



## Town of Holliston

### Public Records Access Guidelines

Effective January 1, 2017, the Massachusetts Public Records Law, G.L. c.66 and c.4, s.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 Holliston.

#### A. General Information:

1. **Business Hours:** Regular business hours of the Town of Holliston are Monday, Wednesday, Thursday 8:30 am-4:30 pm, Tuesday 8:30 am-7:00 pm, Friday 8:30 am-1:00 pm. Some departments have slightly different hours.
  - **Records Access Officers** are available to answer questions concerning public records and to help facilitate the making of public records requests.
  - **Records Access Officers:** The following Records Access Officers (RAO) have been designated by the Board of Selectmen to assist with the requests within their departments:
2. **RAO's at Town Hall, 703 Washington Street, Holliston, MA 01746**
  - Donna Muzzy, Admin Asst. to the Town Administrator 508-429-0608
  - Sharon Emerick, Town Accountant 508-429-0600
  - Kevin Rudden, Principal Assessor 508-429-0604
  - Mark Kaferlein, Building Inspector 508-429-0606
  - Ryan Clapp, Conservation Agent 508-429-0607
  - Scott Moles, Health Director 508-429-0605
  - Karen Sherman, Town Planner 508-429-0635
  - Christopher Meo, Technology Director 508-429-0685
  - Elizabeth Turner Greendale, Town Clerk 508-429-0601
  - Mary Bousquet, Treasurer/Collector 508-429-0602
  - Sean Reese, DPW/Water 508-429-0603
  - James Keast, Facilities Manager [keastj@holliston.k12.ma.us](mailto:keastj@holliston.k12.ma.us)
3. **RAO's at 1750 Washington Street, Holliston, MA 01746:**

- Mark Frank, Recreation Director 508-429-2149
- Jaclyn Winer, Youth and Family Services Director 508-429-0620
- Sarah Bateman, Veteran’s Agent 508-429-0615

**4. RAO’s at additional locations:**

- Deric Wilson, Library Director 508-429-0617  
752 Washington Street, Holliston, MA 01746
- Robert Walker, Highway Superintendent 508-429-0615  
63 Arch Street, Holliston, MA 01746
- Lisa Borchetta, Senior Center Director 508-429-0622  
150 Goulding Street, Holliston, MA 01746

**5. 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](http://www.sec.state.ma.us/pre/prepdf/guide.pdf)

Other helpful information on the public records law:

<http://www.sec.state.ma.us/pre/preinformation.htm>

<https://malegislature.gov/Laws/SessionLaws/Acts/2016/Chapter121>

**B. Making Public Records Requests:**

1. Public Records Requests: Any person may make a public records request:
  - In person
  - By first class mail to the RAO at the RAO’s business address set forth above
  - By facsimile
  - By email
  
2. Requests are Encouraged to be in Writing: Although not required, it is strongly encouraged 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.
  
3. Contact Information: Individuals making in-person requests will not be required to give their names or contact information. For those requests that require additional time for a response, requestors will be advised to check in periodically with the RAO or department from which records are sought, or requesters may voluntarily provide contact information. Though use of the Town’s form is not required, Public Records Request Forms shall be available in all municipal offices and on the town’s website.

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 or applicable time period, and subject matter(s). The more specific the request, the better able the Town will be to respond. 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 under General Information, 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: Except to determine whether the records are being requested for a commercial purpose, or to determine whether to grant a fee waiver, the RAO may not ask a requester the reason for the request or the intended use of the requested records. However, the RAO may ask for more information to assist the requester to make an appropriate request and/or to enable the RAO to respond more efficiently.

### **C. Responses to Public Records Requests:**

1. Fees: If fees will be assessed, a written estimate of the same will be provided to the Requester. In order to charge a fee, the Town must respond to the requestor within 10 business days. Failure to respond forfeits the Town's right to assess fees. *(see fees section below for additional information)*
2. Response 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 with any applicable information from the following list:
  - i. explaining the anticipated time frame for complete response;
  - ii. identifying any records that the Town does not have in its custody;
  - iii. identifying records which the Town does not expect will be provided, or that will be redacted, specifying the relevant exemption and its application to the requested record or portion thereof;
  - iv. providing a good faith fee estimate;
  - v. 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 requests. 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's Supervisor of Public Records for additional time. The Supervisor of Public records may grant up to 30 additional business days, which may be extended upon a finding of frivolous or harassing requests are made.
5. Publicly Available Records: The Town maintains a searchable website at: [www.townofholliston.us](http://www.townofholliston.us) 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.
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, via email, unless the record is not available electronically or the requester does not have the ability to receive or access the records electronically. Should an electronic file be too large to email, the requestor will be asked to provide a USB, or similar means, to obtain the requested files. 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 if 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.

