



The Commonwealth of Massachusetts
William Francis Galvin, Secretary of the Commonwealth
Public Records Division

Manza Arthur
Supervisor of Records

July 29, 2025
SPR25/2213

Jeffery Smith
[REDACTED]

Dear Jeffery Smith:

I have received your letter appealing the response of the Town of Hardwick to your request for records.

I have directed a member of my staff Daniel Taylor, Esq., to review this matter. Upon completion of the review, I will advise you in writing of the disposition of this case. If in the interim you receive a satisfactory response to your request, please notify this office immediately.

Any further correspondence concerning this specific appeal should refer to the SPR case number listed under the date of this letter.

Sincerely,

A handwritten signature in cursive script that reads "Manza Arthur".

Manza Arthur
Supervisor of Records

cc Ryan Witkos

Chandrakanth, Neha (SEC)

From: Jeffery <jeffery7@gmail.com>
Sent: Tuesday, July 29, 2025 10:32 AM
To: SEC-DL-PREWEB
Cc: Ryan J. Witkos; Justine Caggiano; Administrative Assistant; Hardwick Board of Selectmen; Jeff Schaaf; William Tinker
Subject: Complaint: Town of Hardwick Invoice 25-03
Attachments: PR Invoice 25-03 Smith_Jeffery.pdf; Gmail - Massachusetts Public Records Request Emails & Texts for Town Administrator.pdf

To Whom It May Concern:

I am writing to petition the Supervisor of Public Records regarding the Town of Hardwick's (Town) failure to provide responsive records to my public records request dated July 1, 2025. Attached is a PDF containing the email thread documenting the request.

On July 1, 2025, I submitted a request under the Massachusetts Public Records Law (G.L. c. 66, § 10) for:

- All text messages for the Town Administrator between June 8, 2024, and July 1, 2025;
- All telephone call records for the Town Administrator between June 8, 2024, and July 1, 2025;
- All emails for the Town Administrator between June 8, 2024, and October 1, 2024; and
- All emails for the Town Administrator between February 13, 2025, and July 1, 2025.

The Town provided an invoice for \$150 on July 14, 2025, which did not specify any extended timeframe for response due to the magnitude or difficulty of the request. I paid the invoice in full on the same day, July 14, 2025.

As of today, July 29, 2025, I have not received any responsive records, partial productions, or substantive updates despite follow-up inquiries. The Town Clerk recently indicated that the Town is invoking a deadline of August 6, 2025 (25 business days from the initial request date), but no such extension was identified in the initial written response as required by G.L. c. 66, § 10(b)(vi). My understanding is that, absent a timely specified extension, the records must be furnished within 10 business days following receipt of payment, which would have been July 28, 2025.

This delay appears to constitute a constructive denial under the Public Records Law. Furthermore, I have a pending appeal with your office (SPR25/1544 and related SPR25/2078) concerning a prior request where I paid \$300 and have yet to receive complete records, suggesting a pattern of non-compliance by the Town.

I respectfully request that the Supervisor of Public Records enforce compliance, order the Town to produce the complete records without further unreasonable delay (on a rolling basis if necessary), justify any claimed exemptions or non-existence of records, and consider a refund if records do not exist or cannot be provided.

Thank you for your attention to this matter.

Sincerely,

Jeffery Smith



Jeffery Smith <jeffery7@gmail.com>

Massachusetts Public Records Request: Emails & Texts for Town Administrator

16 messages

Jeffery <jeffery7@gmail.com>

Tue, Jul 1, 2025 at 4:06 PM

To: Justine Caggiano <admin@townofhardwick.com>, "Ryan J. Witkos" <clerk@hardwick-ma.gov>

Good afternoon Ms. Caggiano,

This is a request under the [Massachusetts Public Records Law \(M. G. L. Chapter 66, Section 10\)](#). I am requesting that I be provided a copy of the following records:

- All **text messages** for the Town Administrator between July 1, 2023 and July 1, 2025.
- All **telephone call records** for the Town Administrator between July 1, 2023 and July 1, 2025
- All **emails** for the Town Administrator:
 - Between July 1, 2023 and October 1, 2024
 - Between February 13, 2025 and July 1, 2025

I have excluded emails between October 1, 2024 & February 13, 2025 because those have already been given to me under a previous request. Although I have previously also requested the text messages and telephone records, I have yet received any of those yet, so I am including them in this request.

