
From: James Kreidler <jkreidler@townsend.ma.us>
Sent: Tuesday, August 22, 2017 11:21 AM
To: Kellymkelly@comcast.net
Cc: rao@townsend.ma.us; Cindy King; Gordy Clark; James M. Kreidler; Kelly Merrill; Sue Lisio
Subject: RE: Public records request:Grievances

Dear Ms. Kelly,

There is/are document(s) responsive to your request but they are exempt from disclosure pursuant to exemptions (c) the so called "privacy exemption" as described below.

The document(s) involve(s) matters that are considered "personnel ...files or information", and as such, are exempt from disclosure under exemption (c), the so-called "privacy exemption":

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. G.L. c.4, §7, cl.26(c)

Records constituting "personnel" records, i.e., information with regard to a particular candidate or employee that would be "useful in making employment decisions," may be withheld as "personnel information" under the first clause of exemption (c) of the Public Records Law. Wakefield Teachers Association v. School Committee of Wakefield, 431 Mass. 792 (2000). Please note, however, that the documents were not part of a formal Police Department internal affairs proceeding. The courts have determined that internal affairs records are not necessarily covered by exemption (c) and not considered to be personnel records. However, no part of the document(s) at issue is/are connected to an internal affairs proceeding.

When the exemption cited above is applied I am asserting that the requested record(s) is/are exempt in its/their entirety and will not be produced.

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

Sincerely,

Jim
James M. Kreidler
Town Administrator
Town of Townsend
272 Main Street
Townsend, MA 01469
(978) 597-1700
jkreidler@townsend.ma.us

If this email is received by a multi-member public board, commission or committee please take care to never "respond to all" as you may inadvertently create a violation of the open meeting law.

This message (including any attachments) contains confidential information intended for a specific individual and purpose, and is protected by law. If you are not the intended recipient, you should delete this message. In

Massachusetts, the term "public record" is broadly defined to include all documentary materials or data created or received by any officer or employee of any governmental unit, regardless of physical form or characteristics unless it falls under one of the statutory exemptions to the Public Records Law MGL Chapter 4, Section 7(26). Consequently, email is subject to the disclosure, retention and maintenance provisions as required by law. MGL Chapter 66

From: Carolyn Smart [mailto:csmart@townsend.ma.us]
Sent: Wednesday, August 09, 2017 9:50 AM
To: 'James Kreidler'
Subject: FW: Public records request:Grievances

FYI

From: kellymkelly@comcast.net [mailto:kellymkelly@comcast.net]
Sent: Wednesday, August 09, 2017 9:32 AM
To: rao@townsend.ma.us
Subject: Public records request:Grievances

Please accept this public records request for any grievance filed by a member of the TPD, including the outcome of the investigation into the grievance and any emails, attachments or reports completed by any town employees related to the grievance, including the TA and Chief Eaton, from May 1,2016 until April 30, 2017.

Thank you,

Kelly Kelly
5 Taurus Lane
Townsend, MA 01469

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