

Approved at the January 20, 2003 meeting

**DURHAM TOWN COUNCIL MINUTES**  
**MONDAY, DECEMBER 2, 2002 (Continued to December 9, 2002)**  
**7:00 P.M.**  
**TOWN COUNCIL CHAMBERS – DURHAM TOWN HALL**

**MEMBERS PRESENT:**

Malcolm Sandberg, Chair; Arthur Grant  
Katie Paine; Mark Morong; Annmarie  
Harris; John Kraus; Pete Chinburg; Peter  
Smith; Mike Pazdon

**OTHERS PRESENT:**

Todd Selig; Town Administrator; Mike  
Lynch, Public Works Director; Ron  
O’Keefe, Fire Chief; David Kurz, Police  
Chief; Interested members of the public

I. Call to Order

Chair Sandberg called the meeting to order at 7:00 P.M.

II. Approval of the Agenda

***Councilor Kraus MOVED to approve the agenda. The motion was SECONDED by Councilor Smith and was unanimously APPROVED.***

Councilor Harris arrived at the meeting at 7:01 P.M.

Councilor Chinburg arrived at the meeting at 7:02 P.M.

III. Special Announcements

Chief Kurz introduced new police officer, Katheryn Lilly, to the Council.

IV. Approval of the Minutes

***Councilor Grant MOVED to approve the nonpublic minutes of Monday, October 28, 2002. The motion was SECONDED by Councilor Harris and was APPROVED on a vote of 8-0-1 as follows: Chair Sandberg, Aye; Councilor Grant, Aye; Councilor Paine, Aye; Councilor Morong, Aye; Councilor Chinburg, Aye; Councilor Kraus, Aye; Councilor Pazdon, Aye; Councilor Harris, Aye; Councilor Smith, Abstained.***

***Councilor Grant MOVED to approve the minutes of Monday, November 18, 2002. The motion was SECONDED by Councilor Morong.***

Various non-substantive changes were made to the minutes.

*After some discussion, Councilor Chinburg MOVED to postpone consideration of the Monday, November 18, 2002 minutes until the tape could be reviewed. The motion was SECONDED by Councilor Morong and was APPROVED on a vote of 7-0-2 as follows: Chair Sandberg, Aye; Councilor Grant, Aye; Councilor Morong, Aye; Councilor Harris, Aye; Councilor Kraus, Aye; Councilor Chinburg, Aye; Councilor Smith, Aye; Councilor Pazdon, Abstained; Councilor Paine Abstained.*

V. Report of the Administrator

Administrator Selig reported on the following:

On December 3, 2002 at 4:00 P.M. in the Town Hall the Durham Rental Housing Commission will be meeting.

On December 6, 2002 from 5:00 P.M. to 9:00 P.M. the MainStreet Program will have its Light Up Durham celebration.

VI. Reports and Comments of Councilors

Councilor Paine stated the DCAT Committee met on November 27, 2002 and discussed its belief that the structure and budget of DCAT was not viable given the lack of resources. She stated DCAT needed as many volunteers as it could get and she urged the Council to support the funding for DCAT in the proposed budget and that government programming contributed to 75% of DCAT programming.

Councilor Grant stated that approximately 40 citizens do not receive DCAT but received a \$3 a month increase in cable charges and will be contributing \$20,000 in taxes to support DCAT. He stated he wished AT & T would do more to support cable and DCAT in Town.

Chair Sandberg stated he attended a Department of Transportation hearing on making improvements to Route 108 by putting in bike lanes. He stated he spoke at the hearing on behalf of the Historic District Commission about preserving the stone walls and frontage properties in the Historic District. As a body, the Historic District Commission has voted to recommend the extension of the district down from Route 108 to Longmarsh Road.

Chair Sandberg stated the recommendation of the extension of the Historic District will be going to the Zoning Re-write Committee, then to the Planning Board where public hearings for revisions will take place, and finally to the Council when the Planning Board has prepared a document for approval.

VII. Public Comments

There were no public comments.

VIII. Unanimous Consent Agenda

There were no unanimous consent items.

IX. Committee Appointment

Shall the Council appoint Peter Brown to the DCAT Committee?

*After some discussion, Councilor Grant MOVED to appoint Peter Brown to the unexpired term of Craig Welsh on the DCAT Committee with the term to expire on Monday, March 31, 2003. The motion was SECONDED by Councilor Paine.*

*After some discussion, the motion was unanimously APPROVED.*

X. Unfinished Business

- A. Action on Ordinance #2002-13: Amending Chapter 175, "Vehicles and Traffic," Section 153 – 43 "Stop intersections" of the Durham Town Code by creating a stop intersection at Daisy Drive, Sumac Lane, Bucks Hill Road, Partridge Berry Lane and Park Court

*Councilor Paine MOVED to approve Ordinance #2002-13: Amending Chapter 175, "Vehicles and Traffic," Section 153 – 43 "Stop intersections" of the Durham Town Code by creating a stop intersection at Daisy Drive, Sumac Lane, Bucks Hill Road, Partridge Berry Lane and Park Court as represented in the draft ordinance. The motion was SECONDED by Councilor Grant.*

