

**TOWN OF ALTON PLANNING BOARD  
PUBLIC HEARING  
Minutes  
February 19, 2013  
Approved 4/16/13**

**Members Present:** David Collier, Vice-Chairman  
Roger Sample, Clerk  
Bill Curtin, Member  
Dave Hussey, Selectmen Representative

**Others Present:** Ken McWilliams, Town of Alton Planner  
Randy Sanborn, Secretary  
Members of the Public

**I. CALL TO ORDER**

D. Collier called the meeting to order at 6:00 p.m.

**II. APPROVAL OF AGENDA**

**D. Hussey motion to approve the Agenda has amended.  
B. Curtin seconded the motion with all in favor.**

**III. PUBLIC INPUT – None at this time**

**IV. VOLUNTARY LOT MERGER:**

<b>Case P13-02 James A. &amp; Sarah C. Connelly</b>	<b>Map 66 Lots 31 &amp; Unnumbered</b>	<b>Voluntary Lot Merger Acorn Drive</b>
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*James A. & Sarah C. Connelly are requesting to merge two lots of record into one lot in the Lakeshore Residential (L/R) Zone.*

K. McWilliams recommend the Board accept the application as complete and approve the Lot Merger and authorize the Chair to sign for recording.

**B. Curtin made a motion to accept the application as complete.  
D. Hussey seconded the motion with all in favor**

**B. Curtin made a motion to have the Vice-Chair sign the application for recording.  
D. Hussey seconded the motion with all in favor.**

**D. Hussey made a motion to approve the above cited Voluntary Lot Merger application for James A. & Sarah C. Connelly.**

**Provided all listed conditions and subsequent conditions are satisfied, this approval will remain valid for implementation 365 days from date of original approval, unless extended by the authority of the Planning Board after petition by the applicant.**

**B. Curtin seconded the motion with all in favor.**

**V. ADMINISTRATIVE ISSUES:**

<b>Case P10-20 Bahre Alton Properties, LLC</b>	<b>Map 26 Lot 10-1</b>	<b>Site Plan Time Extension Route 28</b>
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*On behalf of Bahre Alton Properties, LLC, Richard D. Bartlett & Associates and Golde Planning & Design are requesting an extension of 12 months to March 15, 2014 before construction must begin.*

K. McWilliams recommend approval of the 12 month time extension to March 15, 2014.

Mike Sergeant, with Richard D. Bartlett & Associates was available to answer questions regarding the application.

**B. Curtin motion to grant the approval for the 12 month time extension requested by the applicant to be extended to March 15, 2014 before construction must commence.**

**All other conditions of approval of the September 7, 2010, March 15, 2011, and March 20, 2012 Notices of Decision shall remain in effect.**

**D. Hussey seconded the motion with all in favor.**

<b>Case P06-93 John Jeddrey, Trustee of the Jeddrey Realty Trust</b>	<b>Map 15 Lots 56-3, 4, 21 &amp; 23, Lot 57 and Lots 60-5 through 20</b>	<b>Administrative Issues Ridgewood Subdivision Route 28</b>
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*John Jeddrey, Trustee of the Jeddrey Realty Trust, is requesting:*

- a. a time extension of one year to complete Phase II improvements;*
- b. approval of a different construction sequence for the roads; and*
- c. a change in the consulting engineer responsible for construction observations for the Town for Phase II.*

K. McWilliams gave an overview of the application request. He recommends approval of the time extension request.

**D. Hussey made a motion to approve a time extension of 1 year to complete Phase II for improvements.**

J. Jeddrey stated that Phase I is not finished yet and this approval is for Phase I. There will be no hot top until he sells a lot in Phase I.

