

*This set of minutes was APPROVED at the January 20, 2003 meeting.*

**DURHAM TOWN COUNCIL MINUTES  
MONDAY, JANUARY 6, 2003  
TOWN COUNCIL CHAMBERS – DURHAM TOWN HALL**

**MEMBERS PRESENT:**

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

**OTHERS PRESENT:**

Interested Members of the Public

I. Call to Order

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

I. Approval of Agenda

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

I. Special Announcements

Chair Sandberg stated that the filing period for the March elections opens on Wednesday, January 22, 2003 at 8:00 A.M. and ends Friday, January 31, 2003 at 5:00 P.M. Interested citizens may file for candidacy at the Town Hall for \$1. The positions available are: Town Council, three 3-year positions; Town Council, one 1-year position; Town Moderator, one 1-year position; Trustees of the Trust Fund, one 3-year position; and Library Board of Trustees, two 3-year positions.

I. Approval of Minutes

***Councilor Smith MOVED to approve version B of the November 18, 2002 minutes. The motion was SECONDED by Councilor Grant.***

The following changes were made to the Monday, November 18, 2002 minutes and will be made to all other minutes:

Throughout the minutes, when the vote was not unanimous, the name of each Councilor and how they voted was inserted.

Throughout the minutes, when the vote was not unanimous, the affirmative number was placed first when recording the vote.

Throughout the minutes, where there was a public hearing, the names and addresses of the public that spoke were inserted.

Throughout the minutes, at the start of each motion that closes a public hearing, the words “After public testimony” were inserted.

Throughout the minutes, the first names of the Council members were changed to “Councilor.”

Throughout the minutes, the words “take from the table” were changed to “remove from the table.”

Throughout the minutes, the words “After discussion” were inserted at the start of a motion where Council members discussed the matter at length.

Throughout the minutes, the words “with a vote of” were changed to “on a vote of.”

Other non-substantive changes were made to the November 18, 2002 minutes.

***Councilor Harris MOVED to approve the amendments to the Monday, November 18, 2002 minutes. The motion was SECONDED by Peter Smith and was APPROVED on a vote of 7-0-2 as follows: Chair Sandberg, Aye; Councilor Chinburg, Aye; Councilor Smith, Aye; Councilor Grant, Aye, Councilor Kraus, Aye; Councilor Morong, Aye; Councilor Harris, Aye; Councilor Paine, Abstained; Mike Pazdon, Abstained.***

***The Council unanimously APPROVED the amended version B of the Monday, November 18, 2002 minutes.***

***Councilor Paine MOVED to approve version B of the minutes for the Monday, November 25, 2002 meeting which was continued from Monday, November 18, 2002. The motion was SECONDED by Peter Smith.***

Various non-substantive changes were made to the November 25, 2002 minutes, continued from November 18, 2002.

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

***Councilor Grant MOVED to continue the deliberation of the minutes to agenda item XI.F. The motion was SECONDED by Councilor Pazdon and was unanimously APPROVED.***

#### I. Report of the Administrator

Administrator Selig reported on the following:

The Fire Department has put together a video on the department and it will soon be airing on DCAT.

The Town has received 92.6% of the total 2002 \$16,005,061 tax warrant and that number is up .3% from last year, as of December 31, 2002.

The Fire Department has invited the Council to take part in a live fire exercise.

The Council has been served by the Strafford County Superior Court with an appeal by Robin Rousseau of the Council's decision on the Allen Farm Conditional Use Permit/Planned Unit Development application and the Town will be filing a response to the appeal.

#### I. Reports and Comments of Councilors

Councilor Paine stated the DCAT Committee was in the process of changing some of its procedures and that volunteers are still needed. She stated that in February DCAT will have another Candidates' Forum.

Councilor Grant stated the Planning Board needed more alternate members.

#### I. Public Comments

Miss Bridget Regan, 16 Littlehale Road, presented the Councilors with a petition asking that the money for the Town fireworks presentation be

reinserted into the budget.

I. Unanimous Consent

***Councilor Grant MOVED to APPROVE the following:***

- A. Shall the Council approve an abatement and refund for overstated water and sewer usage at 10 Bagdad Road (owned by Charles Schultz) as recommended by the Town Clerk and Superintendent of the Water Department?
- B. Resolution #2003-01: Amending Resolution #2002-25, which approved the FY 2003 General Operating Budgets
- C. Shall the Council schedule a public hearing for its Monday, January 20, 2003 meeting on the initiative petition, received Thursday, December 26, 2002 requesting that the Council reconsider its vote of Monday, December 16, 2002 removing \$8,000 from the FY 2003 operating budget for the July 4<sup>th</sup> Celebration and amending the FY 2003 operating budget to include funds for fireworks?

