



OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General
One Ashburton Place
Boston, MA 02108

Please note that all fields are required unless otherwise noted.

Your Contact Information:

First Name: Judith Last Name: Ahem

Address: PO Box 394

City: South Wellfleet State: MA Zip Code: 02663

Phone Number: 917-488-1513 Ext. _____

Email: jude@judeahem.com

Organization or Media Affiliation (if any): _____

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?

(For statistical purposes only)

Individual Organization Media

Public Body that is the subject of this complaint:

City/Town County Regional/District State

Name of Public Body (including city/town, county or region, if applicable): Wellfleet Selectboard

Specific person(s), if any, you allege committed the violation: Selectboard members: Janet Reinhart, Helen Wilson, Justina Carlson, Michael DeVasto: Town Administrator, Dan Hoort and KP Law Town Counsel, Carolyn Murray

Date of alleged violation: 9/24/19

RECEIVED
2019 OCT 25 P 3:17
TOWN CLERK
TOWN OF WELLFLEET

Description of alleged violation:

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

The Wellfleet Selectboard discussed an email I sent to them on September 10, 2019 for thirteen minutes on September 24, 2019 described in the agenda under IV. :Board/Committee Appointments and Updates B. "Discuss, deliberate and take appropriate action to respond to letter from the Planning Board". A copy of the letter from the Planning Board was buried as page 41 of 120 in their "packet".

The Wellfleet Planning Board is also in violation of Open Meeting Law for not posting any letter on their agenda from September 18, 2019. It was not until October 2, 2019 that any letter, in response to the email I sent to the Selectboard, was mentioned.

Therefore it was not until October 4th that a friend alerted me to the horrible things the Selectboard had said about me. I was shocked. I had no idea my email had set off such a response. I had no way of knowing the Selectboard would be discussing ME at their meeting. Chairperson Reinhart made a joke of not telling me and Town Counsel advised to write me a letter. Instead they defamed my character without giving me the opportunity to answer to all of their false and completely unsubstantiated accusations ONE by ONE.

This is in clear violation of Open Meeting Law as well as other laws, policies and ethics.

Documents: Planning Board agendas for 9/18 and 10/2; Selectboard agenda for 9/24; letter from Planning Board to Selectboard NOT DATED, and Selectboard written transcript of excerpt from 9/24;

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

The entire Selectboard to publicly apologize and retract all of their statements about me spoken at their Selectboard meeting of September 24, 2019, none of which are true nor specific enough to defend. For the Selectboard to get new Town Counsel and reprimand Dan Hoort for the mishandling of this situation as this was clearly intentional. Urge all of them to learn about the First Amendment and why it's so important to Democracy.

Review, sign, and submit your complaint

I. Disclosure of Your Complaint.

Public Record. Under most circumstances, your complaint, and any documents submitted with your complaint, is considered a public record and will be available to any member of the public upon request.

Publication to Website. As part of the Open Data Initiative, the AGO will publish to its website certain information regarding your complaint, including your name and the name of the public body. The AGO will not publish your contact information.

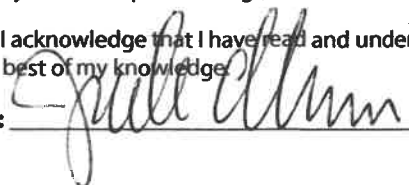
II. Consulting With a Private Attorney.

The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

III. Submit Your Complaint to the Public Body.

The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to openmeeting@state.ma.us.

