

**This set of minutes was approved at the December 15, 2003 Town Council meeting.**

**DURHAM TOWN COUNCIL  
MONDAY, DECEMBER 1, 2003  
DURHAM TOWN HALL -- COUNCIL CHAMBERS  
7:00 PM**

**MEMBERS PRESENT:** Arthur Grant; John Kraus; Annmarie Harris; Patricia Samuels  
Mark Morong; Neil Niman; Katie Paine; Peter Smith

**MEMBERS ABSENT:** Malcolm Sandberg

**OTHERS PRESENT:** Town Administrator Todd Selig; Business Manager Paul  
Beaudoin; other interested members of the public

**I. Call to Order (7:02 PM)**

Councilor Grant said he would be serving as Chairman for the meeting because Chair Sandberg would not be able to attend that evening.

**II. Approval of Agenda**

*Councilor Kraus MOVED to approve the Agenda. The motion was SECONDED by Councilor Samuels, and PASSED unanimously.*

**III. Special Announcements**

**IV. Approval of Minutes**

November 10, 2003

Page 1, Patricia Samuels was present at the meeting, and Councilor Kraus was not.

Page 5, 1<sup>st</sup> paragraph should read “..if the Town continued on the track it was on..”

Page 6, 3<sup>rd</sup> paragraph from bottom should read “ ...showing adding \$100,000 to the fund balance..”

Councilor Smith also submitted other non-substantial corrections to the minutes.

*Councilor Kraus MOVED to approve the minutes. The motion was SECONDED by Councilor Niman, and PASSED unanimously.*

November 17, 2003

Page 12, 3<sup>rd</sup> paragraph should read “..was planning to sign a several year lease extension...”

Councilor Smith also submitted other non-substantial corrections to the minutes.

***Councilor Morong MOVED to approve the minutes. The motion was SECONDED by Councilor Harris, and PASSED unanimously.***

November 17, 2003 (Nonpublic)

Councilor Smith said he had concluded that there was no reason for the minutes to be sealed.

***Councilor Smith MOVED to unseal the minutes. The motion was SECONDED by Councilor Paine, and PASSED unanimously.***

***Councilor Niman MOVED to approve the minutes. The motion was SECONDED by Councilor Smith, and PASSED unanimously.***

## **V. Report of Administrator**

Administrator Selig reported the following:

- A number of public hearings were scheduled for the evening. Administrator Selig said he hoped that people would come to Town Hall to voice their opinions.
- The “Light Up Durham” event, sponsored by the Durham MainStreet Program, will be held on Friday, December 5<sup>th</sup>, from 5-8 pm.
- A group of Durham citizens has expressed an interest in organizing a skateboard park, and was considering as a possible site the area across from the skating rink at Jackson’s Landing. A report on this will be coming to the Council during the winter.
- An aluminum fence has been installed around the Leather’s family graveyard. Administrator Selig said he hoped that this would be the end of the disputes regarding that location.
- The Town has been struggling to find an appropriate site for this coming election and the next 3 elections because the Oyster River High School will not be available due to the construction project at that site. A variety of locations have been considered, but found to be inappropriate for one reason or another. Administrator Selig said that he was trying to be considerate of everyone’s perspectives and needs, and appreciated all the sites that had been offered.

Councilor Harris asked if perhaps the Middle School could be used, and was told it was problematic. Councilor Kraus said there was some history of using churches for elections in Durham, and noted the Evangelical Church worked well last year. He said the convenience of citizens should be foremost in choosing an election location.

Administrator Selig said the feedback on holding the election in any of the churches in Town was that some people were uncomfortable about voting in a church. There was additional discussion about possible locations for holding the election. Chair Grant asked Administrator Selig to continue to seek an appropriate voting place.

