

WILLIAM P. DENSMORE JR.
1182 Main Street
Williamstown MA 01267
(413) 458-8001 densmore@densmoreassociates.com

May 3, 2010

Mr. Peter Fohlin
Town Manager
Town of Williamstown
31 North Street
Williamstown MA 01267

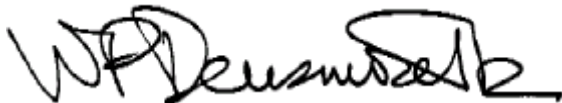
Dear Mr. Fohlin:

I am a Williamstown resident and taxpayer. Pursuant to Chapter 66, Section 10 of the Massachusetts General Laws, (the "Massachusetts Open Records Act") I request the right to inspect and copy the following documents, all of which are statutory public records:

1. Copies of any claims, or legal proceedings, any settlement agreements or other understandings between or among Superintendency Union 71, the Williamstown Public Schools (together "WPS"), the Town of Williamstown or any of their employees, and/or any checks, warrants, financial statements, statistical tabulations, vouchers, payment schedules, invoices or other documentation; any of which made or received by WPS or by the Town of Williamstown, during the calendar year 2009, all of or relating to any claim by any employee or former employee of WPS alleging wrongful termination, or breach of process, or failure to bargain in good faith, or any other adverse claim naming WPS or any of their employees, whether pending or resolved.
2. Any checks, warrants, vouchers, payment schedules, invoices or other documentation relating to work performed during calendar 2009 by the law firm of Deutsch, Williams, Brooks, DeRensis & Holland P.C., and paid for by Superintendency Union 71, the Williamstown Public Schools or by the Town of Williamstown. It would be helpful and would save both me and the district or town time if you wanted to facilitate access to all documents of this nature relating to item No. 1, above.

I have made a similar request to WPS and if WPS is immediately responsive it may not be necessary for the Town to respond. In addition, depending upon the response to Item No. 1, it may not be necessary to continue with the request under No. 2. I would be happy to discuss ways to make this request as unburdensome as possible and to minimize the search and copying time and costs for all of us. Because this request relates to a specific matter raised in connection with the Annual Town Election on May 11, an urgent response is requested in the interest of participatory democracy. I will be out of town on Tuesday through Thursday, I designate neighbor Fred Leber as my representative on this matter during those days. I can be reached on my cell phone at 617-448-6600.

Kind regards,



William P. Densmore Jr.

WILLIAM P. DENSMORE JR.
1182 Main Street
Williamstown MA 01267
(413) 458-8001 densmore@densmoreassociates.com

May 3, 2010

Ms. Rose Ellis, Superintendent
Superintendency Union 71
Williamstown & Lanesborough Public School Districts
115 Church St.
Williamstown MA 01267

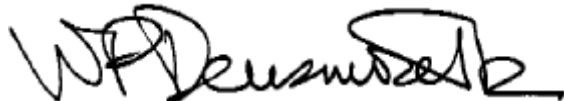
Dear Ms. Ellis:

I am a Williamstown resident and taxpayer. Pursuant to Chapter 66, Section 10 of the Massachusetts General Laws, (the "Massachusetts Open Records Act") I request the right to inspect and copy the following documents, all of which are statutory public records:

1. Copies of any claims, judgments or legal proceedings, any agreements, resolutions, settlements or other understandings between and among Union 71, the Williamstown Public Schools (together "WPS"), the Town of Williamstown, and/or any of their employees or former employees, and/or any checks, warrants, financial statements, statistical tabulations, vouchers, payment schedules, invoices or other documentation; any of which made or received by WPS or by the Town of Williamstown, during the calendar year 2009; all of or relating to any claim by any employee or former employee of WPS alleging wrongful termination, or breach of process, or failure to bargain in good faith, or any other adverse claim naming the WPS parties or any of their employees or school-board members, whether pending or resolved. *Depending upon the response to this request, also:*
2. Minutes of all WPS school board meetings which occurred between Jan. 1, 2009 and Dec. 31, 2009, including records of all rollcall or voice votes taken in public session(s). It would be helpful and would save both me and the district time if you wanted to facilitate access to all minutes relating to item No. 1, above. *Depending upon the response to this request, also:*
3. Any checks, warrants, vouchers, payment schedules, invoices or other documentation relating to work performed during calendar 2009 by the law firm of Deutsch, Williams, Brooks, DeRensis & Holland P.C., and paid for by Union 71 or by the Town of Williamstown. It would be helpful and would save both me and the district time if you wanted to facilitate access to all documents of this nature relating to item No. 1, below.

