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# Cambridge Civic Journal

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## HARDBALL IN JANUARY

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### 1) Report of Jan 12 City Council meeting

In the first regular meeting of the 1998-99 City Council, the Public Comment portion of the meeting was relatively short. I had the opportunity to speak in opposition to Order #62 which called for a new method for selecting a mayor and exploring the possibility of having the Mayor no longer be a member and Chair of the School Committee. John Gintell spoke in favor of the general principle of the Order, arguing that this discussion should take place. The Order was "charter-righted" by Councillor Duehay, i.e. all further discussion postponed until the next Council meeting.

There was a long discussion on an appropriation request for \$350,000 to provide funds for a consultant group to conduct a financial system needs analysis, to assist in the writing of a Request For Proposals, and to assist in the selection of a new financial system for the City. The current system has been in use for 11 years now. It had an estimated 5-10 year life. City Treasurer Jim Maloney argued persuasively for the timely appropriation of these funds and, even though it looked as though this would get charter-righted, the appropriation passed unanimously. Significant productivity increases and eventual cost savings are promised.

There was a long discussion of the degree to which the City Council's authority in "the laying out of the public way" can be used to influence development projects. In other words, when and to what degree can the City Council withhold curb cuts to block or force revisions to a proposal such as the Polaroid/Spaulding and Slye plans in Cambridgeport. Deputy City Solicitor Don Drisdell was very informative in explaining potential conflicts such as what could happen if the Zoning Ordinance and the Planning Board allow for one thing and the City Council makes it impossible for that thing to occur. The conversation between Don Drisdell and Councillor Kathy Born was very informative. Councillor Duehay argued for completely open processes for large developments, where all parties put all their cards on the table. Drisdell pointed out that this is often not the way things proceed since most developers would rather get their building permits in hand before going to the City Council since it gives them much greater flexibility in the negotiations.

There was a discussion about an upcoming subcommittee hearing at the State House, chaired by State Rep. Toomey, on a bill that would allow city managers and city solicitors to be placed into a more beneficial group of the retirement system. There seemed to be a mix of suspicion and indignation about this proposal since it was initiated locally and would benefit Cambridge's City Manager and City Solicitor. The costs of these

retirement benefits would be borne by the City. The Council voted to send a communication to the House subcommittee opposing the bill due to lack of information and other causes of concern.

### 2) A Perspective on the Holmes Project in Central Square, by Robert Boulrice

Capital investment is a cyclical phenomenon. The flow of investment dollars from banks and other financial institutions to property owners is not a regular, predictable, annual occurrence. Rather, new development or renovation is very much a feast or famine proposition. One can easily conclude from all the work now being done to the exteriors of buildings in Central Square that dollars are indeed flowing. The unloosening of all these dollars may not be occurring at a time or a pace of our choosing. But, for whatever the cause, capital reinvestment is occurring. We should do what we can to ensure that the dollars are spent in a way we prefer.

It is time for money to be spent on the Holmes property. Arguably, it is long past time for these buildings to be replaced or completely renovated. Were we, as a city, to prevent renovation or replacement during this period of capital investment, we would be left with run-down, eyesore buildings. The issue is not "should development occur at the Holmes property?" The issue is "What should be done to the Holmes property." I have attempted a layman's review of the Holmes proposal according to the recommendations of the Central Square Development Guidelines and the provisions of the planning and zoning ordinance. This is a subjective exercise for professional and laymen, alike. The guidelines are suggestive, not definitive. I am of the opinion that the Holmes proposal, as it has evolved since I first saw it last March now complies with the intent of Section IV (B) of the Central Square Development Guidelines and Section 11.305 of the zoning ordinances relating to Standards for Issuance of Special Permits. These complementary sections are to me, the heart of the matter. Sec. IV (B) of the guidelines says "Housing is an important element to ensure activity throughout the day and night....The development of housing in combination with retail/commercial uses and or alone is desirable. New housing should continue to reflect the diversity of the area by providing a mix of unit sizes and occupancy opportunities and should be available to a wide range of income groups." 11.305 of the ordinance suggests that special permits should be granted only if the proposed development is consistent with the goals and objectives of the Central Square Action Plan by accomplishing the following: preserve the Square's cultural diversity; create active people oriented spaces; encourage the development of new mixed income housing; and promote compatible retail adjacent to residential uses. The Holmes proposal does these things and complies with these standards.