Thank you,
Jeffery Smith

Hardwick Town Clerk <clerk@hardwick-ma.gov>

Wed, Jul 2, 2025 at 9:08 AM

To: Jeffery <jeffery7@gmail.com>, Justine Caggiano <admin@hardwick-ma.gov>

Hello Mr. Smith,

Are you seeking records from the previous Town Administrator in this request? Justine officially started for the Town on June 8, 2024 when she was sworn in at the Annual Town Meeting.

Thank you,

Ryan J. Witkos, CMMC

Hardwick Town Clerk

Justice of the Peace/Notary Public

307 Main St. - P. O. Box 575

Gilbertville, MA 01031

☎ (413) 477-6700 | 📠: (413) 477-6703

[When writing or responding, please remember that the Secretary of State's Office has determined that email is a public record. All e-mail communications sent or received by persons using the Town of Hardwick's network may be subject to disclosure under the Massachusetts Public Records Law G.L. Chapter 66, § 10 and the federal Freedom of Information Act.](#)

[Quoted text hidden]

Jeffery <jeffery7@gmail.com>
To: Hardwick Town Clerk <clerk@hardwick-ma.gov>

Wed, Jul 2, 2025 at 9:10 AM

Hello Mr. Witkos,

Only for the current Town Administrator, so please update my request to start on June 8, 2024.

Thank you,
Jeffery Smith
[Quoted text hidden]

Justine Caggiano <admin@hardwick-ma.gov>
To: Hardwick Town Clerk <clerk@hardwick-ma.gov>, Jeffery <jeffery7@gmail.com>

Mon, Jul 7, 2025 at 11:18 AM

Good Morning,

Town Counsel has asked for an updated request either narrowed in scope, timeframe, or key words.

Thank you,
Justine

Justine Caggiano, MPA, MCPPO
Town Administrator
Town of Hardwick
[307 Main Street](#), P.O. Box 575
Gilbertville, MA 01031
413-477-6197 X101
jcaggiano@hardwick-ma.gov

[Quoted text hidden]

Jeffery <jeffery7@gmail.com>
To: Justine Caggiano <admin@hardwick-ma.gov>
Cc: Hardwick Town Clerk <clerk@hardwick-ma.gov>

Tue, Jul 8, 2025 at 8:10 AM

Good morning,

Please advise Town Counsel that my focus is on any emails received by the Town Administrator that were unanswered. I have heard from several people within the town government over the past year about how they frequently send messages that are never replied to. So it will not be possible to give a particular keyword or a more narrow timeframe. I would be happy for them to exclude any obvious "SPAM" messages.

Please also do not forget this request is also for text messages and telephone records, not emails alone.

Thank you,
Jeff
[Quoted text hidden]

Hardwick Town Clerk <clerk@hardwick-ma.gov>

Mon, Jul 14, 2025 at 12:27 PM

To: Jeffery <jeffery7@gmail.com>, Justine Caggiano <admin@hardwick-ma.gov>

Good afternoon Jeffery,

Please find attached regarding your request.

Sincerely,

[Quoted text hidden]

 **PR Invoice 25-03 Smith_Jeffery.pdf**
99K

Jeffery <jeffery7@gmail.com>
To: Hardwick Town Clerk <clerk@hardwick-ma.gov>
Cc: Justine Caggiano <admin@hardwick-ma.gov>

Mon, Jul 14, 2025 at 1:23 PM

Thank you Justine & Ryan,

I will be there this afternoon to drop off payment. Would you kindly update the invoice with the exact text of my request? This invoice is rather general. I'd like what I am paying for to be exactly specified as follows:

- All **text messages** for the Town Administrator between July 1, 2023 and July 1, 2025.
- All **telephone call records** for the Town Administrator between July 1, 2023 and July 1, 2025
- All **emails** for the Town Administrator:
 - Between July 1, 2023 and October 1, 2024
 - Between February 13, 2025 and July 1, 2025

Thank you!
Jeff

[Quoted text hidden]

Hardwick Town Clerk <clerk@hardwick-ma.gov>
To: Jeffery <jeffery7@gmail.com>
Cc: Justine Caggiano <admin@hardwick-ma.gov>

Mon, Jul 14, 2025 at 1:41 PM

Hi Jeffery,

Yes I will update the invoice to reflect the amended request you have made. Please note below is the original request as you sent me an amended request to update the start to June 8, 2024 as it was only for the current Town Administrator. The message was sent to me on Wed. July 2, 2025 @ 9: 11 a.m.

