

**ROCKINGHAM FREE PUBLIC LIBRARY
POLICY MEETING
JANUARY 20, 2015**

Present: Carol Blackwood, Chair; Doreen Aldrich, L. Raymond Massucco , Trustees and Celina Houlne, Library Director

Absent: Carolyn Frisa

Call to Order: Chairperson, Blackwood, called the meeting to order at 6:19 p.m.

Public Comment (3 minutes per person): None

Additions/Approval of Agenda: Massucco suggested that we use the same verbiage adopted by the Select Board and Village Trustees as follows: "Additions to the Agenda for Routine Administrative Matters and/or Pressing Matters that will require ratification at a future meeting". The Chair was ok with his suggestion.

Approval of Minutes from Nov. 13, 2014 Meeting: Massucco abstained because he was not at the meeting. Frisa was absent so there wasn't a quorum and this was postponed until the next policy meeting.

Communication repository: The Chair said she would like to have all emails in the public domain to view in a pdf so no changes could be made as there are concerns that folks may not remember to copy to the repository. No decision was made.

Trustee Standards of Conduct: The language from VT Library Trustees Manual (October 2014 Edition) for "Code of Ethics" document was reviewed. It was suggested that we adopt this document; but delete "directors" in bullets one, two and three and just say "trustees". Aldrich moved to bring this to the full board with the redaction of "directors". Massucco seconded and the motion carried.

Rules of Procedure: VLCT MODEL RULES OF PROCEDURE FOR MUNICIPAL BOARDS, COMMITTEES, AND COMMISSIONS was presented for the committee's review. Massucco advised that it needs to be consistent with our By-Laws. Blackwood asked him to edit and present it to the Policy Committee at a future meeting.

New Business: None

Adjourn to Next Meeting (Date TBA) At 7:15 p.m., Aldrich moved to adjourn and meet again on February 3rd at 6:15 p.m., seconded by Massucco. The motion carried.

Respectfully submitted on January 21, 2015

Doreen B. Aldrich, Secretary

Language from VT Library Trustees Manual (October 2014 Edition) for “Code of Ethics” document

In 1991, attorney Andrew H. Maass of Ryan Smith & Carbine of Rutland said that besides responsibilities outlined in statute, library trustees also have some more general responsibilities that originate in Common Law:

- The Duty of Care or Diligence: ~~Directors and~~ trustees must act with the care that a reasonably prudent person in a similar position would use under similar circumstances. They must perform their duties in good faith and in a manner they reasonably believe to be in the best interests of the organization. Prior to making a business decision, ~~directors and~~ trustees must inform themselves of all material information reasonably available to them. This duty requires not only reasonable behavior with respect to matters submitted for approval, but also requires reasonable inquiry and monitoring of organizational affairs. Although ~~directors and~~ trustees are not insurers of the integrity of their employees or of general organization performance, they are required to implement reasonable programs to promote appropriate conduct and to identify improper conduct.
- Duty of Loyalty: ~~Directors and~~ trustees are required to refrain from engaging in personal activities which would injure or take advantage of the organization. They are prohibited from using their position of trust and confidence to further their private interests. This duty requires an undivided and unselfish loyalty and demands that there be no conflict between one’s duty to the organization and self-interest.
- Duty of Obedience: ~~Directors and~~ trustees are required to perform their duties in accordance with applicable statutes and the terms of the organization’s charter and by-laws. Trustees may be liable if they authorize an act which is beyond the powers conferred upon an organization by its charter or by the laws of the state.

TOWN CLERK'S OFFICE
RECEIVED Dec 10, 2014 12:42P
RECORDED IN VOL: 350 PG: 212
OF ROCKINGHAM LAND RECORDS
DOREEN ALDRICH
TOWN CLERK

**TOWN OF ROCKINGHAM
BELLOWS FALLS VILLAGE CORPORATION**

Public Record Inspection, Copying and Transmission Policy

PURPOSE. The Vermont Public Records Act, 1 V.S.A. §§ 315-320, provides that the Town of Rockingham and the Bellows Falls Village Corporation are required to provide access to public records for inspection and copying unless the records are exempt by law from public access. The municipality is authorized under section 316(j) of the Public Records Act to adopt and enforce reasonable rules to prevent disruption of operations in responding to records requests, to preserve the security of public records, and to protect public records from damage. This policy is intended to provide for timely action on requests for public records without unreasonable interruption of operations and to protect the integrity of the Town's/Village's public records.

