



CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139 • (617) 876-6800

LAW DEPARTMENT

EDWARD D. MCCARTHY
ACTING CITY SOLICITOR

ROWENA E. TAYLOR
ASSISTANT CITY SOLICITOR

RUSSELL B. HIGLEY
SPECIAL COUNSEL

CHARLES A. WATSON
LEGISLATIVE AGENT

December 21, 1973

Councillor Francis H. Duehay
26 Lowell Street
Cambridge, MA 02138

Dear Councillor Duehay:

You have requested my opinion whether or not by participating in the debate and subsequent vote relative to the so-called "Harvard Square Overlay District Zoning Amendment" you would be violating the provisions of the Conflict of Interest Law and more particularly General Laws, Chapter 268A, Section 19. You have informed me that you are employed on a full-time, salaried basis as Dean of Admissions and Studies and Lecturer in Education in the Graduate School of Education of Harvard University.

An examination of the proposal in question reveals that Harvard University owns 14.7% of the total area. The Zoning Proposal itself applies equally to all owners of property within the proposed zone and does not grant any "unwarranted exemption or privilege" to Harvard University within the meaning of General Laws, Chapter 268A, Section 23.

While I feel that your employment relationship with Harvard does fall within the meaning of Section 19 in that this Section, in my opinion, does apply to a present employee and not merely a prospective employee; I find no evidence that either you or Harvard University has a "financial interest" in this particular matter as the latter term is used in this criminal statute.

It is my understanding that Harvard University has taken no position on the Plan in question and has no current plans, which might be affected by your vote. Because of these factors, this particular matter differs from the Riverfront Zoning Plan, upon which you refrained from voting.

Therefore, in my opinion, you may properly vote concerning the Harvard Square Overlay District Zoning Amendment without violating the provisions of the Conflict of Interest Law.



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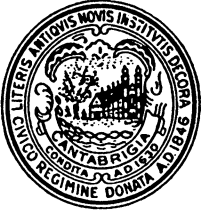
December 21, 1973

May I suggest in the future if any additional matter comes before the City Council, which relates directly or indirectly to Harvard University, that you request an opinion, at such time, as the facts tend to vary in each case.

Very truly yours,

Edward D. McCarthy
Edward D. McCarthy,
Acting City Solicitor

EDM:jmw



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December 21, 1973

Paul E. Healy, City Clerk
City Hall
Massachusetts Avenue
Cambridge, MA 02139

Dear Paul:

In accordance with General Laws, Chapter 268A, I enclose, for filing by you, an opinion to Councillor Francis H. Duehay concerning a possible conflict of interest.

Very truly yours,


Edward D. McCarthy,
Acting City Solicitor

EDM:jmw

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Harvard Square Overlay District
Zoning Amendment

December 26, 1973