

## **Webster Planning Board**

### **Minutes - Meeting of November 18, 2010**

Present: Chairman Clifford Broker; Selectman member George Hashem; members Jere Buckley (secretary), Richard Doucette, and Tom Mullins; and alternates Richard Cummings, Sue Rauth, Thomas Godfrey, and Mason Donovan. Also present: Selectman David Klumb and Planning & Zoning Secretary Mary Smith.

Chairman Cliff Broker convened the meeting at 7:00 p.m.

Attendance was taken, with the results noted above.

The Board began with the topic of the revised April minutes. The Board had objected when secretary Buckley signed those minutes via an attachment sheet indicating that his signature certified that the minutes were as approved by majority vote but should not be construed as indicating his endorsement.

Mr. Broker distributed copies of a 9 November letter on the subject sent to him by Town Counsel Bart Mayer. That letter described Mr. Buckley's reluctance to endorse the content of the revised minutes as a refusal "to certify the accuracy of the minutes", asserted that the secretary's signature on the minutes signifies Board approval and not personal approval, and went on to suggest that such action "is inimical to the Board".

Mr. Buckley then reported he had made inquiry on the subject to attorney Paul Sanderson at the Local Government Center. He read the following portion of a 16 November letter he had received from attorney Sanderson in reply to that inquiry:

"This is actually a fairly common problem under the Right to Know Law. As you know, RSA 91-A:2, II requires that minutes of all public meeting shall be promptly recorded and available for public inspection within 5 business days after the meeting. There is no requirement that such minutes ever be reviewed or approved by the public body. While such review and approval is a common practice in order to assure accuracy of the recorded information, in most cases the body will not meet again within the 5 day window during which "the minutes" must be prepared and be made available for the public.

"Since it is possible that a member of the public could receive a copy of the minutes well before any board member sees the same, it is critical that the minutes be retained as a governmental record in the version as prepared in accordance with the Right to Know Law. Thus, there should never be any "new versions" of minutes of past meetings. Instead, any proposed corrections, additions, deletions, or other changes to the minutes prepared in accordance with the Right to Know Law are simply items of business to be recorded in the minutes of future meetings of the public body in question.

"Thus, in your factual situation, the "April minutes" are as you originally prepared them, regardless of whether any member feels that something about them is inaccurate. Each discussion of the language in the subsequent monthly meetings is information to be recorded in the minutes of those meetings, and each decision reached is a decision reached in that meeting. The minutes of each of those meetings as prepared in compliance with the Right to Know Law is a governmental record which must be preserved unchanged, even if in subsequent meetings some person raises an item for correction or further action."

Mr. Buckley noted that attorney Sanderson's indication that "there should never be any 'new versions' of minutes of past meetings" appears to conflict with current Board procedures, and suggests that the question of signing revised versions may thus be academic. He advised the Board that he had posed these issues to Mr. Sanderson but had not yet received a reply. He asked that the matter be tabled pending that reply. Chairman Broker summarily denied that request.

Mr. Buckley then indicated that he would sign the revised April minutes if the Board would approve changing the closing line from “respectfully submitted” to “respectfully submitted, with Board-approved revisions”. That alternative also was summarily rejected.

Upon motion made by Mr. Hashem and seconded by Mr. Mullins, the Board voted to authorize Chairman Broker to designate another member to sign the revised April minutes. Chairman Broker then delegated the task to Mr. Mullins. Mr. Buckley, who had previously suggested that someone else could sign the minutes, stated that he was happy with that outcome.

It was suggested that some action might be in order to somehow remove or negate Mr. Buckley’s “qualified signature via attachment page” on the revised April minutes. Mr. Buckley opined that attachment page to have been summarily rejected by the Board and thus to all intents and purposes no longer in existence. The other Board members indicated acceptance of that declaration.

The Board then reviewed the minutes of the October meeting. Mr. Buckley called attention to the statement in the first major paragraph thereof that Mr. Mullins was “awaiting inputs from Paul Sanderson at the Local government Center and Town Counsel Bart Mayer.” He said that, although Mr. Mullins had referred to a conversation with Mr. Mayer and that there had been several subsequent references to awaiting inputs from counsel, later review of the recording of the meeting indicated that the Mayer/Mullins conversation had been on another subject and suggested that the references to counsel were references to attorney Sanderson, not to Town Counsel. Accordingly, he suggested that the phrase “and Town Counsel Bart Mayer” should be deleted from the minutes. Upon motion made by Mr. Mullins and seconded by Mr. Doucette, that deletion was unanimously approved. Upon motion made by Mr. Hashem and seconded by Mr. Doucette, the October minutes with that deletion were unanimously approved.

The Board then turned to the issue of proposed Zoning Ordinance changes regarding accessory apartments and related issues. As agreed at the October meeting, Mr. Hashem had drafted proposed wording, which he submitted for Board consideration. A detailed discussion produced a number of additional refinements. Mr. Hashem agreed to prepare a new draft incorporating those refinements and, in accordance with a request from Mr. Broker, to arrange for distribution of that new draft to Board members well in advance of the December meeting.

The Board had been asked by the Selectmen to re-evaluate the need for \$3,200 dollars in the 2011 budget for additional inputs from Bruce Mayberry on the workforce housing issue. Upon motion made by Mr. Mullins and seconded by Mr. Doucette, influenced by the data already supplied by Mr. Mayberry, the Board approved a motion not to seek any additional inputs from Mr. Mayberry in the near term. Accordingly, and again upon motion made by Mr. Mullins and seconded by Mr. Doucette, the Board voted to advise the selectmen that a \$3,200 provision for Mr. Mayberry’s support in the 2011 budget is no longer needed.

Drafts of several proposed changes to the Board’s Meeting Procedures were distributed to Board members for review prior to discussion thereof at the December meeting.

Ms. Smith advised the Board that Mike Tardiff of the NH Regional Planning Commission would like to address the Board on the subject of Town membership in that commission. There was little evident enthusiasm for the idea. Mr. Mullins in particular opined that past memberships have brought no benefits to the Town.

Upon motion made by Mr. Mullins, seconded by Mr. Doucette, and unanimously approved, the meeting was adjourned at 8:15 p.m.

Respectfully submitted,

Jere D. Buckley, Secretary