

City of Cambridge

GOVERNMENT OPERATIONS AND RULES

COMMITTEE MEMBERS

Councillor David P. Maher, Chair
Councillor Anthony D. Galluccio
Councillor Brian Murphy
Councillor Kenneth E. Reeves
Councillor Timothy J. Toomey

In City Council November 4, 2002

The Government Operations and Rules Committee held a public meeting on October 23, 2002, beginning at 5:44 p.m. in the Sullivan Chamber to receive comment on the city manager's performance from the public.

Present at the hearing were Councillor David P. Maher, chair of the committee, Vice Mayor Henrietta Davis, Councillor Brian Murphy, Councillor E. Denise Simmons, Sandra Albano, Assistant to the City Council, City Clerk D. Margaret Drury, and Elaine McGrath, City Clerk's Office. Also present were Robert W. Healy, City Manager, Richard Rossi, Deputy City Mgr., Maryellen Carvello, Adm. Asst./Exec Dept., Diane Squires, Exec. Asst. to the City Mgr., Jill Herold, Asst. City Mgr. for Human Services, Russell Higley, City Solicitor, Nancy Glowa, First Assistant City Solicitor, and Ini Tomeu, Public Information Officer. Also present were several members of the public from Cambridge: Robert J. LaTremouille, 182 Harvard St., Elie Yarden, 143 Pleasant St., Cob Carlson, 26 Hingham St., Tom Lucey, President of the Cambridge Chamber of Commerce, 859 Mass. Ave., John Moot, 44 Coolidge Hill Rd. and member of the Association of Cambridge Neighborhoods (ACN), Stash Horowitz, 12 Florence St, and ACN, and Winn Fried, 16 Soden Street. Marilyn Wellons, 651 Green St., Cambridge, and Stephen H. Kaiser, 191 Hamilton St., Cambridge, sent written comments.

Councillor Maher convened the hearing and explained the purpose. He described the hearing as an opportunity for public comment on the city manager's performance, and part of a larger process of hearings in October and November to set the city's goals and decide on the manager's contract. During October, each Councillor met individually with the Manager to discuss his performance. The next scheduled meeting on the city manager's contract is November 13, which will be a working meeting of the Government Operations and Rules Committee for group evaluation by the City Council and to discuss what the Committee will recommend to the full Council. There will be no public comment at that meeting. For today's meeting, Councillor Maher asked the public to limit their comments to five minutes and to keep comments focused and constructive in order to help the Councillors make their decision on the manager contract; if people engage in personal attacks, he will intervene and cut them off. He then invited the public to speak.

Mr. LaTremouille offered the written comments of Marilyn Wellons (**Attachment A**) and also offered a letter of his own outlining his concerns with the city's environmental actions (**Attachment B**). He criticized the city manager's performance as

outrageously bad in the environmental field. He asked how the councillors would explain to children the attacks on the environment, wetlands and people that the city is part of. He also said that city officials have made false statements about environmental activities. According to Mr. LaTremouille, the city's redesign of the City Hall lawn made it a "green place of death", eliminating trees and nesting habitat for birds. He asserts that the city is planning the same actions for the Charles River in a "terribly destructive" plan for Magazine Beach, in cooperation with the Metropolitan District Commission (MDC) plans for expansion on the river. Mr. LaTremouille expressed outrage about the city's involvement in the destruction of the geese nesting grounds, and killing of the geese at the B.U. Bridge, and about denials by the city manager's office, the MDC and local politicians of statements and policies about this plan. He is critical of the city for destruction of trees and wetlands while it espouses environmental protection. He feels the city should be ashamed of its behavior on the Charles River and that it should end its shameful actions and bring itself into the 21st century in its environmental policies. He urges the Council to fire the City Manager.

Mr. Yarden stated that he would try to avoid negative statements. However, he thinks that the presentation of the broader problem is important. Specifically, he is concerned with the city's failure to maintain a democratic, representative form of government. This is not due to one individual, such as the manager, but instead is systematic. According to Mr. Yarden, the council is confused about the division of executive and legislative authority in the city manager form of government. He asserts that many councillors act as if they don't have executive authority, when in fact the council chooses to delegate its executive power to the manager. The manager is not answerable to the people, however. Mr. Yarden believes that, if the Council does not take charge of what happens in the city, the city ends up with the problem that Plan E government was designed to avoid: cronyism. Mr. Yarden characterizes the last evaluation as an exchange of mutual congratulations between the Council and the manager, with increases in salary for both.

