

Approved as

Minutes

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CITY OF WALTHAM MASSACHUSETTS

CITY COUNCIL

EXECUTIVE SESSION:

RE: ACQUISITION AND/OR USE OF REAL STATE
PARCELS IN RELATIONSHIP TO WALTHAM HIGH SCHOOL
PROJECT AND OTHER PROJECTS.

Monday
September 10, 2018

City Council Chamber
Waltham City Hall
610 Main Street
Waltham, Massachusetts

The above entitled matter came on for hearing
pursuant to Notice

BEFORE: Diane P. LeBlanc, Council President
Robert G. Logan, Council Vice President
George A. Darcy, III, Councillor
William H. Fowler, Councillor
Cathyann Harris, Councillor
Joseph P. LaCava, Councillor
Randall J. LeBlanc, Councillor
Kristine A. Mackin, Councillor
Kathleen McMenimen, Councillor
Daniel P. Romard, Councillor
Carlos A. Vidal, Councillor
Thomas M. Stanley, Councillor
Paul J. Brasco, Councillor

P R O C E E D I N G S

(6:32 p.m.)

EXECUTIVE SESSION

PRESIDENT LeBLANC: Thank you all for being here.
The Executive Session is called to order.

Councillor Fowler.

COUNCILLOR FOWLER: Since the Solicitor is there,
we might as well start --

COUNCILLOR ROMARD: Are the mikes still on?

PRESIDENT LeBLANC: No mikes.

COUNCILLOR FOWLER: I guess we are looking for an
update in the litigation.

PRESIDENT LeBLANC: Solicitor Cervone, did you
hear that?

Councillor Fowler has requested an update on
litigation.

ATTORNEY CERVONE: Well, I'll be brief and then if
there are further questions, you can -- I know we don't have
much time.

Basically, we had a preliminary hearing last week
and in essence, the judge shot down most of the positions or
arguments that the Stigmatine's attorney had advanced. He
didn't grand everything that we wanted, but we got the
majority of what was requested. And more importantly, the
judge accepted, you know, one of the key cases, which is

1 LeClair v. Town of Norwell, which basically said, matters
2 involving school projects and school funding through the
3 MSBA are matters of special public interest.

4 So in that case, they said, even though there was
5 a violation of the design selection public bidding law, they
6 are not going to enforce it in such a way that was going to
7 delay a school being constructed or jeopardize and delay the
8 MSBA funding.

9 So basically towards the end, after the judge
10 heard both of us, he said something quite telling to the
11 defendant. And he said, 'You better tell your clients that
12 I take matters of public interest' -- which based on this
13 case, obviously this is one of them, -- 'very seriously. So
14 you'd better tell them that we're going to move very fast
15 on that as a public interest.'

16 And his order that came out not only prohibited
17 them from withholding access from us. It also basically
18 said that after 120 days from the date we recorded the
19 taking, we could issue a notice to the former owner to
20 vacate the premises.

21 I don't know if that's -- but those two things
22 were very, very telling, because the majority of their
23 argument was about how they -- because they were claiming
24 that the taking was invalid, that they got to stay there for
25 three years, they had exclusive right and could prevent us

1 for the first 120 days, etcetera, etcetera.

2 COUNCILLOR FOWLER: I had read the decision.

3 ATTORNEY CERVONE: Okay. I'm sorry.

4 COUNCILLOR FOWLER: No, that's fine.

5 But I was just wondering if there was any -- I
6 guess I shouldn't be -- I guess we should be -- I was just
7 curious if there was anything more than -- basically what
8 was written it --

9 ATTORNEY CERVONE: Right. We're just proceeding
10 on now.

11 You know, that was the first round and we're
12 moving to the next ones.

13 COUNCILLOR FOWLER: Okay, that's all.

14 PRESIDENT LeBLANC: Thank you Councillor Fowler.
15 Councillor Stanley.

16 COUNCILLOR STANLEY: Thank you. So I know there
17 are -- I believe there several members that wanted to have
18 an Executive Session and I certainly did, I want to speak
19 for myself.

20 One reason was, because we haven't had any
21 communication on any of this since the last meeting, which I
22 think was June 24th.

23 The lawsuit was a complete surprise to me and not
24 paying the \$18 million was a complete surprise. In
25 everything that we've gone through, I think we were owed,

1 you know, an explanation.

2 Now that that order has come down, I don't want to
3 get into a big debate about it at all because the court has
4 decided on that.

5 One quick question, I'm assuming the any Mayor can
6 file a lawsuit without approval of the City Council?

7 ATTORNEY CERVONE: Yes.

8 COUNCILLOR STANLEY: But you know, eventually,
9 we're going to have to make other decisions and I just fell
10 as though that --I was getting my information from Facebook.
11 And, you know, as an elected official who has been involved
12 with all this and it was very disheartening to me. I
13 haven't gone more than a few days where I have had someone
14 in the community say that they're -- no matter what side
15 they're on, but they're upset that everything, in their
16 words, was done behind closed doors and so forth.

17 And I -- I mean, I live my life explaining my
18 decisions to the public. And not being able to do that is
19 frustrating. But I understood why we -- you know, and it
20 was my understanding that -- and I forget the minutes, they
21 will eventually, they will probably in there, that we were
22 not supposed to speak to it really until we voted to take
23 the taking and we had further discussion that it wasn't in
24 the City's best interest to do that until one of two things
25 happened: the City and the Stigmatines reached an agreement

1 or the City filed the eminent domain vote in court.

2 So those happened and they we're going -- you
3 know, time's going on, not hearing a word and as was
4 discussed, the Council President called the Special
5 Executive Session Meeting, the Summer meeting, which I
6 thought was appropriate because most of us were going to be
7 there, we were planning on being there, trying as best we
8 can to plan out family vacations around that date and we
9 would get an update.

10 My recollection was that it wasn't unsolicited --
11 I mean, it was unsolicited, and it had come down as to like
12 an hour before -- or a half hour before the end of the day
13 that you shouldn't have it because the wording was wrong.
14 And regardless, that, again, upset me because there's a lot
15 of, okay, the last minute. It seemed like the wording was
16 the same as all the other wording to call the meeting. But
17 we don't need to go that route.

18 As far as, for the Law Department, at this point,
19 I would like to know about the minutes. That's another
20 thing that I was upset about, not getting the minutes -- all
21 the minutes, we just got two and we didn't get all of them
22 and my understanding is because of personal reasons, it's
23 nothing else, and they'll be forthcoming shortly. So I'm
24 fine with that.

