

**MINUTES**  
Municipal Records Committee Meeting  
September 28, 2021  
City Hall Room 208

Present: City Clerk Susan Lovering, Treasurer/Tax Collector David Fredette, Chief of the Board of Assessors Daniel Hansberry. Also in attendance Deputy City Clerk Allison Waite.

1. City Clerk Lovering called the meeting to order at 9:30 AM.

2. Treasurer/Tax Collector Fredette moved to nominate City Clerk Lovering as committee chair. Seconded by Chief of the Board of Assessors Hansberry.

Motion carried

3. City Clerk Lovering moved to nominate Treasurer/Tax Collector Fredette as committee clerk. Seconded by Chief of the Board of Assessors Hansberry.

Motion carried

4. City Clerk Lovering moved to nominate the position of Treasurer/Tax Collector Fredette as committee clerk. Seconded by Chief of the Board of Assessors Hansberry.

Motion carried

5. Discussion

City Clerk Lovering informed the committee that she learned of the Municipal Records Committee through training upon accepting the role of City Clerk in 2019. She found no history of the committee meeting in the past. The city follows RSA 33-A and each department is responsible for their own records and minutes, with the exception of minutes for smaller boards and commissions that are held by the City Clerk's Office. City Clerk Lovering and Deputy Clerk Waite sent two emails to division directors on the records they hold and any policies they have adopted. Two policies were received by Administrative Services and were included with the agenda. All other responses thus far followed RSAs alone.

Treasurer/Tax Collector Fredette stated that the Mayor's Office should be in attendance. City Clerk Lovering informed the committee that the Mayor's designee, Kerry Miller, had a conflict and was unable to attend the meeting. City Clerk Lovering suggested that the committee continue to gather information, review state statutes, invite a member of Building Maintenance to the next meeting to inform on the city's archival process at

offsite storage locations and then visit other municipalities to see how they manage their records. City Clerk Lovering opened the meeting to committee discussion.

Treasurer/Tax Collector Fredette questioned if previous City Clerk Paul Bergeron created NRO 5-62 or added to it. He remembered Mr. Bergeron talking about the Municipal Records Committee but it did not meet during his 20+ year tenure. Mr. Bergeron wanted funding for offsite storage location maintenance and to restore historic records, as well as the committee meeting, but he does not believe that it ever happened. Treasurer/Tax Collector Fredette agreed that Building Maintenance should be included in the next meeting. Looking at RSA 33-A, Tax has a lot of records mentioned and uses the correct archival system, including visiting offsite archival locations to purge records that are ready to be destroyed

City Clerk Lovering informed that the City Clerk's Office follows similar standards and stated that it is good practice that a member of Building Maintenance accompanies city employees when accessing offsite archival areas. City Clerk Lovering informed the committee that she was not involved in administrative discussions during her previous role within City Hall. She did remember that Mr. Bergeron would send paperwork regarding records among departments in the past, but it was many years ago.

Treasurer/Tax Collector Fredette questioned if the RSA statement on the committee meeting every five years was relative to the state board or the city's committee. City Clerk Lovering informed the committee that this applies to the state board, with the last minutes found for said board being from 2012. However, her reading of the RSA is that the committee should meet at minimum every five years to ensure that departments, or this committee, creating records policies are in compliance. The meeting today is an organizational meeting to create a starting point for the committee. Treasurer/Tax Collector Fredette stated that he does not believe that RSA 33: A is a comprehensive list of records and their retentions. City Clerk Lovering agreed that it is not all encompassing.

Treasurer/Tax Collector Fredette informed the committee that he would reach out to the president of the tax collectors organization to confirm the last time that the state municipal records board met. He stated that the Tax Office follows the RSAs and have been in compliance for audits. City Clerk Lovering agreed that the City Clerk's Office follows state guidance for all records, including vitals and elections. General discussion ensued regarding Tax Office microfilming and general records overseen.

