



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: Ronald Last Name: Beaty

Address: 245 Parker Road

City: West Barnstable State: MA Zip Code: 02668

Phone Number: +1 (508) 685-2921 Ext. _____

Email: ronbeaty@gmail.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): New Bedford City Council
133 William St., Room 215, New Bedford, MA 02740, Phone: 508-979-1455

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

Date of alleged violation: Oct 12, 2017

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.

Relative to their 7:00 PM, October 12, 2017 Meeting and related Meeting Agendas and Notices, the NEW BEDFORD CITY COUNCIL violated the Massachusetts Open Meeting Law (M.G.L. c. 30A, sec. 18-25; & Attorney General's Regulations – Open Meetings 040 CMR 29.00).

Meeting notices must be posted in a legible, easily understandable format; contain the date, time, and place of the meeting; and list all topics that the chair reasonably anticipates, 48 hours in advance, that will be discussed at the meeting. The list of topics must be sufficiently specific to reasonably inform the public of the issues to be discussed at the meeting.

Meeting notices must also indicate the date and time that the notice was posted, either on the notice itself or in a document or website accompanying the notice. If a notice is revised, the revised notice must also conspicuously record both the date and time the original notice was posted as well as the date and time the last revision was posted. Recording the date and time enables the public to observe that public bodies are complying with the Open Meeting Law's notice requirements without requiring constant vigilance. Additionally, in the event of a complaint, it provides the Attorney General with evidence of compliance with those requirements.

If a discussion topic is proposed after a meeting notice is posted, and it was not reasonably anticipated by the chair more than 48 hours before the meeting, the public body should update its posting to provide the public with as much notice as possible of what subjects will be discussed during the meeting. Although a public body may consider a topic that was not listed in the meeting notice if it was not anticipated, the Attorney General strongly encourages public bodies to postpone discussion and action on topics that are controversial or may be of particular interest to the public if the topic was not listed in the meeting notice.

Relative to the meeting in question, in violation of the Open Meeting Law, the NEW BEDFORD CITY COUNCIL posted three separate meeting notices, titled as follows: "City Council Calendar," "Consent Agenda" and "Late File Agenda." Each agenda contained different discussion topics, did not provide the time or location of the meeting, and did not provide the date and time that each agenda and notice was posted. Moreover, the said meeting notices and agendas were not drafted in an easily understandable format. These all constitute separate and distinct OML violations.

Open, transparent and accountable government is of paramount importance. When a public body violates the Open Meeting Law as outlined above, it is detrimental to the public interest and a breach of the public trust.

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.

In a timely fashion, the public body should take immediate remedial action via seriously addressing and completely correcting the violations that have been pointed out. It should also take concrete measures to ensure that the stated OML violations do not occur again. All votes & actions taken at the meeting in question should be declared null and void. Finally, all members of the public body and its staff should be mandated to undergo verifiable Open Meeting Law training within sixty (60) days.

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: 10-24-2017

For Use By Public Body
Date Received by Public Body:

For Use By AGO
Date Received by AGO:

CITY COUNCIL CALENDAR
Thursday, October 12, 2017

OPENING OF SESSION BY:

CITY COUNCIL PRESIDENT JOSEPH P. LOPES

PRAYER LED BY:

PRISCILLA LOURO-FONSECA, CHAPLAIN, BRISTOL COUNTY AMERICAN LEGION

PLEDGE OF ALLEGIANCE

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HEARINGS

1. A HEARING on NSTAR Electric Company d/b/a Eversource Energy for location of one (1) 45"x45"x36" Handhole in FOSTER STREET, East of Mill Street.

1a. AN ORDER,

MAYOR'S PAPERS

M1. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the APPROPRIATION of \$800,000.00 from ORDINARY REVENUE AND MUNICIPAL RECEIPTS, to FIRE DEPARTMENT, SALARIES & WAGES.

M1a. AN ORDER,

M2. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER, requesting that certain airport land be declared surplus property and control of the land be transferred from the Airport to the Committee on City Property for the purpose of sale.