25 But regardless of what side I was on and how the

1 vote went, it's very important to me and to good governance,
2 to release public information, minutes of meetings as soon
3 as it's appropriate. And not to hold back for any political
4 reasons that might not be good for the City. So my question
5 is, and I don't want to do anything, certainly don't want to
6 do anything to diminish our chances of any potential lawsuit
7 that may be filed against us or so forth. But I would like
8 to know, at what point do we release the minutes. At what
9 point is it okay or do we -- when is our duty to release the
10 minutes of the meetings.

11 ATTORNEY CERVONE: Well, first of all, it's my
12 understanding, when I last heard, which was a last week,
13 that the minutes were not yet available. So it makes it
14 difficult to determine whether, even if you wanted to --
15 despite what might be --

16 COUNCILLOR STANLEY: But they're --

17 PRESIDENT LeBLANC: We have two sets currently
18 available.

19 COUNCILLOR STANLEY: Right.

20 ATTORNEY CERVONE: Okay, I wasn't aware.

21 COUNCILLOR STANLEY: So there's that, which there
22 was another reason I guess to have a meeting because at some
23 point, they have to be accepted or not.

24 But it gets back to my main point of being
25 questioned.

1 Is there any legal reasons why we should withhold
2 the minutes? When is the proper time to so this, because --
3 because even though I'm on the side that -- I made the
4 motion. I mean, I just feel it's very important to release
5 them when they're supposed to be released.

6 ATTORNEY CERVONE: I'll let Attorney Azadi address
7 -- I think what is -- your question has two components and
8 the technical one, Attorney Azadi has researched and she
9 responded in writing a couple of times.

10 The one aspect, which I think may also be part of
11 this was, we were basically being forced to take the steps
12 that we had to take. Because when the Stigmatines brought
13 in their third attorney, everything started changing again.
14 Prices just kept going up and up and he started taking
15 positions that were more and more -- let's put it this way,
16 strange.

17 We in fact, we met with a relocation specialist,
18 certified as such by the State of Massachusetts and approved
19 by their board. Very, very experienced, he's dealt with
20 Attorney Flynn before and even he said, what's probably
21 driving this is Flynn's contingent fee. Because he said, he
22 doesn't get anything unless he gets more --

23 COUNCILLOR McMENIMEN: Could you speak up?

24 PRESIDENT LeBLANC: I'm sorry, what did you say?

25 We can't --

1 ATTORNEY CERVONE: What's driving this --

2 PRESIDENT LeBLANC: You're looking, that's kind of
3 hard for this side to hear.

4 ATTORNEY CERVONE: -- is probably this latest
5 attorney's contingent fee agreement. Because it's probably
6 only based on whatever he gets about the pro tanto. So this
7 gets back to what I was saying, we were being forced to take
8 the steps we were being -- that were taken. I sent him
9 letter after letter, we kept trying to meet to resolve this
10 --

11 COUNCILLOR STANLEY: You're welcome to go down
12 that road and I said we don't have to.

13 ATTORNEY CERVONE: Okay.

14 COUNCILLOR STANLEY: Because it doesn't matter at
15 this point.

16 But I would say that I would have thought that the
17 summer meeting would have been appropriate to update us and
18 if that wasn't a good time, for whatever reason, I would
19 have thought that tonight would have been an appropriate
20 time after almost three months for us to be updated.

21 ATTORNEY CERVONE: That's why we're here.

22 COUNCILLOR STANLEY: Well -- you didn't call a
23 meeting. No one from the administration called this meeting
24 or any meeting. And, you know, I've started to get -- I'm
25 getting calls from advocates that suggest to me that that's

1 not what, you know, was wanted tonight for -- to get the
2 vibe of what's going on.

3 You know, when advocates start reaching out to us
4 with all these details and reasoning why we shouldn't have
5 an executive session or we shouldn't release minutes.

6 I maintain that I want to hear that from our
7 lawyers, I'm not a lawyer. I have a lot of experience with
8 open meeting law, but you know, I don't want to make any
9 decisions lightly. Like do nothing based on what I hear
10 third hand or hear though Facebook or something like that.

11 ATTORNEY CERVONE: If you're -- I'll defer to
12 attorney Azadi if you're talking about the technical issues
13 of--

14 COUNCILLOR STANLEY: It just builds mistrust among
15 us and that's not good. So --

16 ATTORNEY AZADI: Okay, under the open meeting law,
17 Executive Session Minutes are allowed to be maintained as
18 confidential until such time as the matter to which they
19 relate is finally and fully resolved.

20 And at this point, it's our position that we are
21 in litigation and therefore, until the litigation ends, it's
22 appropriate to keep them confidential.

23 COUNCILLOR STANLEY: And is that your experience
24 in other cases or what other municipalities have done or
25 what Waltham has done with that?

1 ATTORNEY AZADI: When we've had litigation in the
2 past, we -- as far as I know, have always kept the minutes
3 confidential until the end of the litigation.

4 COUNCILLOR STANLEY: And how -- I know it's
5 impossible to know when it's going to end, but how long
6 could it go?

7 ATTORNEY AZADI: Well, we've asked for expedited
8 hearing on the case. Normally, the posture in an eminent
9 domain case is that the former property owner brings suit,
10 that's not the case here. Instead -- as I'm sure you're
11 aware, a letter was sent to the MSBA saying that litigation
12 would be filed by the former property owner. That hasn't
13 occurred however and we are trying to make sure that we
14 don't miss the MSBA deadlines --

15 COUNCILLOR STANLEY: Right.

16 ATTORNEY AZADI: -- and that's why we filed suit.
17 So if that litigation moves forward quickly, at the
18 conclusion of that, hopefully it will resolve all issues
19 relating to the property value, validity of the taking, any
20 other issues that may be out there. And at that point, the
21 litigation would be concluded.

22 COUNCILLOR STANLEY: So I'm taking your legal
23 advice that we shouldn't release the minutes, just for me
24 personally. Do you have any fear that we're not going to
25 get answers to all of -- those things resolved before the

1 MSBA deadlines?

2 ATTORNEY AZADI: I really can't say. Because of
3 the court's order last week, we do now have the authority to
4 have the people who have to go in and complete the
5 feasibility study go and do all the testing that's
6 necessary. There is a September 30th deadline --

7 COUNCILLOR STANLEY: Maybe it's -- I wanted to --
8 I think that's good. I'll just finish my questioning.

9 I just had two general -- and by the way,
10 personally I want to say on record, I thought it was very
11 poor taste of the Stigmatine Brothers to send that letter to
12 the MSBA. In my opinion, they have every right to dispute
13 the monetary amount and certainly if they wish, whether or
14 not it's a valid taking. But to do that, I thought was
15 childish and in very poor taste.

16 So I just have two other -- just general questions
17 for the Mayor, general categories.

18 PRESIDENT LeBLANC: Mayor?

19 MM: Respectfully for the record, because I am a witness, as
20 you all are in this case, I will have no comment tonight
21 because the issue is, has been that there has been leaks to
22 the Stigmatine side. So respectfully, I'm not saying -- I
23 am a prime witness in the case and I cannot answer any
24 questions at this time.

