



Town of Concord

Public Records Access Guidelines

Effective January 1, 2017, the Massachusetts Public Records Law, G.L. [ch.66](#) and [ch.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 Concord.

General Information:

1. The general business hours of Town Offices are:
 - a. Regular Hours: Mon – Fri, 8:30a – 4:30p
 - b. Town buildings are open at various hours
2. The Town Manager has designated each Department Head as a Records Access Officer (RAO). See table below for contact details.

Department	Name	Contact Information
Finance <ul style="list-style-type: none">• Accounting• Assessors• Treasurer/Collector• Payroll• Retirement	Kerry Lafleur Chief Financial Officer	Address: 22 Monument Square, Concord, MA 01742 Phone: (978) 318-3090 Email: klafleur@concordma.gov
Fire	Tom Judge Chief	Address: 209 Walden Street, Concord, MA 01742 Phone: (978) 318-3488, Fax (978) 318-6697 Email: tjudge@concordma.gov
Human Resources	Amy Foley Director	Physical Address: 22 Monument Square, Concord, MA 01742 Mailing Address: PO Box 535, Concord, MA 01742 Phone (978) 318-3025, Fax (978) 318-3024 Email: afoley@concordma.gov
Information Systems Technology	Jason Bulger Chief Information Officer	Physical Address: 1175 Elm Street, Concord, MA 01742 Mailing Address: PO Box 535, Concord, MA 01742 Phone: (978) 318-3170 Email: jbulger@concordma.gov
Libraries	Emily Smith Director	Main Library: 129 Main Street Concord, MA 01742 Phone: (978) 318-3300, Fax (978)-318-3344 Email: emith@minlib.net
Municipal Light Plant	David Wood Superintendent	1175 Elm Street Concord, MA 01742 Phone: (978) 318-3126, Fax (978) 318-3105 Email: dwood@concordma.gov



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Department	Name	Contact Information
Planning and Land Management <ul style="list-style-type: none"> • Building Inspections • Health • Natural Resources / Conservation • Planning/Zoning 	Marcia Rasmussen Director	Address: 141 Keyes Rd, Concord, MA 01742 Phone: (978)318-3290, Fax (978) 318-3281 Email: mrasmussen@concordma.gov *Regular Hours: 8:00a – 4:30p
Police	Joseph O'Connor Chief	Address: 219 Walden St, Concord, MA 01742 Phone: (978) 318 3400, Fax (978) 318-3480 Email: joconnor@concordma.gov
Public Information & Communications Manager <ul style="list-style-type: none"> • Minuteman Media Network 	Erin Stevens	Address: 55 Church St, Concord, MA 01742 Phone: (978) 318-3052 Email: publicinfo@concordma.gov
Public Works <ul style="list-style-type: none"> • Cemetery • Engineering • GIS • Highway • Parks & Trees • Recycling & Trash Billing • Water & Sewer 	Alan Cathcart Director	Address: 133, 135 Keyes Rd, Concord, MA 01742 Phone: (978) 318-3200, Fax (978) 287-4762 Email: ACathcart@concordma.gov
Schools	Laurie Hunter Superintendent	Address: 120 Meriam Road, Concord, MA 01742 Phone: (978) 341-2490 x8112, Fax (978) 318-1537 Email: lhunter@concordps.org
Town Clerk <ul style="list-style-type: none"> • All Other Inquiries 	Kaari Mai Tari Town Clerk	Address: 22 Monument Square, Concord, MA 01742 Phone: (978) 318-3080 Email: townclerk@concordma.gov
Town Archives <ul style="list-style-type: none"> • Historical Records 	Nathanial Smith Municipal Archivist and Records Manager	Address: 55 Church Street, Concord, MA 01742 Phone: (978) 318-3064 Email: nsmith@concordma.gov
	Anke Voss Curator Special Collections Concord Free Public Library	Address: 129 Main Street Concord, MA 01742 Phone: (978) 318-3342 Email: specialcollections@concordlibrary.org



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Department	Name	Contact Information
Town Manager's Office <ul style="list-style-type: none">• Beede Swim & Fitness Center• Community Services Coordinator• Council on Aging• Recreation Dept• Veterans Services	Stephen Crane, Town Manager	Address: 22 Monument Square, Concord, MA 01742 Phone: (978) 318-3000, Fax (978) 318-3002 Email: scrane@concordma.gov



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3. Records Access Officers are available to answer questions concerning and help facilitate the making of public records requests. Contact information for RAOs is also posted on the Town's website at <http://www.concordma.gov/520/Public-Records-Law> and at public offices.
4. 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*, March 2020 edition [<https://www.sec.state.ma.us/pre/prepdf/guide.pdf>].

Making Public Records Requests:

5. Public Records Requests. Any person may make a public records request:
 - (a) In person at the department's office as listed above¹;
 - (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 e-mail addressed to the RAO at the e-mail address set forth above.
6. Requests are 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.
7. 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.
8. 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.

¹ As of January 1, 2021 Town Offices are closed to the public and requests must be submitted via the alternates listed below.



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9. 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.
10. 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:

11. If fees will be assessed, a written estimate of the same will be provided to the Requester.
12. 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.
13. 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.
14. 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.
15. The Town maintains a searchable website at www.concordma.gov 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.
16. 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.



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17. 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.
18. 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.
19. The Town is not required to answer questions in response to a public records request.
20. 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.
21. 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:

22. The [Municipal Records Retention Schedule](#)², issued by the Supervisor of Public Records, describes the different categories of records maintained by various Town departments. The schedule identifies various categories of records maintained by municipal departments and so-called "records in common".

Exemptions:

23. 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*, March 2020 edition [<https://www.sec.state.ma.us/pre/prepdf/guide.pdf>].

Fees:

24. In some circumstances, the Town may assess a reasonable fee for the production of public records.

²Municipal Retention Schedule:

PDF: https://www.sec.state.ma.us/ARC/arcpdf/Municipal_Retention_Schedule_20200406.pdf

Searchable Database: <http://retweb.sec.state.ma.us/retweb/default.asp>



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25. 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 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. A fee may be assessed for time spent searching for, compiling, segregating, redacting and reproducing a requested record. 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 [City/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).
27. Small Municipality Exception. As of the 2010 Decennial Census, the Town had 17,668 residents³. In accordance with [950 CMR 32.07\(2\)\(m\)\(2\)](#), therefore, the Town may assess fees for all employee time, including the first two hours.
28. 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, 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/pdf/guide.pdf>.

³ <https://www.census.gov/quickfacts/fact/dashboard/concordtownmiddlesexcountymassachusetts/POP010210>