- Administrator Selig said that tax bills were due on December 8, 2003, which was an additional reason for people to come to the public hearing on the Budget, because it would have an impact on next year's tax bill.
- Administrator Selig announced that a national Presidential debate sponsored by ABC would be held at UNH's Johnson Theater on December 9, 2003.
- Administrator Selig said there was likely to be an action item planned for the Council's Budget work session the following Monday. He said there would be discussion on a conservation easement request with regard to the Dunn property, located at 35 Bagdad Road.
- Administrator Selig noted that in response to the pedestrian complaints that had been received regarding the downtown area, the Durham Police Department had scheduled an expert from the National Transportation Safety Administration to visit the Town on December 2, 2003 to discuss crosswalk, pedestrian, and speed control issues. He displayed a GIS map composed of aerial photos from a flyover of the entire town, which among other things showed the various traffic intersections in Durham.
- Administrator Selig said some residents of the Packers Falls Bridge neighborhood were present to discuss an issue with the Council.

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

Councilor Morong reported he had recently gone to a Rental Housing Commission meeting, which was well attended. He said the Commission was interested in working with UNH and the Town on student behavior problems, and observed that although not enough attention was given to the Commission, it could really be a force in addressing these problems.

He said that Tom Johnson, the Code Enforcement Officer, had been at the meeting to discuss the confusion around duplexes and single family homes with accessory apartments; Robb Dix, the Tax Assessor, answered questions about how commercial properties were assessed differently than residential properties, Mike Lynch talked about progress in screening of dumpsters (80% compliance) and Deputy Chief Kelly reported that fraternities were doing better and that noise complaints and crime were each down 20%, (not including the riots). Councilor Morong said these decreases were attributable to better policing by private security forces hired by some landlords.

Councilor Morong said the only large problem area was Young Drive, and said members of the Commission were concerned about this, among other reasons because it gave them a bad image, and were interested in working with the Town to address the problem.

Councilor Morong said some representatives from UNH off-campus housing were trying to educate off-campus students and commuters on expected behavior in off-campus housing and parking, and said this education was ongoing. He also said the landlords expressed interest in working with UNH to make students more responsible for off-campus behavior. Councilor Morong encouraged members of the public to attend Commission meetings, noting they were an excellent way to voice complaints if one was having trouble

in a neighborhood. He said the Commission was required to meet twice a year, but because of the various issues facing them, including possible permitting, they would be having more meetings, including one in January.

Councilor Smith said the last time the Commission had been discussed, it was pointed out that not all members representing various constituencies that there were several vacancies resulting in certain constituencies not being represented. He asked if all positions on that Commission were now filled. Councilor Morong said he did not know, and said that although UNH representative were at the meeting, no student representatives were present. It was clarified that there could be two student appointees, but none had been appointed.

Councilor Smith said that having full membership was vital to solving problems.

Councilor Harris pointed out that the Commission was intended to include not just landlords of multi units, but also representatives of neighborhoods that had accessory apartments.

Councilor Morong said he didn't see anyone from the neighborhoods there, but also said he was new on the Commission and couldn't say for sure who was supposed to be attending.

Chair Grant said Administrator Selig would look into attendance issues.

Councilor Samuels recommended that if the Commission were seeking to appoint a UNH student to the Commission, it would be a good idea to appoint someone from Young Drive who could discuss the problems there and perhaps suggest ways to solve them.

## **VII. Public Comments**

**Richard Lord, Bennett Road**, said he and his mother originally owned the site that is now the Town property at Packers Falls. He said that Skip Grady, the former Public Works Director, asked him if he had any history on the original bridge when the work to reconstruct the bridge was being planned. Mr. Lord said he was very pleased that Skip and Mike Lynch had worked quite hard to preserve the essential nature of the bridge, and said the new construction, within the constraints, had done a pretty good job of representing it. He said from downstream the pedestrian walkway didn't appear to have compromised the basic view.

Mr. Lord said that when the Bridge was recently opened, local residents were startled to find a large wooden fence as part of the path guidance to the pedestrian walkway on the Bridge. He said the fence was fairly tall, extending quite a distance back from the bridge itself, and said this was a concern to those who had previously asked that the pedestrian walkway have minimal impact on the area. He said he realized it was important for safety considerations, but it turned out to be pretty extensive. He also said the intent was to build the same kind of fence on the other side, which would block off access to the swimming area and the woods. Mr. Lord said he met with Todd and Mike Lynch and it was

determined that the wood fence could be cut back, to essentially 5 fence posts on either side, which would still protect people but would not obscure the walkway.