25 COUNCILLOR STANLEY: Well, I'll just state what my

1 general --

2 MM: And as all of you are, prime witnesses in the case as
3 well. Every one of you are witnesses and respectfully, the
4 issue is that. Nothing else, nothing personal, I'm doing it
5 with all due respect. Thank you.

6 COUNCILLOR STANLEY: So the other two categories
7 that I wanted to talk about, one was the estimated, roughly
8 hundred and forty, forty five million dollars in state
9 funding. I don't have any reason to believe that the Mayor
10 would put that in jeopardy and that some action would be
11 taken if we had to to utilize some other site.

12 But again, I feel as though as my fiduciary
13 responsibility as an elected member of this body, to have
14 that discussion because a lot of things have happened since
15 then. So that's another reason why I wanted to talk and
16 just to be reaffirmed that, you know, there's no need to
17 worry there.

18 And then the other one was, you know, what's going
19 on with the MSBA? Have they -- do they have any serious
20 concerns or, you know, has our position changed, we're still
21 solid on September 30th as far as a decision with the
22 Stigmatines and so forth. So those are valid, I believe,
23 issues that I think, while the Mayor and administration
24 doesn't have to rush to tell us everything as it's
25 happening, at some point, you know, we ought to know those

1 things and not go around in the community not knowing
2 anything about what's going on.

3 So anyway, I'm done.

4 PRESIDENT LeBLANC: Thank you Councillor Stanley.
5 Councillor Romard.

6 COUNCILLOR ROMARD: Thank you Madam President.
7 Through you to Attorney Cervone.

8 First of all, I will simply state that I share the
9 prior Councillor's thoughts on the fact that it appears for
10 the most part, we as elected officials, are the last to
11 know. But I would have expected that we would have gotten
12 some better information as we go along and I hope that that
13 will improve in the future.

14 But I just wanted to confirm a couple of basic
15 status questions about the process and make sure I
16 understand it and we as a Council, understand it.

17 So at this point now, is the actual eminent domain
18 taking complete?

19 ATTORNEY CERVONE: It's recorded, if that's --

20 COUNCILLOR ROMARD: It's recorded?

21 ATTORNEY CERVONE: Yes.

22 COUNCILLOR ROMARD: Okay. And so therefore, we,
23 the City, actually owns the property?

24 ATTORNEY CERVONE: And that's essentially what the
25 judge's decision is involved with.

1 COUNCILLOR ROMARD: I know there was some
2 question, I'm not exactly sure why the City was holding back
3 the \$18 million, but what was that reason?

4 ATTORNEY CERVONE: Well, there were a number of
5 them and they're all outlined in a memorandum that I filed
6 with the court with all the attached exhibits to
7 demonstrated it.

8 But basically this new attorney -- and Councillor
9 Stanley brought up a good point about his letter that he
10 thought was in poor taste -- was basically going through
11 with a threat. He basically said, 'If you don't give us
12 even more money than what we asked for before, I'm going to
13 send a copy of this -- here's a copy of the letter I'm going
14 to send to the MSBA to sabotage your funding.'

15 And when we wouldn't agree to that ridiculous
16 number, he sent it. He even threatened to sue the MSBA in
17 that letter --

18 COUNCILLOR ROMARD: Yeah, I remember seeing that.

19 ATTORNEY CERVONE: -- if we did that.

20 So I don't know if that answers your question, but
21 again, what ended up happening is, we filed -- what we had
22 to do, because -- and I made several letters asking him to
23 deal with just the issues. I said, 'If the issue is only
24 for the amount that you consider to market value and you're
25 so confident, let's just agree to go to trial on that and be

1 professional about it.' But to continue doing this basic
2 extortion, is silly. It really is silly.

3 To the threaten to sue public officials for civil
4 rights violations, for making a taking for a school that is
5 needed is silly.

6 COUNCILLOR ROMARD: Yeah.

7 ATTORNEY CERVONE: To sabotage \$150 million is
8 silly.

9 So basically what ended up happening, and even
10 before the -- and I sent him, you know, several letters, but
11 before -- just before the pro tanto payment, like shortly
12 after he made a demand for it, I sent him a letter saying,
13 'If you continue down this road, I will take every rightful,
14 legal action that the citizens and tax payers of Waltham are
15 entitled to do because you're jeopardizing \$150 million
16 worth -- which that LeClaire v. Town of Norwell case was all
17 about.

18 COUNCILLOR ROMARD: Yup.

19 ATTORNEY CERVONE: So what I basically -- and I
20 tried talking to him about it, I said, 'Why don't we work
21 out some agreement for security, but if you're jeopardizing
22 \$150 million worth of funding and you're claiming that you
23 have the right to stay on that property for the next three
24 years, why are we paying you \$18 million to live rent free
25 for the next three years?

1 I said, I can't -- that's crazy. And I said,
2 'Let's agree to have some security, we'd use the pro tanto
3 as security. If you want to agree to forego that issue, any
4 civil rights claims you're going to make against public
5 officials, etcetera, etcetera, we'll let it go. But if
6 you're not, I'm going to ask for the court to establish
7 security in that because you don't have anything else.'

8 He did claim to the court that they own all kinds
9 of property out in Western Mass and maybe that was part of
10 the reason, but --

11 COUNCILLOR ROMARD: So --

12 ATTORNEY CERVONE: That, with the reason -- it
13 wasn't just withheld, you know, an arbitrary manner. There
14 was a --

15 COUNCILLOR ROMARD: But if I understood correctly,
16 then the court said, City of Waltham, pay the money.

17 ATTORNEY CERVONE: Yes.

18 COUNCILLOR ROMARD: Okay. And so --

19 ATTORNEY CERVONE: We did the next day.

20 COUNCILLOR ROMARD: -- have you done that?

21 ATTORNEY CERVONE: The next day.

22 COUNCILLOR ROMARD: And what was the final amount?

23 ATTORNEY CERVONE: The \$18 million pro tanto.

24 COUNCILLOR ROMARD: So that check went out and
25 it's been cashed and they have their money?

1 ATTORNEY CERVONE: I don't know if it was cashed,
2 but he si-- I had him sign a receipt and sign a copy of the
3 check that he received it, so that's -- it's well
4 documented.

5 COUNCILLOR ROMARD: Okay.

6 ATTORNEY CERVONE: I sent him an email the day
7 after we got the court order and told him, if you want to
8 come by and pick it up fine, otherwise, I'll mail it to you
9 certified mail. He made arrangements to come in and pick it
10 up.

