October 28, 2026

VIA EMAIL

Records@carverma.gov

Michelle Sheehan, Records Clerk

Records Access Officer

Town of Carver

108 Main St.

Carver, MA 02330

Re: Request for Public Records Pursuant to G.L. c. 4, § 7(26), G.L. c. 66, § 10, and 950 CMR 32.00 — Purchase of Water from the Town of Middleborough by the Former North Carver Water District

Dear Ms. Sheehan:

Under the Massachusetts Public Records Law, G.L. c. 66, § 10, I request copies of the records described below that are held by the Town of Carver (the "Town"). This request includes records of the former North Carver Water District ("NCWD") that were transferred to the Town under Chapter 152 of the Acts of 2026. Unless otherwise stated, the period covered is June 1, 2022 to the date of the Town's search.

I. Records Request

1. Agreements. All agreements, intermunicipal agreements, memoranda of understanding, amendments and drafts between the Town of Middleborough and NCWD and/or the Town concerning water supply, emergency water, the interconnection, or a meter or meter pit, including any agreement in effect on June 1, 2022, regardless of when it was signed.

2. Votes and minutes. Minutes, votes and meeting materials of the NCWD Commission and the Carver Select Board concerning the purchase of water from Middleborough, the intermunicipal agreement, or the meter pit, including the "Middleboro water agreement" item on the NCWD's August 15, 2022 agenda and any executive session minutes that have been released.

3. Metering. Records showing the meter was installed at the Middleborough interconnection, including the installation date, its cost and who paid it, and all meter readings. Prior to the meter being installed, records showing how the volume of water received from Middleborough was calculated.

4. Invoices from Middleborough. All bills, invoices or statements from the Town of Middleborough to NCWD or the Town for water, meter reading, billing services or related charges.

5. Payments to Middleborough. Records of each payment made to the Town of Middleborough from NCWD or Town funds, including bills-payable votes, treasury warrants, checks and electronic payment records, and a vendor payment history report for the Town of Middleborough generated from the Town's accounting system.

6. Customer billing totals. NCWD and Town water rate schedules and, for each billing period, the total gallons billed and the total dollars billed and collected from water customers in the former NCWD service area. I request aggregate totals only, not individual customer account information.

7. Water reports. The Annual Statistical Reports filed with the Massachusetts Department of Environmental Protection by NCWD or the Town for calendar years 2022 through 2025.

8. Correspondence. Emails and letters between any Town of Middleborough official or employee and NCWD commissioners, the Carver Town Manager or Town Administrator, Select Board members, Town finance staff, or the contract water operator (including Small Water Systems Services), concerning water supply, metering, billing or payment.

9. Audit records. Any portion of an audit, management letter or Division of Local Services review that addresses water purchased from Middleborough.

II. Scope of the Search

I request that the Town conduct a reasonable search for responsive records, as required by G.L. c. 66, § 10 and 950 CMR 32.00, including:

- Date range. June 1, 2022 through October 28, 2026, the date of this request, for every item unless the item states otherwise. Item 1 also covers any agreement that was in effect on June 1, 2022, regardless of when it was signed, and Item 7 covers calendar years 2022 through 2025.
- Record locations. Paper and electronic files of the Town Manager or Town Administrator, Select Board, Town Accountant, Treasurer/Collector and Water Department, and all NCWD records now in the Town's custody, including records transferred under Chapter 152 of the Acts of 2026.
- Email accounts. Town email accounts of the persons named in Item 8, and the email accounts used by NCWD commissioners and staff to conduct NCWD business. Records concerning public business are public records regardless of the account or device on which they were made or received.
- Records held for the Town. Responsive records held on the Town's or NCWD's behalf by its contract water operator, auditors or other agents.
- Search terms. For electronic records, at a minimum: "Middleboro," "Middleborough," "meter pit," "IMA," "interconnection" and "water purchase."

I ask that the Town's response briefly describe the locations and accounts searched and any search terms used. If any item is unclear or would require an unusually burdensome search, please contact me before narrowing it, and I will work with you to clarify or prioritize.

III. Withholding, Redaction, and Privilege

If the Town withholds or redacts any responsive record, in whole or in part, I request that the Town comply with G.L. c. 66, § 10(b)(iv) by identifying each record withheld or redacted, the specific exemption relied upon, and the basis for applying that exemption to that record. Under G.L. c. 66, § 10(a), any reasonably segregable, non-exempt portion of a record must be produced.

To the extent the Town asserts the attorney-client privilege as to any communication with Town Counsel or other counsel, see Suffolk Constr. Co. v. Div. of Capital Asset Mgmt., 449 Mass. 444 (2007), I request that the Town identify each such communication by date, author and all recipients,

and state the basis for the claim of privilege, so that its applicability can be evaluated. The privilege does not extend to communications that were not made in confidence for the purpose of obtaining or rendering legal advice, communications shared with persons outside the privileged relationship, or purely factual or administrative content.

IV. Form of Production

I request that responsive records be produced electronically. Emails should be produced in native format (.msg or .eml files, or a .pst export) with all header information and metadata intact, including sender, all recipients (including “cc” and “bcc”), date, time and attachments. Spreadsheets and accounting-system reports should be produced in their native or exported format (.xlsx or .csv). If native production is not feasible, I request text-searchable PDF files, with each email accompanied by its complete header information and attachments. Production may be made by email or by secure file-transfer link to the email address below.

V. Fees

I request that fees be waived under G.L. c. 66, § 10(d)(v). Disclosure of these records is in the public interest because they concern the use of public funds to purchase water for Carver residents, and this request is not made for any commercial purpose. If the Town nonetheless anticipates assessing any fee, I request an itemized, good-faith estimate under G.L. c. 66, § 10(d) and 950 CMR 32.07 before any fee-bearing work is performed. If the estimate is substantial, I am prepared to discuss reasonable ways to narrow or prioritize the request.

VI. Response and Preservation

The Public Records Law requires a written response within ten (10) business days of the Town’s receipt of this request. G.L. c. 66, § 10(b). If the Town requires additional time, I request a written explanation identifying the records at issue and the reasons additional time is required, together with a date certain for production. If any portion of this request is denied, I intend to appeal to the Supervisor of Records under G.L. c. 66, § 10A.

I further request that all potentially responsive records be preserved, and not deleted, altered or destroyed, pending the Town’s response and the resolution of any appeal.

Thank you for your attention to this request. Please direct any questions about its scope to me at the email address below.

Respectfully,

John Barrella