

The Public Recorder



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Report of the President by Sally M. Hayden

I would like to thank everyone who helped to make the 2007 MTCA Annual Conference at Sea Crest Resort a success. To all the clerks who took time out of your busy schedules to join us and to those who put the time in planning the conference, Thank You. The hours of planning that go into our conference is greatly appreciated. The officers and committee members start months before the conference, planning every detail. As time goes along, we try to fine tune the agendas, meals, breaks, classes and audio visual needs. We are always looking for new vendors. Sea Crest does have the largest attendance for vendors. Who can resist a few days at Sea Crest?

As summer flies by, we start to think of our next conference. I hope to see you all at Jiminy Peak. This year our conference is planned for October 3, 4 & 5. Jiminy Peak offers us the beautiful Berkshire Mountains as the back drop and with any luck the foliage will be at its best. If you haven't been to Jiminy Peak, I encourage you to join us this year. The company is great and there is always something new to learn.

Congratulations to the town clerks and assistant town clerks who graduated from the 2007 New England Municipal Clerk's Institute held at St. Michael's College. I made the trip up to St. Michael's for the graduation, although it was rainy, the beauty of the campus and area was still able to shine through. Congratulations to the graduates!

St. Michael's Class of 2007

Mildred A. Unger, Brewster	Debra Bourbeau, Montague
Paula Ferron, Chatham	Andrew Dowd, Northborough
Alison M. Brett, Fall River	Cynthia May, Orleans
Laurie C. Clayton, Falmouth	Sandra E. Wright, Shrewsbury
Onorina Z. Maloney, Groton	Nancy J. Talbot, Ware
Nancy J. Lowell, Warren	

Enjoy the "Lazy Days of Summer" and I hope to see you in October at Jiminy Peak.

MTCA LOBBYIST REPORT – JULY 2007

By Stephen Roche

SO FAR THIS YEAR:

The General Court wrapped up formal sessions on July 31st and will now meet for a month or so in “informal” sessions where only non-controversial matters can be taken up. September will be busy for us with hearings on several matters of concern, including a hearing on September 24th by the Joint Committee on Environment, Natural Resources & Agriculture on **Senate 512**, “An act updating the animal control laws of Massachusetts.”

ADMINISTRATIVE RECORD LIST

You may recall that we have seen this proposal a number of times during the past several years. In the past, whether it was filed as a free-standing legislative proposal or adopted as a budget amendment, the proposal never reached the Governor’s Desk. This year, it was different, and for some unknown reason, the proposal was included as an outside section of the FY2008 state budget submitted to the Governor; he approved the budget on July 12th.

Here’s an excerpt from **Section 71 of Chapter 61 of the Acts (the FY2008 state budget act)**:

SECTION 71. (a) Notwithstanding any general or special law to the contrary, the secretary of administration and finance or his designee, hereinafter referred to as the secretary, the jury commissioner or her designee and the state secretary or his designee shall convene a working group to establish an administrative records list of all residents 17 years of age and older for the purpose of testing the feasibility of using such a list for the creation of jury pools and purging voter lists. The working group shall consist of representatives of appropriate executive and judicial agencies and others, as determined by the secretary.

This section was approved by the Governor without any changes, notwithstanding letters from MTCA President Sally Hayden and Secretary William Galvin suggesting that the section be amended to ensure that a city clerk and a town clerk are part of the “working group.” Our next step is to lobby Ms Leslie Kirwin, the Secretary of Administration & Finance, to ensure that clerks are appointed to the working group.

EDR – IS THIS THE YEAR?

As previously reported, the MTCA Legislative Committee and I have been very busy on the EDR issue. Most recently, we forwarded to the Election Laws Committee Chairmen a redraft of the EDR proposal that includes several new clerk-friendly proposals that:

- Instruct the advisory committee created by said Section 71 to prepare a strategy to promote and facilitate voter registration before the last day of registration
- Require the Secretary of the Commonwealth to conduct a detailed cost analysis for the implementation of Election Day Registration and submit his findings to the Election Laws Committee chairs by October 31, 2007
- Provide that state and local costs of implementing Election Day Registration shall be paid by annual appropriation in the state budget.
- Eliminate the check-out tables at polling places
- Close voter registration on the last day to so at 5 PM, not 8 PM
- Delay implementation of the EDR until 7/1/2008, after the March Presidential Primary and at the beginning of FY2009 so that state funding is available

JUNE 14TH CONSTITUTIONAL CONVENTION

You know that the House and Senate voted not to allow the proposed ballot question to ban same sex marriages in Massachusetts to go to the state ballot. But, did you know that the proposed Constitutional Amendment to allow “at-will” absentee voting also died that day? Immediately after the vote on the gay marriage issue, the Constitutional Convention was dissolved and all matters that had not received the necessary votes to proceed died at that time.