## D. Categories of Records:

1. Town Department Record Categories: 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, found at:  
[https://www.sec.state.ma.us/arc/arcpdf/Municipal\\_Retention\\_Schedule\\_20220901.pdf](https://www.sec.state.ma.us/arc/arcpdf/Municipal_Retention_Schedule_20220901.pdf)
2. This schedule identifies various categories of records maintained by municipal departments and so-called “records in common”. **Requests for town records can be made directly to the Custodial Department in which the records are maintained, if known. Requestors otherwise may direct their request to the Town Clerk’s Office when the requestor is unsure where the records are maintained.**
3. School Records: Holliston Public School related records are maintained by the Holliston Public Schools and requests for such records should be made directly to the **School Departments** RAO’s.
4. Public Safety Records (Police & Fire): Public Safety related records are maintained by the Holliston Fire and Police Department and requests for such records should be made directly to the **Police or Fire** RAO’s.
5. Keefe Technical Regional Vocational High School: Keefe Tech Regional School related records are maintained by the Keefe Tech Regional School and requests for such records should be directed to them

## E. Exemptions:

- F. 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>

## G. 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:
- 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;
  - postage fees (*where applicable; see section C 6, above*);
  - fees for employee time required to satisfy a public records request. (*see number 3 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: The Town of Holliston, as of 2020 Decennial Census, had **14,996** residents. In accordance with 950 CMR 32.07(2)(m)(1), the Town of Holliston may assess fees for all employee time, including the first two hours.
6. Requests for Commercial Purposes: Said fee limitations may not apply when a request for records is for a commercial purpose as determined by the Commonwealth's Supervisor of Records.
7. Petition for Higher Fee: In certain circumstances, the Town may petition the Supervisor of Public Records for permission to assess fees for employee time at a rate in excess of \$25.00.

## **H. Appeals:**

1. 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 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.

2. If the requester is dissatisfied with the determination of the Supervisor of Records, the requester may appeal to Superior Court. Alternatively, a requester may bypass the Supervisor and go directly to Superior Court.
3. 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 [www.sec.state.ma.us/pre/prepdf/guide.pdf](http://www.sec.state.ma.us/pre/prepdf/guide.pdf)

## **ATTACHMENT "A"**

### Town Hall Department/Board General Description of Public Records Maintained

*\*This list is not an exclusive list of records; This list represents commonly requested records and/or records that are maintained by the department as outlined in the Municipal Records Retention Schedule, issued by the Supervisor of record. All requests are provided in accordance with the public records law.*

### **Accountant - (see Finance)**

### **Assessor**

Records maintained & available on the Towns website:

- [Property Record Cards](#) (see Assessors page.)
- [Abatement Applications](#)
- [Exemption Applications](#)

### **Building (Inspectional Services)**

Records maintained & available on the Town's website:

- [Application for Permits](#)
  - [Building](#)
  - [Electrical Wiring](#)
  - [Erect, Alter or Repair](#)
  - [Gas Fitting](#)
  - [Plumbing Work](#)
  - [Signs](#)
  - [Swimming Pool](#)
- Inspection Certificates
  - Egress Retain for life of building
  - Occupancy
- Notices
  - Building in Dangerous Condition
  - To Cease and Desist Illegal Work

- Permit Log (Building and other permits)
- Plans and Specifications
  - Plans of Buildings with Public Access
  - Plans of Private Dwellings

**Conservation – (see Planning, Zoning, Conservation)**

**Finance** (Town Accountant / Tax Collector / Treasurer)

[\*See Financial Policies & Information on Website\*](#)

Records maintained & available on the Town’s website

(See department / town accountant /town financial budget & reports)

- [Audit Reports](#)
- [Annual Budgets – See Town Report](#)
- Town Accountant & Town Treasurer - [Financial Transparency Center \(Clear Gov.\)](#)

