

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

Manza Arthur
Supervisor of Records

August 19, 2025
SPR25/2445

Mr. Jeffery Smith
VIA EMAIL

Dear Mr. Jeffery Smith:

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

I have directed a member of my staff, Daniel Taylor, 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, appearing to read "Manza Arthur".

Manza Arthur
Supervisor of Records

cc: Ms. Justine Caggiano

Cinar, Ayca (SEC)

From: Jeffery <jeffery7@gmail.com>
Sent: Tuesday, August 19, 2025 7:19 AM
To: SEC-DL-PREWEB; Sec.RAO@sec.state.ma.us; SEC-DL-PREWEB
Cc: Ryan J. Witkos; Justine Caggiano; Administrative Assistant; Jeff Schaaf; Hardwick Board of Selectmen; Eric Vollheim; William Tinker
Subject: Appeal of Town of Hardwick's Non-Compliance with Public Records Request (SPR25/2213 and SPR25/2078) – Potential Deletion of Records by Town Administrator
Attachments: spr252213.pdf; spr252078.pdf; SPR25-2213.pdf; PR Invoice 25-03 Smith_Jeffery.pdf; TOWN OF HARDWICK invoice 02.pdf; Gmail - Massachusetts Public Records Request_ Emails & Texts for Town Administrator.pdf; Gmail - Massachusetts Public Records Request_ Communications of Town Officials.pdf

Dear Supervisor Manza Arthur,

I am appealing the Town of Hardwick's failure to provide text messages requested under the Massachusetts Public Records Law (G.L. c. 66, § 10) for two public records requests (SPR25/2213, Invoice 25-03, \$150; SPR25/2078, \$300), despite my payment of fees and your prior orders to produce responsive records. In an email dated August 18, 2025, the Town Clerk, Ryan J. Witkos, claimed that no responsive text messages exist because the Town Administrator, Justine Caggiano, uses a personal phone, deleted messages are not recoverable, and any deleted messages were "transitory." This appeal seeks enforcement of the law, investigation of potential record destruction, and appropriate remedies.

Background of Requests

1. SPR25/2213 (Invoice 25-03, \$150):

On July 1, 2025, I requested all text messages, telephone call records, and emails for the Town Administrator from June 8, 2024, to July 1, 2025. I paid the \$150 fee on July 14, 2025, as noted in your determination (SPR25/2213, August 7, 2025), which ordered the Town to provide responsive records by August 21, 2025. No text messages have been provided.

2. SPR25/2078 (\$300):

On February 25, 2025, I requested, among other records, text messages for the Town Administrator and other officials for specific periods (October 1, 2024–February 13, 2025, and January 1, 2022–July 31, 2022). I paid the \$300 fee, but the Town provided only partial records (emails in a PST file) and no text messages, as noted in your determination (SPR25/2078, July 29, 2025).

Grounds for Appeal

The Town Clerk's August 18, 2025, email claims no responsive text messages exist because the Town Administrator uses a personal phone, deleted messages are not recoverable, and any deleted messages were "transitory" under Records Retention Schedule 01.022(d). I am particularly concerned that the Town Administrator deleted text messages in response to my requests, which undermines transparency and violates the Public Records Law (G.L. c. 66, § 15). These claims are insufficient for the following reasons:

1. Potential Deletion of Records Post-Request:

The Clerk's statement that the Town Administrator "has no ability to recover deleted text messages from her private cell phone" and that "any text messages that were deleted were transitory" suggests that deletions may have occurred after my requests were submitted (February 25, 2025, for SPR25/2078;

July 1, 2025, for SPR25/2213). Under G.L. c. 66, § 15, custodians must preserve public records in accordance with retention schedules, and 950 C.M.R. 32.05(6) prohibits destruction of records after a request is made. If the Town Administrator deleted text messages related to Town business in response to my requests, this constitutes a violation of the Public Records Law, warranting investigation and enforcement.

2. Personal Phone Use Does Not Exempt Records:

The Clerk's assertion that text messages are unavailable because the Town Administrator uses a personal phone is legally invalid. Public records include all materials made or received by a municipal officer in connection with official duties, regardless of the device used (G.L. c. 4, § 7(26); see *People for the Ethical Treatment of Animals, Inc. v. Dep't of Fish & Game*, 59 Mass. App. Ct. 1103 (2003)). Hardwick's small size or lack of Town-issued devices does not exempt the Town from retrieving these records. The Town must take reasonable steps to access or recover text messages, and the Clerk's claim does not relieve this obligation.

3. Improper Classification of Text Messages as "Transitory":

The Clerk's blanket claim that all deleted text messages were "transitory" under Records Retention Schedule 01.022(d) (Correspondence: Transitory Messages) lacks specificity and fails to meet the burden of demonstrating an exemption (G.L. c. 66, § 10(b)(iv); 950 C.M.R. 32.06(3); *Dist. Attorney for the Norfolk Dist. v. Flatley*, 419 Mass. 507, 511 (1995)). The Municipal Records Retention Schedule (Series 1.1.2) requires retention of substantive correspondence, such as communications related to policy, decision-making, or constituent interactions. Without a record-by-record review, the Town's categorical dismissal of all text messages as "transitory" is improper, especially if deletions were prompted by my requests.

4. Failure to Provide Deletion Logs or Metadata:

The Clerk's email does not address whether logs, metadata, or backups exist that could confirm the existence or deletion of text messages. Such records are themselves public records under G.L. c. 4, § 7(26) if they exist, and the Town's failure to produce or investigate them suggests non-compliance with G.L. c. 66, § 15. If deletions occurred post-request, the absence of documentation raises concerns about the Town's record management practices.

5. Non-Compliance Despite Payment and Prior Orders:

I paid \$150 (SPR25/2213) and \$300 (SPR25/2078) for records that have not been fully provided. Your orders (SPR25/2213, August 7, 2025; SPR25/2078, July 29, 2025) required the Town to produce responsive records or justify exemptions. The Town's failure to provide text messages, coupled with the possibility of deliberate deletions, constitutes a constructive denial. The Town's history of incomplete responses (e.g., SPR25/1544, SPR25/2078) indicates a pattern of non-compliance, unaffected by Hardwick's small size, as the Public Records Law applies uniformly to all municipalities (G.L. c. 4, § 7(26)).

Relief Requested

I respectfully request that the Supervisor of Public Records:

1. Order the Town of Hardwick to immediately provide all responsive text messages for the specified periods and officials, as outlined in SPR25/2213 and SPR25/2078, on a rolling basis if necessary.
2. Investigate whether the Town Administrator deleted text messages in response to my requests (submitted February 25, 2025, and July 1, 2025), including any available metadata, logs, or backups to confirm the existence or destruction of such records.
3. Require the Town to provide a detailed, record-by-record explanation, supported by evidence, of why all text messages are classified as "transitory" and exempt from retention or production (G.L. c. 66, § 10(b)(iv)).

4. Assess the Town's compliance with G.L. c. 66, § 15 and the Municipal Records Retention Schedule (Series 1.1.2) regarding the retention and potential destruction of text messages, particularly if deletions occurred post-request.
5. Order a refund of the \$150 (SPR25/2213) and \$300 (SPR25/2078) fees if the Town cannot provide the requested text messages, as these fees were paid for records not produced (G.L. c. 66, § 10(d)(v)).
6. If non-compliance or deliberate destruction is found, refer the matter to the Attorney General's Office for enforcement action (G.L. c. 66, § 10A(c)).

Thank you for your attention to this matter. I can be reached at jeffery7@gmail.com or 774-452-5592. Please reference SPR25/2213 and SPR25/2078 in correspondence.

