

This set of minutes was approved at the January 12, 2015 Town Council meeting

**DURHAM TOWN COUNCIL
MONDAY, NOVEMBER 3, 2014
DURHAM TOWN HALL- COUNCIL CHAMBERS
7:00PM
MINUTES**

MEMBERS PRESENT: Council Chair Jay Gooze; Council Chair Pro tem Carden Welsh; Councilor Julian Smith; Councilor Robin Mower; Councilor Diana Carroll; Councilor Kitty Marple; Councilor Dave Howland; Councilor Wayne Burton

MEMBERS ABSENT: Councilor Kathy Bubar

OTHERS PRESENT: Town Administrator Todd Selig; Business Manager Gail Jablonski; Planner Michael Behrendt; Assessor Jim Rice; Economic Development Director Mary Ellen Humphrey

I. Call to Order

Chair Gooze called the meeting to order at 7:04 pm.

II. Approval of Agenda

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

Councilor Smith MOVED to move Agenda item IX C in front of item IX A. Councilor Mower SECONDED the motion, and it PASSED unanimously 8-0.

After discussion, the amended motion PASSED unanimously 8-0.

Chair Gooze asked Administrator Selig to speak about the recent University of NH Trustees meeting he attended. Administrator Selig said he went to Plymouth, NH on Friday for the meeting. He said the Trustees approved a Resolution that assured the Town that the University system and UNH were committed to moving forward with the new pool and the funding that was in place.

III. Special Announcements

No special announcements

IV. Public Comments

Sadie Ball said she'd gone to the pool for many years, and asked that consideration be

given to seeing how much it would cost to fix the old pool as compared to the cost for a new pool. She said they would like to see the numbers.

Nick Knightly said he would like to learn more about the specifics of the soil testing performed in regard to the pool, and also asked what the additional expense was of these unfortunate findings. He asked what the schedule was for the pool, and if the laps would be limited in their use. He said the Rec Center would occupy what was the sunset section of the pool, and said this would adversely impact the temperature of the pool, and would limit the area the users greatly desired.

Morgan Freeman, asked how site preparation and/or construction could begin without a detailed plan, and also asked if they were in jeopardy of not having the pool for the summer of 2016.

Emma Hall said she swam at the pool every year, and said it made summers in Durham special. She said the old pool was gone, and the new pool plans were changing. She said the diving and jumping area had been taken out of the plans and noted that this had been a favorite part of the old pool. She asked why it was taken out, and why the pool that was planned was now smaller. She said she worried that UNH wasn't keeping in mind the community that looked forward to using the pool this coming summer. She also spoke about problems with the new pool if there was too much shade. She asked the Council to ask UNH these questions, and to ask them to keep their promises.

Patti Anderson, asked if residents could anticipate a further decrease in the size of the UNH pool that was planned, given the increased cost that was assumed. She said the decreases made multi-use of the pool more and more difficult. She asked how UNH was going to fund the \$35 million estimated cost of the Rec center expansion and the pool project.

She said it appeared that the revised plan eliminated the diving area, which was the main attraction at the old pool. She asked what the cost would be to use the facility, and said she believed the high cost of using it in recent years was a major reason for a decrease in usage. She said the Portsmouth pool experienced the same thing, and said the decline dramatically reversed when the user fee was reduced.

Gwyneth, who did not give a last name, asked if the historic significance of the pool was fully recognized, and she provided details on this. She noted it was on the Seven to Save list, and asked if UNH wanted to have a stain on its record of demolishing the pool, given the fact that UNH was a land grant college, and that the pool's initial conception and construction was clearly a shared endeavor between UNH, the State of NH and its residents.

State Representative Marjorie Smith, Piscataqua Road, said she was pleased that both Mark Rubinstein and Paul Chamberlin were present this evening as representatives of the University. She provided some history on the preservation of the John Hatch mural in the Memorial Union Building, and said Mr. Chamberlin had eventually moved heaven and

earth to move the mural to its new setting. She said the pool was chapter two of the same story, which was that a way could be found to do this.

Representative Smith said she was curious about what would happen in the elections tomorrow, and what this would mean across the State and across the country. She said it was very possible that there would be changes so significant in the State that the ability of the University to find the funds essential to meet its core obligation to provide education would face difficult times. She said she would go to Concord to fight the battle for the University, and said she would like to do this knowing that it had recognized its historic and community obligations. She said they had faced these problems before, and could do it again.

Daniel Day, Bagdad Road, thanked everyone for their efforts to preserve the pool, but he said the pool was gone and the University would do what it wanted and was being dishonest. He spoke in some detail on this.

Kenny Rotner, 18 Bagdad Road, said he and many others thought there were issues still to be discussed concerning the pool as a result of recent events. He spoke in detail on these recent events. He said preserving and enhancing the pool, recognizing UNH's standards for health and safety might be the best and most sensible option from a cost perspective and in terms of utilization by the University and the Town.

He spoke about the organization of FUNHOP in 2013, its efforts over the next two years, and the inclusion of the pool on the Seven to Save list and the potential listing on the federal and state historical registries. He said despite these efforts, UNH refused to reconsider its plans. He spoke further about how things had unfolded, and said as part of this there was an implied threat from UNH that led FUNHOP to abandon its efforts and led the Council to approve UNH's plan without due diligence and the proper consideration of alternatives. He said despite all of this, the community learned this year that the pool would not open in 2015 and would be smaller than previously planned because of the soils issues.

Mr. Rotner said UNH was a public entity, and said the pool was held as a treasure by the University and the Town. He said there should be a detailed presentation on the soils study and the specific implications concerning construction of a new pool and the Hamel Rec Center expansion. He said the discussion should be reopened on the cost of various options, and the possibility of a true retrofit of the pool should be explored. He said it was FUNHOP's position that for the same expenditure, the size and many of the features of the pool could be kept and it could be ready for 2015 while also meeting UNH's safety standards.

