

COMMITTEE OF THE WHOLE

Minutes of the Meeting

October 21, 2019

1. Vice-President Logan called the meeting to Order at 8:00 pm.
2. Vice-President Logan requested that a roll call be taken to record the attendance for the meeting. The Clerk called the roll – Councillors Darcy, Fowler, Harris, LaCava, D. LeBlanc, R. LeBlanc, Mackin, McLaughlin, McMenimen, Nabulime, Romard, Stanley, Vidal and Logan were present. President Brasco was absent.
3. A motion by Councillor Vidal to approve the minutes of the COW meeting held on October 7, 2019 was adopted on a voice vote and the minutes of October 7, 2019 were approved.
4. Councillor Fowler moved to take the matter of the resolution concerning the Community Preservation Committee (CPC) deed restrictions (5/28/2019) from the table. The motion was adopted on a voice vote. Councillor Fowler moved to hear from the CPC Chairman, Justin Barrett and Assistant City Solicitor Luke Stanton. The motion was adopted on a voice vote. Councillor Fowler expressed his frustration with the inability to receive the list of CPA funded land acquisitions and those identified as having deed restrictions. Attorney Stanton stated the Law Department was involved with the properties located at 385 Trapelo Road and 84AFT Arcadia Avenue and both were restricted for open space purposes. Attorney Stanton stated there were additional things to be done before a deed restriction could be placed on the Fernald property. Councillor Fowler stated the deed restrictions did not meet State requirements and therefore they would not accept them. Attorney Stanton stated that information did not come back to the City. Councillor Fowler questioned why the Law Department is not more involved in these land acquisition transactions and therefore should be able to provide the information he is seeking. Attorney Stanton stated the CPC would have the list of properties. Councillor Fowler reiterated that the deed restrictions as required by the State are not being done. Councillor R. LeBlanc, as a former member of the CPC, stated the following properties were purchased with CPA funds: Fernald, Arrigo Farm, 84AFT Arcadia Avenue, Lot 1 and 385 Trapelo Road. Councillor D. LeBlanc asked questions of the Fernald property and if a MEPA filing had been performed. Attorney Stanton stated that there was no time frame imposed by the State to do the deed restriction. Attorney Stanton spoke about the process and the cooperation between the CPC and the Law Department to complete the necessary forms. Councillor D. LeBlanc stated the goal is to protect open space and to file the deed restriction. CPC Chairman Barrett stated the Fernald property is so large it was highly unlikely any organization would be able to hold the deed restriction. Councillor D. LeBlanc moved to request the Law Department provide a

copy of the MEPA filing for the Fernald property. The motion was adopted on a voice vote. Councillor Darcy stated and read from a website the list of Waltham properties that were purchased with CPA funds. Councillor Harris asked several questions of Attorney Stanton and Chairman Barrett to clarify the process, including who is involved and has the responsibility for the deed restrictions. Through questioning, Councillor Harris was able to quell the concerns about the oversight/management of the process and was reassured that the CPC and Law Department were working cooperatively. Councillor Fowler moved to renew his request for the list of CPA funded land acquisitions and those identified as having deed restrictions and would like to have the information by next week. The motion was adopted on a voice vote. Councillor Fowler moved to place the matter back on the table. The motion was adopted on a voice vote and the matter was tabled.

5. Councillor LaCava moved to take the matter of the CPA ballot question (6/24/2019) from the table. The motion was adopted on a voice vote. Councillor LaCava stated his goal was to get a ballot question on this upcoming election. Councilor LaCava referred to the communication received from the Law Department concerning the proper procedure. Councillor LaCava moved to request the Law Department to "calculate the amount of signatures needed to get the CPA tax back on the ballot and which election would be the next applicable for this ballot question". The motion was adopted on a voice vote. Councillor LaCava moved to place the matter back on the table. The motion was adopted on a voice vote and the matter was tabled.
6. A motion by Councillor Vidal to adjourn was adopted on a voice vote, and the Chair declared the Committee adjourned at 8:40pm.

Paul G. Centofanti – Clerk to the Committee of the Whole