

DRAFT

DURHAM TOWN COUNCIL MINUTES MONDAY, JULY 7, 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, Annmarie Harris

MEMBERS ABSENT: None

OTHERS PRESENT: Paul Beaudoin, Acting Town Administrator/Business Manager, and Interested Members of Public

I. Call to Order

Chair Sandberg called the meeting to order at 7:00 p.m.

II. Approval of Agenda

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

III. Special Announcements

None

IV. Approval of Minutes

June 16, 2003

Councilor Paine MOVED to accept the minutes of May 5, 2003. Councilor Kraus SECONDED the motion.

Page 5- insert the word “indicating” at end of line 7 from bottom in paragraph beginning “Councilor Niman.”

Page 6 - change 1st sentence to read, “William Hall, Durham, stated that the Town Council had required that the trash truck be ordered....”

Page 7 – to second motion at bottom of the page add the sentence, “There was no second to the motion.”

Page 7 – to last sentence on page add the word “would” “...that the language should be incorporated into the charter and would entertain a motion...”

Page 8 - next to last paragraph change the word recommended to recommending

Page 8 – third paragraph motion to amend failed by lack of second.

Page 8 – no one from the public

Page 13 – 3rd paragraph from bottom – add the word road before both words salt and sand.

Page 15 – next to last motion change the word vote to voting.

The motion to approve the minutes of June 16, 2003 PASSED on a vote of 8-0-1 with Councilor Samuels abstaining because of leaving that meeting early.

V. Report of the Administrator

Paul Beaudoin, Acting Town Administrator, reported that there would be some tree cutting on Packers Fall Road. Public Service has received approval from the Planning Board.

Work on the addition to the Council Chambers is proceeding.

The Public Works Department is trying out different solid waste vehicles and getting feedback from operators before selecting which new vehicle to purchase.

Bennet Road has been reclined, and graded the final phase of the project will be completed in 3 months.

Total revenue from the Fourth of July activities was \$8,031.00. There was \$8,218.00 in expenditures for a net profit of \$187.00. \$5,000.00 was collected at the gate.

VI. Reports and Comments of Councilors

Councilor Morong stated that interested volunteers are needed to sign up to be alternates to the Zoning Board of Adjustment.

Councilor Paine stated that the DCAT committee met last week and that the committee is making good progress. More members are needed on the committee. There are currently two trained staff people and a core of volunteers to operate the equipment.

Councilor Smith commended the people that worked on the Fourth of July event, including the committee and the Durham-Great Bay Rotary Club.

Councilor Paine gave kudos to the Rotary Club for collecting donations and for its help with parking.

Councilor Morong stated that the committee's use of stickers and general coordination contributed to the success of the Fourth of July.

Councilors Samuels and Kraus requested that letters of acknowledgment go to the committee and the Rotary Club.

VII. Public Comments

Representative Margaret Smith distributed copies of information about the state role in funding education. A copy of her report is included in the Council packet.

Megan McPherson, a senior at UNH, is the current president of the Student Senate. She stated that the senate hopes to work this year on repairing relationships and welcomes calls.

Beth Olshansky, Durham, thanked Megan for her participation. She further urged the Council to take a position on the school funding formula and to make the formula more equitable.

VIII. Unanimous Consent Agenda (*Requires unanimous approval. Individual items may be removed by any Councilor for separate discussion and vote.*) 7:32 pm.

- A. Shall the Town Council reappoint the Director of Planning and Community Development, Jim Campbell, as its representative to the Seacoast MPO Technical Advisory Committee for the period July 1, 2003 to June 30, 2004?
- B. Shall the Town Council accept for referral to the Water, Wastewater, and Solid Waste Committee an application from Rockingham Properties I, LP for a water and non-industrial wastewater discharge permit for connection/extension application for the Stone quarry Drive Office Park as recommended by the Town Engineer?
- C. **Resolution #2003-14:** Requesting that the Trustees of Trust Funds transfer \$13,750.00 from the Fire Equipment Capital Reserve Fund to the Capital Reserve for refurbishing Fire Engine 3 as approved in the 2003 Capital Fund Budget.
- D. **Resolution #2003-15:** Requesting that the Trustees of Trust Funds transfer \$10,500.00 from the Fire Equipment Capital Reserve to the sale of the old Fire Rescue 1 truck for less than originally anticipated.

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

Councilor Kraus MOVED to approve Items VIII A, C and D. The motion was SECONDED by Councilor Paine and PASSED unanimously.