11 COUNCILLOR ROMARD: So they've gotten their money.
12 And if I understood correctly from what I read, and I've
13 been trying to watch the proceedings and it's been
14 difficult, I don't have a great connection there, but to
15 that point, the court to the judge did say that the
16 Stigmatines have a right to communicate with the MSBA.

17 ATTORNEY CERVONE: He didn't say they had a right
18 to. He said he can't --

19 COUNCILLOR ROMARD: Stop them.

20 ATTORNEY CERVONE: -- he cannot prohibit --

21 COUNCILLOR ROMARD: Okay.

22 ATTORNEY CERVONE: But that leads into -- I think,
23 you know, the suggestion is, it's a two edged sword. If you
24 continue to do that, you know, you are susceptible to
25 liability potentially under Counts 2 and 3, for interfering

1 with the contract.

2 COUNCILLOR ROMARD: Correct. And so to that
3 point, meaning we, as a City, could turn around and sue the
4 Stigmatines for jeopardizing that money?

5 ATTORNEY CERVONE: Yes.

6 COUNCILLOR ROMARD: So where is the process now?
7 The Stigmatines -- so we own the property --

8 ATTORNEY CERVONE: Yes.

9 COUNCILLOR ROMARD: The Stigmatines are still on
10 the property. How long can they stay there?

11 ATTORNEY CERVONE: Well, according to the judge's
12 order, whatever is used as a dwelling, they have the right
13 not to be removed and displaced from their dwelling for 120
14 days from the date that we recorded the taking.

15 COUNCILLOR ROMARD: Okay. And so what, that
16 taking was July --

17 ATTORNEY CERVONE: We recorded July 23rd.

18 COUNCILLOR ROMARD: 23rd.

19 ATTORNEY CERVONE: Yes.

20 COUNCILLOR ROMARD: So 120 days is what? August,
21 September, October, November?

22 ATTORNEY CERVONE: Yes.

23 COUNCILLOR ROMARD: Have they made, or indicated
24 in any way that they will be leaving by then? We haven't
25 heard anything.

1 ATTORNEY CERVONE: No. I mean, they've always
2 made the demand that they want to stay there rent free for
3 as long as possible.

4 COUNCILLOR ROMARD: Is the City preparing to take
5 action on November 24th if they haven't left?

6 ATTORNEY CERVONE: I can't say that at this point
7 in time. I mean, I don't --

8 COUNCILLOR ROMARD: We don't know yet?

9 ATTORNEY CERVONE: Yes.

10 COUNCILLOR ROMARD: Okay.

11 ATTORNEY CERVONE: I mean, I'd still be willing to
12 be reasonable with the other side, but their number keeps
13 going up. It's gone from 39, to the last time we mentioned,
14 \$54 million in court.

15 COUNCILLOR ROMARD: And then, I had heard that the
16 City -- because we own the land, the City went on the
17 property and began to do some of the feasibility study work
18 --

19 ATTORNEY CERVONE: Correct.

20 COUNCILLOR ROMARD: -- and the was stopped, I
21 guess, but the Stigmatines and they blocked the entrance and
22 -- so what's happened with that?

23 ATTORNEY CERVONE: We first had an agreement with
24 them and I confirmed it in writing and, you know, as a
25 courtesy, I gave him notice every time we were going to have

1 someone go up there and it was worked out with the people
2 and I guess at one point, you know, we said, 'We won't
3 disturb you during, except during normal business hours.
4 We're only going to be working on the outside portions. You
5 know, we won't be going into any buildings unless we need to
6 and you could probably want us to because there is a --
7 there is a DEP notice that you have 21E problems in a couple
8 of the buildings.'

9 It was worked out for the first couple of days and
10 then Attorney Flynn ordered -- despite what had been the
11 agreement that was worked out through the police, who
12 confirmed it with me, he hired private security to prevent
13 anyone from coming on.

14 COUNCILLOR ROMARD: So have they since been back
15 to -- had the feasibility study re-initiated?

16 ATTORNEY CERVONE: They've been told they can, but
17 -- it can't happen -- in other words, these -- whether
18 they're surveyors or niche engineering or the wetlands or
19 other people, they just -- they had other things to do, so
20 all they knew is that they were -- that they couldn't come
21 in the entrance because they were --

22 COUNCILLOR ROMARD: But since then, have they been
23 --

24 ATTORNEY CERVONE: I don't know if they have --

25 COUNCILLOR ROMARD: -- back to the property?

1 ATTORNEY CERVONE: -- been there, they have been
2 told that they can.

3 So as soon as they can get those consultants back,
4 they will be there.

5 It's my understanding from my emails with the
6 architect, that she is in the process -- she's already asked
7 them to come back as soon as possible.

8 COUNCILLOR ROMARD: And then with the MSBA, if I
9 read correctly, they extended our deadline one year; right?
10 To the 19th? Was it October 31st or September 30th?

11 ATTORNEY CERVONE: I don't remember exactly, but
12 that's for the feasibility study. There's a separate issue
13 about --

14 COUNCILLOR ROMARD: Oh, just the feasibility
15 study?

16 ATTORNEY CERVONE: -- control over the site.
17 That's a different issue.

18 I think you're talking -- the letter that I think
19 you are talking about was an extension that was granted for
20 completion of the feasibility study.

21 COUNCILLOR ROMARD: So I thought there was some
22 deadline, and maybe it's still going to occur on September
23 30th that we had to have ownership of the property and that
24 was a hard stop deadline. Have we heard anything on that?

25 ATTORNEY CERVONE: When you say, heard anything,

1 that's -- in terms of the documents that I've seen that was
2 the last document that I've seen from the MSBA from however
3 many months ago it was.

4 COUNCILLOR ROMARD: Okay. So then -- and in
5 watching the proceedings, if I understood correctly from the
6 judge, there is still the validity charge; right? So that
7 the Stigmatines are still not filing suit against the
8 eminent domain because the cant, but they're filing a
9 possible suit against the validity of the charge?

10 ATTORNEY CERVONE: Well, this may be a little
11 technical, but I think one of Attorney Flynn's arguments
12 was, 'They can't sue us, we have up to three years to
13 challenge the validity of the taking.' And he basically
14 said, 'No, you don't. They did what they did, they're seeing
15 declaratory relief.' I cited a couple cases where other
16 towns did the same thing and that's when he told them,
17 'You'd better tell your clients that this is a matter of
18 public interest based on the case that was read to me and
19 we're going to move -- you tell them, we're going to move
20 very quickly on matters of public interest.'

21 So he basically denied their position that, we
22 have until three years to decide whether we're going to
23 challenge the validity.

