

New Hampshire City & Town Clerk's Association
Executive Board Meeting
February 18, 2009

Attendance: Kathy Seaver, Debra Clark, Sue McKinnon, Rita Eigenbrode, Tricia Piecuch, Pat Waterman, Phyllis Thompson, Debra Cornett, Linda Hardy, Lori Holmes, Kimberly Johnson, Jeanette Vinton, Judith Rogers and Kathleen Valliere Absent from the meeting were Judith White, Theresa Upton, Jean Oleson and Susan Wagoner. Guests were Lori Radke, Sandy Rowe and Cynthia Torsey.

President Kathy Seaver called the meeting to order at 9:45 AM.

Secretary Report

Kathy S. said for approval of minutes we had October, November and December. Tricia said January was sent out and provided copies to the Board. She also said her email system has been completed and she has been updating emails that have bounced back as well as notifying Kathy, Deb Clark, Sue, Pat, Judy White and Linda Foley. She asked the board to review the list of important dates for accuracy as these will be going out with the minutes. Pat said her regional, Lakes Region, is scheduled for June 5, 2009 at the Red Jacket and it also includes the White Mountain Region, Phyllis said her regional, Seacoast, is scheduled for May 20, 2009 at the Brookstone Grill and Linda said her regional, Dartmouth/Lake Sunapee, is tentatively scheduled for May 14, 2009 at the Lake Sunapee Country Club.

Motion by Sue to accept the October 2008 minutes. Duly seconded by Pat. There being none opposed the motion carried. Members not present at the October meeting abstained.

Motion by Sue to accept the November 2008 minutes. Duly seconded by Pat. There being none opposed the motion carried. Members not present at the November meeting abstained.

Motion by Pat to accept the December 2008 minutes. Duly seconded by Sue. There being none opposed the motion carried. Members not present at the December meeting abstained.

Kathy S. said it is tough to get minutes out timely, and what needs to happen is when the minutes go out, Tricia puts a note on it to respond to her within a couple of days and she will send the corrections to Tricia. If only one or two people respond then she assumes that nobody read them or they are okay. Please read them over and get back to her as it is the only way this will work so they don't get amended at the board meeting as at that point they are already out to the Association.

Treasurer's Report

Kathy S. said next is the Treasurer's report. Rita said we are maintaining a good balance and the only outstanding payment is to Lee Wayne as they still have not responded to any emails or letters that have been sent. Motion by Pat to accept the Treasurer's report as submitted. Duly seconded by Kathy V. There being none opposed the motion carried.

Legislative Report

Denis Parker and Lori Radke presented the following update on legislation that the association is tracking:

CACR 4 monitoring and per Denis it was coming up for action today
HB35 supporting and it has passed the House
HB53 monitoring and no update at this time
HB71 monitoring and inexpedient to legislate

HB72 monitoring and inexpedient to legislate

HB105 monitoring and it passed the House. Kathy S said this bill is about the voting machines and talked about open source software which all of us have so we would probably not be able to use our machines, so we may have to look at doing something else. Denis said he would check it out.

HB112 monitoring – came out ought to pass

HB114 monitoring – inexpedient to legislate

HB135 monitoring – no update

HB141 support – came out ought to pass

HB148 monitoring – no update

HB152 monitoring – was heard yesterday no update

HB153 monitoring – inexpedient to legislate

HB175 monitoring – may come out inexpedient to legislate

HB179 monitoring – was heard yesterday no update

HB183 monitoring – was heard yesterday no update

HB206 monitoring – no update

HB210 monitoring – came out ought to pass

HB220 monitoring – executive session March 5th

HB257 monitoring – was heard yesterday no update

HB258 monitoring – inexpedient to legislate

HB265 monitoring – 2 reports one ought to pass other inexpedient to legislate

HB266 monitoring – no update

HB267 monitoring – came out ought to pass

HB276 monitoring – hearing today probably will come out ought to pass

HB323 monitoring - inexpedient to legislate

HB337 opposed – executive session on 2/19

HB340 monitoring – inexpedient to legislate

HB341 monitoring – no update

HB427 opposed – inexpedient to legislate

HB573 opposed – that was voted inexpedient to legislate and should be on the consent agenda

SB21 monitoring – hearing is on March 3rd

SB38 monitoring – no update

SB110 oppose – coming in tomorrow in an executive session. Discussion ensued about this legislation and the communication done on the outside with legislators. Kathy V. asked if there are any clerks that supported this and Lori Radke said she spoke in support only for the enabling part of it and she said she made it very clear in her testimony. She said if she had to vote on it then town clerks should be voted in, however, part of the legislation was enabling and there may be towns out there that may do better with an appointed town clerk and it is something she felt strong about and it was strictly my point of view. Rita stated she would like to go on record that she agrees with the way Lori feels, but thinks if you are on a board and a board takes a position, you need to stay with that position as it dilutes our power. Lori Radke said she respects that and she probably should have not said anything, but did not realize it and never mentioned she was on the legislative committee or a part of the board. Denis said the testimony that everyone offered was very well presented and Bill Gardner's appearance there in opposition also added on how important this legislation is and he would be shocked if the committee should recommend passage. Denis will let Kathy S. know the status when he finds out.