Last December, I asked the Community Development Department to provide an analysis of the affordable housing units in the Central Square area as a percentage of total housing units. Their analysis is dated January, 1998. It shows that of the 17,130 Total Housing Units in the Central Square Area, 2,687 are considered as "affordable". These findings yield an affordability ratio of 15%. I believe this is a key calculation to the evaluation of Holmes' compliance with Sec. 11.305 because by providing 11

affordable units out of 72 new units, the project achieves a 15% affordability ratio, thus preserving the diversity of Central Square. To me, retail mix follows the demographics of the surrounding neighborhoods. I am far less concerned about retail mix at any particular moment in time for over the long run retail mix will conform to the demands of the customers. To me, it is far more important that the diversity of Central Square be preserved by maintaining the affordability ratio of our housing stock. It is important to note that in the ten year history of the Central Square Action Plan (since 11/87), NOT A SINGLE AFFORDABLE UNIT HAS BEEN BUILT IN THE OVERLAY DISTRICT. The Holmes project does this and accordingly, should be supported.

Please let me conclude by making an observation. Cambridge's legal drug of choice these days is righteous indignation. The challenge facing the Planning Board is daunting, for those now testifying who are righteous indignation junkies are not interested in negotiating or mediating, as these compromises diminish their high. Yet the *raison d'être* of the Planning Board and of planning processes is to effect compromises in order that the public good is better served and that projects on the drawing board are better drawn. I hope the Planning Board can do this. I hope that the current tsunami of anti-development emotion does not carry the Board away from what might be best for Central Square. I hope the Board can be open to the benefits that the Holmes proposal might have for the neighborhoods of Central Square. Finally, I hope the Planning Board accepts the essential reality that it may yet exert a beneficial impact on the plans. Help us make the Holmes proposal work. Please do not leave us with an as-of-right office building.

[The Planning Board will deliberate on the Holmes proposal at its Feb 3 meeting. It is not known whether a final determination will be made that evening on the application for Special Permits]

**3) Chapter 43, Section 97**

Since there is a rather curious effort afoot to somehow invalidate the results of last week's mayoral election, it is perhaps worthwhile to read what the state law says regarding the election of the Mayor under any Plan E charter (and we're the only city left in Massachusetts with a Plan E charter):

*Chapter 43: Section 97. City council; powers and duties; organization.*

*Section 97. The city council shall have and exercise all the legislative powers of the city, except as such powers are reserved by this chapter to the school committee and to the qualified voters of the city.*

*The city council, elected as aforesaid, shall meet at ten o'clock in the forenoon of the first Monday of January following the regular municipal election, and the members of the city council shall severally make oath, before the city clerk or a justice of the peace, to perform faithfully the duties of their respective offices, except that any member-elect not present shall so make oath at the first regular meeting of the city council thereafter which he attends. For the purposes of organization, the city clerk shall be temporary chairman until the mayor or vice-chairman has qualified. Thereupon the city council shall, by a majority vote of all the members elected, elect a mayor and a vice-chairman from its own members and the persons elected as such shall likewise make oath to perform faithfully the duties of the respective offices*

*to which they are so elected, and they may so make oath at the same meeting at which they are so elected. The organization of the city council shall take place as aforesaid, notwithstanding the absence, death, refusal to serve or non-election of one or more of the members; provided, that a majority of all the members elected to the city council are present and have qualified. If the office of mayor or vice-chairman becomes vacant, the city council shall in like manner elect one of its members to fill such office for the unexpired term; provided, that no such vacancy shall be filled so long as there is any vacancy in the council.*

What this says is that the mayor is elected pursuant to state law and, in fact, takes the oath not to the City of Cambridge, but to the Commonwealth of Massachusetts. The City Council does not have the authority to "unelect" a mayor, even if it had the collective desire to do so. One interesting thing that I read from Chapter 43 is that the City Clerk is supposed to chair the Council until such time as a mayor is elected, so the practice of having the most senior member do this appears to me to be more a matter of tradition and Council rules than a matter of law. But then again, I'm a mathematician, not a lawyer.

**4) Election of Mayor Francis Duehay**

In what was one of the most tension-filled moments in this City Council season ticket holder's memory, Francis Duehay was elected Mayor of the City of Cambridge during a defining vote, the effects of which might be felt for some time to come. After many weeks of hardball political maneuvering, the election went right to the brink. To those who took the time to understand all the factors that led to this election, the outcome was not surprising at all. The drama arose from the fact that all the anticipated vote-switching took place during a single ballot rather than on successive ballots.