24 Because obviously by sending that letter, as
25 Councillor Stanley pointed out, by sending the letter to the

1 MSBA, he didn't just say, 'We have some challenges.' He
2 said, 'It's invalid.'

3 COUNCILLOR ROMARD: Right.

4 ATTORNEY CERVONE: 'Everything that you did is
5 wrong.' You know, sinister, etcetera, etcetera. So he's
6 the one who fired the shots. And so we brought a --

7 COUNCILLOR ROMARD: But I didn't catch --

8 ATTORNEY CERVONE: -- declaratory action.

9 COUNCILLOR ROMARD: I didn't catch that part of
10 the proceedings then. So the judge has determined in
11 writing or something, that their validity charge of three
12 year time frame is invalid? Is that what you're saying?

13 ATTORNEY CERVONE: I think that was implicit,
14 because his whole thing was, 'We can't be sued. The City
15 can't bring a declaratory judgement against us to say that,
16 you know, we have to decide the validity issue now.'

17 He basically said, 'Oh yeah, that's what we're
18 going to do.'

19 And I cited a couple of cases that --

20 COUNCILLOR ROMARD: And so when would that --

21 ATTORNEY CERVONE: -- have done that.

22 COUNCILLOR ROMARD: -- validity issue be decided?

23 ATTORNEY CERVONE: We've -- we're getting to file
24 summary judgement just on the validity issue pretty soon.

25 COUNCILLOR ROMARD: So until that time, until the

1 time when the validity charge is determined --

2 ATTORNEY CERVONE: Yes?

3 COUNCILLOR ROMARD: -- there is risk that the
4 Stigmatines could get the property back; right? If the
5 court determines that their validity charge is valid and
6 they win, they could get the property back?

7 ATTORNEY CERVONE: I think they have about a 1%
8 chance.

9 COUNCILLOR ROMARD: It doesn't matter counsellor,
10 right?

11 They -- I'm just asking, at the point we are right
12 now, there is still a risk -- they might get the best
13 attorneys in the world, whatever, the judge might determine
14 in favor of them, can the Stigmatines get the land back if
15 in fact they win the validity charge?

16 ATTORNEY CERVONE: My -- on appeal, I'm pretty
17 much sure that the Supreme Judicial Court would say no, the
18 taking is valid.

19 It's a clear public purpose. It's one of the
20 clearest public purposes there is.

21 COUNCILLOR ROMARD: That's a big if, right?

22 ATTORNEY CERVONE: Well --

23 COUNCILLOR ROMARD: That's a big if.

24 ATTORNEY CERVONE: No, I'm about three for four on
25 appeals. When I --

1 COUNCILLOR ROMARD: Okay. So --

2 ATTORNEY CERVONE: When we've appealed and I've
3 figured that we were going to win, I'm 75% right.

4 COUNCILLOR ROMARD: So is the City moving forward
5 in terms of the fact that we have the property and will in
6 fact own the property going forward?

7 ATTORNEY CERVONE: I'm sorry, what was that
8 question?

9 COUNCILLOR ROMARD: Is the City going forward on
10 the assumption that that we have the property and will win
11 this validity case?

12 ATTORNEY CERVONE: Yes.

13 COUNCILLOR ROMARD: So have we spent any money,
14 other than the \$18 million, have we spent money on this
15 feasibility study when in fact, if in fact, the Stigmatines
16 win the validity case, as small as that may be, that money
17 could be ill spent. It would be a waste of money because we
18 lost the property; is that true?

19 ATTORNEY CERVONE: I guess -- I -- I don't -- No,
20 it's not true. But I don't know the amounts that would be
21 involved, because that's like a school -- that's in the
22 School Department budget.

23 COUNCILLOR ROMARD: Why wouldn't that be true? If
24 we spend money on a feasibility study and they win the
25 validity case, they get the land back, the eminent domain is

1 null and void, we've spent money that we lost.

2 ATTORNEY CERVONE: But some of the work that is
3 endemic to the validity study, would have to be done for any
4 -- so a certain portion might -- you could maybe argue, if
5 they win -- if that 1% chance happens and the SJC, which I
6 doubt, goes along with the 1%, then a small portion, I
7 think, perhaps of what is spent on the validity study, you
8 could maybe say, would not be transferrable to a different
9 site, but much of it is. Much of it is because it has to do
10 with the building itself, etcetera.

11 COUNCILLOR ROMARD: And then in terms of some of
12 those charges on the validity, the appraisal charge, what's
13 happened with that? I guess supposedly the appraisal was
14 supposed to be done, if I understood correctly in 24 hours
15 and we gave them an appraisal that was a year old or
16 something?

17 ATTORNEY CERVONE: Well, I'm not -- It's a lie,
18 they said they never got an appraisal, we have documentation
19 that shows we gave the appraisal to Attorney Patton, we have
20 him the first appraisal.

21 The deal was that we were going to trade
22 appraisals. We have them ours, he never gave us theirs --

23 COUNCILLOR ROMARD: Yeah.

24 ATTORNEY CERVONE: -- so we told them that we had
25 that appraisal updated as of the date of the taking but we

1 weren't going to give it to them because they don't keep
2 their promises. We're not going to give you another one
3 just so you can say, 'Oh, we're not going to give you
4 anything again.' So I told them, we had it as of that date.
5 I think I even told them what the amount was, but I wasn't
6 going to give it to them again.

7 COUNCILLOR ROMARD: But in terms of an eminent
8 domain case, they are -- you are supposed to give it to
9 them; right?

10 ATTORNEY CERVONE: No.

11 COUNCILLOR ROMARD: No?

12 ATTORNEY CERVONE: No.

13 COUNCILLOR ROMARD: Okay. And then how about
14 then, the piece about offering them other location? That
15 was one of their charges; right? That we didn't give the
16 appraisal on time, we didn't offer them relocation something
17 and then I forget what the third one was, but -- so where
18 are we with that?

19 ATTORNEY CERVONE: We actually -- another lie. I
20 mean, the problem is, we've told them multiple times, this
21 is the relocation expert we have, you may contact him, but
22 you keep telling us you don't want to be relocated, you want
23 to stay there for years rent free.

24 So he will say something like that in court, but
25 when you get with them privately, they don't want to go.

1 And we had been amenable to letting them longer than what
2 relocation is. I -- personally, I'd be happy to relocate
3 them.

4 COUNCILLOR ROMARD: Yeah.

5 ATTORNEY CERVONE: They don't want it.

6 ATTORNEY AZADI: If --

7 ATTORNEY CERVONE: We --

8 ATTORNEY AZADI: If I could just interject too.
9 Early on, in the first year of negotiations, I believe it
10 was by March of 2017, we had actually offered the Fernald,
11 the Marquart Building and the chapel on the property to the
12 Stigmatines --

13 COUNCILLOR ROMARD: Well, that's what I thought.

14 ATTORNEY AZADI: -- and they actually went out
15 with a group --

16 COUNCILLOR ROMARD: So I was surprised to read
17 that --

18 ATTORNEY AZADI: -- and looked at and then decided
19 they didn't want it.

20 ATTORNEY CERVONE: Well, this attorney is fairly
21 new, so he just -- that's his excuse, 'Well, I wasn't there
22 then, I wasn't there then.'

