



CITY OF NEW BEDFORD, MASSACHUSETTS

MEETING: COMMITTEE ON ORDINANCES
DATE: SEPTEMBER 08, 2026
TIME: 7:00 P.M.
PLACE: CITY COUNCIL CHAMBERS, ROOM 214

PRESENT: COUNCILLORS SHANE BURGO, CHAIR; IAN ABREU; DEREK BAPTISTE; NAOMI CARNEY; LEO CHOQUETTE; BRIAN GOMES; JOSEPH LOPES; SHAWN OLIVER; SCOTT PEMBERTON; RYAN PEREIRA; JAMES ROY

ABSENT: NO ONE

Councillor Burgo called the Ordinance Committee meeting to order, took attendance and explained that the meeting was being recorded and live streamed.

WRITTEN MOTION, Councillors Burgo, Abreu and Lopes, requesting that the Committee on Ordinances consider whether the appropriate policy outcome is either the complete removal and abolition of automated license plate reader systems and other similarly invasive surveillance technologies within the City of New Bedford, or, in the alternative, establishing "Municipal Automated License Plate Reader Privacy and Transparency Standards". (Matter ID #1304) (Referred – August 25, 2026.)

On motion by Councillor Abreu and seconded by Councillor Pereira, the Committee VOTED: To receive and place on file a DRAFT ORDINANCE, relative to Automated License Plate Readers ("ALPR") and Mass Location-Tracking Technologies, submitted by Councillor Burgo, Ordinance Committee Chair.

The Chair explained the rationale behind the Ordinance, stating that it would effectually cancel the existing surveillance contract, and if the City ever chose to enter into a new contract, the Ordinance before the Committee tonight, if approved, would provide the language to guide the process for that new contract.

Councillor Lopes asked Atty. David Gerwatowski, Legal Counsel, if the State is looking to establish red-light cameras. He asked if such a law was passed, would the red-light cameras also be able to read license plates and if so, would the City be able to follow suit. Atty. Gerwatowski answered that it would depend entirely on how the State law reads and added that it would need to be done by Ordinance to enact within the City. The Councillor stated that the State would give local municipalities the ability to opt-in to red-light camera readers. Atty. Gerwatowski stated that the Ordinance before the Committee tonight would allow for similar systems and he believes the Ordinance would be appropriate.

Councillor Lopes asked Atty. Gerwatoski if the Ordinance was passed, would it go against the City Charter, as it is the Administration that enters into contracts and not the City Council. Atty. Gerwatoski explained that where this relates to public safety, the Council putting a law into place would be allowable.

Councillor Abreu asked if the language in Section G of the proposed Ordinance could potentially include other technologies currently being used by the Police Department, such as body cameras, resulting in unintended consequences. Atty. Gerwatoski replied that it would depend on what was being addressed specifically, adding that there is always a possibility that something may come along which would fit within the boundaries of the Ordinance. However, laws can be changed if they are eventually deemed to be too broad.

Councillor Baptiste asked if the flock cameras currently installed would need to come down if the Ordinance were to be passed. Atty. Gerwatoski replied that he believed the existing systems would need to come down upon expiration of the current contract; you would then have to follow the new Ordinance in order to reinstall them. Councillor Baptiste questioned the fairness of the camera placement, stating he believes more cameras would be placed in certain areas of the City than others.

Councillor Oliver asked Atty. Gerwatoski how much of the Ordinance currently before the Committee he drafted. Atty. Gerwatoski replied that he did not draft any of the Ordinance, it was given to him by Councillor Burgo to review. He added that he did recommend a few adjustments, but the body of the Ordinance was what Councillor Burgo suggested. Councillor Oliver asked what the reference material was; Atty. Gerwatoski stated that he did not know.

Councillor Oliver, referencing Section I of the Ordinance which deals with the prohibition of external data sharing, asked if a subpoena would be necessary in order to share information with Rhode Island for example, being that is so close. Atty. Gerwatoski answered it would be based on the State's public records law guidelines, which are quite vast. He explained that information would need to be shared if it were determined to be within the public records law, unless there was an exemption specified.

Councillor Roy asked Atty. Gerwatoski if he believed the Ordinance, as written, narrows down the type of camera to be used for license plate recognition, adding that in his estimate, there are many other electronic recognition devices not included in the Ordinance before them. He also asked if body cameras could be included in the Ordinance. Atty. Gerwatoski stated that the Committee can include or remove any items as they see fit. The Councillor asked if he felt the Ordinance should be more specific or broad; the Attorney said that he cannot tell the Committee what they should do.

