

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

**DURHAM TOWN COUNCIL MINUTES
MONDAY, FEBRUARY 3, 2003
DURHAM TOWN HALL – COUNCIL CHAMBERS
7:00 PM**

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

MEMBERS ABSENT: None

OTHERS PRESENT: Todd Selig, Town Administrator; Paul Beaudoin, Business Manager; Interested members of the public

I. Call to Order

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

I. Approval of Agenda – 7:02 P.M.

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

After some discussion, Councilor Grant MOVED to amend the agenda to include a discussion about a potential meeting with Durham, Lee, Madbury and the Oyster River School District under New Business. The motion was SECONDED by Councilor Pazdon and was unanimously APPROVED.

Councilor Pazdon's amended motion was unanimously APPROVED.

I. Special Announcements – 7:08 P.M.

Chair Sandberg asked for a moment of silence to honor the astronauts who lost their lives aboard the Space Shuttle Columbia upon its return to Earth.

IV. Approval of Minutes – 7:10 P.M.

January 20, 2003

Councilor Morong MOVED to approve the minutes of January 20, 2003. The motion was SECONDED by Councilor Paine.

After some discussion, Councilor Kraus MOVED to change the words "directed the Administrator" to "voted 5-4." The motion was SECONDED by Councilor Pazdon.

After further discussion, Councilor Smith MOVED to postpone approval

of the minutes of January 20, 2003. The motion was SECONDED by Councilor Morong and was APPROVED on a 7-2 vote as follows:

AYE: Sandberg, Grant, Harris, Smith, Kraus, Paine, Morong.

NAY: Pazdon, Chinburg.

V. Report of Administrator – 7:15 P.M.

Administrator Selig reported on the following:

The Town Report is completed, and can be viewed on the web.

The proposed changes to the Zoning Ordinance may be viewed on the web.

The Town is looking for a DCAT Coordinator.

The Administrator is planning to bring forward a resolution for the Council that supports the Land and Community Heritage Investment Program.

The Informational Town Meeting will be on Wednesday, March 12, 2003 at the Oyster River Middle School.

A representative from the Police Department will attend the next meeting to discuss jaywalking.

The creation of a July 4 Celebration Committee is on the agenda under “Unanimous Consent” items.

The Department of Public Works has had to replace five water lines this year due to the cold weather.

The MainStreet Program and the Administrator are putting together a proposed MainStreet agreement that will likely be presented to the Council at its next meeting.

A recommendation from the Administrator that will include input from the Town of Madbury about the Wagon Track Bike Path will be given to the Council at the next meeting.

The Durham Red Cross is having a Blood Drive from February 10 to February 13, 2003 at UNH.

The UNH Master Plan is moving along and the Town has been included in the process to date.

The filing period for Town offices closed on Friday, January 31, 2003.

The Oyster River School District will have its deliberative session at the

Oyster River High School at 7:00 P.M. on February 4, 2003.

I. Reports and Comments of Councilors – 7:23 P.M.

Councilor Kraus clarified for the citizens how the one-year Town Council term on the upcoming election ballot is filled. He explained that all of the Councilor positions are for three-year elected terms. However, when there is a fragment of a position, then citizens elect to fill that one year that is remaining. Once the one-year term is completed, it will run as a three-year position. He gave a presentation about the tax rate and how it pertained to the Town and the school district.

Councilor Paine stated she will sponsor a presentation for the March 3, 2003 meeting about issues dealing with the library and the Library Trustees. She stated the DCAT Committee needs help; that it is likely the MainStreet Program will coordinate DCAT's candidates' forum; and that the next DCAT meeting will be on February 26, 2003.

In response to a question from Councilor Grant, Administrator Selig replied he would report back to the Council at the next meeting as to whether or not there was money in the budget for water line replacement.

In response to a question from Councilor Morong, Administrator Selig replied some of the telephone lines near Pettee Brook Road were down last week after the Department of Public Works hit a line while trying to reach a water main.

In response to a question from Councilor Smith, Administrator Selig stated he was unaware of any expenses to the Town from the downed telephone lines but that he would report back to the Council at the next meeting as to whether or not there were expenses to the Town. If there were expenses, Administrator Selig stated he would find out if the telephone company was liable to reimburse the Town.

I. Public Comments – 7:34 P.M.

There was no public comment.

I. Unanimous Consent Agenda *(Requires unanimous approval. Individual items may be removed by any councilor for separate discussion and vote)* **7:35 P.M.**

Item E. was removed from the Unanimous Consent Agenda.

Councilor Harris MOVED to approve the following consent agenda items:

- A. Shall the Town Council approve the minutes of the December 9,

2002 (continued from December 2, 2002) meetings, as amended?

- B. Shall the Town Council approve an abatement and refund for overstated water and sewer usage at 20R Strafford Avenue?
- C. Shall the Town Council approve an abatement and refund for overstated water and sewer usage at 16 Cowell Drive?
- D. Shall the Town Council approve an abatement and refund for overstated water usage at 9 Ambler Way?

