

December 23, 2013

Attn: Massachusetts Public Records Request
Town of Warren
d/b/a/ Warren Police Department
PO Box 606
Warren, MA 01083-0606

RE: Official "PUBLIC RECORDS REQUEST"

To the "Keeper of Public Records":

This is a formal written request under the provisions of Massachusetts General Laws (MGL) Chapter 66; Section 10, it is requested you provide a copy of the following record(s) be released to my custody within ten (10) calendar days to comply with Massachusetts State law:

Location of Incident: Within the town limit jurisdiction of Warren, Massachusetts.

SEEKING THE FOLLOWING TOWN OF WARREN PUBLIC RECORDS:

1. Timesheets and/or work schedule(s) (i.e. daily, weekly, monthly, etc) while on Town of Warren payroll employment specifically for "Dispatcher Lisa Pensinger" and from July 11, 2009 to present day, December 23, 2013. Your records shall include the following – on a per day basis: (a) scheduled work day displaying hours worked, (b) day off, (c) vacation day, (d) sick day, etc. I do *not* need pay stubs, social security numbers, personal information, wage amounts, etc.; simply time sheets and/or work schedule(s) are what public records I request.
2. Timesheets and/or work schedule(s) (i.e. daily, weekly, monthly, etc) while on Town of Warren payroll employment specifically for "Chief of Police Bruce D. Spiewakowski" and from July 1, 2009 to present day, December 23, 2013. Your records shall include the following – on a per day basis: (a) scheduled work day displaying hours worked, (b) day off, (c) vacation day, (d) sick day, etc. I do *not* need pay stubs, social security numbers, personal information, wage amounts, etc.; simply time sheets and/or work schedule(s) are what public records I request.
3. Timesheets and/or work schedule(s) (i.e. daily, weekly, monthly, etc) while on Town of Warren payroll employment specifically for "Administrative Assistant Dawn Guzik" and from July 1, 2009 to present day, December 23, 2013. Your records shall include the following – on a per day basis: (a) scheduled work day displaying hours worked, (b) day off, (c) vacation day, (d) sick day, etc. I do *not* need pay stubs, social security numbers, personal information, wage amounts, etc.; simply time sheets and/or work schedule(s) are what public records I request.
4. Timesheets and/or work schedule(s) (i.e. daily, weekly, monthly, etc) while on Town of Warren payroll employment specifically for "Sergeant Joseph R. LaFlower" and from July 1, 2009 to present day, December 23, 2013. Your records shall include the following – on a per day basis: (a) scheduled work day displaying hours worked, (b) day off, (c) vacation day, (d) sick day, etc. I do *not* need pay stubs, social security numbers, personal information, wage amounts, etc.; simply time sheets and/or work schedule(s) are what public records I request.

5. Seeking photocopies of any Town of Warren Police employee complaints of /or related thereto "sexual harassment in the workplace", specifically for January 1, 2008 to present day, December 23, 2013. This shall include any police employee, past or present (i.e. Chief of Police, Administrative Assistant, Secretary, male or female police officers, and male or female dispatchers), and whether the alleged incident involved a police department coworker or not. If the answer is yes, please provide all the public records, with redactions (to comply with the law). If the answer is none, then simply provide a Town response as "Researched and None".

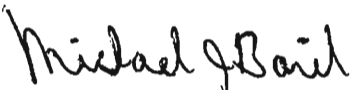
6. Seeking photocopies of any and all correspondences (i.e. US Mail, fax and Town owned e-mails to/from anyone), including all paper documents **specifically pertaining to the mention of: "SBA Structures", "SBA Structures Inc.", "SBA Towers" and/or "SBA", the radio tower atop Coy Hill, Coy Hill Road, Warren, Massachusetts" and from January 1, 2008 to present day, December 23, 2013.** This shall include any type of correspondences, and/or agreements between Town & SBA, and/or contracts between Town & SBA, and all invoices from SBA for rent.

This completes my public records request for now. I recognize that you may charge reasonable costs for photocopies, etc. to comply with my request. The law states I must be provided with this information within ten (10) calendar days following the request for the Town of Warren to comply with MGL Chapter 66; Section 10(b) where is clearly stated.

Please provide the Town owned public record(s) to me and I will personally come and pick them up. Please call me at (877) 267-7291 [REDACTED] Once I arrive, I will make immediate payment to the Town of Warren in full for all costs, via check. My maximum limit shall not exceed \$300.00 in reasonable costs.

I also certify the content in this document are true statements and correct to the best of my ability in stating the facts for this formal request of Town owned public records.

