



**TOWN OF WELLESLEY
PUBLIC RECORDS
ACCESS GUIDELINES**



**JUNE 30, 2017
TOWN OF WELLESLEY, MA
525 Washington Street**

Town of Wellesley

Public Records Access Guidelines

I. Policy.

The *Massachusetts Public Records Law, M.G.L. c.66 and M.G.L. c.4, §7, clause Twenty-sixth*, provides that a municipality must, within 10 business days, 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 such public records in the custody of the Town of Wellesley.

II. Definition.

The following terms shall have the meanings indicated:

- A. Business day. Monday through Friday. Business day does not include Saturdays, Sundays, legal holidays, or other weekdays where a custodian's office is closed.
- B. Commercial Purpose. The sale or resale of any portion of the public record or the use of information from the public record to advance the requester's strategic business interests in a manner that the requester can reasonably expect to make a profit including in addition to the foregoing, obtaining names and addresses from the public record for the purpose of solicitation. It does not include gathering or reporting news or gathering information to promote citizen oversight or further the understanding of the operation or activities of government or for academic, scientific, journalistic, or public research or education.
- C. Custodian. Any governmental entity that makes or receives public records.
- D. Public Record. All books, papers, maps, photographs, recorded tapes, financial statements, statistical tabulations, or other documentary materials or data, regardless of physical form or characteristics, made or received by a governmental entity unless such materials or data fall within one or more of the exemptions found within *M.G.L. c.4, §7, clause Twenty-sixth*, or other legally applicable privileges.
- E. Record Access Officer ("RAO"). The employee designated within a governmental entity to perform duties described in 950 CMR 32.00 including coordinating a response to requests for access to public records, assisting individuals seeking public records in identifying the records requested, and preparing guidelines that enable requesters to make informed requests regarding the availability of such public records electronically or otherwise.
- F. Redact. To delete, or otherwise expurgate that part of a public record that is exempt from disclosure under *M.G.L. c.4, §7, clause Twenty-sixth*, or other legally applicable privileges from non-exempt material.

- G. Search Time. The time used to review records to determine what portions are subject to redaction or withholding under *M.G.L. c.4, §7*, clause Twenty-sixth, or other legally applicable privileges. Segregation time shall not include time expended to review record for accuracy and correct errors.
- H. Withhold. To hold back from disclosure a record under *M.G. L. c.4, §7*, clause Twenty-sixth, or other legally applicable privileges.

III. General Information.

A. Business Hours.

- i. The regular business hours of Town Clerk's Office are 8:00 am to 5:00 pm.
- ii. The regular business hours of Selectmen's Office are 8:00 am to 5:00 pm.
- iii. The regular business hours of the School Department are 8:00 am to 4:00 pm.
- iv. The regular business hours of the Police Department are 8:00 am to 4:00 pm.

B. Records Access Officers. The following Records Access Officers ("RAO") have been designated:

i. Town Clerk

Name: Kathleen Nagle
Address: Town Hall, 525 Washington Street, Wellesley
Phone: 781-431-1019 x 2250
Email: records@wellesleyma.gov
Fax: 781-239-1043

ii. Selectmen's Office

Name: Meghan Jop, Assistant Executive Director
Address: Town Hall, 525 Washington Street, Wellesley
Phone: 781-431-1019 x 2205
Email: records@wellesleyma.gov
Fax: 781-239-1043

iii. Police Department

Name: Lieutenant Marie Cleary
Address: Police Station, 485 Washington Street, Wellesley
Phone: 781-235-2189
Email: k Leahy@wellesleyma.gov
Fax: 781-263-1548

iv. School Department

Name: Judy Belliveau, Assistant Superintendent
Address: Central Administration, 40 Kingsbury Street, Wellesley
Phone: 781-446-6210 x. 5611
Email: records@wellesleyma.gov
Fax: 781-446-6207

The RAOs have been designated based on the departments that receive the most frequent and time-consuming public records requests. Other departmental requests such as Assessors, DPW, Planning Board, etc. will be facilitated through the designated RAOs. Town Clerk and Selectmen's Office are the main contacts for all non-school related requests.

