

Approved as  
Minutes  
12/10/2018  
Approved for  
release  
12/14/2020

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  
June 4, 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  
John J. McLaughlin, Councillor  
Kathleen McMenimen, Councillor  
Daniel P. Romard, Councillor  
Carlos A. Vidal, Councillor

P R O C E E D I N G S

EXECUTIVE SESSION

PRESIDENT LeBLANC: Good evening Mayor. The executive session to address real estate matters is called to order.

Councilors for this evening, I ask that you stay in your seats to the extent possible and that you speak from your seats. We do have a stenographer here and that will just help him to know who is talking.

Thank you Mayor.

MAYOR McCARTHY: Good evening.

I have a communication to the Waltham City Council from Jeannette A. McCarthy.

Re: Confidential Executive Session Update.

Date: June 4th, 2018.

Parcel No. 1: No update from that last meeting.

LOGAN: What's Parcel 1?

MAYOR McCARTHY: Parcel No. 2: Communication sent to owner, nothing back yet. Letter sent to bond counsel on May 30th, 2018 and had a conversation with bond counsel.

Parcel No. 3: Letter sent to owner's representative. Response received.

Communication dated May 30th to Attorney Adam B. Patton regarding Parcel No. 3.

1           "The City Council has directed and the Mayor  
2 approved this final proposal for your clients to voluntarily  
3 transfer all the real estate of the Trustees of Stigmatine  
4 Fathers Inc., located in Waltham, Mass, on or near Lexington  
5 Street.

6           Based upon your communications to the City Council  
7 that the above property was valued at \$25,400,000.00 by an  
8 appraisal that you/your client obtained but did not release.  
9 The City Council proposes to pay up to that \$25,400,000.00  
10 sum to the Trustees of Stigmatine Fathers Inc. as long as  
11 the owner/your corporate client, accepts this proposal in  
12 writing no later than 5:00 p.m. on this coming Monday, June  
13 4, 2018.

14           Since other previous real estate transactions of  
15 the owners, Trustees of Stigmatine Fathers Inc., a  
16 Massachusetts corporation, show its president as the  
17 authorized signatory.

18           If this limited time proposal is accepted by the  
19 owner, we would request that such corporate  
20 officer/president, sign such acceptance.

21           Again, this proposal terminates after 5:00 p.m.,  
22 June 4, 2018. This is also without prejudice to any and all  
23 other rights and powers of the City of Waltham under state  
24 law."

25           Signed by John B. Cervone and Patricia A. Azadi.

1           That's May 30th.

2           Now, I have a communication dated June 4th, 2018  
3 via email to John B. Cervone, City Solicitor.

4           Re: Waltham property.

5           "Dear Attorneys Cervone and Azadi:

6           Thank you for your final proposal dated May 30th,  
7 2018.

8           I wish to inform you that the Stigmatines cannot  
9 accept your proposal at this time.

10           I also want to mention that I continue to read on  
11 social media posts, namely under the Facebook group, Waltham  
12 Citizens for Education, that the Stigmatines have plans to  
13 develop the property or they have a deal in place with a  
14 developer. This is simply not true and is being put out  
15 there without any factual basis in order to create confusion  
16 and anger.

17           As the Stigmatines have said in the past, if at  
18 some future date, the Stigmatines reconsidered their  
19 position, the City of Waltham would be the first entity to  
20 be informed and involved in any such process.

21           Very truly yours, Adam B. Patton.

22           CC: Fr. Robert S. White, C-S-S, Provincial  
23 Superior."

24           With regard to the Parcel No. 2, I am extracting  
25 the parcel for what it is. The questions -- I will read a

1 portion of an email dated May 30th, 2018.

2 "I have been asked by the City Council to inquire  
3 of bond counsel about two things.

4 A: Would bond counsel be able to sign off on the  
5 bond funding for the purchase of 'blank's' land?

6 B: Would bond counsel be able to sign off on the  
7 bond funding for a new Waltham High School if it were to be  
8 built on 'blank's' land (if the city were to acquire it)?"

9 Those are the two questions. The Law Department  
10 will be able to talk to you about that.

11 So, that is my update Madam President.

12 PRESIDENT LeBLANC: Thank you Mayor.

13 Mayor, are you looking for any votes on anything  
14 this evening?

15 MAYOR McCARTHY: What I'm looking is, what would  
16 you like me to say to the Massachusetts School Building  
17 Authority on June 6th regarding the site of the Waltham High  
18 School, is all that I'm looking for. Because as I told you,  
19 I have a meeting on June 6th with the state and I went  
20 through that at a previous meeting without getting into  
21 everything.

22 So that's what I would be looking at for tonight.  
23 What would you like me to say -- what would the City Council  
24 like me to say about the site? What would you like to tell  
25 the state on June 6th about the site? What would you like

1 to tell the state?

2 And if the Law Department comes in, they have to  
3 have no stenographer here.

4 PRESIDENT LeBLANC: Councilor Brasco?

5 COUNCILLOR BRASCO: Thank you Madam President and  
6 thank you Madam Mayor.

7 Do you have to give them a definitive site on  
8 Wednesday or what site -- are the three options that you  
9 gave us the only sites in which that we can give you the  
10 direction and to proceed?

11 MAYOR McCARTHY: At a prior meeting we discussed  
12 that and the Superintendent responded to the state and we  
13 discussed three sites and those sites, where one was  
14 deliberately not revealed at the request of the owner. So  
15 they know about three sites, Parcel 1, Parcel 2 and Parcel  
16 3.

17 Now, with regard to regard to Site No. 1, the  
18 current Waltham High School site, Site No. 2, the  
19 Stigmatines, Site No. 3, an unnamed site. That's what the  
20 state knows. With expanded acreages.

21 COUNCILLOR FOWLER: What's the third unnamed site?

22 MAYOR McCARTHY: And unnamed site. I'm not able  
23 to name that site.

24 So Site No. 1, the current Waltham High School  
25 site with expanded acreage, Site No. 2 is the Stigmatines,

1 Site No. 3 is the unnamed site.

2 Known to you people, but unnamed publicly. At  
3 some point it will be made public.

4 COUNCILLOR ROMARD: Are we required to give them a  
5 singular site or are we able to tell them that we've  
6 narrowed it down to two sites?

7 MAYOR McCARTHY: So what they have asked, excuse  
8 me one minute councilor.

9 "Please provide a more detailed status of the  
10 City's efforts to determine potential sites for the Waltham  
11 High School project. The time line for completing this  
12 effort and how this affects the City's schedule to complete  
13 the feasibility study and schematic design.

14 In particular, provide the steps and reasonable  
15 time line needed to engage in discussions regarding the  
16 Stigmatine site, conclude on an agreement, secure full use  
17 and ownership and conduct the site investigations and  
18 testing needed as part of the feasibility study/schematic  
19 design phases. Please include the City's next steps if  
20 discussions on the Stigmatine site are not successful.

21 No. 2: Provide a reasonable time line associated  
22 with the steps identified in Item 1. Please review the  
23 City's proposed schedule to complete the feasibility study  
24 and schematic design, including PSR and PS&B Board meeting  
25 approval dates as provided in the May 10th letter and

1 provide a schedule that allows sufficient time to complete  
2 the site review and acquisition and to complete a thorough  
3 and robust feasibility study and schematic design.

4           No. 3: Please provide the status of the City's  
5 existing budget, how much has been expended, if additional  
6 appropriation will be required. If so, how much will be  
7 needed? If and additional appropriation is required, please  
8 provide the City's schedule to request the appropriation,  
9 ensure that the vote language is prepared and provide to the  
10 MSBA for review and approval ahead of time.

11           No. 4: Please provide the status of the City's  
12 contracts with its consultants, how much has been expended  
13 by the OPM and the designer and if additional amendments  
14 will be required for time and/or budget?

15           So for the record, we still have money left on the  
16 feasibility, they'll probably need some money for the OPM.

17           So they have asked us to determine -- The efforts  
18 to determine potential sites for the Waltham High School.

19           So that's the reason why the Superintendent listed  
20 three sites.

21           COUNCILLOR ROMARD: Thank you.

22           PRESIDENT LeBLANC: Mayor, can I ask, and maybe  
23 it's out of order -- but when we had the joint meeting, the  
24 last joint meeting, you sort of wrapped up that meeting and  
25 you indicated that you would be coming forward on the



1 Stigmatines again, as you have. But my recollection is that  
2 you also indicated that you would be coming forward with  
3 another proposal for the current site and also utilizing --  
4 again, my recollection is, approximately 13 acres up in that  
5 area. But that's not one of the three options?

6           MAYOR McCARTHY: Okay. So what -- is the question  
7 finished?

8           PRESIDENT LeBLANC: Yes.

9           MAYOR McCARTHY: So that was determined to be  
10 Article 97 land and that would require me to go to the  
11 Department of Interior in a special act. Additionally, you  
12 all received the communications about the environmental  
13 lawsuits that I have indicated for that. I felt that was a  
14 reasonable proposal. However, it's Article 97 land and in  
15 order to do that, not only would I have to have the  
16 Department of Interior, the state, the Governor, all of the  
17 Senate and House of Representatives, I would also be  
18 required to replicate that land. And at this time, I do not  
19 a replication other than the parcel the parcel that I put  
20 before you, which was Parcel No. 1.

21           Now, at this point, at the last meeting as you're  
22 aware, I said we will be discussing three. Is there any  
23 other parcel that anybody wanted to discuss? Councilor  
24 Logan said he felt that Fernald should still be considered  
25 at that time, but there was no other motion or anything else

1 to consider anything else.

2           So that's the reason why I went with the expanded  
3 high school site. The land that I have is not Article 97  
4 land, the state could not determine one way or the other.  
5 As I indicated, that doesn't mean that the neighbors and the  
6 environmental groups will not potentially sue. But the  
7 bottom line is, the other one is definitely, as determined  
8 by the state, to be Article 97 land.

9           Now, there was a flat portion, but no one else  
10 recommended that to me, so I went with the three sites that  
11 we have.

12           So I hope I answered your question.

13           PRESIDENT LeBLANC: You have.

14           MAYOR McCARTHY: And I believe that was the orange  
15 site.

16           PRESIDENT LeBLANC: Councilor Romard?

17           COUNCILLOR ROMARD: And I apologize Mayor, from  
18 the last meeting or that first meeting that we had, it was  
19 difficult to hear, so I didn't hear that. But in your mind  
20 or that question about any other potential sites or what we  
21 would like you to say to the Mass Building, I would love you  
22 to say that we are going to take the Council's  
23 recommendation to do a full study -- feasibility study of  
24 the entire Fernald site to determine the extent, let's say,  
25 of any hazardous waste, No. 1. And then, I don't know how

1 long it would be, but let's just say three or four months, I  
2 guess, and then to let them know. And based on that report,  
3 we as a council or as a city, will then begin to look at the  
4 possibility of clean-up.

5           MAYOR McCARTHY: Is that a motion Councilor?  
6 Because there was no motions in the previous Executive  
7 Sessions to that effect.

8           COUNCILLOR ROMARD: No, it was not. So I'm asking  
9 --

10           MAYOR McCARTHY: And I did say, anybody else want  
11 me to look at any other sites? I was very clear about that.

12           COUNCILLOR ROMARD: Yeah.

13           MAYOR McCARTHY: I believe I was.

14           COUNCILLOR ROMARD: And that's what I'm -- I'm  
15 sorry, so I apologize I didn't hear on that first one where  
16 we were talking softly. So that's in answer to your  
17 question right now.

18           So therefore, if it's a possible motion that  
19 you're looking for --

20           MAYOR McCARTHY: No. You can't speak in executive  
21 session without votes and they have to be written, recorded  
22 votes, respectfully councilor.

23           COUNCILLOR ROMARD: Okay. Then Madam President, I  
24 could make that motion?

25           PRESIDENT LeBLANC: Yes.

1 COUNCILLOR ROMARD: I would make that motion.

2 COUNCILLOR McMENIMEN: To make that motion, I have  
3 to recuse myself. Do I leave?

4 PRESIDENT LeBLANC: Yes.

5 Vice President Logan, do you want to speak on the  
6 motion?

7 VICE PRESIDENT LOGAN: I'll wait until the  
8 Councilor is safely out ear range.

9 COUNCILLOR McMENIMEN: Let me know when I can come  
10 back in please.

11 (Councillor McMenimen left the Council Chamber.)

12 CLERK VIZARD: Councillor, can you just repeat  
13 your motion?

14 COUNCILLOR ROMARD: I'm sorry?

15 CLERK VIZARD: Can you just repeat your motion?

16 COUNCILLOR ROMARD: Yes. That the Mayor follow  
17 the recommendation of the City Council and move forward with  
18 a full feasibility study of the entire Fernald site as  
19 recommended and provide the results of that study and the  
20 extent of any contamination and remediation if necessary.

21 MAYOR McCARTHY: With all due respect, I  
22 respectfully object to the council's recommendation, because  
23 I don't believe that was ever voted by this council. Other  
24 than that, I'm fine with the motion.

25 COUNCILLOR ROMARD: We can take that up, but I

1 thought that that would -- I thought the council made a  
2 resolution or a recommendation to have a study done, a  
3 feasibility study done --

4 VICE PRESIDENT LOGAN: Yeah, I think --

5 PRESIDENT LeBLANC: Councillor Logan.

6 VICE PRESIDENT LOGAN: Yeah, we had already passed  
7 a resolution, I assume that the Clerk's office would forward  
8 --

9 MAYOR McCARTHY: Resolutions are non-binding under  
10 the Council Rules, you know that.

11 VICE PRESIDENT LOGAN: They're not, but we took a  
12 resolution, asked a resolution request that a full  
13 environmental -- full and complete environmental assessment  
14 be done with the entire property.

