CAMBRIDGE MATTERS

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Today I am taking a different approach to my city council report due to the importance of an issue that was decided last evening. The issue was item #10 and was about the award of the contract for the repair of the Sailwinds Port Wharf.

I have found that I differ in how I make my decisions from the way the other commissioners make theirs. That does not mean that one is better than another, just different. I have also learned that making decisions as an elected official is different from making decisions as a judge. Within our legal system the facts are presented, argument heard from the parties and decisions are made. In that realm I had time to consider all of the evidence before making a decision. With my work as a commissioner, that is not always the case. Last night is an example.

In legal proceedings there are different defined standards of proof that must be met at different stages of those proceedings. They are

**Probable Cause** – needed to obtain search warrants or arrest someone

**Preponderance of the Evidence** – The threshold in most civil cases to determine if the plaintiff has proved his or her case – 51%

**Clear and Convincing Evidence** –A higher standard than Preponderance of the evidence such as with Termination of Parental Rights

**Proof Beyond a Reasonable Doubt** – Proof in a criminal case to convict

My standard for most city council decisions is Preponderance of the Evidence.

The issue before city council last evening was whether council should approve a contract to hire Seward Marine Corporation for $5,195,232 to repair the Sailwinds Port Wharf. The city had hired a consultant to help with preparing the RFP and to evaluate the responses. The decision to start the wharf repairs has been long awaited by the community and the commissioners. We were presented for the first time last Thursday the attached memo regarding the process along with the recommendation.

As I reviewed the memo over the weekend, I came to believe that the attached did not provide me with enough information to make a good decision. I talked with others about the wharf repair and remembered the concerns that former Commissioner Cooke raised about building the wharf without having any input from the developers who would be ultimately bidding on the project.

I also was concerned prior to my election that the city was not being transparent with the citizens about what was happening with the Sailwinds Project. Since my election I have come to understand the reasons for some Sailwinds decisions, which I now believe were the right decisions and in the best interests of Cambridge. The wharf repair process including the RFP and review of responses was made known to me last Thursday with the receipt of the attached.

The concerns that I had and still have involve the repair and whether it will meet the needs of potential developers or will cause some or all of them to decline to become involved. If the former happens, we are in good shape. If the latter happens, we will have committed to repairing a wharf in a way that either limits the quantity and strength of some or all of the developers; and that is not good for Cambridge. I hope that the former happens.

At the meeting last evening, during the discussion, I was reminded that the city received the property through an agreement between the city and the state that stated there would be a walkway/promenade along the edge of the wharf for public use. That certainly would be nice to have. I am also informed that any buildings on the property must be set back 20 feet from this promenade/walkway. At the same time the Sailwinds project is supposed to develop jobs for the community that last beyond the construction process. The emphasis on jobs had as one possibility the maritime industry using Cambridge Creek and the Sailwinds property as it was used years ago. So the question that I had and others who should know wanted to ask is whether the promenade restrictions would turn off developers and/or whether the promenade restrictions might be modified in the event one or more developers came up with ideas that used the promenade/walkway for the business but still allowed public access to the waterfront but in a different way.

To accomplish what I wanted, I needed to have a more complete understanding of the proposed wharf renovation and if developers were consulted before the original agreement was made or, if not, why they were not consulted. My reason is that we have an upcoming due date of April 15th for the responses to the Request for Expression of Interest that the city sent out March 1st.

I asked for the matter to be continued to our next meeting for me to do this work. That request was denied last evening on a 3-2 vote.

A motion was then made to approve the contract. That passed with me voting in the negative. I hope that my vote was wrong. My vote, however, was based on my decision making philosophy mentioned above that the city had to prove to me by a Preponderance of the Evidence that voting to approve the contract was in the best interests of the city. Based on what they presented to me last evening, I did not feel that they met that level of proof.

For those who voted for the contract, I cannot know what additional information they had. Two of the commissioners who voted in favor of the contract have been on city council for over 8 years and have been involved with the Sailwinds project since its beginning, so they may well had enough information from that experience to vote the way they did.

In the final analysis, however, we continue to move the Sailwinds project, which is not a bad thing. It moves forward, however, with little information being shared with the public or with the 3 commissioners who are not on the Sailwinds Committee.

Decisions are being made such as the ones last evening because staff has done the background work and made a recommendation. While that work is critical to what we do, it is still the responsibility of each commissioner to fully understand and be able to support his or her vote on anything that comes before council, especially something that is going to use $4 million of state grant money and over $1 million of your money.

Citizen engagement in the business of the city is not easy. Attendance at council meetings and reporting back to the community is important if we are going to have a city that will begin to prosper once again.

The next important step in this process should be what responses the city receives to the Request for an Expression of Interest from potential developers that are due April 15th.

Earlier today Secretary Ken Holt participated in a Public Work Session at the Public Safety Building to which a good number of citizens appeared. Hopefully they will share their experiences and what they learned from that meeting. Secretary Holt discussed the importance of the Sailwinds project in connection to also having available the Hospital property, about 15 acres, being available for development. He indicated that within the next month or two our community should be hearing from the leadership of Shore Health regarding their plans for the current Dorchester Hospital and a new facility to be located on Rt. 50. That presentation should help the community and city council to better understand how health services will be provided to our community in the future.

Secretary Holt also discussed how the state plans to be engaged collaboratively with Cambridge in addressing the existing property blight and start up businesses through a number of different programs and funding streams available from the state.