

Town of Belmont, Massachusetts

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 Belmont.

General Information:

1. Business Hours. The regular business hours of Town Hall are Monday through Friday 8 AM to 4 PM.

As voted by the Board of Selectmen the following Summer Hours are effective July 4th through Labor Day: Monday through Thursday, 8 AM to 4 PM; Friday 8 AM to 1 PM.

2. Records Access Officer. The following Records Access Officer (“RAO”) has been designated:

Ellen O’Brien Cushman
Town Clerk & Records Access Officer
Town Hall, 455 Concord Avenue
Belmont, MA 02478
publicrecords@belmont-ma.gov
617-993-2600
617-993-2601 Fax

The Records Access Officer and staff are available to answer questions and help individuals make public records requests. Contact information for the RAO is also posted on the Town website, www.belmont-ma.gov and at public offices.

In addition, the Board of Selectmen have named Public Records Facilitators for each Town department, as follows:

Accounting, Administration, Assessors, Community Development (Building, Engineering, Planning), Council on Aging, Emergency Management, Facilities, Fire, Health, Housing Authority, Human Resources, Information Technology, Library, Light, Police, Public Works (Cemetery, Highway, Parks, Water), Schools, Town Clerk and Treasurer

3. Public Records Law Information. General information about the public records law and public records requests may be found in the Secretary of the Commonwealth’s, “A Guide to the Massachusetts Public Records Law,” January 2017 edition, also 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. On the Town's Public Request portal, accessed in the "Quick Links" displayed on the home page of the Town website: www.belmont-ma.gov or directly to the portal at <https://belmontma.nextrequest.com/>
 - b. In person at any Town office;
 - c. By first class mail addressed to the RAO at the RAO's business address set forth above;
 - d. By facsimile addressed to the RAO at the business facsimile number set forth above; or
 - e. 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 by law, it is strongly encouraged that public records requests be in writing to ensure the most efficient and accurate response. For the requestor to receive documents and see correspondence regarding the request, the public is encouraged to use the Town's public records portal, described in #4, above and provide an email address to facilitate the sharing of documents and messages. 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 to the requestor.
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. Individuals who desire to make a request anonymously on the Public Records portal or in person are encouraged to create/provide an email address that does not include the person's name. 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 personnel 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 Belmont 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 of 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 Belmont maintains a searchable website at www.belmont-ma.gov that provides access to the public records portal at <https://belmontma.nextrequest.com/> 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 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 of Belmont 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. The Town of Belmont is currently a member of the Minuteman Regional Vocational High School District. School-related records are generally maintained by the Regional School District, and requests for such records should typically be directed to the District.

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:
- five cents (\$0.05) per page of black and white printouts or copies;
 - actual cost for storage devices or materials such as CDs or thumb/flash drives;
 - actual cost for duplication of records not susceptible to ordinary means of reproduction, such as color copies and large format plans;
 - actual postage fees (where applicable; see paragraph 16, above); and
 - 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 Belmont 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. First Two Hours. The Town of Belmont has more than 20,000 residents as per the most recent Decennial US Census. There shall therefore be no fee for the employee time required to satisfy a public records request for the first two (2) hours of work performed.
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 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, the requester 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"

Department/Board Name -

General Description of Public Records Maintained

Accounting /Accounts Payable

Purchase Orders
Vendor lists
Contracts
Revenue & Expenses
Transfers between accounts, projects, funds

Administrator/Board of Selectmen -

Alcohol License applications and State Alcoholic Beverage Control Commission (ABCC) decisions
Budgets –past and present
Committee/Board/Commission Applicant Information
Committee/Board/Commission membership lists-past/present
Contracts-Town Counsel, Verizon, Comcast, Zipcar
Correspondence to/from Board of Selectmen
Former Incinerator Site records
Insurance claims
Requests for Proposals and Responses
Town Meeting warrants

Animal Control Officer – Please See Health Department

Assessors - Abatement Log (LA-10)
Commitment Books
Property Record Cards

Community Development

Building Division

Building plans
Permit applications
Periodic permit summary reports

Conservation Agent/Commission

Determination of Application
Notice of Intent
Order of Conditions
Rock Meadow Trail Maps
Wetlands Map

