

Webster Planning Board

Minutes - Meeting of April 15, 2010

Present: Chairman Cliff Broker; selectman member George Hashem; members Jere Buckley (secretary) Richard Doucette, and Tom Mullins; and alternates Richard Cummings, Susan Roman and newly-appointed Mason Donovan. Also present: Planning and Zoning Secretary Mary Smith.

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

Attendance was taken, with the results noted above.

The Board reviewed the minutes of their 18 March meeting. It was agreed that the phrase "near-term" in the 5th paragraph was potentially confusing and should be deleted. Upon motion made by Mr. Doucette and seconded by Mr. Hashem, the Board voted unanimously to approve the 18 March minutes with that deletion.

The Board then moved to the annual task of electing a chairman and a secretary for the coming year. Mr. Buckley, noting that designation by the Board of Selectmen (BOS) of their ex-officio representative on the Board is on the 19 April Board of Selectmen agenda, said he felt strongly that the election of officers for the coming year should be with the participation of the incoming rather than the outgoing BOS representative. He accordingly moved that the election be deferred until after the selectmen appoint their representative and that the present office-holders remain in office until that time. Both Mr. Broker and Mr. Mullins stated their belief that such an action would be both illegal and inappropriate, given that the Board's *Meeting Procedures* specify the term of office as one year, and that elections shall be held at the regularly scheduled Board meeting in April. There was no second to Mr. Buckley's motion and Mr. Broker ruled it to be not valid.

Mr. Mullins nominated Mr. Broker for another term as chairman. Mr. Hashem seconded the nomination. The vote in favor was unanimous except for Mr. Buckley, who abstained on the basis of his previously stated belief that the election should be deferred until after BOS designation of their ex-officio representative for the coming year.

Mr. Doucette nominated Mr. Buckley for another term as secretary. Mr. Hashem seconded the nomination. Before calling for a vote, Mr. Broker asked if anyone else was interested in the job. Mr. Mullins responded in the affirmative and nominated himself. Mr. Hashem seconded that nomination as well. That precipitated a discussion about whether or not the same person could properly second two different nominations. It was eventually decided that he could, inasmuch as promoting a multi-candidate field is not the same as actually voting for two different candidates. Chairman Broker then called for a vote. Mr. Doucette and Mr. Buckley voted for Mr. Buckley. Mr. Mullins and Mr. Hashem voted for Mr. Mullins. The resulting 2-to-2 tie would normally be broken by the chairman, but Mr. Broker, stating a desire to remain "absolutely impartial", declined to cast the tie-breaking vote, admitting he did not know how to deal with the resulting dilemma. After much discussion, it was agreed that the Board needed to seek consultation on how to proceed. The matter was about to be tabled in order to seek such consultation when Mr. Mullins, noting that the effort could become tedious and possibly expensive, withdrew his name from consideration. Mr. Hashem then added his vote to the two already cast for Mr. Buckley, thereby electing him to another term as secretary.

The Board then returned to the previously discussed matter of how to handle minutes of Board meetings. Mr. Buckley had previously regarded as "silly" a rule mandating that changes to minutes suggested during Board review thereof can be recorded only in the minutes of the meeting in which the review took place, with the original minutes remaining unchanged. Planning and Zoning Secretary Smith reported advice from the Local Government Center that it is acceptable that minutes initially be marked "draft", that public availability of "draft" minutes within 5 business days of the meeting fulfils RSA requirements, that "final" minutes (approved by the Board and signed by the secretary) can incorporate any Board-recommended changes, but that the originally-released "draft" version cannot be changed and should be attached to the

"final" version in the official files. It was the consensus of the Board members, including Mr. Buckley, that this is a sensible and practical approach.

The Board again discussed the Workforce Housing issue at some length. Mr. Mullins opined that, because Webster is generally regarded as probably being at least close to meeting its "fair share" requirement, it is an unlikely target for developers, who will seek the easy path to more conspicuously vulnerable towns. On that account, he questioned the need for expending a lot of effort on the subject, especially the complex and ill-defined task of computing a defensible "fair share" computation. Ms. Roman questioned the wisdom of simply assuming that a determined developer will not appear on our doorstep, and doing nothing in anticipation of that possibility. She reiterated her opinion that we should have appropriate zoning ordinance provisions in place so that we have some control over what can and cannot be done. Mr. Mullins suggested that a do-it-yourself "fair share" computation would inevitably be less defensible than one professionally prepared. Mr. Hashem suggested that we investigate the cost of a professionally prepared computation. He also suggested that such a computation might best be undertaken in anticipation of a legal challenge, not in response to such a challenge.

Chairman Broker asked that the topic of Workforce Housing be on the agenda for the next Board meeting, with the objective of at least determining a basic strategy on how to proceed.

By unanimous consent, the meeting was adjourned at 7:52 p.m.

The next Board meeting will be at 7:00 p.m. on 20 May 2010.

Respectfully submitted,

Jere D. Buckley, Secretary