

Dana Manning
28 Over The Top Road
Holland, MA 01521

cell: (508) 864-3290
email: emancipateddana@gmail.com

Secretary of State
Division of Public Records
One Ashburton Place, Room 1719
Boston, MA 02108

tel:(617) 727-2832
FAX; (617) 727-5914
email: pre@sec.state.ma.us

January 28, 2015

Dear Supervisor of Records:

I am writing to you to request your assistance in recovering town documents that a Board of Health member refuses to return to the town of Holland despite numerous requests to do so.

Dave Kowalski serves on the Board of Health in Holland Massachusetts. In his tenure on the BOH Mr. Kowalski has taken to doing all of the BOH business on a personal computer and personal flashdrive.

I was elected to the BOH in June 2014. On the night of my first meeting (June 9, 2014) Michael Kennedy, one of the Selectmen came to the BOH meeting and told Mr. Kowalski he was not allowed to do town business on his personal computer. He was told to, "ask Linda" (the treasurer) to get him a computer.

Mr. Kowalski did not comply. On August 26, 2014 Dave Kowalski was removed from the position of BOH Chair for this non-compliance to Massachusetts General Law as well as for gross non-compliances with Sanitary Code, Food Code MGL. 111 which grants boards of health their authority.

The BOH has made great efforts to retrieve the BOH documents. We have requested that Dave return the flash drive. He refuses. We asked the local police and the Selectmen for assistance. We have asked to be granted access to town counsel so that an order can be issued to retrieve the town's property from the personal residence. It was not provided. We went to the DPH and MAHB attorney with requests for assistance, followed by the AG and and a police officer who works specifically for the AG. I contacted the Division of Open Government and they referred me to this office.

What I am appealing to you is Dave Kowalski's non production of the following documents:

Installer applications, permits and proof of payment for the past 12 years

Hauler applications, permits and proof of payment for the past 12 years
Perc test applications and proof of payments for the past 12 years
Food permits and proof of payment for the past 12 years
Food inspection reports for the past 12 years
Title V inspection reports for the past 12 years
All contaminated well reports for the past 12 years

All orders of conditions and letters of noncompliance issued for failed title v and contaminated wells for the past 12 years

All Well applications for the past 12 years

All variance applications/ variance requests and abutter notification lists for the past 12 years

All postings of hearings for those variances for the past 12 years

All financial records (none exist) for the past 12 years

All Disposal Works Construction Permits issued and the proof of their payments for the past 12 years

All the Certificates of Compliance issued for the past 12 years

All the "As Built" records needed to issue the Certificates of Compliance for the past 12 years

All MAVIS reports for the past 12 years

All dog bites, rabies follow ups for the past 12 years

All email correspondences for the past 12 years (digitized so they are searchable)

All BOH Agenda's for the past 12 years

All BOH hearings, and supporting papers for the past 12 years

All BOH minutes for the past 12 years. (We are aware that the Division of Open Government regulates minutes. We have simultaneously contacted them. Please note, the mere return of the computer and flash drive will also restore the minute to us.)

WE REQUEST ALL THESE DOCUMENTS IN DIGITIZED FORM AS THAT IS HOW THEY CURRENTLY EXIST ON Mr. Kowalski's PERSONAL COMPUTER AND FLASH DRIVE.

Additionally, I have enclosed the following:

The letter I wrote requesting assistance from Sergeant Ballou at the Attorney General. He has given us a final reply that he is unable to help us.

October 2, 2014 email request for records.

October 9, 2014 request for records.

Dave Kawalski's October 2nd and October 9th replies promising to return documents.

We have received NO DIGITAL COPIES OF ANYTHING. Some 2014 minutes were given to the BOH, but not in digital form as requested, and every other certificate, permit, license, application, record of inspection and fee collected IS STILL MISSING.

The Requests for these documents were not limited to October of 2014. Verbal requests go back to June 2014 which I witnessed and requests for Dave to stop doing town business on his personal computer go back as far as at least 2008. Yet it continued to be tolerated.

The BOH is under extreme duress trying to function with no records. We would be grateful for your assistance in this matter. We do not have access to our own records and history and the public is also being deprived of their lawful access to public town records and documents. We need the laptop and flashdrive turned over to the BOH immediately. We want digital records, just as they currently exist so that they are searchable.

Respectfully submitted,

Dana Manning
BOH- Member