**D. Hussey amended his motion to approve a time extension for 1 year to complete Phase I.**

**B. Curtin seconded the motion with all in favor.**

K. McWilliams gave an overview of the second request.

D. Hussey mentioned that the applicant would need an extension for Phase II as well as Phase I.

**D. Hussey amended his motion to extend the whole project of Phase I and Phase II for one year.**

**B. Curtin seconded the motion with all in favor.**

R. Sample asked for clarification of the second request.

J. Jeddrey stated the Board required him to finish MacDuffy Road out to Route 28 to have the second entrance for the road for the whole project and not to start anything on Ridgewood Road until that is completed. Ridgewood Road is finished to Station 3000. It goes to Station 4500 which is the end of Phase II. There is 1500 feet to be completed. He has to go into Station 4000 to get to a wet land crossing of which he has the permits for. There are two wetlands crossings. One is on MacDuffy Road and one on Ridgewood Road. He would prefer to be able to take his time and go along and do the base of the road to Ridgewood on Ridgewood to this wet land crossing because there is no way to get in there to do it right now. If he does MacDuffy first it is very expensive. There is a ridge block wall that is opening a second entrance into that place that isn't needed at the moment. You have one house with two entrances. He doesn't feel it is necessary. MacDuffy Road is built to Station 1650. Station 1750 is the beginning of the wetlands which means he only has to go 100 feet to get started on this. It won't take the time that it is going to take Ridgewood because of the length. He prefers to take his time and go down through Ridgewood, do the base, do the slopes and it might take him 2 to 3 years to get in there. His wetlands permit takes him to 2017 and he hopes to have everything down prior to that so he doesn't have to deal with the State again on renewing.

**D. Hussey made a motion to approve the different construction sequence of the roads.**

**B. Curtin seconded the motion with all in favor.**

K. McWilliams explained the third request to the Board. The Town Attorney summarized the situation by stating that the Town hires the Engineer not the developer. The Town will not hire an Engineer that works for or has worked on the project for the developer. The Engineer has to be an independent engineer that answers to the Town. K. McWilliams does not support Mr. Jeddrey's proposal to hire his own engineer and particularly one that has worked on the project in the past.

J. Jeddrey explained why he was dissatisfied with the Town Engineer working on this project. He read a letter from the Engineer. J. Jeddrey wants a different Town Engineer to do construction observation on Phase II.

The Board agreed to advertise for another engineer so they could have three consulting engineers available.

**D. Hussey motion to not approve his request and direct K. McWilliams to advertise and find a new engineer they can work with.**

**B. Curtin seconded the motion with all in favor.**

**VI. COMPLETENESS REVIEW OF APPLICATIONS AND PUBLIC HEARINGS IF THE APPLICATIONS ARE ACCEPTED AS COMPLETE:**

<p><b>Case P13-03 Richard J. Lundy and Jay &amp; Debbie Dalrymple</b></p>	<p><b>Map 15 Lots 1-3 &amp; 1-4</b></p>	<p><b>Lot Line Adjustment Calef Drive</b></p>
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*On behalf of Jay & Debbie Dalrymple and Richard J. Lundy, Paul Zuzgo, LLS is requesting a Lot Line Adjustment to reverse a lot line adjustment that was approved and recorded in 2005. Tax map 15 lot 1-3 owned by Jay and Debbie Dalrymple, is presently 120,543 sf, 2,767 ac. Tax map 15 lot 1-4, owned by Richard Lundy is presently 222,555 sf, 5.109 ac. After the adjustment the lost will be 6.164 on lot 1-3 and 1.712 on lot 1-4. The property is located in the Residential/Rural (RR) Zone.*

The applicant has requested the following waiver:

7.2.33 Wetlands – Request to show wetlands based on the original subdivision plan and the previous boundary line adjustment plan done in 2005.

K. McWilliams explained the request. He recommends the approval of the waiver and the acceptance of the application as being complete.

Richard Lundy and Paul Zuzgo were available to answer questions regarding the application.

**D. Hussey motion to accept the waiver 7.2.33 Wetlands and accept the application as complete.**

**B. Curtin seconded the motion with all in favor.**

K. McWilliams stated that the applicants would need to submit signed deeds to record with the Lot Line Adjustment plan within two (2) months of the approval. He recommends approval with that condition. Paul Zuzgo noted that subdivision approval by NHDES is needed for the Lundy lot (Lot 1-4) that is being reduced to 1.712 acres.

