

Genereux, David

From: Mike Shivick <Michael.Shivick@live.com>
Sent: Saturday, October 19, 2019 12:52 AM
To: Genereux, David
Subject: Re: May House Stimulus (ARRA) Money

David Genereux
Records Access Officer
Town of Leicester
3 Washburn Square
Leicester, Massachusetts 01524
RE: My Client: Michael J. Shivick
RE: Public Records Request

Dear Records Access Officer,

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 records relating to or otherwise relating in any way to the funding of the "Louisa May Alcott House" (hereinafter "the May House") from the 2008 American Reinvestment and Recovery Act (hereinafter "ARRA"), including*
 - *any correspondence to or from Becker College, any elected official, or any other entity, in any capacity*
 - *any record of any kind, including accountings of any money disbursed by the Town, in seeking funding from the ARRA or for the May House*
 - *all phone, email, and any communication(s) record(s) relating to the May House or ARRA*
 - *all minutes from all meetings regarding the May House or ARRA.*

I recognize that you may charge reasonable costs for copies, as well as for personnel time needed to comply with this request.

The Public Records Law requires you to provide me with a written response within 10 business days. If you cannot comply with my request, you are statutorily required to provide an explanation in writing.

If my office does not receive a satisfactory response, we reserve all rights to appeal to the Commonwealth's Supervisor of Records. See the Secretary of the Commonwealth's Public Records Division's website, [Appealing a Denial of Access to Public Records In Massachusetts](#) for more information. We may also seek judicial review by commencing a civil action in superior court under G.L. c. 66, §10A(c). For additional information about making a request or filing an appeal, see 950 CMR 32.08 (1) or refer to the Secretary of the Commonwealth's Public Records Division.

Sincerely,

Michael J. Shivick, Esq.

Sincerely,

Michael J. Shivick, Esq.

Attorney at Law

774.262.7281

www.shivicklaw.com

From: Genereux, David <genereuxd@leicesterma.org>

Sent: Friday, October 11, 2019 3:08 PM

To: Mike Shivick <michael.shivick@live.com>

Subject: Re: May House Stimulus (ARRA) Money

Thank you.

On Oct 11, 2019, at 3:08 PM, Mike Shivick <michael.shivick@live.com> wrote:

Ok I will clarify and respond back as a formal request.

Sincerely,

Michael J. Shivick, Esq.

(From my mobile handset)

On Oct 11, 2019, at 3:07 PM, Genereux, David <genereuxd@leicesterma.org> wrote:

Dear Attorney Shivick,

Please provide further details, such as when this project would have been undertaken, and what, if any, (to your knowledge) involvement that the Town may have had with it. This will aid me in the gathering of any records.

Regards,

David Genereux
Town Administrator
Town of Leicester



Town of Leicester
OFFICE OF THE TOWN ADMINISTRATOR
Town Hall, 3 Washburn Square
Leicester, Massachusetts 01524-1333
Phone: (508) 892-7000 Fax: (508) 892-7070
www.leicesterma.org

November 4, 2019

Michael Shivick
Attorney at Law
774.262.7281
www.shivicklaw.com

Dear Attorney Shivick

I am writing on behalf of the Town of Leicester ("Town") to provide an initial response to your public records request of 10/19/2019 seeking the following records:

- *All records relating to or otherwise relating in any way to the funding of the "Louisa May Alcott House" (hereinafter "the May House") from the 2008 American Reinvestment and Recovery Act (hereinafter "ARRA"), including*
 - *any correspondence to or from Becker College, any elected official, or any other entity, in any capacity*
 - *any record of any kind, including accountings of any money disbursed by the Town, in seeking funding from the ARRA or for the May House*
 - *all phone, email, and any communication(s) record(s) relating to the May House or ARRA*

all minutes from all meetings regarding the May House or ARRA.

To search for the records, I will need to spend considerable time reviewing all Town emails and other pertinent records. Given that these emails and other records contain confidential and sensitive information due to my position in the Town government, I am the lowest paid employee of the Town capable of performing the search. Additionally, with my other significant day-to-day responsibilities, I cannot focus solely on the task of responding to your public records request. Based on these factors, the Town is extending the time to respond to your request pursuant to G.L. c. 66, s. 10(b)(vi) by an additional 15 business days.

Additionally, below is an itemized good faith estimate of the estimated costs to respond to your request.

