

**DURHAM TOWN COUNCIL MINUTES**  
**MONDAY, JUNE 2, 2003**  
**DURHAM TOWN HALL – COUNCIL CHAMBERS**  
**7:00 P.M.**

**MEMBERS PRESENT:** Malcolm Sandberg, Chair; Arthur Grant, Neil Niman, John Kraus, Peter Smith, Patricia Samuels, Mark Morong, Katie Paine

**MEMBERS ABSENT:** Annmarie Harris

**OTHERS PRESENT:** Todd Selig, Town Administrator, and Interested Members of Public

**I. Call to Order**

Chair Sandberg called the meeting to order at 7:11 p.m.

**I. Approval of Agenda**

*Councilor Paine MOVED to approve the agenda as submitted. The motion was SECONDED by Councilor Kraus and PASSED unanimously*

*Councilor Niman MOVED to amend the agenda that Item 11 begin no later than 9:00 p.m. and move Item VIII. B. to Item VIII. A. The motion was SECONDED by Councilor Samuels and PASSED unanimously.*

**I. Special Announcements**

None

**I. Approval of Minutes**

No minutes

**V. Report of the Administrator**

Todd Selig reported that members of the Council met with representatives of the Oyster River School and Selectmen from the Towns of Lee and Madbury to talk about the Town of Durham's School Funding School Funding Study

Commission's Report. Many questions came out of the meeting regarding the financial numbers and historical information regarding the initial formation of the funding formula. To resolve the issues, Mr. Selig proposed that the Council ask the Durham School Study Commission to invite representatives from Lee, Madbury, and the School Board to meet and talk through the concerns that were raised. In addition, Mr. Selig suggested that Joe Murdock be invited to the meeting as he was on the school board when the original funding proposals were made and could add an historical perspective concerning the intention of the formula.

Members of the Council and the Staff received photographs from the Young Drive area of Durham with scenes showing debris and fire damage. Mr. Selig asked Councilors to comment on the issue. The Town is planning to bring the new Solid Waste Ordinance into effect and begin to impose the fine provisions in the ordinance. The Public Works Department will be sending warning letters to the owners of the properties on Young Drive to set the record as to how the Town will proceed.

Mr. Selig stated that the 4<sup>th</sup> of July Committee has only four members on a nine-member committee. The Great Bay Rotary Club is interested in taking over the event next year in its entirety and is helping to run the event this year. Durham would still have a role in the event i.e. police coverage, monitoring fireworks, etc. The event would become the main fund-raiser for the Rotary Club. This year American Flag stickers will be handed out to people who donate at the gate. The Rotary Club will provide 20 volunteers to help hand out stickers.

Representative Marjorie Smith has indicated to Mr. Selig that there is presently funding for the Durham District Court in the general section of the court system budget. The committee is scheduled to vote on the court budget on June 3, 2003 and the Senate will vote on the full State Budget on Thursday, June 5, 2003. Representative Smith also indicated that the Senate Finance Committee has not yet voted on a school funding plan.

## **I. Reports and Comments of Councilors**

Councilor Kraus, referring to the school funding report, suggested that the commission pay attention to inconsistencies that appeared in the original report. Councilor Kraus further stated that some Councilors have received copies of portions of minutes from 1991 and 1992 pertaining to the Mast Road Gate

activity.

Councilor Grant stated that the Zoning Board of Adjustment has a heavy work schedule and is in need of two alternates. He stated that much of the work of the zoning board is due to the zoning regulations of not renting to more than three unrelated people. Administrator Selig stated that if people in the town know of any violations of the code to please let the Code Enforcement Officer know.

Councilor Grant also stated that in addition to Young Drive a general clean up is needed in many areas of the town. Mr. Selig stated that the Public Works Department has sent a letter to commercial properties in the downtown area indicating provisions of new solid waste ordinance.

Councilor Niman stated that the voters would make the ultimate decision on school funding. He suggested that the Town develop a school funding web site.

Councilor Morong stated the history of the school funding plan is very important. He also stated that it is important to get the word out to landowners to be proactive regarding fires in the road and that help is needed from the community to assist the Code Enforcement Officer in finding violators of rental codes.