Councillor Choquette asked if the State Legislature enacts a law, would it overrule what the City has done. Atty. Gerwatoski answered that it would depend entirely on how the State law reads.

The Chair recognized Police Chief Jason Thody. Councillor Lopes asked what he felt would be an adequate timeline for retaining recorded information; the Chief explained that the suggested guideline is fourteen days but he believed seven days would suffice.

Councillor Lopes asked what internal and external audits would be put in place and who would have access to the Automated License Plate Reader (ALPR) System. Chief Thody stated that access would be removed entirely from the office level and would be restricted to higher ranking individuals, possibly just the dispatch supervisors, which would be six to eight individuals in total. He added that a search could be requested by an officer, but it would have to be approved and completed by those with the authority to do so. The Chief said that his recommendation would be to do monthly audits, completed by the professional standards department. He added that for an outside audit, it could possibly be done by the District Attorney's Office or the State Police.

Councillor Oliver asked the Chief if he would be able to review the draft Ordinance and make recommendations in the near future, seeing as how the Chief only received the draft earlier today. The Chief replied that he would be able to complete the review within a week, and shared that this is a priority for him.

Councillor Pereria stated that if the Ordinance was approved tonight, it would be addressed by the City Council on September 24th. He asked the Chief if he would have his recommendations ready by that time. The Chief replied that he would.

Councillor Abreu asked Chief Thody if this technology would replace officers. He was told no, that the technology is more efficient in recording the information and is used as a tool by law enforcement.

Councillor Carney expressed concern that the cameras were doing more than reading license plates and shared that she had heard they were capable of facial recognition and that some cameras had been positioned to face residential homes. The Chief explained that the cameras were designed to read legally required license plates on the rear of autos. The Councillor asked when the contract with the current vendor expired; she was told November of this year.

Councillor Gomes stated he did not want to prematurely put an Ordinance in place without the Chief's input. He explained that he does not want the rights violated of any citizen, but he feels that a license plate recognition tool is very valuable when it comes to aiding law enforcement.

Councillor Gomes shared that he had heard about a man who was shot and sued because the shot spotter system was no longer being used in this particular city. He clarified that this did not happen in New Bedford, but asked Atty. Gerwatowski if it could happen in New Bedford at some point. Atty. Gerwatowski answered that he could not think of a scenario where the City would be held liable in a similar situation.

Councillor Pereria asked Chief Thody if the Mayor could instruct him to turn the Flock cameras back on. The Chief said that he could, but shared that he and the Mayor have had extensive conversations and they are both in agreement.

John Costa, Director of Information Technology (IT), was recognized. Councillor Abreu asked what involvement IT has in the camera process. Mr. Costa said his department was not involved with the procurement or installation of the cameras in question. The Councillor asked what involvement the IT Department does have with the cameras. Mr. Costa confirmed his department has no involvement at all.

On motion by Councillor Carney and seconded by Councillor Gomes, the Committee VOTED: To table the matter at this time. This motion FAILED on a roll call vote of Yeas 5, Nays 6. (Councillors Carney, Gomes, Lopes, Oliver and Pemberton IN FAVOR.)

Councillor Roy made a motion to AMEND the ORDINANCE, which was seconded by Councillor Baptiste.

Councillor Roy read the full amendment into the record, as follows:

Amend subsection (A), Definitions, by inserting the following definition of "Surveillance Technology", and to amend subsection (B), Prohibition, as follows:

"Surveillance Technology" shall mean any electronic device, hardware, software, system, service, or technology capable of collecting, capturing, recording, retaining, processing, intercepting, analyzing, monitoring, or sharing audio, visual, digital, location, thermal, biometric, or similar information or communications associated with, or capable of being associated with, an identifiable individual or group.

Surveillance Technology includes but is not limited to: cell-site simulators; fixed or mobile surveillance cameras; facial, voice, iris, gait, or other biometric recognition technology; drones equipped with surveillance capabilities; gunshot detection or location technology; social-media monitoring software; Bluetooth, RFID, or other wireless-scanning technology; and software designed to integrate, track, analyze, or make predictions from surveillance data.

