

HILLSBOROUGH PLANNING BOARD

March 20, 2013

Approved Meeting Minutes

Present:

Members: Herm Wiegelman (Chair), Martha Caron, Dave Fullerton, Larry Baker, Ann Poole, Denise DeForest, Bob Eckberg (Alternate), Rachel Hawkinson (Alternate).

Staff: Robyn Payson, Planning Director; John P. Segedy, Recording Secretary

Public: Jen Zdon, Chris Zdon, Floyd Murphy, Marlene Murphy

CALL TO ORDER

The meeting was called to order at 7:00 pm by Herm Wiegelman, Chair.

A packet of information regarding agenda items was provided to Board members by Robyn Payson, Planning Director.

Bob Eckberg was appointed to vote in place of Alan Urquhart.
New member Denise DeForest was welcomed.

ELECTION OF OFFICERS

Larry Baker nominated Herm Wiegelman to be Chair. Motion passed 7-0.

Ann Poole nominated Martha Caron to be 1st Vice Chair. Motion passed 7-0.

Dave Fullerton nominated Larry Baker to be 2nd Vice Chair. Motion passed 7-0.

MINUTES

March 6, 2013

A correction was noted.

Larry Baker moved: *To approve the minutes of February 20, 2013 as amended.*
Martha Caron seconded. Motion passed 7-0.

There was discussion about formatting, compatibility issues between programs and bold sections with the Draft minutes.

John Segedy agreed to send Draft Minutes in both Word and pdf formats.

PUBLIC BUSINESS

There were several members of the public present who upon being asked, said they had come because they were interested in the “Weatherstone Crossing” Saxon Partners development hearing.

Chair Wiegelman told them that at the previous Planning Board meeting the hearing had been continued until April 17, 2013 at 7:00pm.

Larry Baker stated that at the previous meeting the Board had requested the upcoming Weatherstone Crossing continued hearing be re-noticed in the paper.

Robyn Payson said it will be within 10 days of the meeting. The Planning Director distributed business

cards to the individuals and suggested they call her with any questions.

Larry Baker noted that they wouldn't have been able to know that from reading the minutes on-line because the Draft minutes weren't posted on-line.

The members of the public left at this time.

PLANNING DIRECTOR UPDATE

a) OEP Conference and NH Planners Association Workshop

Robyn Payson reviewed information about the upcoming Planning and Zoning conference. She also recommended the Planning Board attend the upcoming New Hampshire Planners Association workshop that will include a discussion about "variance criteria" she emphasized the value of speaking directly with members of the NH Bar about this complex topic. She said she will forward the registration information as soon as it becomes available and will coordinate registration for those members who wish to attend either or both events.

b) Weatherstone Crossing

Robyn Payson updated the Board on a meeting that occurred the previous week between Mr. Black, Herm and herself. The meeting was addressing the adequate supply of water and sewer capacity.

Robyn also stated in order for the town to provide a "can and will serve" letter, it was necessary to disclose the types of businesses that would be populating the development. Mr. Black shared that the expectation is, 1 grocery store, 1 Movie Theater, 4 clothing stores, 5 dry goods stores and one drive through restaurant.

She said he had also been working to determine water and sewer needs and capacity and working with Dennis Roberts, Jr. regarding the pump and pipes connecting the south side of the river to the town lines.

OLD BUSINESS

a) Meeting Recordings

Planning Director Robyn Payson reviewed a request sent to the NH Municipal Association for input on a procedure for the appropriate handling of audio recordings made for the preparation of Meeting Minutes. Staff Attorney Christine Fillmore responded as follows:

"To put the issue in legal context, I will note that audio recordings of public meetings are "governmental records" under RSA 91-A:1-a for so long as they exist, and are subject to disclosure upon request under RSA 91-A:4. However, there is no requirement in the law to keep the recordings. The official "minutes" must be a paper or microfilm copy because, under RSA 33-A:5-a, any record which must be retained for more than 10 years must be kept on paper or microfilm. Minutes must be retained permanently, so an audio recording can never be considered the official minutes."

See Attached documentation

Copies of e-mail and the response were provided to the Planning Board in their packet of information.

Following discussion, Larry Baker said that 30 days after approval was all right with him. The Board discussed the matter further.

Larry Baker moved: *Audio Recordings of the meetings shall be kept on the web site for 30 days beyond approval of the minutes of that meeting.*

Bob Eckberg seconded. Motion passed 7-0.

b) Master Plan Update

Chair Wiegelman said he was looking for 2 members to volunteer to serve on the committee.

Larry Baker said he would be willing to.

Dave Fullerton asked how often the Committee would meet.

Herm Wiegelman said he thought they might meet on alternating Wednesdays from the Planning Board.

Dave Fullerton said he would be willing to participate if the Selectboard reappointed him.

Bob Eckberg said he would also try to serve.

Chair Wiegelman said they should seek members from the ZBA, Conservation Commission and general public members as well. He asked Robyn Payson to coordinate seeking them out.

Robyn said she would like to hold an organizational meeting with the Planning Board members before they begin the process.

There was discussion of organizing the committee.

Chair Wiegelman said he would come to the first meeting and help them get set up.

Emerald Lake Master Plan

Robyn Payson met with Jim Coffee, and that they had agreed that they would work together and update the Emerald Lake Plan rather than “reinvent the wheel” and write a new one from scratch. Robyn said that part of the Master Plan was its own subcommittee, which will need to include members of the Emerald Lake Planning Board. She pointed out the value of holding some Master Plan meetings down at Emerald Lake as part of a “great opportunity” to work together and build bridges. She mentioned that she and Town Administrator Laura Buono were planning on working together to figure out ways to improve the relationship between the town and Emerald Lake.

c) Traffic Counts

The Central NH Planning Commission has requested as part of its Regional Transportation Data Collection Program road locations that the town would like to see traffic counts performed.

