

TOWN OF GUILDERLAND INDUSTRIAL DEVELOPMENT AGENCY

RECORDS RETENTION POLICY

SECTION 1. PURPOSE AND SCOPE. The purpose of this Policy is to outline the records retention procedures to be utilized by the Town of Guilderland Industrial Development Agency (the “Agency”) which shall, to the extent applicable, comply with the *Records Retention and Schedule MI-1*, issued pursuant to Article 57-A of the Arts and Cultural Affairs Law of the State of New York (the “Statute”), and containing legal minimum retention periods for local government records.

SECTION 2. ARTICLE 57-A OF THE STATUTE. In accordance with Article 57-A:

(A) only those records will be disposed of that are described in *Records Retention and Disposition Schedule MI-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.

Schedule MI-1: Economic/Industrial Development

*1.[137]	Business/industry loan case file , including but not limited to loan application and evaluation, status reports, records of loan payments, tax abatement and exemption records, feasibility studies and correspondence:	PERMANENT
2.[138]	Master summary record (log or register) documenting contacts and inquiries and resulting responses and actions taken by agency personnel:	PERMANENT

Basic Administrative Records

1.[129]	Organizational and establishment records , including constitution, bylaws and approval of organization and administration by the Town of Guilderland, Albany County, New York:	PERMANENT
2.[130]	List of members, “enrollment” or equivalent record	PERMANENT

3.[131]	Lists of board members, officers, agents and employees (known as “organization reports”)	PERMANENT
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Basic Administrative Records (Continued)

4.[132]	Election records	
	a. Election Results	PERMANENT
	b. Ballots, nominations, tabulations and other election records	1 year after election
6.[134]	Program or other non-fiscal audit or review conducted by oversight agency	PERMANENT
	a. Report and recommendations	
	b. Background materials and supporting documentation	
*7.[601]	Copies of exempt organization income tax records, including all records generated to assist in filing income tax returns, and copy of filed tax return	PERMANENT

Meetings/Hearings

	Official Minutes and hearing transcripts of governing body or board, commission or committee thereof, including all records accepted as part of minutes	PERMANENT
	Meeting files of governing body or board or agency, commission or committee thereof, including agendas, background materials and other records used at meetings:	PERMANENT
	a. Records not accepted as part of the minutes, including agendas, background materials and other records used at meetings:	1 year

	b. Temporary drafts or personal notes that were circulated, reviewed, or used to make decisions or complete transactions:	No longer than needed
	Minutes and meeting files of non-governing bodies, including internal staff committees or teams, inter-agency teams, or entities not covered by the Open Meetings Law, documenting proceedings of meetings, including minutes, agendas, background materials, recordings and other records:	
	a. Documenting significant policy or decision making or significant events, or dealing with legal precedents or significant legal issues:	PERMANENT
	b. Containing routine legal, fiscal or administrative information:	6 years
	c. Of no fiscal, legal or administrative value:	No longer than needed
	External group meeting files , including minutes, agendas, background materials, studies and reports, and other records used by an employee acting in an official capacity with associations, organizations, or other groups that are not part of the local government:	No longer than needed
	Recording of voice conversations , including audio and voice recordings, stenotype or stenographer's notebook and also including verbatim minutes used to produce official minutes and hearing proceedings, report, or other record:	
	Recording of public or other meeting of governing body or board, committee or commission thereof	PERMANENT
	Recording of public hearings held with respect to financial assistance granted by the Agency	PERMANENT
	Other Recordings	No longer than needed

Fiscal

	Annual Budget	PERMANENT
	Annual or final fiscal reports	PERMANENT

ADOPTED: _____, 2025

**POLICY MEMORANDUM FOR ALL STAFF OF THE
TOWN OF GUILDERLAND INDUSTRIAL DEVELOPMENT AGENCY**

SUBJECT: *Town of Guilderland Industrial Development Agency Records Retention and Disposition Schedule MI-1*

PURPOSE: To explain requirements associated with maintaining records, effective _____ . This is in effect until revoked or amended.

Once the MI-1 Schedule has been formally adopted valueless records may be disposed of continually as they meet their stated minimum retention periods. Some of the advantages of a program for systematic, legal disposal of obsolete records are that it ensures that records are retained as long as they are actually needed for administrative, fiscal, legal, or research purposes.

Suggestions for systematically approaching the disposition process include the following:

- (A) designate a Records Management Officer to coordinate or directly carry out disposition.
- (B) Disposition should be carried out regularly, at least once a year. Duplicate copies of records, including copies maintained on different media (paper, electronic, etc.), may be disposed of in accordance with item no. 19 of the General section of this Schedule.
- (C) State law does not prescribe the physical means of destruction of most records. For records containing confidential information, disposition should be carried out in a way that ensures that the confidentiality of individuals named in the records is protected.
- (D) A record should be kept of the identity, inclusive dates, and approximate quantity of records that are disposed.
- (E) The Records Management Officer, or other official who carries out disposition, should describe what has been done to dispose of records during the year in an annual report to the governing body.

For more information contact the New York State Archives, part of the Office of Cultural Education, an office of the New York State Education Department.

Reminders

1. Records created before 1910 (even those which have been microfilmed) are not eligible for disposition without written permission from the State Archives.
2. No records may be disposed of unless they are listed on this Schedule, or their disposition is covered by other state laws.
3. Records common to most offices are listed under the General section of the Schedule.
4. Records being used in legal actions must be retained for one year after the legal action ends, or until their scheduled retention period has passed, whichever is longer.
5. Any record listed in this Schedule for which a Freedom of Information (FOIL) request has been received should not be destroyed until that request has been answered and until any potential appeal is

made and resolved, even if the retention period of the record has passed. See FOIL for information on accessing Agency records.

6. Records being kept beyond the established retention periods for audit and other purposes at the request of state or federal agencies must be retained until the local government receives the audit report, or the need is satisfied.

7. Retention periods on this Schedule apply to one "official" copy designated by the local government, unless otherwise stated.

8. The retention periods listed on this Schedule pertain to the information contained in records, regardless of physical form or characteristic (paper, microfilm, computer disk or tape, or other medium).

9. The State Archives has no legal authority to require local governments to create records where no records exist, even if the records in question are listed on this Schedule.

10. The Budget, Payroll and Purchasing sections are now subsections of the Fiscal section. The Planning and Zoning sections are now subsections of the Building and Property Regulation section. Radiological Health records have been moved from the Environmental Health section to the Public Health section. New sections have been added to cover records of Educational Opportunity Centers and Heritage Areas (Urban Cultural Parks).

11. The State Archives cannot identify all record series with historical significance for individual local governments. Local officials will need to appraise records with nonpermanent retention periods for potential research or historical value before destroying them.

12. Certain records may need to be retained for one year longer than *Schedule MI-1* dictates if those records are subject to the requirements stated in Section 29.2 of *8NYCRR* for health professionals, other than physicians, employed by or associated with local governments.

13. The Local Government Records Law and *Schedule MI-1* do not address confidentiality of records. Confidentiality of records is often dependent upon what information they contain. Local officials should address such questions to the Committee on Open Government, their own counsels, or other state or federal agency having oversight of the records in question.