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed: 

Date: 10/28/19

For Use By Public Body
Date Received by Public Body:

For Use By AGO
Date Received by AGO:



Wellfleet Selectboard

Note: Start Time of 7pm

The Wellfleet Selectboard will hold a public meeting on **Tuesday, September 24, 2019, at 7:00 p.m. at the Wellfleet Senior Center, 715 Old Kings Highway, Wellfleet, MA 02667.** *It is anticipated that the meeting will be recorded by the Town. Anyone else desiring to record the meeting may do so only after notifying the chair and may not interfere with the conduct of the meeting in doing so.*

- I. Announcements, Open Session and Public Comments**
Note: Public comments must be brief. The Board will not deliberate or vote on any matter raised solely during Announcements & Public Comments.
- II. Public Hearings**
 - A. Change to Shellfish Regulations 7.19.5. Overwintering of Equipment on Grants [Continued from 08/27/19 BOS meeting]
 - B. Review and approve new Section 8 Commercial Shellfishing: Dragging and Dredging regulations
- III. Presentation by Nauset Superintendent Tom Conrad on Building Project**
- IV. Board/Committee Appointments and Updates**
 - A. Open Space Committee – Margaret Sagan
 - B. Discuss, deliberate and take appropriate action to respond to letter from the Planning Board
- V. Business**
 - A. Approve renewal of license agreement with Thomas J. Siggia and Cathy G. Siggia [TA]
 - B. Marijuana Cultivation-Host Community Agreement - Patrick Kemple & Ennie MacDonald
 - C. Review of Bookstore & Restaurant hour extension
 - D. Dredging Update [TA]
 - E. Finalize FY 2020 goals
 - F. Approve FY 2021 Budget Policy [TA]
 - G. Approve FY 2021 Annual Budget & 2020 Annual Town Meeting schedule [TA]
 - H. Consent for Town Administrator to be involved in business activity related to a business he has owned since 2005 [TA]
 - I. A resolution in support of a Future Act [Chair]
- VI. Selectboard Reports**
- VII. Town Administrator's Report**
- VIII. Topics for Future Discussion**
- IX. Vacancy Report**
- X. Minutes**
 - A. September 10, 2019
- XI. Adjournment**

To the Selectboard:

On September 13, 2019, Dan Hoort informed Gerald Parent, Chair of the Planning Board, that Jude Ahern sent an email to you dated September 10, 2019 voicing her opposition to Mr. Parent's candidacy for the position as Wellfleet's representative to the Cape Cod Commission. In it, she stated "If this ridiculous idea [that Mr. Parent fill this vacancy] is pushed forward, I will start my assault on the Planning Board. Understood?"

We wish to voice our deep concern that this threat of an "assault" on our Board appears to have gone unaddressed by the Selectboard. We do not know what Ms. Ahern means by "assault." In our opinion, this could be construed as threatening violence or disruption of the Board's proceedings. We recognize that Ms. Ahern is free to voice her opposition to Mr. Parent's or any person's candidacy for a Board or committee vacancy. However, we believe that this opposition, or opposition to any appointment should not include the threat to "assault" this or any other Town Board or Committee. We serve as Board members on a voluntary basis. We devote considerable time and effort to fulfilling the Board's planning responsibilities to the highest degree possible. We do not believe that it is appropriate for any person to threaten an "assault" on a Board or committee for any reason including opposition to a member's candidacy for another committee or Board vacancy. We request that the Selectboard address this matter in an appropriate manner and advise us as to how it does so. We also request that this letter be included in the official Board packet for the Selectboard meeting Tuesday September 24, 2019.

Respectfully submitted,

Wellfleet Planning Board

Wellfleet Selectboard Meeting 9/24/19 beginning at 2:34:05

<http://viewer.earthchannel.com/PlayerController.aspx?&PGD=wellfleetma&eID=192>

Selectboard Chair, Reinhart: Discuss, deliberate and take appropriate action to respond to the letter from the planning board...So, Dan, do you want to address this at first?

Town Administrator, Hoort: So as you are aware, on September 10th you received an email from Jude Ahern that stated: "You must be joking. There is no way Gerry Parent is going to represent the Town of Wellfleet in anything beyond its borders. If this ridiculous idea is pushed forward, I will start my assault on the Planning Board. Understood?"

Selectboard Chair, Reinhart: So everyone is aware of that. And when I got that I immediately emailed Dan and said that this should be referred to our lawyer, Koppleman and Page, and I hope this is alright but there are a number of letters that have been referred and kept in my file from Jude that has...she's also threatened the Planning Board...who else has she...she's definitely says inappropriate things. And so Dan I'll let you continue.

