

*This set of minutes was APPROVED at the March 3, 2003 Town Council meeting.*

**DURHAM TOWN COUNCIL MEETING MINUTES  
MONDAY, JANUARY 20, 2003  
DURHAM TOWN HALL – COUNCIL CHAMBERS**

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

**MEMBERS ABSENT:** None

**OTHERS PRESENT:** Todd Selig, Town Administrator

I. Call to Order

Chair Sandberg called the meeting to order at 7:10 P.M.

II. Approval of Agenda

*Councilor Kraus MOVED to approve the agenda. The motion was SECONDED by Councilor Paine.*

*Councilor Chinburg MOVED to amend the agenda by placing item IX-A after Special Announcements. The motion was SECONDED by Councilor Pazdon.*

*Councilor Smith MOVED to amend Councilor Chinburg's motion to place item V after special announcements and then proceed with item IX-A. The motion was SECONDED by Councilor Paine and was unanimously APPROVED.*

*Councilor Chinburg's amended motion was unanimously APPROVED.*

*The motion to approve the agenda, as amended, was unanimously APPROVED.*

III. Special Announcements

Chair Sandberg stated the filing period for elected officers will open at 8:00 A.M. on January 22, 2003 for people who wish to enter the March elections and will close January 31, 2003

IV. Report of the Administrator

Administrator Selig reported on the following:

The 2002 and 2003 Department of Public Works highway snow clearing budget;

Workers' Compensation claims for 2001 and 2002;

Additional legal and staff assistance for the Planning Board and its Planner, Jim Campbell;

Possible interest by a non-profit entity in the Durham Business Park land;

Strafford County's budget for 2003;

Bennet Road Bridge improvements;

The March Town Elections;

State Supreme Court arguments between the Town and the Professional Firefighters Association dealing with limited tenure employees;

Amtrak Downeaster service;

The March 12 Informational Town Meeting;

Costs and services for private trash collection;

Publication of the 2002 Town Report;

New welfare guidelines;

Private donations during 2002;

Funding for the July 4 fireworks event.

V. Unfinished Business (NLT 8:00 P.M.)

- A. Public Hearing on Initiative Petition received on December 26, 2002 requesting that the Council reconsider its vote of December 16, 2002 removing \$8,000 from the FY 2003 operating budget for the July 4 celebration and amending the FY 2003 operating budget to include funds for fireworks

*Councilor Pazdon MOVED to open the public hearing. The motion was SECONDED by John Kraus.*

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

The following people spoke in favor of the Initiative Petition:

Bridget Regan, 16 Littlehale Road.

Dan Day, 89 Bagdad Road.

Crescentia True, 36 Wiswall Road.

Chrisanne Borner, Adams Point Road.

David Langley, Durham Point Road.

Belinda Curtis, 14 Ross Road.

Susan Roman, 16 Littlehale Road.

Betty Bramante, Davis Avenue.

Betsy Horskin, 3 Smith Park Lane.

Bill Hall, 1 Smith Park Lane.

Julia Borner, Adams Point Road.

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

Councilor Kraus said it should be made clear that this was a close vote and that there were four Councilors who did vote in favor of keeping the July 4<sup>th</sup> Celebration. He said that the other Councilors who did not vote in favor did so for good reasons, and that it was not intended to suppress the Town's patriotic spirit. He said that the citizens' outpouring was most appreciated and very helpful.

VI. Approval of Minutes

*Councilor Paine MOVED to approve the minutes of December 2, 2002. The motion was SECONDED by Councilor Pazdon.*

A non-substantive change was made.

*After some discussion, the motion to approve the minutes of December 2, 2002, was unanimously APPROVED.*

The following substantive changes were made to the minutes of December 9, 2002:

Page 2, 1<sup>st</sup> paragraph which begins "After some discussion"  
Councilor Grant's name was changed to "Councilor Morong."

Page 2, the 4<sup>th</sup> paragraph which begins "Councilor Grant arrived"  
was moved below the 2<sup>nd</sup> paragraph.

*After some discussion, Councilor Smith MOVED to postpone approving the minutes of December 9, 2002 until the next meeting. The motion was SECONDED by Councilor Pazdon and was unanimously APPROVED.*

*Councilor Paine MOVED to APPROVE the minutes of December 16, 2002. The motion was SECONDED by Councilor Harris.*

The following substantive changes were made to the minutes of December 16, 2002.

First page, under "MEMBERS PRESENT" the words next to the name "Pete Chinburg" which read "arrived at 8:40 P.M." were deleted and in its place the words "left the meeting at 7:20 P.M.; returned at 8:40 P.M." were inserted.

