



RECORDS ACCESS OFFICER

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TOWN OF ESSEX 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 Essex.

General Information:

1. Business Hours. The regular business hours of Essex Town Hall are Monday through Thursday from 7:30am-3:30pm.
2. Records Access Officers. The following Records Access Officers (“RAO”) have been designated:

General RAO:

Marie E. Felzani
Town Clerk
30 Martin Street
mfelzani@essexma.org
978-768-7111
978-768-2505 - fax

Police Department RAO:

Officer Daniel Bruce
Police Officer
11 John Wise Avenue
dbruce@essexma.org
978-768-6628

Records Access Officers are available to answer questions concerning and to help facilitate the making of public records requests. Contact information for RAOs is also posted on the website at www.EssexMA.org 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,” February, 2022 edition, found online at: <https://www.sec.state.ma.us/pre/prepdf/guide.pdf>.

Making Public Records Requests:

1. Public Records Requests. Any person may make a public records request:
 - a. In person at Essex Town Hall or Essex Police Department;
 - 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 (if one is provided);or
 - d. By e-mail addressed to the RAO at the e-mail address set forth above.
2. 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. For convenience, a [Records Request Form](#) is available to use but any form of submission is acceptable.

3. **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.
4. **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.
5. **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.
6. **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:

1. **Fees.** If fees will be assessed, a written estimate of the same will be provided to the Requester.
2. **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.
3. **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.
4. **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.
5. **Publicly Available Records.** The Town maintains a searchable website at www.essexma.org where certain public records are available for inspection, downloading or printing. If a request seeks documents publicly available on the Essex 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.
6. **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.
7. **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.
8. **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.
9. **Answering Questions.** The Town is not required to answer questions in response to a public records request.

10. 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.
11. 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:

1. 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".
2. Manchester Essex Regional School District Records. School-related records are generally maintained by the Manchester Essex Regional School District and requests for such records should typically be directed to the District at 978-526-4919.

Exemptions:

1. 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:

1. Reasonable Fees. In some circumstances, the Town may assess a reasonable fee for the production of public records.
2. 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.
3. 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 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).
4. Small Municipality Exception. As of the 2010 Decennial Census, the Town had 3504 residents. See https://factfinder.census.gov/faces/nav/jsf/pages/community_facts.xhtml?src=bkmk In accordance with 950 CMR 32.07(2)(m)(2), therefore, the Town may assess fees for all employee time.
5. 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.

6. 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:

7. 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.
8. 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.
9. 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>.

APPENDIX A

Overview of Records Maintained By Town of Essex, MA Departments and Boards

Pursuant to 950 CMR 32.04 (5) (f), please find a list of categories of public records maintained by the Town of Essex, listed by department.

Please note that Meeting Agendas and Minutes for all Boards can be found at:

www.MyTownGovernment.org/01929/.

Animal Control Officer:

- Incident Reports

Animal Health Inspector:

- Incident Reports

Appeals, Zoning Board of:

- Applications requesting a variance
- Decisions pertaining to the applications
- Meeting Minutes

Assessors, Board of:

- Chapter Land Applications
- Meeting Minutes
- Property Assessment Cards
- Property Tax Maps

Building Inspector:

- Building Applications
- Building Permits and Plans

Collector/Treasurer:

- Bills - Real Estate Bills, Personal Property Bills, Motor Vehicle and Boat Excise available in office and online (epay.cityhallsystems.com);
- Investments and Bank Accounts
- Paid Warrants
- Payroll
- Taxes - Real Estate, Personal Property, Deferred Taxes, Unapportioned Betterments, Tax Title, Taxes in Foreclosure/Tax Possessions, Taxes in Litigation, Motor Vehicle Excise, Boat Excise.

Conservation Commission:

- Application for Resource Area Delineation applications with associated plans
- Enforcement Orders
- Meeting Minutes
- Notice of Intent applications with associated plans
- Request for Determination of Applicability applications with associated plans

Electrical Inspector:

- Electrical Permitting Data

Fire Department:

- Blasting Reports
- Fire Inspection Reports
- Fire Drill Reports
- Incident Reports

Harbormaster:

- Incident Reports
- Mooring Information

Health, Board of:

- Septic system design plans, soil testing data, Title 5 inspection reports, operations & maintenance inspection reports, and septic/grease trap pumping records.
- Disposal works construction & minor septic repair permits, septic and well abandonment permits, well water permits/certificates and well water testing results.
- Food service establishment (retail, restaurant, non-profit, catering, and temporary food event) permits and inspection forms.
- Camp, h/motel & B & B, disposal installers, hot tub, septage haulers, keeping of stable animals, tobacco retail sales and manufacture ice cream annual licenses/permits and inspection forms.
- Beach water sampling results for public/semi-public bathing beaches (bathing season only).
- Complaints regarding issues addressed by the State Sanitary Code, the State Environmental Code, and nuisance laws.
- Plumbing and gas permits.

