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LAW DEPARTMENT  
CAMBRIDGE, MASS.

May 4, 1970

Paul E. Healy  
Temporary City Clerk  
City Hall  
Cambridge, Massachusetts

Dear Mr. Healy:

You have requested my opinion in behalf of the City Council as to the possible conflict of interest of a member of the Planning Board who is an employee of Massachusetts Institute of Technology and who may vote on matters relating to MIT and Harvard College.

General Laws, Chapter 268A, section 17(a) provides that "no municipal employee shall, otherwise than as provided by law for the proper discharge of official duties, directly or indirectly receive or request compensation from anyone other than the city or town or municipal agency in relation to any particular matter in which the same city, or town is a party or has a direct and substantial interest." A special municipal employee is subject to the law only in relation to a particular matter in which he has at any time participated as a municipal employee, or which within one year has been a subject of his official responsibility or which is pending in the municipal agency in which he is serving. By vote of the City Council on April 15, 1963, members of the Planning Board were designated special municipal employees.

An employee of MIT would receive compensation from that institution and therefore he would be disqualified from participating in any matter relating to MIT which is pending in the Planning Board. If the member of the Planning Board received no compensation from Harvard College, however, he would not as an MIT employee be disqualified from voting on matters concerning Harvard.

Very truly yours,

*Philip M. Cronin*

Philip M. Cronin  
City Solicitor

PMC:ja

Communication from Philip M. Cronin, City  
Solicitor, transmitting an opinion as to  
the possible conflict of interest of a  
member of the Planning Board who is an  
employee of M.I.T. and who may vote on  
matters relating to M.I.T. and Harvard

May 4, 1970

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