First page, under "Special Announcements" the words "Councilor Chinburg left the meeting at 8:40" were inserted.

Other various non-substantive changes were made.

*Councilor Kraus MOVED to approve the amendments to the minutes of December 16, 2002. The motion was SECONDED by Councilor Morong and was unanimously APPROVED.*

*The motion to approve the minutes of December 16, 2002, as amended, was unanimously APPROVED.*

*Councilor Grant MOVED to approve the minutes of January 6, 2003 as presented. The motion was SECONDED by Councilor Paine and was unanimously APPROVED.*

VII. Reports and Comments of Councilors

Councilor Paine stated there is a DCAT meeting on Wednesday, January 22, 2003.

Councilor Pazdon stated he would like to discuss jaywalking in Town. The Council decided to place it on the February 3, 2003 agenda.

Councilor Grant stated he and others attended the Oyster River Schools budget presentation and that there was a small turnout. He stated there was a need to begin a committee or find a way for the School Board and the three Towns of Durham, Lee and Madbury to share information and asked the Administrator to see if these groups were interested.

VIII. Public Comments

Bill Hall, 1 Smith Park Lane, spoke about the proposed aluminum fence for the Leathers Cemetery.

Betsey Horskin, 3 Smith Park Lane, spoke about the proposed aluminum fence for the Leathers Cemetery, signs at the transfer station for new permits and when they need to be bought, and about the loading zone at the Durham Community Church.

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

Chair Sandberg reconvened the meeting at 9:10 P.M.

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

***Councilor Smith REMOVED items D. and F. from the unanimous consent agenda.***

***Councilor Paine MOVED to approve the following consent agenda items:***

- A. Shall the Town Council award the contract for the administration and construction inspection of the landfill closure to Underwood Engineering?
- B. Shall the Town Council amend the 2003 Holiday Schedule adopted on December 16, 2002 by changing the existing Christmas holiday date of Wednesday, December 24, 2003 to Friday, December 26, 2003?
- C. **Resolution #2003-03:** Authorizing the acceptance of private donations made to the Town of Durham between July 1, 2002 and December 31, 2002
- E. Shall the Town Council approve and authorize the Town Administrator to sign the FY 2002 supplemental property tax warrant to commit missing bills totaling \$4,251.00 on its behalf?
- G. Shall the Town Council amend and sign the March 11, 2003 Town Election Warrant to change the voting place to the Durham Evangelical Church located on Route 108, as requested by the Town Moderator?

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

- D. **Resolution #2002-04:** Rescinding the General Assistance (Welfare) Guidelines, which were adopted on March 24, 1986 and adopting new General Assistance Guidelines

***After some discussion, Councilor Smith MOVED to postpone item D. until the next meeting. The motion was SECONDED by Councilor Pazdon and was APPROVED on a vote of 8-1 as follows:***

***AYE: Grant, Sandberg, Kraus, Smith, Pazdon, Paine,***

*Morong, Harris*

*NAY: Chinburg*

- F. Shall the Council accept a nonindustrial sewer connection/extension application for Fellow Lane condominiums by Smith Field Construction?

*After some discussion, Councilor Kraus MOVED to approve item F. The motion was SECONDED by Councilor Smith and was APPROVED on a vote of 8-0-1 as follows:*

*AYE: Sandberg, Chinburg, Kraus, Paine, Pazdon, Harris, Grant, Smith*

*Abstained: Morong*

X. Unfinished Business (Continued)

- B. **Public Hearing and Action on 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 deleting paragraph A.4. in the Pettee Brook Lane parking lot section

*Councilor Grant MOVED to open the public hearing. The motion was SECONDED by Councilor Paine and was unanimously APPROVED.*

There were no public comments.

*Councilor Grant MOVED to close the public hearing. The motion was SECONDED by Councilor Morong and was unanimously APPROVED.*

*After some discussion, Councilor Paine MOVED to approve the ordinance. The motion was SECONDED by Councilor Morong.*

*After further discussion, Councilor Grant MOVED to postpone action on the ordinance until revisions can be made. The motion was SECONDED by Councilor Kraus and was unanimously APPROVED.*

XI. New Business

- A. Presentation on the Transfer Station design by the Public Works Department

Mike Lynch, Director of Public Works, David Cedarholm, Project Manager, and Frank Underwood, Underwood Engineering; gave a presentation of the new Transfer Station

design and answered questions posed by members of the Council.

XII. Adjourn (*NLT 10:00 PM*)

***Councilor Chinburg MOVED to adjourn. The motion was SECONDED by Councilor Kraus and was unanimously APPROVED.***

The meeting ADJOURNED at 10:00 P.M.

Michael Bornstein, Minute Taker