

OFFICIAL

Municipal Records Committee - Minutes of September 23, 2015

Meeting called to order at 9:32 AM

Present: Donna Fitzpatrick(Administration), Christine Soucie(Finance), Kimberly Blichmann(Tax Collector), Nancy Comai(Town Council), Todd Rainier(Town Clerk).

Approval of Minutes: Minutes of March 11, 2015

Donna Fitzpatrick motioned/Christine Soucie second. Minutes approved unanimously as submitted.

Discussion regarding Department Head acknowledgment of and compliance with Municipal Records Policy:

Donna Fitzpatrick shared that all department heads signed acknowledgement of policy adoption into Administrative Code and therefore were aware of policy. Discussion of compliance with policy ensued. Procedure for determining compliance recommended as follows: Todd Rainier will approach Dr. Dean Shankle about discussing at October 6th department head meeting. Donna Fitzpatrick will email department heads in advance of the October 6th meeting the following 2 questions: 1) Are you in compliance with the policy? *And, if not* 2) Do you have a plan and timeline to become compliant?

Todd Rainier informed the committee that he had attended a presentation about records at the NHCTC annual convention and would email the presentation to the committee.

Changes to RSA 33-A & Right-To-Know RSA 91-A:

Todd Rainier shared he is not aware of any changes to RSA 33-A & 91-A. Donna Fitzpatrick stated that all new hires receive a copy of RSA 91-A and sign stating acknowledgement. Committee discussed all town employees receiving and signing acknowledgement of receiving updates to RSA 91-A annually.

Non-Public Minutes Policy:

Donna Fitzpatrick shared Council update to Rules of Procedure, section 8, addressing non-public minutes. Committee additionally discussed feedback from NHMA Attorney Stephen C. Buckley(see attachment).

Police Commission Minutes Disposition:

Todd Rainier informed the committee that the Police Commission minutes had been relocated to the Town Clerks' office from the Police Department. Todd Rainier informed the committee that he had reached out to Town Administrator Dr. Dean Shankle requesting he include this information in his report to Council on 9/23/15. Committee discussed and decided to have Todd Rainier retract his request with Dr. Dean Shankle and instead have Nancy Comai present to Council as part of her committee report.

Next Meeting: February 24, 2016 at 9:30 AM.

Christine Soucie conveyed concern that some Town boards and committees are unsure of proper procedures for minutes once taken (ie. providing a copy to Town Clerk and posting to Town website). After discussion it was resolved that Todd Rainier would draft and present a template/outline to MRC for approval before the February 2016 meeting. This template/outline would then be provided to Town boards and committees to be utilized, in addition to an explanatory document.

Motion to adjourn by Nancy Comai and second by Donna Fitzpatrick. Meeting adjourned at 10:34 AM.

Respectfully submitted by,



Todd Rainier

Town Clerk

The disposition and place of storage for the sealed non-public meeting minutes of the now defunct Hooksett Police Commission would be resolved as follows.

Concerning the proper place of storage of those sealed, non-public meeting minutes, RSA 33-A:3 contemplates that the Town of Hooksett would have a Municipal Records Committee made up of the Town Council or their designee and the clerk, treasurer, an assessor, and tax collector. Unless otherwise provided by a municipal ordinance, that committee would be obligated to designate the office responsible for the retention of each type of record created for the municipality, including the now defunct Police Commission.

The authority to govern the disposition of the records of the Police Commission, including undertaking an inventory of those records, would also fall upon the Municipal Records Committee. The sealed non-public meeting minutes should not be unsealed by the Municipal Records Committee, unless the only manner available for undertaking an inventory of those records would be to unseal those records. In that event, the non-public meeting minutes of the Police Commission should not be unsealed by the Municipal Records Committee, but only by the Town Council. Should unsealing be deemed essential to the inventory process, the Council should designate one Council member to review the minutes for that purpose only.

Finally, the meeting minutes, including sealed non-public meeting minutes, of the now defunct Police Commission must be retained as permanent records of the Town. See, RSA 33-A:3-a (LXXXII).

Stephen C. Buckley, Esquire

Legal Services Counsel

New Hampshire Municipal Association