Sincerely,

Jeffery Smith

----- Forwarded message -----

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

Date: Mon, Aug 18, 2025 at 9:58 AM

Subject: RE: Follow-Up on Public Records Requests (\$300 and \$150) and Demand for Retrieval of Deleted Text Messages

To: Jeffery <jeffery7@gmail.com>

Cc: Hardwick Board of Selectmen <Selectboard@hardwick-ma.gov>, Jeff Schaaf <jschaaf@hardwick-ma.gov>, William Tinker <wtinker@hardwick-ma.gov>, Administrative Assistant <adminassistant@hardwick-ma.gov>, Justine Caggiano <admin@hardwick-ma.gov>

Dear Mr. Smith,

#1: There are no records responsive to this request. Town Administrator Caggiano has not been issued a Town cell phone and has no ability to recover deleted text messages from her private cell phone. Any text messages that were deleted were transitory in nature and need not be retained. See Records Retention Schedule 01.022 Correspondence (d) Transitory Messages - *Retain until administrative use ceases. Permission from Supervisor not required for destruction.*

#2: There are no records responsive to this request.

#3: The Public Records Law imposes no requirement on Town officials to provide answers to questions or to create records when none exist.

#4: Again, the Town has no requirement to respond to questions; in any event, however, as the Town is not providing any additional records, no additional fee estimate is provided.

Sincerely,

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.

From: Jeffery <jeffery7@gmail.com>

Sent: Wednesday, August 6, 2025 8:01 AM

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

Cc: Hardwick Board of Selectmen <Selectboard@hardwick-ma.gov>; Jeff Schaaf <jschaaf@hardwick-ma.gov>; William Tinker <wtinker@hardwick-ma.gov>; Administrative Assistant <adminassistant@hardwick-ma.gov>; Justine Caggiano <admin@hardwick-ma.gov>

Subject: Follow-Up on Public Records Requests (\$300 and \$150) and Demand for Retrieval of Deleted Text Messages

Dear Mr. Witkos,

As the Records Access Officer (RAO) for the Town of Hardwick, I request your immediate attention to two public records requests I submitted under M.G.L. c. 66, § 10, for which I paid \$300 (Invoice #02, February 25, 2025) and \$150 (Invoice #25-03, July 14, 2025), seeking emails, text messages, and phone records (call logs with date, time, duration, numbers) of the Town Administrator, Justine Caggiano, and other officials, related to

town business (June 2024–present for the \$150 request; October 1, 2024–February 13, 2025, and January 1, 2022–July 31, 2022, for the \$300 request, plus audit/PILOT documents).

The town provided only emails (incomplete for the \$300 request), with no text messages or phone records. On June 12, 2025, the Supervisor of Records (SPR25/1544) ordered Hardwick to clarify whether additional records exist and provide them without unreasonable delay (G.L. c. 66, § 10(a)). The town’s July 1, 2025, response claimed all existing records were provided, but immediately after the August 5, 2025 Planning Board meeting adjourned, in the same room and in the presence of multiple attendees, Ms. Caggiano stated to me that she deleted all her text messages, explaining why they were not produced. This contradicts the claim that they “do not exist” (SPR25/2078).

Text messages related to public business are public records under M.G.L. c. 4, § 7, clause Twenty-sixth, and must be preserved per the Statewide Records Retention Schedule. Unauthorized deletion violates M.G.L. c. 66, § 8, and willful destruction to evade disclosure may violate M.G.L. c. 268, § 13E. I demand:

1. Immediate recovery of deleted text messages (e.g., via device backups, cloud storage, forensic tools, or recipients’ devices) for both requests.
2. Production of phone records (call logs) for both requests, from town-issued or personal devices used for business.
3. A written explanation of the deletion (date, reason, pre- or post-request) and why phone records were not provided.
4. Confirmation that no additional fees apply, as my \$450 payment covers both requests, and retrieval costs are the town’s responsibility for improper deletion.

Provide a response by August 20, 2025, per M.G.L. c. 66, § 10(b), with records or a timeline. If withheld, cite specific exemptions (M.G.L. c. 4, § 7(26)). Non-compliance may lead to an appeal to the Supervisor of Public Records or further action in Worcester County Superior Court, with potential costs and punitive damages for bad faith (M.G.L. c. 66, § 10A).

Sincerely,

Jeffery Smith

[REDACTED]
[REDACTED]
[REDACTED]



Jeffery Smith <jeffery7@gmail.com>

Massachusetts Public Records Request: Communications of Town Officials

12 messages

Jeffery <jeffery7@gmail.com>

Tue, Feb 25, 2025 at 6:47 AM

To: Justine Caggiano <admin@townofhardwick.com>, Hardwick Town Clerk <clerk@townofhardwick.com>

Cc: Hardwick Board of Selectmen <selectboard@townofhardwick.com>, Eric Vollheim <stonedance@comcast.net>, Bill Tinker <williamtinkersb@gmail.com>

Dear Mr. Witkos and 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:

- Any documentation relating to the audit of the town conducted by the former Town Administrator in 2022.
- Any documentation relating to the reduced PILOT payment from Eagle Hill School for 2022, especially any notes or communications with the former Town Administrator or Select Board members.
- If the PILOT agreement with Eagle Hill School has been reviewed by the Town's lawyers within the past year, I'd like a copy of any related documentation.
- All emails, text messages, and telephone records for any account or device used for Town Business by the following Town Officials between October 1, 2024 and February 13, 2025:
 - Eric W. Vollheim
 - Kelly Kemp
 - Erik Fleming
 - Mark Korzec
 - Christopher Culross
 - Lucinda Childs
 - Justine Caggiano
- All emails, text messages, and telephone records for any account or device used for Town Business by the following Town Officials between January 1, 2022 and July 31, 2022:
 - Nicole Parker
 - Kelly Kemp
 - Julie Quink
 - H. Robert Ruggles

For telephone records, I am specifically requesting call logs that include the date, time, duration, and the number dialed or received. Please provide the records in electronic format if possible, otherwise, paper copies are acceptable.

Please ensure that personal details not pertinent to town business are redacted from the records to comply with privacy laws.

Could you please inform me of the expected timeline for processing this request? Additionally, please let me know if there will be any fees associated with this request and provide an estimate for these costs.

Please confirm receipt of this records request.

Thank you very much!

Sincerely,

Jeffery Smith



Justine Caggiano <admin@townofhardwick.com>

Thu, Feb 27, 2025 at 11:11 AM

To: Jeffery <jeffery7@gmail.com>, Hardwick Town Clerk <clerk@townofhardwick.com>

Cc: Hardwick Board of Selectmen <Selectboard@townofhardwick.com>, "stonedance@comcast.net" <stonedance@comcast.net>, Bill Tinker <williamtinkersb@gmail.com>

Hi Jeff,

Due to the time it would take to fill your request, I have attached an invoice under M. [G.L.CH 66](#), Section 10 (ii) of the public records law. I tried to be very conservative in preparing this invoice as our IT and Town Counsel will also be spending a considerable amount of time and resources. Please let me know if you have any questions. Once we have payment, we would be happy spend the time in good faith filling your request.

Thank you,

Justine

Justine Caggiano

Town Administrator

Town of Hardwick

P.O. Box 575

307 Main Street

[Gilbertville, MA 01031](#)

(413) 477-6197 x 101

jcaggiano@townofhardwick.com

When writing or responding, please remember that the MASS Secretary of State's Office has determined that email is a public record and therefore subject to public access under the Mass Public Records Law. M.G.L.c.66§10.

This communication may contain privileged or other confidential information. If you are not the intended recipient, or believe that you have received this communication in error, please do not print, copy, retransmit, disseminate, or otherwise use the information. Also, please indicate to the sender that you have received this email in error, and delete the copy you received.

[Quoted text hidden]



TOWN OF HARDWICK invoice.pdf

164K

Jeffery <jeffery7@gmail.com>

Fri, Feb 28, 2025 at 7:33 AM

To: Justine Caggiano <admin@townofhardwick.com>

Cc: Hardwick Town Clerk <clerk@townofhardwick.com>, Hardwick Board of Selectmen <Selectboard@townofhardwick.com>, "stonedance@comcast.net" <stonedance@comcast.net>, Bill Tinker <williamtinkersb@gmail.com>

Hi Justine,

Thank you for the invoice. I will come by your office with a check for \$300 on Monday.

