

Town of Windham –Records Retention Committee Minutes
Thursday June 20, 2013 Town Hall

Members Present: Nicole Bottai, Chair, Dana Call, Margaret Case, Bob Coole
Kathleen DiFruscia, Rex Norman

Excused: Doreen Demone, Roger Hohenberger, Ruth Robertson, Robert Skinner

Minutes: The meeting was called to order at 2:40pm. Motion by Dana to approve the minutes of May 23, 2013 seconded by Rex. Vote: 4 yes and 2 abstained
Motion passed.

At the last meeting, members were assigned tasks to determine where minutes of Committee/Subcommittee were kept and how far back they go.

Dana's Committees were: Recreation, Highway Safety, Historic District Commission, JLMC and the Cemetery Trustees.

Dana reported that she was in touch with four of the above Committees and has the information that is needed. She will continue to work on the Historic District needed information this month. She will also talk to the Trustee of the Trust Funds and follow up on the Wall Street Committee.

Margaret's Committees were: Committees under the Community Development Dept., Library, Energy, Cable, Historical Committee and the Depot Committee.

Margaret reported that she was in touch with five of the Committees and she knows who has the minutes and they are working on putting them on paper.

She has been in touch with the Community Dev. Dept. and has had some resistance. There were emails back and forth between Nicole and Laura Scott and Margaret and Mimi Kolodziej and face to face discussion with Margaret, Laura Scott and Mimi Kolodziej. The board reviewed the emails and the final response. (See attached emails). A decision by the entire board was to send a letter to the Community Development Department Head Laura Scott because of the failure to adequately respond to the request for Approved minutes of all Committee/Subcommittees under her department in accordance with Statutory Law. (See attached letter)

Margaret will also contact the Housing Authority and Trustees of the Museum this month.

Motion by Dana and seconded by Margaret that all approved minutes of the prior calendar year are to be submitted to the Town Clerk's Office by April 1 going forward. Motion was voted yes by all members.

(Example minutes of 2013 will need to be in the Town Clerk's Office by April 1, 2014)

All minutes from prior years will be sent to the Town Clerk over the next few months. The committee will discuss the format to be used so that it is standard. A letter will be formulated to all Departments and Committees/Subcommittees to cover all the requirement.

Next meeting will be July 18, 2013 at 2:30 Town Hall

Motion to adjourn by Rex 4pm and Seconded by all.

Respectfully Submitted by:
Margaret Case

Attachment 1

Copies of Emails regarding Community Development Records

From: Laura Scott [mailto:LScott@WindhamNewHampshire.com]
Sent: Monday, June 03, 2013 7:07 PM
To: 'Nicole Merrill'
Subject: Records Retention

Can you let me know what the committee voted on. Margaret Case is on me to meet and get her all this new info. She wont tell me what was decided or what she wants to meet about. Thanks

~~~~~

Laura Scott  
Community Development Director  
Town of Windham  
3 North Lowell Road  
PO Box 120

Windham, NH 03087  
www.windham-nh.com  
www.windhamnewhampshire.com

From: Nicole Merrill [mailto:NMerrill@WindhamNewHampshire.com]  
Sent: Tuesday, June 04, 2013 8:54 AM  
To: 'Laura Scott'  
Subject: RE: Records Retention

Hi Laura,  
I meant to give you a heads up yesterday at the Policy meeting. Everyone on the Record Retention committee has taken on assigned tasks. Margaret's tasks were to see if you could provide a list of committees under Community Development that are required by law to take minutes. With that being said, those committees are also required by law to provide a paper copy to the Town Clerk to be kept in the vault. We are trying to track down those minutes out there from the past several years and put them in the vault. After you give Margaret the information, we will be happy to contact those committees and take care of the rest.  
Thank you in advance for helping the committee accomplish our goals.

Nickie

From: Laura Scott [mailto:LScott@WindhamNewHampshire.com]  
Sent: Tuesday, June 04, 2013 10:50 AM  
To: 'Nicole Merrill'  
Cc: 'Mimi Kolodziej'  
Subject: RE: Records Retention

We have all the minutes for subcommittees in the Department and on the Town web site. The subcommittees change all the time and are appointed by the PB as needed. You have a list of the records we have in the department that Mimi gave you I thought last year. I will have Mimi go over this to make sure it is up to date.

The committees do not hold onto the records, the Department does.

~~~~~

Laura Scott
Community Development Director
Town of Windham
3 North Lowell Road
PO Box 120
Windham, NH 03087
www.windham-nh.com
www.windhamnewhampshire.com

From: Margaret Case
Date: 6/5/2013 1:05:01 PM
To: Mimi Kolodziej
Subject: Fw: Records

Hi Mimi

Please see attachments

Thanks

Margaret

Community Development Dept.

ATT: Mimi

We need to know exactly what sub committee's that you have minutes for and how far back do they go.

Margaret Case
Record Retention Committee

Please also refer to the email sent to Laura on Tuesday 6-4-13 @8:54 from Nicole

From: Margaret Case
Date: 6/17/2013 2:39:14 PM
To: Mimi Kolodziej
Bcc: Nicole Merrill
Subject: Records- minutes

Mimi:

I would appreciate if you could give me an update on the Record Retention Committee request for information on the minutes of the sub committee's that are in the Community Dev Dept.(refer to email of 6-4-13 and 6-5-13)

We have a meeting this week 6-20-13

Thanks for your help

Margaret

From: Mimi Kolodziej
Date: 6/19/2013 4:28:31 PM
To: 'Margaret Case'
Cc: 'Nicole Merrill'; 'Laura Scott'
Subject: Sub-committees

Greetings Margaret,

Below are the sub-committees associated with the Planning Board and the Windham Economic Development Committee (WEDC).