15 MAYOR McCARTHY: Yes.

16 VICE PRESIDENT LOGAN: So I think that that at the  
17 very least states the position that the Council -- my  
18 allergies are killing me, so I apologize if I sound a little  
19 off --

20 I -- and I may be wrong, but always felt that  
21 maybe a little bit of the inability to get people to look at  
22 alternate sites had to do with the strong desire to have the  
23 Stigmatine site. The reality is, and I think this council  
24 made every effort that it could to engage in an effort to,  
25 you know, broker from the sale, including going up to the

1 maximum about that they had stated before.

2           You know, we had the resolution that we adopted to  
3 authorize and enter back into negotiations. That didn't  
4 work, based on the letter that we have tonight. And, you  
5 know, we haven't taken a roll call, certainly if somebody  
6 wants to make a motion, they can. Not only that, but there  
7 are nowhere near enough votes to take the Stigmatine by  
8 eminent domain.

9           MAYOR McCARTHY: I'm not here to discuss that  
10 Councillor, I'm here to -- what would you like me to tell  
11 the state on June 6th --

12           VICE PRESIDENT LOGAN: Right.

13           MAYOR McCARTHY: -- about your site selection for  
14 the high school.

15           VICE PRESIDENT LOGAN: Well, it isn't our site  
16 selection.

17           MAYOR McCARTHY: Respectfully, it is --

18           VICE PRESIDENT LOGAN: Okay.

19           MAYOR McCARTHY: -- because --

20           VICE PRESIDENT LOGAN: It's --

21           MAYOR McCARTHY: Because the Council has the  
22 authority with regard to city land and general inventory.  
23 The School Committee, the Mayor by him or herself does not  
24 have that authority. So respectfully, whether it be Parcel  
25 1 or this parcel or another parcel, say you were to acquire

1 XYZ parcel, they still have to be under Chapter 40. Only  
2 the Council and the Mayor can do that -- and respectfully, I  
3 just want to say that.

4 VICE PRESIDENT LOGAN: But if there are an options  
5 on the table besides Stigmatines --

6 MAYOR McCARTHY: Mm-hmm. And they're all on the  
7 table, respectfully. A lot more, I looked into every one  
8 that the Council asked me to, you know that.

9 VICE PRESIDENT LOGAN: Yeah. But the only thing  
10 that I think the Council has said is that we're not going to  
11 take Stigmatine by eminent domain. So if we're not going to  
12 take it by eminent domain and they're not willing to do it  
13 from a sale, it's off the table. But there's still a number  
14 of other options. Among those other options, it's not our  
15 role to choose. It's up -- because quite frankly, I think  
16 if you came to us tomorrow and said the School Building  
17 Committee, School Committee decided we're going for  
18 Stigmatine and we're going for Fernald or we're going for  
19 Coleman-Stanton or we're going for the veterans -- or any of  
20 the other things that are on the books, I think you'd have  
21 the backing of the Council. The only thing that is  
22 consistently met with a pretty solid no, including a number  
23 of votes two years ago by the council, is eminent domain of  
24 the Stigmatines.

25 So at this point, I would certainly support

1 Councillor Romard's motion to take another look at the  
2 Fernald and I think we should go in there and find out  
3 where, you know, we're saying, 'Oh well, that's off the  
4 table partly because of environmental.' We've never had a  
5 complete environmental assessment.

6 MAYOR McCARTHY: I have some environmental -- in  
7 the process, I've done environmental, Councillor.

8 VICE PRESIDENT LOGAN: We --

9 MAYOR McCARTHY: As a matter of fact, before I  
10 bought the property, I did a full Phase 1. You know that  
11 because you gave me the money for that. So I have  
12 environmental tests being done all the time.

13 VICE PRESIDENT LOGAN: Yeah, but Phase 1 is --

14 MAYOR McCARTHY: All the time.

15 VICE PRESIDENT LOGAN: Phase 1 is basically just  
16 --

17 MAYOR McCARTHY: No, these are actual testing from  
18 a licensed site professional.

19 VICE PRESIDENT LOGAN: These numbers don't include  
20 test borings or anything like that.

21 MAYOR McCARTHY: With all due respect Councillor,  
22 testing is being done, testing has been done by licensed  
23 site professionals. I just want to let you know that. And  
24 I'm happy to update you.

25 VICE PRESIDENT LOGAN: That's good to hear and



1 that would be good information to have in terms of, you  
2 know, A: is every inch of that property so contaminated that  
3 it could never be used by a school or is it not  
4 contaminated, parts of it? Or is it slightly contaminated  
5 and could never be used as a school. We don't know that.

6 Now people keep saying, "Oh it's contaminated, so  
7 you couldn't possibly put a school there." But the  
8 Veteran's Fields have asbestos and we let kids run around  
9 there, play, face down on the ground playing soccer. It had  
10 contamination on that site.

11 So the fact that a site had contamination doesn't  
12 really matter to the -- it can never -- kids can never go on  
13 it.

14 It can be cleaned up, but we have to know  
15 precisely what we're dealing with. So I mean, I would  
16 support going back to it. I think if we can address that  
17 issue, that that would make an absolutely great location for  
18 a high school.

19 And if the Stigmatines is off the table, then I  
20 think we've got to look at what is the next best option.  
21 And quite frankly, I've always thought that that was the  
22 next best option, so I'm going to support the Councillor.

23 MAYOR McCARTHY: Madam President, I'd like to  
24 respond after the Councillor is done talking.

25 PRESIDENT LeBLANC: Of course.

1           MAYOR McCARTHY: Thank you.

2           PRESIDENT LeBLANC: So on the motion, Councillor  
3 Fowler?

4           COUNCILLOR FOWLER: I did support the resolution  
5 about the complete environmental study, but not as part of  
6 the school proposal. I mean, there are many other reasons,  
7 in my opinion, why the Fernald got ruled out, not of which  
8 was the historical -- you know, we were told to find another  
9 place and then there was multiple other reasons with  
10 proximity. You have the bad location -- I mean, there was  
11 lots of other reasons besides environmental. I would like  
12 to see an environmental study, but I don't think having it  
13 now for the school makes any sense. I won't support it  
14 because there were many other reasons why Fernald came off  
15 the table as a prospective site. Thank you.

16           PRESIDENT LeBLANC: Thank you Councilor Fowler.  
17 Councillor LeBlanc?

18           COUNCILLOR LeBLANC: To the maker of the motion,  
19 I'm curious on a little bit of clarification on -- the  
20 Fernald is a 200 acre site and a full feasibility study,  
21 including a Phase 1 through whatever the requirement is for  
22 a school, could get up to Phase 8. It could be test borings  
23 every 25 feet and it could cost \$40,000,000.00.

24           It's a 200 acre site and 50 acres is only city  
25 owned and there's a question of swapping it and there's a

1 question of where it cannot be built, which is historic and  
2 where the school building could be built, it cannot be 500  
3 feet from any contamination. Do you have any sense of where  
4 you would like this done or the entire 200 acres, which  
5 could take a long time and at a substantial cost, which  
6 could be a waste of money. I'm just curious if you have any  
7 more info on that if you'd like to amend the motion at all.

8 COUNCILLOR ROMARD: Madam Chair, would you like me  
9 respond or?

10 PRESIDENT LeBLANC: Of course.

11 COUNCILLOR ROMARD: Of course we've all thought  
12 about that, we've all thought about that. But, you know, we  
13 continue to work on this speculation like, it's going to  
14 cost millions, it's going to take forever, it's going to be  
15 this. So I think we need to, first of all, go forward with  
16 that plan and know exactly. If it comes down that it's a  
17 \$50,000,000.00 deal, then we either break it up or we make  
18 decisions around that. But we can't continue to operate on  
19 speculation like, it's just too bad to put a school there.

20 So I think there's a lot to your point. There's a  
21 lot of questions we have to ask, there's a lot of work  
22 probably that the Mayor would need to do in terms of  
23 speaking to a true environmental company, a specialist  
24 around those questions. I don't have the answers right now

25 But by at least opening up the whole site to

1 study, it begins the process.

2 PRESIDENT LeBLANC: Councillor Mackin?

3 COUNCILLOR MACKIN: Thank you. Through you, to  
4 the Mayor, I have a number of questions on the Fernald site.

5 The first is, my recollection is the  
6 Superintendent stated that there's an accessibility problem  
7 with that site, getting children to and from it, especially  
8 those involved in after school activities. Since my ward is  
9 one of the furthest from that site, I'm especially concerned  
10 about it. Are you able to re-cap some of those points based  
11 on your memory?

12 MAYOR McCARTHY: It came up as part of the  
13 discussion on whether or not the site was on the Belmont  
14 line, too far, the additional bussing cost. The Council  
15 dismissed the bussing cost, they felt that was just money.  
16 The issue of the children being able to get there for the  
17 after school and back, you know, more than fifty percent of  
18 our high school is a minority from a standpoint. So I  
19 believe from a socio-economic standpoint, that's what he was  
20 talking about. Whether or not people have the means to get  
21 to and from there.

22 COUNCILLOR MACKIN: Thank you. My second question  
23 is, if the current motion carries, would you, procedurally  
24 speaking, go to the MSBA in two days with three sites, with  
25 four sites? Are you able to answer that question at this

1 time?

2           MAYOR McCARTHY: I'm not going with any other site  
3 except for Waltham High School. An expanded Waltham High  
4 School and I'll tell you why.

5           Two and a half years of this, back and forth,  
6 studying everything, go here. A complete Phase 1 and Phase  
7 2 were done at the lower 45 acres, okay? That means that  
8 they reviewed all the paperwork.

9           As you go into the Fernald parcel -- some  
10 councilors didn't even want to buy Fernald because of this  
11 -- as you go in the lower parcel, the smokestack and the  
12 incinerator, that is all contaminated. The paperwork that's  
13 filed indicates that you can't even have a picnic there,  
14 okay? Additionally, that's one of the accesses to the  
15 school. So the architects not only did a Phase 1, they did  
16 a full Phase 2 and I had to come back to this council for  
17 about \$20,000.00 to do testing after that. So there's no  
18 speculation at all involved here. The speculation is on the  
19 front side, which is the CPA side.

20           Now, we have done testing on that as well. Some  
21 of it is undergoing right now to determine if it can be put  
22 to any use. But the real issue comes down to this, the  
23 Massachusetts Historic wrote to the MSBA when we were  
24 considering this and MSBA brought us in, 'You know you have  
25 to have Mass Historic agree to this?' So with all due

1 respect, the city is required to utilize licensed site  
2 professionals who actually go out and do the testing, who  
3 actually know what the standards are.

4 I am not qualified to say anything about that.  
5 Licensed site professionals are being hired -- as a matter  
6 of fact, there's part of some of the money that's tabled  
7 over here to do the buildings in the front, that includes  
8 all of the asbestos removal and all of those things, that's  
9 tabled.

10 So the cottages, which are in the front part, one  
11 of them is ready to go to be ready to go to be bid in --  
12 actually, already been bid, excuse me -- and actually have  
13 construction of the exterior. That's tabled here.

14 All of the environmental were part of that package  
15 I provided to the Council from, you know, what they're  
16 actually what they're going to do, the specifications and  
17 everything. And as each section gets finished, it will be  
18 tested. come of them have been tested, some of them have  
19 retesting that was required, some of them don't.

20 So based upon that, the issue of, let's do an  
21 environmental study, I don't know where the \$100,000,000  
22 came from, it wasn't from me. But before the Fernald was  
23 even bought -- and this is, with due respect to the Council  
24 and everybody else, I had somebody go in and try to  
25 estimate, you know, based upon the stuff that they could

1 find in the records, what did they think the cost of the  
2 environmental -- this is before we even bought. And the  
3 state was, it was an all or nothing deal, the 190 acres, no.

4 So that was never meant to do it right away. Now,  
5 if you want to have it for a school, you have to get over  
6 Mass Historic. The second thing would be the environmental.  
7 Because Mass Historic's covenant covers the front part of  
8 the site and the bottom part of the site and they have  
9 already indicated, get another site.

10 Now, the Superintendent, I personally talked to  
11 them, we hired somebody to look at the West Building. So  
12 the School Committee, and I'm talking about the School  
13 Committee and School Building Committee hired somebody to  
14 look at the West Building. So the issue of jurisdiction,  
15 that memorandum of agreement is signed between the City of  
16 Waltham, duly authorized, the Mayor had had the approval of  
17 the council, DCAMM, Mass Historic and the local historic.

18 So this is -- and I'm not saying we can waste  
19 another two and half hears, I can guarantee you there won't  
20 be any high school too soon. So I don't have any problem  
21 doing environmental testing because I'm not going to let any  
22 kids on it and I was very familiar with the Veteran's  
23 Fields. In the case of the Veteran's Fields, when they took  
24 down the buildings, they left it in a big pile, we ended up  
25 having the, you know, the feds paid for some of that. But

1 the point is, they had to be retested and retested

2           So I'm not so much worried about the environmental  
3 testing because I can do that, that's under my control,  
4 meaning City of Waltham and the City Council giving me the  
5 money, I'm not worried about that. What I'm worried about  
6 is the jurisdictional issues regarding the property. If any  
7 Councillor believes that Mass Historic is just going to  
8 blink -- 14 Church street, I had to go for, I had to go for  
9 the cottages, you know what I mean? So anything that's on  
10 the Register, they have a right to comment anyway. But this  
11 one actually an MOU associated with the sale.