I understand that this request will take some time to fulfill, certainly beyond the 10 days for typical requests, due to the nature of the information beginning gathered (phone bills, text messages, emails, etc).

I would appreciate you keeping me informed periodically as you make progress on gathering the information.

This new invoice (Invoice # 02) looks very similar to the invoice I received previously (Invoice # 01 12/09/2024 \$200). It seems a lot of the records that I requested under that invoice do not exist or at least still have not been sent to me, as I still have unfulfilled items under that request. Would you kindly confirm all my requests under that invoice have been fulfilled to the extent possible given existing records?

Jeff

[Quoted text hidden]

Justine Caggiano <admin@townofhardwick.com>

Fri, Feb 28, 2025 at 5:01 PM

To: Jeffery <jeffery7@gmail.com>

Cc: Hardwick Town Clerk <clerk@townofhardwick.com>, Hardwick Board of Selectmen <Selectboard@townofhardwick.com>, "stonedance@comcast.net" <stonedance@comcast.net>, Bill Tinker <williamtinkersb@gmail.com>

Hi Jeff,

Yes, I gave you everything I was able to gather with a lot of assistance from the staff for your first request. Please let me know if you have any other questions.

Have a nice weekend,
Justine

Justine Caggiano

Town Administrator

Town of Hardwick

P.O. Box 575

307 Main Street

Gilbertville, MA 01031

(413) 477-6197 x 101

jcaggiano@townofhardwick.com

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From: Jeffery <jeffery7@gmail.com>
Sent: Friday, February 28, 2025 7:33 AM
To: Justine Caggiano <admin@townofhardwick.com>
Cc: Hardwick Town Clerk <clerk@townofhardwick.com>; Hardwick Board of Selectmen <Selectboard@townofhardwick.com>; stonedance@comcast.net <stonedance@comcast.net>; Bill Tinker <williamtinkersb@gmail.com>
Subject: Re: Massachusetts Public Records Request: Communications of Town Officials

[Quoted text hidden]

Jeffery <jeffery7@gmail.com> Tue, Mar 18, 2025 at 2:33 PM
To: Justine Caggiano <admin@townofhardwick.com>, Hardwick Town Clerk <clerk@townofhardwick.com>

Hi Justine,

I am writing to inquire about my requests under Invoice 02. I realize these items will take some time to gather together, etc. however I was anticipating an update regarding the estimated timeline? Any chance you could let me know?

Thanks,

Jeff

[Quoted text hidden]

Justine Caggiano <admin@townofhardwick.com> Tue, Mar 18, 2025 at 2:53 PM
To: Jeffery <jeffery7@gmail.com>, Hardwick Town Clerk <clerk@townofhardwick.com>

Hi Jeff,

I am working with Town Counsel and our IT vendors. I am unsure at this time of how long it will take. I do not want to give you a false timeframe if I am waiting on other people. As soon as I have anything to tell you, I will definitely let you know. Let me know if you want to set up a time to come in and get an update on ongoing town business.

Sincerely,

Justine

Justine Caggiano

Town Administrator

Town of Hardwick

P.O. Box 575

307 Main Street

[Gilbertville, MA 01031](#)

(413) 477-6197 x 101

jcaggiano@townofhardwick.com

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From: Jeffery <jeffery7@gmail.com>
Sent: Tuesday, March 18, 2025 2:33 PM
To: Justine Caggiano <admin@townofhardwick.com>; Hardwick Town Clerk <clerk@townofhardwick.com>
Subject: Re: Massachusetts Public Records Request: Communications of Town Officials

Hi Justine,

[Quoted text hidden]

[Quoted text hidden]

Jeffery <jeffery7@gmail.com>
To: Justine Caggiano <admin@townofhardwick.com>

Wed, Mar 19, 2025 at 1:12 PM

Hi Justine,

Thanks for the reply. I believe I can drop by tomorrow. Does 12:30pm work for you?

Jeff

[Quoted text hidden]

Justine Caggiano <admin@townofhardwick.com>
To: Jeffery <jeffery7@gmail.com>

Wed, Mar 19, 2025 at 1:14 PM

My day tomorrow is insane, but I have much more time Monday or Tuesday if you are available?

[Quoted text hidden]

Jeffery <jeffery7@gmail.com>
To: Justine Caggiano <admin@townofhardwick.com>

Wed, Mar 19, 2025 at 1:16 PM

Ok, let's go with Monday at 12:30pm. Thanks.

[Quoted text hidden]

Justine Caggiano <admin@townofhardwick.com>
To: Jeffery <jeffery7@gmail.com>

Thu, Mar 20, 2025 at 9:52 AM

Perfect! Thank you.

[Quoted text hidden]

Jeffery <jeffery7@gmail.com>
To: Justine Caggiano <admin@townofhardwick.com>

Fri, May 23, 2025 at 1:22 PM

Hi Justine,

I have evaluated the file that was provided on my USB drive. While it does contain a 1GB file that further contains 1,922 PDF files, this seems to be an incomplete set of data. This method of delivering the email messages seems to neglect the full email headers as well as any attached documents. These should be included in the data I am requesting.

Additionally, it seems that there are missing emails. Would you please confirm exactly who has provided the information and who has not?

Thank you!

Jeff
[Quoted text hidden]

Jeffery <jeffery7@gmail.com>
To: Justine Caggiano <admin@townofhardwick.com>

Fri, May 23, 2025 at 2:43 PM

Hi Justine,

I also meant to mention these items are still outstanding, too.

- Any documentation relating to the audit of the town conducted by the former Town Administrator in 2022.
- Any documentation relating to the reduced PILOT payment from Eagle Hill School for 2022, especially any notes or communications with the former Town Administrator or Select Board members.
- If the PILOT agreement with Eagle Hill School has been reviewed by the Town's lawyers within the past year, I'd like a copy of any related documentation.

Thanks,
Jeff
[Quoted text hidden]

TOWN OF HARDWICK MA

307 MAIN STREET
PO BPX 575
HARDWICK MA 01031
Phone: 1-413-477-6197 Fax: 1-413-477-6703

INVOICE

INVOICE # 02
DATE: 2/27/2025

TO:
JEFFERY SMITH



Phone:

SHIP TO:
JEFFERY SMITH



Phone:

INVOICE FOR PUBLIC RECORDS REQUEST M.G.L. CH 66, SECTION 10(ii)

" if an agency is required to devote more that 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 on receipt

QUANTITY	DESCRIPTION	UNIT PRICE	TOTAL
12 hours	Employee time to search for, compile, segregate, redact and or reproduce a record requested by public records request law. Contacting employees, Town Counsel, and our IT.	25.00	300.00
SUBTOTAL			300.00
SALES TAX			
SHIPPING & HANDLING			
TOTAL DUE			300.00

Make all checks payable to Town of Hardwick

If you have any questions concerning this invoice, contact Justine Caggiano at jcaggiano@townofhardwick.com

THANK YOU FOR YOUR BUSINESS!



Jeffery Smith <jeffery7@gmail.com>

Massachusetts Public Records Request: Emails & Texts for Town Administrator

18 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

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[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.
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- 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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Hi Ryan,

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To: Jeffery <jeffery7@gmail.com>
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Ryan

Ryan J. Witkos, CMMC

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Thank you!

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PR Invoice 25-03 Smith_Jeffery_with_details.pdf
234K

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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,

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

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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

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

Mon, Jul 28, 2025 at 1:06 PM

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]

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

Tue, Aug 5, 2025 at 9:47 AM

Hello Jeff,

Justine has your records and is asking if you want to bring a USB drive.

[Quoted text hidden]

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

Tue, Aug 5, 2025 at 9:53 AM

Hi Ryan,

Sure, I will drop one by sometime today.