23 COUNCILLOR ROMARD: Okay.

24 ATTORNEY CERVONE: He makes the representations --

25 COUNCILLOR ROMARD: But overall, it's your opinion

1 that this validity charge has no real merit or water, it's
2 nothing that we should worry about?

3 ATTORNEY CERVONE: No, it's just part of his
4 threat, 'If you don't pay me even more what we asked for
5 before, I'm going to tie you up forever and you're going to
6 lose money.'

7 He even put it in writing.

8 COUNCILLOR ROMARD: And if I understood correctly,
9 so you're preparing a case against this validity charge now
10 currently?

11 ATTORNEY CERVONE: Yes. Just addressing the
12 validity charge and not the other counts of the complaint.

13 COUNCILLOR ROMARD: That's right. And when will
14 that go before the judge?

15 ATTORNEY CERVONE: I don't know.

16 COUNCILLOR ROMARD: You don't know.

17 ATTORNEY CERVONE: We'll try to file it -- the way
18 the rules work, we have to file a big package and they have
19 a certain number of days to respond to it and then we have a
20 right to respond to that. But when the court puts it on for
21 hearing, is beyond our control.

22 COUNCILLOR ROMARD: And if -- you said the judge
23 wants to move quickly on this, so --

24 ATTORNEY CERVONE: That's what the judge said.

25 COUNCILLOR ROMARD: Hopefully we'll --

1 ATTORNEY CERVONE: Yes.

2 COUNCILLOR ROMARD: -- get it moving quickly.

3 Thank you very much, I appreciate it.

4 Thank you Madam President.

5 PRESIDENT LeBLANC: Thank you Councillor Romard.

6 Councilors, the time is 7:29 p.m. that's just

7 informational.

8 Councillor Vidal.

9 COUNCILLOR VIDAL: Thank you Madam President.

10 Mr. Cervone, I have a few questions for you.

11 I'm looking here at the order. On point No. 4,
12 when it says, 'All other relief requested in the City's
13 motion is denied.' What relief were you looking for? I did
14 not attend the meeting because I was not invited and I knew
15 it was happening. So I figured, perhaps you can enlighten
16 and let me know what that means.

17 ATTORNEY CERVONE: It was -- as I was explaining
18 earlier, most of the other equitable relief that we were
19 looking for, was some form of attachment or trustee process
20 or equitable lien against the pro tanto payment, which is
21 the \$18 million. Because they were going to be jeopardizing
22 \$150 million in MSBA funding, so we asked that the court
23 withhold or give us some order that withheld that \$18
24 million from them until all matters were resolved.

25 COUNCILLOR VIDAL: And the judge denied that?

1 ATTORNEY CERVONE: Yes, they claim that they have
2 all kinds of other property in Massachusetts that would be
3 able to satisfy it.

4 COUNCILLOR VIDAL: Okay, all right. That was
5 sufficient for the judge all right, so that relief would now
6 be denied? It would not be allowed?

7 ATTORNEY CERVONE: Yes.

8 COUNCILLOR VIDAL: Now No. 3, we talked about the
9 -- you made the request to have the trustees to not to talk
10 to the MSBA at all, do not communicate with them.

11 ATTORNEY CERVONE: Right.

12 COUNCILLOR VIDAL: And that was denied as well;
13 correct?

14 ATTORNEY CERVONE: Correct. As we said before,
15 yeah.

16 COUNCILLOR VIDAL: Okay, okay. What was the
17 reasoning behind that? What did he say before -- why was
18 that denied? I mean, that was -- based on what you're
19 telling me, this is very important because their
20 documentation would have jeopardized the funding.

21 ATTORNEY CERVONE: Correct.

22 COUNCILLOR VIDAL: Right, but the judge did not
23 see it that way I imagine? I mean, I'm not a judge, nor am
24 I an attorney --

25 ATTORNEY CERVONE: No, I think his position was,

1 you're other two counts of the complaint, if they want to
2 run the risk of sabotaging that funding, and you can prove
3 that they didn't have appropriate legal basis to do that,
4 then you've got a great case under counts 2 and 3 for
5 damages against them.

6 So that's sufficient. He wasn't going to put a
7 prior restraint on their ability to discuss, if you will --

8 COUNCILLOR VIDAL: Okay.

9 ATTORNEY CERVONE: -- what their position was.

10 COUNCILLOR VIDAL: That makes sense.

11 Now this hearing that took place I believe last --

12 ATTORNEY CERVONE: Wednesday.

13 COUNCILLOR VIDAL: Now, were we in any way
14 informed that this was taking place? As the City Council --
15 were we supposed to be informed or no? Because I heard -- I
16 learned about it through social media.

17 ATTORNEY CERVONE: Yeah, it seems like everyone
18 was in -- knew about it, so I didn't -- but --

19 COUNCILLOR VIDAL: Were there any members of the
20 City Council that attended that meeting that you're aware
21 of?

22 ATTORNEY CERVONE: I think there was a member of
23 the City Council there, yes.

24 COUNCILLOR VIDAL: Really? Okay.

25 But none of us knew about it though.

1 ATTORNEY CERVONE: Well, I'll be candid. We don't
2 -- if we sent you every notice of every hearing that we have
3 in court --

4 COUNCILLOR VIDAL: Well, this is a huge vote we
5 had on this one.

6 ATTORNEY CERVONE: -- you would be deluged.

7 COUNCILLOR VIDAL: I mean, this was a vote that we
8 had, I would think I would have liked to know about it. I
9 would have gone there to see what was going on because
10 otherwise, watching that video from youtube with really
11 horrible audio, which I hardly hear you speak or the judge
12 or anybody else, I would have preferred to be present and be
13 able to talk about it.

14 You say somebody in this body attended. But yet,
15 we weren't invited. I'm pretty concerned about that.

16 The fact that I learned about it through social
17 media is really not the way I should learn things. Usually
18 I get packets and documents. But if we were given the
19 notice, were we able to attend the meeting?

20 ATTORNEY CERVONE: It's a matter that's open to
21 the public. But again, given the fact that the Stigmatine's
22 attorneys have threatened to sue all of the public officials
23 here --

24 COUNCILLOR VIDAL: Mm-hmm.

25 ATTORNEY CERVONE: I would not -- if I'm doing my

1 job to try to protect you, I would not be advising you to
2 attend --

3 COUNCILLOR VIDAL: Oh.

4 ATTORNEY CERVONE: -- and probably be -- maybe
5 convinced into making a comment --

6 COUNCILLOR VIDAL: Interesting.

7 ATTORNEY CERVONE: -- that could make --
8 potentially increase your potential liability.

9 COUNCILLOR VIDAL: So it was better for us not to
10 attend I guess, in other words. You would have suggested as
11 out legal counsel, not to attend.