Denis asked what we are doing with the automotive bill. Kathy S. said she had a lot of information on that and thought she had seen Peter McNamara, President of the NH Dealers Association outside. Up next was Peter McNamara, Commissioner Earl Sweeney, Department of Safety and Kevin O'Brien, Department of Safety. Peter said the bill number is SB99. Kathy S. said from her perspective there are a lot of holes in it and we have discussed the fact that it needs to be changed and didn't think the dealers

are going to like the changes because the money can not go to where the dealership sits. She has no dealerships in her town, like others do, but is sure that some dealerships will not want to send their monies to the all the different towns. Peter said they actually agree that change needs to happen. The way it works in other states, like Minnesota and Florida, is individual towns or counties receive the money and there are third party vendors that set up arrangements where it is directly deposited into that entities bank account. So the money would come from the dealership, the data is transmitted to the DMV offices and then the money would be transmitted to this third party vendor. The third party vendor would transmit it to where it needs to go from there. It will be changed to go to the town where the person who registered the vehicle resides and not to the town where the dealership is located. He said it is really seamless for the dealer once it leaves the dealership as they have no control over it and it typically is kind of an overnight thing. Kathy S. said that is another thing as there is nothing in the law to say how long they have to get the money to us. Also, different towns or cities like Nashua has reclamation fees and there are towns that have highway fees that are added on to registrations, so there are a lot of different fee structures charged by each individual city and town clerks, so they would have to have a separate database for that at each dealership or it would not work. Peter thanked her for bringing it up and said it is in the hands of the third party vendor when it comes to those calculations. If it is something that could be done by a computer then it is something they should be able to write software for, so in those situations of the highway fees or reclamation fees, they can craft software so back at the dealership those fees would be built in.

Pat asked who is going to train the dealers on month and mil rates. Kathy S said that is a big question as to who was going to train the dealerships, because right now the state does not know the town calculations, so we as a board train when we have our new clerk's workshop. Peter said the third party vendor. Kathy S. said they won't know about this and an example would be if someone goes to get a 20 day plate, they feed in a fake list price, so it could be keyed in at \$100 or \$1,000, and when they come back to register the vehicle we have to find the correct list price and they are not going to care if it is correct or not because that is not what is driving their fees, but we care because that is how we get our money. Peter said they will care in the sense if they don't collect the right fee it will come back to haunt them as they will be penalized for not collecting the right fee. Most board members asked by whom. Peter said from a training perspective again, the third party is going to do it and asked if it is software based or calculation based. Kathy S. replied the law states you have to use the MSRP and the state does not train on this, we do the training on the months and mils. Peter said in terms of training what the third party vendor has done in the other states was build in the state laws that they have to do the training on and he would certainly hope that it would never be someone actually typing in what they think the list price is. Phyllis said if they are going to register their car at the dealer, they won't have 20 day plates, but Deb Clark said they still have an option. Kathy S. said the legislation is for new, renewals and everything, but Peter said he thinks the legislation allows for new and transfers. Lori Holmes asked if they could do a lease to private and Kathy S. said no more than we would. Karen said they would be agents of the state, so my thought is they would have to go through the same training criteria and given the same laws and rules that every other agent of the state has. Kathy S. reiterated the state does not train on the months and mils and Karen replied that is correct, but they will have to follow the same laws. Kathy asked when will they get their training as we train new clerks once a year as they are elected and new dealers come on all the time so how will they be trained. Peter said that is a great question and my experience coming out of Illinois was it is a gradual process because they did not want to put all the dealers on at once as it would be a nightmare scenario and before they could enter anything into the system, they would have to get trained through the third party vendor. If we want to work out an arrangement where somehow the town clerks are involved in the training he would be happy to do it but he was not sure if you wanted to add that responsibility. Deb Cornett asked are we would be losing our \$1 town clerk fee, the \$2.50 to \$3 municipal agent fee, \$2 title application fee and Peter replied no. Kathy S. said the only thing she saw that they were collecting was the \$2.50 which for her was \$3 and

the title application fee was not mentioned in the law, nor was the \$1.00 town clerk fee. Rita said we would not get the \$5 transfer fee either if they are doing transfers. Peter said the idea is we don't want any loss to the towns or cities in terms of a monetary perspective. Rita said good as you may think that this money is going directly to us, like we are all on fees, but more clerks are not on fees, but it would also not be fair to the clerks that were. Peter said it was great that we were having this conversation because there are things that we are missing in there and he wants to make sure to get those plugged in. Deb Cornett asked if the customer was going to be paying double like on the municipal agent fee, because the dealership is acting as a municipal agent. Kathy S. interjected they are charging \$24 and Peter said they could charge up to \$24 if the customer wanted to do it at the dealership. Typically the third party vendors charges in this situation range from anywhere from \$8 to \$16 to the dealers who want to use this system. Deb Cornett asked is it a matter of like a convenience fee for the customer and Peter replied right. Kathy S. said she wants to make sure it is spelled out in the purchase and sales agreement or on the contract itself that it is an optional fee for the customer so if they don't want to do it they don't have to and they can go to their town or city clerk and save that money.