Mr. Rotner asked the UNH Administration and Board of Trustees and the Town Council to reconsider the decision to replace the outdoor pool, and asked the Council to advocate on behalf of Durham's citizens concerning what was in the Town's best interests. He noted that only one of the 63 sites on the Seven to Save list had been destroyed. He spoke about the recent PBS documentary on the Roosevelts, and said here they were

contemplating the demolition of one of FDR's accomplishments. He asked that they all be thoughtful and preserve and enhance the treasure that had been entrusted to them, and take a fresh and open look at the possibilities.

Bill Hall, Smith Park Lane, noted the project to collect urine as part of the Town's nonpoint source management efforts. He said while the urine was collected, there was no plan to deal with it, and it was eventually taken to the Wastewater Treatment Plant.

Mr. Hall also noted that he'd previously said there was no real plan for pulling the stop logs at the Lamprey River impoundment. He said the idea that the Town now didn't have the staff to pull the stop logs so it could take water from the Lamprey River was inexcusable.

Mr. Hall spoke about the HVAC system at the Library, and said it froze up because the design for the air conditioning was for a building that was bigger than the Library building and wasn't as well insulated. He spoke further on this and said a third party engineer should have looked at the situation. He said he believed the wrong air conditioner out of the three at the Library was taken out.

He spoke about the bike lane issue, and said there was nothing compelling in the presentation from the Energy Committee to warrant conversion of a travel lane that served 10,000 people a day into a bike lane. He spoke further on this, and said at no time did Town Council discussions incorporate critical items to consider in changing the traffic plan.

State Representative Tim Horrigan, Faculty Road, said the idea of trust but verify applied to the pool project. He said the University needed to do some work to regain the Town's trust, noting that the Town didn't get a full retrofit of the existing pool and now the new pool was getting smaller and smaller. He also said that concerning the redevelopment of the Town Hall site, the previous plan fell through because there was trust in something that wasn't verified. He said he hoped that with the redevelopment of the Town Hall site using the existing building, there weren't crucial details that weren't verified. He said he hoped that both projects would turn into something that would serve the Town for decades to come.

Phyllis Heilbronner, Mill Pond Road, said mistakes had been made concerning the pool project, and said it was important to proceed with caution so there wasn't another unfortunate event such as breaking up the bottom of the pool. She said in the interest of reestablishing trust between the University and the Town, she would like the Council to use legal means and persuasion to hold up the tearing up of the existing pool until the issues that hadn't been resolved could be looked at.

She said it was a mistake to link the Hamel Recreation Center with proposals for the pool. She asked that time be allowed for consideration of retrofitting the existing pool rather than destroying it. She noted the role the pool played as a local opportunity to swim outdoors so people didn't have to drive elsewhere to go swimming. She also said the pool was a community center, and said she would like to see that happen again.

Heather Cloitre, Deer Meadow Road, said she was heavily involved with the swim team, and was distraught that the pool was going to be demolished. She asked where hundreds of local kids would swim if this happened. She asked the Council to give serious thought to refurbishing the existing pool, and not letting the University dictate what happened to it.

Karl Van Asselt, Fairchild Drive, noted that the Council had approved a TIF district, and said one of the results was the completion of two large buildings and four more under construction downtown. He said the completion of all of these projects would increase the Town's assessed valuation and would result in significant new revenue for the Town.

He said he would like to propose to use the increase in tax revenue to pay the annual principal and interest on the two bonds issued for the new Town Hall, and use the new revenue to pay for the rest of the construction rather than issuing another bond for \$980,000, a sum that would cost \$1.4 million including interest over 20 years. He said making payments on the two existing bonds would save hundreds of thousands of dollars in interest.

He said the boundary line of the 2012 TIF district was immediately adjacent to the new Town Hall lot, and said the Council could amend the boundary to add the new Town Hall lot. He said adding the assessed value of the new Town Hall and its acreage would stay within the maximum limits of the current TIF district. He also said the Town Hall fit within the general guidelines for current district improvements, and he spoke further on this.

Mr. Van Asselt said a management plan could be created to address the annual payments of the debt and interest on the two bonds, and said a reserve fund could be set up to hold the funds necessary to retire the rest of the debt within five years. He said instead of issuing the third bond, the Town could borrow the \$980,000 with a short term note of 18 months, at which time new revenue from student housing development could be used to pay off the loan, which would save as much as \$350,000 in interest over 20 years.

He said these actions would allow the community to realize a significant public benefit in the new Town Hall from the captured new property tax revenue from student housing developments downtown, without asking the taxpayers to pay the bill. He urged the Council to ask Administrator Selig and staff to look at the idea further. He said he'd provided the numbers on this as well as copies of the map of the TIF district.

Abby Moriarity said she was a student at UNH. She explained the need for the new Hamel Recreation Center, and said she hoped the Town understood this. She said the University would continue to grow and said she and other students relied on the Hamel Recreation Center, which currently wasn't up to UNH standards. She said the students deserved a suitable facility, especially considering the amount of money they paid to attend UNH.

Sarah Marshall said she grew up in Durham and taught at the University for 20 years. She said the biggest issue for her was the relationship between the Town and the

University. She said she believed that the people here tonight wanted their voices to be heard.

Julia Rodriguez said the new recreation center didn't necessarily need to impinge on the historic pool, and said other options had been discussed. She said current UNH students should consider the fact that the pool made UNH distinct, and was a piece of living history that also provided a function. She said she'd always thought that the pool was underutilized, and that UNH students could be included much more in its use if the season was expanded and renovations were done.

Chet Dunn said Durham was growing, and said he'd watched the center of Town change. He said he understood that there had been a plan to sell the building across the street, but that this plan had gone away because it was felt that there were two historic houses there. He said he hoped the Council would go back to its original plan for the Town Hall property in order to reduce the debt that residents all paid for.

