



Select Board Meeting

Tuesday, June 1, 2021 5:00 p.m.

Virtual Meeting Broadcast on Comcast Channel 22 Verizon Channel 45

I. Call to Order – 5:00 P.M.

II. Regular Business

A. Open Meeting Law Complaint – (5 minutes)

Board to review and possibly delegate responsibility to respond to, complaint of Suzanne Clark Allen, 179 Littleton Road, Harvard, MA, of an Open Meeting Law violation on May 17, 2021.

III. Adjourn

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Select Board will be conducted via remote participation to the greatest extent possible. For this meeting, members of the public who wish to watch the meeting may do so in the following manner: Andover TV COMCAST CHANNEL 22 AND VERIZON CHANNEL 45.

To ask a question on particular agenda items during the regular meeting can do so by calling 311 from their landline or cell phone within the geographical boundaries of Andover or by calling 978-623-8311 from anywhere or by emailing manager@andoverma.gov. Residents are encouraged to email their questions ahead of the meeting, however, staff will be available to present the Board with questions received during the meeting. Please include your name and address with your question.

Every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on the Town's website an audio or video recording, transcript, or other comprehensive record of the proceedings as soon as possible after the meeting.

RECEIVED
TOWN CLERK'S OFFICE
2021 MAY 27 PM 3:54
TOWN OF ANDOVER, MA 01820



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: Clarke

First Name: Suzanne Allen

Last Name: Allen

Address: 179 Littleton Rd

City: Harvard State: MA Zip Code: 01451

Phone Number: 978-835-2183 Ext. _____

Email: Suzieistall@gmail.com

Organization or Media Affiliation (if any): n/a

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): Select board, Town of Andover, MA

Specific person(s), if any, you allege committed the violation: _____

Date of alleged violation: Monday May 17, 2021

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 selectboard of the town of Andover held public comment at the start of their 5/17/21 meeting that was in violation of open meeting law. The board knew in advance that the meeting would be contentious as evidenced by the meeting starting with prepared comments read by the town manager, chair and other members. Despite this they did not set up a publically accessible meeting and invited audience participation. The link from their website told people that wanted to participate in the meeting to click on that link but that link put the user in a webex waiting room with no way to see the meeting or to communicate either live or by chat until the host let the participant in. Person after person

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.

allow all participants into meeting so one doesn't have to use two devices to participate (one to watch and one to comment) and then public can use chat to comment if needed to participate. Meeting is posted, please watch for evidence of above complaint.

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: [Signature]

Date: 5/15/21

that was let in ~~to~~ to the meeting was confused by the process and the selectboard acknowledged in the meeting that the process was not working yet they did not just admit everyone in the waiting room. Additionally, phone callers could not figure out how to unmute when it was their turn to speak and so the moderator would move on without receiving the public comment of many callers because they could not unmute. They explained how to unmute but the people in the waiting room had no idea because they could not hear the meeting while in the virtual waiting room. I was in the webex waiting room but also watching the meeting in andovercabletv.com so I could see this disaster unfolding and the simple solution was to admit everyone in the webex waiting room to the meeting but they did not do that. When it came my turn to comment I was admitted on the webex and accidentally hit the wrong button and was sent back to the webex waiting room. I could hear them calling my name on the TV but had no way of communicating that I was kicked back to the waiting room. I emailed all members of the board and waited in the webex but was not allowed to comment, despite the moderator certainly seeing me still in the virtual waiting room. I know of many who were blocked from participating because of these technical problems. 15 months into the pandemic this is not

acceptable. Public bodies should have figured out how to run accessible meetings, by now. Though I do commend the board for taking as much public comment as they did, they still used the technology to block participation, arguably intentionally as I have also heard from people that were in the webex waiting room the whole time and were never called on. These people thought they weren't being allowed to watch the meeting and waited, not knowing what was happening, because the webex waiting room screen say to please wait until the host admits you. Again, 15 months into the pandemic, this is not acceptable and obstructive.