12           So that will take longer obtain. I could get all  
13 the testing done and you'll still be waiting for Mass  
14 Historic. I have not been able to, you know, we requested  
15 meetings, they invoked the regulations, 'We don't have to  
16 meet with you.' No, we just want -- we want to talk to you  
17 to see what will you allow and what won't you allow?

18           So we have tried the informal route and we tried  
19 the official route, and we're still getting -- the last  
20 letter that we got, look at another site. So -- because the  
21 last letter basically said, it will be a violation of the  
22 MOU if you go forward with the school.

23           Now, I understand that people want the front part  
24 of Fernald because they consider that the 'good side.'  
25 Well, the 'good side,' you still have the buildings to deal



1 with.

2           And no matter what, even if -- the 20 buildings  
3 are almost down now, so if you look at -- it's about 104  
4 acres in the front -- about 104 acres, so there are the  
5 three historic cottages on Trapelo Road, there were the 20  
6 buildings which were the other cottages, so all that is left  
7 is the green building, the Schiver Building, which I  
8 understand the developer is trying to stop that coming down  
9 and also, the Kelly Building. So based upon that, the only  
10 thing that would be left to the 104 acres, is the main  
11 driveway.

12           So I'm just being honest. If the site is going to  
13 be, I'm going with the expanded Waltham High School site.  
14 And the reason for that is, it's in the control. I do not  
15 think it's fair to go out and all this, you know, we were  
16 all here and I said, "Anybody else want me to look at  
17 anything?" The only one that spoke up at that time was  
18 Councillor Logan. And with all due respect to the  
19 Councillor, it is not a personal shot, he didn't want to buy  
20 Fernald. So now that he wants to do the high school, that's  
21 good, I'm willing to do that. But time is not going to be  
22 on our side, because the state now has said -- you have to  
23 speak with one voice, the only voice I can speak of right  
24 here now, is the current site.

25           Now, you all know what my preference is, you've

1 known it for a long time. I believe we do what's right for  
2 the overall city. Fernald, you have plenty of time to deal  
3 with Fernald, you really do if it's not for a school. You  
4 have plenty of time to deal with the other site, unnamed  
5 site if it's not going to be for a school. But you don't  
6 have a lot of time to deal with an expanded -- you know what  
7 I mean? So you're kind of limited in the site.

8           But I'm not going to sit here and I said if you  
9 were to press me -- and I'm being straight up -- my No. 1  
10 site, you know what it is, My No. 2 site will have to be the  
11 high school. I cannot in good conscience recommend, because  
12 I know for a fact, that I came in here and got money to do  
13 the Phase 2 testing -- more testing. So after the Phase 2  
14 came out, I had to come into the Council, get money to do  
15 more subsurface testing. And I also know that whole lower  
16 part, as you come in from Waverly Oaks, is/has been for some  
17 time, a contaminated site where you can't even have a  
18 picnic. So whether or not you're going to allow the kids in  
19 there and whether or not it's going to be clean enough, I  
20 don't know.

21           I have been proceeding in good faith with the  
22 Fernald. Up until recently, you know, the money for the  
23 cottage construction, which is part of the memorandum of  
24 agreement, the Cardinal Cottage is one of the oldest  
25 cottages there, the state historic had no problem signing

1 off on that because they knew that we were going to at least  
2 restore it to some type of re-use. But the 20 acres, we had  
3 underground storage tanks, Luke Stanton had to get involved  
4 with the underground storage tanks.

5           So because of a lot of things, it's irrelevant.  
6 So in other words, to say that we haven't done testing on  
7 the front parcel is not true. But the reality of it is,  
8 just like any site, I don't know what I'm going to find.  
9 Whether it be at the high school site, I know that site has  
10 asbestos, or be it the Parcel No. 2 site or Parcel No. 3  
11 site or Parcel No. 4 or all the other sites that I looked at  
12 at the request of the Council. So I'm just saying, it's an  
13 extension of time and my recommendation, I'll go right out  
14 and tell the School Committee, I'll say, 'This is what  
15 you've got. You have the Waltham High School site, that's  
16 it. And if the Council decides to give you any extra  
17 acreage, and I can't see that happening anytime soon,'  
18 because what's going to happen there, who knows? But the  
19 only thing they have is the current high school site and  
20 that's it.

21           So that's the reason why, you know, you weren't  
22 around all those -- that's the reason why the School  
23 Committee, the School Building Committee, the Mayor  
24 recommended the other site. So I hope I answered your  
25 question.

1           COUNCILLOR MACKIN: I appreciate your  
2 forthrightness and the thoroughness with which you answered  
3 the question. I am finished, thank you.

4           PRESIDENT LeBLANC: Councillor McLaughlin?

5           COUNCILLOR McLAUGHLIN: Thank you Madam President.

6           Madam Mayor, you've spoken a couple of times  
7 already, so Mass Historic hasn't changed their position all;  
8 correct?

9           MAYOR McCARTHY: I'm not aware of the  
10 Superintendent has called the -- the Superintendent has  
11 called Brona Simon, who is the Mass Historic, several times.  
12 We've written letters, the School Building Committee and  
13 School Committee, and the last -- the letters we got was,  
14 'choose another site.'

15           So I can't see them all of a sudden rolling over  
16 and say, 'Yup, we're going to let you tear down all the  
17 historic buildings or whatever ones you want,' on either  
18 side of the parcel, just to build the high school. Because  
19 they are the ones, Brona Simon CC'd Massachusetts School  
20 Building Authority.

21           You know that I mean?

22           COUNCILLOR McLAUGHLIN: The question is  
23 rhetorical, I know --

24           MAYOR McCARTHY: Yeah, that's right. So they were  
25 basically telling MSBA, we're not going to sign off. And

1 they had talked to MSBA too from what I understand.

2           So -- and I said this at the joint meeting, but I  
3 have a concern about the money and the fact that the longer  
4 this takes, the more expensive this project is going to  
5 become and if we suddenly shift gears and say, 'Well, we  
6 want to look at Fernald again.' That's going to be an issue  
7 for us where we most likely would have to re-apply.

8           MAYOR McCARTHY: We'll definitely not meet our  
9 feasibility study deadline of October.

10           COUNCILLOR McLAUGHLIN: Yeah, I'm not going to  
11 support the motion for these reasons and more, but I've also  
12 got to just say, the political reality here, just to state  
13 it out loud, if we come out of this meeting saying that  
14 we're going to go back and look at Fernald, the political  
15 fire that that is going to cause will make Cooper Street  
16 look like a campfire.

17           So that's all. Thank you Madam President.

18           PRESIDENT LeBLANC: Thank you Councillor  
19 McLaughlin

20           And just very briefly to share some information,  
21 -- or let me you Mayor, first. Have we received another  
22 letter from the Mass Historic Commission since the August  
23 letter from last year, is that the last letter we received?

24           MAYOR McCARTHY: I thought there was one in  
25 November.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

PRESIDENT LeBLANC: So I don't know that I have that one.

So the figure of a hundred million dollars that's been tossed around, I believe that may have stemmed from a conversation that I had with two members of the School Committee on the grounds of Waltham High School, in the teacher's cafeteria while we were there for a Waltham Youth and Community Coalition.

And it was after having received a letter from Mass Historic when it became apparent that the two members of the School Committee read it one way, that the door was completely closed, and I said, 'Well, I see that they still have issues.' They were clearly confused because they were referring to some old materials we had sent. But I didn't read the letter the same way, I read it a little bit differently. And then we began to talk about the environmental and I made the comment, something to the effect of, 'Look, if it's a million dollars, if it's a hundred million, we need to do a complete study to know what we're dealing with.'

Shortly after that, that hundred million made the paper and has been bandied around. Now maybe it didn't come from me, but I think that's where it came from.

The only other thing that I wanted to note is that

1 the Council, on the committee of the hold docket, still has  
2 the request, the unanimous request of the School Committee  
3 requesting the transfer of care, custody and control of 190  
4 acres of the Fernald property going back to July of last  
5 year.

6 Next Councillor, Councillor Vidal.

7 COUNCILLOR VIDAL: Thank you Madam President,  
8 thank you Mayor for being here and letting us know what the  
9 options are right now.

10 It's clear it seems that option 4 is definitely  
11 off the table. And you mentioned that you will go to the  
12 MSBA, you're saying or presenting the expanded high school  
13 site as the option that --

14 MAYOR McCARTHY: No, I don't have the authority to  
15 do that. I only have the current high school site.

16 COUNCILLOR VIDAL: What is what we have --

17 MAYOR McCARTHY: That's it. I don't have any  
18 authority other than that. None whatsoever.

19 PRESIDENT LeBLANC: And we really want to -- we  
20 need to limit this to the motion. Because once we get away  
21 from Fernald, Councillor McMenimen has a right to be back in  
22 the room.

23 COUNCILLOR VIDAL: So then I will probably wait  
24 until the motion --

25 PRESIDENT LeBLANC: Councillor Darcy?

1 COUNCILLOR DARCY: Through you to the Mayor.

2 Do you need authority from this Council to move  
3 forward with the current high school site?

4 MAYOR McCARTHY: No.

5 COUNCILLOR DARCY: You don't?

6 MAYOR McCARTHY: No. They don't -- that's already  
7 in their care, custody and control.

8 COUNCILLOR DARCY: Okay, interesting.

9 MAYOR McCARTHY: They don't need any authority for  
10 anything for expanded No. 1 --

11 COUNCILLOR DARCY: Yes.

12 MAYOR McCARTHY: -- or No. 2 or No. 3 or what you  
13 have now, I'll call as Parcel No. 4.

14 COUNCILLOR DARCY: So current site, no authority  
15 is needed by this board except for the expansion.

16 MAYOR McCARTHY: That's correct.

17 COUNCILLOR DARCY: I can't support the motion from  
18 the Councillor to my left, and I agree with the Ward 4  
19 councillor that it's going to extend a high school from a  
20 period of two to three years to potentially a period of 12  
21 years.

22 We look at the Met State disposition. That  
23 started -- Met State started in '92, we had acquired it in  
24 2005 I believe. Mayor, can you confirm that we acquired Met  
25 State in 2005?



1           MAYOR McCARTHY: I think it's about 2005.

2           COUNCILLOR DARCY: 2005. Redeveloped Avalon in  
3 2007, a parking lot in 2013, dog park in 2015. It's ten  
4 years approximately --

5           MAYOR McCARTHY: It was ten years before just to  
6 get the --

7           COUNCILLOR DARCY: Correct.

8           MAYOR McCARTHY: -- the Met State re-use plan  
9 going.

10          COUNCILLOR DARCY: Correct, it goes back to '96.  
11          So we're talking 1996 to two thousand -- the last  
12 development was the dog park in 2015, so that's 20 years.

13          The Fernald has issues with historical, the Mayor  
14 mentioned the Mass Historic Commission. The entire front  
15 lot of the Fernald is a landmark. So the entire site is on  
16 the National Historic Register, all the buildings that are  
17 contributing, the entire site is. And then in particular,  
18 the front lawn is a specific item that's listed out so that  
19 nothing can happen with the front lawn.

20          There are environmental issues. The lower 50  
21 acres, there were multiple oil spills. How do I know that?  
22 Because I was on the Conservation Commission, I was the  
23 Chair of the Conservation Commission and every year, every  
24 other year we were dealing with oil spills and the  
25 abatement/mitigation and they extend near where the furnace

1 is located, the power plant, on both sides of the power  
2 plant and going into meadow. And that's why there are  
3 limitations on what can and cannot be done there.

4 There's also the issues of the CPC. Two-thirds of  
5 the northern half are related to CPC funds -- CPA funds,  
6 excuse me, and they have restrictions.

7 So we have environmental, we have historic, we  
8 have CPC issues, we have issues that it's not a centrally  
9 located facility.

10 So why are we going down this route? Why are we  
11 wasting more time?

12 I just echo what the -- the Ward 4 Councillor  
13 summarized it perfectly. If we come out of this meeting or  
14 the next meeting without a plan, shame on us. Thank you.

15 PRESIDENT LeBLANC: First time around, Councillor  
16 Harris.

17 COUNCILLOR HARRIS: Thank you Madam President.

18 For you make your motion, I cannot support the  
19 motion for the Fernald. And the No. 1 reason for that goes  
20 to the heart of the prior communication that's been made  
21 here.

22 If accessibility to after school programs and  
23 getting to and from the high school is a barrier, then it's  
24 no longer an option. I do not support it.

25 PRESIDENT LeBLANC: Second time around, Councillor

1 LeBlanc.

2           You're good? Okay.

3           Second time around, Councillor Logan?

4           Second time around, Councillor Romard?

5           COUNCILLOR ROMARD: Just a couple of things in  
6 terms of that.

7           I think we need to keep in mind, in terms of the  
8 accessibility and those issues around Fernald, we're talking  
9 about 50 to 60 years that this building is going to be  
10 there.

11           We've already got cars that are driving  
12 themselves. I don't know what it's going to be like in 20,  
13 30 years, but there could be GPS so that we know exactly  
14 where to go to beat the traffic if that's what it is, I  
15 don't know. But keep that in mind, what we're planning for  
16 here, it's not just today.

17           In terms of the Mass Historic, certainly that's  
18 going to be a challenge and it could even be an obstacle,  
19 but if we as a community, much like we've garnered support  
20 for the Stigmatines, if we do that with the Mass Historic,  
21 we could get someplace. If we all band together and work  
22 towards it, I think it's doable.

23           The other thing is, maybe the design needs to  
24 change. Maybe the design needs to incorporate somehow,  
25 those buildings and therefore, the Mass Historic may see the

1 way or see the light with that and we can go forward.