Chair Gooze suggested Peter Wolfe should give his report at this point.

IX. Presentation Items

- C. Receive annual report from the Planning Board in accordance with Town Charter, Section 11.1(1) - Peter Wolfe, Chair

Mr. Wolfe noted the handout he'd provided to the Council outlining the work the Planning Board had done over the course of the year on site plan applications, modifications to existing site plan applications, Zoning change proposals, the Master Plan update and other matters.

Councilor Welsh asked Mr. Wolfe if new Planning Board members received enough instruction concerning the work they did. Mr. Wolfe noted that other towns brought people in to provide training for Board members, and said he thought this would be very helpful for Durham.

Councilor Mower asked if there were ongoing resources for Planning Board members to use. Mr. Wolfe noted that Planners Web was available, and also said there were courses available. Councilor Mower asked if it would be helpful to have more frequent meetings dedicated to planning. Mr. Wolfe said a problem with this was that there already were long Planning Board meetings, and it was important not to burn people out. He noted the ongoing Master Plan update, and also said if the Mill Plaza redevelopment came back it would be a very busy spring.

It was noted that there would be a site plan reading session in December., which would be open to members of the public. Councilor Mower said this would be a great opportunity for people to get a sense of whether they might want to be on the Planning Board. There was further discussion.

Councilor Burton noted Mr. Wolfe's statements at Planning Board meetings that the board was only authorized to do what the State Statute authorized it to do. He said he'd reviewed the Statute and said there was quite a list of what the Town could adopt. Mr. Wolfe said the Planning Board had authority over subdivisions, site plans and the Master Plan, along with a few other things like reviewing tree cutting on scenic roads. Councilor Burton asked Mr. Wolfe if there was any authority he would want to add to this, and also asked if he thought State law was sufficient in terms of Planning Board authority.

Mr. Wolfe said with the help of Councilor Mower, Councilor Bubar and Town Planner Michael Behrendt, an update of the site plan regulations had recently been drafted. He said when the updated site plan regulations were adopted, the Planning Board would have all of the tools it needed, and would be taking full advantage of the authority granted to it by the State.

V. Approval of Minutes

August 18, 2014

Page 2, should read John Parson, Stevens Way.

Councilor Marple MOVED to approve the August 18, 2014 Town Council Minutes as amended. Councilor Welsh SECONDED the motion, and it PASSED 5-0-3 , with Councilor Smith, Councilor Mower and Councilor Howland abstaining because of their absence from the meeting.

VI. Councilor and Town Administrator Roundtable

Chair Gooze noted that there would be a meeting concerning residents' concerns about the flight pattern of Seacoast Helicopter tours over Great Bay. Administrator Selig said he'd discussed this issue with the Town's representative to the Pease Development Authority Noise Compatibility Committee. He said the understanding was that this type of activity wasn't regulated at the local level. He said Portsmouth was organizing the meeting. Councilor Welsh said he would attend the meeting if the Town's representative to the committee wasn't going to be there.

Chair Gooze noted the HVAC problem at the Library because the system had been oversized, and said the company that installed it had recently made sure it would be the right size and had paid for this.

Chair Gooze said he'd heard it said tonight that there were 1000 signers of a petition regarding the pool. He noted that once some people had learned the financial implications of upgrading the existing pool, they said they wouldn't have signed the petition if they'd known this.

Councilor Howland said the Land Stewardship Committee met recently and discussed the siting of 2 acres of solar panels, either next to Emery Farm or at the Town gravel pit. He said the Committee decided to recommend the gravel pit location after determining that having the deforestation project at Emery Farm to create rabbit habitat as well as the solar panels would be too much. He also noted that there might be room to expand the solar panels in the future out at the gravel pit. Councilor Mower added that there were wetlands out at the North 40, so there might have been issues with the logistics of putting solar panels out there, including getting a wetland permit.

Councilor Howland said the Land Stewardship Committee voted to support the new trail from College Woods to the Oyster River Forest. He also said there was a long conversation at the meeting about working with the Conservation Commission, Parks and Recreation Committee and Agricultural Commission regarding the vision for Wagon Hill Farm. He noted that the idea of installing grass pavers for a parking area at Wagon Hill Farm had been removed from the CIP.

He said the Agricultural Commission met recently with Town Planner Michael Behrendt about adopting NH's definition of agriculture. He said there would be a thorough process of considering the implications of doing this.

Councilor Howland said the Parks and Recreation Committee held its recent meeting at the Jackson's Landing skating rink, and he noted that rink manager Tim Murphy provided a tour of the facility and outlined the schedule of events. He said the rink needed some tender loving care, but said he thought it was set up for a very good season.

He said on the matter of stop logs at the Wiswall Dam, he had talked to Town Engineer April Talon and Wesley East, Chief Operator at the Water Treatment Plant. He said Mr. East had been hoping to see if and how the process worked. He said this issue mattered because if there was a drought and the Oyster River reservoir was drained, Durham had to be able to move the stop logs in order to move the water from the Lamprey River downstream. He noted that the Council had passed an emergency drought ordinance, and said it was important to know that the stop logs at Wiswall Dam could be operated. Councilor Mower said perhaps Paul Chamberlin could discuss this issue with the Council.

Councilor Howland said in the past month, alarms had been going off at the Library, and said something needed to be done about this.

Concerning the urine collection issue, Councilor Howland said this was an accountability issue. He said it was a high profile idea, but said after Mr. Cedarholm left his position as Town Engineer, the Town dropped the ball on this.

Councilor Howland commended Town Planner Michael Behrendt for his detailed letter to the Mill Plaza development team on the importance of the work the community had put into the Mill Plaza Study and the B Dennis Charrette. Councilor Mower agreed that it was a very good letter.