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



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 307 Upper Church St. Gilbertville, MA 01031 774-452-5592



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

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[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

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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



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

Manza Arthur
Supervisor of Records

August 7, 2025
SPR25/2213

Ryan Witkos
Town Clerk
Town of Hardwick
307 Main Street
Gilbertville, MA 01031

Dear Mr. Witkos:

I have received the petition of Jeffery Smith appealing the response of the Town of Hardwick (Town) to a request for public records. See G. L. c. 66, § 10A; see also 950 C.M.R. 32.08(1). On July 1, 2025, Mr. Smith requested:

- [1] All text messages for the Town Administrator between July 1, 2023 and July 1, 2025[;]
- [2] All telephone call records for the Town Administrator between July 1, 2023 and July 1, 2025[;]
- [3] All emails for the Town Administrator:
 - [a] Between July 1, 2023 and October 1, 2024[;]
 - [b] Between February 13, 2025 and July 1, 2025[.]

On July 2, 2025, Mr. Smith modified all three items of his request to exclude records dated prior to June 8, 2024.

The Town responded on July 14 and July 28, 2025. Unsatisfied with the responses, Mr. Smith petitioned this office and this appeal, SPR25/2213, was opened as a result.

The Public Records Law

The Public Records Law strongly favors disclosure by creating a presumption that all governmental records are public records. G. L. c. 66, § 10A(d); 950 C.M.R. 32.03(4). “Public records” is broadly defined to include all documentary materials or data, regardless of physical form or characteristics, made or received by any officer or employee of any agency or municipality of the Commonwealth, unless falling within a statutory exemption. G. L. c. 4, § 7(26).

It is the burden of the records custodian to demonstrate the application of an exemption in order to withhold a requested record. G. L. c. 66, § 10(b)(iv); 950 C.M.R. 32.06(3); see also Dist. Attorney for the Norfolk Dist. v. Flatley, 419 Mass. 507, 511 (1995) (custodian has the burden of establishing the applicability of an exemption). To meet the specificity requirement a custodian must not only cite an exemption, but must also state why the exemption applies to the withheld or redacted portion of the responsive record.

If there are any fees associated with a response, a written good faith estimate must be provided. G. L. c. 66, § 10(b)(viii); see also 950 C.M.R. 32.07(2). Once fees are paid, a records custodian must provide the responsive records.

The Town's July 14th and July 28th Responses

In its July 14, 2025 response, the Town assessed a fee of \$150.00 to provide Mr. Smith with responsive records. Subsequently on July 14, 2025, Mr. Smith paid the assessed fee.

In its July 28, 2025 response, the Town informed Mr. Smith that it would require up to 15 additional business days from the date of the request to produce the responsive records.

Payment of Fees

Under the Public Records Law, a records custodian is not required to produce responsive records until receipt of payment of a reasonable fee. G. L. c. 66, § 10(a)(iii). Once fees are paid, a records custodian must provide the responsive records. Where it appears the Town has received payment of the reasonable fee, the Town must provide the responsive records. To the extent possible, the Town must provide responsive records on a rolling basis. See G. L. c. 66, § 10(a) (records must be provided without unreasonable delay).

Conclusion

Accordingly, the Town is ordered to provide Mr. Smith with a response to the request, provided in a manner consistent with this order, the Public Records Law and its Regulations within ten (10) business days. A copy of any such response must be provided to this office. It is preferable to send an electronic copy of the response to this office at pre@sec.state.ma.us. Mr. Smith may appeal the substantive nature of the Town's response within ninety days. See 950 C.M.R. 32.08(1).

Ryan Witkos
Page 3
August 7, 2025

SPR25/2213

Sincerely,

A handwritten signature in black ink, appearing to read "Manza Arthur". The signature is fluid and cursive, with the first name "Manza" being more prominent and the last name "Arthur" following in a similar style.

Manza Arthur
Supervisor of Records

cc: Jeffery Smith



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

Manza Arthur
Supervisor of Records

August 7, 2025
SPR25/2213

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Town of Hardwick
307 Main Street
Gilbertville, MA 01031

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If there are any fees associated with a response, a written good faith estimate must be provided. G. L. c. 66, § 10(b)(viii); see also 950 C.M.R. 32.07(2). Once fees are paid, a records custodian must provide the responsive records.

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Conclusion

Accordingly, the Town is ordered to provide Mr. Smith with a response to the request, provided in a manner consistent with this order, the Public Records Law and its Regulations within ten (10) business days. A copy of any such response must be provided to this office. It is preferable to send an electronic copy of the response to this office at pre@sec.state.ma.us. Mr. Smith may appeal the substantive nature of the Town's response within ninety days. See 950 C.M.R. 32.08(1).

Ryan Witkos
Page 3
August 7, 2025

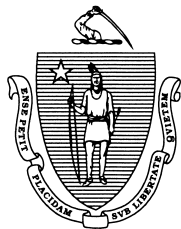
SPR25/2213

Sincerely,

A handwritten signature in black ink, appearing to read "Manza Arthur". The signature is fluid and cursive, with the first name "Manza" being more prominent and the last name "Arthur" following in a similar style.

Manza Arthur
Supervisor of Records

cc: Jeffery Smith



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.
- All **telephone call records** for the Town Administrator between July 1, 2023 and July 1, 2025
- 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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 - 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

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Gilbertville, MA 01031

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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
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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



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

Manza Arthur
Supervisor of Records

July 29, 2025
SPR25/2078

Justine Caggiano
Town Administrator
Town of Hardwick
307 Main Street
Gilbertville, MA 01031

Dear Ms. Caggiano:

I have received the petition of Jeffery Smith appealing the response of the Town of Hardwick (Town) to a request for public records. See G. L. c. 66, § 10A; see also 950 C.M.R. 32.08(1). On February 25, 2025, Mr. Smith requested:

[1] Any documentation relating to the audit of the town conducted by the former Town Administrator in 2022.

[2] Any documentation relating to the reduced PILOT payment from Eagle Hill School for 2022, especially any notes or communications with the former Town Administrator or Select Board members. If the PILOT agreement with Eagle Hill School has been reviewed by the Town's lawyers within the past year, I'd like a copy of any related documentation.

[3] All emails, text messages, and telephone records for any account or device used for Town Business by the following Town Officials between October 1, 2024 and February 13, 2025: [identified individuals].

[4] All emails, text messages, and telephone records for any account or device used for Town Business by the following Town Officials between January 1, 2022 and July 31, 2022: [identified individuals].

For telephone records, I am specifically requesting call logs that include the date, time, duration, and the number dialed or received...

Previous Appeal

This request was the subject of a previous appeal. See SPR25/1544 Determination of the Supervisor of Records (June 12, 2025). In my June 12th determination, I ordered the Town to clarify whether it possesses additional responsive records. The Town responded on July 1, 2025. Unsatisfied with the Town's response, Mr. Smith petitioned this office and this appeal, SPR25/2078, was opened as a result.

The Public Records Law

The Public Records Law strongly favors disclosure by creating a presumption that all governmental records are public records. G. L. c. 66, § 10A(d); 950 C.M.R. 32.03(4). "Public records" is broadly defined to include all documentary materials or data, regardless of physical form or characteristics, made or received by any officer or employee of any agency or municipality of the Commonwealth, unless falling within a statutory exemption. G. L. c. 4, § 7(26).

It is the burden of the records custodian to demonstrate the application of an exemption in order to withhold a requested record. G. L. c. 66, § 10(b)(iv); 950 C.M.R. 32.06(3); see also Dist. Attorney for the Norfolk Dist. v. Flatley, 419 Mass. 507, 511 (1995) (custodian has the burden of establishing the applicability of an exemption). To meet the specificity requirement a custodian must not only cite an exemption, but must also state why the exemption applies to the withheld or redacted portion of the responsive record.

If there are any fees associated with a response, a written, good faith estimate must be provided. G. L. c. 66, § 10(b)(viii); see also 950 C.M.R. 32.07(2). Once fees are paid, a records custodian must provide the responsive records.

The Town's July 1st Response

In its July 1, 2025 response, the Town stated, "...all of the records were provided that exist on a flash drive to the requestor."