Discussion was held regarding Item VIII. B.

Councilor Harris stated that this proposal was not consistent with the recommendations of the Master Plan.

Bob Levesque, Town Engineer, spoke to the Council about the issue.

Paul Beaudoin will relay the message and comments from the Council to Todd Selig, Administrator.

IX. Presentation Items (7:45 p.m.)

- A. Receive report from Town Clerk-Tax Collector Office – Linda Ekdahl

Linda Ekdahl gave an overview of the Town Clerk-Tax Collector department. She stated there was some concern at the end of May that revenues from auto registration were below normal, but that June was a banner month and that the Town is now currently \$1.00 ahead of last year's revenue. The Town is ahead on the number of title applications but down 2 marriage licenses from last year. Fewer dogs were registered this year as well. The amount of unpaid taxes is currently \$260,000, which is not bad.

B. Receive report Code Enforcement & Zoning Office - Tom Johnson

Mr. Johnson's report was attached with the Council Packet. He reported that random testing of birds for West Nile virus has been completed and that all have been negative. He also stated that the high school project is going strong. He further stated that the Zoning Board is very busy due to changes in zoning regulations. Zoning rewrite is continuing the "3 unrelated rule" and research is ongoing. He also mentioned the need for 2 more alternates on the Zoning Board of Adjustment.

C. Receive report from Oyster River Youth Association - Kathy Trainor, Ted Mulligan, President of the Oyster River Youth Association and Larry Brickner-Wood

The report presented is attached to the Council packet. The presenters explained their proposal for constructing baseball dugouts at the Woodridge Field Park. The Town Administrator requested feedback from the Town Council prior to giving final consideration to this proposal from the Oyster River Youth Association.

Councilors Smith and Paine both stated that they want to see some form of results reporting from anyone that the Council gives money.

Councilor Grant commended the committee for the report.

Councilor Kraus stated that the report as presented was extremely helpful.

Chair Sandberg stated that the Council offers consensus to the Administrator that no objections were made during the session, and that he may proceed.

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

A. **Public Hearing on Resolution #2003-13:** Authorizing the additional appropriation and expenditure of \$300,000.00 to the General Fund Operating budget in accordance with Section 5.5 of the Durham Town Charter and award of bid for the construction of the Durham Point Road landfill closure and new transfer station project. **8:42 pm**

Paul Beaudoin gave an overview of the project as shown in the report attached with the Council packet.

Councilor Smith MOVED to open the public hearing on Resolution 2003-13. The motion was SECONDED by Councilor Paine and PASSED unanimously.

No one from the public was present to speak to the Resolution.

Councilor Kraus MOVED to close the public hearing. The motion was SECONED by Councilor Paine and PASSED unanimously.

Councilor Morong MOVED to authorize the additional appropriation of \$300,000 for the landfill closure/new transfer station projects, said funds coming from an additional contribution from the University of New Hampshire of \$300,000.00 and authorizing the Town Administrator to enter into a contract with Capitol Earthmoving of Barre, VT to complete the construction phase of the Durham Point landfill closure and new transfer station facility for a total cost of \$1,349,845.00. Councilor Paine SECONDED the motion.

In response to a question from Councilor Kraus, Mr. Beaudoin stated that the money has already been appropriated up to \$1.5 million. Because bids came in higher and due to contingencies that may occur the budget is now \$1.8 million. The University has agreed to provide, if needed, the extra contingency funds.

In response to concerns from Councilor Grant regarding increased costs, Mr. Beaudoin stated that the estimates were done a while ago. Mr. Lynch stated that when talking about the costs of the project, associated costs were not discussed which are now included in the total costs.

In response to a question from Councilor Morong, Mr. Beaudoin stated that \$300,000 is the maximum amount that can be spent.

The motion to adopt PASSED unanimously.

Chair Sandberg called for a recess at 9:04 p.m.

Chair Sandberg called the meeting back to order at 9:10 p.m.

B. Discussion on School Funding Commission Formula Study

A synopsis of the situation was included with the Council packet. The question before the Council is to discuss how to proceed.

Councilor Niman stated that the Council may quibble about what the Town is paying but that the fundamental question is whether it is the appropriate role of the citizens of Durham that they contribute to the cost of sending the students of Lee and Madbury to the district school. He stated that he would like to see if the Council could reach a consensus on this issue.

Councilor Samuels thanked Councilor Niman for the work that he has done in addition to the work already done by the committee. She further stated that she

favors funding be based on average daily membership, and that each town pay a base cost on number of students.