Mr. Lord said another matter which concerned him was that the pedestrian fence was considerably higher than the highway fence. He said it was 57 inches tall, when the State requirement was 42 inches, and noted that the pedestrian fence was now higher than the highway fence. He said it was agreed that the pedestrian fence height could be lowered somewhat, but noted that changing the highway fence would be more difficult.

**Julian Smith, Packers Falls Road**, said he blamed himself for how things had progressed, but said he had been out of town recently, and when he returned he saw that the visual problems with the bridge were quite striking, because the pedestrian walkway had turned into something more monumental than the bridge. He said perhaps it should be a monument to careless citizens like him who went to many hearings on the bridge and somehow never figured out how awful it was going to be. He compared the balustrades on the various bridges in the area and said the Packers Falls Bridge, a scenic bridge with less traffic than these other bridges, had higher balustrades than all of them.

**Beth Olshansky, Packers Falls Road**, thanked Administrator Selig and Mr. Lynch for taking their concerns seriously, and calling a halt to building the fence. She said the concrete railing issue was more monumental and troubling. She said that when the bridge opened, she drove over it and her heart sank because she could no longer see the river on either side. She also said people her height would no longer be able to see the river when on foot because of the height of the railing. Ms. Olshansky said she would like to see something done about the situation, because a scenic and historic view had been lost. She said somebody had goofed, but that didn't mean that the situation should be accepted, and she discussed possible options for solving the problem.

**Wesley Smith, Woodridge Road**, said he had seen in the budget that the Town wanted to hire another Code Enforcement Officer when most companies right now were looking at using staff they already had. He asked why this job couldn't be done by existing staff in other departments, in order to keep costs down. He also noted that the Fire Department still did not have a contract, and was the lowest paid Fire Department in the Seacoast area. He said the Town was in the process of losing 10 well-trained firefighters to other towns. He noted that some people said Durham didn't need a full-time Fire Department staffed to this level, which was in large part because of the University, but he pointed out that the Town had many more structure fires than the University the previous year. He also said that the Fire Department played a key role in emergency response.

Chair Grant said if there were people who wished to speak about items in the budget, then the Council would appreciate hearing from them during the public hearing.

**Larry O'Connell, Sullivan Falls Road**, said he lived within sight of the bridge, and was delighted to see the bridge opened. He said the fence shielding the walkway appeared to be higher than what he had expected, but recommended looking carefully at the plans, to see if it was built to spec. He said he didn't feel the problem was as serious as his

neighbors had described, but would like to see a better view from the walkway. He said there was an enormous improvement in safety for pedestrians and drivers, and said he hoped that changes could be resolved as efficiently as possible.

Chair Grant asked if Council members wanted to address the bridge issue at that time, or later in the meeting.

Councilor Samuels said she would like to deal with it briefly at that time because people in the audience might need to go home.

***Councilor Paine MOVED to add a 10- minute discussion about the Packers Falls Bridge comments that had been received that evening as an agenda item.. Councilor Kraus SECONDED the motion.***

***The motion PASSED unanimously.***

Councilor Kraus asked Administrator Selig if the specifications on the bridge construction had been included in the packets Councilors had received some months back.

Administrator Selig said he had looked at the construction plans, dated early 2002, and those were the plans the Council had discussed. He said he had not had a chance to check exactly what had been forwarded to the Council. He said the work had been built to specifications, with the exception of the 3-inch differential that Mr. Lord had noted.

Councilor Harris said she was a member of the Planning Board when this was discussed at great length, and it was her understanding that they would build the concrete railings to the minimum of the State requirement in order to qualify for the funding. She said she assumed, having gone around to other bridges in the area, that the minimum height for the roadway was 36 inches, and the minimum height for the pedestrian area was 42 inches. She said she checked the construction several times, but was not allowed to get close to it for safety reasons. She said she was really startled when she saw that the heights measured 44 inches and 57 inches, and said it was unimaginable that the Planning Board agreed to those measurements. Councilor Harris also noted that the metal bumper strip rail was not only the least aesthetically appealing guard rail imaginable, it was 180 ft. long, compared to others in the area that were much shorter. She said it was bolted to this beautiful bridge, and detracted enormously from it.