- C. Background 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.
- D. Creation of Records. The Town 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.
- E. Answering Questions. The Town is not required to answer questions in response to a public records request.
- F. Unique Right of Access. If a requester or requester's representative (such as an attorney) asserts "a unique right of access by statutory, regulatory, judicial or other applicable means", the Town will not treat the request as a request made under the *Public Records Law*.

IV. Making Public Records Requests.

- A. Town Website. The Town has taken great efforts to provide the public with access to frequently requested documents. Accordingly, many documents are located on the Town's website: www.wellesleyma.gov. The public is strongly encouraged to search for documents on the website before filing a public records request. Some of the documents available online are listed in Attachment A.
- B. Public Records Requests. Any person may make a public records request:
 - i. In person at any of the RAOs' offices;
 - ii. By first class mail addressed to an RAO at the RAO's business address set forth above;
 - iii. By e-mail addressed to the RAO at the e-mail address set forth above;

- iv. By facsimile addressed to the RAO at the business facsimile number set forth above; or
 - v. To any municipal employee; however, requesting records from an RAO will help the Town to facilitate a timely response. It is therefore preferred that requesters submit all requests to an RAO.
- C. 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, should be addressed and directed to an RAO, and contain the requester's name and contact information, so that the RAO is able to provide the required response.
- D. Oral Requests. Oral requests may be made to RAOs or municipal employees. To appeal an RAO response to the Supervisor of Public Records, as specified in Section X, the request must be in writing.
- E. Specificity of Requests. To facilitate timely responses to public records requests, requests should be as specific as possible, detailing, if known, the records custodian(s) and any date and subject matter parameters. The more specific the request, the better able the Town will be to respond. The RAO may ask for more information to assist the requester to make an appropriate request or to enable the RAO to respond more efficiently.
- F. Receipt of Requests. Written requests, regardless the form of delivery, will be considered received for purposes of the *Public Records Law* on the first business day following receipt of the request by the RAO. Oral requests shall be deemed received on the day that they were made.
- G. Multiple Requests. The Town may treat contemporaneous related requests as a single request and charge fees accordingly. The requester is therefore encouraged to submit one request for all documents sought.

V. **Responses to Public Records Requests.**

- A. Timeline to Respond. The RAO must respond within 10 business days of receipt of the request.
- B. Nature of Response. Within 10 business days, the RAO shall either (1) provide the documents sought, or (2) respond to the requester in writing as follows:
- i. Identify any records that the Town does not have in its custody;
 - ii. Identify the agency or municipality that may be in possession, custody or control of the public record sought, if known;
 - iii. Identify records, or portions thereof, which the Town is not providing, and specify the relevant exemption and its application to the withheld or redacted record;

- iv. Suggest a reasonable modification to the request;
 - v. Extend the time to respond, as provided in Section V.D;
 - vi. Provide a good faith fee estimate, as provided in Section VIII; and
 - vii. Include a statement of appeal rights.
- C. Clarification of Request. Depending upon the scope of the request, the requester may be asked to clarify the request, provide more specific detail, or agree to a voluntary extension of time for the Town to respond fully to the request.
- D. Extension of Time.
- i. If the magnitude or difficulty of the request, or of multiple requests from the same requester, unduly burdens the other responsibilities of the Town such that the Town is unable to respond within 10 business days, the RAO may extend the time to respond by an additional 15 business days (25 business days from the date of the original request).
 - ii. In extending the time to respond, the RAO shall provide a written explanation as to why the request unduly burdens the Town and identify a reasonable timeframe in which the Town will produce the records.
 - iii. If the Town requires extra time beyond the 15 additional business days, the RAO may petition the Secretary of Public Records for such time, as provided in Section IX.
- E. Publicly Available Records. If a request seeks documents available online, the requester will be directed to the relevant website or webpage in satisfaction of the request. If the requester does not have the ability to receive or access the records in a usable electronic form, he or she must notify the RAO, in which case, the RAO must provide the records in an alternate format after assessment and payment of any relevant fees.
- F. Electronic Records Delivery Preference. To the extent feasible, the RAO shall 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.
- G. 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.

