



## Town of Wenham Public Records Access Guidelines

Effective January 1, 2017, the Massachusetts Public Records Law, G.L. c.66 and c.4, §7(26) provides that a municipality must, within 10 business days (Monday through Friday, excluding legal holidays), respond to a request for records by providing access to or a copy of such records, or explaining any delay or denial. These guidelines are intended to assist members of the public seeking access to public records in the custody of the Town of Wenham.

### General Information:

1. Business Hours. The regular business hours of Town Hall are Mondays, Wednesdays and Thursdays 9am – 4:30pm, Tuesdays 9am – 7pm and Fridays 9am – 1pm.
2. Records Access Officers. The following Records Access Officers (“RAO”) have been designated:

Dianne K. Bucco Town Clerk 138 Main Street, Wenham <a href="mailto:dbucco@wenhamma.gov">dbucco@wenhamma.gov</a> 978-468-5520 x1	Thomas Perkins Police Chief 1 Friend Court, Wenham <a href="mailto:tperkins@wenhamma.gov">tperkins@wenhamma.gov</a> 978-468-4000	Stephen Kavanagh Fire Chief 140 Main Street, Wenham <a href="mailto:skavanagh4@wenhamma.gov">skavanagh4@wenhamma.gov</a> 978-468-5508
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Records Access Officers are available to answer questions concerning and help facilitate the making of public records requests. Contact information for RAOs is also posted on the [www.wenhamma.gov](http://www.wenhamma.gov) and in Town Hall.

3. Public Records Law Information. General information about the public records law and public records requests is found in the Secretary of the Commonwealth’s, “A Guide to the Massachusetts Public Records Law,” January 2017 edition, found online at: [www.sec.state.ma.us/pre/prepdf/guide.pdf](http://www.sec.state.ma.us/pre/prepdf/guide.pdf).

### Making Public Records Requests:

4. Public Records Requests. Any person may make a public records request:
  - a. In person
  - b. By first class mail addressed to the RAO at the RAO’s business address set forth above;
  - c. By facsimile addressed to the RAO at the business facsimile number set forth above; or
  - d. By e-mail addressed to the RAO at the e-mail address set forth above.
5. Requests are Encouraged to be in Writing. Although not required, it is strongly encouraged that public records requests be in writing to ensure the most efficient and accurate response. All written public

records requests, including via email and facsimile, shall be addressed/directed to an RAO, and contain the requester's name and contact information, so that the RAO is able to respond.

6. **Contact Information.** Individuals making in-person requests will not be requested or required to give their names or contact information. For in-person requests that require additional time for a comprehensive response, requesters will be advised to check in periodically with the RAO or department from which records are sought, or requesters may voluntarily provide contact information. Standard Public Records Request Forms shall be available in all municipal offices.
7. **Specificity of Requests.** To facilitate timely responses to public records requests, requests should be as specific as possible, detailing, if known, records custodian(s), and date and subject matter parameters. The more specific the request, the better able the Town of Wenham will be to respond, as broad requests often require more extensive staff efforts to locate, review and copy all possibly responsive records.
8. **Receipt of Requests.** Written requests received during normal business hours, as defined in paragraph 1, above, will be considered received on that date. Written requests sent via email or facsimile after normal business hours shall not be considered received until the following business day. Business days shall not include Saturdays, Sundays, and legal holidays.
9. **Purpose of Request.** The RAO will not ask a requester to identify the purpose of the request, but may ask for more information to assist the requester to make an appropriate request and/or to enable the RAO to respond more efficiently.