A QUICK LOOK AHEAD

As we head into the Fall, we will be busy working on EDR. We also expect to be working to build support for the MTCA vital records proposal, **House 2218**. House 2218 was heard by the Public Health Committee on July 25th. As expected, several genealogists testified against our bill and in favor of other legislation to provide greater access to vital records – see **House 2154**.

MTCA Legislative Chair Larry Pizer has been busy behind the scenes on this issue, working with Stan Nyman from the Massachusetts Department of Public Health (DPH). At this point, the MTCA Legislative Committee and I are only working on House 2218 even though we filed a second vital records bill – **House 2813**. It is our sense that House 2218 has a better chance of passage because it has been stripped of several of the more controversial provisions found in House 2813.

We hope to secure DPH’s endorsement of House 2218 soon.

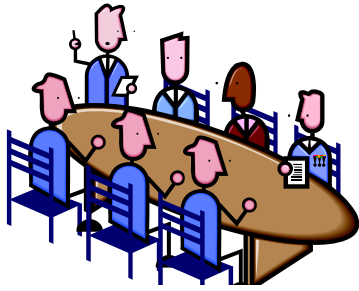
Central Voter Registry
Jon Mazzone, VRIS Business Analyst
Secretary of the Commonwealth's Office
One Ashburton Place, Room, 1705
Boston, MA 02108
617-878-3957
jonathan.mazzone@sec.state.ma.us



The Central Voter Registry is looking for your assistance! We are seeking volunteers to test new version of VRIS before they are released statewide. In the past, we have had an abundance of volunteers willing to offer their services for testing. This year, however, we have struggled with low participation. We realize that the amount of material previously used was overwhelming and time consuming. The more volunteers that participant, the smaller the workload. If the Clerk Community can help us increase volunteers, the testing plans can be reduced in length.

There are a number of benefits to being a volunteer community. Most importantly, thorough testing of the application ensures confidence that the release will be a success. It is vital that we thoroughly test this together and get varying input to ensure a smooth transition from one release to the next. Testing also benefits the community. VRIS testing is an excellent way to refresh a user’s knowledge of windows that are used less frequently and it’s a helpful training tool for new staff.

Specific attention to this shortage is requested because of the upcoming Summer 2007 Release. This release will mainly focus on changes to the Elections and Absentee sections of VRIS in preparation for the 2008 Presidential Election year. Please contact the CVR Help Desk if your community would like to test and we will provide you with schedule information. Thank you all in advance for your continued cooperation and participation.



Public Records Division
Ashburton Place, Room 1719
Boston, MA 02108
Phone 617-727-2832
Fax 617-727-5914
www.sec.state.ma.us/pre

Questions regarding this Bulletin or the provision of meeting minutes should be directed to the above.

SPR Bulletin NO. 1-07

July 20, 2007

TO: Public Records Custodians

SUBJECT: **Minutes of Meetings**

EXPIRATION DATE: Until superseded

PURPOSE: This bulletin provides information and requirements for the management and provision of meeting minutes kept pursuant to the Open Meetings Law and the Massachusetts Public Records Law.

BACKGROUND:

One of the fundamental principles of a democracy is to maintain the transparency of governmental actions. To this end, the Legislature enacted the Open Meeting Law and the Massachusetts Public Records Law, to ensure that the workings of the government are open and accessible to the taxpayers and public at large. It would be contrary to the intent of the Open Meeting Law, the Public Records Law and the foundations of a democratic system to place impediments on citizen access to minutes of open meetings.

FINDINGS:

1. Governmental bodies are required to keep accurate written minutes of all of their meetings.G.L.c.66,§ 5A.
2. It is consistent with the underlying policy behind both the Open Meeting Law and the Public Records Law that these minutes must be made readily accessible to the public. See G.L.c.39, §23B;G.L.c.66,§ 10(a).
3. While a records custodian may assess a fee for the provision of public records, the fee charged should not serve as a deterrent for the requestor to access public records. See *Globe Newspaper Co. v. Boston Retirement Bd.*, 388 Mass. 427, 436 (1983).
4. It is vital that a complete, accurate, and durable record be created of public meetings. Please be advised that minutes of meetings must be maintained in a manner that ensures permanent retention of the records. If a records custodian requires retention assistance, the Records Management Unit provides records management services and outreach to all state agencies and municipalities to help them meet state record-keeping standards and requirements.