Engineering Division

Project specific documents

Street layout information
Sewer and Storm water utility locations

Planning Division

Application materials for the Planning Board, Zoning Board of Appeals, Historic District Commission
Certificate of Appropriateness
Certificate of Non-Applicability
Comprehensive Permits
Design and Site Plan Approvals
Reports/studies
Special Permits
Variances
Zoning By-Laws and Maps, current and past

Council on Aging –

Contracts with vendors and instructors for activities

Facilities for Town Buildings/ Properties -

Applications for Payment
Bid documents
Certified payrolls
Construction Job Progress Meeting Minutes
Contract documents
Inspection Reports
Maintenance manual
Project correspondence
Project cost estimates
Project schedules
Project photos
Quotes / Proposals
Reports / Studies / Assessments
RFP documents
Safety guidelines

Fire -

Blasting Reports
Fire Inspection Reports
Fire Drill Reports
Incident reports
Medical Reports (must meet special requirements for release)
Oil tank registration cards
Permits (Issued under MGL Chapter 148 and 527 CMR 1)
Permit Applications
Smoke Detector 26F forms (sale or transfer of residential dwelling unit)

Health Department - Includes Animal Control Officer

Board of Health Regulations
Complaints: Nuisance, Trash, Housing, Animals
Inspection Reports
Permits: Food, Dumpster, Rubbish Hauler, Tobacco, Pools,
Day Camps, Burial (for Funeral)

Pet Quarantine Orders

Human Resources -

Benefits Information
Employment Contracts
Health Insurance Rates
Policies/Handbook
Union Contracts/Memorandums of Agreement
Wage Charts/Salary Plans

Information Technology – GIS information

Library/ Library Trustees

5 Year Long Range Plan
Feasibility Study Documents
Final Feasibility Report
Structural Report on Library Building

Light/ Municipal Light Board

Substation Project Documents, including: Bid Package and procurement documents, IFB and As-builts, specifications and submittals, Substation project meeting Minutes, Change Orders, Project budget reports, Project Schedules, Project Work plans, Project Photos, Weekly & monthly reports, Permitting and Environment documents for the projects, Operations Documents, Vendor correspondence.
Substation Project Information
Vendor Certificate of Insurance
Vendor Contract Agreements and Purchase Orders

Police

Crash Reports
Incident Reports

Parking Clerk – See Treasurer/Tax Collector

Public Works - Includes Cemetery, Highway, Parks/Playgrounds, Recreation, Water, Sewer and Stormwater

Bid/RFP and Construction Documents/Contracts/Plan Holders lists/Bid Results
Capital Bid Records
Cemetery Lot Records
Hydrant Flushing
Massachusetts DEP (Department of Environmental Protection) Reports
Potholes
Public Right of Way
Sidewalks
Snow & Ice Operations
Street Opening Permits
Storm Related Damage/Costs
Street Sweeping
Trash/Recycling/Yard Waste Collection
Trees in the Public Way/on Public Property
Water and Sewer Billing

Water Distribution System Information.
Water Quality records
Water/Sewer Emergencies

**School Department/School Committee – Includes Human Resources, Business, Finance,
and Operations:**

Budget
Collective Bargaining Agreements
Grants
Positions

Town Clerk - Business Certificates
Business Licenses
Campaign Finance Filings
Census and Residency Documents
Certified Decisions of the Planning Board and Zoning Board of Appeals
Committee Membership
Contact Information (for Committee Members and
Town Meeting Members)
Election Ballots and Results
Ethics and Open Meeting Law Filings
Fuel Licenses and Registrations
Meeting Minutes and Meeting Postings
No Child Left Behind Reports
Noncriminal Violation Enforcement Notices
Pet Licenses
Studies, Reports and Documents
Town Meeting Records (votes, attendance, members)
Vital Records

Treasurer/ Tax Collector – Includes Parking Clerk

Abandoned Property Records
Excise Tax
Financing – Bonds, Debt, Borrowing
Parking Tickets
Payroll
Real Estate and Personal Property Tax