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CAMBRIDGE, MASS.

83 Inman Street
Cambridge, Massachusetts 02139
May 17, 1979

Cambridge City Council
City Hall
Cambridge, Massachusetts 02139

To the Honorable, the City Council:

On behalf of the Mid-Cambridge Coalition for Longfellow Open Space, I am writing to point out what we contend was an error of law which occurred at the May 14, 1979 meeting of the City Council.

At that meeting, the Council considered an order, No. 14, by Councillors Graham and Duehay. As amended, that order requested the City Manager to "take the necessary action" to initiate taking proceedings for the "Pelrine" property on West Street, for the purpose of obtaining a school play area, and to notify the owners and abutters accordingly. Five councillors voted for the order and four against it, but the city clerk declared it defeated, stating that it required six votes. The Council's records show that the order "(f)ailed of adoption."

Our position is that the order was in fact adopted. It is true that chapter 43, section 30 of the Massachusetts General Laws requires a two-thirds vote for an appropriation which is a prerequisite to the taking. But the "order of taking" itself under that section and chapter 79, section 1 requires only a simple majority.

The order considered on May 14 was neither an appropriation nor an order of taking. Neither would have been in order. Rather, the order was simply a request that the City Manager take certain actions preparatory to either of those two votes. Under section 30, these actions might include making a formal "request" of the City Council and giving his "approval." Under chapter 43, section 104 (part of the Plan E charter), the city manager "shall perform such . . . duties as may . . . be required of him by . . . resolution of the city council." This order was just such a resolution, and it therefore merely required a simple majority vote.

We respectfully submit that the order was adopted, and that the records of the City Council should be corrected to reflect this. Thank you for your consideration in this matter.

Sincerely,

David E. Sullivan

David E. Sullivan

cc: City Manager
City Clerk ✓
City Solicitor

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5-292

Comm. from Paul E. Healy, City Clerk, transmitting one from David E. Sullivan in behalf of the Mid-Cambridge Coalition for Longfellow Open Space, expressing their position re: vote of the City Council on May 14, 1979 re: open space in the Longfellow School area.

In City Council,

May 21, 1979

5/21/79

Referred to the
City Solicitor.

Copy sent 5/23/79