Councillor	3rd Ballot (before)	3rd Ballot (after the switch)
<b>Born</b>	Triantafillou	Duehay (5th to switch)
<b>Davis</b>	Triantafillou	Duehay (4th to switch)
<b>Duehay</b>	Triantafillou	Duehay (3rd to switch)
<b>Galluccio</b>	Sullivan	Duehay (1st to switch)
<b>Reeves</b>	Triantafillou	Triantafillou
<b>Russell</b>	Sullivan	Duehay (2nd to switch)
<b>Sullivan</b>	Sullivan	Sullivan
<b>Toomey</b>	Sullivan	Sullivan
<b>Triantafillou</b>	Triantafillou	Triantafillou

There are all sorts of stories flying around about what happened at that January 26 meeting, many of which have grown in the telling. There's the tale of the punching of the cake, the calling of the police, bigoted remarks by angry attendees, accusations of dishonesty during the hours leading up to the vote, and more. While this all makes for juicy political gossip, the reality is that the mayoral candidate with the broader support prevailed. Democracy isn't always pretty and sometimes it comes down to a game of hardball. The real test of leadership will be how the various councillors and factions pick up from here. One thing we don't need in the Sullivan Chamber is the bitter taste of sour grapes. Councillor Triantafillou was going to be either a mayor or a martyr as a result of this. Either way, she benefits politically.

Glenn Koocher tells the tale of another time when five votes were there but disappeared before the Clerk gaveled the ballot

closed. That was in 1964 when the Independents couldn't coalesce around a candidate. At one point, Al Vellucci had five votes. Then Bernie Goldberg changed his vote before the gavel came down. Vellucci was so angry that on the next ballot he said, "This ballot responds to the last ballot", and he switched to the CCA and voted for Edward Crane - who won his third consecutive term as mayor.

An example of a last minute vote switch of more recent vintage that had consequences more lasting than a mayoral vote was in 1994 when one councillor changed her vote on the Stop & Shop rezoning without warning and then skipped town for an extended vacation. It's called hardball and everybody plays it every now and again.

Once the mayoral vote was complete and Mayor Duehay had taken the oath of office, the vote for Vice-Chair of the City Council (generally referred to as the Vice-Mayor) followed. As is often the case in a bipartisan mayoral election, the Vice-Mayor title went to a councillor who played a pivotal role in the mayoral selection - in this case Councillor Galluccio. The vote went as follows:

Councillor	Vote for Vice-Mayor
Born	Galluccio
Davis	Galluccio
Duehay	Galluccio
Galluccio	Galluccio
Reeves	Triantafillou
Russell	Galluccio
Sullivan	Galluccio
Toomey	Sullivan
Triantafillou	Triantafillou

After Vice-Mayor Galluccio took the oath, the meeting was adjourned and all business postponed to the Feb 2 meeting. Then all hell broke loose.

**5) The Aftermath and Some Suggestions for Mayor Duehay**

In the wake of the January 26 mayoral vote, it looks as though a redrawing of some of the traditional political lines may be inevitable. For example, within a day of the vote, CCA-endorsee Katherine Triantafillou disassociated herself officially from the Cambridge Civic Association. One perspective would say there are four Independent (Alliance) councillors, three CCA councillors, and two independent councillors. Note the difference between Independent and independent. Perhaps a more accurate description is to say that there are now nine independent councillors, some of whom will predictably vote together on certain issues.

While it would be easy to conclude that the City Council is more divided now than it has been in a long time, it may paradoxically be the case that this Council will now be able to find six votes for compromise resolutions more easily than it has been able to do in a very long time. The pressure to keep an artificial coalition together is not nearly as strong. Getting three CCA councillors to strike a deal with three Independents on major zoning matters may be greatly simplified. Of course, the more strident political activists in the City may be unhappy with all this compromise, but the City may benefit overall.

Here are some suggestions for the new Mayor:

- a) Take the lead in crafting bipartisan compromises in major zoning and housing issues.

- b) Put the focus and greater responsibility in Council subcommittees to turn ideas into reasonable proposals. Council speeches and colorful public commentary are all well and good, but they don't get the job done.
- c) Create a framework for rational discussion on charter-related issues (such as mayoral selection), not influenced by the heat of the moment or political expedience.

**6) The 1991 Ballots - A Peek Behind Door #1**

With all the recent controversy regarding the mechanism for choosing a mayor, several suggestions have come up that would use the ballots from the City Council election either wholly or in part as a mechanism for selecting who is to be mayor.

Meanwhile, the question of whether the ballot data from the 1997 municipal election can be or will be released to the public is not yet settled. The Election Commission, as well as members (including me) of the Technical Working Committee (TWC) that recommended the computerized election system that we now employ, would prefer that this information be made available in some manner for academic research and for general interest. The Law Department has advised that this information is not required to be made public, but it did not definitively say that it could not be made public. In fact, it is not hard to conclude from the governing statute (M.G.L. 54A) that the Election Commission may report out whatever information it deems to be in the public interest.

