

TOWN OF ULSTER

RECORDS MANAGEMENT POLICY



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PREFACE

The Archives and Records Management Division of the State Archives has prepared these general retention and disposition schedules to give New York's municipalities the legal authorization to retain and dispose of records common to departments, offices, and functions. The schedules list permanently valuable records, which should be properly protected for future use, and they also supply a timetable that will allow records custodians to regularly and legally dispose of records of non-permanent value. In preparing the schedules, the Division consulted with various local and state government officials.

The *LGS-1 Retention and Disposition Schedule* indicates the minimum length of time that officials of Cities, Towns, Villages and Fire Districts must retain their records before they may be disposed of legally. This Schedule does not cover retention periods for records of New York City offices and boroughs. Before records disposition takes place, this Schedule must be formally adopted by resolution of the governing body. The State Archives has prepared and issued this Schedule in accordance with state law and regulation.

Office of the Town Clerk

Town Clerk & Records Manager
Suzanne Reavy

Deputy Town Clerk
Lauren Hommel

The Town of Ulster Town Board formally passed the following Resolution on September 3, 2020:

Resolution Adopting the Retention and Disposition Schedule for NY Local Government Records (LGS-1)

RESOLUTION
TOWN OF ULSTER

Adoption of the Retention and Disposition Schedule for New York Local Government Records (LGS-1)

RESOLVED, By the Town of Ulster Town Board of the Town of Ulster that Retention and Disposition Schedule for New York Local Government Records (LGS-1), issued pursuant to Article 57-A of the Arts and Cultural Affairs Law, and containing legal minimum retention periods for local government records, is hereby adopted for use by all officers in legally disposing of valueless records listed therein.

FURTHER RESOLVED, that in accordance with Article 57-A: (a) only those records will be disposed of that are described in Retention and Disposition Schedule for New York Local Government Records (LGS-1), after they have met the minimum retention periods described therein; (b) only those records will be disposed of that do not have sufficient administrative, fiscal, legal, or historical value to merit retention beyond established legal minimum periods.

MOTION: Councilman Morrow

SECOND: Councilman Kitchen

Town Councilman Kitchen

Town Councilman Morrow

Town Councilman Secreto

Town Councilman Van Kleeck

Supervisor Quigley

CARRIED

TABLE OF CONTENTS

<u>TOPIC</u>	<u>PAGE</u>
Definition and Purpose of Records Management	5
Scheduling Government Records	5
Records Management Procedure	6
LGS-1 Schedule	
Introduction	7
Description	7-8
Electronic Records	
Software	8
New York Arts & Cultural Affairs Law	8
Digital Preservation	9
Records Destruction	9-11
Records Request	12
Records Disposal	12
Non- Government Records	13
Back-Ups/Safeguarding Records	14

DEFINITION

Records Management (RM) refers to a set of activities required for systematically controlling the creation, distribution, use, maintenance, and disposition of recorded information maintained as evidence of business activities and transactions. ... The key word in this definition is “evidence.”

Records management is the supervision and administration of digital or paper records, regardless of format. Records management activities include the creation, receipt, maintenance, use and disposal of records. In this context, a record is content that documents a business transaction.

PURPOSE

The Records Management Policy establishes a framework for the implementation of the Town of Ulster Records Management Program and ensures that full and accurate records of the Town of Ulster are created, captured, maintained, made accessible, stored and legally disposed of in accordance with legislative requirements. The Records Management Policy also outlines the responsibilities of staff in support of these requirements.

RMO = Records Management Officer

SARA = (New York) State Archives and Records Administration

RECORDS MANAGEMENT PROCEDURE

The Town Clerk, as RMO, according to New York State Law, shall coordinate the development of and oversee a program for the orderly and efficient management of records, including the identification and appropriate administration of records with enduring value for historical or other research and shall coordinate legal deposition, including the destruction of obsolete records.

The RMO exercises daily responsibility for the records program. Deputy Town Clerks are proficient, experienced, and have knowledge of the MU-1 Schedule. All employees of the Town Clerk's Office are provided with a copy of the MU-1 Schedule and are advised to study it extensively.

Our public records are governed by local, State and Federal laws and regulations. Basic guidelines for retaining and destroying them are provided by the Records Retention and Disposition Schedule MU-1 created by the New York State Archives (NYSA). The minimum retention periods listed in the Schedule and the procedures outlined in this policy must be adhered to. Departments disposing of public records without following these steps are in violation of the law; no one can legally dispose of public records in any other way.

MU-1 is arranged in broad subjects and records for your department located in various areas. The item you cite must best describe the record. For example: the GENERAL section has listed correspondence, duplicate copies and working papers and the PURCHASING section has requisitions. Beware of records that serve other purposes such as a telephone call log which has retention of one year, but if it records complaints or requests for services it be retained for six years.

