



Town of Westport 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 Town of Westport.

General Information:

1. Business Hours. The regular business hours of the Town of Westport are Monday through Friday, 8:30AM to 4:00PM.
2. Records Access Officers. The following Records Access Officers (“RAO”) have been designated:

Marlene Samson, Town Clerk
816 Main Road
Westport, MA 02790
Clerk@westport-ma.gov
T: 508-636-1000
F: 508-636-1147

Timothy J. King, Town Administrator
816 Main Road
Westport, MA 02790
kingt@westport-ma.gov
T: 508-636-1150
F: 508-636-1147

Brian Legendre, Fire Chief
54 Hix Bridge Road – PO Box 3470
Westport, MA 02790
Chieflegendre@westport-ma.gov
T: 508-636-1110
F: 774-264-5161

Keith Pelletier, Police Chief
818 Main Road
Westport, MA 02790
harrish@westport-ma.gov
T: 508-636-1122
F: 508-636-4108

Theresa Provencal, Town Accountant
816 Main Road
Westport, MA 02790
Accountant@Westport-MA.gov
T: 508-636-1040
F: 508-636-1147

Christopher Capone, Conservation Agent
856 Main Road
Westport, MA 02790
ccagent@westport-ma.gov
T: 508-636-1019
F: 508-636-1018

Jim Hartnett, Asst Town Administrator/Town Planner
856 Main Road
Westport, MA 02790
HartnettJ@westport-ma.gov
T: 508-636-1037
F: 508-636-1031

Records Access Officers are available to answer questions concerning and help facilitate the making of public records requests. Contact information for RAO's is also posted on the Town of Westport's website (www.westport-ma.com) 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 816 Main Road, 856 Main Road, 818 Main Road or 54 Hix Bridge Road;
 - 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 email addressed to the RAO at the email 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 of Westport 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 of Westport does not have in its custody; identifying records which the Town of Westport 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 of Westport 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 redaction, or other complications, the Town of Westport is concerned that it will not be able to provide a complete response within that time frame, the Town of Westport 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 Westport maintains a search-able website at www.westport-ma.com where certain public records are available for inspection, downloading or printing. If a request seeks documents publicly available on the Town of Westport'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 of Westport 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 of Westport is not required to answer questions in response to a public records request.
19. Supplementing Responses. The Town of Westport 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 950CMR 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. Attachment “A” describes with specificity different categories of records maintained by the various Town of Westport 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. *Intentionally left blank.*

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 Westport 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 of Westport 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 CD's 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 Town of Westport 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 Westport had 15,516 residents. See <https://www.sec.state.ma.us/census/Westport.htm>. In accordance with 950 CMR 32.07(2)(m)(2), therefore, the Town of Westport 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 Westport 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>.

ATTACHMENT "A"

<u>Department/Board</u>	<u>General Description of Public Records Maintained</u>
Animal Control	Animal complaints and Animal Bite Reports
Board of Assessors	Parcel maps and numbers; Owner(s) name/Mailing addresses; Assessed values; Exemption values; Deed reference; Chain of title records; Sales information and Trustee information.
Board of Health/Transfer Station	Septic systems and wells; Title 5 Inspection Reports; Perc Tests; all issued permits; public & semi-public beach test results for swim season; Meeting Minutes. Transfer Station Tonnage Collection for recycling/ Municipal Solid Waste/ House Hold Construction debris records for cost/revenue; Punch card sales; Post-closure Monitoring as required by MADEP.
Board of Selectmen	Liquor, Motor Vehicle, Common Victualler, Entertainment, Automated Amusement and Innholder Licenses; Trailer Permits, Hix Bridge Landing Permits; Road Use Applications; Annual Reports; Annual Appointments; Meeting Minutes; Parking Tickets; Contracts; Water Accounts; Complaints; and Correspondences.
Building Department	Building, Wiring, Plumbing, Gas, Occupancy, Yard Sale, Wood Stoves, Chimney & Fireplace Permits/Applications; Inspection Reports; Complaints.
Conservation Commission	Minutes, Orders of Conditions & Extensions, Determinations of Applicability, Soil Permits and Certificates of Compliance issued; and correspondence from individuals and State and Federal Agencies; Conservation Agent reports.
Council on Aging	Meeting Minutes, Employee Payroll Sheets, Invoices, Budgets.
Fire Department	Ambulance Reports (only with signed release from patient or a Court Order due to HIPPA requirements; Fire Reports; Any Issued Permits/Fire Prevention Inspection Reports; and Department Run Log.
Highway Department	Road Inventory.

Marine Services	Boats Moored or Docked in Westport River; Private Moorings; Commercial Moorings; Emergency Call Log; and Shellfishing Log.
Planning Board	Minutes; all records pertaining to files on subdivisions, site plans, ANRs etc, decisions, dept reviews, engineering reports, correspondence. Plans, maps and related images for plans of land.
Police Department	Accident and Incident Reports.
Public Access Television	Video Recordings of most public meeting (DD format).
Registrar of Voters	Annual Census Forms, Meeting Minutes, Voter Election Check-Off List from Elections & Town Meetings, Voter Registration Cards, Change of Political Party Cards and Deleted Voter Registration Cards.
Tax Collector	Real Estate and Personal Property Records (except for Police & Fire Personnel).
Town Accountant	Contracts for Services; Employee Contracts; Payroll Data; Time Cards/Sheets; and Vendor Invoices.
Town Clerk	Vital Records: Births, deaths, marriages; Notice of Intention of Marriage, Pole Petitions, Junk Collectors and Auctioneers Licenses, Raffle/Bazaar Permits, Zoning Board of Appeals and Planning Board decisions; Historical Commission findings; Town Meeting Records; Road acceptance/layout plans; Meeting Notices; Business Certificates; Gas Registrations; Cemetery Deeds; Dog & Shellfish Licenses; State Boat Ramp and Town Beach Passes; Election Results; Absentee Ballot Applications; Campaign Finance Reports; Certificates of Appointment to Town Boards & Committees; Disclosure Statements; Special Employee Status Lists and all Town Contracts.
Town Treasurer	Wage Earning Reports; and Tax Title Listings.
Veteran's Services	Veteran's Benefits Recipients List.
Westport Free Public Library	Minutes of Board of Trustees Meetings; Registrar list of Town residents.
Zoning Board of Appeals	Zoning Decisions for Variances, Special Permits and Administrative Appeals, Meeting Minutes.