

Town of Shelburne, MA

Public Records Access - Procedure Policy, Tips & Request Form

These procedure policy, guidelines and request form are intended to assist members of the public seeking access to public records in the custody of the Town of Shelburne. All public records requests are fulfilled under Massachusetts Public Record Law (MGL Chapter 66). Pursuant to Mass. law, all exemptions will be redacted from any and all material being released. You will receive an initial response within ten business workdays when received by the RAO. The Town of Shelburne's Records Access Officer (RAO) is the Town Clerk, who can be reached at 413-625-0300 ext. 3 or townclerk@townofshelburnema.gov.

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. If you have any questions about Massachusetts' Public Record Law, please contact the State's Public Records Division at 617-727-2832 or pre@sec.state.ma.us.

The fees for records requests vary. Fees are charged in accordance with Massachusetts Public Records Law (M. G.L. Chapter 66, Section 10). The Town of Shelburne falls under the fee guidelines for "municipalities with populations under 20,000." Payment must be received before records are released.
See more on next page, Tips.

Filing Shelburne's record request form, available on the town website and included herein, may be done via email to townclerk@townofshelburnema.gov or faxed to 413 625-0312 or delivered in person or post office mailed to:

Town of Shelburne
Att. Town Clerk – Public Records Request
51 Bridge Street
Shelburne, MA 01370

The Shelburne Town Clerk's current hours and workdays are:
Mondays and Tuesdays 10:15am ~ 5:15pm and Thursdays 10:15am ~ 5:15pm

All Records Requests are to be sent only to the RAO, who is solely responsible to send an acknowledgement of receipt. Requests delivered in person during the RAO's normal workdays and business hours, will be considered received on that date. Requests sent by postal mail, facsimile or email outside of the RAO's normal business workdays and hours, shall not be considered received until the following normal RAO's open business workday hours. Upon the completion of the acknowledgement of receipt by the Records Access Officer, the public record requests will be recorded and dated as received and sent on to the appropriate town department head. When received by that department head, they will begin the process of gathering the requested records. The department heads will work promptly to satisfy requests quickly, and then send the records on to the requester, plus a full copy to the RAO for keeping on file at town hall and recording the completion date. The only exception is police records, those will be sent to the requester by the police chief (department head), who will maintain the complete response file copy at the police station and immediately advise the RAO (town clerk) of the completion date.

Note: Some Shelburne Departments are single person offices, some hold only part-time office hours and work as few as one day per week. We appreciate your understanding and consideration. See more on next page, Tips.

A list of all Shelburne Town Departments is available at: www.townofshelburne.com/e/8/Departments

The Town Clerk can be reached at 413 625-0300 ext. 3

The Police Chief can be reached at 413 625-0304 ext. 5

The Town Administrator can be reached at 413 625-0300 ext. 1

Mohawk Trail Regional School District records requests must be made directly to the District. 413 625-0192
Franklin Regional Vocational Technical H. S. record requests must be made directly to them. 413 863-9561

HELPFUL PUBLIC RECORDS REQUEST TIPS

Written Requests Encouraged - 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 the RAO and contain the requester's name and contact information. Requests should be as specific as possible, detailing, records custodian/s, date or applicable time period and subject matter/s. The RAO may ask for more detail to aid the responding Department head.

Reasonable Fees - In some circumstances, the Town may assess a reasonable fee for the production of public records. If fees will be assessed, a written good faith estimate of the same will be provided to the Requester. No copying fees will be charged for records provided in electronic form. The Town of Shelburne, as of 2010 Decennial Census, had 1,803 residents. Municipalities with under 20,000 may assess a fee, including the first two hours, for time spent searching for, compiling, redacting and reproducing a requested record. 950 CMR 32.07(2) (m) (1). Payment must be received before records are released.

Permissible Charges – Fees included but not limited to; five cents (\$0.05) per page for black and white printouts or copies or actual costs associated with storage devices or materials such as thumb/flash drives. Actual cost for duplication of records not possible by ordinary means such as color copies and large format plans, postage fees, and fees for employee time required to satisfy such requests. 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.

Response – Typically a complete response will be provided within 10 business days of receipt of requests. If the scope of the request is extensive and the Town is unable to provide a complete response within that time frame, the Town may ask the requester for a voluntary extension of time to comply or file a petition to extend.

Publicly Available Records - 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.

Electronic Records Delivery Preference - To the extent feasible, the RAO or designee will provide public records by email, unless the record is not available electronically or the requester does not have the ability to receive email. Should an electronic file be too large to email, the requestor will be asked to provide a USB flash/thumb drive to obtain the requested files.

Mailed Records Delivery Preference - 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.

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.

Exemptions/Redaction/Withholding - Some records may not be provided in response to a public records request because the Town or their Legal Counsel 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 see: www.sec.state.ma.us/pre/prepdf/guide.pdf

Notations - 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. The Town is not required to answer questions in response to a public records request. The Town is not required to supplement its response to a previous public records request if records are created in the future.

TOWN OF SHELBURNE
51 BRIDGE STREET
SHELBURNE, MASSACHUSETTS 01370
(413) 625-0300 ext. 3
townclerk@townofshelburnema.gov

PUBLIC RECORDS REQUEST FORM

All public records requests will receive an initial response from the RAO/Town Clerk within ten (10) days of receipt of the request. Responses may indicate further time is necessary, additional information is required, or an estimate of fees required to complete the request, as examples. Payment must be received before records are released.

Date of Request: ____ / ____ / ____

Town Department you are seeking materials from: _____

Description of Materials Sought: _____

Name of Requester: _____

Firm/Company: _____

Address: _____

City/Town: _____ State: _____ Zip: _____

Phone number: _____ Fax number: _____

Email: _____

Please be as specific as possible when requesting how you want to receive your information:

COPY OF RECORDS (.05 per page plus search, redact, and/or copy fee)

Check one: email _____ Fax _____ Postal Mail _____

OTHER/ADDITIONAL INFORMATION: _____

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OFFICE USE: Received by: _____ # of pages: _____ Fee Amount: _____ Date returned: _____

Forwarded to: _____