

Waltham City Council  
Executive Session  
March 8, 2021

Approved as Minutes: 3/22/2021

Approved for release: 4/26/2021

City Council Present: Darcy, Dunn, Durkee, Harris, LaCava, LaFauci, LeBlanc, Mackin, McLaughlin, McMenimen, O'Brien, Paz, Stanley, Vidal and Brasco  
City Council Absent: none

Non-council members present: Mayor Jeanette McCarthy

Clerk: Joseph Vizard

President Brasco called the executive session to order at 8:10 pm.

Mayor McCarthy reviewed her Communication dated March 8, 2021 regarding 33 Exchange Street. The Mayor said that the appropriation being requested is lower than the appraised value.

Councillor McMenimen reviewed the work the Council has done to increase parking at the library including the spots that are available at the Merc and the TD Bank. Councillor McMenimen asked about the number of spaces that would be provided. The Mayor said she thought about 40 could fit there. The Mayor said she would want the lot gated at night. Councillor McMenimen said she was inclined to support the purchase.

Councillor Durkee spoke about the need for parking in the area. He asked about the difference between the assessed value and the appraised value. The Mayor reviewed why the appraised value is appropriate in this instance. Councillor Durkee asked about the appraisal.

Councillor LeBlanc asked about the zoning in the area and what can be built. The Mayor said the property is zoned Business B, which has many potential uses.

Councillor LaCava asked about the comparable properties that were used in the appraisal. The Mayor read the addresses from the appraisal and the purchase prices. Councillor LaCava asked further questions about the comparable properties.

Councillor Vidal asked questions about the closing date and if the City's offer could be used by the seller to drive up the purchase price. The Mayor said she is aware of other parties interested in buying the site and that that is why she is moving swiftly.

Councillor Dunn asked if the price could continue to rise.

Councillor LaFauci asked about the price per space and if this is consistent with how the City purchases parking facilities and expressed concern that the cost per space was higher than he was expecting.

Councillor McLaughlin said he was happy to hear that we could add 40 spaces in an area where parking is needed.

Councillor Paz asked about the Condition of the lot. The Mayor said some work would be done but that it is in alright shape as a parking lot today.

Councillor O'Brien supported acquiring the lot because the Waltham Library has the worst library parking in the area.

Councillor LeBlanc asked about the leasing of spaces and locking the lot up at night.

Councillor Darcy showed a Google map of the location that showed a significant number of spaces and said that if it was restriped it could easily fit 40 spaces. Councillor Darcy said he is favor of the purchase.

Councillor Durkee made the following motion:

That the City Council approve the offer dated March 4, 2021 for the property located at 33 Exchange Street for \$1,4000,000, subject to a mutually satisfactory purchase and sale agreement, subject to the terms listed in said purchase and sale agreement including the Mayor coming back to the City Council for funds and a friendly taking order.

Roll Call:

Councillors: Darcy, Dunn, Durkee, Harris, LaCava, LaFauci, LeBlanc, Mackin, McLaughlin, McMenimen, O'Brien, Paz, Stanley, Vidal and Brasco voted in favor of the motion.

Councillor Mackin voted against the motion.

The motion was adopted by a vote of 14-1.

Councillor Durkee Moved to table the matter in executive session.

Roll Call:

Councillors: Darcy, Dunn, Durkee, Harris, LaCava, LaFauci, LeBlanc, Mackin, McLaughlin, McMenimen, O'Brien, Paz, Stanley and Vidal voted in favor of adjourning the executive session.

No Councillors voted against this motion.

Councillor McMenimen moved to adjourn the executive session.

Roll Call:

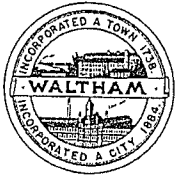
Councillors: Darcy, Dunn, Durkee, Harris, LaCava, LaFauci, LeBlanc, Mackin, McLaughlin, McMenimen, O'Brien, Paz, Stanley and Vidal voted in favor of adjourning the executive session.