Pat said we have problems now with dealers registering and selling vehicles to non-residents, they come in with a Connecticut or Massachusetts driver's license and they sell them a vehicle, they do the title application, which they are not supposed to do for a non-resident, so are they going to recognize this when they come in to do a transfer. They may be registered as a non-resident in our town, but if they go to a dealership that is doing registrations to do a transfer on a new vehicle, the dealership is going to do that and probably will not care. Peter asked if they are coming into some dealerships now, non-resident and the dealership is doing the title and Pat replied yes and it is against the law. Peter said how it works in other states and how it should work here is that through the third party vendor the dealership will before any of the transaction is allowed to happen, it will have to get confirmed by the DMV's end, so it will simply come back as a yes or no and if it's rejected from there, the transaction shouldn't be able to go through. Rita said that motor vehicle does not track non-residents. Peter said that in that situation what the computer system does is the dealer already has it entered into their system, in terms of the purchase end, so it is going to populate the DMV information from what already exists in the computer and it would be the complete process. Is there anything to stop it from happening, he doesn't know, he will have to check. Pat said not always will the DMV program tell you that and Kathy V. said with new residents, you would have to have proof of residency. Deb Cornett said she has a non-resident that is playing the system right now from Massachusetts. Jeannette said she has two that moved out of state, got new licenses, but kept their old New Hampshire license and Kathy S. mentioned that some states don't take your old license. Peter asked how it works in that situation. Jeannette said she has a couple who is selling their house in town as they are up in Washington, so they don't live here anymore, but wanted to register their car and were told by her they couldn't, so that is a town clerk's decision, not a DMV decision because DMV sill has them listed in her town and they only way the DMV is going to know they moved is for me to key something into the system. What happens when you get to a town or a city like Nashua or Manchester is that there is no way you are going to know that for everyone. Peter replied right, so it sounds like the problem already exists and it would be the same problem. Jeannette replied its going to be exasperated with the dealers doing it because the dealers don't care as they can't even fill out titles right, and no offense, they get their training for titles and they still do them wrong. Most clerks in the room agreed with her. Peter said the only dealers that are probably going to sign on are going to be franchised dealers as they at a bare minimum are going to have to have some high speed lines coming in and out of the dealership, they are going to have some basic software and modern computers and if they don't have all those together they are not going to be able to get on board. There may also be an occasional used car dealer, but it would have to be a rather large one for those same reasons. Jeannette said she has an issue with large dealerships or franchises as you are training them, but their sales people come and go, so does that mean they lose their ability to go on the system if the new person comes in and doesn't get trained? Peter replied yes and the way it works it would be

someone in the F&I office only, not a sales person. In Illinois the error rate for title applications went from about 6% to less than 1% based upon the people that were using the third party vendor system, so it does improve and might improve those dealers.

Kathy S. said one other major thing she has been hearing is about renewal notices as the clerks will not be able to mail out the renewals notices, especially if you use a vendor, if vehicles were registered at the dealership as we would not be aware of it. Karen said it is her understanding that the state actually provides the data for the monthly renewals, so if a dealership were to enter into the state database you would be able to still do the renewal notices. Sandy agreed with her. Kathy S. said she was told they did not and Karen said she is not 100% sure, but thinks there is a way to do it.

Kathy V. asked what is the motivation behind this as far as dealerships, is this a sales pitch and what does it have to do with us, why is this happening? Peter said it is a great question and it wasn't anything he recalled they ever advertised like a draw to come in, but certainly it could be and really what it comes down to is a convenience for their customers. For some customers and really for some dealers they are not going to like it at all. Some of his dealers have said we don't want to do this and it is entirely optional for them. Kathy V said you realize we are not like other states as they don't have town and city clerks so it is a whole different ballgame and Peter replied right. Kathy V. said the other thing bothering her, and right now she is totally against it, is we are going through a trend in the economy and if we are losing customers then our towns are going to lower our pay because we don't have the customers coming in. Dealerships want to make money, but we want to maintain our jobs and we want to continue having contact with our citizens and you say the money will be coming to us now, but she can't believe that the revenues will always come to us.

Deb Clark said she has a big question on residency as it's really a concern as she is on a border town with Vermont and gets a lot of Vermont people trying to come in and register vehicles in her town. Peter said that is one issue he has marked that yes, it is a concern. Deb Clark continued that she doesn't have a dealership in town and the State of New Hampshire requires the towns and cities to prove residency, so my concern is how are you going to prove residency, if we ourselves have to be so strict and so careful as to who registers a vehicle, she can't see a dealer not selling a car because they can't prove residency and Peter replied they would still sell the car. Deb Clark said the problem is if it stays in there where the dealers are going to have to prove residency, then on her end she wants the clerks taken out of the law saying that we don't have to prove residency as anybody will say they live here if they can do it. Peter said educate me on that right now for small towns or large towns in terms of proving residency, how do you do that? Deb Clark said they have to come in with some sort of a bill with usage for fuel, for electricity, she takes it if they get food stamps or something like that from the State of New Hampshire, payroll stub that shows their physical address. If they don't have anything like that, then they need to bring us a rental receipt, a notarized letter from who they rent from or who they are staying with, those types of things are what we will accept. Peter asked if this is before they even have a driver's license. Deb Clark said yes, they are supposed to prove it to us. Peter said once they have a driver's license from the state they don't have to prove residency. Deb Clark said they still have to prove residency to us if they have never registered a vehicle in our town. If you are going to do new cars or transfers that would be more acceptable to her because when you come to do a renewal if she does not know you she will not let you do that renewal unless you prove residency and she will be checking their license. Peter said when you say check the license, what do you mean by that? Deb Clark said just the other day she was going to do a renewal on somebody that had actually moved into our town about four months ago and they had registered their car, but they never changed their license to New Hampshire so she refused to do the renewal registration until they went to get their driver's license changed. Those are the type of things we are going to lose control of and are going to drive the fact that you are going to have more insurance fraud, which is now the big thing we are working with some of