Councilor Samuels asked who was in charge of the project, and who guaranteed and was responsible for the oversight of the specifications.

Councilor Paine asked what remedy the builder had offered for the miscalculations, and if no remedy was offered, what he was going to do to fix the problem.

Administrator Selig said the problem came to his attention the previous evening, and he hadn't had sufficient time to research the issues. He said the wooden railing issue had been addressed that afternoon, and said Mike Lynch was getting in touch with the

contractor and his subcontractor on this issue. He said the pedestrian railing had been built to specification.

Councilor Smith asked, assuming the construction was built to specification, that Administrator Selig look into whether the picture that was created for the public of what work would be done was fairly conveyed. He said this situation represented a more global issue, and one that was extremely important.

Councilor Morong said that in case the work was the fault of the Town, it would be good to know the cost of fixing the problems.

Councilor Harris said she would like to know if the metal guardrail, which seemed over-engineered, was in the engineering plan.

Councilor Paine asked why the Town would purposely pay for an over-engineered project when it was also trying to keep costs down.

Administrator Selig said that although there might be the perception that the Public Works Department was insensitive to environmental and aesthetic concerns, this was not the case. He also said they had worked hard to make it a quality project, and felt bad that this had happened.

Councilor Grant asked if it would be appropriate to discuss this Item at the next Council meeting. Administrator Selig suggested putting it off until the next regular Council meeting, because there was still a great deal to discuss about the Budget at the next meeting.

Councilor Kraus said it might be helpful if they could see some costs estimates when the issue was discussed again, in the context of the CIP.

Chair Grant said it was agreed that this Item would be discussed again at the December 15, 2003 Council meeting.

**VIII. Unanimous Consent Agenda (NLT 7:30 PM)** *(Requires unanimous approval. Individual items may be removed by any councilor for separate discussion and vote)*

- A. Shall the Town Council accept the Proposed 2004 Holiday Schedule in accordance with Section 0503 of the Town Personnel Plan?
- B. Shall the Town Council approve supplemental abatements and warrant for water and sewer for Fall 2003 and authorize the Town Administrator to sign said abatements and warrant?

Councilor Smith noted to Administrator Selig that if the Council approved Item A, it would be with the understanding that the typo on the face page would be corrected, to read: "Martin Luther King Civil Rights Day".

***Councilor Kraus MOVED to approve Items A and B in the Unanimous Consent Agenda of Monday, Dec. 1<sup>st</sup> 2003. The motion was SECONDED by Councilor Paine, and PASSED unanimously.***

## **IX. Public Hearings**

- A. **Public Hearing and Action: Resolution #2003-21** accepting a grant from the State of New Hampshire Department of Safety and appropriating funding for the purchase of specialized equipment for response to potential terrorist acts as outlined in the grant

Administrator Selig explained that the Fire Department applied for a Homeland Security Grant to purchase special equipment for collective response to possible acts of terrorism through both the fire and police agencies. He said the money would be used to purchase equipment that could be used in Durham or the region, and could also be used in the everyday exercise of their duties.

***Councilor Paine MOVED to open the public hearing. The motion was SECONDED by Councilor Morong, and PASSED unanimously.***

There were no comments from members of the public on this Resolution.

***Councilor Smith MOVED to close the public hearing. The motion was SECONDED by Councilor Kraus, and PASSED unanimously.***

Councilor Smith said he had no substantive problem with the Resolution but said the wording of the Resolution needed some editing, and said he had provided revised wording for it.