2 Do you want to speak on that?

3 MAYOR McCARTHY: Yes. The original design  
4 Councillor that we put in for the Parcel 2, the lower 45?

5 COUNCILLOR ROMARD: Okay.

6 MAYOR McCARTHY: That -- the lower 45 --

7 COUNCILLOR ROMARD: Right.

8 MAYOR McCARTHY: -- which was Parcel 2, below.  
9 There were only eight buildings involved in that and we did  
10 indicate to them that we would re-use them and they found  
11 that to be in violation of the --

12 COUNCILLOR ROMARD: That was in violation?

13 MAYOR McCARTHY: Yes.

14 COUNCILLOR ROMARD: Okay.

15 MAYOR McCARTHY: So we didn't use -- we limited it  
16 to eight buildings at the time. And it was another design  
17 -- so they modified the design, I called it the steam shovel  
18 or whatever it was there.

19 COUNCILLOR ROMARD: The other piece, with the two  
20 pieces with the CPC lines, those can be re-drawn. We  
21 haven't approached that, we haven't looked at that, we  
22 haven't done --

23 MAYOR McCARTHY: Respectfully, the Law Department  
24 has information from the CPC committee that indicates that  
25 they can't be re-drawn.

1 COUNCILLOR ROMARD: Cannot do it?

2 MAYOR McCARTHY: Yes.

3 COUNCILLOR ROMARD: Okay.

4 MAYOR McCARTHY: So you'll have to ask law that.

5 COUNCILLOR ROMARD: And then the last piece, which  
6 I think is probably the most important part of this motion  
7 is the remediation.

8 We keep hearing that, you know, the testing was  
9 done and we found this, we found PCB's, we found this, but I  
10 don't know what that means.

11 Does that mean it can be cleaned up?

12 Does that mean it can't be cleaned up?

13 Does that mean it's okay to put a building there  
14 or it's not okay to put students there?

15 I don't know that I've seen those evaluations or  
16 we, thr Council have those evaluations. So I think it's  
17 important to get the study done, know what's there, but more  
18 importantly, know the extent of it, the seriousness of it  
19 and the potential -- as I mentioned, the remediation.

20 PRESIDENT LeBLANC: Mayor?

21 MAYOR McCARTHY: Madam President, those Phase 1  
22 and Phase 2 are all on the high school project website.  
23 Those have been on there for a few -- more than a few weeks.

24 They're there. In other words, the feasibility  
25 documents that the school did, including the Phase 1 and the

1 Phase 2 and the subsequent one.

2 COUNCILLOR ROMARD: But I don't think the Mayor  
3 has said anything about whether human -- first of all, the  
4 remediation process, could it be fixed on whether human  
5 people, you could build on it and have a school?

6 MAYOR McCARTHY: Okay.

7 COUNCILLOR ROMARD: I didn't see any of that.

8 MAYOR McCARTHY: The filings that were done by the  
9 state themselves, indicate, and more than one lawyer has  
10 looked at these, okay? Because you can go on the state  
11 website and you can look them up. You cannot have a picnic.  
12 So the area from Waverly Oaks Road and to the left that goes  
13 all the way up near the smoke incinerator stack, you can't  
14 even have a picnic there, it has to be fenced off.

15 Now, no one has -- so they have done that testing  
16 and DEP issued that ruling.

17 COUNCILLOR ROMARD: Yes. That -- near the  
18 incinerator.

19 MAYOR McCARTHY: That's correct. But that area is  
20 the area that they're proposing that would come into the  
21 school as opposed to Trapelo Road so that it would be more  
22 centrally located. So they did look at that.

23 I just want to let you know, there was a request.  
24 The request that I sent in here for extra money because they  
25 were outside the scope -- so for example, when they came up

1 with the test and they needed more money to do subsequent  
2 testing, I came in for money because that was not part of  
3 the school project. So the school committed wasn't going to  
4 pay for the stuff that they knew was contaminated, so I came  
5 in for that and I also communicated that, you know what  
6 happened.

7 I understand that it's a lot of information, I  
8 just want to let you know, I have provided you. The recent  
9 tests are the only thing that I'm waiting for to come back.  
10 So all of those are not yet completed on some of the Parcel  
11 1.

12 COUNCILLOR ROMARD: The other piece of the Fernald  
13 too if you think about it is, this could in fact be a phased  
14 approach. So today, we may not be able to have fields  
15 there, but five years from now, we may. So it doesn't have  
16 to be looked as a whole in terms of --

17 MAYOR McCARTHY: Respectfully -- respectfully,  
18 you'll be dealing with it, I won't be here. So I'm just  
19 saying that for the record.

20 PRESIDENT LeBLANC: Councillor LaCava?

21 COUNCILLOR LaCAVA: I'd like to move the question.

22 PRESIDENT LeBLANC: So Councillor --

23 COUNCILLOR ROMARD: I'm sorry, what was that?

24 PRESIDENT LeBLANC: So there's --

25 VICE PRESIDENT LOGAN: Is there anybody left to

1 comment?

2 PRESIDENT LeBLANC: So there wasn't, I was simply  
3 going to make --

4 VICE PRESIDENT LOGAN: So we're going to take a  
5 vote to move the question at this point.

6 PRESIDENT LeBLANC: Right, there was no debate  
7 left. But Councillor Romard, you don't want to --

8 COUNCILLOR FOWLER: I was going to say the same  
9 thing --

10 PRESIDENT LeBLANC: Hold on please.

11 Councillor, the Mayor has made it clear, she will  
12 not go forward to build the high school on Fernald. She has  
13 made that abundantly clear. You need eight votes,  
14 regardless of how many people are in the room for your  
15 motion to carry. Do you wish for your motion to be voted?

16 COUNCILLOR DARCY: Point of order.

17 PRESIDENT LeBLANC: Yes?

18 COUNCILLOR DARCY: There's a motion to move the  
19 question. I think you need to take the vote.

20 PRESIDENT LeBLANC: Take the vote.

21 CLERK VIZARD: Paul J. Brasco.

22 COUNCILLOR BRASCO: No.

23 CLERK VIZARD: George A --

24 COUNCILLOR DARCY: Point of order. Is this a roll  
25 call to move the question or is it a roll call to approve



1 his motion? You need to take a roll call to move the  
2 question.

3 PRESIDENT LeBLANC: Do you need a roll call to  
4 move the question?

5 COUNCILLOR LaCAVA: I will withdraw the motion.

6 PRESIDENT LeBLANC: He withdrew the motion, so  
7 it's a roll call on the motion.

8 CLERK VIZARD: Let me read the motion to make sure  
9 I have it Councillor.

10 "That the Mayor conduct a full feasibility study  
11 of the Fernald and conduct all environmental testing and  
12 provide a report to the Council."

13 COUNCILLOR ROMARD: That's right.

14 CLERK VIZARD: Paul J. Brasco.

15 COUNCILLOR BRASCO: No.

16 CLERK VIZARD: George A. Darcy, III

17 COUNCILLOR DARCY: No.

18 CLERK VIZARD: William H. Fowler.

19 COUNCILLOR FOWLER: No.

20 CLERK VIZARD: Cathyann Harris.

21 COUNCILLOR HARRIS: No.

22 CLERK VIZARD: Joseph P. LaCava.

23 COUNCILLOR LaCAVA: No.

24 CLERK VIZARD: Randall J. LeBlanc.

25 COUNCILLOR R. LEBLANC: No.

1 CLERK VIZARD: Robert G. Logan.  
2 COUNCILLOR LOGAN: Yes.  
3 CLERK VIZARD: Kristine A. Mackin.  
4 COUNCILLOR MACKIN: No.  
5 CLERK VIZARD: John J. McLaughlin.  
6 COUNCILLOR McLAUGHLIN: No.  
7 CLERK VIZARD: Kathleen McMenimen has abstained.  
8 Daniel P. Romard.  
9 COUNCILLOR ROMARD: Yes.  
10 CLERK VIZARD: Thomas M. Stanley.  
11 COUNCILLOR STANLEY: (Not present)  
12 CLERK VIZARD: Carlos A. Vidal.  
13 COUNCILLOR VIDAL: No.  
14 PRESIDENT LeBLANC: Chair votes no.  
15 COUNCILLOR DARCY: Point of order.  
16 PRESIDENT LeBLANC: Yes?  
17 COUNCILLOR DARCY: There's another person you  
18 didn't call who happens to be recused. Right? Did you call  
19 Councillor McMenimen?  
20 COUNCILLOR: Yes.  
21 PRESIDENT LeBLANC: He did.  
22 COUNCILLOR DARCY: Okay, very good.  
23 CLERK VIZARD: Ten voted against, two voted in  
24 favor, one Councillor was recused and one Councillor was  
25 absent

1           PRESIDENT LeBLANC: So we're going to get  
2 Councillor McMenimen.

3           (Councillor McMenimen re-enters the Council  
4 Chamber.)

5           PRESIDENT LeBLANC: Councillor LeBlanc.

6           COUNCILLOR LeBLANC: I received a phone call today  
7 from someone that's claimed they had information, and it was  
8 just hearsay and just a phone call that claims that the  
9 Stigmatines might have a large offer, much higher than the  
10 City's for development with a bunch of contingencies. It's  
11 just a phone call which made me think right now, I'm going  
12 to make a motion to request that the Mayor leave on the  
13 table Parcel 1, the Stigmatines for the MSBA, to put it  
14 forward, just being an optimist that something might change.

15           PRESIDENT LeBLANC: And your source?

16           COUNCILLOR LeBLANC: A Waltham resident that --  
17 that's irrelevant.

18           PRESIDENT LeBLANC: Councillor Logan on the  
19 motion.

20           VICE PRESIDENT LOGAN: I appreciate the input, but  
21 I don't think that we can make decisions based on hearsay  
22 and rumors and it might turn out to be true. And the fact  
23 of the matter is that if at any point between now and the  
24 time we commit ourselves to a site, we get any confirmation  
25 of anything changing out there, the Mayor can always come

1 right back, even if she has to call a special meeting of the  
2 council.

3 But let me just ask, to the Mayor, because I don't  
4 want to preclude anything that might be helpful. I think  
5 the fact of the matter is if a motion were made to go for  
6 the Stigmatine site by eminent domain, it would fail and  
7 that would be the end of it.

8 But --

9 MAYOR McCARTHY: Why don't you do that Councilor  
10 because then we can move on.

11 VICE PRESIDENT LOGAN: Well, I don't --

12 MAYOR McCARTHY: Why don't you do that? Why don't  
13 you do it?

14 VICE PRESIDENT LOGAN: Because I'm not going to  
15 make a motion in favor of something I oppose.

16 MAYOR McCARTHY: I understand that, but with all  
17 due respect, someone has to make some decision on the three  
18 sites that we agreed on in the last two Council meetings.

19 I'm going to go forward, I told you what I'll do,  
20 because I do not have the power. We have a bond  
21 appropriation. So I'm going to go in to cancel that bond  
22 appropriation, I'm not going to have it on the City books.  
23 So I'm just saying, I don't have any problem with moving on  
24 and I believe that moving on means that we're moving on in  
25 the wrong direction.

1           So no matter what, I think, with all due respect  
2 to Councillor LeBlanc, I've heard all kinds of rumors. I  
3 heard the rumor, someone left a message on my phone just  
4 last Saturday saying that a source from Sacred Heart went  
5 up to the Stigmatines and Rome has agreed to the sale. I  
6 have no proof of this, I don't have proof of this.

7           So it's innuendo, it's rumor, but I don't act on  
8 innuendo and rumor because I know this, regardless of that  
9 anyone might say, we have a decision to make about a site  
10 and as of right now, there's only three sites available.  
11 Those three sites are the only ones that should be voted up  
12 or down.

13           VICE PRESIDENT LOGAN: Okay --

14           MAYOR McCARTHY: So that we can move on.

15           VICE PRESIDENT LOGAN: So -- Obviously, I'm not  
16 going to make a motion for the Stigmatines, it's --

17           MAYOR McCARTHY: Respectfully Councillor, you can  
18 make a motion for something.

19           COUNCILLOR McMENIMEN: There's a motion on the  
20 floor.

21           PRESIDENT LeBLANC: No, there isn't.

22           VICE PRESIDENT LOGAN: No, there isn't.

23           COUNCILLOR McMENIMEN: He made a motion.

24           VICE PRESIDENT LOGAN: I made a motion, okay.

25           COUNCILLOR McMENIMEN: There's a motion on the

1 floor.

2 VICE PRESIDENT LOGAN: Okay. So on the motion, I  
3 think you're right that we need to move on and I think that  
4 you're right when you said that we have to be united. So I  
5 think the only way that we can be united is something that  
6 even if you don't -- that's not your first choice, you've  
7 said --

8 MAYOR McCARTHY: I've already said that  
9 Councillor, I'm a realist, I'm a realist. I fought for two  
10 and a half years against the war. I'm a realist.

11 VICE PRESIDENT LOGAN: And I respect that.

12 MAYOR McCARTHY: That's right. And I believe in  
13 children.

14 VICE PRESIDENT LOGAN: I think we believe in  
15 children too, alright?

16 MAYOR McCARTHY: Respectfully.

17 VICE PRESIDENT LOGAN: And I think that, you know,  
18 both sides have to respect each other's position --

19 MAYOR McCARTHY: I do.

20 VICE PRESIDENT LOGAN: I think lots of people are  
21 taking a position on a principle that you might not like,  
22 but it's a position on principle.

23 But I appreciate that you're a realist too and I  
24 think that's what we need to do. So I don't think that the  
25 motion that's been made does anything to move us to a

1 consensus on a site. So I won't support it, but I just want  
2 to state for the record, because we do have a stenographer  
3 here, that if any time between now and whenever it's too  
4 late, something has changed and you want to come back in for  
5 a friendly sale from the Stigmatine for any amount that you  
6 deem reasonable, I will support it.