Councilor Mower said the Energy Committee would meet tomorrow. She said they were trying to finish up their work on the Energy chapter of the Master Plan, and said they would then hear back from the Master Plan Advisory Committee and Strafford Regional Planning Commission.

Councilor Burton thanked Abigail Moriarity for her comments, and said the level of acrimony he had felt from the public comments this evening was a strength of their democracy. He said anyone could come here and say what they thought and felt. Councilor Burton said he attended the recent Oyster River School District Advisory Budget Committee meeting. He said the initial proposal was a 3.4% gross increase in the School Budget, but said thanks to further work, the next proposal was a 2.7% increase because the insurance rate would be less than had been forecast. He said full day kindergarten was missing from the proposed Budget. He also said bonding would possibly be done for the renovations to the ORHS fields.

He said there were 84 tuitioned students at ORHS and said enrollment was level at 2100 students. He said they all could be really proud of the School District, noting that for the fourth year in a row there was a 100% graduation rate, including students with disabilities. He said what was troubling was the cost shifting the State was doing, with the retirement system but also in terms of the School District having to bear the cost of kids whose parents chose to send them to charter schools. He said this needed to be addressed at the State level.

Councilor Carroll said it was wonderful to be at the new Town Hall this evening. She said it had a different feel but said people walking in this evening had said they liked it. She noted that Administrator Selig's name had been associated with the new Town Hall, and said she would be delighted if her name was associated with it.

She said the Conservation Commission met on October 9th and there was discussion on the proposed parking area at Wagon Hill Farm. She said resident Dennis Meadows, who had organized the community gardens there spoke during Public Comments, and had questions on the parking lot. Councilor Burton noted that the parking lot project had been moved back further in the CIP but was still in it.

Councilor Carroll said developer Jack Farrell spoke at the Conservation Commission meeting about a proposed subdivision on Edgewood Road that was currently before the Planning Board. She also said Conservation Commission member John Parry discussed urban forestry and information on appropriate trees to plant, etc. She noted that a lot of work continued to be done at the Oyster River Forest under the direction of Ellen Snyder. She noted that Ms. Snyder had contacted someone in Vermont who had a machine that removed invasive plants so that chemicals didn't need to be used.

Councilor Carroll spoke about a recent meeting of four local churches that were planning to work together on a project that would involve putting solar panels on their roofs, or something similar to this. She said they would be meeting again next week.

Councilor Welsh said the Economic Development Committee met on October 21st and discussed the situation concerning the old Town Hall property and the RFP for it. He also said there was an initial discussion with Sean McCauley of Colonial Durham Associates regarding the Mill Plaza redevelopment proposal. He said a subcommittee of the EDC recently met at the Strafford Regional Planning Commission with planner Matt Sullivan. He said Mr. Sullivan was a pleasure to work with, and noted that maps developed for the Economic Development chapter would be helpful to the EDC.

Councilor Welsh noted that having to review all of the tax abatement materials was a lot of work for Council members. He said he thought there was potential to streamline this process. Town Assessor Jim Rice said the number of tax abatement requests this year was a result of the revaluation that was done, and said he didn't expect to see as many for 2014. He said according to the RSA's, the Town Council had the right to delegate its responsibilities concerning reviewing the abatement requests, but didn't have the right to delegate the decisions on the abatements. He spoke further on this, and said the bottom line was that the Town Council was the bottom line in regard to tax abatements.

Councilor Mower noted that past Councils had asked about possibly streamlining the Council's involvement with abatement requests. Councilor Welsh said he thought an option was to set a threshold of what information needed to come to the Council. Mr. Rice said he could give the Council a list of recommendations regarding abatement requests, and if Council members then requested information on a specific abatement, this information would be available in his office. Councilor Welsh said that sounded like a great approach.

Councilor Marple said the Historic District Commission didn't meet in October and would meet on Thursday.

She said at the most recent Integrated Waste Management Advisory Committee meeting, there was discussion on the planned presentation to the Town Council on the "pay as you throw" program the committee was proposing.

Councilor Smith noted that he had voted against buying the new Town Hall property and had voted against every item associated with it except LEED certification. But he said he would like to congratulate Administrator Selig for leading the Council through this difficult process, which had resulted in a successful building.

Councilor Smith reviewed the Planning Board meeting on October 8th:

- The Planning Board voted to recommend to the Town Council the proposed Zoning amendment to change the minimum square footage of habitable floor area per occupant in an apartment from 300 sf to 600 sf.
- There was a design review of two proposed new 3-unit buildings on Newmarket Road, and the public hearing was set for October 22nd.
- There was a design review for a project to redevelop Mill Plaza, and the public hearing was scheduled for October 22nd.

- There was discussion on the proposed 2015 Budget and CIP with Administrator Selig and Business Manager Gail Jablonski.

Councilor Smith reviewed the Planning Board meeting held on October 22nd:

- The proposed amendment to the site plan for the Thompson Inn was approved.
- A public hearing was held on the design review for two proposed buildings on Newmarket Road.
- There was a lengthy public hearing on the design review for a proposed redevelopment of Mill Plaza. 33, and it was continued to the January 14th Planning Board meeting at the request of the applicant, who wanted to evaluate the plan in light of the comments received
- There was a public hearing on the Historic Resources chapter of the Master Plan. Several comments were critical of the chapter, and the Planning Board set up a small committee to provide recommendations to the Planning Board on possible improvements to the chapter.
- An amendment to the Pauly's Pocket redevelopment, which may not be needed, was approved
- There was discussion concerning the problems with the current views and plantings along Mast Road because of the Lodges development project. A site walk will be held on November 4th. The Board also heard from Peak representative Jeff Githens concerning a proposed increase in the number of beds from 460 to 514 at the Lodges. The public hearing was set for November 12th:

Administrator Selig provided updates to the Council:

- He noted that tomorrow was the General election.
- He noted the hard work done by Town staff on making the new Town Hall a reality. He and Chair Gooze said there would be tours of the building the week of December 5th, and said it would be good if Councilors could help with this. Councilor Carroll suggested some activities for children relevant to the Town Hall as part of the tours.
- He said the attorney for the owner of Mill Plaza sent Town Planner Michael Behrendt a letter challenging whether the Mill Plaza redevelopment project would be subject to the Planning Board initiated Zoning change to go from 300 sf to 600 sf. Administrator Selig said the Town's attorney said the project would in fact be subject to the Zoning change. He said this opinion would be made public at the next meeting.
- He said UNH had purchased the former ATO site, and also said the ATO fraternity had purchased the Elizabeth Demeritt property owned by UNH. He said he believed the building would be demolished, but wasn't sure about the timing of this.
- He said the Department of Revenue Administration had provided word on the tax rate, and said the Town portion of it would remain unchanged.
- He noted in reference to the pool issue that people had the right to come and speak their mind. He said it was important to discuss issues like this and avoid the polarization that was often seen at the national level. Councilor Burton said it was important to say that this was a culture that should be maintained in the new Town Hall building.

VII. Unanimous Consent Agenda

- A. Shall the Town Council, upon recommendation of the Administrator, reduce the appraisal of property owned by Arthur G. & Sharon A. Pierce Revocable Trust at 24 Colony Cove Road from \$567,700 to \$559,900 and grant a property tax abatement in the amount of \$7,800 of assessed valuation to Arthur G. & Sharon A. Pierce Revocable Trust?
- B. Shall the Town Council authorize the Administrator to enter into a Recreational Trail Program Grant contract for funds to be used in developing a trail system that would connect the Oyster River Forest (Town-owned conservation property) to UNH's College Woods?
- C. RESOLUTION #2014-13 authorizing the Town of Durham to open a two million dollar (\$2,000,000) Tax Anticipation Note (TAN) Line of Credit through Citizens Bank
- D. RESOLUTION #2014-14 authorizing the Trustees of Trust Funds to compensate banks, brokerage firms, trust companies and/ or investment advisors for management services related to the management of Capital Reserve Funds from the income from these funds rather than from the Town budget
- E. FIRST READING ON ORDINANCE #2014-14, a Planning Board-initiated amendment regarding habitable square footage, Article II, Section 175-7, Definition of Household: Table II-1 dwelling density by type to change the minimum square footage of habitable floor area per occupant in an apartment from 300 square feet to 600 square feet (from 1 to .5 occupants per 300 square feet)

Councilor Carroll noted that the TAN number should be \$1.5 million, but the Unanimous Consent Agenda said \$2 million. There was discussion.

Councilor Smith MOVED that the Town Council approves the Unanimous Consent Agenda. Councilor Marple SECONDED the motion, and it PASSED unanimously 8-0.

VIII. Committee Appointments- None

IX. Presentation Items

- A. Update on UNH Outdoor Pool- Paul Chamberlin, Associate VP for Facilities, UNH

Mark Rubinstein, Vice President for Student and Academic Affairs at UNH provided some background on the Resolution recently adopted by the Trustees, and then read it out loud.

Mr. Rubinstein said there was a commitment that UNH would fund the new pool. He also said the Trustees wanted to convey that independent of the Hamel Recreation Center project, the pool should go forward as described in April. He provided details on this. He explained that the need for a new fitness facility was real, but said UNH had held off on the design of the pool pending discussion of whether the Town wanted to contribute to the cost of the larger pool. He said when the decision was made not to participate and the University agreed to fund the mid-size option, at that point they began to review design options. He said the Trustees wanted to convey that the decisions about the pool should be made independently of those concerning the Rec center.

Paul Chamberlin provided a detailed update on the current design concept of the new pool, which had 14,370 sf water surface area. He noted the commitment last year to do a pool between 14,000 and 16,000 sf, so they were still within that range. He reviewed the plans for the pool and a bath house. He also spoke about the soil problem, and said the clay soils would be covered with rocks, which would squeeze the water out of them and prevent differential settlement of the new pool structure. He said the compaction should take about 2 months. He noted that the clay soils extended to a portion of where the new recreation building would be built, and said there would be a pile foundation for that building.

Councilor Mower asked why it was expected that the clay soils would stabilize after two months, and also asked about the level of experience of those who would be doing this work. Mr. Chamberlin said the geo-technical engineering company that had been hired had expertise in doing this kind of work. He also explained that there were some other options for providing the foundation for the pool, but said they were more expensive and more disruptive than what was proposed. He spoke further on the compaction approach.

Councilor Smith asked how far down ledge was, and Mr. Chamberlin said this varied on the site. He said the stone would be imported and said about 4,000 sf of the granite pool bottom would be salvaged and re-used in the new facility. Councilor Smith asked if the NH shaped stone would be salvaged. Mr. Chamberlin said yes and noted that there were a half dozen of them.

Chair Gooze asked if in reducing the size of the pool, the total footprint including the social area would remain the same. Mr. Chamberlin said he thought the total footprint would stay about the same. Chair Gooze asked why the soil borings weren't done sooner, and Mr. Chamberlin said they waited until the design process began. He spoke further on this.

Councilor Mower asked why the size of the pool shrank. Mr. Chamberlin said this was in reaction to the unexpected cost of having to deal with the clay soil. He also said there was a wide range of costs when they were dealing with the pool concept, and said as they got better cost data based on the details of the pool design, they had to make some adjustments. Councilor Mower noted that some people had said they would have preferred a larger swimming area than having some of the other areas, and said she assumed the committee had discussed this. Mr. Chamberlin said the committee worked through these issues, and said some difficult choices had to be made.

Chair Gooze said there was a diving platform in the old pool, and asked if that could be included in the new pool. Marjorie Wolfson, a Town representative to the outdoor pool committee, said if the platform was built, it would take away from the square footage of the pool area. She said there would be an area where it was safe to dive into the pool, and showed this on the plan. She also said providing a very deep area to go with a diving board would have been more expensive and also would have been a safety issue because it would have dropped off precipitously. She noted that some people didn't want a diving board, and said the diving area should function better for diving.