***Councilor Smith MOVED to amend the Draft Resolution to read “NOW, THEREFORE BE IT RESOLVED that the Durham Town Council, the governing body of the Town of Durham, New Hampshire, hereby accepts two Grants from the New Hampshire Department of Safety “Homeland Security Grant Program”....”. The motion was SECONDED by Councilor Kraus, and it PASSED unanimously.***

***Councilor Paine MOVED to adopt Resolution #2003-21, accepting two Grants from the New Hampshire Department of Safety “Homeland Security Grant Program” in the amounts of \$29,270.71 and \$30,262.00, and authorizing the expenditure of the grant money for the purchase of specialized equipment to enhance the capability of local government agencies to prevent and respond to possible acts of terrorism as outlined in the grant. The motion was SECONDED by Councilor Harris, and PASSED unanimously.***

- B. **Public Hearing:** Hold public hearing on proposed Town Charter amendment wording, adopt proposed Charter amendment wording, and order the placement of proposed Charter amendment wording on the March 9, 2004 Town election ballot



***Councilor Smith MOVED to extend the time for discussing Item IX by 30 minutes. The motion was SECONDED by Councilor Kraus, and PASSED unanimously.***

***Councilor Smith MOVED to open the public hearing on proposed amendment wording to various sections of the Durham Town Charter, as recommended by the Town Administrator and amended by the Durham Town Council at its meetings on October 20, November 3, and November 17, 2003, to be placed on the March 9, 2004 Town election ballot. The motion was SECONDED by Councilor Kraus, and PASSED unanimously.***

Administrator Selig gave a brief summary of the changes to the Town Charter that had been developed.

Article 9, Section 9.2 - Elimination of Informational Town Meeting.

Article 11, Section 11.1

- A. Administrator Selig said there will be not more than five alternate members of the Planning Board, and also clarified that there is a primary and an alternate ex-officio member of the Planning Board from the Town Council.
- B. Administrator Selig said the Conservation Commission could have up to three alternate members.
- C. Administrator Selig noted the Board of Library Trustees will have not more than three alternate members, and it is the Town Council that appoints the alternate members of the otherwise elected Board.

Article 11, Section 11.3 – Administrator Selig clarified that the Town Council will appoint members to boards and committee, but the date by which the Council has to do this is changed to May 1<sup>st</sup> so newly elected Council members will have more time to consider these appointments. He also clarified the terms of office, which will run from May 1<sup>st</sup> through April 30<sup>th</sup>.

Article 11, Section 11.5 – He said the changes clarified how the Town Council fills vacancies in either elected or appointed positions.

Chair Grant noted that the change concerning the Library Board of Trustees was done on the advice of legal counsel and reflected existing State law. He asked if the public had any comments to make concerning the proposed changes to the Charter.

***Councilor Paine MOVED to CLOSE the public hearing on proposed amendment wording to various sections of the Durham Town Charter, as recommended by the Town Administrator and amended by the Durham Town Council at its meetings on October 20, November 3, and November 17, 2003, to be placed on the March 9, 2004 Town election ballot. The motion was SECONDED by Councilor Kraus, and PASSED unanimously.***

***Councilor Smith MOVED to ADOPT the proposed amendment wording to various sections of the Durham Town Charter, as recommended by the Town Administrator and***

***amended by the Durham Town Council at its meetings on October 20, November 3, and November 17, 2003, to be placed on the March 9, 2004 Town election ballot. The motion was SECONDED by Councilor Kraus.***

Councilor Samuels noted for anyone watching the meeting that she was sorry to see the Informational Town Meeting being proposed for elimination. She repeated her previous suggestion that some kind of informational town meeting would be more effective if it was held earlier in the season, before Town elections. She asked what her choices were at this point in terms of carrying this idea forward. Chair Grant said there was no reason why a type of informational town meeting couldn't still be held at any time.

Councilor Smith agreed with Chair Grant that the Council could vote to have as many informational town meetings as it wanted, and that all that was being done here was to remove the charter requirement that such a meeting must be held. He said the verbiage didn't seem to have relevance anymore, and that removing the meeting requirement from the Charter recognized a reality. He noted there was no one at the public hearing to protest the removal of the Information Town meeting from the Charter.

Councilor Paine said the Council was not even voting to eliminate it, and were simply saying voters had a choice about this. She noted DCAT could be useful in creating an open discussion on this and other issues.

Councilor Samuels said she would like to come forward with a proposal for an Informational Town Meeting. She said she believed it was not previously successful because all that happened was reporting of what was already in the Town Report. She said if pertinent issues were included, and there was a real effort to develop discussion and feedback, it could be an important part of the community.

