Landing project and the fact that it had started as an erosion and sedimentation control project, but had morphed into something larger. He said the grade change that was made at the front of the site was an important change, and forced all of the surface water drainage to track across the property into a large treatment swale and out to the back of the boat house and into a wetland.

He said the beginning of the ramp was raised enough to get up to a 10% slope, noting that the previous slope was a 5-6% slope. He noted that the minimum slope design of a boat ramp was about 12%, but said 10% was all they could get there. He explained that once the 10% slope was set, they had run into the ground, and said if they had kept going, the ramp would have been underground. He said they stopped at the existing grade, instead of going underground into the mud. He said putting it underground wouldn't have provided any more water for boats to launch with.

Mr. Sievert said in order to continue the ramp at a 10% slope, they would need to dredge the channel down 8-9 ft in depth, in which case they could continue the 10% slope in as

far as they wanted. He said he would be gladly in favor of dredging the river, and said if they dredged all the way from Peter Smith's dock to the Landing, they could have a boat ramp that would be very adequate, and could also have a bunch of moorings out there as well.

Mr. Cedarholm said at low tide, there was only about 2 ft of water at the dock. He said if the Town was going to do what Mr. Sievert described, this would mean digging a big hole, and dredging in order to pick up an 8 ft channel. He said the existing ramp was great at around high tide, and one or two hours on either side of high tide. He said that was the reason they put it in that way, and said if they had put it in steeper, and deeper out there, they would have gladly continued at 10% for another 50 ft.

Mr. Cedarholm said an important point was that this had been a project for boats of various sizes, and not just those with trailers. He noted that kayaks and canoes only needed a few inches of water in order to launch, and said those users were probably the majority of people who used the boat ramp. He said the ramp provided about an 8 hour window for them. He also said there was the option with smaller boats to put them in off of the dock.

Councilor Clark asked if there were any relatives of Herb Jackson, the man who had given Jackson's Landing to the Town, who were still living in Durham. He noted the letter Mr. Jackson had written when he gave the land to the Town, asking that the Town make sure to retain the area as a boat launch for recreational boaters.

He said he had interpreted this as meaning trailered boats, and said his biggest concern was that if the area wasn't dredged, the question was whether it would ever be feasible as a boat ramp anymore. He said if it wasn't, the question was what the Town was supposed to do with this land.

Councilor Mower said this tied into maintenance issues as well.

Mr. Cedarholm said the boat ramp was now in 300% better shape than it had been before the work was done, with a concrete surface, was not erodible, and there was a slope that was 10% instead of 5%, which made it easier to launch a boat. But he said it was still a location with the same kind of limitations as when Mr. Jackson gifted the property to the Town.

Councilor Clark said he thought there was a much bigger window for launching boats there when he was in his 20's.

Mr. Cedarholm said there had been more siltation occurring in that area over time, but said that wasn't a problem that this project was supposed to correct. He said it would be expensive to dredge the river, and noted that this wasn't something the Council had been interested in doing in 2003. He also noted that it had cost the city of Dover \$20 million to do a dredging project.

Administrator Selig said members of the public were appreciative of the efforts made by Town staff and members of the Jackson's Landing committee, but were looking for a longer window to launch their boats, and also had some other concerns.

Councilor Niman asked members of the public if they wished to speak on this issue.

Bill Hall, Smith Park Lane, said the area around the ramp was graded and installed incorrectly, and he spoke in detail on this, and on how the work should have been done. He recommended digging to where the end of the pavement was, digging down a foot, shimming underneath to get to 12%, and using blocks.

He also said Robbi Woodburn had been very clear about the radius needed to turn a trailer around, but said there was no radius shown there on the pavement. He asked that her diagram and spray paint be used to identify the radius, so it would be clear how much room there was to turn a boat around.

Mr. Cedarholm said they couldn't change the existing grade, and provided details on this.

Steve Roberts, 174 Packers Falls Road, said he had the greatest respect for the engineering expertise of Mr. Sievert and Mr. Cedarholm, but said there was some great confusion over numbers. He first spoke about problems at the ramp, with rocks falling out of the side slope of the causeway, the silt that built up, and how this impacted the ramp. He said best practice would be to put in claddings that intersected to the side of the ramp, and said they could be easily maintained.

He provided his own numbers, although noting that his own data was not official, and that better data was needed. He said among other things that the drawings didn't show the tide levels. He also said the numbers seemed to indicate that where the old ramp was, there was an elevation below where the extension at a 10% slope at 23 ft would have been required.