ACTIONS:

1. Public records that are of great interest to a large number of people must be readily available within the office of the records custodian. These records include minutes of local board meetings, town meeting documents, warrants, street lists, municipal financial documents, etc.
2. As required by the Open Meeting Law, minutes of meetings should be reviewed regularly and be accessible by the public without delay. This is especially the case when dealing with executive session minutes. Once the reason for calling the executive session has ended, those minutes must be reviewed and made available to the public. It would be improper for a records custodian to pass along the costs associated with reviewing minutes to a records requestor when the records custodian has a pre-existing statutory duty to perform this review. See G. L. c. 39, § 23B.
3. Minutes of meetings should be provided without delay at a minimum cost, if any. This Office encourages records custodians to waive fees associated with the provision of meeting minutes given that disclosure is incontrovertibly in the public interest.

Questions regarding records retention should be directed to the:

Records Management Unit
Massachusetts State Archives at Columbia Point
220 Morrissey Blvd.
Boston, MA 02125
Phone 617-727-2816 Fax 617-288-8429
Email recman@sec.state.ma.us Web www.sec.state.ma.us/arc/arcrmu

REMINDER.....

Please inform me at ecarey@town.tewksbury.ma.us if you **now** have internet access and the monthly Public Recorder can be e-mailed to you. Thank you...Liz

ANOTHER REMINDER.....

Congratulations to all the graduates of the New England Municipal Clerks Institute! I wish to place a plug for continuing your education and also for becoming certified. Those of you who are new clerks please attend our conferences – there you will get the up to date new laws and education on various aspects of our job. Plus your education at our conferences will count toward certification. Also by attending the NEMCI, you will get additional training on a wide variety of subjects that will enhance your position.

As one of many clerks who have attended NEMCI, it gives you far more than the education. It gives you a look at other state clerks and their methodologies for completing tasks; it educates you on subjects that are not the nuts and bolts of your job but will greatly aid you in your position; plus, it gives you friendships that will last for years.

As a gentle reminder to all of you who intend to go to the Institute, you need to be a member of IIMC (International Institute of Municipal Clerks) for a number of years before you can apply for your Certified Municipal Clerks status (See application for full details). Also, belonging to the New England Association of City and Town Clerks gives you another opportunity for education and expansion of your knowledge.

SO – the best thing for all of you, who plan to attend the Institute at St. Michaels, is to become a member of IIMC your first year, so that when you graduate, you will be able to apply for a CMC as long as you have sufficient other points to meet the qualifications for that status.

Those of you who wish to apply for CMMC (Certified Mass Municipal Clerk) must be a clerk for 3 years prior to applying. Anyone who has questions on that certification should contact Diane Casagni in Norton.

The only way to be a better clerk is to be an educated clerk who is up to date on all aspects of your job...join your associations, go to the conferences, attend the institute...you won't be sorry. Hope to see you all at our conference in October at Jiminy Peak!

Linda Hutchenrider, MMC/CMMC
Barnstable

In memory of...

Pauline F. Guivens, Retired Scituate Town Clerk, and town worker for 51 years.
We offer our sympathies to her family.

MTCA CONFERENCE SCHEDULES - 2007

MTCA/ FALL CONFERENCE
MCCA OCTOBER 3, 4, 5, 2007
JIMINY PEAK RESORT
HANCOCK, MA

NEACTC NOVEMBER 14, 15, 16, 2007
FALL CONFERENCE
OGUNQUIT, ME

SEPTEMBER 2007

Monday,	September 3, 2007	Labor Day
Tuesday,	September 11, 2007	Patriot Day
Thursday,	September 13, 2007	Rosh Hashanah
Saturday,	September 22, 2007	Yom Kipper

Brown's River

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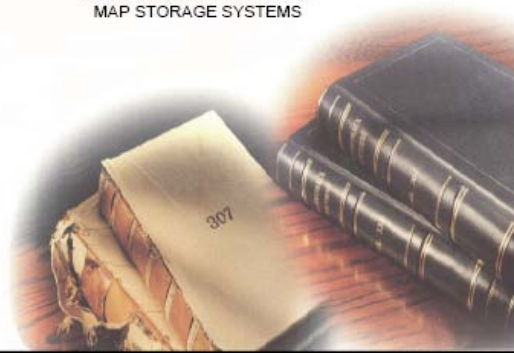
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—Patricia Shields, Town Clerk, Town of Boxford, MA

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Newsletter of the MTCA

1009 Main Street
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The Public Recorder

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