**D. Hussey motion to approve the above cited application for a Boundary Line Adjustment with the following conditions:**

**Conditions Precedent: The following conditions must be satisfied prior to signing the plans.**

- 1. The following note shall be added to the plat prior to plan signing: This Lot Line Adjustment plan is subject to the Conditions of Approval itemized in the February 19, 2013 Notice of Decision on file at the Town of Alton Planning Department.**
- 2. The applicants need to submit signed deeds to record with the Lot Line Adjustment Plan within 60 days of approval of the lot line adjustment by the Planning Board. The deeds would be for:**
  - a. transferring Parcel A consisting of 3.397 acres from the owner of Tax map 15 Lot 1-4 to the owner of Tax Map 15 Lot 1-3. The deed must clearly state that the 3.397 acres is not a separate lot of record, but that it is annexed to and becomes part of Tax Map 15 Lot 1-3 in accordance with the lot line adjustment plan.**

b. a new deed from the owner of Tax Map 15 Lot 1-4 to himself for the land in Tax Map 15 Lot 1-4 less the 3.397 acres transferred to Tax Map 15 Lot 1-3.

3. The applicant needs to submit subdivision approval for Map 15 Lot 1-4 from the NH Department of Environmental Services.

**Subsequent Conditions:**

1. The applicant shall comply with all of the town of Alton's Subdivision Regulations
2. The approval is based upon the plans, specifications and testimony submitted to the Planning Board. Any alterations, additions or changes to the plans are not authorized and require additional Planning Board approval.
3. A lot line adjustment which has been approved, conditionally or other wise, may be revoked, in whole or in part, by the Planning Board when an applicant or successor in interest to the applicant has performed work, erected a structure or structures, or established a use of land, which fails to conform to the statements, plans, or specifications upon which the approval was based, or has materially violated any requirements or conditions of such approval.

Provided all listed precedent conditions are satisfied, this approval will remain valid for implementation 365 days from date of original approval, unless extended by the authority of the Planning Board after petition by the applicant.

D. Collier opened it up to the Public. There was no input at this time.

**B. Curtin seconded the motion with all in favor.**

<b>Case P06-10 Vance Sedlar</b>	<b>Map 10 Lots 16-3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 &amp; 16</b>	<b>Phasing Plan Mountain View Estates Subdivision Sedlari Lane off Alton Mountain Road</b>
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*Vance Sedlar is proposing a phasing plan to construct the Mountain View Subdivision in three phases. Phase I would consist of lots 16-3, 16-4, 16-11, 16-12 and 16-13. The security on file with the Town is proposed to be reduced to secure the rebuilding of the road and completion of the temporary turn-around for Phase I. Phase II would consist of lot 16-10 and 16-14 and is secured with a proposed Covenant Restricting Lot Sales. Phase III would consist of lots 16-5, 16-6, 16-7, 16-8, 16-9, 16-15 and 16-16 and is secured with a proposed Covenant Restricting Lot Sales.*

K. McWilliams explained the reasoning for the phasing plan. He recommends approving and recording the Covenant Restricting Lot Sales to secure Phases II and III and the Temporary Easement Deed for the temporary turn around and the end of Phase I, reduce the Letter of Credit down to \$142,202.50 for Phase I and approve the road reconstruction plans, plans for the extension of the road and plans for the temporary turn-around. Also he recommends the Board require the applicant to coordinate the construction activity with the property owners of the existing developed lots in Phase I.

D. Collier stated that he worked on this project back when it was Granite State. He does not see a conflict of interest and if no one does he will remain seated. There were no objections from the Board, the applicant, or the Public.

D. Collier opened up to the Public.

Mark Willey asked if the original approval was broken out into three Phases in 2005 or 2006.

V. Sedlar stated that it was and he did get it approved but they are unable to find the recordings. He knows that T. Hoopes signed the Mylar. All K. McWilliams could find in the file was minutes of a work session where they talked about it. They could not find a recorded phasing plan.

M. Willey also asked that the e-mail V. Sedlar sent to abutters becomes part of the official minutes.

D. Collier read the e-mail into the minutes:

Hi All

By now you have received a letter from the town about the planning board meeting on the 19<sup>th</sup>; I will try to explain what has happened and how it will impact you moving forward.

During the summer of 09 the road as you see it today was built presumably to town specs, This same road was paved during the fall of 09. During the winter of 09-10 the road heaved and cracked in a number of places, My contractor who built the road was contacted and his response was that it is New England, Roads crack. The Towns engineer was convinced there was something wrong with the road so after a couple of years debating with the town about this I hired an outside firm to prove the town wrong, Well there is something wrong with the road, The contractor I hired to build the road did not put in the proper amounts of gravel... There are some areas with 18" of gravel (this is correct) but numerous areas with no gravel at all. Obviously this is very disappointing and costly as I Paid the contractor to do the work correctly, And I hired the towns engineer to inspect his work as it was being built and prior to pavement.