From: Jeffery jeffery7@gmail.com
Sent: Wednesday, July 2, 2025 9:11 AM
To: Hardwick Town Clerk clerk@hardwick-ma.gov
Subject: Re: Massachusetts Public Records Request: Emails & Texts for Town Administrator

Hello Mr. Witkos,

Only for the current Town Administrator, so please update my request to start on June 8, 2024.

Thank you,

Jeffery Smith

Thank you,

Ryan J. Witkos, CMMC

Hardwick Town Clerk

Justice of the Peace/Notary Public

307 Main St. - P. O. Box 575

Gilbertville, MA 01031

☎ (413) 477-6700 | 📠: (413) 477-6703

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From: Jeffery <jeffery7@gmail.com>

Sent: Monday, July 14, 2025 1:23 PM

To: Hardwick Town Clerk <clerk@hardwick-ma.gov>

Cc: Justine Caggiano <admin@hardwick-ma.gov>

Subject: Re: Massachusetts Public Records Request: Emails & Texts for Town Administrator

Thank you Justine & Ryan,

I will be there this afternoon to drop off payment. Would you kindly update the invoice with the exact text of my request? This invoice is rather general. I'd like what I am paying for to be exactly specified as follows:

- All **text messages** for the Town Administrator between July 1, 2023 and July 1, 2025.
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- All **emails** for the Town Administrator:
 - o Between July 1, 2023 and October 1, 2024
 - o Between February 13, 2025 and July 1, 2025

Thank you!

Jeff

[Quoted text hidden]

Jeffery <jeffery7@gmail.com>
To: Hardwick Town Clerk <clerk@hardwick-ma.gov>
Cc: Justine Caggiano <admin@hardwick-ma.gov>

Mon, Jul 14, 2025 at 1:43 PM

Hi Ryan,

Yes, sorry I should have updated when I copy/pasted the information. Thank you.

- All **text messages** for the Town Administrator between June 8, 2024 and July 1, 2025.
- All **telephone call records** for the Town Administrator between June 8, 2024 and July 1, 2025
- All **emails** for the Town Administrator:
 - o Between June 8, 2024 and October 1, 2024
 - o Between February 13, 2025 and July 1, 2025

Jeff
[Quoted text hidden]

Hardwick Town Clerk <clerk@hardwick-ma.gov>
To: Jeffery <jeffery7@gmail.com>
Cc: Justine Caggiano <admin@hardwick-ma.gov>

Mon, Jul 14, 2025 at 1:44 PM

Hi Jeff,

I will print off here for you if you wish.

Ryan

Ryan J. Witkos, CMMC

Hardwick Town Clerk

Justice of the Peace/Notary Public

307 Main St. - P. O. Box 575

Gilbertville, MA 01031

☎ (413) 477-6700 | 📠: (413) 477-6703

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From: Jeffery <jeffery7@gmail.com>
Sent: Monday, July 14, 2025 1:23 PM
To: Hardwick Town Clerk <clerk@hardwick-ma.gov>

Cc: Justine Caggiano <admin@hardwick-ma.gov>

Subject: Re: Massachusetts Public Records Request: Emails & Texts for Town Administrator

Thank you Justine & Ryan,

I will be there this afternoon to drop off payment. Would you kindly update the invoice with the exact text of my request? This invoice is rather general. I'd like what I am paying for to be exactly specified as follows:

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- All **emails** for the Town Administrator:
 - o Between July 1, 2023 and October 1, 2024
 - o Between February 13, 2025 and July 1, 2025

Thank you!

Jeff

[Quoted text hidden]

 **PR Invoice 25-03 Smith_Jeffery_with_details.pdf**
234K

Hardwick Town Clerk <clerk@hardwick-ma.gov>
To: Jeffery <jeffery7@gmail.com>
Cc: Justine Caggiano <admin@hardwick-ma.gov>

Mon, Jul 14, 2025 at 2:02 PM

Hi Jeff,

This is to confirm receipt of your check #141 for \$150.00 for this request.

Thank you,

Ryan

[Quoted text hidden]

Jeffery <jeffery7@gmail.com>
To: Hardwick Town Clerk <clerk@hardwick-ma.gov>
Cc: Justine Caggiano <admin@hardwick-ma.gov>

Mon, Jul 14, 2025 at 2:07 PM

Hi Ryan,

Thank you. Can I anticipate I will have the information in 10 business days?

