

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
978-526-2040

townclerk@manchester.ma.us

Officer Jennifer Gilson
Manchester by-the-Sea Police Department
10 Central Street
978-526-1212

gilsonj@manchester.ma.us

Chief James McNeilly
Manchester by-the-Sea Fire Department
12 School Street
978-526-4040

firechief@manchester.ma.us

Deputy Harbormaster Andrew Vanikiotis
Manchester-by-the-Sea Harbor Department
10 Central Street
978-473-0281

vanikiotisa@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 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. Online Portal <https://manchester.ma.us/623/Public-Records-Request>
 - b. In person
 - c. By first class mail addressed to the RAO at the RAO's business address 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, 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, 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.

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

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