7           So I think at this point, we do need to move on  
8 from the Stigmatine question and the Mayor has said there's  
9 only one site that she can support. So I think the decision  
10 has been made --

11           MAYOR McCARTHY: No, no, no. I didn't say that.  
12 Point of personal privilege.

13           PRESIDENT LeBLANC: Mayor.

14           PRESIDENT LeBLANC: I have said all along what my  
15 preferred site is, the Stigmatines. And that's also the  
16 School Building Committee, the School Committee, the  
17 Superintendent. That has been there for a lot of reasons,  
18 I'm not going to go back into that. But what I said is, if  
19 that's not available, there are issues that have to be  
20 addressed independent of the stenographer, on another parcel  
21 that -- but I'm not going to go there.

22           So maybe you should ask the stenographer to leave  
23 so the Law Department can come in and update you on Parcel  
24 3.

25           VICE PRESIDENT LOGAN: Okay.

1           MAYOR McCARTHY: Before we go down this road.

2           COUNCILLOR DARCY: Point of --

3           PRESIDENT LeBLANC: Councillor Darcy, what is your

4 --

5           COUNCILLOR DARCY: -- parliamentary procedure.

6 How many votes does the motion need for the --

7           PRESIDENT LeBLANC: And the motion --

8           COUNCILLOR DARCY: Wait a minute, I'm not done

9 with my sentence.

10          PRESIDENT LeBLANC: Yup, okay.

11          COUNCILLOR DARCY: How many votes does the motion

12 that was made by gentleman that lives on Linden Circle need

13 to move forward?

14          PRESIDENT LeBLANC: So I'm going to ask him to

15 restate his motion again.

16          COUNCILLOR DARCY: It --

17          PRESIDENT LeBLANC: Well, you're not proposing an

18 eminent domain taking, you're proposing to keep the property

19 alive or on the table; correct?

20          COUNCILLOR LeBLANC: Yeah, my motion --

21          PRESIDENT LeBLANC: In which case it would be

22 eight.

23          COUNCILLOR DARCY: Eight votes, thank you.

24          PRESIDENT LeBLANC: Yes, Councillor Mackin.

25          COUNCILLOR MACKIN: On the motion, through you --



1           PRESIDENT LeBLANC: But there's other people on  
2 the motion before you Councillor.

3           Councillor Fowler.

4           COUNCILLOR FOWLER: I actually would like to be  
5 the first speaker after his motion is addressed.

6           PRESIDENT LeBLANC: Okay. Councillor Vidal.

7           COUNCILLOR VIDAL: Can I be the second speaker  
8 after this thing is --

9           PRESIDENT LeBLANC: So you're not on the motion?  
10 So then on the motion, Councillor Mackin.

11          VICE PRESIDENT LOGAN: Point of order.

12          PRESIDENT LeBLANC: Yes.

13          VICE PRESIDENT LOGAN: So I don't know, once this  
14 vote is taken on this motion, the floor reverts to the  
15 previous speaker --

16          PRESIDENT LeBLANC: Right.

17          VICE PRESIDENT LOGAN: If he has nothing else to  
18 say, I had raised my hand --

19          PRESIDENT LeBLANC: Correct.

20          VICE PRESIDENT LOGAN: -- on the remaining issue,  
21 so I would be the next speaker.

22          PRESIDENT LeBLANC: You're next, then you're next.

23          COUNCILLOR FOWLER: You know, I had my hand up all  
24 night and every time someone else gets called first, so I  
25 don't know how to manage to change the dynamics of this

1 meeting.

2 PRESIDENT LeBLANC: Councillor Mackin on the  
3 motion.

4 COUNCILLOR MACKIN: There is a motion on the  
5 floor, correct? And I am allowed to speak on it?

6 PRESIDENT LeBLANC: Yes.

7 COUNCILLOR MACKIN: Through you, to the Mayor, and  
8 I don't mean to be redundant with my questioning and go back  
9 to the parcels and the time line, but since the motion is to  
10 leave the Stigmatines on the table until the latest possible  
11 date, respectfully to the Mayor, what is the latest possible  
12 date? What's the time line.

13 MAYOR McCARTHY: We have indicated with Parcel 1  
14 and Parcel 2, it would be up to six months. With Parcel 3,  
15 it would be up to one year. That's once the site issues.

16 And I respectfully request -- I'm not sure if  
17 eight votes is necessary with real estate. Because in  
18 essence, you're keeping it on -- I don't know what you're  
19 keeping on. So that has to be defined. If it's studying  
20 it, I agree it's eight votes. But if it's trying to get it,  
21 real estate, it needs ten.

22 COUNCILLOR MACKIN: Thank you.

23 PRESIDENT LeBLANC: And Mayor, I mean that was the  
24 question I asked. He's not trying to get --

25 MAYOR McCARTHY: Well then I don't -- eight votes

1 is useless honestly.

2 COUNCILLOR MACKIN: Thank you, I'm finished.

3 PRESIDENT LeBLANC: Councillor Brasco.

4 COUNCILLOR BRASCO: Thank you Madam President.

5 Through you, to the Mayor. Are you willing to go into this  
6 meeting on the 6th and continue to say that the current  
7 location is what you're working with, but you are willing to  
8 keep the Stigmatine property on the table? would you go  
9 into that meeting on the 6th with that motion in mind, with  
10 what the Councillor from Linden Circle just made?

11 MAYOR McCARTHY: What I'm going -- No, I couldn't  
12 do that.

13 COUNCILLOR BRASCO: So you would not?

14 MAYOR McCARTHY: I couldn't do it with that motion  
15 because that -- with all due respect, I understand the  
16 intent of it -- but it has no teeth.

17 So the state is asking to speak with one voice  
18 about the site and they require by their rules, that you  
19 actually have control of the site. So it wouldn't meet the  
20 regulations of the Massachusetts School Building Authority.

21 COUNCILLOR BRASCO: Thank you Madam Mayor.

22 PRESIDENT LeBLANC: Councillor LeBlanc, so that's  
23 it on the motion?

24 COUNCILLOR LeBLANC: Yes. Can you read the  
25 motion?

1           CLERK VIZARD: Motion that the Mayor leave the  
2 Stigmatine site on the table as an option for the SBA.

3           COUNCILLOR LeBLANC: Thank you.

4           PRESIDENT LeBLANC: Councillor McLaughlin.

5           COUNCILLOR McLAUGHLIN: Clarification. Mayor, do  
6 we even need to take this vote? I mean, is it coming off  
7 the table?

8           MAYOR McCARTHY: Until the bond for \$18,000,000.00  
9 is extinguished -- now I can imagine if I put in to  
10 extinguish the bond for \$18,000,000.00, I don't know what  
11 the council would do, okay? But I don't believe we should  
12 have that encumbrance there if we're not going to buy the  
13 Stigmatines. And quite frankly, there's two hurdles here  
14 that the MSBA will look for. Not only do you have to have  
15 control of the site, meaning City, the School Department has  
16 to have it.

17           So that would require one: acquiring the property  
18 by whatever means you want. And two: The Council voting to  
19 transfer the care, custody and control of it to the School  
20 Department. So those are two hurdles.

21           Based upon hurdle No. 1, you don't jump to hurdle  
22 No. 2 because it's a non-starter. You don't get to go there  
23 because you don't own it. So my respect for the Council is  
24 this, unless you have both ownership and transfer it to the  
25 School Department, the state doesn't really care about all

1 of this. They only want a decision on what is the site for  
2 the high school to determine whether or not we are going to  
3 be in or out of the feasibility study. Whether we have to  
4 request an extension beyond October, and that's what they  
5 re asking us to give us, you know, they specifically know  
6 that the recent issues about the Stigmatines, but they also  
7 -- they follow everything, they follow every newspaper  
8 article, they follow everything. So they know that we're  
9 having trouble with the site and they have been very -- I  
10 would say, understanding of that trying to give us enough  
11 time.

12 I at one point, not this meeting, about two months  
13 ago, said to them, "When are you going to pull the plug and  
14 tell us you have to make a decision." So they said, "Well  
15 give you a little more time."

16 So we're on the second -- I don't believe it's in  
17 the City's best interest to request another extension of the  
18 feasibility study. And the reason for that is, there is a  
19 lot of communities out there that would like to have 50%  
20 funding of their high school and there's a pot of money that  
21 they allocate so much a year and if you're not ready, you go  
22 down and you have to reapply.

23 So we're not there yet, but I don't wish to be  
24 there yet either.

25 COUNCILLOR McLAUGHLIN: I wasn't thinking that in

1 terms of you taking \$18,000,000.00 and not having it  
2 encumbered anymore.

3 MAYOR McCARTHY: Why encumber it --

4 COUNCILLOR McLAUGHLIN: No, no, no. I'm with you  
5 a hundred percent. What I'm saying is -- that's  
6 interesting.

7 Hypothetically, if it's -- I think the Stigmatines  
8 look at us and say they're in twelve different directions,  
9 they're not together, we're in a good position. If  
10 tomorrow, the Stigmatines got word that we had given you the  
11 authority to move ahead with eminent domain, do you think  
12 that tune would change?

13 MAYOR McCARTHY: I can't speak to what it would  
14 do. It did the first time, the first time I put the eminent  
15 domain in because they refused to meet.

16 Now they deny all this, they deny it. But I'm  
17 just saying, I think too much has gone under and over the  
18 bridge, of swill.

19 COUNCILLOR McLAUGHLIN: So, a year ago May, we  
20 voted on eminent domain, Councillor Darcy, Councillor Fowler  
21 and myself were in favor of that. I haven't talked to  
22 people about this, but having gone through the election, I  
23 had a sense that that number has changed and agree with  
24 Councilor Logan, and I don't think it's at ten, but I think  
25 it's a lot closer to ten now.

1           That's all I have, thank you.

2           PRESIDENT LeBLANC: So on the motion?

3           COUNCILLOR LeBLANC: On the motion. Yeah, my fear  
4 is, I don't want to change it and send mixed motions that  
5 it's not the preferred site by the School Building  
6 Committee, so I'd like to see the motion go to vote.

7           CLERK VIZARD: Call the roll?

8           PRESIDENT LeBLANC: Please.

9           CLERK VIZARD: Paul J. Brasco.

10          COUNCILLOR BRASCO: Yes.

11          CLERK VIZARD: George A. Darcy, III

12          COUNCILLOR DARCY: Yes.

13          CLERK VIZARD: William H. Fowler.

14          COUNCILLOR FOWLER: Yes.

15          CLERK VIZARD: Cathyann Harris.

16          COUNCILLOR HARRIS: Yes.

17          CLERK VIZARD: Joseph P. LaCava.

18          COUNCILLOR LaCAVA: Yes.

19          CLERK VIZARD: Randall J. LeBlanc.

20          COUNCILLOR R. LEBLANC: Yes.

21          CLERK VIZARD: Robert G. Logan.

22          COUNCILLOR LOGAN: No.

23          CLERK VIZARD: Kristine A. Mackin.

24          COUNCILLOR MACKIN: Yes.

25          CLERK VIZARD: John J. McLaughlin.

1 COUNCILLOR McLAUGHLIN: Yes.

2 CLERK VIZARD: Kathleen B. McMenimen

3 COUNCILLOR McMENIMEN: Yes.

4 CLERK VIZARD: Daniel P. Romard.

5 COUNCILLOR ROMARD: No.

6 CLERK VIZARD: Thomas M. Stanley.

7 COUNCILLOR STANLEY: (Not present)

8 CLERK VIZARD: Carlos A. Vidal.

9 COUNCILLOR VIDAL: No.

10 PRESIDENT LeBLANC: Chair votes no.

11 CLERK VIZARD: Nine in favor.

12 PRESIDENT LeBLANC: So that motion carries.

13 CLERK VIZARD: Four opposed, one absent.

14 COUNCILLOR DARCY: Point.

15 PRESIDENT LeBLANC: Yes?

16 COUNCILLOR DARCY: The minutes that record this

17 meeting will not be released until a future date, is that

18 correct?

19 PRESIDENT LeBLANC: Correct.

20 COUNCILLOR DARCY: And we would have to vote on

21 the release of the minutes?

22 PRESIDENT LeBLANC: So I don't -- do we need to

23 take this vote in open session?

24 VICE PRESIDENT LOGAN: No.

25 PRESIDENT LeBLANC: No.



1 COUNCILLOR DARCY: I have a question. We vote  
2 upon the release of the minutes at a future date?

3 PRESIDENT LeBLANC: Absolutely, yes.

4 COUNCILLOR DARCY: Thank you.

5 PRESIDENT LeBLANC: So the lineup for Councilors  
6 is Councillor Fowler followed by Councillor Logan followed  
7 by Councillor Vidal.

8 Councillor Fowler.

9 COUNCILLOR FOWLER: I would like to take the  
10 matter of the other land up at the high school, how ever  
11 it's worded, off the table.

12 PRESIDENT LeBLANC: Councillor, we're here for the  
13 Mayor's matters, this is and Executive Session to deal with  
14 the Mayor's stuff.

15 COUNCILLOR FOWLER: Well, the Mayor has made it  
16 clear that her last option is the high school property.

17 MAYOR McCARTHY: Councillor, could you ask the Law  
18 Department to come in so you can hear Parcel 1, 2 and three?

19 If you have any questions of the lawyers, and I'd  
20 be happy -- I think it's important that you hear Parcel 1, 2  
21 and three first and then do what you want.