M2a. AN ORDER,

M3. COMMUNICATION, Mayor Mitchell, to City Council, submitting the WAIVER OF RESIDENCY for SUSAN BRUCE, Plymouth, MA 02360, our selection for PURCHASING DIRECTOR for the City of New Bedford.

M4. COMMUNICATION, Mayor Mitchell, to City Council, submitting a WAIVER OF RESIDENCY for DANIELA MOUTINHO FERREIRA, Norton, MA; Ms. Ferreira is a Librarian II/Branch Manager at the Casa da Saudade Library.

M5. COMMUNICATION, Mayor Mitchell, to City Council, submitting a WAIVER OF RESIDENCY for CAROLINE HAWTHORNE, Fairhaven, MA; Ms. Hawthorne is the Education Curator at the Buttonwood Park Zoo.

NEW BUSINESS

2. COMMUNICATION, Derek Santos, Executive Director, New Bedford Economic Development Council, to Council President Lopes and Members of the City Council, submitting STA Agreements and Resolutions approved by the Tax Increment Financing Board for five (5) year STA Agreements for **Oceans Fleet Fisheries, Inc. and Harborview Realty LLC, 38 Blackmer Street, New Bedford, MA 02744** and **Quality Custom Packing, Inc. and Saluti–St. Ours Realty, 8 South Street, New Bedford, MA 02740.** (Copies provided and distributed to all Councillors on October 4, 2017.)

2a. RESOLUTION, Approving Certified Project Application and Special Tax Assessment Agreement with Oceans Fleet Fisheries, Inc. and Harborview Realty LLC.

2b. RESOLUTION, Approving Certified Project Application and Special Tax Assessment Agreement with Quality Custom Packing, Inc. and Saluti-St. Ours Realty LLC.

3. COMMUNICATION/DEMOLITION, Anne Louro, Preservation Planner, to City Council, re: BUILDING DEMOLITION REVIEW OF 175-77 ASH STREET, (MAP 45/LOT 85), a Circa 1920 Concrete Block Garage Structure – advising that “the structure is not located in a National Register Historic District; the structure is of no notable historic significance either recorded or found with the existing condition of the structure; the structure is in poor condition due to extensive deferred maintenance and beyond reasonable repair, in light of these findings, ‘the Preservation Planner has determined that the structure at 175-177 Ash Street is a neither a historically significant nor a Preferably Preserved structure.”

4. COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **Ali Bokhari & Sumaira Bokhari, 44 Liberty Street, New Bedford, MA 02740** d/b/a **MAGIC WHEELS, 44 Liberty Street, New Bedford, MA 02740**, hereby submitting a copy of the Application requesting a **RENEWAL** of a **PRIVATE LIVERY LICENSE**, under the provisions of Massachusetts General Laws, Chapter 159A, Section 1, and amendments thereto, and M.G.L. Chapter 270, Section 22 (Smoke Free Workplace Law) and all other laws applicable to

such operation to carry passengers for hire over the streets of New Bedford. (Current License expires October 13, 2017.)

5. COMMUNICATION, City Clerk/Clerk of the City Council Farias, submitting a response from Holly Sullivan, Amazon Head of WW Economic Development, informing that Amazon will not be making site visits during Phase I of the RFP. (To be Received and Placed on File.)

TABLED BUSINESS

NO ITEMS ON THIS AGENDA.

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*In accordance with the Americans with Disabilities Act (ADA),
if any accommodations are needed,
please contact the City Council Office at 508-979-1455.
Requests should be made as soon as possible
but at least 48 hours prior to the scheduled meeting.*

CONSENT AGENDA
Thursday, October 12, 2017

C1. WRITTEN MOTION, Councillor Oliveira, requesting, on behalf of Veteran's Day participants, that the following street(s) be CLOSED: ROCKDALE AVENUE, from Kempton Street to West Clinton Street; UNION STREET, from Rockdale Avenue to Pleasant Street; PLEASANT STREET, from Union Street to Elm Street and WILLIAM STREET, from North Sixth Street to Pleasant Street, ON SATURDAY, NOVEMBER 11, 2017, FROM 8:00 A.M. TO 2:00 P.M., for the purpose of The Annual Veterans Day Parade Ceremonies at the Reviewing Stand in front of the Downtown Main Library.