Current Appeal

In his appeal petition, Mr. Smith stated, "...the USB drive only contains some emails (I was never told exactly which person's emails were included, everything is in a single PST file), but none of the other documents requested. If the other documents didn't exist, I would like a refund of my \$300."

In a telephone conversation between the Town and this office on July 21, 2025, the Town confirmed that it possesses no additional records responsive to Mr. Smith's request.

Fee Waivers

G. L. c. 66, § 10(d)(v) provides the following with respect to waiving a fee for the production of responsive records:

the records access officer may waive or reduce the amount of any fee charged under this subsection upon a showing that disclosure of a requested record is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requestor, or upon a showing that the requestor lacks the financial ability to pay the full amount of the reasonable fee.

Please note that although the Supervisor may encourage fees to be waived, the Supervisor may not mandate that a records access officer waive fees assessed for complying with a public records request; rather, as described above, the records access officer *may* waive or reduce the amount of any fee upon a showing of various factors. See G. L. c. 66, § 10 (d)(v); see also 950 C.M.R. 32.07(2)(k).

In this case, where it appears Mr. Smith has paid the fee, and the Town has provided responsive records, I am unable to assist Mr. Smith in regard to this aspect of his appeal petition.

No Duty to Create Records

Please be advised, under the Public Records Law a custodian is not required to create a record in response to a public records request. See G. L. c. 66, § 6A(d). In addition, a public employee is not required to answer questions, or do research, or create documents in response to questions. See 32 Op. Att’y Gen. 157, 165 (May 18, 1977). Further, the duty to comply with requests for records extends to those records that exist and are in the possession, custody, or control of the custodian of records at the time of the request. See G. L. c. 66, § 10(a)(ii).

Conclusion

Given that the Town has confirmed that it possesses no additional records responsive to Mr. Smith’s request, and this office has no authority to compel the Town to create records, I will now consider this administrative appeal closed. If Mr. Smith is not satisfied with the resolution of this administrative appeal, please be advised that this office shares jurisdiction with the Superior Court of the Commonwealth of Massachusetts. See G. L. c. 66, § 10A(c) (pursuing administrative appeal does not limit availability of applicable judicial remedies).

Justine Caggiano
Page 4
July 29, 2025

SPR25/2078

Sincerely,

A handwritten signature in black ink, appearing to read "Manza Arthur". The signature is fluid and cursive, with the first name "Manza" being more prominent and the last name "Arthur" following in a similar style.

Manza Arthur
Supervisor of Records

cc: Jeffery Smith



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

Manza Arthur
Supervisor of Records

July 29, 2025
SPR25/2078

Justine Caggiano
Town Administrator
Town of Hardwick
307 Main Street
Gilbertville, MA 01031

Dear Ms. Caggiano:

I have received the petition of Jeffery Smith appealing the response of the Town of Hardwick (Town) to a request for public records. See G. L. c. 66, § 10A; see also 950 C.M.R. 32.08(1). On February 25, 2025, Mr. Smith requested:

[1] Any documentation relating to the audit of the town conducted by the former Town Administrator in 2022.

[2] Any documentation relating to the reduced PILOT payment from Eagle Hill School for 2022, especially any notes or communications with the former Town Administrator or Select Board members. If the PILOT agreement with Eagle Hill School has been reviewed by the Town's lawyers within the past year, I'd like a copy of any related documentation.

[3] All emails, text messages, and telephone records for any account or device used for Town Business by the following Town Officials between October 1, 2024 and February 13, 2025: [identified individuals].

[4] All emails, text messages, and telephone records for any account or device used for Town Business by the following Town Officials between January 1, 2022 and July 31, 2022: [identified individuals].

For telephone records, I am specifically requesting call logs that include the date, time, duration, and the number dialed or received...

Previous Appeal

This request was the subject of a previous appeal. See SPR25/1544 Determination of the Supervisor of Records (June 12, 2025). In my June 12th determination, I ordered the Town to clarify whether it possesses additional responsive records. The Town responded on July 1, 2025. Unsatisfied with the Town's response, Mr. Smith petitioned this office and this appeal, SPR25/2078, was opened as a result.

The Public Records Law

The Public Records Law strongly favors disclosure by creating a presumption that all governmental records are public records. G. L. c. 66, § 10A(d); 950 C.M.R. 32.03(4). "Public records" is broadly defined to include all documentary materials or data, regardless of physical form or characteristics, made or received by any officer or employee of any agency or municipality of the Commonwealth, unless falling within a statutory exemption. G. L. c. 4, § 7(26).

It is the burden of the records custodian to demonstrate the application of an exemption in order to withhold a requested record. G. L. c. 66, § 10(b)(iv); 950 C.M.R. 32.06(3); see also Dist. Attorney for the Norfolk Dist. v. Flatley, 419 Mass. 507, 511 (1995) (custodian has the burden of establishing the applicability of an exemption). To meet the specificity requirement a custodian must not only cite an exemption, but must also state why the exemption applies to the withheld or redacted portion of the responsive record.

If there are any fees associated with a response, a written, good faith estimate must be provided. G. L. c. 66, § 10(b)(viii); see also 950 C.M.R. 32.07(2). Once fees are paid, a records custodian must provide the responsive records.

The Town's July 1st Response

In its July 1, 2025 response, the Town stated, "...all of the records were provided that exist on a flash drive to the requestor."

Current Appeal

In his appeal petition, Mr. Smith stated, "...the USB drive only contains some emails (I was never told exactly which person's emails were included, everything is in a single PST file), but none of the other documents requested. If the other documents didn't exist, I would like a refund of my \$300."

In a telephone conversation between the Town and this office on July 21, 2025, the Town confirmed that it possesses no additional records responsive to Mr. Smith's request.

Fee Waivers

G. L. c. 66, § 10(d)(v) provides the following with respect to waiving a fee for the production of responsive records:

the records access officer may waive or reduce the amount of any fee charged under this subsection upon a showing that disclosure of a requested record is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requestor, or upon a showing that the requestor lacks the financial ability to pay the full amount of the reasonable fee.

Please note that although the Supervisor may encourage fees to be waived, the Supervisor may not mandate that a records access officer waive fees assessed for complying with a public records request; rather, as described above, the records access officer *may* waive or reduce the amount of any fee upon a showing of various factors. See G. L. c. 66, § 10 (d)(v); see also 950 C.M.R. 32.07(2)(k).

In this case, where it appears Mr. Smith has paid the fee, and the Town has provided responsive records, I am unable to assist Mr. Smith in regard to this aspect of his appeal petition.

No Duty to Create Records

Please be advised, under the Public Records Law a custodian is not required to create a record in response to a public records request. See G. L. c. 66, § 6A(d). In addition, a public employee is not required to answer questions, or do research, or create documents in response to questions. See 32 Op. Att’y Gen. 157, 165 (May 18, 1977). Further, the duty to comply with requests for records extends to those records that exist and are in the possession, custody, or control of the custodian of records at the time of the request. See G. L. c. 66, § 10(a)(ii).

Conclusion

Given that the Town has confirmed that it possesses no additional records responsive to Mr. Smith’s request, and this office has no authority to compel the Town to create records, I will now consider this administrative appeal closed. If Mr. Smith is not satisfied with the resolution of this administrative appeal, please be advised that this office shares jurisdiction with the Superior Court of the Commonwealth of Massachusetts. See G. L. c. 66, § 10A(c) (pursuing administrative appeal does not limit availability of applicable judicial remedies).

Justine Caggiano
Page 4
July 29, 2025

SPR25/2078

Sincerely,

A handwritten signature in black ink, appearing to read "Manza Arthur". The signature is fluid and cursive, with the first name "Manza" being more prominent and the last name "Arthur" following in a similar style.

Manza Arthur
Supervisor of Records

cc: Jeffery Smith



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

Manza Arthur
Supervisor of Records

July 17, 2025
SPR25/2078

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, Owen Meech, 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, appearing to read "Manza Arthur".

