



City of Cambridge

IN CITY COUNCIL

October 29, 1973

ORDERED:

That the attorneys of the Law Firm of Hill and Barlow of 225 Franklin Street, Boston who are, or will be engaged to represent the City of Cambridge in litigation arising out of the construction of the Martin Luther King Jr. School building be and her by are classified as "Special Municipal Employees" pursuant to Chapter 268A of the General Laws during the period of their employment.

In City Council October 29, 1973.

Adopted by a yeas and nay vote-

Yeas 9; Nays 0; Absent 0.

Attest:- Paul E. Healy, City Clerk.

A true copy,

ATTENT:

Paul E. Healy



City of Cambridge

IN CITY COUNCIL

October 29, 1973

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In City Council October 29, 1973.
Adopted by a yea and nay vote-
Yeas 9; Nays 0; Absent 0.
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A true copy,

ATTEST:

Paul E. Healy

Agenda #18

City of Cambridge

MASSACHUSETTS

In City Council

October 29 19 *73*

		YEA	NAY	ABSENT	
	Mr. Clinton	✓			
	Mr. Danehy	✓			
	Mr. Duehay	✓			
	Mrs. Graham	✓			
	Mr. Moncreiff	✓			
	Mr. Owens	✓			
	Mr. Sullivan	✓			
	Mr. Vellucci	✓			
	Mayor Ackermann	✓			
		9	0	0	

*Vote of City Council**Re Classification of City's Public
Banks as Local Municipal Agencies*



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

October 29, 1973

TO THE HONORABLE CITY COUNCIL:

You have asked for an explanation of our request that lawyers performing services on an intermittent basis be classified as "Special Municipal Employees" under General Laws, Chapter 268A.

In an effort to provide the City with specialized expert counsel in cases of uncommon difficulty, the Law Department, over the years, has, in fact, retained such counsel to protect the interests of the City.

In the absence of the "Special Municipal Employee" classification there might be a possible conflict of interest if such attorneys handled another case involving the City on behalf of a third party within a year of the time we retained their services. This would not only restrict our access to the best possible outside counsel, but it would seem to be basically unfair to these outside attorneys.

This classification would not apply, for example, to Moulton, Looney, Mazzone, Falk & Markham, Esquires, who have been retained by the City Manager for labor negotiation purposes, since their employment is on a regular, continuous basis.

The Law Department, to date, has expended the following amounts:

1. Daniel Lynch, Esquire
RE: defense of civil action brought on behalf
of the Estate of Lawrence Largey \$ 3,794.00
2. Andrew Bram, Esquire
RE: numerous arbitration cases on Kennedy,
King and Tobin Schools 5,654.54
3. Douglas Randall, Esquire
RE: successful defense of ten (10) taxpayers'
action to compel 100% revaluation 2,562.50
4. Donald Reenstierna, Appraiser
RE: appraisal and expert testimony in
Court 2,100.00
5. American Arbitration Association



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CHARLES A. WATSON
LEGISLATIVE AGENT

TO THE HONORABLE CITY COUNCIL

-2-

October 29, 1973

RE: filing fees on King, Kennedy and Tobin
Schools \$ 1,125.00

SUB TOTAL \$15,236.04

6. Moulton, Looney, Mazzone, Falk & Markham, Esquires

RE: retained by the City Manager for labor
negotiations and paid from the Law
Department budget, to date 28,387.01

SUB TOTAL \$43,623.05

7. Office Equipment; Sheriffs' and Constables'

Fees; Filing Fees in Court; Stenographic Transcripts;
Filing of Briefs; Medical Examinations of Claimants,
against the City; and Miscellaneous 7,900.77

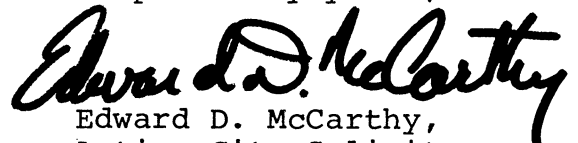
TOTAL \$51,523.82

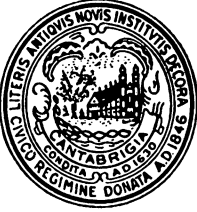
I do not anticipate any request for additional appropriations for the above purposes. I do, however, strongly urge passage of this Order, so that we may proceed with hearings relative to the Martin Luther King School. We have a balance on hand of \$18,476.18.

As I mentioned in my earlier correspondence, we would like to retain the services of Carl Sapers, Esquire, a senior partner in the firm of Hill & Barlow, who is an outstanding expert in building construction arbitration matters. It was Mr. Sapers who rightly requested this classification; and in compliance with the law, all lawyers similarly employed should be equally classified.

Thank you for your consideration.

Respectfully yours,


Edward D. McCarthy,
Acting City Solicitor



CITY OF CAMBRIDGE

CAMBRIDGE, MASSACHUSETTS 02139
Tel. 876-6800

EXECUTIVE DEPARTMENT

JOHN H. CORCORAN

City Manager

JAMES L. FARRELL

Assistant City Manager

October 29, 1973

To the Honorable, the City Council,

I transmit herewith self-explanatory communication from Edward D. McCarthy, Acting City Solicitor, relative to Agenda Item #7 of October 15, 1973, with reference to "Special Municipal Employees" under General Laws, Chapter 268A.

Very truly yours,


John H. Corcoran
City Manager

JHC/m

Comm. from Edward D. McCarthy Acting City
Solicitor re: to Special Municipal Employees

In City Council,

October 29, 1973

10/29/73

Order

Adopted -

Order adopted

9-0-0