Town Administrator, Hoort: So, the feeling is that this one crossed the line because of using the word "assault" and in this day and age, I think everybody on the Selectboard would agree that we don't condone that type of language. It could be construed as a threat against public officials. I had a call with Town Counsel on Friday to discuss the Planning Board's letter and Ms. Ahern's email. Carolyn suggested that the Board discuss appropriate action regarding Ms. Ahern's email and make a statement that they do not condone the behavior and language. The word "assault" is not appropriate under any circumstances and Ms. Ahern has threatened a group of public officials. The Board should consider whether this is a threat that may result in violence and decide whether this threat should be referred to the Office of the Barnstable County District Attorney. **The Selectboard could also write a letter to Miss Ahern** just basically saying that they take this very seriously and they do not condone this behavior or this language towards any public official or they could make the decision that they want to refer this to the Barnstable County District Attorney. The Board has any option of doing this, handling how they want to.

Selectboard Member Wilson: So for me this letter, this email, that wasn't even addressed to me, was just the tip of the iceberg. I, having served on various committees and boards, have heard from Ms. Ahern before and I have had to think very carefully about it. I think assault is arguably a word that is not meant to imply physical violence, it's arguable, and I think that curtailing people's freedom of expression is very very it's a very thin line to walk but here's what I came up with: Civil discourse is essential to our government. However, no negative characterizations, which you could also describe as verbal abuse, and certain kinds of informal language that is meant simply to express disagreement with vehemence but to intimidate, threaten and to stifle an exchange of differing opinions. It's counterproductive and it's DISTRACTING and it's unnecessary. We got a document from Ms. Ahern alleging an open meeting law violation and we read and addressed it in our last meeting or our meeting before that, I forget, and it was full of conjecture and it had this same kind of confrontational, intimidating tone. It wasn't simply I perceive you as doing something which I think is wrong and here's why, which we should all be able to listen to, very carefully, in public. If we've made mistakes we need to hear about it but insulting people and intimidating them and using demeaning adjectives is, I think, stepping over a line. It's kinda "hate speech" actually, not as legally defined, and I think we should simply make sure that every Chair of every board and committee whether it's a three-person Assessor's Board or you know, the Zoning Board of Appeals that has has nine people understands that the minute anybody uses one derogatory term, steps over that line, that they are immediately cut short and I think that is our best recourse and keeping track of that, I wouldn't even let someone finish a sentence if they said one thing like that.

Selectboard Chair, Reinhart: So I would add that it is in, I didn't look it up, It's either in our Selectmen's regulations, Town Regulations, or the State regulations that there can be no personal attacks at a public meeting and it is up to the Chair...and I will just say this that while I'm Chair Ms. Ahern is welcome to come to any meeting but I will not recognize her and I really won't recognize anyone who I feel has improper, impolite attacks on the committee and any staff also. We talk facts here. If we don't know something we ask for more information. If we are angry because we misunderstand something we don't get angry we ask for information. So in all committees, all public hearings we need facts and not personal attacks, not emotions and not "I believe this or you should have done this" we stick to facts. **So I in some ways I think she should be made aware of this by a letter but I'm sure she loves to watch the video so she'll probably**

hear this now too. And there's other people in the past who have been aggressive and mean and they too, there's just no place for it in public discourse. Anybody else besides Helen?

Selectboard Member, Carlson: As I understand it, Dan reviewed the use of the word assault with our Koppleman and Page Attorney and we do have the option of referring to the Barnstable County's District Attorney and I would recommend we take that option. I think, I know personally I have tried to work with...Miss Ahern has the best of intentions, I'm going to give her the benefit of the doubt, she's often well informed, does good research but her continued, um "style" of being confrontational and insulting and threatening is non-productive and often disruptive and I'm afraid that I think a stricter response is needed here. That's why I would recommend the referral to the Barnstable Attorney and then I think both Janet and Helen's additional thoughts on Chairs implementing limits when the discourse is disrespectful are also a good option but I vote, I strongly feel we should refer it to the District Attorney.