Mr. Yarden offered two recommendations for this evaluation: no pay increases for the manager or councillors, and more diverse and community-oriented appointments to boards and commissions. On the last point, Mr. Yarden stated that the city manager's appointments to boards and commissions are characterized by cronyism and conflicts of interest; according to Mr. Yarden, there is a revolving door between city jobs and institutional and business jobs. For example, when a member of the Planning Board goes to Harvard University, he or she takes with them enormous knowledge that is useful to the institution. He also criticized the Board of Zoning Appeals (BZA) as unrepresentative of the interests of residents; he feels that most members are self-interested and serve out of ambition for their careers. He urges the city to make the board more diverse by including members with backgrounds in demographics, urban planning and economics. Mr. Yarden's experience is that most members of the Planning Board and BZA are incapable of understanding or adequately discussing the technical information they must evaluate to make decisions. He also feels there is an inability to deal with problems in the city because of a lack of information. One of those problems is the exodus of the middle class from Cambridge due to the high costs of living here. Mr.

Yarden stated that this situation has especially impacted middle-class Afro-Americans in Cambridge, leaving a few wealthy and a majority of poor Afro-Americans; because the disparities in income increased in the 1990's, this has exacerbated the problem. Finally, he encouraged the city to make its policies go beyond maximizing its cash balance – there is more to the city than a cash cow.

Mr. Carlson stated that he was thrilled to live in Cambridge and that he feels fortunate to enjoy great city services such as snow and trash removal and recycling. By way of constructive criticism, he gave the city manager a “D” for poor oversight of the Planning Board. According to Mr. Carlson, no one on the Board speaks up for residents, because they are vested in the development community. He believes that the Board has serious conflict of interest issues, and consistently rules for developers, even in contradiction to city growth management policies, which are supposed to be the “Bible” for development in the city. In his experience, three members of the Planning Board dominate the proceedings; the board treats Harvard University representatives kindly while scowling at residents who appear before them. Another concern raised by Mr. Carlson is Harvard's payments in lieu of taxes, the “PILOT” program. His opinion is that Harvard is not paying its fair share for the city services it receives. He wants the city to hold the institution's feet to the fire, along the lines of City Manager Driscoll in Watertown, who has received payments of \$3,000,000 from Harvard. Mr. Carlson believes that a lot of the responsibility for the PILOT arrangement is the City Manager's. Finally, Mr. Carlson asked the City Manager to provide for greater enforcement in two areas of city services: enforcement of effective snow removal on Riverside sidewalks, and issuance of more tickets by police for vehicles running red lights.

Mr. Lucey expressed his appreciation for the opportunity to address the city manager's performance, which he characterized as outstanding, an “A+”. He listed a number of accomplishments by the city under Mr. Healy, including improving the infrastructure for biotech and research companies, a successful water treatment plant, plans for the expansion of the library, a model affordable housing program, innovative efforts such as the leverage of the Community Preservation Act to access state money, a higher level of educational funding than any other community in the state, and a strong public safety program including the only Fire Department in Massachusetts and one of two departments in New England with a Class 1 rating. Mr. Lucey also commended the city for its strong, vibrant rate base, which has resulted in a Triple A bond rating which saves the city millions of dollars in debt service. Personally, he has found the manager to be responsive, a good listener and a person who respects the sound process of government.

Mr. Moot stated that he agrees with much of Mr. Lucey's assessment, especially with the credit due to Mr. Healy for the city's excellent financial condition. He noted that the large increases in commercial property development have offset the reductions in state aid to the city and have resulted in a reduced tax rate for residential property, even though the property valuation has increased. At the same time, he is concerned about all the power that rests with the manager, who hires all department heads and appoints all board members; this makes the city manager the power center of the city. He is also

concerned that there is a price to be paid for the current benefits of the commercial development in the city, which infringes on the quality of life in the neighborhoods. According to Mr. Moot, the mass and height of developments are excessive, and reduce the fresh air and light available to residents; the commercial development has also resulted in traffic congestion throughout the city. Mr. Moot believes that today's tax benefits do not adequately compensate for quality of life costs. He is also critical of the manager and departments for not being evenhanded; he sees the city management being open and responsive to developers and favoring their proposals while residents and neighborhood groups do not get this treatment. He cited two examples in which he asserts that the city failed to require certain studies or accepted a questionable interpretation of the city's code in order to accommodate developers.

