



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	Thomas Perkins	Robert Blanchard
Town Clerk	Police Chief	Fire Chief
138 Main Street, Wenham	1 Friend Court, Wenham	140 Main Street, Wenham
dbucco@wenhamma.gov	tperkins@wenhamma.gov	rblanchard@wenhamma.gov
978-468-5520 x1	978-468-4000	978-468-5508

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 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.

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 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, 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, 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.

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.

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

ATTACHMENT A
General Listing of Public Records Maintained

Administration

Peter Lombardi, plombardi@wenhamma.gov

Meeting Minutes of:

- Board of Selectmen (FY14 – FY17 on website)
- Community Preservation Committee (FY15 – FY17 on website)
- Conservation Commission (FY16 – FY17 on website)
- Finance & Advisory Committee (FY13 – FY17 on website)
- Historic Commission/Historic District Commission*
- Iron Rail Commission (2016 on website)
- Planning Board (FY15 – FY17 on website)
- Wenham Affordable Housing Trust (FY14 – FY17 on website)
- Wenham Issues of Social Services (FY16 on website)
- Zoning Board of Appeals (FY14 – FY16)

Audits

Budgets

Contracts

Insurance

Liquor Licensing

Personnel Policies/Handbook

Grants documents

Procurement data and documents

Town Administrator reports

Board of Assessors

Steve Ozahowski, sozahowski@wenhamma.gov

Meeting agendas and minutes

Real estate assessments

Maps

Property assessment Cards

Abutters lists

Abatement applications & certificates

Exemption applications & certificates

Motor vehicle info

Chapter land applications

Property tax maps

Board of Health

Jackie Bresnahan, 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

Building & Inspectional ServicesJackie Bresnahan, 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

Community Preservation CommissionMargaret Hoffman, mhoffman@wenhamma.gov

Meeting agendas and minutes
Applications for funding
Reports from funding recipients

Council on AgingJim Reynolds, jreynolds@wenhamma.gov

Meeting agendas and minutes

Department of Public WorksBill Tyack, btyack@wenhamma.gov

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

FinanceLeslie Davidson, ldavidson@wenhamma.gov

Treasurer/Collector: Investments and bank accounts, Taxes – RE, personal property, deferred taxes, tax title, taxes in foreclosure & litigations, motor vehicle and boat excise, Payroll Records, Real Estate/Personal Property billing, Motor Vehicle Excise Billing
Accountant: Paid warrants, Accounts payable- vendors, billing information, General ledger with revenues and expenditures, W9 and 1099 Forms, Audited financial statements

Fire DepartmentRobert Blanchard, rblanchard@wenhamma.gov

Fire Permits
Site Records – including inspections and sale closings
Incident Reports

Historic District Commission

Certificates of appropriateness
Applications

Land UseMargaret Hoffman, mhoffman@wenhamma.gov

Meeting agendas and minutes
Permits
Plans
Decisions of Planning, ZBA and Conservation Commission

Conservation Commission: applications for resource area delineation with plans, enforcement orders, notice of intent applications and plans, request for determination of applicability and plans

Planning Board: special permit decisions, site plan review decisions, endorsed approval not required plans, approved preliminary subdivision plans, Approved definitive subdivision plans, Property specific correspondence

Zoning Board of Appeals: applications requesting a variance, special permit or appeal to building inspector's decisions, Actions of Zoning Enforcement Officer – Complaints, enforcement orders, determinations

Library

Meeting agendas and minutes

Jan Dempsey, jdempsey@wenhamma.gov

Police Department

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

Thomas Perkins, tperkins@wenhamma.gov

Town Clerk

Business certificates
Election Records
Street listings
Bylaws – General and Zoning and amendments, Rules & 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 & Ethics compliance documents
Fee schedule
Raffle and bazaar permits
Non-criminal dispositions
Resident/voter data
Records of Burials and Deeds

Dianne K. Bucco, dbucco@wenhamma.gov

Water

Commission meeting agendas and minutes
Water system information
Water quality analysis
Procurement data and documents

Erik Mansfield, emansfield@wenhamma.gov