



TOWN OF MONTAGUE
TOWN CLERK'S OFFICE
One Avenue A

Turners Falls, Massachusetts 01376
413 863-3200 ext 203
townclerk@montague-ma.gov

Debra A. Bourbeau
Town Clerk

Madelyn E. Hampp
Asst. Town Clerk

TOWN OF MONTAGUE
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 City/Town of Montague.

General Information:

1. Business Hours.

Town Hall: Mondays, Tuesdays & Thursdays 8:30 am to 5:30 pm; Wednesdays 8:30 am to 6:30 pm; Closed on Fridays.

Airport: Monday – Friday 3:00 pm to 6:00 pm.

Council on Aging: Monday – Friday 9:00 am to 2:00pm.

Department of Public Works: Monday – Thursday 6:00 am to 4:00 pm.

Libraries: Carnegie: Monday & Tuesday 1:00 pm to 8:00 pm; Wednesday 10:00 am to 8:00 pm; Thursday 1:00 pm to 5:00 pm; Saturday 10:00 am to 2:00 pm. Millers Falls: Tuesday & Thursday 2:00 pm to 7:00 pm. Montague Center: Monday & Wednesday 2:00 pm to 7:00 pm.

Parks & Recreation: Monday – Friday 8:30 am to 4:30 pm.

Police: Always open.

Water Pollution Control Facility: Monday – Friday 8:00 am to 4:00 pm.

2. Super Records Access Officers. The following Super Records Access Officers (“RAO”) have been designated:

Super RAO:

Debra A. Bourbeau
Town Clerk
Town Hall
1 Avenue A, Turners Falls, MA 01376
townclerk@montague-ma.gov
413-863-3200, ext. 203
413-863-3224 Fax

Super RAO:

Madelyn E. Hampp
Assistant Town Clerk
Town Hall
1 Avenue A, Turners Falls, MA 01376
assttownclerk@montagu-ma.gov
413-863-3200, ext. 203
413-863-3224 Fax

Department Records Access Officers. The following Department Records Access Officers (“RAO”) have been designated.

Accountant RAO:

Carolyn Olsen
Town Accountant
Town Hall
1 Avenue A
Turners Falls, MA 01376
accountant@montague-ma.gov
413-863-3200, ext. 121
413-863-3222 Fax

Airport RAO:

Bryan Camden
Airport Manager
10 Aviation Way
Turners Falls, MA 01376
airport@montague-ma.gov
413-863-0044
413-863-0044 Fax

Department of Public Works RAO:

Tom Bergeron
DPW Superintendent
500 Avenue A
Turners Falls, MA 01376
hwysupt@montague-ma.gov
413-863-2054, ext 112
413-863-3212 Fax

Building Department & Zoning RAO:

Christopher Rice
Building Inspector
Town Hall
1 Avenue A
Turners Falls, MA 01376
inspector@montague-ma.gov
413-863-3200, ext. 113
413-863-3222 Fax

Parks & Recreation ROA:

Jon Dobosz
Park & Recreation Director
56 First Street
Turners Falls, MA 01376
recdir@montague-ma.gov
413-863-3216
413-863-3229 Fax

Assessor RAO:

Karen Tonelli
Director of Assessing
Town Hall
1 Avenue A
Turners Falls, MA 01376
assessor@montague-ma.gov
413-863-3200, ext. 118
413-863-3228 Fax

Council on Aging RAO:

Roberta Potter
COA Director
62 Fifth Street, PO Box 166
Turners Falls, MA 01376
councilonaging@montague-ma.gov
413-863-4500
413-863-4500 Fax

Library RAO:

Linda Hickman
Library Director
201 Avenue A
Turners Falls, MA 01376
librarydir@montague-ma.gov
413-863-3214
413-863-3227 Fax

Health Department ROA:

Gina McNeely
Director of Health
Town Hall
1 Avenue A
Turners Falls, MA 01376
healthdir@montague-ma.gov
413-863-3200, ext. 116
413-863-3225 Fax

Planner RAO:

Walter Ramsey
Town Planner
Town Hall
1 Avenue A
Turners Falls, MA 01376
planner@montague-ma.gov
413-863-3200, ext. 112
413-863-3222 Fax

Police Department RAO:
Marsha Odle
Dispatch Supervisor/Office Admin.
180 Turnpike Road
Turners Falls, MA 01376
modle@montague.net
413-863-8911, ext. 202
413-863-3210 Fax