***The motion PASSED unanimously.***

- C. **Public Hearing:** Grant application under the Brownfield Cleanup Grant Program to be used for the remediation and cleanup costs associated with the former Craig Supply Company site located on Depot Road.

***Councilor Samuels MOVED to open the Public Hearing. Councilor Paine SECONDED the motion, and it PASSED unanimously.***

Administrator Selig provided background on this issue. He said that for 15 years, the Town had been working to identify contamination on the Craig Supply site, in conjunction with NHDES, NH Office of State Planning, UNH, and other parties. He said a chief concern was the type and extent of contamination on the site, and explained that the pollutant was PCE from a former dry-cleaning plant on the property, which at one time was loaded onto railroad cars at that location.

He said the Town had received grant funding to cover site assessment costs, and were presently entering the final phase of this investigation, which involved development of a

remediation action plan (RAP). He explained that this plan, due out in April of 2004, would determine the possibilities for reuse of the site. He said they were presently awaiting an estimate of the cost of cleanup of the site, but noted the rough estimate was that the minimum remediation cost would be about \$500,000.

He said it was time to move forward with the remediation process, which would include removal of soils, and long term monitoring of the site, and said the first step was to identify and get as much grant funding as possible to accomplish this. He briefly described the EPA Brownfield Program that administered these grants, and noted that December 4<sup>th</sup> was the due date for the present round of brownfield grants. He said they were hopeful of receiving a minimum of \$200,000.

Administer Selig said GZA Environmental had put in a series test pits at various locations on and around the property, and he said the analysis so far had indicated that the pollution was restricted to a few locations on the property. He said that the Public Works Department had a chart to illustrate the contaminated areas, if Council members and members of the public were interested in finding out about this.

He said that the purpose of the public hearing was to get public input as to whether it was prudent to move forward with the present grant application. He explained that in order to have a successful grant, the Town needed to own, or at least be in the process of acquiring it, and noted that the Council would be discussing this in non-public session later in the meeting, as well as in public session at a future meeting.

Administrator Selig noted that Brian Mazerski, from the NH Office of State Planning was present at the meeting, and had provided endorsements from that agency as well as NHDES for the grant applications. He said the grant application was almost complete.

Administrator Selig said the long term goal was to bring the property into productive reuse, in conjunction with various entities. He noted the Town had been cautious about this property for the last 15 years, but that because of the Brownfield program, there were now a series of protections in place to make moving forward possible, including taking the tax deed. He said the outstanding taxes due were \$269,309, without interest or penalties, and \$531,869, including interest and penalties. He said the current assessed value of the property was \$798,900, and that the previous owners had abandoned it.

Councilor Paine asked Administrator Selig to indicate on an aerial photo where the Craig property was located, and he showed that it stretched back behind the Dairy Bar.

In answer to a question from Councilor Kraus, Administrator Selig explained that the term brownfield meant land that was polluted, and was no longer, green, usable land.

Councilor Grant asked if the public wished to comment on the issue.

**Wesley Smith, Woodridge Road**, asked if the cost to the Town after receiving the grant would be about \$300,000 for the cleanup process.

Administrator Selig said there was no firm cost on the cleanup at present, but noted that if the Town took the tax deed, there would be state and federal liability protections. He said the property essentially had a negative value at present, because anyone taking control of it would have to spend a lot of money on cleanup costs. He said the downside for the Town in taking control would be that it would be assuming the liability for the property, but would be protected from actually having to expend the money to clean it up themselves, unless the Town chose to make modifications to the site.

He explained that the positive part of taking control of the property was that it would allow the Town to go after grant funds, and he explained that they were going through the first step of ideally getting several grants to remediate and reuse the property. He noted if the costs of reusing the property were very high, the Town would not consider this unless it could identify significant revenue streams.

He said the Town had been thinking through potential uses of the property, especially a municipal parking area, which would allow the Town to recoup remediation funds and provide additional revenue. He also said they were considering an intermodal transportation hub – an extension of the dairy bar, train station, as well as possibly making the property a location for other taxable enterprises. He said right now they were looking specifically at the parking lot idea because it was relatively simple, and fit with remediation goals.