The motion was SECONDED by Councilor Paine and was unanimously APPROVED.

- E. **Resolution #2003-05:** Creating a July 4th Independence Day citizens committee to plan and execute Durham's annual July 4th Independence Day celebrations

After some discussion, Councilor Grant MOVED to approve item E. The motion was SECONDED by Councilor Paine.

After further discussion, Councilor Pazdon MOVED to amend Councilor Grant's motion to place a line in the Resolution that would read "One Committee member shall be appointed from the Recreation Committee." The motion was SECONDED by Councilor Chinburg.

After further discussion, Councilor Pazdon's amendment was Unanimously APPROVED.

After further discussion, Councilor Smith MOVED that the Council substitute the proposed resolution he has prepared in place of the resolution on the table and to add to the proposed substituted resolution contained in Councilor Pazdon's amendment to add the words "One Committee member shall be appointed from the Recreation Committee." The motion was SECONDED by Councilor Pazdon.

After further discussion, Councilor Paine MOVED to substitute the words "each celebration" in the resolution with the words "the activities of the committee shall be financially self supporting." The motion FAILED for lack of a second.

Councilor Kraus MOVED to postpone consideration of item E. under unanimous consent until the next meeting. The motion was SECONDED by Councilor Morong.

After further discussion, Councilor Kraus's motion was unanimously APPROVED.

IX. Unfinished Business (NLT 8:00 PM)

- A. **Public Hearing (Second)** on referendum question to be placed 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 bonds 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 – 8:06 P.M.

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.

Ed Valena, 9 Bagdad Road.

Tony Federer, 15 Oyster River Road.

The following people spoke against the referendum:

James Wolcott, 13 Watson Road.

Bill Hall, 1 Smith Park Lane.

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

- A. **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 – 8:32 P.M.

After some discussion, Councilor Grant MOVED to approve the proposed ordinance #2003-01 as presented, 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 the Town "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 section pertaining to the Pettee Brook Lane Parking lot. The motion was SECONDED by Councilor Paine and was unanimously APPROVED.

After some discussion, Councilor Morong MOVED, on recommendation by the Town Administrator, to hereby amend the Master Fee Schedule to reflect that the parking meter fees referenced in Section 153-29 (A-D) of the Durham Town Code shall be set at \$1 per hour. The motion was SECONDED by Councilor Kraus and was unanimously APPROVED.

- C. **Resolution #2003-04:** Rescinding the General Assistance (Welfare) Regulations, which were adopted on March 24, 1986 and adopting new General Assistance Regulations – 8:36 P.M.

After some discussion, Councilor Paine MOVED to approve Resolution #2003-04 rescinding the current General Assistance Regulations, which were last approved on March 24, 1986, and approving new General Assistance Regulations for the Town. The motion was SECONDED by Councilor Harris.

Chair Sandberg called for the Order Of the Day, which was to begin “New Business” no later than 8:30 P.M. He stated extending the discussion under “Unfinished Business” would require a 2/3 vote.

Councilor Kraus MOVED to amend the agenda to begin new Business at 9:00 P.M. The motion was SECONDED by Councilor Paine and was unanimously APPROVED.

After further discussion, Councilor Smith MOVED to postpone Councilor Paine’s motion to approve Resolution #2003-04. The motion was SECONDED by Councilor Kraus and was unanimously APPROVED.

X. New Business (NLT 8:30 PM)

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

Chair Sandberg reconvened the meeting at 9:01 P.M.

- A. Receive Quarterly Financial Report as provided by Paul Beaudoin, Business Manager – 9:02 P.M.

Paul Beaudoin gave a presentation on the Quarterly Financial Report and answered questions from the Council.

- B. Shall the Town Council direct the Town Administrator draft an amendment to Chapter 49 “Dogs” of the Durham Town Code to add a section addressing the cleanup of dog feces? – 9:29 P.M.

The Council discussed the matter and decided to revisit it at a later date.

XI. Other Business – 9:39 P.M.

Administrator Selig stated he had contacted the Towns of Lee, Madbury and the School District to determine if there was interest in all sides getting together for an open discussion. He stated there was interest, and the matter will be pursued further. The Council decided to pursue a meeting with the Chairs of the Selectmen in Lee and Madbury, and with the Chair of the School Board and the School District Superintendent to discuss having a larger meeting with each of the Boards.

Chair Sandberg stated he will be sending Councilors Administrator Evaluation forms for Administrator Selig.

In response to a question from Councilor Harris, Councilor Paine replied the MainStreet Program was planning to put on the Candidates Forum but that a forum could be put on by any member of the public.

XII. Nonpublic Session (if required)

There was no nonpublic session required.

XIII. Adjourn (NLT 10:00 PM)

Councilor Kraus MOVED to adjourn the meeting. The motion was SECONDED by Councilor Paine and was unanimously APPROVED.

The meeting ADJOURNED at 10:00 P.M.

Michael Bornstein, Minute Taker