12 ATTORNEY CERVONE: In this case where they've made
13 those threats that they're going to sue all the public
14 officials, yes.

15 COUNCILLOR VIDAL: Well, I'm kind of glad I didn't
16 know about it.

17 Thank you. Those are all my questions.

18 PRESIDENT LeBLANC: Thank you Councillor Vidal.
19 Councillor Logan.

20 VICE PRESIDENT LOGAN: Thank you.

21 So, you know, again, as you know, I was one of the
22 ones that voted no on the eminent domain, but the decision
23 has been made and although I don't have to agree with it, I
24 have to respect it. The decision has been made.

25 So it's no longer a political matter, it's now a

1 legal matter.

2 As a member of the City Council, we're all
3 basically on the board of directors of the municipal
4 corporation known as the City of Waltham. And as such,
5 we've got a responsibility to protect the fiduciary and
6 legal position of the City.

7 The best way to do that is to talk about this the
8 least. Whenever anybody asks me about it, I just tell, I
9 can't talk about it and that's what I would recommend to
10 everyone. And I don't think that we need to talk about it
11 anymore here tonight.

12 We had a regular City Council meeting that was
13 supposed to start five minutes ago, I move to adjourn.

14 PRESIDENT LeBLANC: There's -- there's --
15 Councillor Brasco.

16 COUNCILLOR BRASCO: Are you going to --

17 PRESIDENT LeBLANC: There's a couple of other
18 Councilors. Councillor Brasco.

19 COUNCILLOR BRASCO: Madam President, through you,
20 my statement's going to be very, very brief.

21 Because I believe that we actually should have the
22 opportunity or should have the opportunity to at least have
23 another Executive Session where, I'm not sure if the City
24 Council -- the members of the City Council are aware, that
25 emissaries to the administration, we did have two follow-up

1 meetings with the Stigmatines and our counsel that we've
2 never been able to state for the record or address those
3 concerns and questions that took place.

4 After the June 25th vote of this City Council,
5 there was no other meetings of the City Council. The
6 President and I returned to the negotiation tables with our
7 counsel to address these matters and had two further
8 meetings with the Stigmatines that I believe that many of
9 the members of the City Council should be advised of that
10 probably weren't not aware of what took place during those
11 meetings and not having the time to do that this evening, I
12 don't think is fair.

13 Because I think it does take the considerable
14 amount of time to at least advise you of what took place.

15 VICE PRESIDENT LOGAN: I mean, I guess I'm a
16 little bit frustrated with the fact that I think that's
17 really one of the reasons that there was a desire for this
18 meeting.

19 And here we are, over an hour into the meeting and
20 we haven't even gotten to that.

21 PRESIDENT LeBLANC: If I might --

22 VICE PRESIDENT LOGAN: Is it the --

23 PRESIDENT LeBLANC: That was the intent in calling
24 the meeting for August 6th, to provide the Council, our
25 Council colleagues with an update. And again, it was the

1 wording of the notice. It didn't say 'litigation.'
2 However, after that when we went back to say, 'Okay, what
3 would the wording be? What's the meeting you want to have?'
4 Well, we want to update our Council colleagues and what I
5 heard back is, 'We can't have that meeting.'

6 So attorney Cervone, perhaps you can speak to
7 that. Do Councillor Brasco and I have the right in
8 Executive Session, to update our Council colleagues? I know
9 we have had some email exchanges where I've asked to be able
10 to provide my Council colleagues with documents that were
11 shared with us and you indicated that we could not do that.

12 So what -- what right do we have to update the
13 Council on those proceedings?

14 ATTORNEY CERVONE: I'll defer to Attorney Azadi,
15 who has been dealing with the technical aspects of the
16 Executive Session aspects of the open meeting law. But the
17 other thing that I can do, which maybe is part of what --
18 but certainly not what Councillor Brasco and yourself were
19 just talking about, those two subsequent negotiation
20 meetings. That's different.

21 But I could email a copy of my memorandum and all
22 the attachments to the Clerk's Office and that would give
23 everyone a --

24 PRESIDENT LeBLANC: Solicitor Cervone, with all
25 due respect, and you mentioned that document. And quite

1 honestly, myself and some of the other Councilors were a
2 little surprised that that was put out there as a public
3 document.

4 ATTORNEY CERVONE: It has to be filed in court.
5 That makes it a public document.

6 PRESIDENT LeBLANC: I'm not speaking of that. I'm
7 speaking of the written update that was provided to the
8 Council for the August 6th meeting. And it referenced
9 details of those two meetings that we attended and it was
10 sent over to the Clerk's Office with no confidential
11 markings associated with it. The Assistant City Clerk
12 followed up with Mayor, was referred to to you, the Clerk
13 followed up with you and the bottom line was, it wasn't
14 deemed to be confidential and it was put out there.

15 It had -- it had --

16 ATTORNEY CERVONE: I don't know exactly which --
17 what you're referring to. Because I didn't send it.

18 PRESIDENT LeBLANC: Well, it's --

19 ATTORNEY CERVONE: I apologize, but I don't know
20 which -- what document you're referring to.

21 PRESIDENT LeBLANC: It's your communication and it
22 -- the communication itself, is dated July 18th, 2018 and it
23 is to Attorney Peter Flynn --

24 ATTORNEY CERVONE: Right.

25 PRESIDENT LeBLANC: -- and Attorney Adam Patton

1 and this was provided to the Council, as an update on August
2 6th and it includes detail of those meetings, including Item
3 10: 'Notwithstanding the above outlined speculative
4 apartment basis, blah-ba-ba-ba -- Council President was
5 immediately ready to offer \$25.4 million based upon her
6 prediction that the City Council would approve additional
7 appropriation.

8 Well personally, I take exception to that because
9 I was very clear, as was my Council colleague that we were
10 in no position to make an offer.

11 So in these situations, words matter.

12 And this lacks context. But this document was put
13 out into the public domain and it contains details of
14 meetings that you are now saying that we don't have a right
15 to share with our Council colleagues.

16 ATTORNEY CERVONE: I guess first of all, I didn't
17 put it in the public domain, but it's not a confidential --
18 obviously, it's something that was sent to Attorney Flynn
19 after he sent his thing to the MSBA.

20 PRESIDENT LeBLANC: Right. And it was sent to --
21 to the City Council as part of an update from the Mayor on
22 this.