No Councillors voted against this motion.

By a vote of 14-0 the City Council voted to adjourn the Executive Session.

President Brasco declared the Executive Session adjourned at 9:29 pm

Respectfully submitted,  
Joseph W. Vizard, Assistant City Clerk  
March 11, 2021



# City of Waltham

Jeannette A. McCarthy

Mayor

CITY OF WALTHAM  
COMMUNICATIONS OFFICE

2021 MAR -8 P 1:26

## LATE FILE COMMUNICATION

~~RECEIVED~~  
~~CONFIDENTIAL~~

March 8, 2021

TO: The City Council  
RE: 33 Exchange Street

Dear Councillors:

This is a follow up from my previous communication regarding this property.

I respectfully request acceptance of this late file communication and opportunity to address you this evening without Committee reference to obtain a vote on the enclosed offer to purchase. If approved, I would be working on a mutually satisfactory purchase and sale agreement, title search, title insurance, the funding, and a friendly taking order.

Sincerely yours,

Jeannette A. McCarthy

JAM/sm

Enclosure

cc: John Cervone

CONFIDENTIAL

GREATER BOSTON REAL ESTATE BOARD

## OFFER TO PURCHASE REAL ESTATE

TO Owner of Record

(Seller and Spouse)

33 Exchange Street

Waltham, Massachusetts 02451

Date: 03/04/21

From the Office of: Gelineau & Associates R.E.

The property herein referred to is identified as follows: A vacant lot consisting of 12,000 square feet of land more or less at 33 Exchange Street, Waltham, MA

Special provisions (if any) re fixtures, appliances, etc.

herby offer to buy said property, which has been offered to me by GELINEAU & Associates R.E. as the Broker(s) under the following terms and conditions:

CHECK ONE:

☒ Check, subject to collection

☐ Cash

1. I will pay therefore \$ 1,400,000.00, of which

(a) \$ 10,000.00 is paid herewith as a deposit to bind this Offer

(b) \$ is to be paid as an additional deposit upon the execution of the Purchase and Sale Agreement provided for below.

(c) \$ is to be paid at the time of delivery of the Deed in cash, or by certified, cashier's, treasurer's or bank check(s).

(d) \$ 1,390,000.00

(e) \$ 1,400,000.00 Total Purchase Price

2. This Offer is good until 9:00 A.M. PM on March 8th, 2021 at or before which time a copy hereof shall be signed by you, the Seller and your (husband) (wife), signifying acceptance of this Offer, and returned to me forthwith, otherwise this Offer shall be considered as rejected and the money deposited herewith shall be returned to me forthwith.

3. The parties hereto shall, on or before 5:00 PM PM, Mar 23rd, 2021 execute a mutually satisfactory Purchase and Sale Agreement recommended by the Greater Boston Real Estate Board or any form substantially similar thereto, which, when executed, shall be the agreement between the parties hereto.

4. A good and sufficient Deed, conveying a good and clear record and marketable title shall be delivered at 12:00 Noon on Apr 30th, 2021 at the appropriate Registry of Deeds, unless some other time and place are mutually agreed upon in writing.

5. If I do not fulfill my obligations under this Offer, the above mentioned deposit shall forthwith become your property without recourse to either party. Said deposit shall be held by Gelineau & Associates R.E. as escrow agent subject to the terms hereof provided however that in the event of any disagreement between the parties, the escrow agent may retain said deposit pending instructions mutually given in writing by the parties. A similar provision shall be included in the Purchase and Sale Agreement with respect to any deposit held under its terms. \*

6. Time is of the essence hereof.

7. Disclosures: For one to four family residences, the Buyer hereby acknowledges receipt of the Home Inspectors: Facts for Consumers brochure produced by the Office of Consumer Affairs. For residential property constructed prior to 1978, Buyer must also sign Lead Paint "Property Transfer Notification."