Chair Gooze asked whether the University would be open to allowing Durham residents to do fundraising in order to have a heated pool. Mr. Chamberlin said yes, also noting that there had been a lot of discussion about heating the pool. Councilor Carroll said all of this money would go into building the pool, and it might then be too cool to use. She said heating the pool was really important, and said there were all kinds of ways to do this, including using solar energy. There was discussion.

Councilor Burton said it was important to note that the cost of restoring the pool was \$6-7 million. He said the Town was asked to put up \$2.4 million in order to help restore it, and said \$274,000 was put in the proposed 2014 Budget to pay the debt service on that amount. He said no one from the Town had supported that bond issue, including people from FUNHOP.

He said he thought the bond would have been a good thing because it would have required residents to weigh in on how strongly they felt about the pool. He said he thought that was the only strategy that would have led to the restoration of the pool. He asked if the cost of the new pool now was as much as it would have cost to restore the old pool. Mr. Chamberlin said no, and said current estimates were about \$5 million. He also noted that the \$6 million estimate to restore the pool would now be greater.

Councilor Burton asked whether it was still possible for the Town to try to go for a bond for \$2.5 million toward restoration of the pool. There was discussion on the time frame that would be involved, if there was a warrant article for a bond, and Mr. Chamberlin said the schedule would be jeopardized. There was further discussion. Mr. Rubinstein said the Resolution from the Trustees said they supported going ahead with the pool that was approved.

Councilor Smith said there were varying figures for the combination of a new pool and extension of the Hamel Recreation Center, and asked how this would be funded. Mr. Chamberlin said a HEFA (Higher Education Facilities Act) bond would be used as the funding mechanism for the Recreational facility subject to Board approval, and said it would be sought next spring. He said it would be paid off largely through student activity fees.

Councilor Smith said some of these fees would be paid by students who didn't use the facility for a number of reasons. Mr. Chamberlin noted that there was a Student Senate resolution that supported a fee that was much greater than what would be necessary. Councilor Smith said the bonding would spread over a number of years, beyond the time when some who had voted for the resolution would be at UNH.

He asked about the total cost of the project, including interest and other fees. He noted that Rep. Smith gave a veiled warning having to do with what happened tomorrow with the elections. He said if the makeup of the State Legislature changed significantly, the University might find difficulty with elected officials, and funding for the pool. Chair Gooze and Mr. Chamberlin explained that the funding of the pool would be done with internal borrowing.

Councilor Carroll asked where the 1,000 sf of the pool was subtracted out. Mr. Chamberlin said the perimeter was moved in a bit, and said it wasn't a program element that got axed. He said the area that didn't change much was the lap area. Councilor Carroll thanked the University for not beginning to destroy the pool this morning as scheduled. She said there was an opportunity to hear from the community gain. She said a large segment of residents were grieving about losing the pool.

Councilor Carroll said she wished there could have been more work done with the Town, in a more transparent way, to see what they all could have come up with. Mr. Rubinstein said the issue with the pool had been health and safety, and also said UNH would have been prepared to accommodate the footprint if the Town was willing to support the additional cost. He noted that the students weren't happy about spending any institutional money on the pool project, but the University felt strongly that it was a community asset. He said decisions on the Recreation center didn't change the issues regarding the health and safety of the pool.

Councilor Burton said he was at most of the meetings with engineers and others, and said while the cost of restoring the pool seemed to be understood, the question had been how to get the money to pay for it. Mr. Rotner said the pool committee he was on never saw the retrofit, and said what they saw was destruction of the existing pool and construction of a new one. He said there was no element of the existing pool that was utilized in coming up with the 6 million figure. He said they felt that if a true retrofit had been looked at, also taking health and safety standards into consideration, the cost would be less than what was proposed now. Councilor Burton said he wasn't sure what the difference would have been between a retrofit and a restoration, and provided details on this. He said if there had been a difference, he would have acted differently.

Ms. Wolfson said the community was involved, with the appointment of people to serve on the committee. She said she had been there representing what she thought was the community's best interests, which was to salvage a pool on the site, recognizing that the pool there now wouldn't exist for so many reasons. She said she and others on the pool committee as well as representatives from the HDC did the best job they could with the limitations they had, most of which were financial. Chair Gooze said he appreciated Ms. Wolfson being on the committee. He said he thought Durham got the best it could out of this process, and said the University owned that pool. He said he thought it would be something people would enjoy. He said the decision had been made.

- B. Receive annual report from the Cemetery Committee and Trustees of the Trust Funds in accordance with Town Charter, Section 11.1(1)- Craig Seymour, Chair, Cemetery Committee; Mike Everngam, Chair, Trustees of the Trust Funds

Mr. Seymour noted that Resolution #2014-14 had passed (authorizes the Trustees of Trust Funds to compensate banks, brokerage firms, trust companies and/ or investment advisors for management services related to the management of Capital Reserve Funds from the income from these funds rather than from the Town budget.)

He said this year, there had been 10 burials, as well as 26 graves and 4 plots purchased at Town cemeteries, resulting in \$11,300 for the cemetery trust fund and cemetery improvement fund. He provided details on these funds.

Councilor Welsh asked why principal couldn't be risked with investments made by the Trustees. Mr. Seymour said State law strongly encouraged not putting capital into an investment situation where it could be lost, and he spoke further on this. Councilor Welsh said this was a very conservative reading, noting that he'd been involved in pension fund investments. He said he didn't know what the goals and objectives of the Trustees were, but said they might want to consider investing in some broadly based equities.