Respectfully Submitted,



Michael J. Baril
P.O. Box 542
Warren, MA 01083-0542

Delivery by: USPS First Class Mail Certified; Return Receipt – 7010 1870 0001 8988 0466



WARREN POLICE DEPARTMENT
PO Box 606, Warren, MA 01083

Police Dept Use ONLY	
Date Rec'd	
Call #	
Inc/Acc#	
Approved by	
Delivered	
Fee Rec'd	

Records

Request for ~~Police Report~~

According to the policy of this Department, all report requests are subject to a review procedure before being released and may not be immediately available.

It is our goal to provide the public with access to information legally defined as public, while maintaining the confidentiality of information exempted by law. If approved, the report you receive may have some information redacted.

The cost of a typical report is \$5.00, payable at the time your request is turned in to the Police Department. Longer or archived reports may be subject to an additional reasonable fee for research and redaction. If cost exceeds \$5.00, you will receive an estimate.

All requests will be handled as quickly as possible, however, current provisions allow for up to 10 business days to process requests.

Special Note about Motor Vehicle Accident Reports: For insurance purposes, your insurance company should issue their own request to us and pay the appropriate fee on your behalf. You may request and pay a fee for, a copy of the police report about your accident for your own information, but you are not required to purchase a copy for your insurance company.

Please complete the following information in its entirety:

Today's Date: 12/23/13

Your Name: _____

Address: (See Attached)

Phone #: _____

****Fee must be in the form of a check or money order made out to the Town of Warren.****
Cash is NOT accepted.

To help us locate the information you are requesting, please complete:

Type of Incident: _____

Name of any involved party/and or location: _____

Date/Time occurred or reported: _____

PRIVACY STATEMENT

We will use the information you include on this form to comply with your request. Please note that your request itself is a public record and may be released under the provisions of the Massachusetts Public Records Act. We will not release this information for any other reason.

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Public Records Request
Warren Police Dept.
PO Box 606
Warren, MA 01693-0606

2. Article Number

(Transfer from service label)

7010 1870 0001 8988 0466

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X Dawn Curran

Agent

Addressee

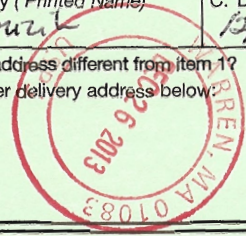
B. Received by (Printed Name)

Dawn Curran

C. Date of Delivery

12/13

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No



3. Service Type

Certified Mail

Express Mail

Registered

Return Receipt for Merchandise

Insured Mail

C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes

Type	Phone Number	Name	Date / Time	Recording	Action	Result
Voice	[Redacted]	[Redacted]	Mon 01/13/2014 12:15		Phone Call	Missed
Voice	[Redacted]	[Redacted]	Mon 01/13/2014 10:14		Phone Call	Accepted
Voice	From: (413) 436-5842	Add Contact	Mon 01/13/2014 08:49		Phone Call	Accepted
Voice	[Redacted]	[Redacted]	Sun 01/12/2014 18:46		Phone Call	Missed
Voice	[Redacted]	[Redacted]	Fri 01/10/2014 14:09		Call connected	Call connected

*

* 0:04:55

[Redacted]

Chief Spiewakowski.

[Redacted]



TOWN OF WARREN, MASSACHUSETTS

P O L I C E D E P A R T M E N T

1 MILTON O. FOUNTAIN WAY, P.O. BOX 606, WARREN, MASSACHUSETTS 01083
TELEPHONE: 413-436-9595 FAX: 413-436-7674

BRUCE D. SPIEWAKOWSKI
CHIEF OF POLICE

January 28, 2014

Mr. Michael J. Baril
143 West Street
Uxbridge, MA 01569

Dear Mr. Baril:

I received your request dated December 23, 2013 to the Keeper of Public Records of the Warren Police Department. On January 13, 2014, we discussed my response to your request and I informed you that you could pick up a written response at the Warren Police Department offices. As of the date of this letter, I have not heard from you and you have not picked up my response. Additionally, please be informed of the following.

In summary, you seek records regarding "timesheets and/or work schedules" for several named Town employees for the period "from July 11, 2009 to present day, December 23, 2013" (Requests ##1-4); "photocopies of any Town of Warren Police employee complaints of/or related thereto 'sexual harassment in the workplace,'" for January 18, 2008 through December 23, 2013 (Request #5); and photocopies of any and all correspondence ... specifically pertaining to the mention of: 'SBA Structures,'" and SBA Towers regarding the radio tower on Coy Hill Road from January 1, 2008 to December 23, 2013 (Request #6).