APPLICABILITY. A public record is defined as any written or recorded information, regardless of physical form or characteristic, which is produced or acquired in the course of Town business. Public records, regardless of format, are available for inspection and copying unless there is a specific statute exempting the record from public disclosure. Those records exempt from public inspection and copying are set out at 1 V.S.A. § 317(c).

This policy applies only to requests for public records in the custody of the Town of Rockingham or Bellows Falls Village Corporation. Other public records may be in the custody of other officers. In such cases where a public records request is made for a document that is not in the custody of the Town/Village, the person to whom the request is made will promptly forward the request to the proper custodian and inform the requestor who that custodian is. This policy does not apply to the Town's land records, which are subject to the Town of Rockingham Land Records Policy.

PUBLIC RECORD REQUEST FORMS. It is not intended that every public record request require the requestor complete a form. However, when a request is made for a public record that is not readily accessible, may be exempt from public access, may not exist, or may result in charges for copying or staff time, the requestor will be required to complete a Public Records Request Form designated by the Town of Rockingham/Bellows Falls Village Corporation.

INSPECTION OF PUBLIC RECORDS. Upon receipt of a request to inspect a public record, the custodian will produce the record for inspection within three business days of receipt of the request, subject to the following:

1. If the record does not exist under the name given by the requestor or by any other name known to the custodian, the custodian will inform the requestor of this fact in writing.
2. If the custodian considers the record to be exempt from public access, the custodian will inform the requestor of this fact in writing. The custodian will identify the record or portion of record withheld, the statutory basis for withholding the record, and a brief statement of the reasons and supporting facts for denial. The custodian will also inform the requestor of the right to appeal this determination.

3. If the record is in active use or in storage and therefore not readily available at the time of the request, the custodian will inform the requestor of this fact in writing and set a date and hour within one calendar week of the request when the record will be available for inspection.

For the purpose of this policy, a business day means a day that the ^{RFPL}municipal office is open to provide services.

In the following circumstances, the time limits described above may be extended up to ten business days from receipt of the request:

1. The need to search for and collect requested records from field facilities or other establishments that are separate from the ^{RFPL}municipal office; ^{RFPL}
2. The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request;
3. The need for consultation with other ^{RFPL trustees}Town/Village officers or departments having a substantial interest in the determination of the request; or
4. The need for consultation with the ^{RFPL's}municipal attorney.

In responding to a request to inspect or copy a record, the custodian will consult with the requestor in order to clarify the request or to obtain additional information that will assist the custodian in responding to the request and in facilitating production of the requested record for inspection or copying. In the circumstances cited above, the custodian may request that a requestor seeking a voluminous amount of separate and distinct records narrow the scope of the public records request.

If the time limits described above must be extended, the custodian will inform the requestor of such fact in writing, setting forth the reasons for the extension and specifying the date upon which the custodian will respond to the request.

The custodian will not withhold any record in its entirety on the basis that it contains some exempt content if the record is otherwise subject to disclosure; instead, the custodian will redact the information the custodian considers to be exempt and produce the record accompanied by an explanation of the basis for denial of the redacted information.

COPIES OF PUBLIC RECORDS. Upon receipt of a request to make a copy of a public record, the custodian will make and produce a copy within 5 business days, subject to the following:

1. **Charges.** Except where otherwise provided by law, the custodian will charge and collect the following costs for making a copy of a public record:
 - a. The actual cost charge for a copy of a public record as established by the Vermont Secretary of State.

- b. The cost of staff time associated with complying with a request for a copy of a public record when the time exceeds 30 minutes as determined by the uniform schedule of charges established by the Vermont Secretary of State.

A copy of the actual cost charge and staff time rate schedule is attached. Upon request, the custodian will provide an estimate of the cost of making a copy of a public record prior to complying with the request. All charges for copies and staff time must be paid in full prior to delivery of the requested copy.

2. **Standard formats.** The custodian will make a copy of a public record in the following standard format:

- a. For any public record maintained in paper form, a paper copy of the record.
- b. For any public record maintained in electronic form, either a hard copy print out of the record or an electronic copy of the record in the format in which the record is maintained, as directed by the requestor.

