

The City Council and the City Manager remain silent on this project also. Given the Council's and the City Manager's actions censoring discussion of the public business in Trolley Square, Mid Cambridge, Riverside and Agassiz, they would likely prevent citizens from learning of this personal governmental service to Harvard. We know of the abuses of special interest lobbies at the US Congress. We hear about special interests at the state legislature. But Harvard is not considered a special interest in Cambridge. Does Harvard control the City government mechanism? Are all nine Councilors now puppets for the \$19.3 billion endowed university? Have they joined Senator Barrios in representing Harvard from within the government?

The question of who negotiates for the taxable inhabitants of the City is of secondary importance. The matter of doing the public business in private makes all of the negotiations suspect because of the secrecy, and violations of state law.

When Harvard wanted a permanent easement for a tunnel under Cambridge Street the City allowed the process to go forward in spite of City ordinance which required a public benefit for the transfer of land to a private person. The ordinance was written by Former Mayor Alice Wolf.

The City councilors, the City Manager and the Mid Cambridge civilians (John Pitkin and Rick Childs) appointed to represent the neighborhood simply ignored that ordinance and concentrated only on how much the City and some private persons could extract from deep-pocketed Harvard. The ante for the tunnel was raised from \$267,000 to \$1,000,000. Rumors that the City wanted up to \$5,000,000 were not verified, in part due to the refusal of City attorneys to comply with an order from the District Attorney to reveal the notes from an unlawful City Council Executive Session.

According to a commitment letter for Ordinance 1269, dated October 27, 2003, from Harvard, a negotiated agreement grants Harvard a "perpetual easement" under Hingham Street. The letter does not state with whom (besides Harvard) the agreement was made. Who represented the City?

The same City ordinance prohibition for the Cambridge Street easement, applies to the Hingham Street easement. There is no public benefit from the Hingham Street easement either. This petition must also be denied.

It is not known what offers Harvard made to the City and to the neighborhood association. One paragraph in that letter states that "Harvard will contribute \$50,000 to community organizations in the Riverside neighborhood." It is not stated how that money will be used. Nor by whom.

In the Agassiz neighborhood Harvard again thwarts the governmental process. As with the Riverside project, and the Mid Cambridge project there were intentional violations of the Open Meetings law. In all three projects, though a few civilians were supposed to represent the taxable inhabitants of the City, they were all instructed to keep the discussions secret.

This is inappropriate and unacceptable for a City government. Even the City Council, no stickler for law, questioned the way that the City Manager responded to an order to create an oversight board for this remarkably unusual process in Riverside. I suggest that the oversight

Letter to City Council from R Bercaw Dec. 18, 2003

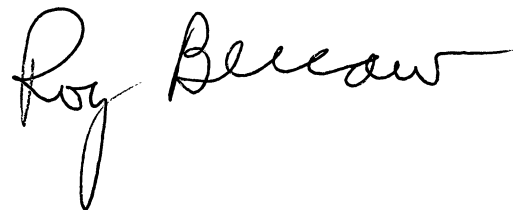
board be called, *HAMAD HUSSEIN Cambridge*. Harvard Manifest Destiny for Harvard's Undeniable Secret Sanction for Everything IN Cambridge.

What other agreement, ordinance or Harvard building project has or needs an oversight board? Does this indicate that the City Council recognizes that the unlawful agreement needs frequent massages to overcome its lawlessness? The antidote to chicanery in the governmental process is Sunshine. The Open Meetings law, M.G.L. Chapter 39 § 23B states, "No chance meeting or social meeting shall be used in circumvention of the spirit or requirements of this section to discuss or act upon a matter over which the governmental body has supervision, control, jurisdiction or advisory power." That is exactly what the City did with three projects.

The arbitrariness of Council decisions over land use varies and usually only includes ordinary citizens when it suits the developer. When the North Cambridge neighborhood spent numerous hours meeting to discuss the use of Trolley Square in North Cambridge, the City simply ignored the neighbors' desires. Those decisions also brought complaints about a closed process in violation of the Open Meetings law. This is one consistency of the City's actions, keeping the public uniformed even when civilians are involved in the process!

In all four recent cases, the neighbors may have acted in good faith. But the City, Harvard and the Council have not. Harvard and City officials know the requirements of the Open Meetings law.

Perhaps it is time to ban chocolate in Cambridge!

A handwritten signature in black ink, reading "Roy Bercaw". The signature is written in a cursive style with a large, looped "R" and a long, sweeping underline.

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ENOUGH ROOM, ROY BERCAW, EDITOR
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Honorable Cambridge City Council
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December 18, 2003

Unlawful Procedures

Bureaucracy serves to maintain stability in an institution. The Cambridge bureaucracy does that job well. But during recent months one large developer has successfully avoided the protections that bureaucracy provides to its citizens.

City officials are appointed to implement statutes which were written by state elected officials. Citizens who hold the ultimate authority are being given an unusual opportunity to exercise powers meant for the City bureaucracy.

First in Mid Cambridge, then in the Riverside neighborhood and this week in the Agassiz neighborhood, unelected citizens had the opportunity to negotiate with Harvard over the details of what zoning ordinances would be written and what form Harvard's building projects would take. In all three cases the details of what was argued, under what conditions remains secret. Though it is encouraging that ordinary citizens are being given the chance to speak with authority, it is troubling that the proceedings were conducted in private contrary to state laws.

Jessica Rubin-Wills, reported in the Harvard Crimson, ("Agassiz Neighborhood to Vote Today on Deal with Harvard," December 16, 2003) that "the deal with Agassiz would represent an unprecedented agreement between Harvard and a neighborhood group without the formal involvement of City government." Under what theory of City or state law do the self appointed Agassiz neighbors represent the taxable inhabitants of the City? How can such a group lawfully decide land use policy for the City?

Neighborhood neophytes enter Harvard's seduction chambers "negotiating." Who catered the meetings? Who attended them? Were these neighbors praised for their insights into doing Harvard's will? Were they encouraged to run for office having shown their wisdom agreeing with Harvard's PR staff? When the public business is conducted in private there are no rules and there are no protections for the taxable inhabitants of the City.

In addition to Harvard's building projects the most egregious example of abuse of process is Harvard's plan to move the land under the Mass Turnpike to enhance the Allston property they purchased with the influence of their State Senator Jarrett Barrios.

The plan includes moving the Turnpike exit to cross the Charles River into Cambridge under the BU Bridge; after enlarging the railroad bridge for four lanes of traffic. This will have an enormous change on Cambridge by streaming Turnpike traffic which currently goes along Storrow Drive, onto Memorial Drive.

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Communication #2

A communication was received from
Roy Bercaw, regarding procedures.

In City Council December 22, 2003

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