Surveillance Technology does not include the following devices, hardware, software, or systems, unless they are equipped with, modified to include, or used in conjunction with Surveillance Technology otherwise covered by this section:

- (1) routine office hardware and equipment in widespread public use, including televisions, computers, printers, telephones, and similar equipment, when not used for a surveillance or surveillance-related function;
- (2) parking ticket devices and similar equipment used primarily for parking enforcement;

(3) manually operated, non-wearable handheld digital cameras, audio recorders, or video recorders that are not designed to be used surreptitiously and whose functionality is primarily limited to manually capturing and downloading audio, photographs, or video;

(4) body-worn cameras used by law-enforcement personnel in accordance with applicable law and departmental policy, provided that this exclusion shall not extend to facial recognition, biometric identification, real-time tracking, automated analytics, or other additional surveillance capabilities incorporated into or used in conjunction with a body-worn camera system;

(5) devices that cannot record or transmit audio or video and cannot be remotely accessed, including image-stabilizing binoculars or ordinary night-vision equipment;

(6) municipal databases that do not contain data or information collected, captured, recorded, retained, processed, intercepted, or analyzed through Surveillance Technology; and

(7) manually operated technological devices used primarily for internal municipal communications and not designed to surreptitiously collect surveillance data, including ordinary radios and email systems.

Further Amend subsection (B), Prohibition, by adding the following paragraph:

No City department, agency, board, commission, office, authority, or other municipal entity shall acquire, purchase, lease, license, renew, expand, newly deploy, or materially modify any Surveillance Technology without first complying with the applicable public hearing, Privacy and Civil Liberties Impact Assessment, Data Governance, independent audit, and public reporting requirements of this section.

On the Question, Councillor Roy explained that he believes there is a gap in the Ordinance currently before the Committee, and that this amendment will address all forms of surveillance technology.

On the Question, Councillor Oliver expressed concern over approving the original Ordinance and the amendment before them, without taking the proper time to review them in depth. He went on to say that he does not know enough about the amendment put forth tonight and therefore, he cannot support it.

On the Question, Councillor Abreu stated that while he feels the amendment is well-intended, if it does not pass tonight, it should be held onto, and maybe the Committee can consider it at another time.

On motion by Councillor Roy and seconded by Councillor Baptiste, the Committee VOTED: To AMEND the ORDINANCE. This motion FAILED on a roll call vote of Yeas 1, Nays 10. (Councillor Roy IN FAVOR.)

Councillor Pereira made a motion for APPROVAL of the ORDINANCE, which was seconded by Councillor Baptiste. A vote was not taken. Councillor Lopes made a motion to AMEND, which took precedence over the previous motion.

Councillor Lopes made a motion to AMEND the ORDINANCE, which was seconded by Councillor Abreu, to add the phrase “of seven days” after the word “period” in Section G, item #1.

On the Question, Councillor Lopes stated that they have heard from the Chief that guidelines recommend 14-30 days storage. The Councillor believes seven days would be enough.

On the Question, Councillor Burgo clarified that the Ordinance is intentionally written to allow for discussions to take place prior to deciding on what language should be added. He cautioned that adding specific language would take away from the nature of the Ordinance, which is drafted to have the specifics included in the contract negotiations, which would eventually need to be approved by the Council.

On motion by Councillor Oliver and seconded by Councillor Carney, the Committee VOTED: To table the matter at this time, with the previous Amendment pending. This motion FAILED on a roll call vote of Yeas 3, Nays 8. (Councillors Carney, Gomes and Oliver IN FAVOR.)

On motion by Councillor Lopes and seconded by Councillor Abreu, the Committee VOTED: To AMEND the ORDINANCE by adding the phrase “of seven days” after the word “period” in Section G, item #1. This motion FAILED on a roll call vote of Yeas 2, Nays 9. (Councillors Abreu and Lopes IN FAVOR.)

Councillor Lopes made a motion to AMEND the ORDINANCE, which was seconded by Councillor Abreu, to add the phrase “usage will be limited to use by sergeants, lieutenants, captains, Deputy Police Chiefs and the Police Chief” after the words “required by law” in Section G, item #2.

On the Question, Councillor Lopes explained that each one of his motions follows the discussion held with Chief Thody at the podium this evening.

On the Question, Councillor Carney stated she would prefer not to add any language at this time and would rather wait for the Police Chief to review the draft Ordinance and visit the proposal at a later date.

On motion by Councillor Lopes and seconded by Councillor Abreu, the Committee VOTED: To AMEND the ORDINANCE by adding the phrase “usage will be limited to use by sergeants, lieutenants, captains, Deputy Police Chiefs and the Police Chief” after the words “required by law” in Section G, item #2. This motion FAILED on a roll call vote of Yeas 1, Nays 10. (Councillor Lopes IN FAVOR.)

