

This set of minutes was APPROVED at the March 17, 2003 meeting.

**DURHAM TOWN COUNCIL MINUTES
MONDAY, MARCH 3, 2003
DURHAM TOWN HALL – COUNCIL CHAMBERS
6:30 PM**

MEMBERS PRESENT:	Malcolm Sandberg, Chair; Arthur Grant; Pete Chinburg (arrived at 6:40 P.M.) Mark Morong; Peter Smith; Mike Pazdon; Katie Paine; Harris (arrived at 6:55 P.M.) John Kraus
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MEMBERS ABSENT:	None
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OTHERS PRESENT:	Todd Selig, Town Administrator; Paul Beaudoin, Business Manager; Rene Kelly, Deputy Police Chief; David Kurz, Police Chief
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I. Call to Order

Chair Sandberg called the meeting to order at 6:32 P.M.

I. Approval of Agenda

Councilor Morong MOVED to approve the agenda. The motion was SECONDED by Councilor Grant and was unanimously APPROVED.

I. Nonpublic Session (personnel matters) 6:35 P.M.

Councilor Paine MOVED to enter into Nonpublic Session for the purpose of discussing personnel matters in accordance with RSA 91-A:3 II (a.) The motion was SECONDED by Councilor Grant and PASSED on a roll call vote of 7-0 as follows:

Aye: Smith, Kraus, Morong, Grant, Pazdon, Sandberg, Paine

Councilor Chinburg arrived at 6:40 P.M.

Councilor Harris arrived at 6:55 P.M.

The Council exited nonpublic session at 7:07 P.M.

IV. Special Announcements (NLT 7:00 PM) 7:08 P.M.

Chair Sandberg reported on the following two items:

Congratulations to the undefeated Oyster River High School Girls' Basketball Team. The team has won the Class I championships.

Dorothy Wilcox, long-time Durham resident and teacher, passed away on February 22, 2003.

Police Chief David Kurz introduced new police officer Dennis Durkin.

V. Approval of Minutes 7:11 P.M.

Councilor Paine MOVED to approve the minutes of February 3, 2003, as presented. The motion was SECONDED by Councilor Grant.

A non-substantive change was made without objection.

Councilor Paine's motion to approve the minutes of February 3, 2003 was unanimously APPROVED, as amended.

VI. Report of Administrator 7:15 P.M.

Administrator Selig reported on the following:

The Town Elections are on Tuesday, March 11, 2003 at the Evangelical Church on Route 108 and not at the Oyster River High School.

The Informational Town Meeting will be on Wednesday, March 12, 2003 at the Oyster River Middle School. The future of the Route 108 Sunoco property, zoning re-write process, and the School Funding Commission will be discussed.

There will be a Candidates Forum on Tuesday, March 4, 2003, 7:00 PM, in the Council Chambers at Town Hall.

VII. Reports and Comments of Councilors 7:20 P.M.

Councilor Kraus distributed to the Councilors a copy of Resolution #93-09 that established the July 4 Celebration Trust Fund in 1993.

Councilor Paine stated DCAT is looking for volunteers and that there will be two vacancies on the DCAT Governance Committee. She stated the Candidates Forums will be replayed on DCAT until the election and that the play schedule could be found on the web or on the DCAT Bulletin Board.

Councilor Smith stated he had Dorothy Wilcox as a teacher and that she will be missed.

Councilor Chinburg stated it was his last Council meeting as a councilor.

VIII. Public Comments 7:28 P.M.

Richard Lord, 85 Bennett Road, discussed the Packers Falls Bridge renovations, and Dorothy Wilcox.

Bill Hall, 3 Smith Lane, discussed traffic violations in the Main Street area.

Morgan Dudley, 193 Packers Falls Road, discussed the Packers Falls Bridge renovations.

Julian Smith, 246 Packers Falls Road, discussed the Packers Falls Bridge renovations.

John Diesel, Newmarket, spoke on behalf of Dr. Richard Dewey, 191 Packers Falls Road, about the Packers Falls Bridge renovations.

Beth Olshansky, 122 Packers Falls Road, discussed the Packers Falls Bridge renovations.

The following people spoke against the wagon track bike trail:

Lorraine Morong, Madbury.

Robert Keefe, 59 Piscataqua Road.

The following people spoke in favor of the wagon track bike trail:

Ron Keefe, Dover.

Tom Kelley, 63 Canny Road.

Diane Freedman, 28 Laurel Lane.

George Rief, 23 Edgerly Garrison Road.

Chair Sandberg called for the order of the day, which was to begin New Business by 8:00 P.M. He stated a 2/3 vote would be required to extend the time allowed for public comment.

Councilor Kraus MOVED to continue public comment for 15 minutes. The motion was SECONDED by Councilor Paine and was unanimously APPROVED. 8:06 P.M.

Also speaking in favor:

Dork Sahagian, 32 Sumac Lane.

Bill Woodward, 76 Madbury Road.