Martha Caron said “ West Main and Antrim intersection as an "obvious choice" as a baseline for future traffic due to the Weatherstone Development” After further discussion, the consensus of the Board was that all four sides in both directions should be done.

There was a discussion of Municipal Drive. It was noted that it was done in 2012 and probably should be done again with the completion of the Dollar General project.

Ann Poole suggested Route 202 at the Antrim line. Most members seemed to feel that would be similar to the counts at the intersection.

d) Rules of Procedure

Robyn Payson noted she included a copy of the current version of the Rules of Procedure for the Planning Board to review. She had also provided the Board with a copy of the “Riggins Rules” for informational purposes.

Among the prospective changes discussed:

- Locating the meeting minutes later in the agenda-
Chair Herm Wiegelman said that when the Public comes, he feels they should be able to speak to the Board first rather than have to sit through the discussion of the minutes. Ann Poole said that the minutes need to come first because they set a historical context that may affect discussions during the meeting.
- Addressing Public Input or Questions
Chair Herm Wiegelman wanted to find a way to ensure that members of the public who come to the Planning Board meetings with simple questions and requests are not kept waiting.

Vice Chair Martha Caron said she didn't think there was a need for a formal policy and that she liked how Chair Wiegelman asks the public if they have business and then adjusts the agenda if necessary.

- Procedure for Meeting Recordings
Robyn Payson said she would prepare a new section 5.9 regarding the meeting recordings for the Board to consider adopting.

e) Alternate Members

Herm Wiegelman asked about Ann's potential candidate.

Ann Poole said she had been invited but hasn't come so is probably not able to do it.

Herm Wiegelman said he would consider Bill Clohessy (the third Planning Board candidate).

Martha Caron said that it would be a good idea to extend the courtesy to Mr. Clohessy, who is the Chairman of the Emerald Lake Planning Board. Robyn Payson said she would invite him to attend a meeting if he is interested.

Adjournment

Martha Caron moved: *To adjourn.*

Bob Eckberg seconded. Motion passed 7-0 at 7:40 PM.

Respectfully Submitted:

John P. Segedy
Recording Secretary

With amendments by
Robyn Payson
Planning Director



Appendix 1 attached.

Robyn Payson

From: legalinquiries [legal_inquiries@nhlgc.org]
Sent: Friday, March 15, 2013 3:32 PM
To: robyn@hillsboroughnh.net
Subject: Hillsborough: audio recordings for the preparation of minutes - 3/15/13 CF

Dear Ms. Payson,

All of the points of view you listed have merit, but I can understand the concern about having a clear policy. To put the issue in legal context, I will note that audio recordings of public meetings are "governmental records" under RSA 91-A:1-a for so long as they exist, and are subject to disclosure upon request under RSA 91-A:4. However, there is no requirement in the law to keep the recordings. The official "minutes" must be a paper or microfilm copy because, under RSA 33-A:5-a, any record which must be retained for more than 10 years must be kept on paper or microfilm. Minutes must be retained permanently, so an audio recording can never be considered the official minutes.

NHMA encourages boards to have policies regarding audio or video recordings made as an aide to creating the paper minutes. A policy specifying how long the recording will be retained, when it will be deleted or erased (usually a certain amount of time after the minutes are approved and an appeal period has expired), and who is responsible for doing that, is a very good idea and has been viewed with approval by various superior courts in the State. The language you proposed captures this idea very well.

I hope this information is helpful to you.

Regards,
Christine Fillmore
Staff Attorney
NH Municipal Association
25 Triangle Park Drive
Concord, NH 03301
legalinquiries@nhlgc.org
1-800-852-3358 x3408

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From: Robyn Payson [<mailto:robyn@hillsboroughnh.net>]
Sent: Friday, March 15, 2013 2:12 PM
To: legalinquiries
Subject: audio recordings for the preparation of minutes

Currently, ~~minutes~~ the town of Hillsborough has no procedure for the handling of audio recordings made for the preparation of Meeting Minutes. These recordings are posted on the town's web site immediately following the Planning Board meeting and have no procedure or policy as to what is to happen to them after the official record of the meeting (the meeting minutes) have been approved.

There are a few points of view on this issue I will enumerate them below:

1. It is good to have the recordings on the web site so people who can't attend the meeting can listen and hear what happened

2. It is good as a supplement to the minutes because it will provide a more clear picture of the intention behind the thought process and decision of the Planning Board
3. It isn't really a big deal because if someone is there at the meeting, they could record it anyway.

As of right now there is nothing in writing or intention that states there is a plan to preserve these as part of the minutes. My opinion is that if the Planning Board is set on keeping the recording on the website, it be only until the meeting minutes are approved or until the appeal period has expired.

My primary concern is unintentional editorial comments made at a meeting that are a perfectly natural human error and the fact that by nature the minutes are supposed to be a summary and not a word for word transcription, so if the town were to find its self in litigation, there could be unforeseen consequences if these recordings were kept intentionally and made governmental records.

My proposal is to add the following to the Planning Board Rules of Procedure, and I wanted to know what you thought:

Town staff may record Planning Board meetings to assist them in transcribing the official meeting minutes. However, recordings made will be removed from the town website and deleted upon the approval of the Official Meeting Minutes or following the appeal period for an application, whichever is later.

Thank you, I appreciate your input

Robyn L Payson
Planning Director
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Office Hours
Monday- Closed
Tues - Wed - Thurs - 9am-3pm
Friday, please call ahead
Planning Board Meetings
First and third Wednesday
of the month