He said extending the ramp out more than 23 ft was not necessary, and described what they could do instead. He said what had concerned him was that there had been three different iterations concerning the boat ramp. He asked the Council to demand a better performance level in terms of where the asphalt ramp was, and what was reasonable. He said he didn't see that this information had been provided. He said he had a conflict with their numbers, and asked that they present the actual numbers.

He said the group that met with Dori Wiggins, comprised of himself, Robin Mower, Peter Smith, and Julian Smith, came to an understanding that they were asking for two goals: minimize turbidity and give boaters at least an hour on either side of high tides, for all high tides. He said there should be a team of people to do the measuring, and they should be a part of the process.

John Parry, Denbow Road, noted that he had been a co-chair of the Jackson's Landing Committee, and provided background on the work of the committee, which had been

comprised of about 18 people who worked together over about a year and a half. He said 60 recommendations came out of the process, and said the boat ramp was ranked #12 on the list. He explained the thinking behind deciding to do repairs to the ramp but not extending it out further at that time. He said that as part of their thinking about the ramp, they had also considered possible other locations for boat ramps in the future.

He said they had looked at DES concerns about extending the ramp, and had also considered the actual demand by boaters to use the ramp, noting that the committee wasn't able to document high numbers on this. He also said there wasn't a lot of public comment on extending the ramp but there was some comment on repairing it. He said they had considered other existing ramps that were available in the area, and also considered the idea of dredging. He said ultimately the committee decided that it would not be a good investment to extend the ramp.

Mr. Parry said Durham was blessed with its water resources, and said there was a need for better access to them. He said he hoped they could at look this in a broader sense than looking at a location that might not be the best site for this. He suggested that perhaps discussion on this could be included in a Recreation chapter of the Master Plan. He also said there needed to be a cost/benefit analysis of what made the most sense.

Dwight Baldwin, 6 Fairchild Drive, provided details on the erosion and sedimentation issues involved at Jackson's Landing, and how the channel had become restricted over time. He noted that the bay in that area was quiet, which was conducive to settling of sediment. He said Herb Jackson would be pleased at the use the landing was getting for smaller boats.

John Churchill, 30 Old Piscataqua Road, said he owned Herb Jackson's old property, and he commended the Jackson's Landing Committee for the work they had done, and the improvements to the Landing, noting especially the decrease in erosion and sedimentation problems over the past few years.

He also said you couldn't pick a worse spot than the landing to put in a deep water boat ramp. He spoke in detail on this, and noted that it had originally been created out of fill. He said if this had been done correctly in the first place, they wouldn't have these problems now. He said they needed to take a reasonable approach, noting the solution to the problem was dredging, but that it would be more economical to find a better location to provide boat access.

Chuck Ward, 22 Old Piscataqua Road, said he lived near the landing, and said it had definitely silted in over the years. He said he launched his own boat seasonally, and said the improvements made with the concrete logs were a huge improvement. He said one did have to watch the tides. He commended the committee for the work they had done to improve the entire site. He said the boat ramp was quite useful, stating that he didn't know the new grade or the old grade, but said it was a lot easier to put a boat in there now.

Peter Smith, Old Piscataqua Road, said he didn't know anybody who didn't think that the job that Dwight Baldwin and John Parry did wasn't wonderful. He said the boat ramp was a small piece of the project, and said a few years ago, the ramp was unusable. He said what was pertinent to the boat ramp issue was that it was hard to find a worse place to put in a boat ramp for boats other than canoes. He also said they could forget the idea of dredging because of the cost.

He said members of the Conservation Commission had urged that the ramp be extended another 20-25 ft for the reasons Mr. Hall had stated. He provided details on this. He said he wished there could have been more communication on this. He said through subsequent discussions over the past year, it was agreed that the ramp would be extended. He said Dori Wiggin of NHDES had agreed to extend it 23 ft, but said he didn't recall any discussion with her at that time in which she made a definitive statement on how to do this, other than in regard to the length.

Mr. Smith said he had observed the work done a few weeks ago, asked at the time what the slope was, and was told they were following a plan they were given. He said he hoped that if the Council didn't go beyond the issue of redoing the ramp, it would at least discuss getting a good grasp of how some of this had been confusing, and how this could be avoided in the future. He also recommended that there be some permanent plan to maintain what was there now.

The Council stood in recess from 9:14 to 9:23 PM.