Going forward, we can provide hard copies of the draft minutes to Nicole as we post them online.

For past documents, I've provided the hyperlinks below to the Town website for easy access.

PLANNING BOARD SUB-COMMITTEES:

1. CIP (Standing Committee)

http://www.windhamnewhampshire.com/updated/minutes_cip.htm

2. Design Review (Standing sub-committee - Minutes since 2012)

http://www.windhamnewhampshire.com/updated/minutes_drc.htm

3. Village Center District (since 2012 and ending August 2013)

http://www.windhamnewhampshire.com/updated/minutes_vcd.htm

WEDC SUB-COMMITTEES: All are standing committees

Land Use (Minutes since 2012)

http://www.windhamnewhampshire.com/updated/minutes_edc.htm

Infrastructure (Minutes since 2012)

http://www.windhamnewhampshire.com/updated/minutes_edc.htm

Marketing (Minutes since 2012)

http://www.windhamnewhampshire.com/updated/minutes_edc.htm

Do know that the Planning Board Town Meeting sub-committees are formed for only a few months or so prior to Town Meeting and their minutes are made available on-line at that time. Once Town Meeting is over the sub-committee is disbanded and the minutes are removed from the website. However, Elizabeth has copies of the 2011 & 2012 sub-committee minutes in her office that she can provide to Nicole by the end of July.

If you have any questions, please feel free to contact me.

Hope this is helpful.

Mimi Kolodziej

Attachment 2

June 28, 2013

Re: Safekeeping of Town Board and Committee Minutes

Dear Ms. Scott:

It is our understanding, that the following Boards, Committees and Sub-Committees are recognized as official town boards/committees operating under the auspices of the Community Development Department, and as such, are required to have official meeting minutes taken: Planning Board, Conservation Commission, ZBA, WEDC and several Sub-Committees of these boards.

Per Section 33-A:3-a Disposition and Retention Schedule. – “The municipal records identified below shall be retained, at a minimum, as follows:

LXXXI. Minutes of boards and committees: permanently.”

In addition, we bring to your attention the following RSA 41:58 Deposit With Clerk. – “All books, records, papers, vouchers, and documents which shall be in the possession of any officer, committee, or board of officers of the town, and which are not needed elsewhere by them in the discharge of official duty, shall be deposited in the office of the town clerk, and shall be there kept and preserved by him as public records of the town. Provided that, if the

office of the clerk is not equipped for the safe keeping of the said public records, the clerk may, with the approval of the selectmen, deposit such records in some other safe and suitable place.”

41:24 Copies of Records. – “The town clerk shall furnish, to any person requesting it and tendering pay therefor, an attested copy of any public record in his custody; and for neglect or refusal to do so he shall be guilty of a violation.”

The Record Retention Committee is working to ensure all meeting minutes are in the custody of the Town Clerk. These minutes must be furnished by the person responsible for documenting the minutes. As the staff support for all of these Boards and Committees resides in your office, we are requesting your cooperation to provide the final, approved minutes, in paper form, for each Board/Committee noted below. We are respectfully requesting that these original copies be turned over to the custody of the Town Clerk and that your department utilize either a second copy or the Town website if past minutes are needed for research purposes. We believe it is each Board/Committee’s responsibility to ensure the Town Clerk receives a complete set of final, approved minutes and that it is not the Town Clerk’s nor the Record Retention Committee’s responsibility to print these minutes from the website. We will begin sending annual notices to all Boards/Committees requiring that a complete set of each calendar year’s approved minutes be turned over to the Town Clerk for safekeeping during the first quarter of the following calendar year. As a means of “catching up” on past minutes that have not been turned over to the Town Clerk, we have reviewed the Town Clerk files and found that minutes for meetings within the following years are missing from the Town Vault:

Planning Board – 2009-2012; CIP – all years; Design Review and Village Ctr Dist - all
Conservation Commission – 2007-2012
ZBA – 2010-2012

WEDC – all; Land Use, Infrastructure and Marketing - all

All Town-sanctioned Boards, Committees and Sub-Committees thereof are required to comply with this statute, irrespective of whether the committee is ongoing or short-term in nature. Previous attempts to obtain this information from your department have resulted in unnecessary resistance, including a memo from your staff directing us to consult the Town website, which we believe is a violation of the statutes referenced above.

To clarify any confusion, we wish to reiterate the importance of centrally locating all Town Minutes in a safe and secure environment, and not in individual offices or committee members’ homes. In order to maintain efficiencies in both your office and the Town Clerk’s office, we request that minutes not be sent over weekly, but in bulk, one year at a time.

We are hereby requesting that all minutes which have been approved through December 31, 2012, be turned over to the Town Clerk by July 31, 2013. Without receiving these minutes, the Town Clerk may be unable to comply with RSA 41:24, and thus be in violation of the law.

Thank-you in advance for your cooperation in this matter.

Sincerely,

**Nicole Bottai
Margaret Case
Robert Coole
Kathleen DiFruscia
Dana Call
Rex Norman
Doreen Demone
Record Retention Committee members**

**Cc: Board of Selectmen
Town Administrator**