***The motion was SECONDED by Councilor Pazdon and was unanimously APPROVED.***

I. Committee Appointment

Shall the Council appoint John E. Parry, 5 Denbow Road as an alternate member to the Parks and Recreation Committee?

***After briefly hearing an introduction from John Parry, Councilor Kraus MOVED to appoint John Parry as an alternate member of the Parks and Recreation Committee with the term to expire on March 31, 2005. The motion was SECONDED by Councilor Harris and was unanimously APPROVED.***

I. Unfinished Business

II. New Business (NLT 8:00 P.M.)

- A. Public Hearing on and order placement of a referendum question on the March 11,

2003 Town election ballot to raise and appropriate the sum of \$2,500,000 for long-term debt, such sum to be raised through the issuance of a bond for the permanent protection of open space to help stabilize taxes and to protect the rural character of the Town by purchase of land or acquisition of conservation easements

***After some discussion, Councilor Smith MOVED to open the public hearing. The motion was SECONDED by Councilor Paine and was unanimously APPROVED.***

The following people spoke in favor of the referendum:

Duane Hyde, 47 Emerson Road

Tom Merrick, 7 Canney Road

Tony Federer, 15 Oyster River Road

Jim Jelmsberg, 29 Park Court

Loraine Murphy, Durham Point Road

David Howard, Chesley Drive

Nancy Lambert, 17 Faculty Road

Diane Woods, 21 Garden Lane

Lee Alexander, 32 Dover Road

Hillary Scott, 20 Davis Avenue

Beth Olshansky, 122 Packers Falls Road

Armida Geiger, 13 Davis Avenue

Rachel Rouillard, 49 Edgewood Road

Nancy Smith, 89 Packers Falls Road

Judith Spang, 55 Wiswall Road

Malin Clyde, 51 Mill Road

Deirdre Brickner-Wood, 1 Colony Cove Road

Patty Bedker, 5 Hampshire Avenue

*After public testimony, Councilor Grant MOVED to close the public hearing. The motion was SECONDED by Councilor Harris and was unanimously APPROVED.*

*Councilor Paine MOVED to order the placement, in accordance with Section 5.12 of the Durham Town Charter and RSA 33:8-d II (A,) of the following referendum on the March 11, 2003 Town Election ballot: Shall the Town appropriate the sum of \$2,500,000 for the permanent protection of open space to help stabilize taxes and protect the rural character of the Town by purchase of land or acquisition of conservation easements (including any buildings and structures incidental thereto;) said funds to be raised through the issuance of a Bond; and authorize the Council, upon the recommendation of the Conservation Commission, to act on behalf of the Town with respect to such acquisitions of land or conservation easements pursuant to NH RSA 36-A; and authorize the Council to issue, negotiate, sell and deliver such bonds or notes in accordance with the provisions of the Municipal Finance Act (NH RSA Chapter 33) and to determine the maturity date thereof and to schedule a public hearing on February 3, 2003 on the above stated referendum? The motion was SECONDED by Councilor Pazdon.*

*Councilor Pazdon MOVED to amend the motion by striking the word “a” at the end of the fifth line and changing the word “bond” to “bonds.” The motion was SECONDED by Councilor Smith and was unanimously APPROVED.*

*After some discussion, Councilor Harris MOVED to insert the words “over the long term” after the word “taxes” in the third line. The motion was SECONDED by Councilor Smith and FAILED on a vote of 1-8 as follows: Councilor Smith, Aye; Councilor Harris, Nay; Councilor Morong, Nay; Councilor Paine, Nay; Councilor Chinburg, Nay; Chairman Sandberg, Nay; Councilor Grant, Nay; Councilor Pazdon, Nay; Councilor Kraus,*

*Nay.*

*After further discussion, the Council unanimously APPROVED the amended referendum to appear on the March 11, 2003 Town Election ballot.*

Chair Sandberg called for an eight minute recess at 9:03 P.M.

Chair Sandberg reconvened the meeting at 9:11 P.M.