the departments in the state. Peter said he wants to make sure he understands, they never registered a vehicle so that is when they would have to come in with a driver's license? Deb Clark said they would have to prove residency to me. Peter said okay, but if it is a prior registration for them to walk in, if they have registered for a period at some point then they can walk in with their driver's license. Deb Clark said if she really gets the feeling that she doesn't think they are still there, she will make them prove it as that is what we are supposed to do for the State of New Hampshire and that is what we do as we are very serious about our jobs and don't think you will get that with the dealerships. Lori Holmes said when she is having a customer prove residency she was also cognitive because there are other ramifications with other agencies within our town, it could put a hardship on our financial assistance, our welfare office, so it is not just not our state laws and us as the municipal agents, but it is also our town departments and agencies. We take those extra steps in following the rules and RSA's, but also living in our communities and knowing what other ramifications that it can cause. Peter said getting back to it as he wants to make sure he understands it, what if they never registered a vehicle in that town, so lets say you go to Concord to buy a vehicle, but live in Bow and never registered a vehicle in Bow even though my driver's license said Bow, what if the system prevented them from doing that and made them go to their town office to register there or another example would be that they have no driver's license at all then they would be prohibited. Do you think that would eliminate a fair amount of the potential fraud issues on it? Kathy S. said it would probably eliminate the initial ones, but not the renewal ones. Deb Clark said she just does not like the renewals being in that process. Kathy S. said when she asked that question to Kevin he seemed to think that renewals were not in the picture, but now they are. It doesn't say new in the legislation, it says transfers and renewals, but she thinks they would want news cars as those are the ones you most likely will get. Peter replied correct. Kathy S. said she had a hard time in accepting renewals and she thinks dealers might change their mind about doing renewals if on a Sunday morning they have 20 people in line because it's the 31st and they forgot to register their vehicles and it's the only place they can go do it.

Rita asked if they are going to be able to do it when Concord is not open and Kathy S. replied she thinks that Concord is going to have to be open for them for support. Karen said her initial impression is they will be limited by the system availability just as we are. Deb Clark asked who will be responsible for bounced checks. Peter replied that you will be getting an ACH so the dealers will be chasing after the customer. Deb Clark asked if the money would always be there for the towns and Peter replied correct. Deb Clark said she was curious and didn't know whether you could answer this or somebody from the state, but how does the state expect to get more revenue out of this? Peter said the assumption on the fiscal note is if the state pays for the whole system themselves it would cost them \$4 million, but the legislation puts the cost to the vendor and there would be no cost to the state. If it does cost the state money he would not even waste his time trying to get it through. Deb Cornett said her big concern was who is going to look at all the laws and change or amend the language to allow dealers as municipal agents and to prove residency. Peter replied if we are going ahead we would want to work with you and the Department of Safety. It will have to be a joint effort to make sure that nobody abuses or screws up the system. Jeanette asked how are you going to deal with identity theft as there is nothing in the legislation dealing with it and the towns and state are going to want their money. Peter said in that situation the money would be gone at that point from the dealer so he believes it would fall back on the dealer's shoulders as right now if identity theft happens at a dealership, which it does on occasion, then they dealer has FDIC laws, they have state laws, they have red flag rules that are coming in place where they have to have a written policy in place on dealing with exactly a situation like this.

Kathy S. said she would like to hear from Commissioner Sweeney. Commissioner Sweeney said basically several years ago when Dan McCloud was the President of the auto dealers he had approached Commissioner Flynn with the idea of having dealers possibly act as agents and issuing registrations and the department promised him that they would look into it. Since that time the state has been meeting

with Peter, and there is a bill pending a hearing in the Senate. Kathy S. asked if the date has been set yet. Commissioner Sweeney said they are going on vacation next week, so he thinks it probably would be the first week of March and it would have to move fairly quickly as it is a bill that has a fiscal note on it. It will have to go from Senate Transportation then probably to either Senate Finance or Senate Ways and Means and if it passes the Senate then it will go through the same group over at the House again. He knows from talking with Kathy S. there were a couple of concerns that came out right away and one of those concerns was the way the bill was written that the money would go to the town where the dealer was located rather than the town where the person resides and certainly that is not the departments intent and he does not think it was the dealer's intent so that can be easily taken care of with an amendment. The other concern that Kathy S. expressed was the flow, how quickly would you get your money and he does not know if Peter has answered that yet, but his understanding is that it would be an electronic transfer and it would probably be overnight. Peter said once it leaves the dealership it usually sits overnight, frankly that is how some of the vendor companies make a little bit of money besides the fees they charge the dealers. Kathy S. said her concern was more that it needs to say that in the law as opposed to just that is what happens and Commissioner Sweeney said he thinks the state will want that too for their portion. In listening to some of the talk around the table he would be interested in hearing more from us, but some of the things like the proof of residency, which he thinks is a valid question, that we have to deal with as that did not get as much thought as it should have, so it is really important to think about. Also, he said that we are exactly right that New Hampshire has the most complicated systems of registering automobiles anywhere in the country so this is not going to be an easy fix and his position was if it can be done with no cost to the state and if the towns would continue to get their fees just as though you had physically registered the vehicle and if people wanted to pay for the convenience of registering their car at a dealer that was fine. The vendor would be working with the dealers and with OIT, and they have had conversations to see if it can be taken care of in such a manner that we don't have to do a lot of programming as OIT, like all of us, are taking a hit in their budget and we should not be spending money anyways to program something that is not a direct benefit to the state, but if the vendor can find a way to do the programming at no cost to the state then he thinks the bill probably has a chance. If it is going to cost the state money basically it's not going to stand a chance. He can understand the feeling that if the state says we will give you the money now, but someday down the road they might not, he does not know of any instance where the state has really attempted to take funds away from the town clerks. It might relieve some of the pressure with waiting lines, but you would still be receiving the same revenues. It's a long way between now and the passage of the bill and they stressed that they certainly want to work with us and Peter has taken notes on the concerns we have and they will sit down to see if there is a way they can put in some amendments. It is going to be easy to direct the money to the right town, it is going to be easy for them to put in a deadline on how soon the money is going to be transferred, but residency is going to be a tougher. The department is in favor of it as long as there is no cost to the state and if we can resolve the problems that the town clerks have because the clerks are the state's partners and we need you and you need us and we want to work together on this. Pat said we have fees that some town and cities collect on their registrations, we also brought up the training, on who is going to be training the dealers who will be doing this on the mil rates and to recognize the list price is not correct. Commissioner Sweeney said the other concern is most of the dealers sell a lot of cars on evenings, Saturday and Sundays and we are certainly not going to be able to expand the help desk so we have discussed it and we might have to allow simple transactions and then lock out something that may require the help desk, they might have to give a temporary plate as they do now and say on Monday we will complete your transaction. What we had looked at was probably doing a pilot program and there was one dealer right now, Tulley of Nashua, who is currently working with the Commonwealth of Massachusetts as they are registering vehicles for those individuals residing in Massachusetts. Peter said in full disclosure that just ended about a month ago, but they do have a great deal of experience and the only way to do this program would be a pilot as to just throw it out to all the dealers would create a nightmare. Commissioner Sweeney said you could limit it to a

