

COMMITTEE OF THE WHOLE

Minutes of the Meeting

February 19, 2019

1. Vice-President Logan called the meeting to Order at 8:00pm.
2. Vice-President Logan requested that a roll call be taken to record the attendance for the meeting. The Clerk called the roll – President Brasco, Councillors Darcy, Fowler, Harris, LaCava, D. Leblanc, Mackin, McLaughlin, McMenimen, Nabulime, Romard, Stanley, Vidal and Logan were present. Councillor R. LeBlanc was absent.
3. Councillor McLaughlin moved to approve the minutes of the COW meeting held on February 4, 2019. The motion was adopted on a voice vote and the minutes of February 4, 2019 were approved.
4. A request was received from the Mayor to confirm the appointment of Francis Craig, Esq as an Assessor for a three (3) year term. Councillor McLaughlin moved to hear from Attorney Craig. The motion was adopted on a voice vote. Councillor McLaughlin spoke favorably, giving a brief summary of Attorney Craig's reputation and credentials. Councillor McLaughlin moved to confirm the appointment of Francis Craig as an Assessor. On the motion, Councillor McMenimen asked Attorney Craig several questions about his experience and knowledge of assessing and what challenges he sees going forward that will impact him and the Assessing Department. Councillor Vidal asked questions about the current tax rate and if there would be an impact on residential and commercial properties if it was raised by \$1 and \$3 respectively. Councillor Stanley asked several questions about the impact of commercial development and how it has contributed to the inflow of building permit fees and the increase in the unused tax levy capacity. On the original motion of Councillor McLaughlin, by a voice vote, the confirmation of the appointment of Francis Craig as an Assessor for a three (3) year term was approved.
5. A request was received from the Mayor to confirm the appointment of Bernadette Vazquez as an Assessor for a three (3) year term. Councillor LaCava moved to hear from Ms. Vazquez. The motion was adopted on a voice vote. Councillor LaCava asked Ms. Vazquez to speak about her background and experience. Ms. Vazquez spoke of her responsibilities in the Assessing Department for almost 20 years and spoke of the additional responsibilities she expected to assume as an Assessor. Councillor McMenimen asked Ms. Vazquez about her certifications and other professional credentials. Councillor LaCava moved to confirm the appointment of Bernadette Vazquez as an Assessor for a three (3) year term. The motion was adopted on a voice vote.

6. A request was received from the Mayor to have the Purchasing Agent, Joe Pedulla and the representative of Good Energy, Phil Carr update the Committee on the status of the Energy Aggregation Plan. A motion to hear from Mr. Pedulla and Mr. Carr was adopted on a voice vote. Mr. Carr gave a brief summary of the program and its success in other communities, with the goal of savings for the residents and the increased usage of renewable energy. Mr. Pedulla spoke of the timeline and the public hearings needed to gain approval for the program. Councillor Mackin asked about the percentages of renewable energy and if it could be conveyed in a more graphic manner. Councillor Mackin asked additional questions about the procedure to subscribe and the impact on those residents who may have signed up for a different energy program. Councillor McMenimen asked how the savings is calculated and how is it confirmed. Councillor Fowler asked about the choice of plan and if a resident could opt out. Councillor Romard asked several questions about the public hearing process and the draft plan. Councillor Romard moved to request the draft aggregation plan be provided to the Committee in advance of the March 4 COW meeting. The motion was adopted on a voice vote. Councillor Nabulime asked if using a co-op with other communities would bring more favorable pricing. Mr. Pedulla explained that Good Energy solicits bids for several communities collectively. Vice-President Logan asked several questions about the timeline and raised concerns about the need of the vote of the City Council right after the public hearings without sufficient time to consider the information. Councillor Logan also asked questions about the various percentages of the renewable energy options and when the Council would have better information on the rates. Councillor D. LeBlanc spoke about the need for flexibility for residents to choose greater renewable energy options. Councillor D. LeBlanc stated this matter should be combined with the similar docket item of 4/9/2018. A motion to table the matter of the Energy Aggregation Plan was adopted on a voice vote.
7. A request was received from the Mayor to discuss a real estate matter. A motion by Councillor McLaughlin to hear from the Mayor was adopted on a voice vote. Councillor McLaughlin asked if this matter should be discussed in Executive Session, to which the Mayor replied in the affirmative. Councillor McLaughlin moved to go into Executive Session, to invite the Mayor, to appoint Paul Centofanti as the Clerk and to reconvene in Open Session. The motion was adopted on a roll call vote of 12 in favor (Brasco, Darcy, Fowler, Harris, LaCava, D. Leblanc, Mackin, McLaughlin, McMenimen, Nabulime, Romard, and Stanley) 1 opposed (Vidal), Logan presiding and R. LeBlanc absent at 9:30pm.
8. Open Session was reconvened at 11:05pm.
9. A request was received from the Mayor concerning the draft lease for the air rights at 230-234 Moody Street. A motion to hear from the Mayor and Assistant City Solicitor Stanton was adopted on a voice vote. Councillor D. LeBlanc informed the Committee that a late communication from Attorney McCourt had been provided to the City Clerk