Any other format is non-standard and the custodian is not required to comply with the request. If the custodian agrees to provide a copy of a public record in a non-standard format (e.g., conversion of a paper public record to electronic format), the requestor will be charged the time involved in producing the record in a non-standard format when the time exceeds 30 minutes as such costs are established by the Vermont Secretary of State.

If the time limit set forth above must be extended, the custodian will inform the requestor of such fact in writing, setting forth the reasons for the extension and specifying the date upon which the custodian will produce the copy.

PROTECTION OF PUBLIC RECORDS REQUESTED FOR INSPECTION. In order that all public records in the custody of the ^{REPL}municipality may be protected from damage or loss, such records may only be inspected in locations in the ^{REPL}Town Office designated by the custodian. No public record may be removed from a designated location, marked, altered, defaced, torn, damaged, destroyed, disassembled, or removed from its proper location or order. The custodian or other staff person may be present during the inspection of a public record. No person shall be allowed to copy a public record using copying equipment other than that owned by the municipality unless approved by the custodian.

When inspection of an electronic record is requested and the inspection of the original electronic record would create a disruption in operations of the municipality or would jeopardize the security of the original record, the custodian will provide an electronic copy of the original record in read only format, less any exempt information redacted from the record, at no cost to the requestor.

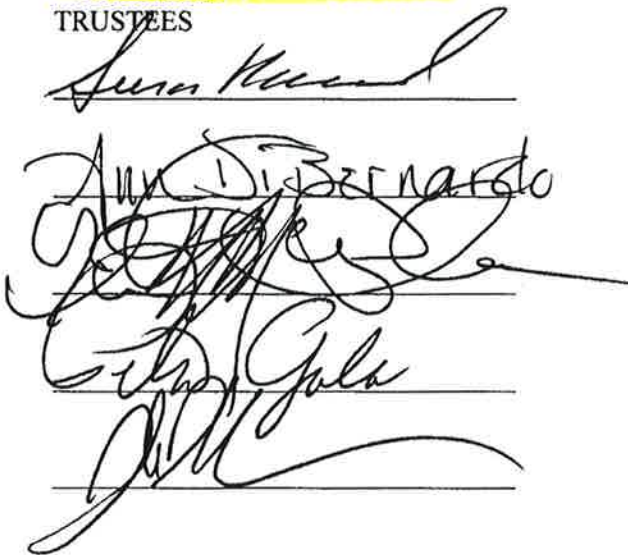
CREATION OF PUBLIC RECORDS. The ^{RFPL}municipality is not legally obligated to create a public record that does not otherwise exist. If the ^{RFPL}municipality agrees to create a public record that does not exist, the ^{RFPL}municipality will charge the requestor the cost associated with creating the record. Requests for creating a record must be made in writing and all charges must be paid prior to delivery of the record. Upon request, the ^{RFPL}municipality will provide an estimate of the cost of creating a public record prior to complying with the request.

TRANSMISSION OF PUBLIC RECORDS. The custodian is not legally obligated to transmit any public record by mail, facsimile, e-mail or any other means. If the custodian agrees to transmit a public record, the custodian will charge the requestor the costs associated with doing so. Requests for transmission of a record must be made in writing and all charges must be paid prior to delivery of the record. Upon request, the custodian will provide an estimate of the cost of transmitting a public record prior to complying with the request.

