

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 Manchester-by-the-Sea.

**General Information:**

1. Business Hours. The regular business hours of Town Hall are Mondays, Tuesdays and Wednesdays 8:30am-5pm and Thursdays 8:30am-6:30pm Town Hall is closed to the public on Fridays.
2. Records Access Officers. The following Records Access Officers (“RAO”) have been designated:

Christine Dixon  
Town Clerk  
10 Central Street  
526-2040  
[townclerk@manchester.ma.us](mailto:townclerk@manchester.ma.us)

Officer Jennifer Gilson  
Manchester by-the-Sea Police Department  
10 Central Street  
978-526-1212  
[gilsonj@manchester.ma.us](mailto:gilsonj@manchester.ma.us)

Chief James McNeilly  
Manchester by-the-Sea Fire Department  
12 School Street  
978-526-4040  
[firechief@manchester.ma.us](mailto:firechief@manchester.ma.us)

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.manchester.ma.us](http://www.manchester.ma.us) 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.

4. 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.
5. 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.
6. 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 Manchester-by-the-Sea will be to respond, as broad requests often require more extensive staff efforts to locate, review and copy all possibly responsive records.
7. 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.**
8. 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:**

9. Fees. If fees will be assessed, a written estimate of the same will be provided to the Requester.
10. 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 Manchester-by-the-Sea does not have in its custody; identifying records which the Town of Manchester-by-the-Sea 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.
11. 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 Manchester-by-the-Sea to respond fully to the request.
12. 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 Manchester-by-the-Sea is concerned that it will not be able to provide a complete response within that time frame, the Town of Manchester-by-the-Sea may ask the requester for an extension of time to comply or petition the Supervisor of Public Records for additional time.
13. Publicly Available Records. The Town of Manchester-by-the-Sea will maintain a searchable website, [www.manchester.ma.us](http://www.manchester.ma.us), where certain public records are available for inspection, downloading or

printing. If a request seeks documents publicly available on the Town of Manchester-by-the-Sea'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.

14. **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.
15. **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.
16. **Creation of Records.** The Town of Manchester-by-the-Sea 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.
17. **Answering Questions.** The Town of Manchester-by-the-Sea is not required to answer questions in response to a public records request.
18. **Supplementing Responses.** The Town of Manchester-by-the-Sea is not required to supplement its response to a previous public records request if responsive records are created in the future.
19. **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:**

20. **Attachment "A"** describes with specificity different categories of records maintained by the various Town of Manchester-by-the-Sea 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".
21. **Regional School District Records.** School-related records are generally maintained by the Manchester Essex Regional School District [for grades K through 12], and requests for such records should typically be directed to the District.

#### **Exemptions:**

22. **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 Manchester-by-the-Sea 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 Manchester-by-the-Sea 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 Manchester-by-the-Sea 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 Manchester-by-the-Sea had 4,875 residents. In accordance with 950 CMR 32.07(2)(m)(2), therefore, the Town of Manchester-by-the-Sea 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 Manchester-by-the-Sea 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”**

<b>Department/Board</b>	<b>General Description of Public Records Maintained</b>
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**Accountant**

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

**Administration**

Audits  
Budgets  
Contracts  
Insurance  
Liquor Licensing  
Personnel Policies/Handbook  
Grants documents  
Procurement data and documents  
Town Administrator reports  
Written Correspondence  
Email

**Board of Assessors**

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  
Email

**Board of Health**

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**

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**

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**

Meeting agendas and minutes  
Written Correspondence  
Email

**Department of Public Works**

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

**Fire Department**

Site Information – including inspections and sale closings

Fire permits  
Incident Reports  
Written Correspondence  
Email

**Historic District Commission**

Certificates of appropriateness  
Applications  
Written Correspondence  
Email

**Library**

Meeting agendas and minutes  
Written Correspondence  
Email

**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  
Written Correspondence  
Email

**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  
Written Correspondence  
Email

**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  
Meeting Minutes



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  
Written Correspondence  
Email

**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  
Written Correspondence  
Email

**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  
Written Correspondence  
Email

**Water**

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