- H. Supplementing Responses. The Town is not required to supplement its response to a previous public records request in the event that responsive records are created in the future.

VI. Categories of Records.

- A. Attachment A. describes with specificity different categories of records maintained by the various Town 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 the Town.

VII. Exemptions.

- A. Exemptions/Redaction/Withholding. Some public records, or portions of records, may not be provided in response to a public records request because the Town has determined such records to be exempt from disclosure pursuant to the provisions of *M.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.
- B. Response Letter. If the Town intends to withhold or redact public records, the RAO shall identify the relevant exemption and its application to the withheld or redacted record.

VIII. Fees.

- A. Reasonable Fees. The Town may assess a reasonable fee for the production of public records, include the time spent searching for, compiling, segregating, redacting, and reproducing a requested record.
- B. Categories of Permissible Charges. Permissible charges include, but are not limited to:
- i. Five cents (\$0.05) per page of black and white printouts or copies;
 - ii. Actual cost for storage devices or materials such as CDs or thumb/flash drives;
 - iii. Actual cost for duplication of records not susceptible to ordinary means of reproduction, such as color copies and large format plans;
 - iv. Postage fees (see Section V.G); and
 - v. Fees for employee time required to satisfy a public records request (see Section VIII.C).
- C. Employee Time for Locating, Segregating, and Redacting Records.

- i. A fee may be charged for employee time necessary to identify, locate, compile, review, and segregate the requested record. A fee may also be charged to redact information exempt from public disclosure.
 - ii. 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 has obtained the approval of the State Supervisor of Public Records to charge a higher hourly rate.
 - iii. 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).
 - iv. The Town may petition the Supervisor of Public Records for permission to assess fees for employee time at a rate in excess of \$25.00, as provided in Section IX.
- D. First Two Hours of Time. As of the 2010 Decennial Census, the Town has more than 20,000 residents. Therefore, the Town may not assess fees for the first two hours of employees time spent producing the requested records.
- E. Requests for Commercial Purposes. The fee limitations specified in Section VIII.B may not apply when a request for records is for a commercial purpose as determined by the Commonwealth's Supervisor of Records.

IX. Petitions.

- A. Extended Time. The Town may petition the Secretary of Public Records for additional time beyond the 25 business days to respond to a request. The Supervisor may grant an extension of 30 business days or longer, depending on the circumstances.
- B. Higher Fees. The RAO may petition the Supervisor of Public Records to charge for time spent segregating or redacting records in excess of the maximum hourly rate of \$25 per hour for the time required to comply with a request.
- C. Harassment. The RAO may file a petition with the Supervisor of Public Records to relieve the Town from responding to a request if the request is frivolous or intended to harass or intimidate the Town.

X. Appeals.

- A. The requester may appeal a 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.

- B. The requester may appeal a RAO's determination or the Supervisor's determination to Superior Court.
- C. 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

Appendix “A”