Inspectional Services:

- Building Permits, see **Building Inspector**
- Electrical Permits, see **Electrical Inspector**
- Plumbing and Gas Permits, see **Health, Board of**

Licensing Clerk:

All Licensing Data relating to the Following:

- Alcohol Licenses (Various)
- Antiques/Used Items
- Auction Permits
- Automatic Amusement Licenses
- Class II Licenses
- Common Victualler's
- Entertainment Licenses
- Fuel Sale and Storage Licenses
- Flea Market Permits
- Gravel Pit Permits
- Innkeeper's Licenses
- Municipal Street Licenses
- Paraffin Licenses
- Peddlers, Hawkers, & Vendors Permits

Parking Clerk, see Town Clerk

Planning Board:

- Special Permit Decisions
- Site Plan Review Decisions
- Endorsed "Approval Not Required" (ANR) plans
- Approved Preliminary Subdivision Plans
- Approved Definitive Subdivision Plans
- Property specific correspondence

Police Department:

- Incident Reports.
- Accident Reports.
- Animal Control Calls.
- Police Initiated Calls
- Medical Calls

Public Works, Department of:

- Cemetery Lot Records
- Snow and Ice Operations
- Transfer Station Records
- Water and Sewer Billing
- Water Distribution System Information
- Water Quality Reports

Registrars, Board of:

- Election Data
- Minutes
- Resident Data
- Voter Data

Selectmen, Board of:

- Selectmen's Budgets, Capital Plan, and Expenditures
- Selectmen's Correspondence
- Conomo Point Data, Conomo Point Commissioners
- Town Insurance Data on Buildings, Equipment, Vehicles, etc.
- Town Bonding Insurance
- Centennial Grove Data

Shellfish Constable

- Daily logs
- Rainfall and Flat closure reports
- Division of Marine Fisheries Reports

Tax Collector/Treasurer:

- Bills - Real Estate Bills, Personal Property Bills, Motor Vehicle and Boat Excise available in office and online (epay.cityhallsystems.com);
- Investments and Bank Accounts
- Paid Warrants
- Payroll
- Taxes - Real Estate, Personal Property, Deferred Taxes, Unapportioned Betterments, Tax Title, Taxes in Foreclosure/Tax Possessions, Taxes in Litigation, Motor Vehicle Excise, Boat Excise.

Town Accountant:

- General Ledger Includes:
 - o Revenues – cash receipts schedules
 - o Expenditure – cash payments
 - o Vendor Warrants – Paid Bills
 - o Payroll Warrants – Paid Payrolls
- W-9 Forms / 1099 Forms
- Audited Financial Statements

Town Administrator:

- Town Administrator's Reports
- Contracts
- FEMA Flood Maps
- Grant Documents
- Procurement Data and Documents
- Past and Present Construction Project Data
- Requests for Proposals and Responses

Town Clerk:

- Business Certificates;
- Bylaws;
- Dog Licensing (kennels, rabies exposure);
- Non-Criminal Dispositions (civil citations for marijuana, tobacco sales to underage, waterway violations, shell fishing violations);
- Parking Tickets;
- Planning Board applications and decisions (Approvals Not Required, Special Permits, Site Plan Reviews, Preliminary and Definitive Subdivision Plans);
- Public Meeting Notices; www.mytowngovernment.org/01929/
- Raffle and Bazaar Permits;
- Regulations (misc. officially adopted by other Departments/Boards/Committees);
- Resident Parking Stickers;
- Shellfish Licensing (clams, worms and eels, both recreational and commercial);
- Town Meeting Records; Vital Records (1819-present);
- Zoning Board of Appeals applications and decisions;

Treasurer/Collector:

- Bills - Real Estate Bills, Personal Property Bills, Motor Vehicle and Boat Excise available in office and online;
- Investments and Bank Accounts
- Paid Warrants
- Payroll
- Taxes - Real Estate, Personal Property, Deferred Taxes, Unapportioned Betterments, Tax Title, Taxes in Foreclosure/Tax Possessions, Taxes in Litigation, Motor Vehicle Excise, Boat Excise.

Zoning Board of Appeals:

See Appeals, Board of