

**From:** David\_Allen\_AB63@post.harvard.edu  
**Subject:** Recap – a review of the SB, one instance  
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**To:** Terri Ackerman tackerman@concordma.gov, Matthew Johnson mjohnson@concordma.gov, Susan Bates sbates@concordma.gov, hdane@concordma.gov, lescobedo@concordma.gov  
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Terri, Matt, Susan, Henry, Linda,

Please find a recap of the intervention Monday night.

A part of your meeting Monday was a review of the Town Manager, sometimes quite directly to the point. My comments later, recapped below, are the counterpart, a review of the Select Board re this instance, by one member of the group to whom you report, citizens.

As with any review, of course there is more than the brief moments Monday night. Especially, this is in the context of great appreciation for the work you do for Concord. In that vein as only one example, how collegially you work with each other, to resolve differences amongst yourselves.

To follow on, you are invited, of course, to investigate how this problem came to pass, then to steps that may underlie better outcomes a next time.

Thank you,

David

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Recap

The creation of the fiber completion task force has occasioned opportunity to inspect the process by which the Select Board got there. Three facets of the process stand out for inspection.

But first, important to say: not only is this not the place to re-litigate the questions – to do so would not be helpful, would positively distract from the point. Which is to consider the process. So the three items are identified only with summaries, sans workup.

One is:

Whether the 5:2 ratio of slots, required representation to citizen at-large, should be adjusted 4:3, enabling membership for three technically qualified citizens at-large.

Two is:

Whether a committee, in this case the PEG Access Advisory Committee, which is not in the Article text and does not work on the subject, should also have a required slot on the task force.

Three is:

The page of problematic text inserted in a draft of the charge.

The last, the problematic text, was finally removed at the Select Board meeting the prior week. But only at the 11th hour, when the charge otherwise was about to be approved, uncorrected. And only after an entirely undue amount of effort had to be expended, to get attention and get to suitable text.

The first two questions, however, were not dealt in open discussion. And now we see, from earlier in the evening, the failure to do so led to a mistaken conclusion by the Select Board.

An intervention earlier in the evening came to the view that the SB had advanced three technically qualified appointees to the task force. But, that was based on the mistaken proposition that both citizen at-large appointees are technically qualified. Demonstrably that is not the case, as attested by one of the citizen at-large appointees herself, cited below.\*

A mistake, with real world consequences. This failure was then embedded in the actions you voted: there were not, and are not, as at least one SB member intended, three technically qualified appointees.

But again, the point is not to re-adjudicate the matter. Rather. We have direct illustration how failures of process, in this case not to hold adequate open discussion, have real world consequences. As we see.

The state's Open Meeting law of course requires open and transparent deliberation by our Select Board. For obvious and compelling reason.

But well beyond any tenets of the law. I, for one, am most deeply appreciative for the very large amount of work our Select Board does for the community.

At the same time, for reasons of a robust democracy, where we citizens elect the Select Board to represent us – we, through you, need to ensure that consequential matters in contention are all dealt in open deliberation, by our Select Board.

In this case, that did not happen.

\*

From email Aug 12, 2021:

David,

I do not consider myself technically knowledgeable in the field of networking. My expertise is environmental engineering and law, as well as government policy and writing.

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*Gail*