*After some discussion, Councilor Harris MOVED to reconsider the previous motion. The motion was SECONDED by Councilor Paine and FAILED on a vote of 3-6 as follows: Chair Sandberg, Aye; Councilor Harris, Aye; Councilor Smith, Aye; Councilor Morong, Nay; Councilor Paine, Nay; Councilor Grant, Nay; Councilor Chinburg, Nay; Councilor Pazdon, Nay; Councilor Kraus, Nay.*

A. Shall the Council sign the warrant for the March 11, 2003 Town Election?

*Councilor Grant MOVED for the Council to sign the original warrant and the two copies that were amended and approved at this evening's meeting. The motion was SECONDED by Councilor Paine and was unanimously APPROVED.*

A. Resolution #2003-02: Adopting a Town-wide Master Fee Schedule template by department

*After some discussion, Councilor Kraus MOVED to approve Resolution #2003-02 and the sample master fee schedule template for the inclusion of fees by department as needed. The motion was SECONDED by Councilor Paine.*

*After further discussion, Councilor Paine MOVED to amend the motion to have the original motion read to have the Council approve Resolution #2003-02. The motion was SECONDED by Councilor Chinburg and was unanimously APPROVED.*

*Councilor Smith MOVED to strike from Resolution #2003-02 the word "template" from the title. The motion was SECONDED by Councilor Pazdon and was unanimously APPROVED.*

***The Council unanimously APPROVED the amended motion to approve Resolution #2003-02.***

- A. First Reading: Ordinance #2003-01: Amending certain portions of Chapter 153 “Vehicles and Traffic” Section 153-29 “Metered Parking Areas” of the Durham Town Code by adding the fees of this section into a “Master Fee Schedule,” adding a provision for a two-hour maximum parking time limit in the Pettee Brook Lane parking lot and striking paragraph A.4. in the Pettee Brook Lane parking lot section

***After some discussion, Councilor Paine MOVED to approve Ordinance #2003-01 on first reading and to schedule a public hearing on the proposed ordinance for January 20, 2003. The motion was SECONDED by Councilor Morong.***

***After further discussion, the Council unanimously APPROVED the motion.***

- A. What action shall the Council take in preparing for the March 12, 2003 Informational Town Meeting Agenda?

***After some discussion, Councilor Smith MOVED to approve the proposed agenda for the March 12, 2003 Informational Town Meeting. The motion was SECONDED by Councilor Paine.***

***After further discussion, Councilor Smith MOVED to amend the agenda to read that the Informational Meeting will be held at the Oyster River Middle School but if the building is not available then the agenda will stay the same. Councilor Harris SECONDED the motion and was APPROVED on a vote of 8-1 as follows: Chair Sandberg, Aye; Councilor Grant, Aye; Councilor Smith, Aye; Councilor Paine, Aye; Councilor Morong, Aye; Councilor Harris, Aye; Councilor Kraus, Aye; Councilor Chinburg, Aye; Councilor Pazdon, Nay.***

***The Council unanimously APPROVED the proposed amended agenda.***

- A. Other Business

Councilor Smith spoke about sessions sponsored by the New Hampshire Municipal Association about how to solve the State-wide school funding crisis and asked the Council whether or not it wanted to have a representative attend



the sessions. Councilor Smith and Administrator Selig have been attending to date on behalf of the Town.

Chair Sandberg called for the order of the day, which was to adjourn the meeting no later than 10:00 P.M. and that a motion to extend the meeting would require a 2/3 vote.

***Councilor Harris MOVED to extend the meeting until 10:30 P.M. The motion was SECONDED by Councilor Grant and FAILED on a vote of 5-4 as follows: Chair Sandberg, Aye; Councilor Harris, Aye; Councilor Grant, Aye; Councilor Morong, Aye; Councilor Smith, Aye; Councilor Pazdon, Nay; Councilor Paine, Nay; Councilor Kraus, Nay; Councilor Chinburg, Nay.***

***After some discussion, Councilor Kraus MOVED to adjourn the meeting. The motion was SECONDED by Councilor Pazdon and was APPROVED on a vote of 7-2 as follows: Chair Sandberg, Aye; Councilor Morong, Aye; Councilor Grant, Aye; Councilor Pazdon, Aye; Councilor Paine, Aye; Councilor Kraus, Aye; Councilor Chinburg, Aye; Councilor Smith, Nay; Councilor Harris, Nay.***

The meeting was ADJOURNED at 10:00 P.M.

Michael Bornstein, Minute Taker