

# Town of Chesterfield 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. Below are the guidelines for members of the public seeking access to public records in the custody of the Town of Chesterfield.

## General Information:

1. Business Hours for the Chesterfield Town Offices are generally Monday - Thursday 9 a.m. - 3 p.m. except Holidays. Please call the Town Administrator (413) 296-4771 ext. 1# to make sure the office will be open if you will be visiting in person.
2. Records Access Officer (RAO), for specific types of records, have been designated in the chart below.

Records Access Officer & Title	Type of Records	Business address	Business Telephone & Fax	Business Email	Normal Business Hours
Sandy Wickland Town Clerk	Town Clerk Records	422 Main Road, PO Box 299 Chesterfield, MA 01012	413-296-4741	townclerk@townofchesterfieldma.com	Monday 7 p.m.- 9 p.m. & 1 <sup>st</sup> and 3 <sup>rd</sup> Saturdays 9 a.m. to 11:30 a.m.
Edward Murray Police Chief	Police dept. Records	422 Main Road, PO Box 299 Chesterfield, MA 01012	413-296-4353	policechief@townofchesterfieldma.com	By Appointment
David Hewes Fire Chief	Fire dept. Records	422 Main Road, PO Box 299 Chesterfield, MA 01012	413-296-4498	fire@townofchesterfieldma.com	By Appointment
Susan Labrie Town Administrator	General Government & Select Board Records	422 Main Road, PO Box 299 Chesterfield, MA 01012	413-296-4771 ext. 1#	townadmin@townofchesterfieldma.com	Monday-Thursday 9 a.m. – 3 p.m.
Edward Severance Assessor	Assessor Records	422 Main Road, PO Box 299 Chesterfield, MA 01012	413-296-4010	assessors@townofchesterfieldma.com	Monday 7 p.m. – 8 p.m. Wednesday 9:30 a.m. – 3:30 p.m.
Paul Tacy Building Commissioner	Building Permit; Inspection; & Zoning enforcement	422 Main Road, PO Box 299 Chesterfield, MA 01012	413-296-0127	building@townofchesterfieldma.com	Monday 7 p.m. – 8:30 p.m.

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Lenore Pittsinger Tax Collector	Tax Collector Records	422 Main Road, PO Box 299 Chesterfield, MA 01012	413-296-4771 ext. 2#	tax@townofchesterfieldma.com	Monday 6:30 p.m. – 8:30 p.m.
Margaret McWherter Treasurer	Treasurer Records	422 Main Road, PO Box 299 Chesterfield, MA 01012	413-296-4376	treasurer@townofchesterfieldma.com	By Appointment
Ian Stone Chair, Zoning Board of Appeals	Zoning Board Of Appeals Records	422 Main Road, PO Box 299 Chesterfield, MA 01012	413-296-4576 413-665-7535	zoning@townofchesterfieldma.com	By Appointment

Records Access Officers are available to answer questions and help facilitate the making of public records requests. The contact information for RAO and this document are also posted on the Town of Chesterfield website at [www.townofchesterfieldma.com](http://www.townofchesterfieldma.com) and at the Town offices.

- Public Records Law Information.** General information about the public records law and public records requests is found in the Massachusetts Secretary of the Commonwealth’s “A Guide to the Massachusetts Public Records Law.” This may be found by doing an internet search using "guide to the Massachusetts public records law".

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## Making Public Records Requests:

4. Any person may make a public records request by the methods listed below. Requests for records from different departments will necessitate a different form for each request based upon the chart listed in paragraph 2.
  - a. In writing delivered in person at the Chesterfield Town Offices to an RAO listed above.
  - b. By first class mail addressed to the RAO at the RAO business address listed above.
  - c. By e-mail addressed to the RAO at the e-mail address listed 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, shall be addressed/directed to an RAO, and contain the requester's name and contact information, so that the RAO is able to provide the required response.
6. **Contact Information.** Individuals making in-person requests will not be 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. The Chesterfield Public Records Request Form is the last page of this document.
7. **Specificity of Requests.** To facilitate timely responses to public records requests, the 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 Chesterfield 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 and the RAO chart above, will be considered received on that date. Written requests sent via email after normal business hours shall not be considered received until the following business day. *Business days shall not include Saturdays, Sundays, legal holidays, or days there are no office hours for the specific RAO of which the request is made.*
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 based on the fee structure outlined in paragraphs 24-29.
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 Chesterfield does not have in its custody; identifying records which the Town Of Chesterfield does not expect will be provided, or that will be redacted, specifying the relevant exemption(s) and application thereof to the requested record or portion thereof; providing a good faith fee estimate; and including a statement of appeal rights.