Councilor Grant thanked the committee for its work and encouraged the Council to adopt a vote of thanks for the work in preparing the report.

Mr. Grant stated that he understood the original formula and that Durham would pay more of the costs. He further stated that the situation has changed due to Durham's declining share in the enrollment. He stated that if the formula were based on 100% ADM, it is projected that Durham would save over \$2,000 per student. He stated that he would like to join Councilors Niman and Samuels to encourage the Council to take leadership in this situation and go to the School Board and indicate the feelings that a change in the formula is needed.

Chair Sandberg stated that Durham joined a cooperative relationship in the 1950s and in order for Durham to affect a change in the formula there will need to be an article on the School District Warrant. He stated that a proposal could be taken to the School Board who would be asked to study the formula, hire a consultant or develop a committee to examine the formula, and report findings to the community at large. From this an article would be developed public hearings held and then on ballot in March.

The second way to proceed would be if the School Board developed an 80/20 formula but Durham wanted the 100% a petition drive might be held to put an article for 100% funding. Chair Sandberg stated that the Council has no authority to change the formula but that it is in a position of influence and could request that the School Board put together a study commission and report back on a time line so that it would be on the 2004 school district warrant.

Councilor Paine questioned whether a request from the Council had more influence or if the request needed to come from a citizen's commission.

Councilor Smith suggested two alternative proposals. The goal of both proposals would be to have a commission that would gain the confidence of as many people in the three communities as possible. The proposals he suggested were: 1) The Council authorize the Administrator to consult with the selectmen in all three communities for the purpose of having a meeting on trying to agree on a structure of study. There would be 9 people on the committee (2 representatives from governing bodies and 3 members of the Oyster River School Board; and 2) The Council ask the Administrator to go to the School Board with a specific proposal. Councilor Smith further stated that the towns need to work together on the proposal to avoid warfare.

Councilor Kraus stated that the State funding formula is part of the problem.

Chair Sandberg stated that a commission would need to be put together by the School Board and that they would fund a study.

Councilor Kraus stated that he would like to see a single page outlining the problem and asking the board to form a commission to address it.

Councilor Samuels stated that she favors requesting by a certain date that an outside impartial consultant be hired.

Councilor Niman agreed with Councilor Smith that commission should be comprised of volunteers from the towns. He stated his preference is that the Council acts as one body and that we be good stewards of the money of the people of Durham.

Chair Sandberg stated that a precise statement is needed, which is: “that there is a question among the Durham Town Council as to whether the current 50/50 formula is fair and reasonable.” Given the question, what is then done about it. Chair Sandberg stated that the question, the issue needs to be studied, “Who should study it?” Councilor Smith and Niman stated it should be a balanced committee. Chair Sandberg stated that he felt it should be professionally but independently researched to bring the numbers to the fore. He stated the Council as a body could draft a very succinct letter, make the request, and ask specifically that the work be done in such a time line that allows any outcome recommendation to be placed on the 2004 school district warrant. Chair Sandberg stated that if this were the consensus of the Council then the Administrator would be asked to draft such a letter.

Councilor Grant MOVED that the Chairman draft and send a letter to the Oyster River District School Board setting forth the points that have been made this evening, requesting that the School Board appoint a commission and that the action be completed in time so that further consideration can be given at the March School Board meeting. Councilor Harris SECONDED the motion.

Councilor Smith stated that he would prefer the letter be addressed to the Lee and Madbury selectmen and that they join in a proposal to the School Board.

Councilor Smith MOVED to continue discussion for 15 minutes passed the time of 10:00 p.m. Councilor Samuels SECONDED the motion. The motion PASSED by vote of 6-2-0. Councilors Kraus and Paine voted against the motion.

Councilor Grant stated he had no objection to including in the letter the options the School Board may consider in developing a commission, but that Madbury has already declined further study.

Chair Sandberg stated he would draft letter to School Board and copy to all other selectmen.

Councilor Morong stated that he would like time lines and to reach out to other selectmen.

Chair Sandberg stated he felt it better to write the letter to the School Board and copy to the other towns.

In response to a question from Councilor Kraus, Councilor Grant stated that his motion stated to draft and send the letter.

Councilor Grant MOVED to call the question. The motion was SECONDED by Councilor Kraus and PASSED unanimously.

The motion to draft a send a letter to the Oyster River School Board PASSED unanimously.

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.

Barbara Stoddard, Recording Secretary