

OPEN MEETING COMPLAINT FORM – ATTACHMENT 3

ALLEGED VIOLATION BY BOARD OF SELECTMEN, TOWN OF SOUTHBOROUGH, MA.

DATE OF ALLEGED VIOLATION AUGUST 21, 2017.

FILED BY DAVID PARRY

NOT TECHNICALLY PART OF COMPLAINT. PURPOSE IS TO PROVIDE “CONTEXT” OF COMPLAINT.

1. Parry is a former Selectman who has opposed Kolenda’s local political policies. He has voiced his opposition at several public meetings over the past several years. It is well known that Kolenda has a personal dislike of Parry and there are several instances, with witnesses, of personal harassment conducted by Kolenda against Parry over the past two years. (MORE later, if necessary).

2. The local political issue relevant to this case is the design of Main St, which is to be totally reconstructed for 1.5 miles through downtown Southborough. There has been at least ten years of very contentious public argument over the advisability of this project, and its potential harm to Southborough’s historic character. Numerous public hearings have been held, and the project was defeated at a recent Town Meeting, then resurrected and altered in order to gain approval. Kolenda has always been an active booster, with no tolerance for change or delay. Whereas Parry (along with many other residents) has raised many issues in an attempt to improve the design. The most recent issue has been a plan to remove the existing utility poles and wires from downtown Main St. Parry has attempted to pursue this plan, whereas Kolenda and the Administrator have actively opposed it. Kolenda, in his capacity as Chairman (which places him in control of the BOS meeting agenda), prohibited the matter from public review for many months. The plan was officially “killed” in October, by decision of National Grid. NG was strongly influenced by an official letter from the Town Administrator, stating that the BOS was not in favor.

3. However, before the plan to remove the utility poles was finally killed in October, we need to return to events which took place earlier, and are related to the Kolenda letter of August 21. 7.

4. In the Kolenda letter, Kolenda claims that Parry has made hostile remarks to town employees and officials, and attended a meeting with the Police Chief at which he made an agreement to cease such remarks, but continued to make such remarks since that meeting (which is untrue).

5. On August 4, Parry requested a meeting with the Police Chief, to report an instance of harassment of Parry by the police, and to find out who initiated this harassment ... which the police refuse to reveal, thereby forcing Parry to pursuing other sources. This harassment occurred on July 29 at the Swap Shop. There are many witnesses and a photograph. At this meeting, the Police Chief unexpectedly raised other allegations, which were totally unrelated to the harassment of July 29. These allegations were elaborated on by the Chief. Parry strongly objected and immediately realized a pattern -- that the records were inaccurate and the Chief had been misinformed. Parry told him so. After hearing the details, the Chief agreed he had been misinformed, and he apologized. Parry asked him what the REAL reason was for agreeing to this meeting. The Chief said he had met the Town Administrator to discuss Parry. He referred to the alleged violations in the police files and was instructed by the Administrator, to meet with Parry, bring up the allegations and thereby try to get Parry to lower his vocal criticism of Kolenda about removing the utility poles. Parry did not agree to lower his political criticism, but he did thank the Police Chief for being honest about the true agenda of Kolenda and the Administrator. Parry

said he strongly disapproved of the Police Dept being used for political purposes, and was disappointed in the Police Chief for allowing this to happen, even though the Chief was acting under the instructions of Kolenda and the Administrator, who are in charge of the Police Chief.

6. The following week, August 8, Kolenda gave Parry 10 minutes time to address the full BOS about the plan to remove utility poles from downtown Main St. Parry had been waiting for a meeting since May. Other residents and business owners attended, and, without exception, all of them praised Parry for continuing to pursue new design improvements, especially because everybody else had “given up”, in the words of one resident, because “you can’t fight City Hall”. Another resident directly called out Kolenda as being a “bully”. The meeting is recorded on video.

7. The Kolenda letter of August 21 was issued just 12 days after the public meeting of August 8. Over that period, Aug 8 - Aug 21, Parry does not recall speaking to any town employee or official on this matter. Under OML Parry has the right to compel any accusers to testify at the required Executive Session, which can be held in public if Parry agrees.

8. Note that, for the accusations in Kolenda’s letter to be proven accurate, Kolenda must produce witnesses to testify, in open session, that Parry made remarks, prohibited by law, on only the days lying between August 8 and August 21, (not earlier or later dates). Those remarks must have been made to those persons individually, on specific dates, and they better have witnesses, because Parry was out of town for part of that time period.

9. The letter contains several outright lies and unsubstantiated claims against Parry, and is intended to reduce and silence Parry’s local political activities and deny his constitutional rights of free speech and assembly.

10. As a result, Kolenda unilaterally inflicted punishment on Parry in the following manner specified in the letter of August 21 -- henceforth, with no time limit, Parry is forbidden access to any town property unless to conduct official or personal business. The town property, being unspecified, is therefore unlimited in type and function, (such as library, schools, parks, etc). Specific town property concerned with political activities are mentioned in the letter, namely that Parry cannot make any unscheduled visits to the town hall. Furthermore, Parry cannot speak to any town official or employee except by making a prior appointment. And if he breaks these rules, then the Police will take enforcement action.

11. Parry has been compelled to endure these punishments for months, even though Parry’s contention is that they are unwarranted and illegal.

12. The Kolenda letter is shocking in its attempt to silence a citizen for political purposes, besides being a blatant and devious violation of the OML.

13. Parry is filing this complaint because he believes that the public needs to know what dirty political games are going on in Southborough, behind the scenes. It reveals the intentional attempts to evade the law, the spreading of lies, innuendo and unproven allegations against individuals, and the attempt to intimidate and silence political opposition. This is shameful and must end.

-- END OF ATTACHMENT 3--