While the question of ballot data in a PR election may not seem spellbinding to the average person, it is something of great interest to proponents of electoral reform all around the United States. Cambridge is one of only two cities in the country that use the single transferable vote proportional representation election system. The other place is in the election of district school boards in the City of New York. In this other "laboratory of democracy" the ballot data from the 1996 election is now being studied by a consultant at Rutgers University. I am currently advising him about some of the questions to ask, the limitations on what conclusions can be drawn from such ballot data, and the methods that one can use to analyze this data. I would like very much to be able to do some analysis on the current Cambridge data, to study the effect of slates in voting behavior, to measure how coherent or chaotic the preferences of real voters can be.

As part of the feasibility study for the computerization, the ballots from the 1991 City Council election were put into a database by manual data entry. This allowed for some analysis. Here are some examples of questions and answers relating to the 1991 ballots:

Q1 - The "Tenant Slate" of 1991 consisted of seven people: Ed Cyr, Frank Duehay, Jonathan Myers, Elaine Noble, Ken Reeves, Tim Toomey, and Alice Wolf. How many ballots listed the entire Tenant Slate as the first seven choices?

Ans - There were 791 such ballots out of 22,971 valid ballots cast. I would view these as the voters least likely to question the choices, the "just give me the card" voters. Of these voters, the distribution of #1 votes among the slate was Cyr 7.9%, Duehay 6.7%, Myers 26.8%, Noble 9.9%, Reeves 6.6%, Toomey 7.6%, and Wolf 34.5%. Of course the strength of the Tenant Slate came through its great commonality with the CCA slate.

Q2 - The 1991 election was the one in which Alice Wolf earned almost a “double quota” of #1 votes. On how many ballots was she listed overall?

Ans - Her #1 votes only begin to tell the story. In fact, she was the #1 choice on 18% of all valid ballots cast, was in the top two on 31.4% of ballots, the top five on 48.6% of ballots, and was listed somewhere on 54.5% of ballots. She was the only candidate that year to be named on more than half of all ballots. In fact, with the Cambridge electorate, it is very unlikely that any candidate will be named on a majority of ballots.

Q3 - Of the #1 ballots of all 19 candidates in the 1991 election, which of them was most likely to have a CCA endorsed candidate as the #2 choice?

Ans - Here are the percentages:

Alice Wolf	81.4%
Frank Duehay	80.6%
Ed Cyr	73.0%
Jonathan Myers	71.1%
Tom Watkins	71.1%
Elaine Nobel	68.0%
Ken Reeves	64.3%
Robert Hall	26.5%
Vivian Kurkjian	22.9%
William Jones	19.5%
Tim Toomey	17.4%
Al Vellucci	15.5%
Arnold Roquerre	11.5%
Jane Sullivan	11.4%
Walter Sullivan	11.1%
Sheila Russell	10.9%
George Spartichino	9.5%
James McSweeney	9.4%
William Walsh	8.2%

Q4 - Of all the CCA endorsees that year, who were the most and least likely fellow CCA candidates to be the 2nd choice (excluding Watkins)?

#1 Choice	most likely #2	Least likely #2
Ed Cyr	Wolf 35.2%	Reeves 11.1%
Frank Duehay	Wolf 47.6%	Reeves 6.5%
Jonathan Myers	Wolf 26.5%	Cyr 10.3%
Ken Reeves	Wolf 31.0%	Duehay 5.4%
Tom Watkins	Wolf 26.3%	Duehay 5.3%
Alice Wolf	Duehay 27.9%	Myers 15.1%

The 1997 election had no Tenant Slate and the CCA Slate had only four names. The Alliance didn't promote its slate at all. It will be interesting to see just how dispersed the votes have become now that rent control is gone and the principal slates are weaker than before. It will also be interesting to learn to what degree race, gender, ideology, geography, sexual orientation, and endorsement played in voter preference. I'm sure all the candidates would like to know who was listed on the highest number of ballots, a rough approximation of overall acceptability among the electorate. Though I wouldn't suggest this as a rule for selecting who is to be mayor, it surely is one objective factor that could be used in the bargaining process.

**7) Preview of Feb 2 City Council meeting**

This looks to be a monster of a meeting. Due to the postponement of business from the Jan 26 meeting, there are 18 items on the City Manager's Agenda, two of which could in themselves produce an entire night of debate. There are two communications from residents protesting the mayoral election and a motion to reconsider the vote filed by Councillor Toomey. It would seem to be an empty formality since the Mayor was duly elected according to state law which supersedes any Council rules.