City Clerk Lovering invited Deputy City Clerk Waite to briefly discuss archival software purchased by the City Clerk's Office and plans to implement it. Deputy Waite informed the committee that PastPerfect is a museum/archival software used to inventory institutional records and provide a comprehensive database on records housed and specific location. Deputy Waite explained that the City Clerk's Office purges expired records in January and July of each year, and the information gathered through PastPerfect inventorying will assist in this process. The software was purchased earlier in the year but due to renovations, the 10-year purge and the upcoming November election she had not been able to begin the inventorying process. However, once this commences she can provide additional updates on the process and if it appears to be a viable product, the committee could discuss providing further licenses to different departments.

City Clerk Lovering further informed the committee that her office was very understaffed during this time, but now that the office is fully staffed, she is hopeful that Deputy Waite will be able to begin the inventorying process following the election. She reiterated the City Clerk's Office purge dates of January and July and confirmed the value of PastPerfect in determining the records to be disposed and those to be held onto longer for future use.

Chief of the Board of Assessors Hansberry informed the committee that he was under the impression that the City Clerk's Office keeps meticulous records.

City Clerk Lovering asked the committee how they would like to move forward as a group.

An unrecognized member of the public, Alderwoman Elizabeth Lu, asked if the committee would be taking public comment. Treasurer/Tax Collector Fredette said yes. Ms. Lu asked if public comment would be formal, with speaking time set to 3 minutes, or if a more informal general discussion would be allowed. City Clerk Lovering informed Ms. Lu that the committee will discuss the inclusion of public comment after the committee's current discussion item had concluded.

City Clerk Lovering asked the committee if they had different ideas or suggestions pertaining to the review and scope of the committee. Treasurer/Tax Collector Fredette asked what the duties of the committee are, as the RSA and the NRO state what is to be kept and for what length of time. He stated that the committee should follow the NRO as much as possible as it is more detailed, as it also talks extensively about minutes.

City Clerk Lovering commented the NRO section referenced by Treasurer/Tax Collector Fredette was created in 2005, which was before certain divisions were created.

Chief of the Board of Assessors Hansberry stated that he believed that Mr. Bergeron or Deputy Corporation Counsel Celia Leonard said that there were new guidelines regarding public minutes. City Clerk Lovering stated that prior guidelines stated that minutes needed to reflect roll call, general discussion points and adjournment, with some departments doing the minimum and others going verbatim. City Clerk Lovering asked Deputy Waite to look into updated guidelines for minutes.

Treasurer/Tax Collector Fredette suggested that the committee provide the RSA to each division director to review and state if there are records they don't hold or records they hold that are not outlined in the RSA. The committee requested that Deputy Waite send this memo to division directors with the RSA attached.

Treasurer/Tax Collector Fredette believes that the NRO goes back to 1975, stating that portions may have been updated in 2005 but the original NRO is much older. City Clerk Lovering questioned if the city had been created within these time frames and suggested that the committee think about updating a portion of the NRO to have minutes posted to the website as the current verbiage is simply maintaining minutes.

Discussion then turned to public comment during the committee's meetings. City Clerk Lovering was in favor of public comment and suggested placing a period of time for

public comment on meeting agenda going forward instead of having general discussion throughout the meeting. City Clerk Lovering felt it would be valuable to receive the public's input. Treasurer/Tax Collector Fredette and Chief of the Board of Assessors Hansberry agreed.

Discussion then turned to scheduling a future meeting. Treasurer/Tax Collector Fredette suggested the end of November or the beginning of December. City Clerk Lovering asked Deputy Waite to reach out to Building Maintenance Manager Jay Hunnewell to discuss their system for archiving. The committee agreed upon the aforementioned timeframe, recognizing future meetings should not be scheduled for the 1<sup>st</sup> or 3<sup>rd</sup> Thursdays of the month when the Board of Assessors meet.