Jeff

[Quoted text hidden]

Jeffery <jeffery7@gmail.com>

Fri, Jul 25, 2025 at 11:25 AM

To: Hardwick Town Clerk <clerk@hardwick-ma.gov>

Cc: Justine Caggiano <admin@hardwick-ma.gov>

Hi Ryan,

Today is the 10th business day since I paid my invoice. Will I have documents today?

Thank you,

Jeff

[Quoted text hidden]

Hardwick Town Clerk <clerk@hardwick-ma.gov>

Mon, Jul 28, 2025 at 9:14 AM

To: Jeffery <jeffery7@gmail.com>

Cc: Justine Caggiano <admin@hardwick-ma.gov>

Hi Jeff,

My calculations show today as the 10th business day [(15 to 18 = 4) (21 to 25 = 5) + 28(today)]and will speak with Justine to confirm where she is at.

[Quoted text hidden]

Hardwick Town Clerk <clerk@hardwick-ma.gov>

Mon, Jul 28, 2025 at 9:33 AM

To: Jeffery <jeffery7@gmail.com>

Cc: Justine Caggiano <admin@hardwick-ma.gov>

Hi again Jeff,

And just to clarify, the statute G.L. c.66 § 10(b)(vi) states in part “... and for a municipality the timeframe shall not exceed 25 business days following the initial receipt of the request for public records; and provided further, that the requestor may voluntarily agree to a response date beyond the timeframes set forth herein;” August 6 is the deadline for your July 1 initial request.

Thank you,

Ryan J. Witkos, CMMC

Hardwick Town Clerk

Justice of the Peace/Notary Public

307 Main St. - P. O. Box 575

Gilbertville, MA 01031

☎ (413) 477-6700 | 📠: (413) 477-6703

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[Quoted text hidden]

Jeffery <jeffery7@gmail.com>

Mon, Jul 28, 2025 at 1:06 PM

To: Hardwick Town Clerk <clerk@hardwick-ma.gov>

Cc: Justine Caggiano <admin@hardwick-ma.gov>

Hi Ryan,

Thank you for your update and for clarifying the calculations under G.L. c.66 § 10(b)(vi). I appreciate you speaking with Justine to check on the status.

To recap the timeline from my end: I submitted the request on July 1, 2025. On July 14, I received the invoice for \$150, *which did not specify any extended timeframe for providing the records due to magnitude or difficulty*. I paid the invoice that same day, July 14.

Given that no extension was indicated in the written response (the invoice), my understanding is that the records should be furnished within 10 business days following receipt of payment, which would be today, July 28. If an extension were necessary, *the law requires it to be identified in the initial written response within 10 business days of the request*, which in this case would have been by July 16.

That said, if the town is now invoking the maximum 25 business days from the initial request date (leading to August 6), could you please confirm the specific reasons for the delay, such as the magnitude or difficulty of the request? I would greatly appreciate receiving the records as soon as they are ready—ideally today.

Thank you again for your assistance and for getting an update from Justine.

Best regards,

Jeff

[Quoted text hidden]

TOWN OF HARDWICK

307 MAIN STREET

P.O. BOX 575

GILBERTVILLE, MA 01031-0575

INVOICE

INVOICE # 25-03

DATE: 7/14/2025

Phone: 1-413-477-6197 Fax: 1-413-477-6703

TO:JEFFERY SMITH
[REDACTED]
[REDACTED]**SHIP/SEND TO:**JEFFERY SMITH
[REDACTED]
[REDACTED]

Phone: [REDACTED]

Phone: [REDACTED]

INVOICE FOR PUBLIC RECORDS REQUEST MGL c66 §10 (a)(iii);(d)(ii)

“ ... if an agency is required to devote more than 4 hours of employee time to search for, compile, segregate, redact or reproduce the record or records requested, the records access office may also include as part of the fee an hourly rate.... no more than \$25.00 per hour.”

					TERMS
					Due upon receipt

QUANTITY	DESCRIPTION	UNIT PRICE	TOTAL
6 hours	Employee time to search for, compile, segregate, redact records requested under public records request law, consult with Town Counsel, and co-ordinate with Information Technology department.	\$25.00	\$150.00
SUBTOTAL			\$150.00
SALES TAX			
SHIPPING & HANDLING			
TOTAL DUE			\$150.00

Please make all checks/money orders payable to: “Town of Hardwick”

If you have any questions concerning this invoice, please contact Ryan J. Witkos at clerk@hardwick-ma.gov