couple of large dealers and a couple of small dealers, but on the other hand he was sure there are a lot of dealers that are not going to want to do this and it would not be our intention to put it out to the bonded dealers, only the dealers that have dealer plates. Phyllis asked can they take the renewal out of this legislation and other clerks agreed. Commissioner Sweeney said the renewal could be taken out and he would assume that if he was a dealer he would love it when the guy comes in to get his car inspected they would say would you like me to renew the plate for you, so he thinks it is convenient to the public to leave that in. Deb Clark said she feels that on renewals in reference to residency and fraud, those might slip through the crack, but when they come to a town they will get caught. Commissioner Sweeney said that is a situation with the town and an example is if somebody says they live at Concord Garden Apartments, there are 10,000 people that live at that apartment complex and he suspects that probably Nashua is the same way and he suspects that probably the cities do a much less thorough job of checking. Most of the board members replied no and Tricia stated she takes exception to that as she has done many residency affidavits so they can register their car. Deb Clark said she was not saying that we are perfect, because none of us are, and those things will slip through once in a while, but she just has a feeling that there would be more control on the fraud if you were able to do the renewals locally rather than them going back to a dealer as you are never going to catch them. Commissioner Sweeney said we certainly don't want non-residents in the state coming up here and doing it as it will drive up our insurance rates. Kevin said you talk about the residency how do you catch it when it goes through Compass and most members said that they do not use Compass and very few towns do. Kevin said he can actually speak to residency as he lives in Concord and when he sends that money in he is never questioned as to where he is living. Karen said there is also E-Reg. Deb Clark said that has been taken out of our hands of doing residency, so if this is the way they want to do it then take it out of our hands and don't make us do affidavits saying they are a resident. This has just been part of our program to prove residency and we have been told over and over again, that they have to be residents in order to register in the State of New Hampshire, so if it is no longer going to be that much of a concern then so be it. Kevin said that he can give us a different perspective as he worked in the insurance fraud business for a long time and he used to chase these people around and he could go to an address in Saugus, Massachusetts right now and there will be four cars sitting in the driveway all of them registered to a small town less than 20 miles away from here and they have done that repeatedly over the years. My point is it is not something that will ever be a perfect system as we are not going to catch everyone, but from the driver's license side and the registration side we will always take your money, but in driver's license side people have to jump through a whole series of hoops just to show us that they live here, that they are who they say they are and there is a whole process they go through. Deb Clark said there are some of us who make them jump through hoops for registration and some of the other clerks agreed. Kevin said but it is not really uniform on how it is done. Most of the clerks disagreed and said it was. Rita said that is what we were saying about driver's licensing and that is why we got together with Virginia Beecher who made a new list of the proofs needed to obtain a driver's license as driver's licensing wasn't accepting certain things and they were being sent back to us for proof of residency, so she thinks that maybe our hoops are not as large, but we are still making people prove they live where they say they do. Tricia said especially with licensing as one of the licensing requirements is that they can have a valid New Hampshire registration, so they may not go get their license first, but they will register their vehicle first. Deb Cornett said it is the same thing with renewals, if you allow dealerships to do them, she would not have been able to catch somebody that has a New Hampshire license but all of his paperwork was sent to his PO Box in town. He wrote a note back with a self-addressed stamp envelope saying could you please mail it to an address in Massachusetts, so she did some further research and his assessing cards, his tax bill all get mailed to that same address in Massachusetts. She refused to do his renewal and has sent him a letter with a non-resident and a resident affidavit for him to complete, as she was giving him the benefit of the doubt. He must provide proof and one of the proofs for residency she asks for is a copy of their income tax statement, just showing the address where they are filing along with two other proofs. He has one vehicle and it is definitely a summer home and he is