## 6. Public Comment

Ms. Lu informed the committee that she is interested in records policy within the city because residents are concerned that records are not easily accessible. She voiced concerns that the Legislative Office was unable to fulfill her request for 2007 Board of Aldermen minutes and was informed that offsite archival storage is not organized, making it difficult to fulfill requests. Ms. Lu informed that she came to City Hall to attend the previously scheduled committee meeting and did not know it was cancelled because it did not state so on the website. The NROs establish that retentions in the state statutes need to be followed and feels that the city needs to reach compliance with the laws before changing the NROs. Ms. Lu stated that the meeting was being held because of repeated citizen concerns to solve problems with lost or unorganized records. Ms. Lu informed the committee that City Clerk Lovering stated that she began preparing for this meeting in May but requested more time to review the RSAs and NRO. She stated that the NRO states that division directors should handle their records, but some do not make them available for public view and only provide when a resident asks for them, making her question if said records are being created at that time.

City Clerk Lovering responded to Ms. Lu stating that it was May when she began to reach out to the division directors requesting their inventories and any policies they used outside of the RSAs. City Clerk Lovering stated that she has reviewed the RSAs. She had initially wanted to convene the committee back in June but due to office renovations, the 10-year verification of the checklist, and staffing issues, and not having received many responses from divisions, she postponed scheduling a meeting.

Laurie Ortolano discussed the makeup of the committee and suggested that those on the committee should have knowledge and experience with records. Ms. Ortolano suggested that the committee should request background information on the Mayor's appointment, Kerry Miller, to determine if she has this experience. Ms. Ortolano suggested that the committee involve Mr. Bergeron instead of Chief of the Board of Assessors Hansberry as the Board of Assessors member as this was not a good choice. She informed the committee that she has spoken with the archivist in Keene, who is on their municipal committee. Ms. Ortolano stated that someone like Mr. Bergeron should take on the committee role as someone with a records background, as Chief of the Board of Assessors Hansberry does not have this type of knowledge and is not an assessor.

Ms. Ortolano discussed the lack of platform for public inspection of minutes and the difficulty residents have faced in reviewing these records. She informed the committee that an RSA was passed last year requiring certain information from non-public sessions to be created for the public to understand the basics of why this meeting was held. She suggested that the committee contact Legal for more information on the new law.

Ms. Ortolano informed the committee that state law has changed and the state municipal records board was abolished because it never met, letting local governments manage their own records. City Clerk Lovering requested that Deputy Waite look into this for the next meeting.

Ms. Ortolano stated that she has had to pay a number of fees and it has been difficult to access records within the City. She informed the committee that some departments do not publish their minutes on the website. Treasurer/Tax Collector Fredette responded that state law does not require the posting of minutes to the website. Ms. Ortolano stated that while state law does not require online posting it makes sense that if some departments are publishing minutes on the website then all departments should be. She stated examples of departments/divisions that do not publish minutes on the website such as Economic Development and the Arlington Street Community Center under Administrative Services, discussing the difficult process she encountered in trying to obtain said minutes and leading her to question if these had been fabricated. Ms. Ortolano stated that with Treasurer/Tax Collector Fredette retiring in the coming months she is concerned that there is no City policy in place for exiting employees to take an inventory of their records and create a list of office policies before leaving.

Ms. Ortolano stated that she does not feel that record keeping should be the responsibility of individual departments, providing the example that many staff members have left the Assessing Office leaving remaining staff unable to keep up with records management and losing important knowledge from experienced staff members. Ms. Ortolano states that Human Resources does not keep track of turnover of employees in the City and it is not being addressed as an issue. She stated that leadership within the City should be addressing staff issues as many departments are experiencing staffing problems but are not acknowledging this as a reason for delays. Ms. Ortolano stated that departments should be open with citizens on why access to records are taking extended time. Ms. Ortolano requested that the committee look into the Mayor's handling of records and Right to Know requests as records are important and lawsuits are happening for a reason. She reiterated her request to have Mr. Bergeron or Chief Assessor Rick Vincent as the committee's Assessing representative.

Treasurer/Tax Collector Fredette stated that there is minimal training on what needs to be done with committees especially for smaller groups and more training needs to be provided to ensure compliance. Ms. Ortolano responded that she is an advocate for Right to Know training as there are more records than those mentioned in RSA 33-A and mentioned that she reads NHMA articles that have helpful information on the subject.