22 COUNCILLOR FOWLER: I don't think --

23 MAYOR McCARTHY: Because some people believe in  
24 Parcel 3.

25 COUNCILLOR FOWLER: -- from the Law Department

1 that any information that they may have on this property.

2 (Stenographer exits the Council Chamber and Law  
3 Department enters.)

4 (Stenographer re-enters the Council Chamber and  
5 Law Department exits.)

6 PRESIDENT LeBLANC: Councillor Vidal.

7 COUNCILLOR VIDAL: Mayor, you mentioned earlier  
8 that you need to go back to the MSBA with something and we  
9 can move on. Based on the conversations that we have had  
10 for the last hour, if not more, regarding Option No. 2, it  
11 is of the table at this point based on the last  
12 communications that we got from the parties representing  
13 Option No. 2, meaning the attorney that you got an email  
14 from.

15 Now, you need to go back to them with something,  
16 and that something from what you mentioned earlier, was  
17 Option No, 1; is that correct?

18 MAYOR McCARTHY: Option 1, No. 1, is already in  
19 the mix. So a reno -- a reno of Waltham High School and a  
20 new Waltham High School are the two options that are already  
21 in the mix.

22 COUNCILLOR VIDAL: Okay. Now if you were to make  
23 that option, a new Waltham High School using expanded land,  
24 which is part of Option No. 1, is that possible to bring to  
25 the table when you meet up with the folks from MSBA?

1           MAYOR McCARTHY:  If there's some indication of  
2 that, I will bring that there.

3           COUNCILLOR VIDAL:  If that were the case -- Madam  
4 President, I would like to make a motion for that to be the  
5 case for the City Council because we don't need to support  
6 her doing the high school at the current site, she doesn't  
7 need our support, she can do that because we have care and  
8 custody of that property.  But if we were to make Option No.  
9 1 as part of this, then she will need our support; is that  
10 correct Mayor?

11           MAYOR McCARTHY:  I'll need your support for  
12 something.

13           COUNCILLOR VIDAL:  So I would like to make a  
14 motion to use Option 1 as part of the new construction of  
15 the high school as the option that the Mayor will take over  
16 to the folks at the MSBA.  That is my motion.

17           PRESIDENT LeBLANC:  On the motion, roll call.

18           COUNCILLOR McMENIMEN:  Point of clarification.

19           PRESIDENT LeBLANC:  Yes?

20           COUNCILLOR McMENIMEN:  What is Option 1?  What is  
21 the option?

22           PRESIDENT LeBLANC:  It's a new high school on the  
23 existing site.  Are you saying --

24           COUNCILLOR VIDAL:  And also, on the expanded site,  
25 expanded --

1           PRESIDENT LeBLANC: To support the Mayor in  
2 expanding the existing current site going forward.

3           COUNCILLOR McMENIMEN: Point of clarification  
4 here. Aren't there two circumstances here? Either 13 acres  
5 or an additional parcel?

6           MAYOR McCARTHY: We did not identify the  
7 additional acreage.

8           COUNCILLOR McMENIMEN: Oh, okay.

9           PRESIDENT LeBLANC: That's right, it's the concept  
10 that if the Mayor needs additional space, to enhance the  
11 existing site, that this Council would support her in what  
12 she needed to do to obtain that.

13           On that motion.

14           CLERK VIZARD: Paul J. Brasco.

15           COUNCILLOR BRASCO: Yes.

16           CLERK VIZARD: George A. Darcy, III

17           COUNCILLOR DARCY: No.

18           CLERK VIZARD: William H. Fowler.

19           COUNCILLOR FOWLER: Yes.

20           CLERK VIZARD: Cathyann Harris.

21           COUNCILLOR HARRIS: Yes.

22           CLERK VIZARD: Joseph P. LaCava.

23           COUNCILLOR LaCAVA: No.

24           CLERK VIZARD: Randall J. LeBlanc.

25           COUNCILLOR R. LEBLANC: No.

1 CLERK VIZARD: Robert G. Logan.  
2 COUNCILLOR LOGAN: Yes.  
3 CLERK VIZARD: Kristine A. Mackin.  
4 COUNCILLOR MACKIN: Yes.  
5 CLERK VIZARD: John J. McLaughlin.  
6 COUNCILLOR McLAUGHLIN: Yes.  
7 CLERK VIZARD: Kathleen B. McMenimen  
8 COUNCILLOR McMENIMEN: No.  
9 CLERK VIZARD: Daniel P. Romard.  
10 COUNCILLOR ROMARD: No.  
11 CLERK VIZARD: Thomas M. Stanley.  
12 COUNCILLOR STANLEY: (Not present)  
13 CLERK VIZARD: Carlos A. Vidal.  
14 COUNCILLOR VIDAL: Yes.  
15 CLERK VIZARD: President wish to vote?  
16 PRESIDENT LeBLANC: Chair votes yes.  
17 CLERK VIZARD: Eight in favor --  
18 COUNCILLOR MACKIN: I would to move to reconsider.  
19 PRESIDENT LeBLANC: There's a move to reconsider  
20 by Councillor Mackin.  
21 COUNCILLOR McMENIMEN: Now you have to take a roll  
22 call on that.  
23 PRESIDENT LeBLANC: Absolutely.  
24 COUNCILLOR FOWLER: What was the vote --  
25 CLERK VIZARD: The vote was eight to five to one.

1 Eight in favor, five against, one is absent.

2 PRESIDENT LeBLANC: On the motion to reconsider.

3 CLERK VIZARD: Paul J. Brasco.

4 COUNCILLOR BRASCO: No.

5 CLERK VIZARD: George A. Darcy, III

6 COUNCILLOR DARCY: Yes.

7 CLERK VIZARD: William H. Fowler.

8 COUNCILLOR FOWLER: No.

9 CLERK VIZARD: Cathyann Harris.

10 COUNCILLOR HARRIS: No.

11 CLERK VIZARD: Joseph P. LaCava.

12 COUNCILLOR LaCAVA: Yes.

13 CLERK VIZARD: Randall J. LeBlanc.

14 COUNCILLOR R. LEBLANC: Yes.

15 CLERK VIZARD: Robert G. Logan.

16 COUNCILLOR LOGAN: No.

17 CLERK VIZARD: Kristine A. Mackin.

18 COUNCILLOR MACKIN: Yes.

19 CLERK VIZARD: John J. McLaughlin.

20 COUNCILLOR McLAUGHLIN: No.

21 CLERK VIZARD: Kathleen B. McMenimen

22 COUNCILLOR McMENIMEN: Yes.

23 CLERK VIZARD: Daniel P. Romard.

24 COUNCILLOR ROMARD: I'm sorry Madam President,

25 this is to reconsider?

1 PRESIDENT LeBLANC: To reconsider the vote.

2 COUNCILLOR ROMARD: No.

3 CLERK VIZARD: Thomas M. Stanley.

4 COUNCILLOR STANLEY: (Not present)

5 CLERK VIZARD: Carlos A. Vidal.

6 COUNCILLOR VIDAL: No.

7 CLERK VIZARD: President wish to vote?

8 PRESIDENT LeBLANC: President votes no. The  
9 motion to reconsider doesn't pass.

10 CLERK VIZARD: Five in favor, eight opposed, one  
11 absent.

12 COUNCILLOR DARCY: Point of parliamentary  
13 procedure.

14 PRESIDENT LeBLANC: Go ahead Councillor Darcy.

15 COUNCILLOR DARCY: How many votes do we need to  
16 transfer land to the School Department?

17 PRESIDENT LeBLANC: Ten.

18 COUNCILLOR DARCY: Enough said, thank you.

19 COUNCILLOR McLAUGHLIN: How many --

20 PRESIDENT LeBLANC: Eight, five and one absent.  
21 Councillor Romard.

22 COUNCILLOR ROMARD: Through you to the Mayor, so  
23 having said that Mayor, or having had the vote where the  
24 Council would not consider that land, even if you use that  
25 land for fields, so is there a possibility we still build

1 the school there and we keep our fields where they are?

2 MAYOR McCARTHY: It was to augment either fields  
3 or parking. It wasn't to build the high school there.

4 COUNCILLOR ROMARD: Right, the school was still  
5 going to stay at the top of the shill, so because --

6 MAYOR McCARTHY: If you recall, I said that there  
7 would be an appropriate buffer. So they need some widening  
8 of the driveway to get up. That's what the architect told  
9 me.

10 COUNCILLOR ROMARD: I guess I'm saying, the two  
11 could be mutually exclusive, right? We voted not to put  
12 fields there, but we still could vote to put the high school  
13 at the top of the hill and keep Leary Field where Leary  
14 Field has been.

15 MAYOR McCARTHY: With all due respect, this was to  
16 augment the site. So it does not pass because there's not  
17 enough votes.

18 COUNCILLOR ROMARD: Okay.

19 MAYOR McCARTHY: So based upon that, we're  
20 finished. Because there's no Stigmatines, there's no Option  
21 1 and there's no Option 3. So based upon this -- based upon  
22 what all the votes are, Option 1 is out, which is the  
23 Chesterbrook Road, you win on that matter. Option 2, which  
24 is -- let me make sure I get the options right -- bond  
25 counsel, which is UMass, that's out. And Option 3, the



1 Council does not wish to do that.

2 PRESIDENT LeBLANC: Mayor, why is Option 2 out,  
3 I'm sorry.

4 MAYOR McCARTHY: Because as you heard from the  
5 lawyers, it's going to not only take a side fray -- okay,  
6 the intent of Cornelia Warren is going to be litigated as to  
7 what she intended -- Oh, I'm sorry.

8 (Councillor Randall LeBlanc exits the Council  
9 Chamber.)

10 MAYOR McCARTHY: Option 2 is out. Bond counsel  
11 said, you need to get all of that end straightened out.  
12 Option 2 is actually the UMass station. The have indicated  
13 that to do just what you have once you get the site, takes a  
14 full year. Attorney Azadi indicated it's many years before  
15 you could even get the court to decide that. So you won't  
16 be building a high school too soon.

17 In addition, what I have indicated, that when it  
18 goes to the SJC to quiet the intend, what they're basically  
19 doing, the same thing that they did when they first went to  
20 court, to the SJC, it was to determine what was the intent  
21 of the will and the trustees were given that direction from  
22 them. Now, whether they're going to go back and say, oh, by  
23 the way these many years later, we're going to say that it  
24 shouldn't be for park purposes? So that's one.

25 You have to now show that she actually intended to

1 use it for education, not park purposes for the City of  
2 Waltham. When that goes, you'll have several, in my  
3 estimation -- you'll have several, what's called amicus  
4 briefs that will come in and file what's called a friend of  
5 the court brief. You'll have that from all of the groups  
6 that have an interest in the land to go as it is. So you  
7 need to speak to the lawyers, that's up to you, we could  
8 bring them back in. But the issue is, bond counsel says how  
9 long it's going to take.

10           You know, you have to get all those things  
11 straightened out before we're going to issue the money. So  
12 I don't see that as a -- it might be an option five years  
13 from now when you have to build another high school, because  
14 you probably will, long after I'm dead, but you'll be  
15 building another high school based upon the growth of the  
16 city. And I'm not being funny, I'm just being honest  
17 because of the amount of population that we're experiencing  
18 in the city.

19           And then the last one is gone based upon the vote,  
20 because it's nine. So that doesn't happen.

21           So as far as I'm concerned, I have a clear  
22 understanding of how the Council said one -- one person  
23 feels and that, you know, I know what that person indicated  
24 the priority was in a previous meeting of -- and I'm not  
25 going to get into that, so I kind of have an indication

1 there. But I have a clear indication of what to tell the  
2 state.

3 And what I'll say, respectfully to this Council  
4 is, with regard to the three parcels, the unnamed parcel,  
5 there is not sufficient votes to vote for that. Did anybody  
6 make that vote here for the unnamed parcel?

7 VICE PRESIDENT LOGAN: No.

8 MAYOR McCARTHY: You can do that if you want and  
9 you'll get an idea.

10 The unnamed parcel has hurdles, big hurdles. And  
11 then, the other two.

12 VICE PRESIDENT LOGAN: It's still separate from  
13 the school.

14 MAYOR McCARTHY: I am pursuing that, as I had  
15 indicated, with the memorandum.

16 I have sent that memorandum off and I have  
17 communicated with the owner directly on several occasions.  
18 So I will still pursue that. But as far as Parcel 1 and  
19 Parcel 3 -- so 3 is the one where the vote was taken in this  
20 chamber. Parcel 2 is the other one. And Parcel 1, I just  
21 got the vote now, right?

22 So I have a clear indication. Now --

23 PRESIDENT LeBLANC: I was going to ask, just  
24 procedurally, is it your desire that all of this, using your  
25 verbiage that was on the call for this meeting be tabled on

1 the Council floor when we go back into session?

2 MAYOR McCARTHY: There's no need to.

3 PRESIDENT LeBLANC: There's nothing to table.

4 MAYOR McCARTHY: There's no need to come back to  
5 you for one thing. The only thing I will say -- go ahead,  
6 I'm sorry.

7 PRESIDENT LeBLANC: Councillor Brasco.

8 COUNCILLOR BRASCO: Through you Madam President.  
9 At least with regards to, I believe the Councillor At Large  
10 from Linden Circle left when we took a vote earlier with  
11 regards to the opportunity to leave Stigmatines open.

12 MAYOR McCARTHY: But with all due respect, I said  
13 to the Councillor from Ward 4, first you have to acquire it,  
14 the council then has to vote to allow it for a school.