To remedy the problem we will need to gring up the pavement, remove all the areas of fill that does not have any gravel, replace the gravel and re pave it. At the same time we are going to build a proper turn-around, remove the gravel pile and pave the entire section.

I will try and limit the impact it has on you. There will basically be two days that you are impacted by this, the day we remove the pavement and gravel and the day we re-pave the road. I will coordinate with you to move any vehicles out that you will need for that day, and give you plenty of notice. The first day when we remove the Gravel and payment we will have the road Tied up for about 6-8 hours, after that you will be able to drive on it, It may be one lane at times but we will get you in and out. Once it's paved we can start driving on it after about four hours.

The plan is to do it this spring/summer; This will not affect any of your driveways as the road will be built at the same height as it is today, plus 1" for the top coat

I would like to apologize ahead of time for any inconvenience this will cause and will try and keep that to a minimum

Vance

Pat Bergervan asked about the access to their homes during this construction for emergency vehicles. The Board assured her that she should not be tied up for a very long time period.

D. Collier closed public input.

**D. Hussey motion to approve the above cited application for a Phasing Plan and Easement Plan for Mountain View Estates Subdivision as follows:**

1. **Approve and record the Covenant Restricting Lot Sales to secure Phases II and III and the Temporary Easement Deed for the turn-around at the end of Phase I.**
2. **Reduce the letter of credit from \$337,100 to \$142,202.50.**
3. **Approve the road reconstruction plans, plans for extension of the road, and plans for the temporary turn-around subject to:**
  - a. **The name of the professional firm needs to be added to Note #4 on Sheet #1 of the Phasing Plan; and**
  - b. **A typical roadway cross-section of the reconstructed roadway and shoulder needs to be prepared and submitted by the applicant’s engineer.**
4. **Phase I improvements shall be completed by August 1, 2013.**
5. **Require the applicant to coordinate the construction activity with property owners of existing developed lots in Phase I.**

**B. Curtin seconded the motion with all in favor.**

D. Collier called a recess at 7:15 p.m. and reconvened at 7:25 p.m.

<b>Case P12-26 Spring Haven Campground LLC</b>	<b>Map 65 Lot 17</b>	<b>Final Site Plan Review 1702 Mt. Major Highway</b>
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*A site plan for the Spring Haven Campground was approved by the Planning Board on January 16, 2007. The owners of the campground did not build the campground according to the approved site plan. After removing the units not approved in the campground and moving some other units to comply with setbacks, the Spring Haven Campground LLC is returning to the Planning Board to propose an alternative site plan for the campground. This application is for a Final Site Plan Review. The property is located in the Lakeshore Residential (L/R) Zone.*

K. McWilliams gave an overview of the application and what is needed. He recommends accepting the application as complete.

**B. Curtin made a motion to accept the application as complete.**

**D. Hussey seconded the motion with all in favor.**

K. McWilliams suggested that the Board discuss the 20 comments outlined in the Planners Review for this meeting one at a time. A copy of that Planner’s Review done for the February 19, 2013 is attached to the minutes for reference.

Simon Leeming went through the list and responded to the comments.

1. This issue was on RV storage. Firstly the size of the storage area and secondly how many days the storage area should be there. They explained that the storage is for certain circumstances when one RV is coming in to replace another and they need a place for the drop off point. Since the site walk, Tom and Byrnie have looked again at the size of it and have determined that the size of it is sufficient to store a recreational vehicle as is so that the talk last time about putting in a retaining wall and fill is not an issue and that will be noted in the plan that the storage area for the RV is sufficient to store an RV for the period of time.

K. McWilliams stated that he had a discussion with Town Counsel about the RV storage and he indicated to him that he couldn't urge the Board strongly enough to reject the idea of having RV storage on the site. From his standpoint it is an enforcement nightmare.