Councilor Stanhope said he had been struck in hearing people speak that this has always been a challenging launch site. He said it was ok as a seasonal launch site, but said whatever the Town did with the boat ramp, launching boats there would be challenging for day boaters. He said it was important to ask whether it would be treated as a seasonal launch location or whether they would pursue the issue of where the original asphalt was, and do a redesign.

He said he had heard that the silting that had occurred there might have been a function of the erosion coming down the parking lot, and said ideally, with a reconfiguration, there wouldn't be the silt accumulation with the same frequency as before. He said if there was the possibility of scraping it every decade, perhaps it could be kept at a manageable level. But he said to redesign the ramp area would be expensive, and said he was concerned about the cost vs. the benefit. He asked what the general dollar amount would be to create an efficient day boater launch and recovery site.

There was further detailed discussion on what would be gained by doing what Mr. Roberts and Mr. Hall had suggested.

Administrator Selig noted that the Jackson's Landing project had followed after the Packer's Falls Bridge project, and said Town staff had therefore tried to take everyone's perspectives into account. He noted that Mr. Hall had mentioned a 12% grade in the plans, and asked what had changed concerning this.

Mr. Sievert said they had found that they could only raise the top of the ramp up two ft, so could only get to the 10% slope. He provided details on this.

Councilor Mower asked Mr. Sievert if he had stated that a 12% slope was the minimum needed for a good ramp, and if so, there was concern about moving forward with a ramp with only a 10% slope.

Mr. Sievert said there wasn't a concern, noting that a slope of 12-15% was recommended, with a minimum of 10% slope, a width range, depth, etc. He agreed that it was known upfront that they were dealing with a challenging site.

Mr. Cedarholm said the 10% number came from the Adams Point boat ramp.

Bill Hall said he hadn't expected the top of the ramp to be higher than it was now, but did expect that it would extend out another 10 ft, before it started the 10%.

There was discussion about this.

Administrator Selig said as part of the process, the Jackson's Landing committee had solicited input from the Conservation Commission regarding the ramp. He noted the input the Commission had provided, and asked why the ramp wasn't constructed as far out as they had recommended, and why there wasn't follow-up with the Commission. Mr. Sievert said he didn't know the answer to that question.

Councilor Mower provided details on input that had been provided by Peter Smith and Steve Roberts concerning the old ramp and new ramp locations. She said the real concern was that there wasn't follow through on this, and that their input had been disregarded. She said there seemed to have been a significant failure of communication at many points, and said they needed to look at that.

There was further discussion on the process that had taken place, and on whether there was interest on the Council in doing what Mr. Roberts had proposed, and possibly gaining more time for boats to launch at the ramp.

Councilor Clark said his personal opinion was that if 3 hours of launch time could be gained, that was significant for the average day boater.

There was discussion on why the scraping of the boat ramp had been stopped, with Administrator Selig explaining that DES had stopped allowing this.

Councilor Mower noted that Dori Wiggin had said that by not doing maintenance over a period of time, they would basically lose the right to use the spot for launching. She said there were a lot of loose ends like this, and said this was an opportunity to get them out on the table.

Councilor Sievert questioned the idea of getting another 3 hours of launch time by getting another 1 ft. There was discussion, and Mr. Roberts said according to his numbers, there would be a gain of 1.1 hrs on either side of high tide. He and Councilor Sievert continued to discuss this.

Councilor Niman said the 12% slope was not going to happen, and said people should therefore get over that idea. He also said he didn't think DES would allow the Town to go out to where the end of the old ramp was, because Dori Wiggin had said 23 ft., so the issue was 10% vs. 5.7%. He said he agreed with Mr. Sievert that the ramp could be taken down only to where the mud was, especially since DES wouldn't let the Town do any scraping.

He said people wanted the 10%, so they should get it, and if this didn't provide the extra 2 hrs, it didn't. He said this issue was turning into a very unproductive use of everyone's time. He also said he would be perfectly fine with saying the Town needed to find a better location for a boat ramp.

Councilor Mower said she would like to know if they had asked for what they had wanted from DES, and if they had gotten what they had asked for.

There was further discussion, and Councilor Niman summarized that DES had said it would give 2.8 more hrs of access, and Councilor Mower was saying the Town should go to DES and say it hadn't gotten this, and wanted to modify the document from DES.

Councilor Mower said she thought there should be participation in the process by residents like Steve Nadeau, who she said had provided some good ideas concerning the boat ramp. She also said she would like to see the kind of data provided that Mr. Roberts had spoken about.