Councillor Lopes made a motion to add the following new number to Section G: (9) the Department of Professional Standards would conduct a monthly audit of the prior thirty-day searches of an ALPR devices used in the City of New Bedford. This motion did not receive a second.

On motion by Councillor Oliver and seconded by Councillor Carney, the Committee VOTED: To table the matter at this time. This motion FAILED on a roll call vote of Yeas 4, Nays 7. (Councillors Carney, Gomes, Lopes and Oliver IN FAVOR.)

Councillor Pereira stated that referring this item out will allow the Ordinance to make the September 24th City Council meeting. He explained that at that point, it would go to a second reading and there will be multiple opportunities for input and amendments, with the opportunity for referral back to Committee.

Councillor Gomes questioned why there is a such sense of urgency to approve the Ordinance tonight without having the Public Safety Committee have their opportunity to hear from the Administration, the Police Chief, or a representative from the Flock Camera company.

Councillor Oliver also expressed concern that this Ordinance is being rushed for no reason. He pointed out that the use of Flock cameras is currently suspended, and the contract is ending. He added that the Committee should take the time to review everything thoroughly before moving an Ordinance forward.

On motion by Councillor Oliver and seconded by Councillor Carney, the Committee VOTED: To adjourn the meeting. This motion FAILED on a roll call vote of Yeas 4, Nays 7. (Councillors Carney, Gomes, Lopes and Oliver IN FAVOR.)

Councillor Carney acknowledged that they need an Ordinance in place but stated that they need time to get this Ordinance right before moving forward.

A motion was made to adjourn, to which Councillor Pereira injected a parliamentary inquiry asking if there is new business that had been made in evidence before the Committee which would allow for a motion to adjourn to be made. He was told no. The Councillor then stated that in this case, the motion to adjourn was not properly before them.

Atty. Gerwatowski was recognized and explained that a motion to table is similar to a motion to adjourn, when you take a vote and that votes fails, you would need a new item of business to have taken place before you could offer up the same motion.

Councillor Oliver made a motion to AMEND the ORDINANCE, which was seconded by Councillor Gomes, to add the phrase “of fourteen days” after the word “period” in Section G, item #1.

On the Question, Councillor Gomes once again expressed his frustration as to why there is such a rush to pass this Ordinance this evening.

On the Question, Councillor Oliver stated that he put this motion before the Committee because the conversation needs to continue; everyone has different opinions that need to be aired out before moving forward.

On the Question, Councillor Burgo opined that the debate is arguing against what the Ordinance itself is proposing. The Ordinance is broad enough to address all those concerns before presenting it to the full City Council for consideration.

On the Question, Councillor Carney stated she could not support the Ordinance this evening, but once she has had time to review it in depth, she would then render a decision as to how she will vote.

On motion by Councillor Oliver and seconded by Councillor Gomes, the Committee VOTED: To AMEND the ORDINANCE by adding the phrase “of fourteen days” after the word “period” in Section G, item #1. This motion FAILED on a roll call vote of Yeas 1, Nays 10. (Councillor Lopes IN FAVOR.)

Councillor Pereria made a motion to move the question, which was seconded by Councillor Baptiste.

Councillor Oliver made a motion to adjourn. The Chair ruled that moving the question takes precedence.

Councillor Oliver made a motion to table. The Chair ruled that moving the question takes precedence.

On motion by Councillor Pereira and seconded by Councillor Baptiste, the Committee VOTED: To move the question. This motion passed on a roll call vote of Yeas 9, Nays 2. (Councillors Gomes and Oliver OPPOSED.)

On motion by Councillor Pereira and seconded by Councillor Baptiste, the Committee VOTED: To recommend to the City Council APPROVAL of the ORDINANCE, relative to Automated License Plate Readers (“ALPR”) and Mass Location-Tracking Technologies. This motion passed on a roll call vote of Yeas 8, Nays 3. (Councillors Carney, Gomes and Oliver OPPOSED.)

Councillor Baptiste made a motion to adjourn, which was seconded by Councillor Abreu. This motion passed on a roll call vote of Yeas 10, Nays 1. (Councillor Oliver OPPOSED.)

The meeting adjourned at 9:04 p.m.

ATTEST:

Denis Lawrence, Jr.
Clerk of Committees