

November 11, 2024

Editor, Truro News

via email to editor@truronews.org

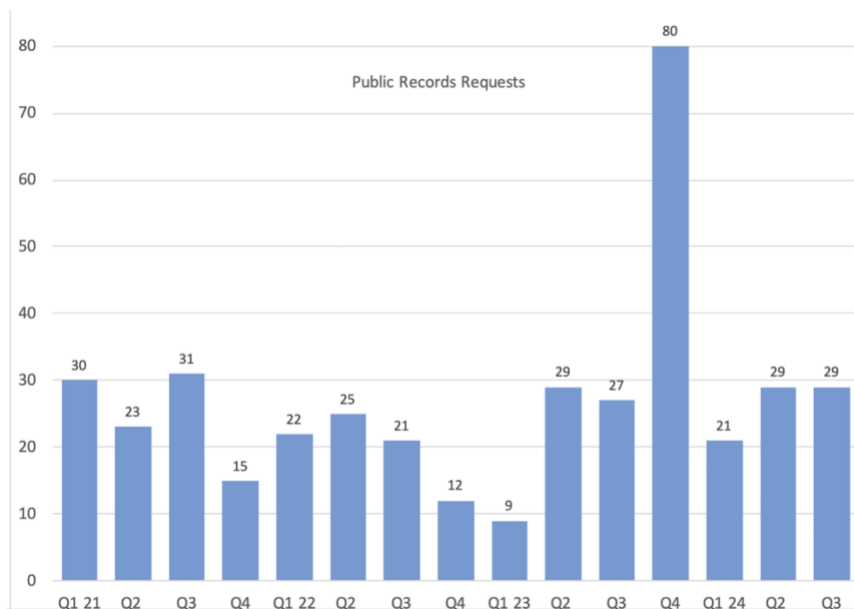
Dear Editor,

Truro taxpayers approved a new expense of \$40,000 to pay for a consultant to assist with the processing of Public Record Requests (PRRs) as part of the budget passed at May 2024 ATM. Part of the budget, it was recommended by both the then Select Board and Finance Committee. They relied upon the repeated representations of the Town Manager about the escalating demands placed on Town staff to process requests that he reported substantially increased in both their number and scope.

These representations, made in front of the Boards and codified in their minutes, were knowingly false and misleading. The approval of \$40,000 by a trusting electorate was both unjustified and has resulted in no improvement in the fulfillment of public records requests. In fact, it has gotten worse. New and improper obstacles sharply reduce the transparency they are intended to guarantee. And, rather than freeing up Town staff, the Town Manager continues to be involved in every step of the process of fulfillment, both micro-managing and impeding transparency. Why?

Through public comments, in-person conversations, emails and letters to this publication, many PRR-filers raised alarming concerns that the justification for a consultant was based on knowingly misstated and incorrect information. In response to requests to correct the record, Mr. Tangeman simply repeated these misstatements, as if repeating them would make them true.

But it doesn't. As can be seen in the PRR records graph, **except for a one-time spike in the Fall of 2023, the actual requests as of this last quarter have run at a level consistent from at least 2021.** This specific spike is entirely attributable to the unprecedented events of last fall and the resulting collapse of trust in Town management. This usual level has always been capably handled by existing Town staff on a timely and fulsome basis — until this past year.



Why did this change?

First, a definite pattern has emerged — but not the pattern represented by the Town Manager and not one that would justify hiring a \$40K consultant. Instead, we see an almost universal effort to delay fulfillment of requests — some for nearly a year — and to assay outlandish costs sent as ironically entitled “good faith estimates” of costs that had to be paid before requests would be fulfilled. According to the reports of many who generously responded to [my request last March](#) to share their own experiences with PRRs, we see a record number of appeals filed by citizens based upon the Town’s refusal to release available public records.

These appeals each followed a pattern: an overstated cost estimate and/or a withholding of documents for improper reasons; followed by much back and forth between the filer and Town staff; little to no production, most often seriously delayed in violation of the law; and after obvious obfuscation, appeal to the Commonwealth’s Supervisor of Records. Almost all the appeals were decided in favor of the filer. Yet even then, the Town of Truro chose most often to further delay production even after being directed by State officials to produce materials on a timely basis for a reasonable cost.