Records maintained & available upon request

- Real estate, personal property, excise, and water billing and payment information
- Employment & Personnel
  - Benefit information
  - Retirement information

**Health, Board of**

Records maintained and available on the Town’s website:

- Rules & Regulations
- [Septic System Applications & Permits](#)
- [Septic As Builts & Certificates of Compliance](#)

Lists of licensees and other permits issued for the following:

- Camp
- Disposal Works Installer
- Farmers Market
- Food Establishment
- Portable Sanitation Facilities
- Septage Hauler
- Pool (Semi-Public & Public)
- Tobacco and Nicotine Delivery Product Sales

Other Maintained Records (available upon request to department):

- Complaint records as related to public health, includes housing complaints

- Septic pumping records
- Title V inspection reports
- Percolation test results
- Inspection Reports

## **Planning, Zoning, Conservation** (Planning / Zoning Board of Appeals)

Records maintained & available on the Towns website:

- [Bylaws, Rules, Regulations, Policies](#) (see Zoning By-Laws)
  - Agricultural Commission
    - Right-to-Farm bylaw
  - Conservation Commission
    - Wetlands Protection Bylaw
    - Wetlands Protection Bylaw Regulations
    - Conservation Land Regulations for use
  - [Planning Board](#)
    - [Upcoming Public Hearings](#)
    - [Application Materials](#)
    - [Permitting Guide](#)
    - [Permitting Flow Charts](#)
    - [Rules & Regulations](#)
      - Administrative
      - Subdivision
      - Construction Cost Estimate
      - Road Acceptance Policy
      - Digital plan Standards
      - Site Plan Regulations
      - Common Driveway Regulations
      - Inclusionary Housing
      - Storm water Maintenance Plan
      - Affordable Housing Plan
  - Zoning Board of Appeals
    - [Upcoming Public Hearings](#)
    - [Application Materials](#)
    - [Job Filings \(application materials & decisions\)](#)
    - [Permitting Guide](#)
    - [Application Instructions \(including fee schedule\)](#)
    - [Operations Questionnaire](#)
    - [Permitting Flow Chats](#)
    - [Applications:](#)
      - Appeal
      - Variance

- Special Permit

Records maintained & available on the Town’s online permitting public view (most available after 2020) or by request submitted to office:

- [Application for Decisions issued by Planning Board](#)
  - Special Permits
  - Subdivisions
  - Site Plan Review
- [Applications for Decisions issued by Zoning Board of Appeals \(beginning April 2020\)](#)
  - Special Permits
  - Zoning Variances
  - Use Variances

### **Select Board/Town Administrator**

Records maintained & available on the Town’s website

- Annual Town Report (see Annual Town Report)
- Collective Bargaining Agreements (see Collective Bargaining Agreements)
- Goals & Objectives (see under Town Administrator)

Records maintained & available on the Town’s website (See Residents/town govt/financial info)

- Annual Operating and Capital Budgets
- Gross Annual Employee Earnings

Records maintained & available upon request:

- Applications for Select Board Licenses and Permits

### **Tax Collector/Treasurer – (see Finance)**

### **Town Clerk**

Records maintained & available on the Town’s website

- [Election Results](#) (listed under Town Clerk – Election Information)
- [General By-Laws](#) (see Town Clerk – Laws & Regulations)
- Meeting Agendas (listed under committee name, on calendar)
- Meeting Minutes (listed under committee name)
- Public Hearing Notices (listed under committee name)
- [Town Meeting Warrants](#) (see Town Links – Town Meeting)
- [Town Meeting Minutes](#) (see Town Links – Town Meeting)
- [Zoning By-Laws](#) (see Town Clerk – Laws & Regulations)

Records maintained & available upon request:

- Annual Street List
- Business Certificate Listing
- Compliance Documents - State Ethics & Opening Meeting Law
- Conflict of Interest Disclosures
- Citizens Guide to Town Meeting
- Dog Owner Lists
- Election Warrants
- Open Meeting Law
- Perspective Juror List
- Raffle permit listing
- Public Records Requests
- Town Meeting Article Forms
- Traffic Rules & Regulations
- Voter Extracts (Voter Lists & Voter Turn Out records, etc)

**Zoning – (see Planning, Zoning, Conservation)**