Manza Arthur
Supervisor of Records

cc: Ms. Justine Caggiano

Pierce, Patrick (SEC)

From: Jeffery <jeffery7@gmail.com>
Sent: Thursday, July 17, 2025 9:06 AM
To: Manning, Michael (SEC)
Cc: SEC-DL-PREWEB
Subject: Re: SPR25/1544 Determination

Good morning Mr. Manning,

Yes, I would like to appeal. My reply on July 1, 2025 contains the substance of my appeal. Since being contacted by your office, the only communication I have received from the Town Administrator on this matter was the message sent to you from the Town Administrator and having my USB drive returned to me. As I have said, the USB drive only contains some emails (I was never told exactly which person's emails were included, everything is in a single PST file), but none of the other documents requested. If the other documents didn't exist, I would like a refund of my \$300. It doesn't seem fair to pay for documents that do not exist and I am not responsible for the lack of organization on the part of the town.

Thank you,
Jeffery Smith

On Thu, Jul 17, 2025 at 8:47 AM Manning, Michael (SEC) <Michael.Manning@sec.state.ma.us> wrote:

Good Morning Mr. Smith,

Thank you for your email. Please note that if you are unsatisfied with the Town of Hardwick's July 1st response concerning subject determination- SPR25/1544, you retain the right to further appeal the response provided to this Office. In light of your below July 1st and subsequent July 14th emails, do you wish to file a further appeal? If so, please provide any objections to the Town's response that you wish for this Office to review.

Best,

Michael Manning

Office of the Secretary of the Commonwealth

Public Records Division

One Ashburton Place, Room 1719

Boston, MA 02108

617-727-2832

Michael.Manning@sec.state.ma.us

From: Jeffery <jeffery7@gmail.com>

Sent: Monday, July 14, 2025 1:34 PM

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

Cc: Pierce, Patrick (SEC) <Patrick.Pierce@sec.state.ma.us>; SEC-DL-PREWEB <SEC-DL-PREWEB@sec.state.ma.us>;

Hardwick Town Clerk <clerk@hardwick-ma.gov>; Meech, Owen (SEC) <Owen.Meech@sec.state.ma.us>

Subject: Re: SPR25/1544 Determination

Good afternoon,

Should I be expecting to hear from someone on my last reply?

Thank you,

Jeffery Smith

On Tue, Jul 1, 2025 at 3:53 PM Jeffery <jeffery7@gmail.com> wrote:

Good afternoon,

Prior to the message sent a few minutes ago, I have received no email follow up from the Hardwick Town Administrator regarding this records request. As she said, she has given back my USB drive during one of my visits to the municipal building, and it does seem to have the emails responsive to my request.

However this is only one part of my request. This is my original request:

- Any documentation relating to the audit of the town conducted by the former Town Administrator in 2022.
- Any documentation relating to the reduced PILOT payment from Eagle Hill School for 2022, especially any notes or communications with the former Town Administrator or Select Board members.
- If the PILOT agreement with Eagle Hill School has been reviewed by the Town's lawyers within the past year, I'd like a copy of any related documentation.

- All emails, text messages, and telephone records for any account or device used for Town Business by the following Town Officials between October 1, 2024 and February 13, 2025:

- Eric W. Vollheim
- Kelly Kemp
- Erik Fleming
- Mark Korzec
- Christopher Culross
- Lucinda Childs
- Justine Caggiano

- All emails, text messages, and telephone records for any account or device used for Town Business by the following Town Officials between January 1, 2022 and July 31, 2022:

- Nicole Parker
- Kelly Kemp
- Julie Quink
- H. Robert Ruggles

For telephone records, I am specifically requesting call logs that include the date, time, duration, and the number dialed or received. Please provide the records in electronic format if possible, otherwise, paper copies are acceptable.

I understand per the email reply a few minutes ago, some of these records may or may not exist, however I still have not received any communication about any of the other specified items. Also, if the records do not exist, why has it taken so long and required that I file complaints in order to get the answers? I paid \$300 for records that don't exist?

Thank you,

Jeffery Smith

On Tue, Jul 1, 2025 at 3:36 PM Justine Caggiano <admin@hardwick-ma.gov> wrote:

Good Afternoon,

Per my conversation with Mr. Meech, all of the records were provided that exist on a flash drive to the requestor.

Thank you so much,

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

From: Pierce, Patrick (SEC) <Patrick.Pierce@sec.state.ma.us>

Sent: Thursday, June 12, 2025 2:55 PM

To: jeffery7@gmail.com; jcaggiano@townofhardwick.com; admin@townofhardwick.com

Cc: SEC-DL-PREWEB <SEC-DL-PREWEB@sec.state.ma.us>

Subject: SPR25/1544 Determination

Good Afternoon,

Please be aware, the Supervisor of Records has issued a determination relating to an appeal in which you were involved. This determination is attached and available online at:

<http://www.sec.state.ma.us/AppealsWeb/AppealsStatus.aspx>.

If you have any questions, please contact the Public Records Division at 617-727-2832 or pre@sec.state.ma.us.

Thank You,

Patrick Pierce (He/Him/His)

Public Records Division

Office of the Secretary of the Commonwealth

One Ashburton Place, Room 1719

Boston, MA, 02108

617-727-2832 | Patrick.Pierce@sec.state.ma.us



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

Manza Arthur
Supervisor of Records

June 12, 2025
SPR25/1544

Justine Caggiano
Town Administrator
Town of Hardwick
307 Main Street
Gilbertville, MA 01031

Dear Ms. Caggiano:

I have received the petition of Jeffrey Smith appealing the response of the Town of Hardwick (Town) to a request for public records. See G. L. c. 66, § 10A; see also 950 C.M.R. 32.08(1). On February 25, 2025, Mr. Smith requested:

[1] Any documentation relating to the audit of the town conducted by the former Town Administrator in 2022.

[2] Any documentation relating to the reduced PILOT payment from Eagle Hill School for 2022, especially any notes or communications with the former Town Administrator or Select Board members. If the PILOT agreement with Eagle Hill School has been reviewed by the Town's lawyers within the past year, I'd like a copy of any related documentation.

[3] All emails, text messages, and telephone records for any account or device used for Town Business by the following Town Officials between October 1, 2024 and February 13, 2025: [identified individuals].

[4] All emails, text messages, and telephone records for any account or device used for Town Business by the following Town Officials between January 1, 2022 and July 31, 2022: [identified individuals].

For telephone records, I am specifically requesting call logs that include the date, time, duration, and the number dialed or received...

The Town provided responses on February 27, 2025 and March 18, 2025. Unsatisfied with the Town's responses, Mr. Smith petitioned this office and this appeal, SPR25/1544, was opened as a result.

The Public Records Law

The Public Records Law strongly favors disclosure by creating a presumption that all governmental records are public records. G. L. c. 66, § 10A(d); 950 C.M.R. 32.03(4). "Public records" is broadly defined to include all documentary materials or data, regardless of physical form or characteristics, made or received by any officer or employee of any agency or municipality of the Commonwealth, unless falling within a statutory exemption. G. L. c. 4, § 7(26).

It is the burden of the records custodian to demonstrate the application of an exemption in order to withhold a requested record. G. L. c. 66, § 10(b)(iv); 950 C.M.R. 32.06(3); see also Dist. Attorney for the Norfolk Dist. v. Flatley, 419 Mass. 507, 511 (1995) (custodian has the burden of establishing the applicability of an exemption). To meet the specificity requirement a custodian must not only cite an exemption, but must also state why the exemption applies to the withheld or redacted portion of the responsive record.

If there are any fees associated with a response, a written, good faith estimate must be provided. G. L. c. 66, § 10(b)(viii); see also 950 C.M.R. 32.07(2). Once fees are paid, a records custodian must provide the responsive records.

The Town's February 27th and March 18th Responses

On February 27, 2025, the Town sent a fee estimate of \$300 for the request and stated, "I tried to be very conservative in preparing this invoice as our IT and Town Counsel will also be spending a considerable amount of time and resources....Once we have payment, we would be happy [to] spend the time in good faith filling your request[.]"