Councilor Samuels stated that Young Drive was an issue in the early 1990s and that there was talk of penalties at that time. She stated that landlord involvement is necessary.

Chair Sandberg will likely present at the next meeting a motion for the Council to appoint a commission of citizens to lead the way in developing a landlord permit system.

Chair Sandberg stated that School Funding Commission has done what the Council has asked them to do. He believes that the Council may need to draft another charge with a new directive to the commission. Mr. Selig stated that he would get feedback from the commission.

Councilor Smith stated that it is important that all three communities have a role to play in the school funding issue. He requested from the Town Administrator that representatives in all the towns have access to information from Joe Murdock.

Councilor Smith asked whether the Council should move ahead with more enforcement tools for issues such as debris and landlord violations. Todd Selig stated that the Council could adopt an array of new ordinances but that the Town would need more personnel to effectively enforce such ordinances.

Councilor Paine stated that the DCAT Committee is still short two members. She further stated that the renovation of the high school is resulting in improved facilities and is opening up a channel of communication between DCAT and the University. The Town will be able to broadcast meetings to the University and the University will be able to broadcast classes to the community. DCAT is investigating usage of non-commercial music to be played with the bulletin board. Councilor Paine asked members of the public to let the committee know what programming they would prefer.

In response to a question from Councilor Paine regarding progress of an email distribution list, Todd Selig stated that the current intern is exploring how to add this to the website.

#### **I. Public Comments (7:46 p.m.)**

William Hall, Durham expressed concern about the 10-wheel trash truck. He suggested a rear view camera and a generic pick up for the truck and that a “foot” is needed for heavy barrels.

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

- A. Shall the Town Council approve an abatement for overstated water and sewer usage for 20R Strafford Avenue as requested by the Business Office?
- B. Shall the Town Council schedule a public hearing for a conceptual redesign of the Memorial Park Stone?

Councilor Samuels requested that Item VIII. B. be removed from unanimous consent.

***Councilor Kraus MOVED to approve Item VIII. A. under unanimous consent. The motion was SECONDED by Councilor Morong and PASSED unanimously.***

In response to a request from Councilor Samuels for background information, Mr. Selig stated that the public hearing would be held to discuss adding names to the monument in order to update it through the present wars. The monument is currently not handicapped accessible nor is there room for additional names.

***Councilor Paine MOVED that the Town Council schedule a public hearing for its meeting on June 16, 2003 to obtain input from the citizens regarding a proposed that the Town conceptual redesign of the Memorial Park stone. The motion was SECONDED by Councilor Kraus and PASSED unanimously.***

## **I. Presentation Items**

- A. Receive report from the Integrated Waste Management Committee.  
Diana Carroll, Chair stated that the Committee is selling compost bins to encourage composting.  
Meryl Craig stated that the 3<sup>rd</sup> addition of the semi annual newsletter was completed this spring. The newsletter includes general waste information as well as articles on recycling and profiles an active member of the community.  
Richard Gallant stated that he has met with Public Works and the Code Enforcement Officer about disposal of mercury thermometers.  
Jesse McKone stated that the Swap Shop is one year old and was established as a way to reduce waste. The Shop is a success due to the volunteers that work at the shop.  
Councilor Kraus stated that as a member of the committee he wished to state that Jesse McKone takes excellent minutes of the meetings.  
Dale Valena stated that a grant was received from NH the Beautiful to provide blue recycling bins to the high school and the middle school. The principal of the high school sponsored a poster competition to encourage recycling. Education in recycling will be part of the program next year.  
Julie Newman has been working on shifting the copy paper that the Town currently uses from a product with 0% recycled content to one with a greater percentage of post consumer recycled material. Recycled materials save trees, use less energy and save valuable land fill space. She is also working on this project with the University.  
Diana Carroll stated that projects that the committee will be working on in the future include: Hazardous waste collection every year and eventually

every day; education to the community regarding disposal of biodegradable leaves; selling stickers at the transfer station; and reducing junk mail. Committee meetings are held every other week on Fridays from 7:30 – 9:30 am. Citizens can access the website for information.