The Town has documents responsive to your requests, and will provide copies of such documents, subject to the payment of applicable fees under the Public Records Access Regulations, to the extent that such records exist and are subject to mandatory disclosure under the Public Records Law. G.L. c.66, §10. To the extent that responsive documents, or material contained therein, may be withheld under any of the exemptions to the Public Records Law, such documents will be withheld and/or material redacted, as appropriate. G.L. c.4, §7(26). Although certain exemptions to the Public Records Law are addressed below, the Town expressly reserves the right to assert the application of other exemptions, should the same prove appropriate, as the actual process of searching for and reviewing responsive records proceeds. The Town also may withhold records that are protected from disclosure under the attorney-client privilege. Suffolk Construction Co. v. Division of Capital Asset Management, 449 Mass. 444 (2007).

Exemption (c) of the Public Records Law (G.L. c. 4, §7(26)), permits a records custodian to withhold records that are:

Personnel and medical files or information; also any other materials or data relating to a specifically named individual, the disclosure of which may constitute an unwarranted invasion of personal privacy.

Exemption (c) contains two separate bases for non-disclosure. The first clause of exemption (c) covers personnel (and medical) records and information. The Massachusetts Supreme Judicial Court (“SJC”) has defined personnel records to include any records that would be helpful in making determinations regarding hiring and firing. Wakefield Teachers Association v. School Committee of Wakefield, 431 Mass. 792, 798 (2000). Specifically, the SJC stated:

While the precise contours of the legislative term “personnel [file] or information” may require case-by-case articulation, it includes, at a minimum, employment applications, employee work evaluations, disciplinary documentation, and promotion, demotion, or termination information pertaining to a particular employee. These constitute the core categories of personnel information that are “useful in making employment decisions regarding an employee.”

Such records are “absolutely exempt from disclosure,” as non-disclosure protects “the government’s ability to function effectively as an employer.” Id. at 799, 802; see also Globe Newspaper Co. v. Boston Retirement Bd., 388 Mass. 427, 438 (1983); Brogan v. School Committee of Westport, 401 Mass. 306, 308 (1987). As the SJC in Wakefield Teachers Association noted, “[d]isclosure of this sensitive and careful investigation and analysis would make the same kind of investigation and analysis difficult, if not impossible, in the future.” Id. at 802.

Similarly, Exemption (a) (G.L. c. 4, §7(26)(a)) covers those records which are “specifically or by necessary implication exempted from disclosure by statute,” which may be withheld from disclosure. One such statute is G.L. c. 214, §1B, which provides, “[a] person shall have a right against unreasonable, substantial or serious interference with his privacy.”

Certain responsive records may also be withheld pursuant to exemption (d) of the Public Records Law. G.L. c.4, §7(26)(d). Exemption (d) applies to records which reflect policy positions being developed, and the exemption is intended to avoid release of materials which could taint the deliberative process if prematurely disclosed. The exemption applies to recommendations on legal and policy matters found within an ongoing deliberative process. Since the information you have requested involves records pertaining to exemption (d) responsive records or portions thereof may be exempt from disclosure pursuant to exemption (d).

Regarding your requests ## 1-4, documents that are responsive will be provided, with all information that is not subject to disclosure being redacted or omitted or withheld under G.L. c. 4, §7(26)(c).

Regarding your request #5, no such documents exist. Additionally, if such documents existed, they would be withheld under G.L. c.4, §7(26)(a) and (c).

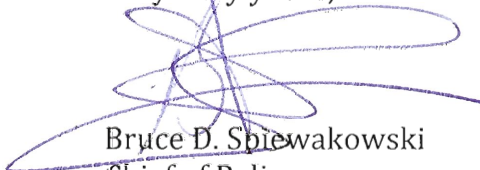
Regarding your request #6, documents that are responsive to your request will be provided, with all information that is not subject to disclosure being redacted or omitted or withheld under G.L. c.4, §7(26)(d).

Whenever it is estimated that the cost for complying with a public records request will exceed ten dollars, a custodian must provide the requester with a good-faith written estimate prior to complying with the request. 950 CMR 32.06(2). It is estimated that in this case it will take 28 hours to locate, review, and where appropriate, redact, the requested records, and that the average hourly rate of the lowest paid employee capable of performing such work is \$43.46. In addition, it is estimated that in this case it will take a second employee 40 hours to locate, review, and where appropriate, redact, the requested records, and that the average hourly rate of the lowest paid employee capable of performing such work is \$13.20. 950 CMR 32.06(1)(c); 950 CMR 32.03. In addition, it is estimated at this time that 650 pages will be copied at a fee of \$.20 per page. 950 CMR 32.06(1)(a).