Laura Colquhoun stated that the committee should have an assessor and Chief of the Board of Assessors Hansberry is not an assessor. She stated that she likes to review minutes online and has gone to City Clerk Lovering or Legislative Affairs Manager Donna Graham for additional minutes. She stated that training should be provided to

division directors on the handling of minutes and that minutes should be posted to the website, citing that many committees have minutes posted in draft form or no minutes online at all. Ms. Colquhoun stated that if minutes were readily available on the website, citizens would have an easier time reviewing information and it would cut down on the number of Right to Know requests.

City Clerk Lovering recalled minutes used to be posted in draft form and one accepted, departments would remove the "draft" watermark, leading her to believe that many departments at that time may have missed some minutes and never removed the draft language on the documents posted. City Clerk Lovering suggested the committee may want to discuss recommending boilerplate language to inform the public that minutes posted are not official until approved.

Ms. Colquhoun stated that she gets frustrated when minutes are not posted electronically. City Clerk Lovering stated that there is no state law requiring minutes to be posted on the website, just that they need to be available for viewing, but agrees that there should be some cohesion with the posting of minutes. Ms. Colquhoun stated that the Board of Education posts some minutes but not all and wants to know why as she cannot obtain these minutes from Legal. Ms. Colquhoun stated that the school should be included in records management. City Clerk Lovering responded that the RSAs includes school records and suggested a link pointing from the city's website to the school's website where minutes are housed may be helpful, but again reiterated that she is in the process of requesting an inventory of each division's records and policies.

Chief of the Board of Assessors Hansberry stated that the committee is applying the law correcting in its committee appointments. General discussion ensued regarding Chief of the Board of Assessors Hansberry's position on the committee and the Mayor's appointment of Kerry Miller as his designee and further conversation on the possible replacement of each on the committee. Ms. Lu asked if the committee requested a change in appointments if they could be changed. The committee agreed that they do not have the authority to change a designee but could make a suggestion. Ms. Ortolano reiterated that there are more knowledgeable people in Assessing which would allow the committee to move quicker with more experienced members.

Ms. Lu asked if Chief of the Board of Assessors Hansberry is an assessor. Chief of the Board of Assessors Hansberry responded that only members of the Board of Assessors are given the title of assessor per state law. He confirmed that no current members of the Board of Assessors hold assessing certificates and is only confirming how the state law works. Ms. Ortolano stated that when the law was created most board members were certified assessors, citing that Manchester's Board of Assessors holds these certifications and have knowledge of records handled daily. She suggested that the committee speak to the state to confirm if the state board still exists. City Clerk Lovering addressed the state law and NROs regarding the makeup of the committee, confirming that this includes the Mayor, or his designee, and the Chief of the Board of Assessors. She stated that the committee respects the Mayor's appointment and reiterated that the committee does not have the authority to request a different designee. Ms. Ortolano responded that the committee should make a recommendation to update the NRO.

Ms. Lu questioned if state law superseded the NRO. Treasurer/Tax Collector Fredette stated no but will research further. Treasurer/Tax Collector Fredette discussed Ms. Lu's

previous comments regarding 2007 Board of Aldermen minutes that she was unable to get, stating that the offsite archival location houses minutes from the 1970's and agreed that these records should be more readily available.

7. Closing

City Clerk Lovering confirmed with the committee that the next meeting is planned for late November or early December. For the next meeting the committee will research the law mentioned on non-public session minutes, verify if the state municipal board has been dissolved, Deputy Waite will send a memo to division directors with a copy of RSA 33-A and the committee will invite Building Maintenance to speak on their practices for offsite archival storage. City Clerk Lovering reiterated her respect for the Mayor, her respect of his authority to appointment Kerry Miller to the committee. The committee will continue to discuss training of records management and will include public comment on the next agenda. City Clerk Lovering acknowledged Ms. Lu's made a comment in her office regarding putting "cancelled" on the website to inform the public of cancelled meetings. City Clerk Lovering stated she will add language on the website if any future Municipal Records Committee meetings need to be canceled.

8. Adjournment

City Clerk Lovering moved to adjourn the meeting. Seconded by Treasurer/Tax Collector Fredette.

Meeting adjourned at 10:40 AM