renting out his houses. She is also able to flag licensing that we have somebody that might be committing fraud here, so we do help with people that are abusing it, so if he would have just been able to cross the border to any dealership to do his renewal, she wouldn't have caught that. Peter said Kevin is right it is not going to be a perfect system, but what if we limit renewals where one, they actually have to have a driver's license and two, they have had to previously registered their vehicle or a vehicle at the address which matches their driver's license and if there is a snafu....Deb Cornett interjected that is my case as they had a New Hampshire license that says her town address, but he is in Massachusetts. Peter said again we are not going to be able to catch all of them, but he was just trying to think certainly if someone comes in and their driver's license doesn't match his prior registration or if they have never registered a vehicle in the town before, then maybe that is something that the town clerks should look further into and there are procedures that you have to go through, there isn't that double match driver's license, prior registration and if all the names and addresses don't match, then you can't do the optional registration. Kathy S. said she can just picture people though that have moved from Rochester to Farmington and say well okay just use my Rochester address and do it because if you can't do it because we've moved, then do it at my old address and then it goes to the wrong town. Peter said if it doesn't match up though as if the driver's license shows Rochester and the prior registration was in Farmington. Kathy S interjected then they couldn't do it because it doesn't match and Peter said correct. Deb Cornett asked on reporting, how would they do electronic reporting to the towns to let them know what went into the account and who it was for. Peter said he was sure we could, but it was probably a vendor question. Commissioner Sweeney said he was sure that DRA will have some requirements. Deb Cornett asked if we are going to get the municipal copy of the registrations and would the title applications also be forwarded to us from the dealerships? Peter said that is something you need as it was mentioned earlier and Kevin said that would have to be put in the business rules. Kathy V. said all of us have dealt with dealerships and she feels that this was not about customer service as it was just a way for the dealerships to inspect more cars, sell more cars, more parts, and make more money. Peter said he would not deny that. Kathy V. said you say we have lines in our office and it will eliminate the lines, but we have done everything in our power to eliminate lines, we have mail- in registrations and she feels it is going to hurt the clerks in the long run, so in order for the dealerships to make more money, it will hurt the clerks. Peter said he understands and in Illinois they thought there would be a big drop and there wasn't. Are customers really going to go in thinking about their registration, it is the customer decision to make and he sees a little bit of your concern about long lines and customer service, but at the same time if you reduce the lines that you are concerned about, its an internal division that you will always going to have. Kathy S. said she thinks we gave you a lot to think about like the reclamation fees and residency issues which need to be worked out and definitely wants to know when this hearing is. Commissioner Sweeney said as soon as he knows when the hearing is he will email Kathy S. and if they make any amendments he will send those to her as well. He said they really want to keep up the communication because it is not going to work without us and they want to try and make it and if it doesn't work, it doesn't work and we tried. Pat said she thinks seriously he should take renewals out of there and all the clerks agreed. Commissioner Sweeney said thank you for having us here and listening to us as we appreciate it and thank you for all that you do for us.

Office of Information Technology

Dennis stated on user agreements last month they had 52 outstanding and currently there are 46 as of yesterday. Kathy S. asked the co-chairs if they contacted the towns in the region and the members responded they did. Tricia said last month we discussed putting the towns in the minutes and did we want to do that and most members said we had too. The following town or cities need to return their user agreements to OIT as soon as possible: Acworth, Albany, Alexandria, Antrim, Bedford, Candia, Dalton, Dover, Freedom, Gilsum, Goffstown, Greenfield, Groton, Hillsboro, Hooksett, Hudson, Kensington, Kingston, Laconia, Lee, Litchfield, Loudon, Manchester, Marlborough, Milton, New Castle, Newbury, Newington, Newmarket, Newport, Nottingham, Ossipee, Peterborough, Pittsburg,

Plymouth, Rindge, Rollinsford, Somersworth, Stratford, Tamworth, Warner, Washington, Weare, Wilton, Windham and Windsor. The forms can be faxed to Dennis at 271-5534. Deb Cornett advised there are two towns who already returned their forms, Laconia and Loudon, and she told them to call the MA desk. Karen said they are not responsible for those and if they received she would forward to Dennis. He said there are two more towns to go online to complete the MAAP system, and Nashua has given them a date of April 14th and he still does not have a date from Freedom. DOT has informed them that Ezpass will be delayed until about April 15th, so they will be testing their work around May 15th and are looking for a middle of June to July 1st implementation. He is still working with Lexmark and did testing yesterday on trying to get a longer life out of the cartridge by changing some of the settings.

Registration

Karen Patterson was next to address the Board. She asked how the emails were going and the board responded very well. She commented the one thing she did not like was getting back 200 responses. Kathy S. said maybe she should put a disclaimer at the beginning or put a do not respond to this. As she was leaving the office, Jeanie had asked her to just to remind everybody if you use a third-party software company to double check with them the difference between a plate change and plate release as they were still having a lot of issues with plate releases being done, when it should just be a plate change. She has not seen many issues with the browsers as the state can walk clerks through it. Jeanette said she has had someone on the MA desk telling them to do a plate release when they are trying to explain to them that it is a renewal wanting to go to a different plate, they say go ahead and release the plate, so of course they are releasing the plate. Karen said it could be some terminology as you have the releasing of the plate where they are giving you permission to use that plate and then you have the releasing which is detaching the plate from this cycle, so they will work on that on their end. Just a reminder to mark the non-resident registrations in the system so when you print out a non-resident registration it should print non-resident on it.

They are still sending back a lot of original titles and bills of sales as clerks are taking those and putting them in their document piles, so please make a copy of those and give the originals back to the customer so they have their proof of ownership.

As for months and mils, they are working on getting that so we won't need the overrides, but in the interim she is getting a lot of faxes from different cities and towns asking her to update those, which she doesn't mind doing, but please double check as the state system is very definite that the months and mils are based on the model year, so if what you are asking to charge doesn't correspond with the model year of the vehicle, she can't do it as the system will not allow it.