On February 28, 2025, Mr. Smith stated, "I understand that this request will take some time to fulfill, certainly beyond the 10 days for typical requests, due to the nature of the information beginning gathered (phone bills, text messages, emails, etc). I would appreciate you keeping me informed periodically as you make progress on gathering the information." Mr. Smith subsequently submitted the fee payment on March 3, 2025 via a check that cleared his account on April 21, 2025.

Following an update inquiry from Mr. Smith, a Town official responded on March 18, 2025, "I am working with Town Counsel and our IT vendors. I am unsure at this time of how long it will take. I do not want to give you a false timeframe if I am waiting on other people. As soon as I have anything to tell you, I will definitely let you know..."

On May 23, 2025, following an apparent meeting between Mr. Smith and a Town official, in two separate emails to the Town, Mr. Smith stated:

I have evaluated the file that was provided on my USB drive. While it does contain a 1GB file that further contains 1,922 PDF files, this seems to be an incomplete set of data. This method of delivering the email messages seems to neglect the full email headers as well as any attached documents. These should be included in the data I am requesting. Additionally, it seems that there are missing emails. Would you please confirm exactly who has provided the information and who has not?

...[T]hese items are still outstanding, too[:]

[1] Any documentation relating to the audit of the town conducted by the former Town Administrator in 2022.

[2] Any documentation relating to the reduced PILOT payment from Eagle Hill School for 2022, especially any notes or communications with the former Town Administrator or Select Board members.

[3] If the PILOT agreement with Eagle Hill School has been reviewed by the Town's lawyers within the past year, I'd like a copy of any related documentation.

Current Appeal

In his appeal petition, Mr. Smith states, "[a]lthough my check was submitted on March 3, 2025, it did not clear my account until April 21, 2025. At this time, I am still waiting for the request to be fulfilled and my emails are not being answered. I am writing to request that the Supervisor of Public Records enforce compliance and order the town to produce the complete records or justify the delay in providing them."

Based on the Town's responses and the information provided in Mr. Smith's appeal petition, it is unclear whether the Town possesses additional records responsive to the request. Specifically, the Town must clarify whether it possesses the requested documentation Mr. Smith claims is missing from the file he was provided. The duty to comply with requests for records extends to those records that exist and are in the possession, custody, or control of the custodian of records at the time of the request. See G. L. c. 66, § 10(a)(ii). To the extent that the referenced records exist, I find the Town must provide an estimated date as to when it expects to complete its review and provide the requested records. See G. L. c. 66, § 10(a) (records must be provided without unreasonable delay). To the extent possible, the Town must provide the remaining responsive records on a rolling basis.

Conclusion

Accordingly, the Town is ordered to provide Mr. Smith with a response to his request, provided in a manner consistent with this order, the Public Records Law, and its Regulations within ten (10) business days. A copy of any such response must be provided to this office. It is

Justine Caggiano

SPR25/1544

Page 4

June 12, 2025

preferable to send an electronic copy of the response to this office at pre@sec.state.ma.us. Mr. Smith may appeal the substantive nature of the Town's response within ninety (90) days. See 950 C.M.R. 32.08(1).

Sincerely,

A handwritten signature in black ink, appearing to read "Manza Arthur". The signature is fluid and cursive, with the first name "Manza" being more prominent than the last name "Arthur".

Manza Arthur
Supervisor of Records

cc: Jeffrey Smith



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

Manza Arthur
Supervisor of Records

June 2, 2025
SPR25/1544

Mr. Jeffrey Smith
[REDACTED]

Dear Mr. Jeffrey 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, Owen Meech, 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, appearing to read "Manza Arthur".

Manza Arthur
Supervisor of Records

cc: Ms. Justine Caggiano

From: [Jeffery](#)
To: [SEC-DL-PREWEB](#)
Cc: [Hardwick Town Clerk; Justine Caggiano](#)
Subject: Complaint: Town of Hardwick paid public records requests unfulfilled and non-responsive
Date: Monday, June 2, 2025 7:34:16 AM
Attachments: [Gmail - Massachusetts Public Records Request Communications of Town Officials.pdf](#)
[TOWN OF HARDWICK invoice 02.pdf](#)

To Whom It May Concern:

In the attached files is the email thread where I made a request to the Town of Hardwick for public information. I was told there would be a cost and was given an invoice (also attached), which I have paid. Although my check was submitted on March 3, 2025, it did not clear my account until April 21, 2025. At this time, I am still waiting for the request to be fulfilled and my emails are not being answered.

I am writing to request that the Supervisor of Public Records enforce compliance and order the town to produce the complete records or justify the delay in providing them.

Thank you,

Jeffery Smith





Jeffery Smith <jeffery7@gmail.com>

Massachusetts Public Records Request: Communications of Town Officials

12 messages

Jeffery <jeffery7@gmail.com>

Tue, Feb 25, 2025 at 6:47 AM

To: Justine Caggiano <admin@townofhardwick.com>, Hardwick Town Clerk <clerk@townofhardwick.com>

Cc: Hardwick Board of Selectmen <selectboard@townofhardwick.com>, Eric Vollheim <stonedance@comcast.net>, Bill Tinker <williamtinkersb@gmail.com>

Dear Mr. Witkos and 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:

- Any documentation relating to the audit of the town conducted by the former Town Administrator in 2022.
- Any documentation relating to the reduced PILOT payment from Eagle Hill School for 2022, especially any notes or communications with the former Town Administrator or Select Board members.
- If the PILOT agreement with Eagle Hill School has been reviewed by the Town's lawyers within the past year, I'd like a copy of any related documentation.
- All emails, text messages, and telephone records for any account or device used for Town Business by the following Town Officials between October 1, 2024 and February 13, 2025:
 - Eric W. Vollheim
 - Kelly Kemp
 - Erik Fleming
 - Mark Korzec
 - Christopher Culross
 - Lucinda Childs
 - Justine Caggiano
- All emails, text messages, and telephone records for any account or device used for Town Business by the following Town Officials between January 1, 2022 and July 31, 2022:
 - Nicole Parker
 - Kelly Kemp
 - Julie Quink
 - H. Robert Ruggles

For telephone records, I am specifically requesting call logs that include the date, time, duration, and the number dialed or received. Please provide the records in electronic format if possible, otherwise, paper copies are acceptable.

Please ensure that personal details not pertinent to town business are redacted from the records to comply with privacy laws.

Could you please inform me of the expected timeline for processing this request? Additionally, please let me know if there will be any fees associated with this request and provide an estimate for these costs.

Please confirm receipt of this records request.

Thank you very much!

Sincerely,

Jeffery Smith



Justine Caggiano <admin@townofhardwick.com>

Thu, Feb 27, 2025 at 11:11 AM

To: Jeffery <jeffery7@gmail.com>, Hardwick Town Clerk <clerk@townofhardwick.com>

Cc: Hardwick Board of Selectmen <Selectboard@townofhardwick.com>, "stonedance@comcast.net" <stonedance@comcast.net>, Bill Tinker <williamtinkersb@gmail.com>

Hi Jeff,

Due to the time it would take to fill your request, I have attached an invoice under M. [G.L.CH 66](#), Section 10 (ii) of the public records law. I tried to be very conservative in preparing this invoice as our IT and Town Counsel will also be spending a considerable amount of time and resources. Please let me know if you have any questions. Once we have payment, we would be happy spend the time in good faith filling your request.

Thank you,

Justine

Justine Caggiano

Town Administrator

Town of Hardwick

P.O. Box 575

307 Main Street

[Gilbertville, MA 01031](#)

(413) 477-6197 x 101

jcaggiano@townofhardwick.com

When writing or responding, please remember that the MASS Secretary of State's Office has determined that email is a public record and therefore subject to public access under the Mass Public Records Law. M.G.L.c.66§10.

This communication may contain privileged or other confidential information. If you are not the intended recipient, or believe that you have received this communication in error, please do not print, copy, retransmit, disseminate, or otherwise use the information. Also, please indicate to the sender that you have received this email in error, and delete the copy you received.