Chair Sandberg called for the order of the day, which was to begin new business by 8:21 P.M. He stated a 2/3 vote would be required to extend the time allowed for public comment.

Councilor Chinburg MOVED to extend public comment for 15 minutes. The motion was SECONDED by Councilor Kraus and was unanimously APPROVED. 8:21 P.M.

Also speaking in favor:

Annmarie Kane, Portsmouth.

Margaret Bogle, 3 Croghan Lane.

Eric Scheuer, 7 Stevens Way.

IX. Unanimous Consent Agenda *(Requires unanimous approval. Individual items may be removed by any councilor for separate discussion and vote) 8:30 P.M.*

Items A., B., and D. were removed from unanimous consent.

Councilor Grant MOVED to approve the following unanimous consent items:

- C. Shall the Town Council authorize the expenditure of \$43,960.00 from the FY 2003 Capital Fund account for the purchase of two (2) 2003 Ford Crown Victoria police cruisers?

- E. **Resolution #2003-06:** Supporting the continued funding for the Land and Community Heritage Investment Program (LCHIP)

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

- A. Shall the Town Council approve the minutes of January 20, 2003, as amended?

After some discussion, Councilor Kraus MOVED to approve the minutes of January 20, 2003 with the amendment "Councilors thanked the citizens for their interests and concerns and assured them that, as previously stated by Administrator Selig, the July 4 celebration would be held this year." The motion was SECONDED by Councilor Paine and was unanimously APPROVED.

- A. Resolution #2003-07: Recognizing outgoing elected officials, board members and Durham legislative delegation for their dedication and service to the Town of Durham

After some discussion, Councilor Chinburg MOVED to approve Resolution #2003-07 with the amendment to correct the starting dates to represent the contiguous dates from when the current term began. The motion was SECONDED by Councilor Kraus.

After further discussion, Councilor Chinburg's motion to approve Resolution #2003-07 was unanimously APPROVED.

- D. Resolution #2003-04: Rescinding the General Assistance (Welfare Regulations, which were adopted on March 24, 1986 and adopting new General Assistance Regulations

After some discussion, Councilor Smith MOVED to adopt Resolution #2003-04: Rescinding the General Assistance (Welfare) Regulations, and adopting new General Assistance Regulations, as recommended by the Town Administrator, and including the revision of Section XIII as presented. The motion was SECONDED by Councilor Paine and was unanimously APPROVED.

Chair Sandberg called for a recess at 8:40 P.M.

Chair Sandberg reconvened the meeting at 8:47 P.M.

X. Unfinished Business (NLT 8:00 PM) 8:48 P.M.

- A. **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 Smith MOVED to substitute draft 3 for draft 2 in the motion to approve the resolution, which had been postponed at the February 3, 2003 meeting. The motion was SECONDED by Councilor Paine and was unanimously APPROVED.

After further discussion, Councilor Smith MOVED to reinsert the words "in advance of the event" following the word "donation" and before the word "collecting" in lines four and five in paragraph one on page 1. The motion was SECONDED by Councilor Pazdon and FAILED on a vote of 1-8 as follows:

Aye: Harris.

Nay: Smith, Chinburg, Sandburg, Pazdon, Kraus, Paine, Morong, Grant

After further discussion, Councilor Chinburg MOVED to insert the word "club" after the word "rotary." The motion was SECONDED by Councilor Morong and was unanimously APPROVED.

After further discussion, Councilor Smith's motion to approve draft three of the resolution was unanimously APPROVED.

- B. Shall the Town Council award contracts for the renovation and reconstruction of the Packers Falls Bridge? 9:00 P.M.

Chair Sandberg called for the order of the day, which was to begin new business by 9:00 P.M. He stated a 2/3 vote was required to extend the discussion of the Packers Falls Bridge.

Councilor Chinburg MOVED to extend the discussion for 15 minutes. The motion was SECONDED by Councilor Kraus and was unanimously APPROVED.

After some discussion, Councilor Chinburg MOVED, upon recommendation by the Town Administrator, to award the contract for the rehabilitation of the Packers Falls Bridge to

Moore's Marine Inc. and authorizes the Town Administrator to enter into a contract with Moore's Marine Inc. of Dover, NH to rehabilitate the Packers Falls Bridge for the sum of \$790,356.46 with the expenditure to be paid from Capital fund 07-4800-1032-999-03. The motion was SECONDED by Councilor Pazdon.

After further discussion, Councilor Smith MOVED to table the discussion for 15 minutes and move on to item A. under New Business. The motion was SECONDED by Councilor Morong and was unanimously APPROVED. 9:18 P.M.

I. New Business (NLT 9:00 PM) 9:04 P.M.

- A. Presentation by Seacoast Hospice regarding interest in building a facility at the Durham Business Park site

Attorney and board member of Seacoast Hospice Bill Beckett, and Executive Director Suzanne Cole, gave a presentation about building in the Durham Business Park and answered questions from councilors.

Chair Sandberg called for the order of the day, which was to adjourn the meeting by 10:00 P.M. He stated a 2/3 vote was needed to extend the meeting.