Accordingly, upon receipt of a check made out to the Town in the amount of \$1874.88, I will direct that such work be performed. Should the cost of complying with your request exceed the estimated amount, the Town will provide you with an additional estimate of the cost to complete its response to your request.

Pursuant to 950 CMR 32.08, you may appeal this response to the Supervisor of Public Records within 90 days.

Very truly yours,



Bruce D. Spiewakowski
Chief of Police

cc: Town Counsel
490234/WARN/0001

Chief Bruce D. Spiewakowski
Warren Police Department

1 Milton Fountain Way
P.O. Box 606
Warren, MA 01083

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS. FOLD AT DOTTED LINE

CERTIFIED MAIL™



7012 3050 0000 2299 6145



1000

01569

U.S. POSTAGE
PAID
WARREN, MA
01083
JAN 28 2014
AMOUNT

\$6.00

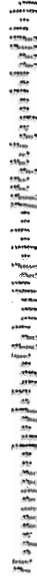
00041526-08



Michael Baril
143 West Street
Uxbridge, MA 01569

Name _____
1 _____
2 _____
Ret _____

015692004 R001



July 7, 2009

Attn: Massachusetts Public Records Request
Town of Warren
Warren Police Department – Sergeant Joseph R. LaFlower
PO Box 606
Warren, MA 01083-0606

RE: Official “PUBLIC RECORDS REQUEST”

To the “Keeper of Public Records”:

This is a formal written request under the provisions of Massachusetts General Laws (MGL) Chapter 66; Section 10, it is requested you provide a copy of the following record(s) be released to my custody within ten (10) calendar days to comply with Massachusetts State law:

Date of Incident/Time frame: July 1, 2008 to present, Tuesday, July 7, 2009 (approx 1 year).

Location of Incident: Within the town limit jurisdiction of Warren, Massachusetts.

SEEKING THE FOLLOWING TOWN OF WARREN OWNED PUBLIC RECORDS:


1. Timesheets and/or work schedule(s) (i.e. daily, weekly, monthly, etc) while on Town of Warren payroll employment specifically for “Dispatcher Lisa Pensinger” and from July 1, 2008 to present, Tuesday, July 7, 2009. Your records shall include the following – on a per day basis: (a) scheduled work day displaying hours worked, (b) day off, (c) vacation day, (d) sick day, etc. I do *not* need pay stubs, social security numbers, personal information, wage amounts, etc.; simply time sheets and/or work schedule(s) are what public records I request.

This completes my public records request for now. I recognize that you may charge reasonable costs for photocopies, etc. to comply with my request. The law states I must be provided with this information with ten (10) calendar days following the request for the Town of Warren to comply with MGL Chapter 66; Section 10(b) where is clearly stated.

Please provide the public record(s) to me, in writing with a reply summary on Town of Warren Police letterhead. Call me once compilation is finished at [REDACTED] anytime. I will personally come and pick up the public records. Once I arrive, I will make immediate payment to the Town of Warren in full for all costs. My maximum limit shall not exceed \$300.00 in reasonable costs.

I also certify the content in this document are true statements and correct to the best of my ability in stating the facts for this formal request.

Respectfully Submitted,

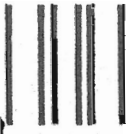


Michael J. Baril
P.O. Box 542
Warren, MA 01083-0542

Delivery by: USPS Mail Certified; Return Receipt



RECEIVED
FAL 7/10/09



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

MICHAEL J. BARIL
PO BOX 542
WARREN, MA 01083-0542

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

MA Public Records Request
Sgt. Joseph R. LaFlower
Town of Warren
Warren Police Dept.
PO Box 606
Warren, MA 01093-0606

2. Article Number

(Transfer from service label)

7004 1160 0001 8967 5467

COMPLETE THIS SECTION ON DELIVERY

A. Signature

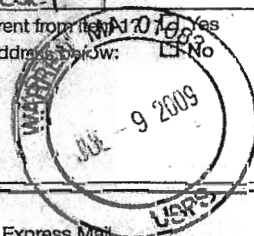
X
BRUCE D SPIEMANOWSKI

- Agent
- Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No



3. Service Type

- Certified Mail
- Express Mail
- Registered
- Return Receipt for Merchandise
- Insured Mail
- C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes

MICHAEL J. BARIL
P.O. BOX 542
WARREN, MA 01083-0542

101



1454

DATE 7/25/09

PAY TO THE
ORDER OF

Town of Warren

1 \$ 97.30

Ninety-seven and 30/100

DOLLARS



Security Features
Detailed on Back



MEMO

Public Records Report

Michael J Baril

MP



09/29/09

1454

97.30

MIKE BARIL

NEEDS CHECK OR M.O.

FOR \$97.30

MIKE BARIL