Permission Granted.

C2. MINUTES, Commission for Citizens with Disabilities, submitting MINUTES of a meeting held on June 28, 2017.

Received and Placed on File.

C3. MINUTES, Board of Assessors, submitting MINUTES of meetings held on September 22 and September 29, 2017.

Received and Placed on File.

C4. MINUTES, Conservation Commission, submitting MINUTES of meetings held on September 05, and September 19, 2017.

Received and Placed on File.

C5. MINUTES, Board of Health, submitting Minutes of a meeting held on July 11, 2017.

Received and Placed on File.

STREET OBSTRUCTIONS

- C6. 664 & 672 - 674 Pleasant Street
- C7. 250 Union Street
- C8. 45 Durfee Street
- C9. 18 Lincoln Street
- C10. 350 Bream Street
- C11. 157 Page Street
- C12. Pope's Island Marina (Captain Leroys)
- C13. 613 County Street
- C14. Phillips Road, from Hillcrest Road, northerly to 775 + /1

C15. [801 Mt. Pleasant Street](#)

STREET DISTURBANCES

C16. [45 Durfee Street](#)

C17. [18 Lincoln Street](#)

C18. [350 Bream Street](#)

C19. [157 Page Street](#)

C20. [Pope's Island Marina \(Captain Leroys\)](#)

C21. [613 County Street](#)

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C22. [Phillips Road, from Hillcrest Road, northerly to 775 + /1](#)

C23. [801 Mt. Pleasant Street](#)

C24. [Ridge Street, Matthew Street to 882 Ridge Street](#)

C25. [29 1/2 Acushnet Avenue](#)

C26. [Arnold Place, from Arnold Street to Orchard Street](#)

C27. [Ash Street, from Maple Street to East Clinton Street](#)

C28. [247 Cedar Street](#)

C29. [247 Cedar Street](#)

C30. [Elm Street, from Newton Street to Chancery Street](#)

C31. [Bay Street from Columbia Street to Cottage Street](#)

C32. [Swift Street, West of Orchard Street](#)

C33. [Orchard Street, East of Swift Street](#)

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LATE FILE AGENDA
Thursday, October 12, 2017

L1. WRITTEN MOTION, Councillor Martins, in support of Rosemary Heath, who lost her husband George in the 2016 Taunton Mall rampage, requesting that the New Bedford City Council send a letter of support to Facebook to change their legacy option, the current policy states that if a user is not named on your social media page after you pass, the page becomes locked, even for the spouse/partner, that people like Rosemary Heath have every intention to keep his memory alive through his Facebook page, sharing memories and pictures with his friends and family; and further, that Facebook not granting her access to her own husband's page is an issue that is faced all around the world where the person you are committed to for life has no control of the social media page when you pass; furthermore, Facebook should allow for not only her, but for others to be the default legacy person and should notify them if someone is attempting to memorialize the account.

L2. WRITTEN MOTION, Councillor Oliveira, requesting, that 934 Ashley Boulevard be Rezoned as MIXED-USE BUSINESS, in contrast to its current designation as RESIDENTIAL, abutting properties have been MIXED-USE BUSINESS for many years, and based on the historical use of 934 Ashley Boulevard, the request is valid. (To be Referred to the Committee on Ordinances and the Planning Board.)

L3. WRITTEN MOTION, Councillor Coelho, requesting, that immediate action be taken to remove the well known vagrant from his current position on the sidewalk by the Post Office at 282 Coffin Avenue, he sleeps, loiters, litters and harasses people who attempt to use this Federal building or the sidewalk, he has become a public nuisance. (To be Referred to the Mayor's Office, the Chief of Police and the Committee on Public Safety and Neighborhoods.)

L4. WRITTEN MOTION, Councillor Coelho, congratulating and inviting Captain Amos Melo, the new Commander of Station 3 to a Committee on Public Safety and Neighborhoods meeting to discuss Chief Cordeiro's Community Policing strategy. (To Be Referred to the Committee on Public Safety and Neighborhoods.)

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