There was discussion. Mr. Seymour said the Trustees could perhaps look at some alternative investments based on the uses and needs of individual funds. He also said perhaps there could be some pooling of some of the small cemetery funds, so they could be put into higher yielding investments. He said the Trustees would be exploring this over the next year. There was further discussion on this.

D. Master Plan Update process- Michael Behrendt, Planner; Molly Donovan, MPAC member

Master Plan Advisory Committee Chair Molly Donovan provided an update on the individual chapters being worked on this year, and also said there were early discussions on the chapters that were still to come. She said once the first 10 chapters were into the Planning Board for review and the public hearings were held, there would be some kind of workshop in February-March, when future land use would be looked at.

Councilor Mower said she didn't think it was likely that the Energy chapter would be finished by the end of the year, and provided details on this. Ms. Donovan said it was an ambitious schedule, and said it was understood that it could be difficult to meet deadlines that had been set. She said the MPAC had been charged with pushing the chapters forward.

Mr. Behrendt said the Agricultural Resources and Energy chapters had been okayed by the Planning Board. He said these chapters and the Historic Resources chapter were on the Town website. He said it was the sense of the Advisory Committee not to put chapters on the website until at least the MPAC had endorsed them. There was discussion about putting proper links to the chapters so people could find them.

Administrator Selig noted that some of the pressure Ms. Donovan and the MPAC were feeling was the result of the Council goal for 2014 to show measurable progress toward the completion of the Master Plan update. Councilor Welsh said it was a difficult process to move forward with the Master Plan, and said it was great that Strafford Regional Planning Commission (SRPC) had been brought in. He asked Ms. Donovan if she thought the deadlines could be achieved. Ms. Donovan said significant progress had been made, especially with the assistance from SRPC. She said the goal was to get 10 chapters

through the Planning Board's review, the public hearing and completed in the first quarter of 2015. She said the goal was also to get 5 additional chapters to the Planning Board for review by the end of 2015.

Mr. Behrendt explained that the Master Plan was being completed in two phases, with 10 chapters in phase one. He said it was hoped that the Planning Board would adopt all 10 chapters at the same time as early as possible in 2015. He said once that happened, work would immediately begin on the 5 chapters in phase two. He said they didn't want to create new subcommittees for these chapters until then.

Councilor Mower said the 2015 Planning Department budget had been increased by Administrator Selig over the Department head's proposal, specifically for the Master Plan. She asked for details on how the budget number on this was developed.

Administrator Selig said he'd spoken with Executive Director Cynthia Copeland to get a sense of the number of hours and cost for next year, and she provided an estimate. He said the total for next year was \$42,000, which would fully fund the program.

Ms. Copeland said the basis for the estimate was three chapters SPRC created from scratch, which required approximately 100 hours. She said she used that number as an estimate for the preparation of additional chapters, and then looked at the time spent so far on processing, reformatting, meetings set up, etc. for each of the six chapter re-writes, which was approximately 30-50 hours. She said additional possible costs were put in for consideration, including increased coordination and facilitation needed in order to get additional public comments on the Future Land Use chapter, scenario planning, mapping, data analysis, etc.

Councilor Mower said it would be important to be careful how this money was used. Ms. Copeland said what was presented was fiscally conservative. She noted that one approach provided didn't include the additional work she had described. Administrator Selig said there were various iterations of the budgeting for the Master Plan, but said he ultimately recommended fully funding it because he felt it was a priority.

The Council stood in recess from 9:47 to 10:03 PM.

E. Receive financial report through September 30, 2014- Gail Jablonski, Business Manager

Ms. Jablonski said revenues were on target and said the tax rate would be set this week. She said expenditures were at 76%, and said there was nothing outstanding to note. She noted the overage for the Economic Development director position, and said while it hadn't been budgeted, there were funds for the position in the Town Council line so things would be adjusted later on. She also said there was an overage for the work being done on the Master Plan.

Councilor Welsh said it looked like they weren't in as good shape concerning expenditures as compared to last year, and noted that there could be a difficult 4th quarter, because of snow, etc. Ms. Jablonski said there was currently a spending freeze on all Town departments, so they weren't spending unless there was a safety issue, etc. She said

she therefore felt confident about expenses staying in line. Councilor Marple asked what happened if it started snowing soon. Ms. Jablonski said it would be a problem but could be overcome, and said they would have to drop something else.

Councilor Carroll noted that the Tax Anticipation Note (TAN) the Council had just voted on was for a possible cash flow problem. She said one thing residents could do to help avoid this was to pay their tax bill when they got it.

Chair Gooze noted that someone had asked for information on the in-house expenses for the new Town Hall project. There was discussion that these numbers were being put together. Administrator Selig said his biggest concern was the overages for the Town Hall project in regard to the 2014 Operating Budget. He said things would be very tight, and said Town departments were deferring spending where possible until next year.

X. Unfinished Business

Draft Request for Proposal (RFP) for the adaptive reuse of the former Town Hall property at 15 Newmarket Road

Economic Development Director Mary Ellen Humphrey said she appreciated the help some Councilors had provided with the RFP, and said Councilor Mower had made some good improvements to it. She noted that there were two versions of the draft RFP, and said both had the pieces that needed to be in an RFP. She said she'd been gathering a list of people to send the RFP to, and noted that there was already some interest in it. She said she'd like to get it out soon, and keep it out there for about 3 months.

Councilor Mower noted that Ms. Humphrey had done RFPs in the past for Rochester, NH, where there was a different culture and broader commercial base. She asked Ms. Humphrey about her choices of where to send the RFP, given that this was Durham. Ms. Humphrey provided details on her approach, stating among other things that she would focus on people who knew the property was historic and were interested in doing a redevelopment.

Chair Gooze asked if leasing could be involved. There was discussion that it could be, depending on the project.

Councilor Burton noted Mr. Van Asselt's idea of possibly using the TIF approach, and said if this was possible, it should be noted in the RFP. There was discussion that TIF couldn't be used because the Town Hall wasn't in the TIF district right now.