B. Lynch stated that in operating a campground it is common practice and every campground he knows of has storage.

T. Varney stated that other campgrounds do have RV's coming and going for different reasons.

S. Leeming decided to withdraw this request.

2. The issue is landscaping in the perimeter setbacks and he feels there was a misunderstanding because they never agreed to put in plantings. There is a natural buffer and some of it is low bush, some is no bush and some is trees. What they agreed to do is keep it neat and in the condition it already is and the only area they talked about bringing in planting is where the backhoe is. They have a letter from the abutter who is next to the backhoe would allow us to keep the backhoe as is without putting in plantings. They weren't looking to go into great expense. A campground like this is not a great profit making endeavor. There is a lot of cost and they have made a lot of improvements over the years and they are asking that the landscaping be kept as is but not put in bushes, etc. which would be a great deal of money.

K. McWilliams stated that that was in direct contradiction to what Mr. Leeming indicated in the September 18<sup>th</sup> meeting. It is in the minutes that they would do landscaping in the perimeter buffers. They need to specify what plantings, what types of material, what sizes of plantings and come back with a planting plan to accomplish that.

He encourages the Planning Board to make a decision and give the applicant some direction as to whether he needs to provide a landscaping plan and buffering on his own property and not rely on the abutters to provide that buffer.

D. Collier suggested that in areas where there is sparse or no vegetation the applicant needs to provide a landscaping screen and put it on a landscaping plan to bring back for the Board to review. The Board agreed.

3. The applicant will remove the snow storage from the plan.

4. They have the DOT driveway permit which references the site plan. A copy was provided to K. McWilliams for the file.



5. The arborvitaes on Route 11 are already existing plantings.

K. McWilliams stated that if they are there they need to indicate what they are and what size.

6. Has been replaced by 16, 17 and 18 to follow.

7. S. Leeming indicated they will locate two parking spaces on each side of the sites.

8. The septic systems were designed by B. Lynch and installed for vehicle traffic. The only requirement for this particular system is that it has a well. One of the things it can have is 18" of cover over the pipe itself and that is what it has.

K. McWilliams needs documentation to demonstrate the systems are H2O rated. Tom Varney indicated he will submit a letter addressing the H2O rating for the systems and a copy of the septic system permits for those systems.

9. There was some discussion last time about identifying corner pins five or six corner pins that would be okay. There was discussion about locating more pins along the setbacks but S. Leeming understand that at the end of September's meeting there was a consensus that just locating the corner pins would be sufficient.

K. McWilliams stated that this came up during the site walk because there was confusion about where the property lines were and where the set back lines were. J. Dever anticipated that this would be a constant enforcement issue. The conclusion at the October 16<sup>th</sup> meeting of the Planning Board is that the set back lines should be demarcated every 50' or so along the setback lines around the campground.

D. Collier asked them to be sure and show them on the plans that they have been set.

10. This is an issue of 3 fire pits located in the setback and he believes there was an agreement that three fire pits would remain but there would be no more. There was agreement that the utility hookups for site one and the remainder of the hookups located in the setbacks would be removed from the plans and physically removed from the site.

11. Each site has its own water and sewer and electric hookup. S. Leeming inquired if there was a note indicating that each site has its own utility hookups would take care of that would that be satisfactory to the Board?

K. McWilliams stated that they need to go through each site and reference the site number that the water, septic and electric utilities for that site because some of the utilities are located on other sites.

12. B. Lynch asked if the Fire Department is okay with the 3" letters he would number each of the sites.

D. Hussey stated it needed to go by Town regulations.

13. That is the pole. S. Leeming has submitted photographs to K. McWilliams.

K. McWilliams stated that the photographs are in the agenda packet. What the Board decided at the October 16<sup>th</sup> meeting is that Spring Haven needs to produce a letter from Public Service that the pole is safe to be used.

D. Hussey stated that there was a red tag on the pole with an arrow pointing to the ground and that means it is condemned and is rotting at the bottom.

B. Lynch stated that he spoke with the power company and they stated that the pole is on his property and it belongs to him. They are not responsible for that pole.

The Board decided that they would not get a letter from the electric company but that the code enforcement officer should inspect the pole.

14. S. Leeming indicated that stabilization of the electric panel board has been done.

The Board requested the code official to inspect this as well.

15. The park rules will be put on the plan.

K. McWilliams stated that they need to be submitted before the next meeting. They may want to submit them for review before putting them on the plan.

16. T. Varney is going to handle this item. S. Leeming requested to see an e-mail to K. McWilliams from the Fire Department. A copy was handed to the applicant.