Wesley Smith suggested a parking garage would be a good idea for reusing the property, noting that people taking the train from Durham had limited places to park their cars. He also said there was limited parking at the Whittemore Center. He pointed out that Portsmouth had a successful parking garage, and said a garage was preferable to blacktopping over land, as UNH did.

Brian Mazerski from NH OSP spoke about the assessment grant presently being used to do the environmental assessment of the Craig property. He also spoke about the importance of the brownfield grant program, and said the current grant application, although not a “sure thing”, was an important step for the Town to take. He said good work was being done with the Craig Supply site, and also noted a parking facility at this site could be useful for the entire region.

***Councilor Smith MOVED to close the Public Hearing. Councilor Kraus SECONDED the motion, and it PASSED unanimously.***

**D. Public Hearing:** Proposed FY 2004 Operating Budget and 2004-2013 Capital Improvement Plan

***Councilor Paine MOVED to open the public hearing. Councilor Smith SECONDED the motion, and it PASSED unanimously.***

Administrator Selig gave a brief summary of the Budget process, and said he was hopeful members of the public had been following along. He noted that the introductory letter for the Budget was posted on the Town website along with the charts included in the

Operational Budget and the Capital Improvement Program (CIP). He briefly summarized the key figures in these documents.

Administrator Selig responded to Wesley Smith's comment about the Code Enforcement Officer position. He explained that the Town would not fund that position unless a rental registry, with annual permit cost associated with it, was established, which would provide the majority of the funding for this position. He said the position would be essentially tax neutral. He explained that the position was a response to increased concerns about code violations, and noted that presently the Town was in more of a reactionary mode, and hadn't been able to provide active enforcement that some residents wanted. He said the rental registry program, if adopted, would involve annual inspection of rental properties.

Wesley Smith said his point was that it would seem that other Town staff could help with this, or perhaps the Town could have the Code Enforcement Officer in another town do this work. He also suggested that perhaps UNH could provide funding for the position.

***Councilor Smith MOVED TO close the public hearing. The motion was SECONDED by Councilor Kraus, and PASSED unanimously***

**X. Unfinished Business**

Discussion on the proposed 2004 Operating Budget and 2004-2013 Capital Improvement Plan

Council members agreed that it made sense to postpone discussion on the Budget to the next Council meeting the following Monday.

***Councilor Kraus MOVED to defer discussion on the Budget to the next Town Council meeting. The motion was SECONDED by Councilor Morong, and PASSED unanimously.***

**XI. New Business**  
**None**

**XII. Nonpublic Session (Land matters in accordance with RSA 91-A:3 II (d) relating to the Craig Supply property)**

***Councilor Paine MOVED to go into nonpublic session in accordance with RSA 9A:3 II (d) for the purpose of discussing land matters relative to the Craig Supply property. The motion was SECONDED by Councilor Kraus and PASSED unanimously on a roll call vote as follows:***

***Arthur Grant, AYE; John Kraus, AYE; Annmarie Harris, AYE; Patricia Samuels, AYE; Mark Morong, AYE; Neil Niman, AYE; Katie Paine, AYE and Peter Smith, AYE.***

The Council entered into Nonpublic Session at 9:38 PM.

The Council returned to public session at 9:49 PM.

Chair Grant noted that the Council had been in nonpublic session, and was now returning to public session.

***Councilor Niman MOVED to direct the Town Administrator and the Durham Tax Collector to transfer the tax lien, with all applicable safeguards on Tax Parcels Map 1, Lot 1, and Map 1, Lot 1-1, known locally as the Craig Supply Site, to the Town of Durham. The motion was SECONDED by Councilor Paine, and PASSED unanimously.***

***Councilor Smith moved to seal the minutes of the nonpublic session. The motion was SECONDED by Councilor Kraus, and PASSED unanimously.***

### **XIII. Adjournment**

***Councilor Kraus MOVED to adjourn the meeting. The motion was SECONDED by Councilor Samuels, and PASSED unanimously.***

The meeting ADJOURNED at 9:50 PM.

Victoria Parmele, Minutes taker