Councilor Chinburg MOVED to extend the meeting for 30 minutes. The motion was SECONDED by Councilor Smith and was unanimously APPROVED. 9:56 P.M.

Councilor Pazdon MOVED to remove from the table agenda item X.B. The motion was SECONDED by Councilor Chinburg and was unanimously APPROVED. 9:31 P.M.

After some discussion, Councilor Kraus MOVED to postpone the discussion until May. The motion FAILED for lack of a second.

After further discussion, Councilor Chinburg's motion to award the contract to Moore's Marine Inc. was unanimously APPROVED.

Councilor Chinburg MOVED to, upon the recommendation of the Town Administrator, award the contract for construction-engineering services for the rehabilitation of the

Packers Falls Bridge to Hoyle Tanner Associates and authorizes the Town Administrator to enter into a contract with Hoyle Tanner Associates, of Manchester, NH to provide construction-engineering for the rehabilitation of the Packers Falls Bridge for \$66,200 with the expenditure to be paid from Capital Fund 07-4800-1032. The motion was SECONDED by Councilor Pazdon.

After some discussion, Councilor Chinburg's motion to award the contract to Hoyle Tanner Associates was unanimously APPROVED.

- B. Presentation by Police Chief David Kurz on pedestrian issues in Durham-9:57 P.M.

Police Chief David Kurz and Deputy Chief Rene Kelly gave a presentation against a jaywalking ordinance, and instead endorsed an educational, proactive approach while answering questions from councilors.

- C. **First Reading on Ordinance #2003-02:** Establishing 15-minute parking limit in the Durham Post Office parking lot, adding the words "Store 24 Parking Lot" behind the Pettee Brook Lane street designation, and deleting the street designation referred to as "Parking Lot" in its entirety-10:09 P.M.

After some discussion, Councilor Kraus MOVED to approve the First Reading of Ordinance #2003-02 amending Chapter 153 "Vehicles and Traffic" Sections 153-26 and 153-52 by creating a 15-minute time limit for parking in the Durham Post Office parking lot on Madbury Road, adding the words "Store 24 Parking Lot" behind the Pettee Brook Lane street designation and deleting the street designation referred to as "Parking Lot" in its entirety, and to schedule a public hearing on the ordinance for March 17, 2003. The motion was SECONDED by Councilor Smith.

After further discussion, Councilor Pazdon MOVED to insert the words "15 minute parking limit during the operational hours of the Post Office." The motion was SECONDED by Councilor Paine.

After further discussion, Councilor Pazdon's motion unanimously FAILED.

After more discussion, Councilor Kraus's motion to approve

the first reading and schedule a public hearing on March 17, 2003 was unanimously APPROVED.

- D. Shall the Town Council authorize the Town Administrator to sign an agreement between the Town of Durham and Durham MainStreet Program for calendar year 2003?-10:20 P.M.

After some discussion, Councilor Morong MOVED to authorize the Town Administrator to sign an agreement between the Town and the Durham MainStreet Program for calendar year 2003. The motion was SECONDED by Councilor Paine.

Chair Sandberg called for the order of the day, which was to adjourn the meeting by 10:30 P.M. He stated a 2/3 vote was needed to extend the meeting.

Councilor Smith MOVED to continue the meeting for 5 minutes. The motion was SECONDED by Councilor Morong and was unanimously APPROVED. 10:31 P.M.

After further discussion, Councilor Morong's motion to authorize the Town Administrator to sign an agreement with the MainStreet Program was unanimously APPROVED.

- E. **Resolution #2003-08:** Directing the Town Administrator to discontinue development of the Wagon Track Bike Path.
- F. Discussion on schedule for upcoming citizen appointments to the various Town boards, commissions and committees

After some discussion, Councilor Kraus MOVED to postpone items E. and F. until the next meeting. The motion was SECONDED by Councilor Paine.

Chair Sandberg called for the order of the day, which was to end the meeting by 10:36 P.M. He stated a 2/3 vote was required to extend the meeting.

Councilor Grant MOVED to extend the meeting for five minutes. The motion was SECONDED by Councilor Harris and was unanimously APPROVED. 10:39 P.M.

After further discussion, Councilor Kraus's motion to postpone items E. and F. was APPROVED on a vote of 8-1 as follows:

Aye: Smith, Harris, Morong, Pazdon, Grant, Paine, Sandberg, Kraus

Nay: Chinburg.

A. Other Business

Councilor Grant MOVED, in accordance with the performance evaluation conducted by the Council, to authorize a 3% increase in the salary of the Town Administrator for 2003, bringing the salary to \$75,705 and that if selected, the Town Administrator will be granted a three week leave with pay to attend a professional seminar at Harvard. The motion was SECONDED by Councilor Pazdon and was unanimously APPROVED.

XII. Nonpublic Session (if required)

No further nonpublic session was needed.

XIII. Adjourn (NLT 10:00 PM)

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

The meeting ADJOURNED at 10:43 P.M.

Michael Bornstein, Minute Taker