15 So there's two questions here that you want to say  
16 are unresolved. One, even if we were to acquire it, would  
17 this body allow it to be a school? That needs a second  
18 vote. And then the other one is, if for example --

19 COUNCILLOR BRASCO: Let me stop you there. Are  
20 you looking for a motion to say if it was feasible, if it  
21 was possible, in the future, would our allowing this  
22 property, a vote right now to say that we would be willing  
23 to use it as --- educational purposed and a high school, if  
24 we could put that forth right now at least to give you the  
25 ability to go?

1           MAYOR McCARTHY: It wouldn't have the same effect  
2 as if you owned it because they could say you were making a  
3 vote that wasn't legal.

4           In other words, you're expressing intent.

5           COUNCILLOR BRASCO: Exactly. So is it better to  
6 express that intent if we did acquire the property. Because  
7 without --

8           MAYOR McCARTHY: Let's put it this way --

9           COUNCILLOR BRASCO: You know how the vote went  
10 down earlier and that's -- you don't know that we don't have  
11 a full component of the City Council.

12          MAYOR McCARTHY: That's right.

13          COUNCILLOR BRASCO: So to come out of this meeting  
14 and go forth into the public at the MSBA meeting you're  
15 attending on June 6th, without a full component, it kind of  
16 leaves the felling that --

17          MAYOR McCARTHY: But I have one -- I wouldn't know  
18 what the answer to that question is --

19          COUNCILLOR BRASCO: And I'm not suggesting that --

20          MAYOR McCARTHY: But I know from previous --  
21 because made a statement and what preferences were. You  
22 know, a lot of people said a lot of things that night, but  
23 I'm just saying, I have a clear indication of preferences.

24          COUNCILLOR BRASCO: So if I did make a motion that  
25 if we were to, in the future, acquire the property located

1 on Lexington Street as option, I believe it's 3, that we  
2 would be willing to use that property for educational  
3 purposes. Would that be something you would take?

4 MAYOR McCARTHY: I could take it there, but I'm  
5 going to be honest with them, I can't get into specific  
6 votes, all I can say, that they were not sufficient votes --

7 COUNCILLOR BRASCO: So I'm going to make that --

8 MAYOR McCARTHY: -- to acquire it.

9 COUNCILLOR BRASCO: I'll make the motion. That if  
10 we have the ability to acquire it, the Stigmatine property  
11 located on Lexington Street -- what's it, 554 Lexington  
12 Street here in Waltham -- that we would be willing to use  
13 that for educational purposes.

14 MAYOR McCARTHY: Specifically, the high school.

15 COUNCILLOR BRASCO: Specifically, the Waltham High  
16 School. That would be my motion.

17 PRESIDENT LeBLANC: On the motion, Councillor  
18 Logan.

19 VICE PRESIDENT LOGAN: Through you Madam  
20 President, to the maker of the motion. When you say, 'if  
21 we're able to obtain it,' you mean by a friendly sale?

22 COUNCILLOR BRASCO: That's -- so be it, right now,  
23 yes.

24 VICE PRESIDENT LOGAN: I mean, because --

25 PRESIDENT LeBLANC: Is it or isn't it Councillor?

1 Through a friendly sale?

2

3 COUNCILLOR BRASCO: I don't know. I m going to --

4 MAYOR McCARTHY: The same as the lawyer. At this  
5 time, at this time --

6 COUNCILLOR BRASCO: I will state clearly for the  
7 record, I want to do that by a friendly taking and I want to  
8 work in a way that is beneficial to the citizens and the  
9 taxpayers. However ultimately this is decided, I can't  
10 state that right now for that motion that I just put forth.  
11 So if that doesn't provide clarity, I'm sorry. But at least  
12 --

13 PRESIDENT LeBLANC: Councillor Logan, you have the  
14 floor.

15 VICE PRESIDENT LOGAN: On the motion, I appreciate  
16 where the Councillor is trying to go, I don't want to sound  
17 like I'm taking the position that I only would support a  
18 friendly sale, because I'm the one that wrote the resolution  
19 that asked the Mayor to go back and negotiate. My only  
20 concern is that at this point, where we seem to be at a  
21 point, even if everybody is not comfortable with it, where  
22 the Mayor is saying, I think I've got a decision.

23 Again, we need to have dome sort of clarity and we  
24 need to move forward. But that's just muddying the waters  
25 again. I think, if at any point, the Stigmatines come back

1 to us and says that they'd consider a sale, yeah. I mean, I  
2 think everybody knows that we'd buy it in a heartbeat. But  
3 going back to the MSBA, correct me if I'm wrong Mayor, does  
4 that do us any good? I mean, at some point you've just got  
5 to pull the bandage off --

6 COUNCILLOR DARCY: Point of parliamentary  
7 procedure please.

8 PRESIDENT LeBLANC: Hold on.

9 COUNCILLOR DARCY: Point of parliamentary  
10 procedure please.

11 PRESIDENT LeBLANC: Mayor.

12 MAYOR McCARTHY: The only way that you can protect  
13 the City of Waltham, I'm talking about the city now, I'm not  
14 talking about the school kids, the only way that you can  
15 protect the City of Waltham is to act and stop this -- if I  
16 can do this, if I can do that if I can do this, okay?

17 With all due respect, you've been through this,  
18 you've been here for a long time Councillor, I respect your  
19 opinion, but the bottom line is, you're not going to get  
20 what you want. I'm just saying, I apologize for that.  
21 You're not going to get what you want.

22 I can say a lot of things, what will happen if  
23 this, what will happen if that. The bottom line here is  
24 this, I'm not going to get into the past --

25 (Councillor LeBlanc re-enters the Council



1 Chamber.)

2           MAYOR McCARTHY: -- I can only deal with the  
3 present, and the present is right now.

4           I have to the School Building Authority on June  
5 6th and I have to give them a clear indication. I've read  
6 to you what the things were, I've read all of that.

7           They specifically asked about this property  
8 because they want to know, is it a pig in a poke, what are  
9 you doing? Because that's the issue.

10           Now, it's nice to be able to say that, I don't  
11 believe that is serving any good. Because people can say  
12 right now, I'm going to support it if we get it. And I'm  
13 not trying to -- because I think Councillor Brasco knows  
14 exactly what I'm saying -- the real issue here is whether or  
15 not you wish to acquire the property for the school or for  
16 open space. I've said it all along, if you don't want it  
17 for open space -- why? Because you're putting all of the  
18 eggs in the basket of another party and you're leaving  
19 yourself with what you might think is a golden goose, you  
20 don't have it.

21           VICE PRESIDENT LOGAN: When you go to the SBA --

22           MAYOR McCARTHY: I'm going to the SBA.

23           VICE PRESIDENT LOGAN: Does that do you any good?

24           MAYOR McCARTHY: No, because they're going to say  
25 to me, and I want to be very clear, the regulations of the

1 Massachusetts School Building Authority require two things:  
2 that you actually have to own it and you have to be in  
3 control of it.

4 So the City has to own it and the School  
5 Department has to be in control of it and neither of those  
6 things are happening with any of these votes.

7 So I'm going to say to you again, I have no  
8 problem -- I have no problem, if I was sitting in your  
9 shoes, this decision, although difficult, I would make it  
10 already.

11 Why? Because I've lived it. I don't believe that  
12 you're going to get the property anytime soon. As soon as  
13 it's no longer as a school or as soon as someone's no longer  
14 Mayor, or some new Mayor comes in, they're going to say,  
15 yup, no, or they're going to do exactly what they intended  
16 to do in 2015 and not tell you one thing.

17 So I've got all those documents, okay. And no  
18 matter how they'd like to say that they weren't intending,  
19 their own real estate people confirmed it.

20 So based upon that, don't ask me to trust is what  
21 I'm saying. Don't ask me to trust because I have too much  
22 stuff.

23 So this is my point --

24 VICE PRESIDENT LOGAN: Well, that's exactly --

25 MAYOR McCARTHY: No, this is my point. The only

1 way that you can protect the City is to acquire the land.  
2 If you don't wish to have it for a school, that's your  
3 business. But it's premature because I can see Councilors  
4 saying, of course I would like it for a school, of course.

5 But the ultimate, critical issue is whether or not  
6 you wish to acquire it for either purpose. To protect the  
7 City from, 'Oh, we never intended to develop it.' I heard  
8 that from this table right here. But the bottom line is, I  
9 don't know how else to tell you. The obligation of the City  
10 Council and Mayor is to represent the City, not private  
11 parties.

12 PRESIDENT LeBLANC: Councillor Brasco.

13 VICE PRESIDENT LOGAN: I still have the floor.

14 PRESIDENT LeBLANC: Go ahead.

15 VICE PRESIDENT LOGAN: Again, I think the Mayor  
16 has given us the answer. But if we take a vote, this is  
17 just going to muddy the water and the fact of the matter is,  
18 we've got a lot of other stuff. I think the Mayor's got her  
19 answer, I move to adjourn the Executive Session --

20 Motion to adjourn --

21 PRESIDENT LeBLANC: Councillor, you have motion  
22 pending.

23 VICE PRESIDENT LOGAN: -- is a motion that takes  
24 precedence over --

25 PRESIDENT LeBLANC: Councillor Brasco is looking

1 to withdraw his motion.

2 COUNCILLOR BRASCO: The Mayor says it will not be  
3 of --

4 MAYOR McCARTHY: It won't so me any help, because  
5 the ultimate issue -- and I want to say this again for the  
6 record.

7 For the record, the Massachusetts School Building  
8 Authority and its regulations require the community that's  
9 seeking the funding to be in ownership of the property and  
10 the entity of the School Depart has to be in control of that  
11 property. So none of that helps me to give them a direct  
12 answer.

13 The only direct answer I have and all I can say to  
14 them right now is, nothing. I can't reveal the votes here.

15 So what I'll say is, if they ask me a question on  
16 the Stigmatines, I did not -- I was not able to give you an  
17 answer on that. That's what I'm going to say to them, I  
18 can't give you an answer.

19 Because other than that, I would be revealing the  
20 vote her. And then what would happen is, the five -- the  
21 five or the six or whatever it's going to be are going to be  
22 targeted -- targeted for the next -- hounded for the next  
23 five, six weeks.

24 And see the real issue becomes one is this -- the  
25 only thing I can report to them is this, the only site that

1 the School Committed has care, custody and control of is the  
2 Waltham High School site, that's all I can say.

3 VICE PRESIDENT LOGAN: Motion to adjourn.

4 PRESIDENT LeBLANC: Councillor Logan has a motion  
5 to adjourn, a roll call is required.

6 CLERK VIZARD: Paul J. Brasco.

7 COUNCILLOR BRASCO: No.

8 CLERK VIZARD: George A. Darcy, III

9 COUNCILLOR DARCY: NO.

10 CLERK VIZARD: William H. Fowler.

11 COUNCILLOR FOWLER: No.

12 CLERK VIZARD: Cathyann Harris.

13 COUNCILLOR HARRIS: No.

14 CLERK VIZARD: Joseph P. LaCava.

15 COUNCILLOR LaCAVA: No.

16 CLERK VIZARD: Randall J. LeBlanc.

17 COUNCILLOR R. LEBLANC: No.

18 CLERK VIZARD: Robert G. Logan.

19 COUNCILLOR LOGAN: Yes.

20 CLERK VIZARD: Kristine A. Mackin.

21 COUNCILLOR MACKIN: No.

22 CLERK VIZARD: John J. McLaughlin.

23 COUNCILLOR McLAUGHLIN: No.

24 CLERK VIZARD: Kathleen B. McMenimen

25 COUNCILLOR McMENIMEN: No.

1 CLERK VIZARD: Daniel P. Romard.

2 COUNCILLOR ROMARD: No.

3 CLERK VIZARD: Thomas M. Stanley.

4 COUNCILLOR STANLEY: (Not present)

5 CLERK VIZARD: Carlos A. Vidal.

6 COUNCILLOR VIDAL: No.

7 CLERK VIZARD: President declines.

8 PRESIDENT LeBLANC: So next on the list,  
9 Councillor McMenimen.

10 VICE PRESIDENT LOGAN: I'm sorry, I didn't give up  
11 the floor. The motion didn't carry, I still have the floor.

12 PRESIDENT LeBLANC: Go ahead.

13 VICE PRESIDENT LOGAN: Madam Mayor, do you have  
14 the information to go back to the SBA though or do we need  
15 to keep --

16 MAYOR McCARTHY: What I will say is --

17 VICE PRESIDENT LOGAN: I mean, you may not have  
18 the answer --

19 MAYOR McCARTHY: No, no. I understand that  
20 perfectly. The answer that I want was two and a half years  
21 ago, we're here now.

22 Please provide a more detailed status of the  
23 City's efforts to determine potential sites for the Waltham  
24 High School.

25 I will basically say that we looked at three sites

1 and as a matter of fact, we went back to another site. I  
2 won't say what the site was. The time line for completing  
3 this effort, you cannot answer that by your votes here. If  
4 in the future, we get it, we get it. That does not answer  
5 it. And how this affects the City's schedule to complete  
6 the feasibility study.

7           Based upon the fact that you can't give how long  
8 it's going take to complete it, the feasibility study and  
9 the schematic design cannot be answered.

10           In particular, provide the steps and reasonable  
11 time line needed to engage in discussions regarding the  
12 Stigmatine site, conclude and agreement, secure full use and  
13 ownership and conduct -- see what they say there? Secure  
14 full use and ownership, it's right in their letter. And  
15 conduct the site investigations and testing needed as part  
16 of the feasibility study.

17           Now, Dr. Drew Echelson indicated that it will be  
18 for the unnamed parcel, one year. For the two named  
19 parcels, once they have the control of it, meaning ownership  
20 and control on one and control on another, once they have  
21 that, it's up to six months.