#### **Responses to Public Records Requests:**

10. **Fees.** If fees will be assessed, a written estimate of the same will be provided to the Requester.
11. **Response if Longer than 10 Days or Denial in Whole or in Part.** If a full response, including provision of records, cannot be made within 10 business days of receipt of the request, the RAO or designee will respond to the requester in writing: explaining the anticipated time frame for complete response; identifying any records that the Town of Wenham does not have in its custody; identifying records which the Town of Wenham does not expect will be provided, or that will be redacted, specifying the relevant exemption and its application to the requested record or portion thereof; providing a good faith fee estimate; and including a statement of appeal rights.
12. **Clarification of Request.** Depending upon the scope of the request, the requester may be asked to clarify the request, provide more specific detail, and/or agree to a voluntary extension of time for the Town of Wenham to respond fully to the request.
13. **Time for Response.** Typically, a complete response will be provided within 10 business days of receipt of the requests. If, due to the scope of the request, the need for redactions, or other complications, the Town of Wenham is concerned that it will not be able to provide a complete response within that time frame, the Town of Wenham may ask the requester for an extension of time to comply or petition the Supervisor of Public Records for additional time.
14. **Publicly Available Records.** The Town of Wenham will maintain a searchable website, [www.wenhamma.gov](http://www.wenhamma.gov), where certain public records are available for inspection, downloading or printing. If a request seeks documents publicly available on the Town of Wenham's website, the requester will be directed to the website in satisfaction of the request, unless the requester does not have the ability to receive or access the records in a usable electronic form.

15. **Electronic Records Delivery Preference.** To the extent feasible, the RAO or designee will provide public records in response to a request by electronic means unless the record is not available electronically or the requester does not have the ability to receive or access the records electronically. To the extent available and feasible, the RAO will provide an electronic record in the requester's preferred format.
16. **Request for Records to be mailed.** Should a requester seek to have responsive records provided by mail, the requester will be charged the actual cost of postage, using the least expensive form of mailing possible, unless the requester requests, and agrees to pay for, an expedited form of mailing and such fees are paid in advance.
17. **Creation of Records.** The Town of Wenham is only required to provide records that are in existence at the time of a request and is not required to create a new record to accommodate a specific request.
18. **Answering Questions.** The Town of Wenham is not required to answer questions in response to a public records request.
19. **Supplementing Responses.** The Town of Wenham is not required to supplement its response to a previous public records request in the event that responsive records are created in the future.
20. **Unique Right of Access.** Pursuant to the provisions of 950 CMR 32.06(1)(g) , if a requester or requester's representative (such as an attorney), has "a unique right of access by statutory, regulatory, judicial or other applicable means", a request for records will not be considered a G.L. c.66, §10 public records request.

### **Categories of Records:**

21. **Attachment "A"** describes with specificity different categories of records maintained by the various Town of Wenham departments. You may also refer to the Municipal Records Retention Schedule, issued by the Supervisor of Public Records, and found at [https://www.sec.state.ma.us/arc/arcpdf/Municipal\\_Retention\\_Schedule\\_20161109.pdf](https://www.sec.state.ma.us/arc/arcpdf/Municipal_Retention_Schedule_20161109.pdf), which schedule identifies various categories of records maintained by municipal departments and so-called "records in common".
22. **Regional School District Records.** School-related records are generally maintained by the Hamilton Wenham Regional School District [for grades K through 12], and requests for such records should typically be directed to the District at [m.harvey@hwschools.net](mailto:m.harvey@hwschools.net).

### **Exemptions:**

23. **Exemptions/Redaction/Withholding.** Some public records, or portions of records, may not be provided in response to a public records request because the Town of Wenham has determined such records to be exempt from disclosure pursuant to the provisions of G.L. c.4, §7(26), the attorney-client privilege, or other applicable exemptions or common law privileges. For more information about exemptions to the Public Records Law, see the Secretary of the Commonwealth's, "A Guide to the Massachusetts Public Records Law," January 2017 edition, available at [www.sec.state.ma.us/pre/prepdf/guide.pdf](http://www.sec.state.ma.us/pre/prepdf/guide.pdf).

### **Fees:**

24. Reasonable Fees. In some circumstances, the Town of Wenham may assess a reasonable fee for the production of public records.
25. Categories of Permissible Charges. Permissible charges include, but are not limited to:
- a. five cents (\$0.05) per page of black and white printouts or copies;
  - b. actual cost for storage devices or materials such as CDs or thumb/flash drives;
  - c. actual cost for duplication of records not susceptible to ordinary means of reproduction, such as color copies and large format plans;
  - d. postage fees (where applicable; see paragraph 15, above); and
  - e. fees for employee time required to satisfy a public records request (see paragraph 26 below).