Mr. Moot also states that the manager does not adequately respond to citizen concerns. He has sent letters to the manager about specific concerns or proposals, such as bus shelters, without receiving any response. He knows of other people who have experienced the same lack of response. Mr. Moot also criticized the manager's office for failure to inform neighborhood associations of an agreement involving the Massachusetts Highway Department, the Big Dig and Cambridge, which assigned to Mass Highway the costs of relocating Lechmere Station as part of the Big Dig mitigation. According to Mr. Moot, residents had asked for the documents about this agreement without the support of the city manager. The subsequent rezoning of North Point benefited the developer by allowing higher and denser development on the site because the assumption was that the developer would pay these costs. Mr. Moot concluded by asserting that the city manager has not followed through on his commitments to benefit residents, and offered a letter summarizing his evaluation of the manager (**Attachment C**).

Mr. Horowitz introduced his comments by stating that the manager's evaluation was a worthwhile annual process and that it was regrettable that only four city councilors were in attendance for this year's evaluation. In the various circles he moves in, Mr. Horowitz says that Mr. Healy is highly regarded for his management of the city and is generally considered the best city manager in the state for his achievements, especially the city's high bond rating. Mr. Horowitz agrees with Mr. Yarden's general comment that, after two decades, Mr. Healy has appointed everyone in the city; his concern is that the city needs checks and balances on board appointments to get wider viewpoints. According to Mr. Horowitz, the make-up and decisions of the Planning Board and BZA, for example, are very important to the character of the city yet they lack neighborhood representation. He pointed to the manager's failure to appoint Robert Simha, a resident with 30 years experience, to these boards rather than a graduate student who then left to work for Harvard. Mr. Horowitz's point is not to criticize the boards but to raise the concern that their contacts with the development community make them susceptible to lobbying. The city needs board members without contacts. His perspective is that although the Council should not interfere with the manager's appointments, it can still express preferences about them.

Regarding Mr. Moot's comments, Mr. Horowitz recalled that Cambridge was in trouble and losing its industrial base when Mr. Healy first became manager; Mr. Healy

has been so successful that Cambridge is currently the only city in the country with a triple A bond rating by all three bond rating agencies. Mr. Horowitz asks whether too much of a good thing has started to have negative impacts on the city's neighborhoods. His opinion is that, at first, all the new business development seemed beneficial, but then came the heavy traffic from commuters, which makes life miserable for residents. There has been 20 times more building for research and development and office space as there has been for housing; that is the market at work. However, Mr. Horowitz noted that the city's goals identify housing as the number one priority, which means that there is a disconnect between the city's goals and their implementation. Mr. Horowitz urged the Council and the Manager to run the municipal government based on citizens' concerns. He acknowledged the separation of administrative and executive functions in city government but reminded the Council that the true power comes from them and that the city's policies should be more responsive to residents' concerns.

Mr. Horowitz then read a letter from Stephen H. Kaiser (**Attachment D**), which expressed concern about the lack of response from city officials when citizens request information or consideration.

Ms. Fried stated that it is time for the Council and the Manager to truly look at what the universities give back to the city.

Councillor Maher thanked the city councillors for attending and noted that all of the councillors will receive a transcript of the meeting. He reiterated that tonight's meeting is part of the evaluation process, which includes the individual councillor meetings with the manager held in October, and two scheduled meetings in October and November for manager evaluation. The Council will then take its final action at a regularly scheduled meeting before the end of the year.

Mr. Yarden asked about the ongoing survey of city services. Councillor Maher stated that the results of the telephone survey of 400 residents by Opinion Dynamics will be presented in a meeting on Wednesday, October 30, 2002 at 4:30 in the Sullivan Chamber, followed by a 6:00 P.M. public hearing to receive testimony on the city's goals.

Councillor Maher thanked all those present for their attendance and participation. On a motion by Councillor Simmons, with no objection, Councillor Maher adjourned the meeting at 6:30 P.M.

For the Committee,

A handwritten signature in black ink, appearing to read "David P. Maher", followed by a small flourish or mark.

Councillor David P. Maher, Chair

651 Green Street
Cambridge, MA 02139
October 23, 2002

Cambridge City Council
Government Operations Committee
City Hall
Cambridge, MA 02139

To the Honorable, the Cambridge City Council:

re: City Manager's job performance

As our elected officials you know better than most how the City Manager runs the city. A reporter told the rest of us last summer to make no mistake about it, he runs it down to the smallest detail. We can be sure major policy decisions are his, too.