[Quoted text hidden]



TOWN OF HARDWICK invoice.pdf

164K

Jeffery <jeffery7@gmail.com>

Fri, Feb 28, 2025 at 7:33 AM

To: Justine Caggiano <admin@townofhardwick.com>

Cc: Hardwick Town Clerk <clerk@townofhardwick.com>, Hardwick Board of Selectmen <Selectboard@townofhardwick.com>, "stonedance@comcast.net" <stonedance@comcast.net>, Bill Tinker <williamtinkersb@gmail.com>

Hi Justine,

Thank you for the invoice. I will come by your office with a check for \$300 on Monday.

I understand that this request will take some time to fulfill, certainly beyond the 10 days for typical requests, due to the nature of the information beginning gathered (phone bills, text messages, emails, etc).

I would appreciate you keeping me informed periodically as you make progress on gathering the information.

This new invoice (Invoice # 02) looks very similar to the invoice I received previously (Invoice # 01 12/09/2024 \$200). It seems a lot of the records that I requested under that invoice do not exist or at least still have not been sent to me, as I still have unfulfilled items under that request. Would you kindly confirm all my requests under that invoice have been fulfilled to the extent possible given existing records?

Jeff

[Quoted text hidden]

Justine Caggiano <admin@townofhardwick.com>

Fri, Feb 28, 2025 at 5:01 PM

To: Jeffery <jeffery7@gmail.com>

Cc: Hardwick Town Clerk <clerk@townofhardwick.com>, Hardwick Board of Selectmen <Selectboard@townofhardwick.com>, "stonedance@comcast.net" <stonedance@comcast.net>, Bill Tinker <williamtinkersb@gmail.com>

Hi Jeff,

Yes, I gave you everything I was able to gather with a lot of assistance from the staff for your first request. Please let me know if you have any other questions.

Have a nice weekend,
Justine

Justine Caggiano

Town Administrator

Town of Hardwick

P.O. Box 575

307 Main Street

Gilbertville, MA 01031

(413) 477-6197 x 101

jcaggiano@townofhardwick.com

When writing or responding, please remember that the MASS Secretary of State's Office has determined that email is a public record and therefore subject to public access under the Mass Public Records Law. M.G.L.c.66§10.

This communication may contain privileged or other confidential information. If you are not the intended recipient, or believe that you have received this communication in error, please do not print, copy, retransmit, disseminate, or otherwise use the information. Also, please indicate to the sender that you have received this email in error, and delete the copy you received.

From: Jeffery <jeffery7@gmail.com>
Sent: Friday, February 28, 2025 7:33 AM
To: Justine Caggiano <admin@townofhardwick.com>
Cc: Hardwick Town Clerk <clerk@townofhardwick.com>; Hardwick Board of Selectmen <Selectboard@townofhardwick.com>; stonedance@comcast.net <stonedance@comcast.net>; Bill Tinker <williamtinkersb@gmail.com>
Subject: Re: Massachusetts Public Records Request: Communications of Town Officials

[Quoted text hidden]

Jeffery <jeffery7@gmail.com> Tue, Mar 18, 2025 at 2:33 PM
To: Justine Caggiano <admin@townofhardwick.com>, Hardwick Town Clerk <clerk@townofhardwick.com>

Hi Justine,

I am writing to inquire about my requests under Invoice 02. I realize these items will take some time to gather together, etc. however I was anticipating an update regarding the estimated timeline? Any chance you could let me know?

Thanks,

Jeff

[Quoted text hidden]

Justine Caggiano <admin@townofhardwick.com> Tue, Mar 18, 2025 at 2:53 PM
To: Jeffery <jeffery7@gmail.com>, Hardwick Town Clerk <clerk@townofhardwick.com>

Hi Jeff,

I am working with Town Counsel and our IT vendors. I am unsure at this time of how long it will take. I do not want to give you a false timeframe if I am waiting on other people. As soon as I have anything to tell you, I will definitely let you know. Let me know if you want to set up a time to come in and get an update on ongoing town business.

Sincerely,

Justine

Justine Caggiano

Town Administrator

Town of Hardwick

P.O. Box 575

307 Main Street

[Gilbertville, MA 01031](#)

(413) 477-6197 x 101

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From: Jeffery <jeffery7@gmail.com>
Sent: Tuesday, March 18, 2025 2:33 PM
To: Justine Caggiano <admin@townofhardwick.com>; Hardwick Town Clerk <clerk@townofhardwick.com>
Subject: Re: Massachusetts Public Records Request: Communications of Town Officials

Hi Justine,

[Quoted text hidden]

[Quoted text hidden]

Jeffery <jeffery7@gmail.com>
To: Justine Caggiano <admin@townofhardwick.com>

Wed, Mar 19, 2025 at 1:12 PM

Hi Justine,

Thanks for the reply. I believe I can drop by tomorrow. Does 12:30pm work for you?

Jeff

[Quoted text hidden]

Justine Caggiano <admin@townofhardwick.com>
To: Jeffery <jeffery7@gmail.com>

Wed, Mar 19, 2025 at 1:14 PM

My day tomorrow is insane, but I have much more time Monday or Tuesday if you are available?

[Quoted text hidden]

Jeffery <jeffery7@gmail.com>
To: Justine Caggiano <admin@townofhardwick.com>

Wed, Mar 19, 2025 at 1:16 PM

Ok, let's go with Monday at 12:30pm. Thanks.

[Quoted text hidden]

Justine Caggiano <admin@townofhardwick.com>
To: Jeffery <jeffery7@gmail.com>

Thu, Mar 20, 2025 at 9:52 AM

Perfect! Thank you.

[Quoted text hidden]

Jeffery <jeffery7@gmail.com>
To: Justine Caggiano <admin@townofhardwick.com>

Fri, May 23, 2025 at 1:22 PM

Hi Justine,

I have evaluated the file that was provided on my USB drive. While it does contain a 1GB file that further contains 1,922 PDF files, this seems to be an incomplete set of data. This method of delivering the email messages seems to neglect the full email headers as well as any attached documents. These should be included in the data I am requesting.

Additionally, it seems that there are missing emails. Would you please confirm exactly who has provided the information and who has not?

Thank you!

Jeff
[Quoted text hidden]

Jeffery <jeffery7@gmail.com>
To: Justine Caggiano <admin@townofhardwick.com>

Fri, May 23, 2025 at 2:43 PM

Hi Justine,

I also meant to mention these items are still outstanding, too.

- Any documentation relating to the audit of the town conducted by the former Town Administrator in 2022.
- Any documentation relating to the reduced PILOT payment from Eagle Hill School for 2022, especially any notes or communications with the former Town Administrator or Select Board members.
- If the PILOT agreement with Eagle Hill School has been reviewed by the Town's lawyers within the past year, I'd like a copy of any related documentation.

Thanks,
Jeff
[Quoted text hidden]

TOWN OF HARDWICK MA

307 MAIN STREET
PO BPX 575
HARDWICK MA 01031
Phone: 1-413-477-6197 Fax: 1-413-477-6703

INVOICE

INVOICE # 02
DATE: 2/27/2025

TO:
JEFFERY SMITH



Phone:

SHIP TO:
JEFFERY SMITH



Phone:

INVOICE FOR PUBLIC RECORDS REQUEST M.G.L. CH 66, SECTION 10(ii)

" if an agency is required to devote more that 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 on receipt

QUANTITY	DESCRIPTION	UNIT PRICE	TOTAL
12 hours	Employee time to search for, compile, segregate, redact and or reproduce a record requested by public records request law. Contacting employees, Town Counsel, and our IT.	25.00	300.00
SUBTOTAL			300.00
SALES TAX			
SHIPPING & HANDLING			
TOTAL DUE			300.00

Make all checks payable to Town of Hardwick

If you have any questions concerning this invoice, contact Justine Caggiano at jcaggiano@townofhardwick.com

THANK YOU FOR YOUR BUSINESS!