Selectmen , Board of RAO:
Wendy Bogusz
Executive Assistant
Town Hall
1 Avenue A
Turners Falls, MA 01376
wbogusz@montague-ma.gov
413-863-3200, ext. 108
413-863-3231 Fax

Tax Collector/Treasurer RAO:
Eileen Seymour
Tax Collector/Treasurer
Town Hall
1 Avenue A
Turners Falls, MA 01376
treasurer@montague-ma.gov
413-863-3200, ext. 103
413-863-3224 Fax

Water Pollution Control Facility RAO:
Robert McDonald
WPCF Superintendent
34 Greenfield Road
Montague, MA 01351
wpcfsupt@montague-ma.gov
413-773-8865
413-774-6231 Fax

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 Town's website www.montague.net and at public offices.

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 at Town Hall, 1 Avenue A, Turners Falls, MA 01376.
 - 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 provide the required response.
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. Voluntary 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 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 does not have in its custody; identifying records which the Town 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.
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 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 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 maintains a searchable website at [insert website address] where certain public records are available for inspection, downloading or printing. If a request seeks documents publicly available on the Town'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 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 is not required to answer questions in response to a public records request.
19. 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.
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 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. Montague is part of a Regional School District. School-related records are maintained by the Gill-Montague Regional School District, and requests for such records should typically be directed to the District at 35 Crocker Ave, Turners Falls, MA 01376.

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 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 <http://www.sec.state.ma.us/pre/prepdf/guide.pdf>.

Fees:

24. Reasonable Fees. In some circumstances, the Town 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 16, 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 [City/Town] 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).

[In communities with more than 20,000 residents as per the most recent Decennial US Census]

First Two Hours. There shall be no fee for the employee time required to satisfy a public records request for the first two (2) hours of work performed.

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

Small Municipality Exception. As of the 2010 Decennial Census, Montague had 8437 residents. See <https://www.sec.state.ma.us/census/montague.htm>. In accordance with 950 CMR 32.07(2)(m)(2), therefore, the Town may assess fees for all employee time, including the first two hours.

- 27. 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.
- 28. Petition for Higher Fee. In certain circumstances, the Town 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:

- 29. 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.
- 30. 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.
- 31. 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>.

ATTACHMENT "A"

Department/Board **General Description of Public Records Maintained**

Accountant/Finance Committee – Budgets and Financial Information

Assessors - Real Property Cards, Personal Property Cards, Assessors Property Maps, Agendas and Minutes of Assessors Meetings, Certified Abutters Lists, Annual Reports, Agricultural, Recreational & Forest Applications, Tax Rate Recapitulation Sheets & Tax Commitment and Warrants.

Building/Zoning Board of Appeals – Permits: Electrical, Gas, Plumbing & Building, ZBA Meeting Agendas, Minutes & Decisions.

Council on Aging – Council on Aging Agendas and Minutes.

Department of Public Works/Highway - Road Opening Permits, Sewer Permits, Driveway Permits & Trench Permits

Town Clerk – Vital Records, Election Results, Town Meeting Votes, Voter Registration, Dog Licenses, Fuel Storage, Appointments of Town Officials, Doing Business As Certificates, Raffle Permits, Zoning Decisions, Town Census, Pole Locations, Planning Board Plans & Records & Notices of:

Health Department/Board of Health – Housing Complaints, Condemnations & inspections, Title 5/Septic, Percolation Tests, Well Information, Septic Haulers & Installers, Burial Permits & Transfers, Funeral Home Director Permits, Food Establishment Inspection & Yearly Permits, Tobacco Permits, Temporary Food Events/Vendors, Tattoo Permits and Artists Education Qualifications/Background, Beaver Control, Camp Approvals, Mobile Home Park Tenant Lists, Public Swimming Pools/Sanuas Inspections & Permits.

Library – Library Trustees Agendas and Minutes

Planning & Conservation Agent – Planning Board: Special Permits, Site Plan Reviews, Zone Change Files & Subdivision Regulations, Subdivision Plans, Forest Cutting Plans, Conservation Commission: Notices of Intent, Requests for Determination of Availability, Minutes & Agenda's for Planning Board and Conservation Commission.

Police – Incident Reports, Accident Reports and Call Logs

Parks & Recreation Department/Commission

Selectboard – Selectboard Agenda's & Minutes, Liquor Licenses,

Tax Collector/Treasurer – Real Estate, Fire District, Light District & Sewer Bills

Water Pollution Control Facility/Sewer – Sewer Rates, Odor Complaints, Capital Improvement Budget, State and Federal Reports – Water Quality.