My own experience in one PRR is illustrative. I was assayed an initial fee of \$6,000 for what the Town estimated to be 14,000 documents for one request that wound up being resolved months and months later (and after I won my appeal) at a cost of \$87.50 for what turned out to be less than 160 documents. Shockingly, the Town Manager continued to use the Town’s original and incorrect figure of \$6,000 and 14,000 documents to convince the Select Board and FinCom of the (untrue) burden of PRR requests on staff and to dissuade citizens from filing broad PRRs.

It worked. We now have a \$40,000 consultant not because of the actual burdens of production on staff but because the Town instructs staff to do everything possible to delay or block production of public records.

Thanks to the shared experience of many PRR filers since March, the record now shows on a broad basis what I described in my March letter — top-down efforts to hamper the very transparency the public records law is meant to guarantee.

While we try to sort out the “whys” and “what’s” of this damaging PRR system now in place, it must be acknowledged that the change in the Town’s traditional way of fulfilling requests, mostly on time and free of charge, we have can see two “turning points” in retrospect. The first seems to have developed around the time that shockingly inappropriate correspondence from the former Board Chair was discovered in a file listed as “purges” that was readable only after a tech glitch was resolved to open other materials provided. These include improper and incendiary emails about town citizens to a local paper’s editor written from an official’s Town email address and a chain of emails revealing a group conversation by then senior Town officials which suggests that a pricey Town appropriations article — including the then Town Moderator, the Town Manager and Chair of FinComm as well as others — discussed that a 2/3 vote was required but then the article was allowed to pass by a majority.

The second turning point in the Town’s response to PRRs coincides with a petition signed by more than 440 taxpayers and a large number of related emails urging the Select Board not to renew the Town Manager’s contract. Though treated disrespectfully and minimized, they undoubtedly contributed to this clamping down and obstruction on the flow of information.

The pattern of obstruction continues still. While the voters elected new leadership in June which appears to be committed to restoring trust with Truro Voters, the Town Manager is gaslighting us.

Here is another example: On August 20, I filed a PRR for all correspondence to, from and referencing Mr. Robert Weinstein. While I was forewarned that Mr. Weinstein does not use email frequently and never texts from his phone, the paucity of production is shocking. In fact, the production includes absolutely no emails from Mr. Weinstein and none in which he is mentioned as requested. Is this even possible for the longest serving Select Board member? How does he communicate with the public, town officials and its various committees and boards? Were emails from constituents simply not answered? The Town's limited production to me also omitted a full year of requested documents.

Of additional concern is that the claims of "attorney-client privilege" as an exemption from records production are improperly applied repeatedly, both about participants in those communications and reasons for excluding them. This is simply obstruction. Although I submitted a very detailed document to the Town about these deficiencies in production and about privilege on October 23, I have been told that this is being handled directly by the Town Manager and no date can be given for a response. What consultant? What laws about required fulfillment times?

What do results to date suggest about the selection and performance of the new PRR consultant, a friend, fellow Coloradan, and former Colorado Town Manager like Mr. Tangeman, and now a South Dakota-based consultant? Is she an experienced Records Access Officer? Is she familiar with Massachusetts Public Record Law and the guidelines for Attorney-Client Privilege exemptions? Or are requests still simply being reviewed, managed and controlled by the Town Manager? If so, why are Truro taxpayers paying for a consultant to handle unnecessary functions he insists on performing?

My experience with this PRR suggests that little has changed even with the addition of a paid consultant, and that new and troubling issues have arisen regarding the improper assertion of Attorney-Client Privilege and the withholding of public records. The issue now is State enforcement, and this level of concern comes under the auspices of the Office of the Attorney General (OAG).

So far, I have chosen not to escalate my concerns to that level, hoping the Town would voluntarily respond to my request fulsomely. However, perhaps it is time to seek the help and enforcement of the OAG so the public can be assured that Truro is and will be compliant with the requirements of the MA Public Records Law.

I once again ask any of you who share my concerns to send a note to Truro News with a copy of your request, any appeals or correspondence needed to get the PRRs fulfilled, and the results (produced files) of your PRRs so Truro residents can understand what the PRR experience has been and can benefit from the public records themselves.

While I have recently relocated to Wellfleet, I began these requests while living in Truro, which remains deeply rooted in my heart. I know how much Truro residents want a trustworthy government and a sane Town. It is why I make this request to my dear friends and neighbors in Truro.

Jon Slater
Wellfleet (until recently, Truro)