Councilor Gooze said he didn't agree with asking for the 10%. He said they could either leave things as they were, or go to 10% and not give people what they wanted, or spend tons of money to make it so they could use it for 3 hours. He said to a non-boating person, this didn't make much sense.

There was further discussion.

Councilor Mower said the intention originally was to encourage use of the river, by people who didn't necessarily live on it, and said to her that implied day use as well as seasonal use. She said that was something that they would have to wrestle with, including considering the siltation over the years. She said she would like DPW to invite members of the community with concerns about this issue to talk about whether the 10% would satisfy their concerns.

Councilor Smith said he would like to see a solution that would satisfy to some extent people whose statements he gave credence to.

Councilor Stanhope said if they were going to make efforts for the day boater, they needed to spend the \$6,000 and hope it provided them with enough time at the boat ramp. He noted a concern was that no matter what the Town did, some people would be disappointed.

Councilor Mower said they should provide signage at the landing, noting that boaters might otherwise create incursions into the mud, which raised enforcement issues.

Councilor Cote said there was conflicting data on the tides, and elevations. He said perhaps something could be gained with spending the \$6,000, and keeping in mind Mr. Jackson's intentions. He said they should do the 10% and hope it resolved something.

Councilor Gooze said after listening to other Councilors, he thought that if boaters could get something from doing this, it was worth spending the money. He noted that this was predicated on DES allowing the Town to do this.

Mr. Cedarholm noted that if they ended up excavating out and extending the 10% down, and they were required to stay within the footprint, they would create a bathtub that filled with silt, and boat launching would stir up turbidity. He said he didn't think Dori Wiggin would allow that to take place, and provided details on this.

Councilor Gooze and Councilor Niman summarized that the Town wanted to make a good faith effort to make the ramp more usable, and the constraint was DES. Councilor Niman said Councilor Mower had provided them with the wedge to talk with DES, regarding getting the 2.8 hrs. He said the Council would see how flexible DES was, and said he had heard that the Council was willing to spend \$6,000 on this issue. He said he was also hearing from Councilor Mower that there needed to be clear communication on what the options were.

Councilor Mower asked that Councilors receive copies of the communication sent to Ms. Wiggin, at the time that it was sent.

It was agreed that the Town would provide some signage for boaters.

X. Unfinished Business

None

XI. New Business

- A. **PUBLIC HEARING AND ACTION ON RESOLUTION #2011-06** authorizing the acceptance of funds in the amount of \$12,703.16 from the United States Marshal's Service and authorizing the expenditure of said funds for the purposes intended

Councilor Smith MOVED to open the Public Hearing. Councilor Mower SECONDED the motion, and it PASSED unanimously 8-0.

Chief Kurz explained that this was money that was seized as a result of a person sending \$16,000 through mail for drug purposes. He said the person was caught and charged with a civil offense. He explained how 79% of the funds were eventually transferred by the Federal Court to the Town, and said the Police Department was now asking for permission to spend the money.

There were no members of the public who spoke at the public hearing.

Robin Mower MOVED to close the Public Hearing. Councilor Smith SECONDED the motion, and it PASSED unanimously 8-0.

Councilor Smith MOVED to approve RESOLUTION #2011-06 authorizing the acceptance of funds in the amount of \$12,703.16 from the United States Marshal's Service and authorizing the expenditure of said funds for the purposes intended. Councilor Stanhope SECONDED the motion, and it PASSED unanimously 8-0.

- B. **RESOLUTION #2011-07** recognizing outgoing elected officials for their dedicated services to the Town of Durham

Chair Niman read the names of outgoing elected officials.

Councilor Gooze MOVED to adopt RESOLUTION #2011-07 recognizing outgoing elected officials for their dedicated services to the Town of Durham. Councilor Mower SECONDED the motion, and it PASSED unanimously 8-0.

XII. Nonpublic Session (if required)

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

Councilor Gooze said Administrator Selig had provided him with information on usage of Wildcat Transit on Madbury Road to Woodside, although noting that it was only the numbers on total usage that had been provided, and not specific information on residents who were taking the bus. He also said from what he had heard, most of the people in that area didn't seem to mind the buses coming around. He said he therefore didn't see the point in asking for more specific numbers on usage by residents.

Councilor Mower noted that at the RHC meeting, there was brief discussion on tracking data on the ages of people who were calling the Town for service.

XIV. Adjourn (NLT 10:30 PM)

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

Adjournment at 10:25 pm.

Victoria Parmele, Minutes taker