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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 Chesterfield to respond fully to the request.
13. **Time for Response.** Typically, a complete response will be provided within 25 business days of receipt of the request. If, due to the scope of the request, the need for redactions, or other complications, the Town Of Chesterfield is concerned that it will not be able to provide a complete response within that time frame, the Town may ask the requester for an extension of time to comply or petition the State Supervisor of Public Records for additional time.
14. **Publicly Available Records.** The Town Of Chesterfield maintains a website at [www.townofchesterfieldma.com](http://www.townofchesterfieldma.com) where certain public records are available for inspection, downloading or printing. If a request seeks documents publicly available on the Town 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.

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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 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 Chesterfield 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. The Town Of Chesterfield is not required to answer questions in response to a public records request.
19. **Supplementing Responses.** The Town Of Chesterfield 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.
21. **Categories of Records:** Refer to the Municipal Records Retention Schedule, issued by the Supervisor of Public Records, and found at the Secretary of State's web site. That schedule identifies various categories of records maintained by municipal departments and so-called "records in common."
22. The Town Of Chesterfield is part of two regional school districts for all grades through 12. Both Regional School Districts records are generally maintained by the Hampshire Regional School District, and requests for such records should be directed to the District Records Access Officers. Either Bobbie Jones at [bjones@hr-k12.org](mailto:bjones@hr-k12.org) or Superintendent Craig Jurgensen at [cjurgensen@hr-k12.org](mailto:cjurgensen@hr-k12.org).

## 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 Chesterfield 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 Massachusetts Secretary of the Commonwealth's, "A Guide to the Massachusetts Public Records Law." This may be found by doing an internet search on "guide to the Massachusetts public records law".

## Fees:

24. **Reasonable Fees.** In some circumstances, the Town Of Chesterfield 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 (No copying fee will be charged for records provided in electronic form);

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- 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 16); and
- e. fees for employee time required to satisfy a public records request (see paragraph 26).

**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 Chesterfield 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. In communities with less than or equal to 20,000 residents as per the most recent Decennial US Census**

**Small Municipality Exception.** The Town Of Chesterfield has less than 20,000 residents. In accordance with 950 CMR 32.07(2) (m)(2), therefore, the Town Of Chesterfield 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 State's Supervisor of Records*.

**29. Petition for Higher Fee.** In certain circumstances, the Town of Chesterfield may petition the State 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 State 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 State 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 <http://www.sec.state.ma.us/pre/prepdf/guide.pdf>.

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## CHESTERFIELD PUBLIC RECORDS REQUEST FORM

See the Town of Chesterfield Public Records Access Guidelines document, posted on our Town website, for comprehensive information concerning responses and costs associated with the submission of this form.

Pursuant to Public Records Law all exemptions from the law will be redacted from all material being released.

Please print or enter all the information concerning your request neatly and submit to the appropriate Records Access Officer (RAO) identified in the chart on page 1 of the Town of Chesterfield Public Records Access Guidelines document.

**Date of Request:** \_\_\_\_\_

### REQUESTER INFORMATION:

<b>Name of Requester:</b>		
<b>Company or Firm:</b>		
<b>Street Address:</b>		
<b>City:</b>	<b>State:</b>	<b>Zip code:</b>
<b>Phone number:</b>	<b>Fax number:</b>	

### DESCRIPTION OF MATERIALS SOUGHT BY REQUESTER:


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## **OFFICE USE ONLY:**

<b>Received by name &amp; date:</b>
<b>Initial Response:</b>
<b>Subsequent Reviews:</b>
<b>Records Provided:</b>
<b>Fees Assessed: \$</b>
<b>Amount Paid &amp; Provided to Treasurer: \$</b>