For any records not on the Schedule, contact the Town Clerk's Office. We will seek the advice of the Records Management Advisory Committee and SARA and advise the department on the disposition decision. The Town Clerk is the liaison with SARA in all matters of records management and channels all inquiries related thereto.

Procedures to be followed by the departments are outlined by these guidelines:

1. Records Disposition Authorization
2. Records Storage Boxes and Reference Requests
3. Transfer List
4. Inventory
5. Request for Imaging Services
6. Transfer to Archives

RECORDS RETENTION AND DISPOSITION SCHEDULE

Scheduling Government Records

Disposition

Disposition refers to the final decision about whether to dispose of records or keep records permanently. Disposition of records can mean either destroying them or formally donating them to another organization after the records have met their legal retention period.

Destruction

A formal procedure must be established that ensures records are disposed of regularly. This will safeguard against accidental destruction of records that have not met their minimum retention periods or are needed for litigation, audits, or other investigations.

Purpose:

The purposes of this retention and disposition schedule are to:

1. Ensure that records are retained as long as needed for administrative, legal and fiscal purposes;
2. Ensure that state and federal record retention requirements are met;
3. Ensure that records with enduring historical and other research value are identified and retained permanently; and
4. Encourage and facilitate the systematic disposal of unneeded records.

The Town of Ulster adheres to the guidelines and schedule established by the **New York State Archives – LGS-1 (Local Government Schedule)**

Local Government Schedule: LGS-1

This ***Retention and Disposition Schedule for New York Local Government Records (LGS-1)*** is a single, comprehensive retention schedule covering records of all types of local governments. It consolidates and revises the *CO-2, ED-1, MI-1, and MU-1 Schedules*.

Effective Date:

This schedule is in effect as of August 1, 2020. The Town of Ulster Town Board adopted by Resolution, dated September 3, 2020, the LGS-1 Schedule. Prior to use of LGS-1, the Town of Ulster used the MU-1 schedule.

Intended Users:

All New York State local governments including cities, towns, villages, fire districts, counties, school districts, Boards of Cooperative Educational Services (BOCES), teacher resource and computer training centers, county vocational education and extension boards, and miscellaneous local governments.

ELECTRONIC RECORDS

An **Electronic Records Management (ERM) System** is a computer program or set of programs designed to track and store records. The software can be used to manage the creation and maintenance of records within classification schemes, apply retention and disposal schedules, and control access and use.

The Town of Ulster uses Laserfiche Records Management software. This software transforms paper records into digital, accessible organizational assets. The Town of Ulster executed a contract with General Code - Electronic Management System on January 4, 2006.

An upgrade contract was signed on January 9, 2014. The upgrade expanded the use of the software to several other departments.

Copies of contracts are available in the Office of the Town Clerk

NEW YORK ARTS AND CULTURAL AFFAIRS LAW – ACA §57.29

§ 57.29. Reproduction of records and disposition of the originals. Any local officer may reproduce any record in his custody by microphotography or other means that accurately and completely reproduces all the information in the record. Such official may then dispose of the original record even though it has not met the prescribed minimum legal retention period, provided that the process for reproduction and the provisions made for preserving and examining the copy meet requirements established by the commissioner of education. Such copy shall be deemed to be an original record for all purposes, including introduction as evidence in proceedings before all courts and administrative agencies.

DIGITAL PRESERVATION OF RECORDS:

1. To ensure accountability of the Town
2. To meet local, state, and federal legal requirements
3. To preserve information
4. To ensure the authenticity of digital materials in the long term, for access, use and research

THE TOWN RECORDS MANAGER MUST

1. Assume and plan for technological changes
 - a. Obsolescence of technology and playback mechanisms
 - b. Media fragility
 - c. File formats and their degradation
2. Make and face organizational changes and challenges
 - a. Growing volume of digital resources
 - b. New partnerships
 - c. New expectations

RECORDS DESTRUCTION AUTHORIZATION

When the minimum retention period mandated by the State Archives for a particular series has ended, either the department or the Records Manager will appraise the records and the department head will authorize a final disposition. The disposition may be 1). Transfer to the Archives, 2). Destruction.

If destruction is the method of disposition, the Department Head or Records representative will fill out the Records Destruction Authorization form below.

.....
Return the form to the Town Clerk. The Town Clerk/Records Manager is the only town official who may carry out destruction of obsolete records in accordance with the retention periods set fourth in the Schedule.

When the Town Clerk has approved the destruction, a copy of the signed form will be returned to the department. The original will be retained by the Town Clerk permanently.