There are 137 Council Orders, 93 of which were postponed from the previous meeting. Most are quite routine, but Order #104 (bringing back the Order that was charter-righted at the Jan 12 meeting regarding the mayoral selection process), Order #132 (inquiring into the compensation given the City Solicitor and the definition of his "part-time" job), Order #133 (calling for funds for the City Council to hire its own legal counsel, interpreted as an "independent counsel"), and Order #136 (questions regarding the effects on the City of Cambridge of the end of rent control) should lead to some lengthy and contentious discussion.

The combination of Order #136 and City Manager's Agenda Item 18 (Study of Impacts of the Termination of Rent Control on Population, Housing Costs, and Housing Stock) will likely be the main topic of discussion on Monday, unless pettiness from the mayoral vote dominates the day. This 80+ page report has been anticipated for some time.

The other very interesting item on the Manager's Agenda is Item #16, a report on establishing a policy which would achieve the goal of maintaining and fostering new small businesses. This 7 page report speaks to the issues of chain stores vs. local small businesses, of regional vs. neighborhood commercial districts, of market factors, and offers a list of tools that could be used to protect neighborhood commercial districts. The listed items are:

- 1 - Promote affordable housing by adopting inclusionary zoning and continuing to develop new units
- 2 - Fast Food Cap
- 3 - Target Business Development Services to Commercial Districts
- 4 - Soft Loans
- 5 - Business Improvement Districts
- 6 - Property Tax Abatement
- 7 - Historic Preservation
- 8 - Regulate Floorplate Assembly Through Zoning
- 9 - Guarantee Lease
- 10 - Purchase Building for Low Cost Lease
- 11 - Subsidize Rents
- 12 - Inclusionary Commercial Zoning
- 13 - Commercial Rent Control

Each item is accompanied by the potential benefits and the potential issues that could arise.

**City Council Scorecard: Feb 2 meeting**

In this issue, I'll list seven categories of Council Orders: (P)policy-related orders; (I)requests for info.; (R)rules and routine procedural items); (M)maintenance orders (potholes, traffic, etc.); (D)death orders; (C)congratulatory orders; and

A)announcements. Here's the approximate tally of orders introduced:

Councillor	P	I	R	M	D	C	A
<b>Born</b>	4	0	0	3	0	2	0
<b>Davis</b>	5	2	0	9	1	5	1
<b>Duehay</b>	3	0	0	1	1	6	0
<b>Galluccio</b>	2	3	1	2	11	8	0
<b>Reeves</b>	4	2	2	3	0	8	1
<b>Russell</b>	3	0	1	2	8	3	0
<b>Sullivan</b>	2	0	1	2	23	11	0
<b>Toomey</b>	0	0	0	2	9	3	0
<b>Triantafillou</b>	1	0	3	6	1	0	0
<b>Total by category</b>	22	7	8	27	41	42	2

The sharp rise in policy and procedural Orders is noted, a hopeful sign that the City Council is ready to get down to business.

### Calendar:

#### Mon, Feb 2

5:30pm **City Council Meeting** (City Hall, Sullivan Chamber)

#### Tues, Feb 3

4:00pm **Citizens Advisory Committee, New Charles River Basin (MDC)** (One Ashburton Place, Boston; 21st Floor Conference Room) This ongoing series of monthly meetings includes details on current plans for North Point, near the Museum of Science and other topics of interest to those who might wish to one day walk, run, or bicycle in this often forgotten section of the Charles River.

#### Tues, Feb 3

**Planning Board Meeting** (City Hall, Sullivan Chamber)

7:30pm - Special permit deliberation - 0 Arrow Street

8:30pm - Special permit deliberation - Harvey St. cohousing

9:30pm - Special permit deliberation - Holmes Trust, Central Sq.

10:30pm - Deliberation and recommendation - City Council  
Petition to create an Infill Moratorium.

#### Thurs, Feb 5

8:00am **Recycling Advisory Committee** (City Hall, Ackermann Room) Featured are continuing discussions on recycling in the Cambridge Public Schools and on the Five-Year Recycling Plan for the City.

#### Mon, Feb 9

5:30pm **City Council Meeting** (City Hall, Sullivan Chamber)

#### Mon, Feb 23

5:30pm **City Council Meeting** (City Hall, Sullivan Chamber)

The Cambridge Civic Journal is produced by Central Square Publications. Guest submissions are welcome, subject to discretion of the editor. For further info, to submit articles, or to get on our electronic mailing list, send e-mail to [rwinters@math.harvard.edu](mailto:rwinters@math.harvard.edu) or mail to Editor, Central Square Publications, 366 Broadway, Cambridge MA 02139. All items written by Robert Winters, unless otherwise noted.