Dale wanted her to bring up name mergers as in December she received a 598 page report for just those registrations with a birth month of December who had 2 ID codes, and she has to go through every one of those and see if they are the same person and if they are she has to merge them together and it is a huge undertaking to get all of them merged. They are also seeing some clerks creating 4, 5 or 6 ID codes for the same exact person. Phyllis said sometimes on the title they don't put their legal name and Karen said that is true, but it has been the same exact name, same date of birth created 2 or more times and the only difference is the 1, 2, 3, 4 or 5 at the end of the ID code. They are asking for us to please watch what we are keying. It is going to take the state until next December to cycle through the entire 12 months. Jeanette said it would be nice to know what the names or ID codes were so we can go back and research why that happened. Karen said she was not sure how you were going to be able to research it and also she needed to double check about the privacy sending that through email. Some of it she feels is training as a lot of people have not been online for a long time, so we are just asking you to be careful. Krista said that it could be something as simple as maybe their driver's license was issued with two first names where they had their first name and middle name, but when you put it in the system you

actually have their first name and their middle initial. Karen said maybe their legal name is not what it is on the title, they went by Chuck instead of Charles and those are common reasons, but even more common is just creating the same identical person over and over again and those are preventable. Sue asked is there a way to generate the list by town, so we can assist you. Karen said they are still working through it and when she receives it she puts it in a spreadsheet and we might be able to do something. Sue said it sounds like they are doing it by month and Karen replied they are and a lot of these are old and a lot of these people who created these are no longer working in our offices. Deb Clark asked if the problem is when someone comes in and does not have a New Hampshire driver's license and it assigns them a number and then they go get their license and it is different? Karen replied she has seen some issues where the system assigns it a 1 and they go to driver's licensing and are issued a license with a 2 and in that case they don't contact us, they contact driver's licensing. They have also seen a lot where the customer comes to us and they are married and they provide us with the proof and it's the first time they have registered, so we do it in their married name and then they go to get their driver's license or vice versa and they do it in their maiden name, so it is a problem across the board that we are addressing internally.

Kathy S. said last time we talked about the transfer issue and Karen was going to research it and send her something and Karen replied she hasn't had a chance to complete that. Jeanette said in the last set of emails Karen said that now five digit plates can only be transferred to spouses, so when did that come about. Karen said it has been that way for about six months and it was because there are a limited number of five digits, so if a spouse wants to have that five digit plate, you don't have to go through the director's office and can release it to them, but if it is a son or a daughter, just like any other plate request they have to write into the director's office, even if the son or daughters is already on the registration. Someone had a question about second owner on a registration being able to get a duplicate registration and Karen said if they are an owner with all the rights to that registration, they can get it. Phyllis held up a renewal notice and Karen said they have revised it, however, there are programming issues that they have to do in order to be able to reprint the revision and they have not had the staffing or the time actually to implement it.

Title Bureau

Krista Robichaud was next to address the Board. They are issuing titles in two days and sometimes one day. The new title handbooks are being printed right now and with that were the new corporate codes, which Priscilla has emailed out. If they were not received it was because they just switched over to Outlook and Priscilla is working on her email addresses. Tricia said if she wants to send it to her she would get it out to the membership. Krista said as far as the ID's and the dealer prepared applications and identifications not matching up, she has been told when she teaches a dealers class, that you can not tell the dealers they are required to ask for a New Hampshire driver's license, they are required to ask for proof of residency in New Hampshire, so they have told the dealers they can do the title application if they can prove the customer lives in New Hampshire, but she recognizes there are still dealers that prepare title applications for non-residents. Deb Cornett asked what the repercussions are when a dealer is titling it to non-residents as she has issues with one dealership and provided her with an example. Karen asked if there are hearings for particular dealerships. Krista said in those instances Priscilla will give those to her and she would send out a letter as well as call the dealer. It goes into their dealer file and she is not sure how often Priscilla check those files for infractions they have made. Deb Cornett asked if they get fined or what the incentive was for them not to do it again and Karen said she isn't singling anyone out, but it is like the agents we have issues with and there is no fine and if you haven't seen improvement, then maybe email Priscilla directly and let her know the problems.

Secretary of State

Dave Scanlon was the next to address the Board. Things are moving fast and the leadership has made a commitment in trying to clear up their issues and yesterday the Election Law Committee cleaned up everything they had in their committee during this first session. So, the following bills were deemed inexpedient to legislate yesterday by the Election Law Committee, HB389, HB390, HB394, HB404, HB417, HB470, HB506, HB541, HB548, HB573, HB620 and HB669. HB418 was retained in committee, HB439 came out ought to pass, HB614 came out ought to pass with amendment, HB622 came out ought to pass, HB667 came out ought to pass with amendment, HB 513 came out ought to pass. On HB105 the bill was amended and they took out the issue on the open source software code and every place where it referred to a voting machine the language was changed to electronic ballot counting device. HB623 came out as ought to pass as amended. They removed anything in the bill dealing with the retention schedule as that section needed more work. He would suggest that we have a working group of clerks sit down with several legislators from both the Election Law Committee and the Municipal and County Government Committee as he feels if we bring back a bill for retention schedules it may go there instead of Election Law. Kathy S. said Anthony talked to her this morning about it and he was going to try to put together a meeting in the next couple of weeks. Tricia said she was talking with him as well and he feels that a city should be on there as they have different issues and Kathy S. agreed.