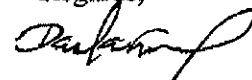
| Person/Department | Request | Est. Responsive Documents | Est. Time per document/task | Rate | Total |
|---------------------------------------|---|---|---|---------------------------|--------------------|
| David Genereux, Town Administrator | To gather all pertinent information, I will review all emails sent and received containing keywords "May House" or "ARRA" | There are 921 emails to be examined. Emails that are pertinent to the request must be separated from emails that are not. | 7.67 hours ⁽¹⁾ 5.67 billable (Based on reviewing 2 documents per minute) Emails will be provided on a flash drive | \$25.00 ⁽²⁾ | \$141.75 |
| Marie Paquette | Copying all departmental files associated with the "May House" and "ARRA" | 1,100 pages | 4 hours 2 hours billable | \$15.92 \$.05 per page | \$31.84 \$55.00 |
| | | | | Total | \$228.59 |

The Town will not begin to search for, segregate and redact the records to respond to you until we have received payment from you of the fee, which should be made payable to the "Town of Leicester" for \$228.59.

You have a right to appeal this response to the Supervisor of Public Records pursuant to G.L. c. 66, s. 10A(a) or by filing an action in Superior Court pursuant to G.L. c. 66, s. 10A(c).

Please feel free to contact me with any questions or concerns.

Regards,



David Genereux

⁽¹⁾ Excludes first two hours of time pursuant to G.L. c. 66, s. 10(d)(iii).

⁽²⁾ Actual rate exceeds statutory maximum permissible rate of \$25.00. See G.L. c. 66, s. 10(d)(ii).

Davis, Debbie

From: Genereux, David
Sent: Monday, October 21, 2019 8:35 AM
To: Davis, Debbie
Subject: FW: Public Records Request: Water Meetings

Debbie,

FYI, see below.

Regards,

David A. Genereux

David A. Genereux
Town Administrator
Town of Leicester
3 Washburn Square
Leicester, MA 01524
Telephone: (508) 892-7000
Fax: (508) 892-7070
Email: genereuxd@leicesterma.org

"Please remember that the Secretary of State has determined that email is a public record"

From: Mike Shivick [mailto:michael.shivick@live.com]
Sent: Saturday, October 19, 2019 1:36 AM
To: Genereux, David <genereuxd@leicesterma.org>
Subject: Public Records Request: Water Meetings

David Genereux
Records Access Officer
Town of Leicester
3 Washburn Square
Leicester, Massachusetts 01524
RE: My Client: Michael J. Shivick
RE: Public Records Request

Dear Records Access Officer,

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 records relating to or otherwise relating in any way to what David Genereux and others have referred to as the "working group," or "working water group," for lack of a better identifying name, and comprised of the meetings convened by the Town Administrator David Genereux between the various water and sewer districts, and related correspondence, including but not limited to*

- *The date(s) and time(s) of all meetings of said group, including any scheduled meeting(s)*
- *The names of each individual represented at each such meeting and the entity or organization(s) each person represents*
- *The authority under which these meeting are held*
- *The authority under which the public are excluded from the meeting(s)*
- *Any agreement(s) made by any person(s) or organization(s) or municipal entity(s) with any other person(s) or organization(s) or municipal entity*
- *The full content and transpiring of any such meeting(s)*
- *The policy and supporting documentation regarding the decision that any such meeting(s) must not be public meetings.*

I recognize that you may charge reasonable costs for copies, as well as for personnel time needed to comply with this request.

The Public Records Law requires you to provide me with a written response within 10 business days. If you cannot comply with my request, you are statutorily required to provide an explanation in writing.

If my office does not receive a satisfactory response, we reserve all rights to appeal to the Commonwealth's Supervisor of Records. See the Secretary of the Commonwealth's Public Records Division's website, [Appealing a Denial of Access to Public Records in Massachusetts](#) for more information. We may also seek judicial review by commencing a civil action in superior court under G.L. c. 66, §10A(c). For additional information about making a request or filing an appeal, see 950 CMR 32.08 (1) or refer to the Secretary of the Commonwealth's Public Records Division.

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Attorney at Law

774.262.7281

www.shivicklaw.com

Davis, Debbie

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Sent: Monday, October 21, 2019 8:36 AM
To: Davis, Debbie
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Hi Debbie,

FYI, see below.

Regards,

David A. Genereux

David A. Genereux
Town Administrator
Town of Leicester
3 Washburn Square
Leicester, MA 01524
Telephone: (508) 892-7000
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Regards,

David Genereux
Town Administrator
Town of Leicester

On Oct 11, 2019, at 3:03 PM, Mike Shivick
<michael.shivick@live.com> wrote:

Mr Genereux

Per the public records law, I am requesting a copy of all information regarding the disbursement of, and accounting of, all monies relating to the "May House" project at Becker college, including all correspondence regarding the procurement of any federal monetary aid from the 2008 American Recovery and Reinvestment Act of 2008, or any documents related thereto. Please let me know if there is a cost associated with said reproduction and compilation.

Sincerely,

Michael J. Shivick, Esq.

(From my mobile handset)