Destruction of the records may take place only after the department head and the Town Clerk have authorized it. If the records are in the Records Center the Records Manager will carry out the destruction.

Destruction of records is performed according to the terms listed in this Manual under the “**Records Disposal**” heading. The disposal of records is done monthly when offsite shredding company, Iron Mountain, picks up the shred bin OR bi-monthly, according to the needs of the Records Office.

REMINDER: Records being used in legal actions must be retained for one year after the legal actions ends, or until their scheduled retention period has passed, whichever is longer.

RECORDS REQUESTS

RECORD STORAGE BOXES

Standard record storage boxes are available from the Records Manager. The standard record storage box is 12"x15"x10" and holds both letter and legal size files (1 cubic foot).

Packing boxes:

1. Pack records upright in the Records Center box. Letter size materials can be stored in one direction, legal size materials in the other.
2. Keep records in the same order they are normally filed in your office.
3. Fill each box to capacity, but do not overfill.
4. If you are opting for blind storage, make no marks on the box. Brief descriptions of the contents may be written on any portion of the outside of the box
5. Label the box in the space provided with name of Department (i.e. Highway, Water, etc.); brief contents and dates of contents.

RECORDS DISPOSAL

All records are destroyed through the office paper shredding program.

The Town of Ulster utilizes the services of **Iron Mountain** offsite secure shredding for records disposal. Offsite secure shredding is an ideal solution for organizations that need ongoing, verified destruction of sensitive paper documents. This cost-effective shredding service is secure, convenient and environmentally-friendly. All collected material is processed in accordance with standard Iron Mountain workflow and destroyed to an unrecoverable state. After materials are thoroughly shredded, the paper is recycled.

A 65- or 95-gallon shredding bin is located in the Town Clerk's Office and is emptied monthly. The size of the bin is determined by the Records Manager and depends on demand. The shred bin is made available to all Town departments. To dispose of records in the shred bin, contact the Town Clerk's office to ensure there is enough room in the bin for the amount of records in need of disposal. The disposal of records is made on a first come, first serve basis.

Iron Mountain performs monthly pickup from the Records Office OR bi-monthly, depending on the needs of the Records Office. Pickups of several boxes at a time can be scheduled for a special pickup. Iron Mountain will only perform special pickups of 40 boxes or more at one time.

RETENTION AND DISPOSITION OF COURT DOCUMENTS

The Unified Court System has developed separate retention and disposition schedules for court records as well as guidelines for destroying court records.

RETENTION AND DISPOSITION OF NON-GOVERNMENT RECORDS

State Archives records retention and disposition schedules do not cover non-government records, including the records of non-profit organizations, commercial ventures, and private individuals. Retention requirements relating to non-government records may, however, be found in certain state or federal laws or in contractual agreements. In addition, non-government entities can consult and adopt (as appropriate) State Archives retention requirements, because the legal basis for retaining records for a certain period of time is frequently the same for government and non-government records.

In addition, for guidance on developing retention and disposition schedules in non-government organizations, contact ARMA International. If you actively collect the historical records of another organization, individual, or group, develop a collecting policy to determine what to accept and retain permanently as part of your repository.

Appraisals

The State Archives conducts appraisals of state agency records. Records cannot be sent to the Archives without prior consultation with and approval of State Archives staff.

Non-government historical records repositories should use their collecting policy as a basis for appraising records.

Legally transferring custody of records

Local governments are required to retain ownership and ensure the preservation of their permanent records; state agencies must transfer to the State Archives the legal ownership and custody of their archival records when they are no longer needed onsite.

Under limited circumstances, local governments and state agencies may transfer custody of their records to another organization or government through donation, loan, or deposit.

TOWN BACKUPS

Created by Larry Cianfoni (this information provided by Cianfoni on 06/02/2017)

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The Town has a virtual rack server that supports 8 Virtual servers with 19 terabyte of Raid50 storage. It has backup power supplies, battery backups, and generator fail-over.

The Host has a Raid50 16 terabyte Backup chassis of virtual bit level backups for the main servers covering 2-4 weeks.

Each Virtual server is running shadow-copy backups, which cover from 1-3 months of backups twice a day.

Each virtual server is running DFS File Replication to a backup server offsite at the Highway Building via VPN tunnels.

Each DFS Replication server has shadow-copy backup 1-3 months twice a day.

Each Backup Server has a USB Backup Chassis.

When records have been damaged by a disaster and are believed to constitute a hazard to human safety or health or to property or when the information contained within is substantially destroyed, a state agency or local government records management officer (RMO) may request authorization from the State Archives to destroy or dispose of such records immediately.