***Councilor Pain MOVED to amend the agenda to begin Item X. at 8:40 p.m. The motion was SECONDED by Councilor Samuels and PASSED unanimously.***

**A. Receive report from the Durham Ambulance Corps – Arthur Boutin, President.  
(8:23 p.m.)**

Mr. Boutin presented his report, which was attached to the Council packets concerning whether emergency vehicles had difficulty assessing fire lanes at UNH.

In response to a question from Chair Sandberg, Mr. Boutin stated that it was not difficult to gain access to buildings on the University campus. He stated that the DAC has fewer problems in Durham than in other communities.

Councilor Smith requested that Mr. Boutin find out what percentage of the money raised went into the surplus. Mr. Boutin stated he would get that information. He also stated that if they have a surplus a request is made to transfer the money into another fund. In the past they returned the money to the Town.

In a response to a question from Todd Selig, Mr. Boutin stated that the number of volunteers is rising. The Corps has 40-50 volunteers and one paid manager.

**X. Unfinished Business (NLT 8:30 PM)**

**A. Continued discussion with the Police Department regarding the arrest data from the April 12, 2003 Riot. (8:39 p.m.)**

Councilor Samuels was recused from the discussion.

Deputy Chief Rene Kelley discussed the May 27, 2003 memorandum that

was sent to the Council. The memorandum is an accounting of the arrest log regarding the hockey riot arrest status dating to April 12, 2003.

In response to a question from Chair Sandberg, Deputy Chief Kelley stated that the department correlates its arrest records against a roster of University students. He further stated that he can get the numbers of students arrested since the beginning of the year and that it is public information.

In response to a comment from Chair Sandberg, Deputy Chief Kelley stated that the Police Department would be continuing discussions over the summer with the University on ways to communicate to students the consequences for unlawful behavior.

In response to a question from Chair Sandberg, Deputy Chief Kelley indicated that it was important for the Durham Police Department to treat students and non-students in exactly the same manner under the law.

There was further discussion regarding department policies and relationship with the University.

Councilor Samuels returned to the table at 9:00 p.m.

***Councilor Kraus MOVED to amend the agenda to complete Item X. B. to 9:10 p.m. The motion was SECONDED by Councilor Smith and PASSED unanimously.***

- B. Shall the Town Council adopt the “Core Purpose, Values, and Goal Statement” established at the Town Council visioning sessions conducted in April 2003. **(9:00 p.m.)**

Todd Selig stated that the document has been amended per the review by the Council on May 5, 2003. The document has also been amended to reflect accurately the inclusion of the growth ordinance.

***Councilor Paine MOVED that the Council adopt the “Core Purpose, Values and Goal Statement” (as presented) encompassing the ideas established during the 2003 Council “visioning sessions held in April 2003. The motion was SECONDED by Councilor Grant and PASSED unanimously.***

The chair called for a 5-minute recess at 9:05 p.m.

The chair called the meeting back to order at 9:10 p.m.

## **XI. New Business**

- A. Shall the Town Council provide a new charge and call for members to the Economic Development Committee as proposed by Councilor Neil Niman?

Councilor Niman stated that one of his concerns is taxes. He felt that it was time to reconstitute the Economic Development Committee. He and Councilor Samuels have developed ten items that would be the charge to the new committee. The ten items are included in the Councilor's packets.

***Councilor Grant MOVED to re-establish an Economic Development Committee with the new charge having membership consisting of not more than nine (9) members, two (2) of which are Councilors. The two Council representatives will be Neil Niman and Pat Samuels. The motion was SECONDED by Councilor Niman.***

Councilor Kraus stated that the new committee should look at the record of the previous committee.

***Councilor Paine MOVED to amend Item 3 to read "Investigate the feasibility of establishing a joint venture with UNH to promote taxable and sustainable economic development in Durham." The motion was SECONDED by Councilor Morong FAILS.***

Councilor Niman stated that regardless of whether the specific words are in the charge, the report would be making specific recommendations.

***Councilor Smith MOVED to amend the charge by inserting a sentence after number 10 that states "All suggested economic development shall be consistent with goals set forth in the year 2000 Durham Master Plan. The motion was SECONDED by Councilor Morong.***

Councilor Paine stated for the record that sustainable development is a

term that is understood among business development people. It is well researched and studied. She is in favor of sustainable development and not just anything that agrees with the Master Plan.