I would be happy to discuss ways to make this request as unburdensome as possible and to minimize the search and copying time and costs for all of us. Because this request relates to a specific matter raised in connection with the Annual Town Election on May 11, an urgent response is requested in the interest of participatory democracy. I will be out of town Tues.-Thurs. I designate neighbor Fred Leber as my representative on this matter during those days. I can be reached on my cell phone at 617-448-6600.

Kind regards,



William P. Densmore Jr.

M.G.L. CHAPTER 66. PUBLIC RECORDS (emphasis added)

Chapter 66: Section 10. Public inspection and copies of records; presumption; exceptions

Section 10. (a) Every person having custody of any public record, as defined in clause Twenty-sixth of section seven of chapter four, shall, at reasonable times and without unreasonable delay, permit it, or any segregable portion of a record which is an independent public record, to be inspected and examined by any person, under his supervision, and shall furnish one copy thereof upon payment of a reasonable fee. Every person for whom a search of public records is made shall, at the direction of the person having custody of such records, pay the actual expense of such search. The following fees shall apply to any public record in the custody of the state police, the Massachusetts bay transportation authority police or any municipal police department or fire department: for preparing and mailing a motor vehicle accident report, five dollars for not more than six pages and fifty cents for each additional page; for preparing and mailing a fire insurance report, five dollars for not more than six pages plus fifty cents for each additional page; for preparing and mailing crime, incident or miscellaneous reports, one dollar per page; for furnishing any public record, in hand, to a person requesting such records, fifty cents per page. A page shall be defined as one side of an eight and one-half inch by eleven inch sheet of paper.

(b) A custodian of a public record shall, within ten days following receipt of a request for inspection or copy of a public record, comply with such request. Such request may be delivered in hand to the office of the custodian or mailed via first class mail. If the custodian refuses or fails to comply with such a request, the person making the request may petition the supervisor of records for a determination whether the record requested is public. Upon the determination by the supervisor of records that the record is public, he shall order the custodian of the public record to comply with the person's request. If the custodian refuses or fails to comply with any such order, the supervisor of records may notify the attorney general or the appropriate district attorney thereof who may take whatever measures he deems necessary to insure compliance with the provisions of this section. The administrative remedy provided by this section shall in no way limit the availability of the administrative remedies provided by the commissioner of administration and finance with respect to any officer or employee of any agency, executive office, department or board; nor shall the administrative remedy provided by this section in any way limit the availability of judicial remedies otherwise available to any person requesting a public record. If a custodian of a public record refuses or fails to comply with the request of any person for inspection or copy of a public record or with an administrative order under this section, the supreme judicial or superior court shall have jurisdiction to order compliance.

(c) In any court proceeding pursuant to paragraph (b) there shall be a presumption that the record sought is public, and the burden shall be upon the custodian to prove with specificity the exemption which applies.

M.G.L. CHAPTER 4. STATUTES (excerpt)

Chapter 4: Section 7. Definitions of statutory terms; statutory construction

Twenty-sixth, "Public records" shall mean all books, papers, maps, photographs, recorded tapes, financial statements, statistical tabulations, or other documentary materials or data, regardless of physical form or characteristics, made or received by any officer or employee of any agency, executive office, department, board, commission, bureau, division or authority of the commonwealth, or of any political subdivision thereof, or of any authority established by the general court to serve a public purpose, unless such materials or data fall within the following exemptions in that they are:

- (a) specifically or by necessary implication exempted from disclosure by statute;
- (b) related solely to internal personnel rules and practices of the government unit, provided however, that such records shall be withheld only to the extent that proper performance of necessary governmental functions requires such withholding;
- (c) personnel and medical files or information; also any other materials or data relating to a specifically named individual, the disclosure of which may constitute an unwarranted invasion of personal privacy;
- (d) inter-agency or intra-agency memoranda or letters relating to policy positions being developed by the agency; but this subclause shall not apply to reasonably completed factual studies or reports on which the development of such policy positions has been or may be based;

--- SNIP ---

Any person denied access to public records may pursue the remedy provided for in section ten of chapter sixty-six.