It stated that the Fire Department indicated during the design review and confirmed by e-mail dated February 3, 2013 that the turning radiuses will need to be a minimum of forty-five feet (45'), not thirty feet (30') as shown on the site plan. The Fire Department noted that turning radius needs to accommodate the turning radius of the largest apparatus typically responding to this location which is Engine #1 which has a turning radius of forty-three and one half feet (43.5').

T. Varney stated that when he put on the 30' radius he had nothing to go by. There were no Town rules.

17. They will note the Knox Box padlock on the plan.

K. McWilliams stated that the design plans need to indicated that the gate posts need to be located two feet (2') outside the twelve foot (12') wide emergency access.

18. This is no longer an issue based on the comments from the Fire Dept in their e-mail dated Feb 3, 2013.

19. T. Varney will address the storm water issues. He explained his Stormwater Drainage Report for the proposed Drywells. He stated that this is a Best Management Practice that comes out of the NH Stormwater manual. The Drainage Study goes by the 25 year storm which is done before and after a development. The drywells are designed based on a 10 year storm.

The Board agreed with the Planner's recommendation that a Town Engineer should review these stormwater drainage reports and plans.

K. McWilliams stated that in order for the Town Engineer to review the plans there would have to be a signed agreement between the Town Engineer and the applicant. It would need to be funded by the applicant before the Town Engineer starts his review and he does not see that happening before the next meeting.

20. The work they are talking about is being done by B. Lynch so they don't think the cost of all of this will not be great. S. Leeming indicated the Town has a law suit against them being held in abeyance. So rather than post a S. Leeming suggested that they work out with the Town Counsel that that law suit remain in affect until these improvements are completed and if they don't complete them the Town Attorney can seek whatever actions he feels appropriate. Once the improvements have been made the law suit would be dropped.

K. McWilliams suggested the security as an alternative. If they provided security it would allow them to open for business this spring. If they want to finish the improvements before they open up that is another way to go. He does not support the suggestion of using the lawsuit as a means to ensure the improvements are completed.

D. Collier opened it to the public.

Mike Ingals from Massachusetts spoke on behalf of the campground. He stated that there have been many improvements to the campground since he first moved in seven (7) years ago.

D. Collier closed public hearing.

R. Sample noted all of the items discussed tonight were reviewed in the meetings on the Design Review. He asked why the Board was having to go through all this again. K. McWilliams indicated it was because the applicant did not do a thorough job of addressing all the points raised previously. R. Sample said he hoped the applicant has clear direction on what needs to be done.

D. Hussey motion to continue Case #P12-26 to April 16, 2013 meeting.

K. McWilliams pointed out that by the April meeting a full year will have passed since they initially filed for a Design Review Site Plan application. The agreement Town Counsel reached with the applicant was that he would not pursue the court action so long as the applicant diligently sought site plan review approval. K. McWilliams strongly encouraged the applicant to address all of the missing items discussed at this meeting in order to avoid Town Counsel pursuing the cease and desist order in court.

B. Curtin seconded the motion with all in favor.

## **VII. Other Business**

1. Old Business – None
2. New Business –
  - a. The Community Planning Grant Application was submitted. They anticipate making a decision on those grants by the end of this month before Town Meeting.

b. The Lakes Region Planning Commission has contacted K. McWilliams. They have funding to review the Master Plan goals and the Natural Resource Assessment of the community.

c. S. Williams asked to explain why the Senior Center and the Transfer Station do not need a site plan review. There is an RSA 67454 Governmental Land Uses that applies to a new use or a change of use. It does not apply when you are expanding an existing use and that is the case in both the Senior Center and Transfer Station.

3. Approval of Minutes, January 15, 2013, a regular Planning Board meeting.

**B. Curtin made a motion to accept the minutes of January 15, 2013 as presented.**

**D. Hussey seconded the motion which passed with all in favor.**

4. Correspondence – None

5. Any Other Business that may come before the Board - None

### **VIII. Public Input**

No public input at this time.

### **IX. Adjournment**

**D. Hussey made a motion to adjourn. The motion was seconded by B. Curtin and passed without opposition.**

The Public Hearing adjourned at 8:50 p.m.

Respectfully submitted,

Randy Sanborn, Recorder, Public Minutes