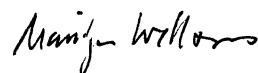
The Manager's appointees on city boards and their staffs fail to execute the laws faithfully. The Conservation Commission reverses itself and allows the Oaktree development at Alewife. It fails to enforce the law on the Charles River at the goose meadow. In my own experience, hard-won battles over neighborhood zoning have to be won again and again, as the Planning Board and staff devise ways to undo what we've won with your votes. Do these things happen without the Manager's direction or approval?

The Council itself is driven to silence on critical issues, apparently for fear of retaliation by the Manager. When nothing less than a new exit from the Massachusetts Turnpike into Cambridge revives the Inner Belt through the city, the Council pointedly fails to mention or discuss it. When a young woman is raped and murdered where the Charles River White Geese have been stabbed and beaten to death, the Council pointedly fails to mention where she was raped and killed—as it failed to condemn the killing of the animals. Is it possible the Council doesn't care about a reborn Inner Belt, or cruelty to animals, or the deliberate creation of a lethally dangerous place in our city?

Right now the Board of Zoning Appeal and the Planning Board are poised to change the zoning in East Harvard Square by variance and special permit, and to extend tax-exempt uses in the city at Zero Arrow Street. The loss of tax base here and elsewhere to non-profit institutions means making it up in places like Alewife, in development around the new Inner Belt, and in the extension of Harvard Square into our neighborhoods. These are surely policy decisions flowing from the Manager's strategy for the city, implemented to the smallest detail.

Ultimate responsibility for these policies, this strategy, is with the Council. By renewing the Manager's contract you confirm these ruinous policies and your own responsibility for them. It's time for him to go. Even the parking meters are funny.

Yours sincerely,



Marilyn Wellons

Robert J. La Trémouille

182 Harvard Street, #3
Post Office Box 391412
Cambridge, MA 02139
Telephone: 617-576-9780

021023GovOps Committee
City Mgr Performance
Attachment B

October 23, 2002

TO THE HONORABLE, THE CAMBRIDGE CITY COUNCIL:

RE: Reappointment of Cambridge City Manager

It is difficult to overstate the truly vile nature of the attitude of the Cambridge City Manager and his cronies toward the environment. These people are proud of their roots in an environmentally destructive 19th Century and are fighting to remake our 21st Century on the basis of that environmentally failed model.

These people have contempt for our natural environment. They idolize structures and built environment over life and living beings. Such people destroyed our air with their shortsighted contempt for our world, with their smokestacks and their filthy vehicles.

In our city, this City of Cambridge, these people are killing and driving away nature. The first step was the destruction of our environmentally vital City Hall front lawn with hundreds of singing birds every day. They destroyed the trees and put in a beautiful, but dead lawn, and once you destroy life, you do not recreate.

The same sickness, the same contempt for life and living beings is being extended to the banks of the Charles River, to the wetlands there and the beings living in those wetlands.

The behavior of the Cambridge City Manager with regard to the Charles River is beneath contempt and properly should make the City of Cambridge a pariah among civilized human beings.

The vileness of the actions is demonstrated by the repeated lies of the participants about their involvement and by the wish of this city council not to know what is going on, while continuing its \$1.5 million subsidy.

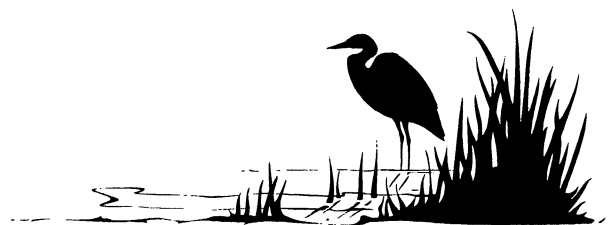
The most recent denial of participation came from Mr. Rossi this past summer. When he presented the specific proposal for environmental devastation at Magazine Beach, Rossi flat out denied the existence of the meetings in which the City of Cambridge first announced its plans for destruction of wetlands and animal habitat in the BU Bridge area of the Charles River.

The City Manager's first meetings (whose existence Rossi denies) occurred at the then Howard Johnson Hotel on Memorial Drive, sponsored by one of the usual fake organizations, in September and October of 1997. After these meetings, the City's front people proceeded to lobby for these vile plans. The lobbying included explicit demands for the mass killing of the beautiful animals residing in this precious habitat.

Rossi claimed that the ideas originated in the meetings in 1998 which followed the September - October 1997 announcement, not in the City Manager's presentation, which rather clearly is now an event which "did not occur."

Friends of the White Geese, in August 1999, received the MDC's modification of the City Manager's plans for the BU Bridge area. The MDC specifically pointed out the relatively minor difference.