and Councillors. The Mayor stated that neither she nor Attorney Stanton had been provided with a copy of the communication. Councillor D. LeBlanc indicated there were several items mentioned in the communication from Attorney McCourt that may be of concern. The Mayor stated it was a draft lease, for 99 years, with a required payment of \$1 million over the life of the lease and the lessee would be responsible for the maintenance of the area. The Mayor stated once the City Council has reviewed and approved the draft lease it will be sent to the lessee's attorney. Councillor LeBlanc questioned if it was reasonable to get a Certificate of Occupancy within one year or if three years would be more practical. The Mayor stated unless there is a need for a special permit, one year should be sufficient. Vice-President Logan asked President Brasco to take the Chair so that he could speak on the matter. Vice-President Logan asked several clarifying questions of the Mayor and spoke about the need to move the project forward as he reminded the Committee of the condition of the downtown area years ago. Vice-President Logan moved to approve the draft lease for air rights at 230-234 Moody Street after review by the City Council and then to be sent to the lessee's attorney. The motion was adopted on a roll vote of 11 in favor (Brasco, Fowler, Harris, LaCava, D. LeBlanc, McLaughlin, McMenimen, Romard, Stanley, Vidal and Logan), 3 opposed (Darcy, Mackin and Nabulime) and R. LeBlanc absent.

10. Councillor Stanley moved to take the matter of the Stigmatine Development Rights (5/22/2017) from the table to discuss the cost of the Waltham High School building project. Councillor Darcy stated the motion was out of order as the cost of the WHS building project is not related to the docket item. It was stated that the request for the Mayor to appear to discuss the cost of the WHS building project was linked to this docket matter when it was approved by the COW on 2/4/2019. The motion to take the matter from the table was approved on a roll call vote of 8 in favor (Brasco, Fowler, Harris, D. LeBlanc, McLaughlin, Romard, Stanley and Vidal), 5 opposed (Darcy, LaCava, Mackin, McMenimen and Nabulime), Logan presiding and R. LeBlanc absent. Councillor Stanley read the following italicized statements and requested they be included in the record. The request was adopted on a voice vote.

INFORMATION TIMELINE

Before I was back on the Council:

- *In 2016, the SBC & SC selected the current WHS location for the preferred site of a new H.S.*
- *On 12/12/2016 the mayor, Supt. & City Auditor submitted to the Council a \$283 million projected costs for a new H.S. At that location.*
- *No other H.S. Costs projections have been submitted to the Council to date.*
- *At the mayor's urging, the SBC & SC then changed their preferred site to the Stigmatine property.*
- *In May of 2017, the Council rejected the mayor's proposal to take the Stigmatine property by ED.*

- *The SBC, SC, mayor & Supt. refused to go back to the first preferred site which S.M.M.A deemed viable and apparently much less expensive.*

After I was back on the Council in January of 2018:

- *During a series of long executive session Council meetings in May & June of 2018, I learned information which caused me to make the motion to take the Stigmatine property by ED for school purposes or open space. The minutes of the executive session meetings are still not public.*
- *The legal action between the city and Stigmatine owners then went on for months without Council involvement until the Council successfully requested the mayor and law department to discuss the matter with the Council. The mayor attended but did not answer questions.*
- *A week before Christmas, on December 18, 2018, Waltham school building consultants S.M.M.A. & NV5 sent the nearly 2,000 page PSR (Preferred Schematic Report) to the MSBA and put the report on the SBC website.*
- *Within the PSR on pages 74–77 the new total WHS projected costs are listed at \$381 million. A \$100 million dollar increase from the last projection.*
- *At this part of the PSR it also states for the first time that the average Waltham homeowner's property taxes will increase \$500 per year for the next 30 years.*
- *The minutes for the SBC meeting on 11/26/18 quoted Mr. Cunniff from NV5 as stating that construction costs of building the new H.S. Went up 12% (6% each year) over the last two years. That means approximately \$12 million of the \$100 million increase can be attributed to increased costs in construction.*
- *Two weeks ago, the MSBA sent a stern letter to the mayor, Supt., SBC & SC expressing concerns with ownership and high costs. The City Council was copied on this letter.*
- *At the 2/13/19 MSBA hearing board members, staff & the MA Treasurer warned the city about the high costs.*

Costs comments at 2/13/19 MSBA hearing:

- *Greg Sullivan, MSBA board member and former MA Inspector General: \$560 / Sq. Ft. And \$381 million total to build this high school is Very High.*
- *MSBA Director of Project Management Jack Junpe: \$560 sq. Ft. Is on the high end. There are athletic amenities beyond what MSBA will pay. The state great is a fixed amount.*
- *Terry Kwan, MSBA board member: Many costs are ineligible for reimbursement. Corporate taxes within Waltham are allowing the city to avoid having an override vote of prop. 2 1/2.*
- *Sean Cronin, Sect. Of Administration & Finance representative MSBA board member: City has \$30+ million in excess capacity (which means the city can raise property taxes significantly without having a proposition 2 1/2 override. Local taxpayers will see the impact with significant increases in property tax bills.*

- *Jack McCarthy, MSBA Ex. Director: Construction costs are high in Boston. We (MSBA) are not happy about the costs of this project. We (MSBA) cap our risks. (In other words limit the amount of the state grant and costs responsibility).*
- *Jim Mac Donald, MSBA Board President: Waltham should be having discussion on costs now. The discussions should be happening all along the process.*
- *Sean Cronin: There will be very large increases in taxes locally.*
- *Greg Sullivan: This is the most expensive high school project in the state. The amount to pay for this high school project coming from Waltham is Very, Very Large.*
- *Mary Pichetti, MSBA Dir. Of Cap. Planning: The lion's share of costs is on the city. State grant as a percentage could be as low as 25%. The state will be making a nominal contribution toward the total cost of this project if it stays at \$381 million.*
- *Greg Sullivan: The city has to really look at what this is going to cost.*
- *State Treasurer Goldberg: This should be a sobering conversation. I want to make it very, very clear that Waltham will be paying a great portion of the share of the costs.*

Mayor's Capital Improvement Plan submitted to the Council six weeks ago on News Year Eve – 12/31/18.

Had little to no money projected for eight major capital projects:

- *WHS*
- *New Police Station*
- *Moody Street Fire Station*
- *Only \$1 million over 5 years to fund the Master Traffic Plan.*
- *Environmental Cleanup of the Fernald.*
- *Mayor's Fernald Master Plan*
- *Moody Street Dump & Playground Renovation*
- *UMASS Farm purchase, maintenance and improvements.*

However, there is \$19 million dollars more allocated for playgrounds and recreational needs.

This makes it very difficult to make financial decisions.

Questions:

- 1. When were the Council and general public going to be informed of the financial impact of the new high school on each homeowner?*
- 2. When will these other major projects realistically begin and be complete?*
- 3. Individually and collectively, what will these additional projects costs be?*
- 4. Homeowner property taxes typically go up \$100–\$200 per year. Aside from the projected new high school property tax increase of \$500 annually what impact will these other major projects have on the average homeowner?*
- 5. If the city is not planning to simultaneously execute these other projects which projects will be delayed further?*
- 6. If the city is planning on moving forward with all the major projects what further increases in property taxes should homeowners expect?*

7. And what impact if any will the cost burden of all the projects have on the city's bond rating?

Councillor Stanley moved to provide the seven (7) questions to the Mayor for a response. On the motion, Councillor Darcy asked that the School Committee and School Building Committee be sent the questions also. The motion, as amended, was adopted on a voice vote. President Brasco read the Mayor's response to the request to appear at tonight's COW meeting. Councillor Romard stated that it did not make sense to wait and those conversations need to take place now. Councillor Romard stated we are not getting enough information. Councillor Romard moved to resend the request for the Mayor to appear at the next COW meeting to discuss the cost of the WHS building project. The motion was adopted on a voice vote. Councillor Romard moved to table the matter. The motion was adopted on a voice vote and the matter was tabled.

11. Councillor Nabulime moved to take the matter of the Waltham Police Headquarters Site Selection Committee (12/26/2018) recommendation from the table. The motion was adopted on a voice vote. As it was approaching midnight, President Brasco moved to go past midnight. The motion was adopted on a voice vote. Councillor McMenimen rose and recused herself from the discussion on the Fernald property to avoid any appearance of impropriety. Councillor Nabulime moved to approve the recommendation of the Site Selection Committee. On the motion, President Brasco read a statement concerning the appropriateness of the comments made by the Ward 6 Councillor at the COW meeting of 1/22/2019 that raised a conflict of interest issue of the former Ward 6 Councillor (R. Waddick) and the Environmental Specialist. President Brasco issued a public apology on behalf of the City Council to Mr. Waddick and the Environmental Specialist. President Brasco asked that the letter that was received from Mr. Waddick be read into the record by the Clerk of the COW. President Brasco moved to table the matter. The motion was adopted on a voice vote with Councillor Nabulime audibly opposed.

12. A motion by Councillor Fowler to adjourn was adopted on a voice vote, and the Chair declared the Committee adjourned at 12:05am on February 20, 2019.

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