Department/Board General Description of Public Records Maintained

* Denotes Records are Online

Assessors/Board of Assessors

Agendas*

Minutes*

Property Record Card Database*

Assessed Values by Class*

Tax Classification Report*

Tax Relief Brochures/Application*

Real Estate Abatement Information/Application*

Motor Vehicle Excise Abatement Information/Application*

Business Personal Property Information/Application*

Abutters List – generated through Maps Online

Audit Committee

Minutes*

Agendas*

Building Department

Building and Demolition Applications/Plans

Fees*

Zoning Bylaw*

Application Forms*

Required Inspections*

Certificate Information*

Enforcement Requests*

Stretch Energy Code Information*

Department of Public Works/ Board of Public Works

Agendas*

Minutes*

RDF Permit Application*

RDF Hours*

Recycling Guide*

Town of Wellesley Drinking Water Consumer Awareness Report*

Synthetic Turf Field Rules and Regulations*

Public Way Excavation Rules & Specifications*

Street Occupancy & Trench Permit Application*

Petition for Minor Temporary Repairs to Private Ways*

Accepted/Unaccepted Street Listing*

Engineering Division Driveway Aprons & Curb Cut Policy*

Municipal Stormwater Regulations*

Water Rules and Regulations*

Water Cross Connection Approval Form*

Sewer Rules and Regulations*
Sewer Service Connection Procedures and Specifications*
Sewer Service Inspection Form*
Road Moratorium Map*
Herbicide Application Public Notices*
List of Invasive and Undesirable Plants for the Town of Wellesley*
Water & Sewer Rates – Residential*
Water & Sewer Rates – Commercial & Municipal*
Water & Sewer Rates – Construction Services*
Water & Sewer Tie Cards
Sewer Profiles
Plot Plans
Property Deeds
Gleason Plans (Property Survey Plans)

Facilities Maintenance Department

Capital Budget Information*
Project updates*
Energy Usage per Building*
Sustainable Programs*
Bids*

Finance

Annual Financial Reports – CAFR*
Reports on Federal Award Programs*
Moody's Credit Ratings*
Official Statements (for Borrowing)*
Annual budget : "Sources and Uses"*
Five year Town-wide Capital plan*
Payments to vendors in excess of \$5,000*
Actuarial valuations – Pension, OPEB*

Fire

Fire Prevention Information*
Regulations*
Permits*
Fees*
Sharps Disposal*
Public Service Announcements*
Fire Incident Reports

Health/Board of Health

Agendas*
Minutes*
Regulations*
Permit Information*
Fines*

Fees*

Inspection reports, official orders, inspectors notes and formal report

Mental Health-contracts, program information, grants

Permits and historical logs on files:

Body Art

Camps

Farmers Markets

Food Establishments

Frozen

Livestock

Beach and Pool permits

Septic Installer

Septic Hauler

Tanning

Temporary Food

Tobacco

Wells

Street & Permit Files to include:

Asbestos

Hazardous waste

Housing(nuisance, general complaints etc.)

Lead

Razing

Septic

Wells

Site plans

Emergency Preparedness

Grants

Pandemic Plannin

Emergency Dispensing Plans

Continuity of Operations Planning

Biological and Chemical Emergency Response Planning

Drill Information

Programming

Library/Library Trustees

Minutes*

Current Agendas*

Link to posted agendas on Town Website*

WFL Strategic Plan 2014 – 2018*

List of Board of Trustees*

Community Report 2016*

Cost of Library Services*

Job Opportunities*

Library History*

Mission & Values*

FAQ*
Fees and Fines*
Holidays & Early Closings*
Map*
Policies*

Municipal Light Plant/ Municipal Light Board

Minutes*
Agendas*
Standard & Poor's Credit Rating*
Audited Financial Statements*
Customer Satisfaction Survey*
Distributed Antenna System*
Appliance Rebate Application*
Application to Add or Upgrade Electric Service*
Application for Utility Service*
Direct Debit Application*
Electric Service Upgrades and New Installations Policy*
Policy on Interconnection with Distributed Generation*
Life Sustaining Equipment*
WMLP Guidebook of Requirements*
Residential Rate Tariff*
Conservation Service Charge*
Purchased Power Adjustment*
Small General Service Rate Tariff*
Large General Service Rate Tariff*
Large General Service-Primary Rate Tariff*
NYPA (New York Power Authority Credit) *
Advance Deposit for Electric Service*
Voluntary Renewable Rate Tariff*
Municipal General Services Rate Tariff*
Partial Requirements Rate Schedule*
Home Energy Assessments*
Energy Hot Line*
Staff Directory*

Natural Resources, Wetlands Protection Committee, Trails Committee

Agendas*
Minutes*
Wetland Resource Area Maps* (Mapsonline)
Wetlands Regulations*
Filing Fees*
Wetlands Permit Applications* (Notice of Intent, Request for Determination, Certificate of Compliance.
Permit for Use of Parkland*

