

John A. Hawkinson, freelance news reporter
Courier: 84 Massachusetts Avenue, Room 557
Postal: Box 397103
Cambridge, MA 02139-7103
617-797-0250, *jhawk@MIT.EDU*

November 3, 2015

Cambridge Board of Zoning Appeals
Constantine Alexander, Chairman
831 Massachusetts Avenue
Cambridge, MA 02139

BY ELECTRONIC MAIL AND HAND DELIVERY: c/o Maria Pacheco *mpacheco@cambridgema.gov*

**Re: Addendum to Open Meeting Law Complaint regarding Minutes of May 28, 2015
executive session, &c.**

Dear Mr. Alexander and members of the Board:

This is an addendum to my Open Meeting Law Complaint of Oct. 26. I am in receipt of a set of redacted minutes of the May 28, 2015 executive session (created Oct. 23, 2015 10:05:40, modified at 09:42:33 [sic], and attached hereto). I write to address their sufficiency pursuant to G.L. c. 30A §§21–22.

The minutes list six members of the Board present, but give votes for only four. §21(b)(2).

The minutes do not state all subjects that may be revealed without compromising the purpose for which the executive session was called §21(b)(3).

The minutes do not contain a summary of discussions of each subject §22(a).

The minutes do not contain a privilege log, or any reference to attorney-client privilege, though they do contain redaction §22(f).

Notice of appeal in the relevant land court case, 13 MISC 479551, was filed on June 10, 2015. It is hard to imagine that the Board neither discussed nor voted on this issue, or that either would be subject to privilege.

There is no clear reason why these minutes could not have been made available in their current form in response to my June 11 request, if in fact the redactions are proper §22(g)(2).

Thank you for your prompt attention. I would appreciate the Board addressing these issues such that it is not necessary for me to file this complaint for review with the Division of Open Government, as “this 30-day period is intended to provide a reasonable opportunity for the complainant and the public body to resolve the initial complaint” (*Open Meeting Law Guide* at 18).

Very truly yours,

John A. Hawkinson

Enclosures.

CC: BY HAND DELIVERY: Cambridge City Clerk; BY ELECTRONIC MAIL: Assistant City Solicitor Anne L. Sterman; Maria Pacheco, Zoning Administrative Assistant; Sean O’Grady, Zoning Specialist; Ranjit Singanayagam, Commissioner of Inspectional Services

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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: John Last Name: Hawkinson

Address: Box 397103

City: Cambridge State: MA Zip Code: 02139

Phone Number: +1 (617) 797-0250 Ext. _____

Email: jhawk@mit.edu

Organization or Media Affiliation (if any): freelance news reporter

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): City of Cambridge Board of Zoning Appeals

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

Date of alleged violation: Oct. 23, 2015

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.

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There is no clear reason why these minutes could not have been made available in their current form in response to my June 11 request, if in fact the redactions are proper § 22(g)(2).

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.

Prepare compliant minutes and remedy minutes-preparation practices going forward.

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, will be considered a public record and available to any member of the public upon request. In response to such a request, the AGO generally will not disclose 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: _____

For Use By Public Body *For Use By AGO*
Date Received by Public Body: *Date Received by AGO:*

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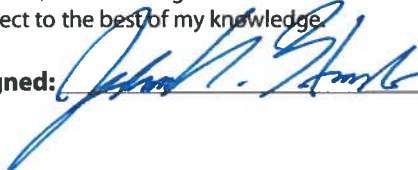
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Signed: 

Date: 3 Nov 2015

For Use By Public Body For Use By AGO
Date Received by Public Body: Date Received by AGO:

REDACTED BZA 5 28 15 exec session minutes.pdf

<xmp:CreateDate>2015-10-23T09:05:40-05:00</xmp:CreateDate>

<xmp:ModifyDate>2015-10-23T09:42:33-04:00</xmp:ModifyDate>

MINUTES

Executive Session

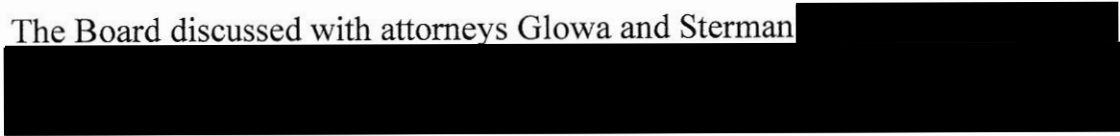
May 28, 2015

BZA Case 10461, 42 Bay State Road

On May 28, 2015, Board members Constantine Alexander, Brendan Sullivan, Douglas Myers, George Best, Jim Monteverde, and Alison Hammer met with City Solicitor Nancy Glowa and Assistant City Solicitor Anne Sterman regarding BZA Case 10461, 42 Bay State Road.

The Board unanimously voted to open the session (Constantine Alexander, Brendan Sullivan, Douglas Myers, and Jim Monteverde).

The Board discussed with attorneys Glowa and Sterman



After discussion, the Board unanimously voted to close the session (Constantine Alexander, Brendan Sullivan, Douglas Myers, and Jim Monteverde). No other votes were taken.

Submitted by:
Sean O'Grady
Zoning Specialist
May 28, 2015