*After some discussion, the motion was unanimously APPROVED.*

- B. Discussion of the proposed 2003 Operating Budget and 2002 – 2012 Capital Improvement Program

*Councilor Chinburg MOVED to not assign unused portions of the contingency fund into money used for land conservation. The motion was SECONDED by Councilor Pazdon.*

*After some discussion, the motion FAILED on a vote of 4-5 as follows: Councilor Chinburg, Aye; Councilor Pazdon, Aye; Councilor Kraus, Aye; Councilor Grant, Aye; Chair Sandberg, Nay; Councilor Paine, Nay; Councilor Morong, Nay; Councilor Harris, Nay; Councilor Smith, Nay.*

*Councilor Smith MOVED that an additional \$50,000 be placed in the contingency fund, bringing the amount up to \$100,000 and \$50,000 of it be used for land preservation if unused by Wednesday, December 31, 2003 and the other \$50,000 be used to support recreation. The motion was SECONDED by Councilor Grant.*

*After some discussion, the motion FAILED on a vote of 4-5 as follows: Councilor Pazdon, Aye; Councilor Grant, Aye; Councilor Smith, Aye; Councilor Chinburg, Aye; Chair Sandberg, Nay; Councilor Paine, Nay; Councilor Morong, Nay; Councilor Harris, Nay; Councilor Kraus, Nay.*

***Councilor Chinburg MOVED the reimbursement of the sewer fund and the sewer users be removed and it be tied to an aggressive sales plan to sell the business park. The motion FAILED for lack of a second.***

***Councilor Pazdon MOVED to delete \$45,000 from the budget to expand the Council Chambers. The motion was SECONDED by Councilor Paine.***

***After some discussion, the motion FAILED on a vote of 4-5 as follows: Councilor Chinburg, Aye; Councilor Pazdon, Aye; Councilor Paine, Aye; Councilor Kraus, Aye; Chair Sandberg, Nay; Councilor Grant, Nay; Councilor Morong, Nay; Councilor Harris, Nay; Councilor Smith, Nay.***

***Councilor Morong MOVED that \$10,000 be placed in the budget for the MainStreet Program if the program produces a Town Newsletter. The motion was SECONDED by Councilor Paine.***

***After some discussion, Councilor Kraus MOVED to postpone deliberation on the motion until the next meeting. The motion was SECONDED by Councilor Grant.***

***After some discussion, the motion to postpone was unanimously APPROVED.***

Chair Sandberg called for a 10 minute recess at 8:56 P.M.

Chair Sandberg reconvened the meeting at 9:06 P.M.

***Councilor Pazdon MOVED to delete \$10,000 for West Nile Virus Pesticide Application if needed from the budget. The motion was SECONDED by Councilor Chinburg.***

***After some discussion, the motion was unanimously APPROVED.***

***Councilor Pazdon MOVED to delete \$20,000 for an assessment of GIS mapping from the budget. The motion was SECONDED by Councilor Paine.***

***After some discussion, Councilor Kraus MOVED the previous question.***

***The previous question was unanimously APPROVED.***

***The motion to delete the \$20,000 FAILED on a vote of 3-6 as follows: Councilor Pazdon, Aye; Councilor Paine, Aye; Councilor Kraus, Aye; Chair Sandberg, Nay; Councilor Grant, Nay; Councilor Morong, Nay; Councilor Harris, Nay; Pete Chinburg, Nay; Councilor Smith, Nay.***

***Councilor Chinburg MOVED to table the discussion on the budget. The motion was SECONDED by Councilor Smith and was unanimously APPROVED.***

XI. New Business

- A. Oyster River School Board request for the Council to waive a portion of Ordinance #91 – 02 requiring the District to expend \$78,000 for a building permit for the Oyster River High School building renovation project

*After some discussion, no motion was made on the matter.*

- B. Discussion on a proposed jaywalking ordinance

Chair Sandberg called for the order of the day, which was to have the meeting end at 10:00 P.M. and stated that a 2/3 vote was required to extend the meeting.

***Councilor Smith MOVED to extend the meeting until 10:30 P.M. The motion was SECONDED by Councilor Harris.***

***The Chair declared that the motion FAILED on a vote of 5-4 as follows: Chair Sandberg, Aye; Councilor Morong, Aye; Councilor Harris, Aye; Councilor Chinburg, Aye; Councilor Smith, Aye; Councilor Paine, Nay; Councilor Grant, Nay; Councilor Pazdon, Nay; Councilor Kraus, Nay.***

***Councilor Kraus MOVED to continue the meeting to Monday, December 9, 2002 at 7:00 P.M. The motion was SECONDED by Councilor Pazdon and was unanimously APPROVED.***

At 10:02 P.M., the meeting was continued to 7:00 P.M. on Monday, December 9, 2002.

Michael Bornstein, Minute Taker