

TOWN OF WELLESLEY



MASSACHUSETTS

BOARD OF SELECTMEN

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EXECUTIVE DIRECTOR OF GENERAL GOVERNMENT

For Immediate Release

Press Release Regarding Actions Taken and Statements Made to Members of the Board of Selectmen

On February 12, 2020, the Wellesley Police Department informed Marjorie Freiman, Chair of the Board of Selectmen, Thomas Ulfelder, Vice Chair, and Jack Morgan, Secretary, that Ronald Alexander, a Wellesley resident, filled out a Police Incident Report Form at the Police Station and shared that he intended to file a criminal complaint against the three Board members, as well as against Meghan Jop, Executive Director, and Thomas Harrington, Town Counsel. Mr. Alexander's allegations in the Police Incident Report Form include intimidating a witness, tampering with evidence, violation of his constitutional rights and threats to commit a crime. Mr. Alexander alleges these actions occurred in 2017 in connection with several of the numerous public record requests he had submitted to the Town and in the course of ensuing and ongoing communication with the Town and Town Counsel.

The following morning, February 13, 2020, at Mr. Alexander's request, Lise Olney and Beth Sullivan Woods, members of the Board of Selectmen, met with Mr. Alexander. At that meeting, Mr. Alexander provided information that he claimed supported his allegations of criminal activity. He also threatened to file similar criminal complaints against Ms. Olney and Ms. Sullivan Woods unless they committed by 4:00 p.m. that afternoon to secure within one week the following: (1) the resignation of the other three members of the Board; (2) the withdrawal of Mr. Ulfelder from the upcoming election for Selectman; and (3) the termination of Mr. Harrington as Town Counsel. The Board considers such threats an outrageous attempt by a Wellesley resident to interfere with the elected Board's composition and actions and to improperly influence a Town election. The Board, Ms. Jop and Mr. Harrington have asked the Wellesley Police Department to investigate whether Mr. Alexander's actions themselves constitute a crime.

The Town has a long history with Mr. Alexander; during the past 6-1/2 years, he has filed hundreds of public records requests with several different departments in Town. The requests have consumed hundreds of hours of staff time to process and cost the Town tens of thousands of dollars in legal fees. Mr. Alexander frequently requests documents that he created or that he has previously obtained from the Town as part of a prior request. Some of his requests cover multiple years, and sometimes he requests minutes and documents from public meetings held the night before. The Supervisor of Public Records in the Secretary of the Commonwealth's office, at the Town's request due to the harassing nature and extent of some of Mr.

Alexander's requests, issued against Mr. Alexander in 2017 what the Town believes to be the only grant of relief from the obligation to respond obtained by any municipality in the Commonwealth.¹ Mr. Alexander continues to file public records requests and in fact has filed more than 20 already in the first six weeks of 2020.

The Board and Executive Director have responded diligently to all of Mr. Alexander's records requests. However, his recent threats to the Board members and Town officials extend far beyond the bounds of acceptable behavior, civil discourse or any good-faith attempt to utilize the Public Records Laws. Accordingly, given his threatening conduct that impugns the reputation and integrity of volunteer Board members and experienced and hard-working Town officials, the Board feels that it has no choice but to publicly disclose Mr. Alexander's actions and take a strong stand against such bullying, offensive, and downright hostile behavior. The Board categorically denies that it, or the Town officials, have engaged in any criminal conduct; denies that the information presented by Mr. Alexander in any way supports his claims; and denounces in the strongest possible terms Mr. Alexander's actions, charges, statements, and insinuations.

¹ A copy of the Supervisor's September 21, 2017, decision may be found below.



The Commonwealth of Massachusetts
William Francis Galvin, Secretary of the Commonwealth
Public Records Division

Rebecca S. Murray
Supervisor of Records

September 21, 2017
SPR17/1282

Judith M. Belliveau
Assistant Superintendent, Finance and Operations
Wellesley Public Schools
40 Kingsbury Street
Wellesley, MA 02481

Dear Ms. Belliveau:

I have received your petition on behalf of the Town of Wellesley (Town) seeking relief from its obligation to produce responsive records. G. L. c. 66, § 10(c); see also 950 C.M.R. 32.06(4). As required by law, the Town furnished a copy of this petition to the requester. G. L. c. 66, § 10(c). On September 6, 2017, Ronald Alexander requested to inspect the "190 requests since 2013" mentioned in a June 20, 2017 School Committee meeting.