Selectboard Member, DeVasto: I agree with Justina. And I thought about it for a while cause initially my reaction was that you know, the word assault was probably not meant in a violent manner but then I kinda questioned myself as to whether I would think the same way if it were a man who had written it and that kinda thought exercise I think made me realize that if it were from another gender, I may think differently about the word "assault"...I'd think differently about the word assault in that context and I don't think that we should, or, I don't think that I should really discriminate by gender what was actually written. I mean, I don't know Jude Ahern and I don't know what she's capable of, or anyone else. The word is the word. And so it should probably be looked into. I'm pretty sure that if it was a male that sent that, it would feel strongly that it could be construed as a violent, as a violent manner in which to use the word. So I kinda side with Justina on this and that's where I'm at.

Selectboard Chair, Reinhart: Well I'll say "assault" is a violent word. You don't really assault an ice cream cone...Let's keep moving on and if you have something new to add.

Selectboard Member, Wilson: It's in response because we are having a useful conversation here. What I want is hard core. I want facts. But if somebody expresses emotions or somebody expresses things perhaps not that well, I want to keep people on topic, I want facts. It's that they shouldn't do verbal abuse, negative

characterizations, at all. And I have gotten language similar to this from Jude in emails, not all of which I've kept, but many, many times and it's also a pattern of abusive language, you know, that's built up. And that is the reason perhaps that we should submit this to a higher authority simply as evidence but not just this one thing, but describing the pattern of abuse and the finance committee had an issue with this and it should be included. And that doesn't mean I don't want to hear from Jude Ahern. It just means I really want to hear from her and I don't want these horrible distractions. It's counterproductive.

Selectboard Chair, Reinhart: I think we are all in agreement. So do you want to make a motion just to send a letter, send a report, send a complaint to the Barnstable County attorney. The Barnstable County District Attorney's office.

Selectboard Member, Wilson: I move that we submit this email that was received by the Planning Board as well as evidence and a report and documents reporting on a pattern of harassment, perhaps to the Barnstable County District Attorney simply to go on record...And I apologize for that being a little bit...



WELLFLEET Massachusetts

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Agenda

Date:

Wednesday, ~~October 2, 2019~~ 7:00pm

Wellfleet Planning Board

Wednesday October 2, 2019 7PM

715 Old King's Hwy, Duck Pond Room

Agenda

Announcements, Open Session & Public Comment: Note: Public comments must be brief. The board will not deliberate or vote on any matter raised solely during announcements & public comment.

Hall Subdivision, Sam Hollow Road (Map #23, Parcel #73)

Possible votes taken on release of lots

Horton Subdivision, Josem Way (Map #42, Parcel #43)

Update on progress with property

Comprehensive Planning

Discussion of strengths as well as needs for improvement in the current zoning by-laws to enhance economic development, facilitate affordable housing, and protect the natural environment

~~Letter to the Select Board~~

Update on letter sent to the select board and actions taken

Minutes

September 18, 2019

Topics for future concern - *Please note that all meetings are recorded, and a vote may be taken on any item of business

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Agenda

Date:

Wednesday, September 18, 2019 - 7:00pm

Wellfleet Planning Board

Wednesday ~~September 18~~, 2019 7:00 PM

715 Old King's Hwy, Duck Pond Room

Wellfleet, MA 02667

Agenda

Horton Subdivision, Josem Way (Map #42, Parcel #43)

Road and Easement plans for drainage to be reviewed.

Hall Subdivision, Sam Hollow Road (Map #23, Parcel #73)

Finalizing project

Subdivision Control Laws Section 2.06.f

Discussion on changing above section, performance guarantee section 3 governing use of land.

include building and use of land.

Minutes:

July 10, 2019

July 17, 2019

Correspondence

Source URL: <https://www.wellfleet-ma.gov/planning-board/agenda/agenda-13>