Chair Gooze asked if anyone had any particular problems with the RFP. Councilor Smith said he'd suggested to Councilor Mower that the reference to adaptive reuse be taken off the title page, and that it simply say "RFP for redevelopment of the former Town Office site". There was discussion.

Councilor Smith suggested that the Council consider a motion to shape the discussion,

and said he hoped they would come out of this meeting with a go ahead for Administrator Selig to move the RFP forward

Councilor Smith MOVED that the Durham Town Council does hereby authorize the Administrator to move forward with issuing the proposed Request for Proposal for the adaptive reuse of the former Town Office building and site at 15 Newmarket Road.

There was detailed discussion on the wording of the motion, and whether the title of the RFP would mirror it.

Councilor Smith MOVED that the Durham Town Council does hereby authorize the Administrator to move forward with issuing the proposed Request for Proposal for the adaptive reuse of the former Town Office building and the redevelopment of the site at 15 Newmarket Road.

There was further discussion.

Councilor Smith MOVED that the Durham Town Council does hereby authorize the Administrator to move forward with issuing the proposed Request for Proposal for the redevelopment of the former Town Office site at 15 Newmarket Road.

Councilor Smith recommended that adaptive reuse be kept off the cover sheet. He spoke in some detail on his reasons for recommending this. There was further detailed discussion. Mr. Behrendt said he encouraged keeping adaptive reuse on the cover, because that was what they wanted. He said if it was taken off, this might convey the wrong message. There was further detailed discussion, especially concerning whether adaptive reuse should be included in the motion and in the title

Chair Gooze MOVED that the Durham Town Council does hereby authorize the Administrator to move forward with issuing the proposed Request for Proposal for the adaptive reuse of the former Town Office at 15 Newmarket Road.

There was further discussion. Councilor Smith said the building wasn't the be-all, and said they wanted to see the site developed, with some good uses for the community on it.

Councilor Carroll SECONDED the motion.

Councilor Mower said if there wasn't reference to the site, some people would perceive that only the building was involved. It was noted that someone might come forward with a proposal for just the building. Ms. Humphrey noted that the RFP showed the layout of the whole site, including the building. There was further discussion about the importance of keeping things simple with the RFP.

Councilor Smith MOVED to extend the meeting beyond 10:30 pm. Councilor Mower SECONDED the motion and it PASSED unanimously

Councilor Howland said the title in the most recent draft was simple and straightforward, and captured what they were looking for. He said the details were in the document. Councilor Welsh said he would go with what Ms. Humphrey recommended. There was further discussion.

The motion PASSED 6-2, with Councilor Smith and Councilor Howland voting against it.

Administrator Selig said Councilor Mower had made some suggestions to the draft, and said the RFP could be modified somewhat but wouldn't change substantively. Councilor Smith requested that hardware store be specified as an example in the list under Retail Uses.

Administrator Selig noted that the use that the RFP precluded was scraping the site and starting from scratch. Councilors agreed with this, and said they would have another discussion in 3 months. Administrator Selig said some thought should be given to who would vet the proposals once they were received.

Ms. Humphrey said she would like to get the RFP out this week.

XI. New Business

A. Presentation and initial discussion of the Administrator's proposed FY 2015 Operating, Capital, and Special Fund Budgets and the 2015-2024 Capital Improvement Plan

Administrator Selig provided an overview of the proposed 2015 Budget and the CIP. He said the Budget that was proposed projected an increase in the local municipal tax rate of \$0.24, or 2.9%, to \$8.58. He said the proposal was within the guidelines the Council had set, and left a residual of 0.3% to use toward future Budget years. He noted that there was a \$980,000 contingency to offset the shortfall for the Town Hall project because the former Town Office site wasn't sold. He said sales from that parcel would affect this contingency.

Administrator Selig said there wasn't much that was new in the proposed 2014 Budget, and noted that page 6 listed what the changes were. He said the big items were principal and interest, and capital improvement items.

Councilor Welsh said going up by 2.9% was more than inflation, and said the goal set by the Council was that the tax rate should only go up with inflation. He said the idea was to be able to spend what they got from new development, while not raising taxes beyond inflation, and he spoke in some detail on this. There was discussion on the numbers. It was agreed that a spreadsheet was needed that showed how Administrator Selig and Ms. Jablonski calculated their numbers compared to how Councilor Welsh had done this.

Councilor Smith said there were at least a dozen items in the CIP he would like to discuss. He asked when time would be put aside for the CIP, and said they needed to speak realistically about removing some big placeholders in it.

Administrator Selig noted that page 7 of the draft 2015 Budget was the beginning of a detailed listing of reductions and increases proposed by departments compared to what he recommended. He said the only new position was a part time person to help with the Parks and Recreation Department. He said there was a reduction in the part time person proposed for the MIS department, and also said they would try to go for a year without the assistant Town Engineer position. He said the position wasn't dropped and said it might be back if needed.

There was discussion about the increase to the contribution to the State Retirement fund. Councilor Burton also asked if there was success in getting a lower insurance rate, noting that the School District got a reduction. Administrator Selig said there was a reduction for the Health Trust plan, but said the rate wasn't known yet concerning the School Care plan.

Administrator Selig reviewed other aspects of the draft Budget. He noted items proposed to be transferred from the CIP to the 2015 Budget, and said the Council could talk about them in the coming weeks. He spoke briefly about the CIP, noting that it was a ten year program. He said he and Ms. Jablonski had met twice with the Planning Board concerning the draft CIP, and got some very good feedback.

He noted that the Budget workshop would be held next Monday, and said the public hearing would be held in two weeks.

B. Other Business

XII. Nonpublic Session

XIII. Extended Councilor and Town Administrator Roundtable

XIV. Adjourn

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

Adjournment at 11:09 pm

Victoria Parmele, Minutes taker