Petitions for an extension of time

Under the Public Records Law, upon a showing of good cause, the Supervisor of Records (Supervisor) may grant a single extension to an agency not to exceed 20 business days and a single extension to a municipality not to exceed 30 business days. In determining whether there has been a showing of good cause, the Supervisor shall consider, but shall not be limited to considering:

- (i) the need to search for, collect, segregate or examine records;
- (ii) the scope of redaction required to prevent unlawful disclosure;
- (iii) the capacity or the normal business hours of operation of the agency or municipality to produce the request without the extension;
- (iv) efforts undertaken by the agency or municipality in fulfilling the current request and previous requests;
- (v) whether the request, either individually or as part of a series of requests from the same requestor, is frivolous or intended to harass or intimidate the agency or municipality; and
- (vi) the public interest served by expeditious disclosure.

G. L. c. 66, § 10(c).

If the Supervisor determines that the request is part of a series of contemporaneous requests that are frivolous or designed to intimidate or harass, and the requests are not intended for the broad dissemination of information to the public about actual or alleged government activity, the Supervisor may grant a longer extension or relieve the agency or municipality of its obligation to provide copies of the records sought. *Id.*

The filing of a petition does not affect the requirement that a Records Access Officer (RAO) shall provide an initial response to a requester within ten business days after receipt of a request for public records. 950 CMR 36.06(4)(b).

Request for relief from obligation to produce records

In its petition dated September 13, 2017 in support of its request for relief from its obligation to respond to Mr. Alexander's September 6th request, the Town asserts "Mr. Alexander has submitted approximately one hundred and sixty two (162) requests to the School Department and School Committee, approximately seventy one (71) of which have been filed since August 2016...Mr. Alexander's total number of public records requests now exceeds two hundred (200)."

The Town claims now Mr. Alexander has "begun engaging in creative ways to submit redundant requests for documents that he created and that he has previously requested and obtained from the Town." For example, the Town explains that Mr. Alexander made two previous requests, dated December 20, 2016 and August 29, 2017, that included his own public records requests. The Town responded to these requests and explains that the "vast majority of the documents responsive to Mr. Alexander's request were the requests he had created electronically and submitted to the Town."

September 6th request

With respect to the request at issue in this petition, the Town explains "Mr. Alexander's September 6 request references a statement made at a School Committee meeting to the effect that '160 of 190 records requests [received by the School] since 2013 are also from the same individual.'" Mr. Alexander seeks "[t]he '190 requests since 2013' as mentioned above."

The Town claims "it is clear on the face of this request that: (1) between 80 to 90 per cent of the requested documents were created by Mr. Alexander and that those include hundreds of pages of documents that Mr. Alexander has previously requested and obtained from the Town; and (2) of the small number of documents that were not created by Mr. Alexander, he was previously provided access to those documents."

The Town claims Mr. Alexander is "abusing the Public Records Law by repeatedly requesting large collections of documents he has previously obtained from the Town and that he created in the first place." The Town seeks "a determination that Mr. Alexander's September 6

Judith M. Belliveau
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request is frivolous as Mr. Alexander created the responsive documents and has already obtained the same documents from the Town and the Department through his prior requests.”

The Town further states that the documents “are not related to government activity, as the documents are merely records of Mr. Alexander’s activities” and that he “does not need copies for public dissemination as he has already been provided access to these documents despite the fact that he generated almost all of the responsive documents.”

In light of Mr. Alexander’s previous requests to the Town, including the August 29th request, I find the Town has established that Mr. Alexander’s September 6th request is “part of a series of contemporaneous requests that are frivolous or designed to intimidate or harass, and the requests are not intended for the broad dissemination of information to the public about actual or alleged government activity” as required by G. L. c. 66, § 10(c).

Conclusion

For the reasons described above, I grant the Town’s request for relief of its obligation to provide public records responsive to Mr. Alexander’s September 6th request. Please note that the requester has the right to seek judicial review of an unfavorable decision by commencing a civil action in the superior court. G. L. c. 66, § 10(c).

Sincerely,



Rebecca S. Murray
Supervisor of Records

cc: Ronald Alexander