***The motion to amend FAILED with a tie vote. Voting in favor – Councilors Smith, Morong, Paine, and Sandberg. Voting against – Councilors Kraus, Grant, Samuels and Niman.***

In response to a question from Councilor Smith, Chair Sandberg stated that the Council will solicit involvement from the citizens of Durham and will then appoint them.

***The motion as originally proposed to re-establish an Economic Development Committee with the new charge having membership consisting of not more than nine (9) members, two (2) of which are Councilors PASSED unanimously.***

Chair Sandberg requested that Todd Selig post the information regarding the economic development committee to DCAT.

- B. Shall the Town Council approve the “Statement of Moral Commitment” proposed by the University of New Hampshire for inclusion in its 2003-2004 *Student Rights, Rules and Responsibilities information booklet*?

***Councilor Paine MOVED to endorse the final draft (5/23/03) of the Town of Durham and University of New Hampshire “Statement of Shared Moral Commitment” to be included in the University of New Hampshire’s 2003-2004 Student Rights, Rules, and Responsibilities student information booklet.” Councilor Kraus SECONDED the motion.***

Todd Selig stated that this updated statement will be included as part of the preface to the Student handbook.

***Councilor Smith MOVED to add the word State to the last sentence in the document to read “.... in accordance with Sate and local law and University policy.” The motion was SECONDED by Councilor Paine and PASSED unanimously.***

Councilor Kraus stated that he expects there will be additional small changes that don't need the Council's approval.

***Councilor Kraus MOVED the question.*** Chair Sandberg stated that a 2/3 vote is required to eliminate debate. ***The vote to MOVE the question was PASSED unanimously.***

***The motion to endorse the statement as amended PASSED unanimously.***

C. Discussion on level of detail required for Town Council meeting minutes.

Administrator Selig stated that the Right to Know Law in the State of NH dictates that all public bodies are required to keep minutes of their meetings. Required at the minimum are the location, when the meeting began and ended, who was present, a listing of the topics that were discussed and any actions that were a result of the votes that were taken. At the present time, in addition to the written minutes we also record our proceedings on audio and videotapes, which serve as an official record until the tapes are destroyed. In March, the Council opted to move to an abridged form of minutes. The Council can decide this evening if it prefers an abbreviated or a more detailed form of minutes.

***Councilor Kraus MOVED that the Council continue the historical pattern and practice of descriptive written minutes. Councilor Morong SECONDED the motion.***

Councilor Kraus stated that having detailed written minutes assisted him in a recent research project. He does not believe the minutes need to be expansive, but should contain some description.

Councilor Paine requested from Mr. Selig an accounting of the costs of one method or another. Mr. Selig stated that he does not have an accounting but that it is convenient for citizens to research more detailed minutes.

Councilor Morong stated that he is not comfortable with abbreviated minutes.

Councilor Smith stated that this was a difficult issue. He felt that what is produced in the more detailed minutes is in fact a substantial distortion of what happens due to the Fact that the Minute Taker must determine what

to include and what to leave out in the written minutes. This frequently leads to inaccurate and misleading representations of what actually happened at the meeting.

***Councilor Kraus MOVED to extend the meeting for 5 minutes. The motion was SECONDED by Councilor Grant and PASSED unanimously.***

Councilor Niman suggested a technological solution of digitizing and compressing the audio or video, a search for key words and topics would assist in research. Citizens would have a complete record, but with the economy of the abbreviated minutes.

Councilor Kraus stated that the minutes are an imperfect document but that he has made a motion to have minutes with some texture.

***The motion that the Council continue the historical pattern and practice of descriptive written minutes PASSED on a vote of 5-3-0. Voting in favor of the motion – Councilors Kraus, Grant, Morong, Samuels, and Sandberg. Voting against the motion – Councilors Paine, Niman and Smith.***

- D. Other Business  
None

**I. Nonpublic Session (if required)**

None

**I. Adjourn**

***Councilor Kraus MOVED to adjourn. The motion was SECONDED by Councilor Paine and PASSED unanimously.***

Chair Sandberg adjourned the meeting at 10:07 p.m.

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Barbara Stoddard, Recording Secretary