In October 1999, Boston University, acting as agent for the MDC and the City of Cambridge destroyed the cherished nesting area, and then denied any participation until June 2000, when they were publicly condemned for the violations of law included in the actions by a committee appointed by the City Manager.



The MDC throughout 2000 denied the existence of their own / the City Manager's plans and of the plans voted for by the Cambridge City Council in December 1999. The MDC repeatedly said they had no further plans for destruction of habitat and environment on the Charles River.

Barrios and the MDC proved these statements a lie in December 2000, when they formally presented the City Council's \$1.5 million subsidized plans for habitat destruction and wetlands destruction at Magazine Beach.

Barrios, in August 2000, in the Cambridge Chronicle, called for large scale killings. He has ever since denied any such statement.

The killings started in 2001, first of beautiful birds on their nests, then of the leader of the gaggle.

The Cambridge City Council showed its shame and involvement by not wanting to know what was going on.

On Halloween 2001, a young woman was murdered in the bloody nesting area. The Cambridge City Council discussed her killing for more than an hour but did not want to know where she was murdered.

One of the persons going on trial for that woman's murder fits the description of an individual about whom great fears existed during the killings of the geese. Killings since his arrest have fit a different MO.

The reprehensible "Charles River Master Plan" shows even more destruction of trees, vegetation and habitat than in the City Manager's plans. The City Manager's plans would wipe out vegetation and wetlands from Western end of the playing fields to the railroad tracks. The "Master Plan" would extend destruction to the BU Boathouse. The MDC called me a liar last summer for publicly condemning their proudly displayed plans.

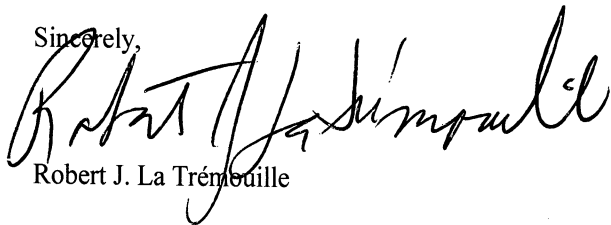
Mr. Rossi, in presenting the plans for the next stage of environment and habitat destruction (Magazine Beach, \$1.5 million City Council money) refused to perform his job unless I lied about his plan. I asked him the schedule. He asked me my opinion. "Irresponsible and destructive." He refused to provide the schedule.

They are not at all subtle about their hypocrisy on environmental issues. The most important part of their creed is to lie about the vilest of their vile acts. It is unacceptable not to lie about the vilest of their vile acts.

The 1997 meetings, which the City Manager now says did not exist, focused on that portion of work at Magazine Beach which would not be environmentally destructive. The 1997 meetings casually mentioned the truly reprehensible stuff. Naturally, the responsible part has fallen by the wayside. This is part of the pattern of lies.

The Cambridge City Manager is the core of a contemptible environmental situation on the Charles River and in the City of Cambridge. He is unfit to be employed in a responsible position by the City of Cambridge, let alone to lead it.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert J. La Trémoille". The signature is fluid and cursive, with the first name "Robert" being the most prominent.

Robert J. La Trémoille

October 23, 2002

From: John R. Moot, President of the ^{ACC}ANC, home at 44 Coolidge Hill Road

To: The Government Operations Committee of the Cambridge City Council

Subject: Evaluation of the Cambridge City Manager

As we all know, the City Manager is the Power in the administration of the City. He hires all of the department heads and makes all of the appointments to all boards and commissions. He is responsible for almost every aspect of the administration of the city.

The City is in excellent financial condition, for which the Manager deserves the credit. Although real estate values in Cambridge have grown with the general real estate market of metropolitan Boston, the Manager must be credited with the large increase in commercial property development. The growth has been more than adequate to offset the loss in revenues from state aid. As a result he has been able to reduce the tax rate by 22% which for most homeowners offsets an equivalent increase in assessed valuation.

But, like everything else, for the present benefit there is a price to be paid now and in the future. I believe that some of the developments have infringed upon the quality of life in the adjacent neighborhoods too much. In many developments built or under construction, the mass and height of the buildings permitted is excessive. The results are streets without sufficient fresh air and light to be attractive and livable in the long term. The traffic generated by some of the commercial properties will create unacceptable traffic congestion on streets both in the adjacent areas and throughout the city.

I believe that today's tax benefits, though welcome now, do not adequately compensate for the impact of these developments on the quality of life in our neighborhoods in the long term.