No copying fee will be charged for records provided in electronic form.

26. Employee Time for Locating and Segregating Records. A fee may be charged for employee time necessary to identify, locate, and compile the records requested. A fee may also be charged for employee time necessary to review, and, as applicable, segregate and/or redact information exempt from public disclosure. The hourly rate for such fees shall be the hourly rate of the lowest paid employee capable of performing the task, provided, however, that this hourly rate shall not exceed twenty-five dollars (\$25.00) per hour, unless the Town of Wenham has obtained the approval of the State Supervisor of Public Records to charge a higher hourly rate. Depending upon the nature of the request, different rates may be charged for different types of work (i.e., a different hourly rate for search time and a different hourly rate for segregation/redaction time).
27. Small Municipality Exception. As of the 2010 Decennial Census, the Town of Wenham had 4,875 residents. In accordance with 950 CMR 32.07(2)(m)(2), therefore, the Town of Wenham may assess fees for all employee time, including the first two hours.
28. Requests for Commercial Purposes. Said fee limitations may not apply when a request for records is for a commercial purpose as determined by the Commonwealth's Supervisor of Records.
29. Petition for Higher Fee. In certain circumstances, the Town of Wenham may petition the Supervisor of Public Records for permission to assess fees for employee time at a rate in excess of \$25.00.

### **Appeals:**

30. If a requester wishes to assert a claim that they have been denied access to public records, they may appeal the RAO's determination to the Supervisor of Records pursuant to 950 CMR 32.08(1). The Supervisor shall make a final determination on the appeal within ten (10) business days of receipt.
31. If the requester is dissatisfied with the determination of the Supervisor of Records, the requester may appeal to Superior Court. Alternatively, a requester may bypass the Supervisor and go directly to Superior Court.
32. For further information on appeals, see the Secretary of the Commonwealth's "A Guide to the Massachusetts Public Records Law," January 2017 edition, available at [www.sec.state.ma.us/pre/prepdf/guide.pdf](http://www.sec.state.ma.us/pre/prepdf/guide.pdf)

ATTACHMENT "A"

**Department/Board**

**General Description of Public Records Maintained**

**Accountant**

cholak@wenhamma.gov

Paid warrants,  
Accounts payable- vendors, billing information  
General ledger with revenues and expenditures  
W9 and 1099 Forms  
Audited financial statements  
Written Correspondence  
Email

**Administration**

townadministrator@wenhamma.gov

Meeting Minutes of:

Board of Selectmen  
Community Preservation Committee  
Conservation Commission  
Finance & Advisory Committee  
Historic Commission/Historic District Commission  
Iron Rail Commission  
Planning Board  
Wenham Affordable Housing Trust  
Wenham Issues of Social Services  
Zoning Board of Appeals

Audits

Budgets

Contracts

Insurance

Liquor Licensing

Personnel Policies/Handbook

Grants documents

Procurement data and documents

Town Administrator reports

Written Correspondence

Email

**Board of Assessors**

Steve Ozahowski, sozahowski@wenhamma.gov

Meeting agendas and minutes

Real estate assessments

Maps

Property assessment Cards

Abutter's lists

Abatement applications & certificates

Exemption applications & certificates

Motor vehicle info

Chapter land applications

Property tax maps

Written Correspondence

June 2018

Email

**Board of Health**

Jackie Bresnahan, [permitting@wenhamma.gov](mailto:permitting@wenhamma.gov)

Meeting agendas and minutes

Septic system as-builts

Soil test applications and results

Title V inspection reports

Septic maintenance and inspection reports

Applications for Disposal Work Construction permits – new and repair

Approved plans for Disposal Work Construction permits

Well permits

Food service establishment permits and inspection forms

Recreational Camps for Children permits

Pleasant Pond water sampling results (Memorial Day to Labor Day weather permitting)