8. The initialed riders, if any, attached hereto are incorporated herein by reference. Additional terms and conditions, if any:

This offer is subject to final approval for funds by the City Council for purchase/friendly taking.

\* Deposit will be refunded if City Council does NOT approve.

NOTICE: This is a legal document that creates binding obligations. If not understood, consult an attorney. WITNESS MY HAND AND SEAL  
City of Waltham, MA

Buyer Mayor Jeannette McCarthy

Buyer

Address/City/State/Zip 3/4/2021

Phone Numbers (Work & Home)

Receipt of deposit check for transmittal by: (Agent/Facilitator)

Check shall not be deposited unless offer is accepted.

This Offer is hereby accepted upon the foregoing terms and conditions at A.M. / P.M. on 20

WITNESS my (our) hand(s) and seal(s)

Seller (or spouse) Owner of Record

Seller

Date

### RECEIPT FOR DEPOSIT

Received from Buyer the sum of \$ as deposit under the terms and conditions of above Offer; to be held by as escrow agent.

Under regulations adopted pursuant to the Massachusetts license law: All offers submitted to brokers or salespeople to purchase real property that they have a right to sell shall be conveyed forthwith to the owner of such real property.

Agent for Seller



**Mayor**

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**From:** Glenna Gelineau <glenna.gelineau@gmail.com>  
**Sent:** Monday, March 8, 2021 11:17 AM  
**To:** Mayor  
**Attachments:** signed offer33exchangest.pdf

**CONFIDENTIAL**

Dear Mayor:

Here is the signed offer. Thanks for your patience. Please confirm the next steps and who you will be using for your Attorney.

Respectfully,

Glenna

Glenna M. Gelineau  
Broker/Owner  
Gelineau & Associates R.E.  
84 Prospect Street  
Waltham, MA 02453  
(w) 781.894.4020  
(f) 781.647.1187  
(c) 781.710.1749

Motion by Durkee

Waltham City Council  
Roll Call

Item: Approval of offer to Purchase - 33 Exchange Street

Date: 3/8/2021

City Council

George A. Darcy III

Caren Dunn

Sean T. Durkee

Cathyann Harris

Joseph P. LaCava

Anthony LaFauci

Randy J. LeBlanc

Kristine A. Mackin

John J. McLaughlin

Kathleen B. McMenimen

Patrick J. O'Brien

Jonathan Paz

Thomas M. Stanley

Carlos A. Vidal

Paul J. Brasco  
President

Totals (15)

Yea      Nay      Abstained      Absent

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Motion by Durkee

Waltham City Council  
Roll Call

Item: Take in ex sess

Date: 3/8/2021

Yea

Nay

Abstained

Absent

City Council

George A. Darcy III

✓

Caren Dunn

✓

Sean T. Durkee

✓

Cathyann Harris

✓

Joseph P. LaCava

✓

Anthony LaFauci

✓

Randy J. LeBlanc

✓

Kristine A. Mackin

✓

John J. McLaughlin

✓

Kathleen B. McMenimen

✓

Patrick J. O'Brien

✓

Jonathan Paz

✓

Thomas M. Stanley

✓

Carlos A. Vidal

✓

Paul J. Brasco

President

Totals (15)



Motion by McMenimen

Waltham City Council  
Roll Call

A: 28

Item:

Adjourn Exec Sess

Date:

3/8/2021

Yea

Nay

Abstained

Absent

City Council

George A. Darcy III

✓

Caren Dunn

✓

Sean T. Durkee

✓

Cathyann Harris

✓

Joseph P. LaCava

✓

Anthony LaFauci

✓

Randy J. LeBlanc

✓

Kristine A. Mackin

✓

John J. McLaughlin

✓

Kathleen B. McMenimen

✓

Patrick J. O'Brien

✓

Jonathan Paz

✓

Thomas M. Stanley

✓

Carlos A. Vidal

✓

Paul J. Brasco

President

Totals (15)