The Manager and city departments under his control have not been even handed in dealing with the developers and the residents. Whereas the developers have found the manager and the city departments open and responsive to their wishes, the residents and neighborhood groups have not experienced equal treatment.

The city administration has favored the developers in most confrontations between city officials and tax-paying residents. For example, over the objections of neighborhood leaders, a building permit was issued for a garage for buildings that had not even been designed and for which no traffic study had been undertaken.

In East Cambridge where a developer refused to conform to the process set up by the IPOP ordinance, the law department accepted a very questionable interpretation of the law to relieve the developer of the responsibility even

thought is was clearly the intent of the City Council that the IPOP ordinance remain in effect until the new Project Review Process became effective.

The Manager has not been adequately responsive to letters from citizens. On a couple of occasions I have written to him encouraging the construction of bus shelters, but received not reply. My latest letter offered to raise the money for the construction of a bus shelter at the corner of Coolidge Avenue and Mt. Auburn Street. I received no answer. The idea may have been bad, but I did warrant a response, if only, "thanks for the offer, period".

The Manager failed to inform the ECaPS committee of the Big Dig Mitigation Agreement and the sections pertinent to the development of the North Point. Paragraph 9 of this agreement that was signed on December 28, 1993, provides for the relocation of the Lehmere Station to be done and paid for by the Mass Highway Department. Guilford in its plea for more dense zoning for North Point argued that the expense of moving the station would be borne by them, as covered by a secret agreement between Guilford and the MBTA. We repeatedly requested to see a copy of that document, but Guilford refused, and the City administration did not support our request. I felt certain the document was relevant to the planning for North Point and, I believe that it would have been made public if the City Manager had demanded it.

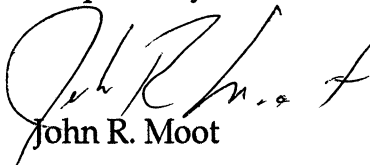
In paragraph 13 of the Mitigation Agreement, it is further stated the "The obligations imposed by this mitigation agreement shall not depend upon the availability of federal funds." The MHD must cover the costs.

The net result of the Manager's failure to supply the ECaPS committee with a copy of the terms of the Big Dig Mitigation Agreement, was, I believe, a higher FAR and building height and density in North Point than is desirable.

Paragraph 8 (b) under the heading "Boat House and Stables" requires the MHD to "undertake the design and construction of the renovation of these buildings" The City Manager has not followed through on this state commitment.

In this evaluation, I have limited my comments to just a couple of my observations.

Respectfully submitted by,



John R. Moot

October 22, 2002

*Stephen H. Kaiser
191 Hamilton Street
Cambridge, Mass. 02139*

To : The Cambridge City Council

From : Stephen H. Kaiser

SUBJECT: Evaluation of the Performance of the City Manager

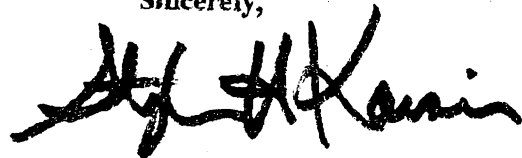
I would like to briefly express my concern over the lack of responsiveness on the part of Cambridge city officials -- when citizens request information and consideration from their government officials. In a word, the problem is "stonewalling."

The City Manager is particularly isolated and inaccessible. He has virtually no contact with ordinary citizens, although he appears to meet regularly with developers. Such a complaint may actually be a flaw in our Plan E City Manager form of government, and not a specific complaint against the current manager. In fairness, I should note that the unresponsiveness of local officials (Boston, Somerville, Stoneham as examples) comes even from governments with elected mayors.

The tactic of stonewalling is endemic in dealing with issues such as traffic and flooding in Cambridge. Over the past year the strange silence is particularly evident in the case of the boundary confusion between Cambridge and Somerville in the North Point area. At least now we know that all of the current city maps are in error. When will we get the boundary matter straightened out and what alternatives are being considered? All I have been hearing is silence.

I have many other concerns, including the city policies on pedestrian traffic lights, which I will simply note at this time. With regard to preferences for more development in Cambridge, the City Manager may be performing exactly as desired by the City Council. In such a case, any criticism of development policy should not be directed at the manager.

Sincerely,



Stephen H. Kaiser
Citizen Engineer

S-335

Committee Report #1

Committee Report from Councillor
David P. Maher, Chair of the
Government Operations and Rules
Committee, for a meeting held on
October 23, 2002 to receive
comment on the City Manager's
performance from the public.

In City Council November 4, 2002

**REPORT ACCEPTED.
PLACED ON FILE.**