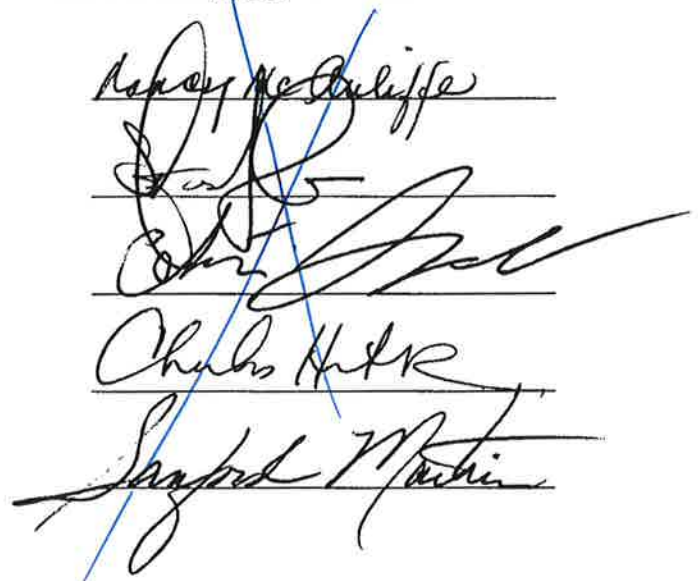
DENIAL OF A PUBLIC RECORD REQUEST. If the custodian denies a public record request in whole or in part, the denial may be appealed to the Town of Rockingham Selectboard or the Bellows Falls Village Trustees. In accordance with 1 V.S.A. § 318(c)(1), the Rockingham Selectboard or Bellows Falls Village Trustees will make written determination on the appeal within five business days after receipt of the appeal.

The foregoing Policy is hereby adopted by the ^{RFPL}Rockingham Selectboard and the Bellows Falls Village Trustees, this 30th day of September, 2014 and is effective as of this date until amended or repealed.

^{RFPL}
**ROCKINGHAM SELECTBOARD
TRUSTEES**

The block contains five handwritten signatures of the Rockingham Selectboard Trustees, each written over a horizontal line. The signatures are in cursive and vary in style.

BELLOWS FALLS VILLAGE

The block contains five handwritten signatures of the Bellows Falls Village Trustees, each written over a horizontal line. The signatures are in cursive and vary in style.

RFPL

TOWN OF ROCKINGHAM
BELLOWS FALLS VILLAGE CORPORATION

Request for Public Record Copies

Date _____

To: _____

Pursuant to the Vermont Public Record Act, 1 V.S.A. §§ 315-320, I hereby request copies of the following public records:

I am addressing this request to you in the belief that you are the custodian of such documents. If you are not the custodian, please forward my request to the proper custodian of such documents and inform me of who that person is.

I hereby agree to pay reasonable and customary costs for these photocopies.

If the law does not allow me to have access to some of these records, please so inform me within three business days, as provided by law, and inform me of the specific exemption that applies to each record or portion of a record being withheld. If an otherwise public record has a portion that is exempt from disclosure, I request that you block out the exempt portion and release a copy of the rest of the document together with a notation of the specific exemption that applies to the portion withheld.

If some or all of my request is denied, please tell me the title and name of the person responsible for the denial and, as the law requires, please inform me of the appeal procedures available to me and the name of the person to whom appeal may be made.

If you have questions about this request, please call me at

Thank you for your help.

Name (please print): _____ Contact #: _____

Signature: _____

RFPL
TOWN OF ROCKINGHAM
BELLOWS FALLS VILLAGE CORPORATION

Certification of Partial Denial Access to Public Records
1 V.S.A. § 318(a)(2)

On _____, the **Town of Rockingham/Bellows Falls Village** Corporation received a request from _____
for access to the following public record(s):

In response to this request, the custodian is making available the following record(s):

Certain portions of this record(s) have been withheld pursuant to _____

This exemption applies to the record withheld because:

Therefore, the request for access to the above-described record(s) is partially denied.

This denial may be appealed to the **Town of Rockingham Selectboard** and/or the **Bellows Falls Village Trustees**. In accordance with 1 V.S.A. § 318(c)(1), the **Selectboard/Trustees** will make written determination on the appeal within five business days after receipt of the appeal.

_____ Date signed: _____

RFPL

TOWN OF ROCKINGHAM
BELLOWS FALLS VILLAGE CORPORATION

Certification of Denial Access to Public Records
1 V.S.A. § 318(a)(2)

On _____, the Town of Rockingham and/or Bellows Falls Village Corporation received a request from _____
for access to the following public record(s):

In response to this request, the custodian, _____, is withholding the following record(s):

These records are being withheld pursuant to _____

This exemption applies to the record withheld because:

Therefore, the request for access to the above-described record(s) is denied.

This denial may be appealed to the Town of Rockingham Selectboard and/or the Bellows Falls Village Corporation Trustees. In accordance with 1 V.S.A. § 318(c)(1), the Selectboard/Trustees will make written determination on the appeal within five business days after receipt of the appeal.

Date signed: _____