Williamstown Public School
Office of the Superintendent
115 Church Street
Williamstown, Massachusetts 01267

413-458-5707
413-458-3287-fax

May 06, 2010

William P. Densmore
1182 Main Street
Williamstown, MA 01267

Dear Bill,

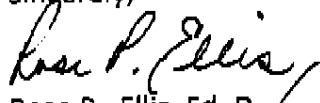
I am in receipt of your public records request dated Monday, May 03, and received by my office staff on Tuesday, May 04, 2010. We will be responding to your request by pulling the documents requested in Item #1.

We expect this review will be completed within the statutory response time of ten days, on or before May 14th. My office is in the process of segregating the requested documents from our extensive files and redacting information that is related to personnel or contains specific names. Furthermore, we have a contractual agreement to contact staff and the Williamstown Education Association with five days prior notice of disclosure.

Per your request, in the interest of saving time and costs, we will send you Item #1 documents first. Once you have reviewed them you can inform us if you require further documents.

I am available in the meantime, to provide information regarding the requirements of the School Committee and the Massachusetts Open Meeting Law.

Sincerely,


Rose P. Ellis, Ed. D.
Superintendent

cc: A. Filson, Chair- WES School Committee

MASSACHUSETTS TEACHERS ASSOCIATION
DIVISION OF LEGAL SERVICES

20 ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108

(617) 782-7950/1-800-392-6175
FAX: (617) 248-6921

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SANDRA C. QUINN
MATTHEW D. JONES
RICHARD A. MULLANE
WILL EVANS

VIA: FAX (617) 654-1735
And 1ST CLASS MAIL

May 7, 2010

Joel B. Bard, Esq.
Kopelman & Paige
101 Arch Street
Boston, MA 02110

RE: Town of Williamstown – Public Records Request

Dear Attorney Bard:

I represent the Williamstown Education Association. I am in receipt of a letter you sent to the Association and to a former Williamstown teacher concerning your intention to release certain documents on Monday, May 10, 2010, to the requestors of public records in connection with a personnel action that occurred in 2009. I have contacted your office by telephone and would like an opportunity to discuss this matter with you prior to the release of any information.

I have not had an opportunity yet to review the information that you intend to release, to talk with the individual whose personnel information is at issue, to talk with the Association's officers, or to talk with School District counsel. It was the intention of the parties to the settlement agreement at issue to ensure the confidentiality of its contents. As you know, the settlement agreement states that, "[e]xcept as required by law, the School District shall not directly or indirectly discuss or communicate the facts of this Agreement or any of its terms and provisions with any third party." It is the Association's position that the settlement agreement and its contents constitute "personnel files or information" within the meaning of G.L. c. 4, §7(26)(c). This is true regardless of the form in which the information exists.

The determination of what is "required by law" should be made at this point by the Supervisor of Public Records in the Secretary of State's office. Although the Town is technically required by G.L. c. 66, § 10 to respond to public records requests within ten days, the Town would not be in violation of its obligations by requesting an opinion of

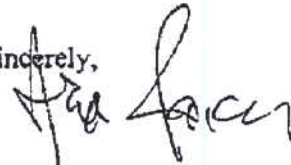
Joel B. Bard, Esq.
May 7, 2010
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the Supervisor of Public Records regarding its obligations in these circumstances. I am asking that the Town initiate that request and, in any event, refrain from releasing any information to the requestors at this point until I have had an opportunity to review the information to be released and to talk with my clients. Since the Town cannot do what the School District cannot do under the agreement without causing a breach of its provisions, the Town's competing obligations to the Association and the individual on the one hand and the requestors on the other hand can be satisfied by involving the Supervisor.

I would like to discuss this matter with you today, if possible (I will be intermittently available), or Monday prior to any action by the Town. Rather than have to seek a temporary restraining order from a court on Monday, I am certain we can accommodate the interests of the Town, the School District, the Association, and the individual through a mutual and timely discussion.

Thank you for your attention to this matter.

Sincerely,



Ira Fader

cc: Kate Altgeld Seid, WEA Co-President
Cindy Polinsky, MTA Field Consultant
Fernand Dupere, Esq.

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