23 I would also note that when we arrived here for
24 the special meeting on the 20th, in our boxes, we received
25 another communication and it has a very brief cover email

1 from the Mayor, 'Dear City Clerk and Clerk of the Waltham
2 School Committee: Attached is a communication from me with
3 attachments. Please provide a copy to your respective
4 members, City Council and School Committee.'

5 Now, this is the packet, it's stapled, every
6 Councillor got one. That has no designation, nothing on it.
7 So nothing confidential there.

8 The second is a document dated August 20th, marked
9 confidential. It says, 'Please be advised that the Law
10 Department has filed an action for declaratory judgement
11 relating to the claims and actions of the Stigmatines
12 attorney on behalf of its client, the Trustees of the
13 Stigmatine Fathers, Inc. Enclosed, Please find the letter
14 the Stigmatines attorney filed with the Massachusetts School
15 Building Authority and two communications from City
16 Solicitor Cervone.'

17 I guess I'm at a loss to understand what here was
18 intended to be confidential?

19 At the time we received this notice, you had
20 already filed that public document. That complaint was then
21 in the public domain. The documents that are attached,
22 albeit one of them from Attorney Flynn to the School
23 Building Authority, that was out there on Facebook. That
24 was already put in the public domain. Your communications
25 that are attached to this, were provided to us on August 6th

1 as a part of a public document.

2 So again, I'm confused by this because there
3 doesn't appear to be anything in here that can legitimately
4 be considered confidential and if I wanted to be cynical, I'd
5 say, 'Oh, it looks like an attempt to walk back those
6 documents that were already put out there.'

7 So maybe answer a question: Once something's been
8 put in the public domain, can you then pull it back?

9 ATTORNEY CERVONE: I guess I'm not sure if I'm
10 following the question, but for example, I can give you
11 what's been filed in court is public record.

12 PRESIDENT LeBLANC: Okay.

13 ATTORNEY CERVONE: So that's public record.

14 PRESIDENT LeBLANC: You know what --

15 ATTORNEY CERVONE: That --

16 PRESIDENT LeBLANC: -- and again, I don't want to
17 belabor it, but I was concerned by that. I didn't have an
18 opportunity to say anything about it except in this forum
19 because I -- we don't like to call without Council
20 Permission, you know, to call you up. But perhaps, the
21 Clerk could follow up with some of that because you seem to
22 be questioning that the one document was even put out there
23 as a public document.

24 ATTORNEY CERVONE: Well again, I'm not sure what
25 document you're referring to. If you're only referring to

1 the July 18th letters from Flynn to the MSBA and then from
2 mine to Flynn --

3 PRESIDENT LeBLANC: Yeah.

4 ATTORNEY CERVONE: Is that what you're talking
5 about?

6 PRESIDENT LeBLANC: Yup.

7 ATTORNEY CERVONE: Yeah, that's a little
8 different. There's no -- that's already --

9 PRESIDENT LeBLANC: And --

10 ATTORNEY CERVONE: -- that was a matter that was
11 attached, in fact, to the complaint and my other filings in
12 court.

13 PRESIDENT LeBLANC: And again, my point with
14 regard to that letter from you to Flynn --

15 ATTORNEY CERVONE: Right.

16 PRESIDENT LeBLANC: -- that was made public, is
17 that it contains details from the meetings that Councillor
18 Brasco and I participated in.

19 I will leave it at that.

20 VICE PRESIDENT LOGAN: So, I guess I mean, is it
21 the intention to just like continue on here or --

22 PRESIDENT LeBLANC: No, I'm done.

23 VICE PRESIDENT LOGAN: I don't -- through you,
24 just some questions through you Madam President to the
25 Councillor At Large, did you want to give a report now

1 tonight? Or --

2 COUNCILLOR BRASCO: I want -- through you Madam
3 President to the Councillor from Ward 9. I wasn't intending
4 on to. I thought the discussion was strictly about the
5 minutes of the meeting. I would have been prepared and I
6 thought that we would have had more time.

7 VICE PRESIDENT LOGAN: Okay. In interest --

8 PRESIDENT LeBLANC: No, we had wanted to do that
9 on August 6th when there was potentially, timing-wise, an
10 opportunity to actually sort of convey the sentiment of the
11 Council to the Mayor on what we might like to see as the
12 next step.

13 VICE PRESIDENT LOGAN: So --

14 PRESIDENT LeBLANC: But no. So the only other
15 matter tonight is if the body wants to do anything at all
16 with the minutes and we only have two sets of minutes.

17 VICE PRESIDENT LOGAN: I move to adjourn.

18 PRESIDENT LeBLANC: Councillor Logan moves to
19 adjourn. A roll call is required.

20 CLERK WADDICK: On the motion to adjourn.

21 Paul J. Brasco.

22 COUNCILLOR BRASCO: Yes.

23 CLERK WADDICK: George A. Darcy, III

24 COUNCILLOR DARCY: No.

25 CLERK WADDICK: William H. Fowler.

1 COUNCILLOR FOWLER: Yes.
2 CLERK WADDICK: Cathyann Harris is absent.
3 Joseph P. LaCava.
4 COUNCILLOR LaCAVA: Yes.
5 CLERK WADDICK: Randall J. LeBlanc.
6 COUNCILLOR R. LEBLANC: Yes.
7 CLERK WADDICK: Robert G. Logan.
8 VICE PRESIDENT LOGAN: Yes.
9 CLERK WADDICK: Kristine A. Mackin.
10 COUNCILLOR MACKIN: Yes.
11 CLERK WADDICK: John J. McLaughlin Absent.
12 Kathleen B. McMenimen.
13 COUNCILLOR McMENIMEN: Yes.
14 CLERK WADDICK: Daniel P. Romard.
15 COUNCILLOR ROMARD: Yes.
16 CLERK WADDICK: Thomas M. Stanley.
17 COUNCILLOR STANLEY: Yes.
18 CLERK WADDICK: Carlos A. Vidal.
19 COUNCILLOR VIDAL: Yes.
20 CLERK WADDICK: President wish to vote?
21 PRESIDENT LeBLANC: President votes yes.
22 Thank you Councilors, the Executive Session is
23 adjourned at 7:46. p.m.
24 (Whereupon, the Executive Session was adjourned at
25 7:46 p.m.)

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CERTIFICATE OF REPORTER AND TRANSCRIBER

This is to certify that the attached proceedings

In the Matter of:

EXECUTIVE SESSION:

RE: ACQUISITION AND/OR USE OF REAL STATE
PARCELS IN RELATIONSHIP TO WALTHAM HIGH SCHOOL
PROJECT AND OTHER PROJECTS.

Place: Waltham, Massachusetts

Date: September 20, 2018

were held as herein appears, and that this is the true,
accurate and complete transcript prepared from the notes
and/or recordings taken of the above entitled proceeding.

Jeffrey Mocanu

11/26/2018

Reporter

Date