Vital Records Administration

Steve Wurtz and Nancy Swett was next to address the Board. Kathy S. said Tricia had asked for Steve or Nancy to explain a little more about invoicing and it is nice to meet the face behind the scenes. Steve said they were 100% as of February 1st and from his perspective it is going pretty smooth. There is a tremendous amount of conversation we have during the month doing the reconciliation with the towns. Nancy is doing the follow-up on the communities that have not paid their invoices or that they didn't hear from them for some reason, so the accountability has been achieved. Nancy said this was one of the big reasons for doing this program as before people would send it in whenever they wanted. There were tracking issues as to who had sent in their payments and who hadn't and whether they were accurate or not, so by sending an invoice we can have up-to-date information and our auditors are happy. If the invoice is not correct you can request an adjustment and everyone has been pretty good once they get through their first adjustment with them. Tricia said the problem she has is that we are getting three different set of numbers. We do a daily report which gives us one set of numbers, then we receive the invoice from the state and if we print an invoice off the system, none of the numbers match. Steve said he knew we had a problem all along with some numbers and one of the issues discovered was no value assigned to a search/verify and it could be interrupted as you doing a no record found statement. If you did a search and you found no record and you printed out a no record found statement as part of the options you have, it now has been determined that money never got posted, so they will be pushing out the build before the end of the month because they believe this discovery is huge and it should resolve this issue. The invoicing report and the NHVRIN monthly report should then match. Kathy S. said she just had her first issue with marriage licenses in being charged for one additional and when checking the inventory report she could not see a name for the marriages licenses they did. Steve said there is a correction request in to populate those reports to the full extent. At this point our monies are more accurate then theirs because we have cashed out at night, and have balanced with our deposits, so if NHVRIN is off and they can see the breakdown of all the transactions, they will side with us. Tricia said one other thing she would like to bring up is when you go into the invoicing program, like she did last month, it is showing a header and showing February 2009 when it was for January 2009, so it was a little confusing. Nancy said that is in the process of being corrected. Steve said the difficult part is it is two separate systems that have unique problems that Nancy is dealing with her vendor and the state is dealing with their IT staff.

Kathy S. said the VRIF meeting for tomorrow has been cancelled due to the impending storm and so hasn't the committee meeting that was set up to meet prior to VRIF. VRIF has been rescheduled to March 6th, but the other meeting has not been rescheduled.

Steve said the last item he wanted to talk about was the bill converting civil unions into marriages and he knew of a couple of other bills dealing with civil unions and asked Dave if he knew the status. Dave said he didn't, but we did submit a fiscal note on those bills one would require a marriage license to be issued for all civil unions that have been performed at no cost, so the cost would have been born by vital records and the towns and the other one was the cost of redoing the changes we just made. Steve said it is not just the fact you are changing civil unions to a marriage but there is a tremendous amount of legal ramifications in the programming and so many unanswered questions and possibilities. Kathy S. said it goes further as title bureau redid everything to add civil unions in and it affects a lot of different things and not just vital records.

Conference

Pat said she had gone over the registration forms with that committee and is keeping it the same format as it was last year and provided Kathy S. information that she would need from her on many issues. For the raffle she had confirmed a two night stay at the Red Jacket, the quilt by Marilyn Bedell and the Mount Washington Cruise tickets and they are looking for more large raffle items. For those individuals on the committee she would like everyone to get together on Tuesday night to put the packages together as it worked out well last year and anyone providing reports need to have 250 copies available. She asked if Tricia would do the opening ceremony and Tricia agreed, so please send any pictures of your town hall, town office and/or staff to Tricia's email at piecuchp@nashuanh.gov. She discussed changes on the committee and committee assignments, speakers and the technical sessions and it was discussed and decided to video record the sessions and because the current video recorder we have was a VHS it was decided the Association should purchase a new one. Motion by Jeannette to purchase a new video recorder up to \$400. Duly seconded by Deb Clark. There being none opposed the motion carried.

Job Descriptions

Kathy S. said she wanted to bring up job descriptions and asked Sue if it was during her tenure or before. Sue said when she was secretary she came up with her job description and we all talked about it, but she doesn't recall that everyone did them. Pat said she did one for the regional co-chairs and there should have been something in the minutes. Kathy S. said were the minutes here and Sue and Pat replied yes and said we should resurrect them and put them together as it would be helpful. Pat said it also was for the officers and the standing committees. Deb Clark said one thing she would like to do if she can, she would like to take the minutes and index them as it is very helpful when we are looking to know when something passed and would like to have it in place by next year. Tricia said she would let her know what minutes she had.

Other Business

Sue said she had received a communication from IIMC that Sheryl Eisenberg from the City of Rochester has earned her title of Certified Municipal Clerk.

Kathy S. mentioned that Lori Pitts, from Durham, father passed away and Donna Bergeron former town clerk of Goffstown passed away.

Kathy S. said the next thing she had was the moose plate. The state is getting concerned because they are not getting a lot of requests for moose plates, so they are now trying to put out all this information and they would like to either through our regional meetings or through the conference put out

information that tells the customer where the money goes. It was agreed to put out information that they will supply.

Rita showed the board a list of towns that have not paid their dues, so she will do another mailing as a reminder next month.

Deb Clark said it has come to her attention that Aunt Henrietta really did skip out on her bill and Pat Waterman personally paid the bill. Motion by Rita that the New Hampshire City and Town Clerk's Association reimburse Patricia Waterman for her expense on behalf on the New Hampshire City and Town Clerk's Association at the 2008 Conference. Duly seconded by Deb Clark. Pat Waterman abstained. There being none opposed the motion carried.

Kathy S. said on SB99 we will have to go and testify and there will not be a consensus, but we need to come to some kind of conclusion as to how we are going to proceed. There was a lot of discussion amongst the board members on what transpired earlier. Kathy S. said we all need to be on board with it and have some kind of united front so we are not having those speak in favor of it on behalf of the Association while the Association is opposing it so we need to decide how we are going to handle it. Motion by Pat that the Executive Board oppose SB99 at this time to allow for further research and study and to include city and town clerks in all discussions. Duly seconded by Deb Clark. There being none opposed the motion carried.

Kathy S. asked how many have electronic voting machines and use separate ballots with separate colors for town and school elections. Most had machines, but some didn't do school elections. She said there are some towns out there doing front and back ballots for town and school all in white and the law is very clear that school district ballots must be a different color than town ballots and that absentee ballots must match the color of the regular ballots.

Motion by Sue to adjourn. Duly seconded by Jeannette. There being none opposed the motion carried.

Meeting adjourned at 1:35 PM.

Respectfully submitted,

Tricia Piecuch
Secretary