Complaints of state sanitary code, environmental code and nuisance laws

Public Pool permits and inspections forms

Written Correspondence

Email

**Building & Inspectional Services**

Jackie Bresnahan, [permitting@wenhamma.gov](mailto:permitting@wenhamma.gov)

Building permits, applications and plans

Permits and applications for electrical, plumbing, gas and sheet metal permits

Property files

Fee schedule

Occupancy permits

Annual inspection certificates

Street opening/curb cut permits

Written Correspondence

Email

**Community Preservation Commission**

Jackie Bresnahan, [permitting@wenhamma.gov](mailto:permitting@wenhamma.gov)

Meeting agendas and minutes

Applications for funding

Reports from funding recipients

Written Correspondence

Email

**Conservation Commission**

Applications for resource area delineation with plans,

Enforcement orders,

Notice of intent applications and plans,

Request for determination of applicability and plans

Written Correspondence

Email

**Council on Aging**

Jim Reynolds, [jreynolds@wenhamma.gov](mailto:jreynolds@wenhamma.gov)

Meeting agendas and minutes

Written Correspondence

Email

**Department of Public Works**

Bill Tyack, btyack@wenhamma.gov

Town accepted street list  
Requests for bids/proposals and response  
Storm Water Permitting  
Paving Projects  
Sidewalk Projects  
Written Correspondence  
Email

**Fire Department**

skavanagh4@wenhamma.gov

Site Information – including inspections and sale closings  
Fire permits  
Incident Reports  
Written Correspondence  
Email

**Historic District Commission**

jbresnahan@wenhamma.gov

Certificates of appropriateness  
Applications  
Written Correspondence  
Email

**Library**

Meeting agendas and minutes  
Written Correspondence  
Email

**Planning Board**

Margaret Hoffman, mhoffman@wenhamma.gov

Special permit decisions  
Site plan review decisions  
Endorsed approval not required plans  
Approved preliminary subdivision plans  
Approved definitive subdivision plans  
Property specific correspondence  
Written Correspondence  
Email

**Police Department**

Thomas Perkins, tperkins@wenhamma.gov

Motor vehicle crash reports  
Arrest records  
Parking tickets  
Motor vehicle citations  
Incident reports  
Protective custody reports  
Civilian complaints  
Animal control/inspection calls and reports  
Written Correspondence  
Email

**Town Clerk**

Dianne K. Bucco, dbucco@wenhamma.gov

Business certificates

Election Records

Street listings

Bylaws – General and Zoning and amendments, Rules &amp; Regulations governing the subdivision of land

Board of Selectmen minutes

Town Meeting warrants and minutes

Election Warrants and Results

Voter lists

Decisions of ZBA, Planning and Conservation

Pole Records

Flammable Storage Records

Log of Oaths of Office

Campaign Finance Reports

Dog Licensing

Vital Certificates

Public Meeting agendas

Public records requests

Conflict of interest disclosures

Open meeting law complaints

OML &amp; Ethics compliance documents

Fee schedule

Raffle and bazaar permits

Non-criminal dispositions

Resident/voter data

Records of Burials and Deeds

Written Correspondence

Email

**Treasurer/Collector**

Patty Moore, pmoore@wenhamma.gov

Investments and bank accounts

Taxes – RE, personal property, deferred taxes

Tax title

Taxes in foreclosure &amp; litigations

Motor vehicle and boat excise

Payroll Records

Real Estate/Personal Property billing

Motor Vehicle Excise Billing

Written Correspondence

Email

**Zoning Board of Appeals**

Margaret Hoffman, mhoffman@wenhamma.gov

Applications requesting a variance, special permit or appeal to building inspector's decisions

Actions of Zoning Enforcement Officer – Complaints

Enforcement orders

Determinations

Written Correspondence

Email

June 2018



**Water**

Erik Mansfield, [emansfield@wenhamma.gov](mailto:emansfield@wenhamma.gov)

Commission meeting agendas and minutes

Water system information

Water quality analysis

Procurement data and documents

Written Correspondence

Email