Permanent Building Committee

Agendas*
Minutes*

Public procurement advertisements
Operating and capital budgets
WPS Asbestos hazard Emergency Response Act (ACT) Notification

Planning Department/Planning Board

Agendas*
Minutes*
Comprehensive Plan*
Unified Plan*
Regulations*
Permit Applications*
Project Information*
Fees*
Submittal Deadlines*
Development Reviews*
FEMA Information*
Historic District Commission Information*
Design Review Board Information*
Fair Housing Information*
Demolition Delay Information*
Neighbor Conservation District Information*
Subdivision Application*
Historic Subdivision Plans
Town Plans*
Affordable Housing Information*
Commercial District Information*

Police Department

Accident Reports
Incident Reports
Arrest Reports
Computer Aided Dispatch Log

Recreation/ Recreation Commission

Agenda*
Minutes*
Program Information and Registration*
Morses Pond Information*
Summer Camp Information*
Fields and Facilities*
Policies*
Birthday and Rentals*
Projects*

School Committee/School Department

Agendas*
Minutes*
Meeting Documents*
School Committee Meeting Presentations*

Policies*
School Calendar*
School Delay & Closure Procedures*
School Registration, Enrollment & Assignment Information*
Student Handbooks*
High School Program of Studies*
Middle School Program of Studies*
Bullying Policy, Prevention & Intervention*
WPS Strategic Plan*
WPS Budgets*
Facility Rental Procedures & Applications*
Financial Assistance Information/Applications*
Free/Reduced Lunch Application & Share Form*
Food Service Information*
Facilities Master Plan*
District Technology Plan*
WPS, WPD & DA Memorandum of Understanding*
Online Payments*
PowerSchool Parent Portal Information*

Selectmen's Office/ Board of Selectmen

Agendas*
Minutes*
Projects*
Policies and Regulations*
Common Victualler Applications*
Common Victualler Licenses*
Hawker and Peddlers Licenses*
Entertainment Licenses*
Yard Sale Permit Applications*
Estate Sale Permits Applications*
Town-wide Financial Plan*
Alcohol License Holders
Public Records Requests
Selectmen Meeting Materials*
Banner and Sign Permits*
Block Party Permits*
Auction Permits*
Rummage Sale Permits*
Encroachment Policy/Complaints*
Marijuana Dispensary Special Permit Information/Application*

Sustainable Energy Committee

Agendas*
Minutes*
Monthly Project Updates*
Green Collaborative News*
Town-wide Greenhouse Gas emissions goal
Greenhouse gas emissions inventory methodology

SEC Reports to ATM

Town Clerk

Town Meeting Minutes*
Town Meeting / Election Warrants*
Election Results*
Annual Town Report*
Street List*
Voter Extracts
Dog Owner Lists
Business Certificate Listing
Meeting Notices/Agendas
Meeting Minutes*
Public Records Requests
Town Charter – Copies*
Town Bylaws – Copies*
Zoning Bylaw *
Conflict of Interest Disclosures
Campaign Finance Reports
Perspective Juror List
Planning & Zoning Decisions
State Ethics – Employee Compliance Documents

Treasurer

Real Estate Tax Payment History
Excise Tax Payment History
Official Bond Statements*

Youth Commission

Agendas*
Minutes*
Key Club Information
Youth Job Opportunities*
Scholarships*
Mental Health Resources*
Pregnancy Resources*
Emergency Housing and Shelter Resources*
Domestic Violence and Abuse Resources*
Substance Abuse Resources*
Sexuality Resources*
Tobacco Information and Resources*

Zoning Board of Appeals

Minutes*
Agendas*
Zoning Bylaws*
Appeals*
Applications*
List of Decisions by Address*

Fees*
Maps*
History*
Rules & Regulations*
Hearing Schedules*
Case Log & Decisions*
Bjorklund v Norwell ZBA*
Permit Extension Act of 2012*
Draft Decisions*
Norfolk County Website*
MA State Website*