22           Now, I cannot answer these questions because I  
23 cannot answer site and control. So I'll be honest with  
24 them, I have no answer.

25           VICE PRESIDENT LOGAN: So obviously, there's two

1 ways to do it, we either buy in a friendly sale or take it  
2 by eminent domain. You said they're not going to sell it.  
3 So unless we've got a motion for eminent domain and ten  
4 votes for eminent domain, ladies and gentlemen of the  
5 Council, we can go on and talk about this all night and it  
6 will be wasted time.

7           MAYOR McCARTHY: The only thing that I'm going to  
8 say is this, I have clear indication -- however, due to  
9 Council rules, I am not going to recommend to this body that  
10 you take a vote on eminent domain tonight because under your  
11 rules, unless you have two-thirds to suspend it, you can't  
12 bring it back in. So those people that might not be in  
13 favor of it could use it as a wedge or weapon, so  
14 respectfully, I understand and I would ask -- so that I  
15 could have that vote, was not for eminent domain; correct?

16           So if I go back and I look at that vote -- 9 to 4,  
17 one absent, right? Let me go here with that.

18           VICE PRESIDENT LOGAN: But I mean, again, if the  
19 motion's not even going to be made because the strategy is,  
20 don't make the motion because it will --

21           MAYOR McCARTHY: No, with all --

22           VICE PRESIDENT LOGAN: -- get heated --

23           PRESIDENT LeBLANC: Councillor --

24           MAYOR McCARTHY: With all due respect, you've  
25 already made your motion, you've got nine. So please, let's



1 be honest about that. Let's be honest about that. There's  
2 not ten votes here.

3 VICE PRESIDENT LOGAN: But my point is --

4 MAYOR McCARTHY: Okay, make a motion ladies and  
5 gentlemen.

6 PRESIDENT LeBLANC: Councillor, let the Mayor  
7 finish.

8 COUNCILLOR McMENIMEN: I have the -- after him, I  
9 have the floor.

10 PRESIDENT LeBLANC: I understand, but the Mayor  
11 was talking.

12 Councillor, are you done?

13 VICE PRESIDENT LOGAN: I guess I'm done.

14 COUNCILLOR McMENIMEN: So Mayor, in many instances  
15 over the last two and a half years, my personal --

16 COUNCILLOR VIDAL: I'm going to the restroom,  
17 excuse me.

18 (Councillor Vidal exits the Council Chamber.)

19 COUNCILLOR McMENIMEN: My personal beliefs and  
20 convictions were set in stone until I realized there's  
21 information, through my own due diligence, that I believe  
22 now in many instances I've been duped on many occasions  
23 regarding this matter.

24 For my due diligence, and I really mean due  
25 diligence, would that be a benefit to be brought out in a

1 public body?

2 MAYOR McCARTHY: I don't believe any more going  
3 back and forth is going to be helpful to end this situation.

4 COUNCILLOR McMENIMEN: Well, that's unfortunate.  
5 Because I think there has been some disingenuous behavior  
6 among many, many people. So I'm -- I'm finished.

7 PRESIDENT LeBLANC: Thank you Councillor  
8 McMenimen. Councillor LaCava.

9 COUNCILLOR LaCAVA: I'm all set.

10 PRESIDENT LeBLANC: No further questions?

11 MAYOR McCARTHY: For the record, could I have what  
12 the exact vote was? The other ones are clear for me, the  
13 9-4 for one. Exactly what was that motion with Councillor  
14 Randall LeBlanc?

15 PRESIDENT LeBLANC: Keep the Stigmatine matter --

16 CLERK VIZARD: -- as an option for the School  
17 Building Authority.

18 PRESIDENT LeBLANC: Councillor McLaughlin.

19 COUNCILLOR McLAUGHLIN: Madam Mayor, if you had  
20 left here tonight --

21 VICE PRESIDENT LOGAN: Point of order. We didn't  
22 vote on that one.

23 CLERK VIZARD: Yes, we did. You voted against it.

24 VICE PRESIDENT LOGAN: Okay.

25 MAYOR McCARTHY: That was actually voted on, yeah.

1 VICE PRESIDENT LOGAN: Alright.

2 PRESIDENT LeBLANC: Councillor McLaughlin.

3 COUNCILLOR McLAUGHLIN: Madam Mayor, if you had  
4 left here tonight without any clear direction from us, how  
5 would you proceed with the school building?

6 MAYOR McCARTHY: I would have said -- you asked me  
7 that question, I would have said, can you please vote on  
8 eminent domain and give me an opportunity to try to do this  
9 with and have actual negotiation power as opposed to having  
10 my hands and my feet tied behind my back since August of  
11 2016.

12 COUNCILLOR McLAUGHLIN: Vote on eminent domain  
13 tonight?

14 MAYOR McCARTHY: No. Give me the authority to  
15 pursue even eminent domain with them.

16 And see, I would have kept it all within the  
17 negotiations and I would have just done that. Because I has  
18 authority before --

19 COUNCILLOR McLAUGHLIN: I'm not clear on what  
20 you're saying.

21 MAYOR McCARTHY: Originally when I started this, I  
22 had authority for eminent domain and that got completely  
23 washed out. I did have authority for eminent domain.  
24 Everybody knows that, it was here, okay?

25 And that -- listen, the other night --

1 VICE PRESIDENT LOGAN: I don't remember that.

2 MAYOR McCARTHY: I most certainly did.

3 VICE PRESIDENT LOGAN: I don't remember that.

4 MAYOR McCARTHY: Yeah. Well, you can remember it  
5 because of the price.

6 VICE PRESIDENT LOGAN: What is --

7 PRESIDENT LeBLANC: Councillor McLaughlin --

8 MAYOR McCARTHY: With all due respect -- with all  
9 due respect, the issue you've asked me the question, if you  
10 wish to continue this, you have to come up with something  
11 that will allow the city to negotiate in good faith because  
12 I do happen to agree that, oh, 30 days, 30 days, 30 days.  
13 As soon as something is filed, dive days.

14 So I'm not going to say they're playing games.  
15 What I'm saying is, if it interests --

16 (Councillor Vidal re-enters the Council Chamber.)

17 MAYOR McCARTHY: So if it interests them, every  
18 single time that I had to act in a manner that you didn't  
19 like, it was because I had an agreement in effect, a legal  
20 agreement in effect and the parties violated the very  
21 agreement.

22 You need to negotiate in good faith and the  
23 ultimate good faith of that was to produce a purchase and  
24 sale agreement. Now when you won't meet and you won't  
25 provide answers and the back and forth -- so from that

1 point, it became very difficult.

2           Now, I'm not going to go there anymore because I  
3 know there's one person that decides this and it's not me.  
4 So I'm going to go to the School Building, I'm going to come  
5 back next Monday night and I'm going to tell you because  
6 only one person decides this now. One of the five are the  
7 only ones. And assuming, or not assuming, that the nine  
8 stay the same, and that could happen.

9           So as a result of that, it's really not in my  
10 power to do anything anymore because I have no authority  
11 from this body, nor do I want any at this point and I'll  
12 tell you why. For two and half years, I have worked in good  
13 faith to try to come up with something for the City and for  
14 anyone, you can look at any papers you want, I was going to  
15 give them five years to relocate, I even offered to do the  
16 loan prop plan. I did all that, to provide for these  
17 priests so that they could transition. At no point, did  
18 they say they're out in the street.

19           Now, people say, 'Oh, look at this, unless  
20 otherwise provided for.' But if you don't talk to the City,  
21 we can't provide. So I have all of the things that show in  
22 good faith what the price was, what the terms were for the  
23 priests and for the City. And so it's not my job to  
24 negotiate for the other side, it's my job to negotiate for  
25 the City. So whether you like it or not, we're here and I

1 understand perfectly, but I have no authority because this  
2 decision lies -- as the Council President said it at the  
3 joint convention, 'The Mayor doesn't have power of eminent  
4 domain, the council does.' And I do agree with that, under  
5 the City charter. That also means that the responsibility  
6 for that -- but I would be the one that would have to defend  
7 the action and I would be the one that would be deposed and  
8 all my documents, and that already happened. That happened  
9 last year right before the election.

10 But not all of you had your documents requested,  
11 only certain documents, and I don't have a problem with  
12 releasing those documents, I don't. Because you know  
13 something? The only client that I've ever had was the City  
14 of Waltham, and that City of Waltham has subsidiaries. And  
15 I said that very clearly, if you don't want it for a school,  
16 then you should protect the City with the open space because  
17 with all due respect, that owner has every right to sell it  
18 to whoever they want and if you do get something that's a  
19 good use (clap hands), and if you get something that's a bad  
20 use, well, you're going to have to live with it.

21 Now, in previous instances, the Mayor did not  
22 agree with the Council when they wanted to file a lawsuit  
23 and I sat right here, and the Mayor didn't follow the  
24 lawsuit and that's what happened. You've got your example,  
25 it doesn't matter what property it is, I'm just telling you.

1 There was an example where the Council all agreed that we  
2 should go forward and the Mayor said no. So I've seen it on  
3 both sides where the Council says no, the Mayor says no.

4 So that's what it comes down to. I have my clear  
5 direction because none of the options received the necessary  
6 votes for real estate. And furthermore, real estate is a  
7 key because it's real estate. So when you have a private  
8 part of real estate and you want what you want, that's the  
9 open market. But the difference is, in this type of thing,  
10 that the authority has to start with someone and it starts  
11 with the Council.

12 So, I have no authority and so respectfully, I'm  
13 not going to be bashing anyone. The only thing I'm going to  
14 say is I have no authority for any site other than the  
15 Waltham High School. That will be my public statement.

16 COUNCILLOR McLAUGHLIN: So back to my original  
17 question. If you left here tonight with no guidance from us  
18 on this issue, what will you be telling them?

19 MAYOR McCARTHY: No guidance whatsoever?

20 COUNCILLOR McLAUGHLIN: So Councillor --

21 MAYOR McCARTHY: I would have been honest with the  
22 -- I have to be honest with the School Building, I'm not  
23 going to risk over a hundred million dollars worth of  
24 funding. I'm not going to do it. They deserve an answer,  
25 they have been very patient with us hoping that the City

1 could speak with one voice.

2           But it's not going to happen and I respect  
3 everybody's opinion, but please don't lie about the process,  
4 don't. And that's what's going to be happening. I have  
5 been lied about, not by my fellow colleagues, by third  
6 parties that had no right to speak here. No right to speak  
7 here. I wasn't allowed to speak here and I could have  
8 provided all the documents to you in public session at that  
9 time because there was no deal. So the lawyer, to get  
10 involved in the election, wanted those documents right  
11 before the election. Not all of you had to produce your  
12 documents, only certain people did, and I provided them.  
13 And don't have any problem providing them.

14           But please, I have been in public service since  
15 1986, I have never seen a process like this. And I'm happy  
16 that I can say the only site, I have no other, and I want to  
17 make sure the record reflects what I'm going to say because  
18 I'm going to say it right now, I'm going to put it on a  
19 piece of paper.

20           I have no other site, other than the Waltham High  
21 School site, without violating anything in the Executive  
22 Session.

23           Is that a fair statement, ladies and gentlemen,  
24 Councilors?

25           COUNCILLOR McLAUGHLIN: Mayor, you had that before



1 -- before you came here tonight.

2           MAYOR McCARTHY: With all due respect Councillor,  
3 I've presented updates on the three parcels as I did for a  
4 reason. So that I could update you on all of them, so that  
5 you could have the attorneys in if you had any questions.  
6 But it still comes down to this, the Council rules and the  
7 state law says ten. Did you see any tens tonight? I didn't  
8 see any tens tonight.

9           Listen, I'm just going to say, so what is it that  
10 you'd like me to say now? Now that we've had all the votes  
11 because I want to make sure I don't misrepresent what you're  
12 saying, I want to make sure.

13           COUNCILLOR McLAUGHLIN: My last question, we took  
14 -- Councillor Vidal made a motion to vote on that, do you  
15 feel hemmed in my that?

16           MAYOR McCARTHY: On which one is it now?

17           COUNCILLOR VIDAL: Option 1 with an expanded --

18           MAYOR McCARTHY: It didn't count. It didn't  
19 count, you need ten Councillor.

20           COUNCILLOR VIDAL: We had eight.

21           MAYOR McCARTHY: And the one to continue with the  
22 Stigmatines had nine. So if I was going to say there's 9-0  
23 -- 9-4, 8-5 -- you know what I mean? Let me see what I have  
24 on the back here.

25           The first motion, 10 against, 2 in favor, 1 absent

1 and 1 abstained.

2 The second, 9 to 4, 1 absent.

3 Then you have 8 to 5, 1 absent. Right?

4 I think that's what I have.

5 Is there another roll?

6 PRESIDENT LeBLANC: No.

7 MAYOR McCARTHY: Council President, I only have  
8 those.

9 PRESIDENT LeBLANC: No, that's it Mayor.

10 MAYOR McCARTHY: So --

11 COUNCILLOR McLAUGHLIN: You're not looking at that  
12 vote from us as a mandate.

13 MAYOR McCARTHY: It can't be a mandate, the law is  
14 very clear. The law is quite clear, I can't be saying stuff  
15 without it.

16 CLERK VIZARD: There was one vote in there.

17 PRESIDENT LeBLANC: What is this?

18 CLERK VIZARD: The Fernald one. There was that  
19 Fernald vote too.

20 MAYOR McCARTHY: I said that was the first one.

21 PRESIDENT LeBLANC: That was the first one.

22 MAYOR McCARTHY: How many votes do you have?

23 CLERK VIZARD: Three votes.

24 MAYOR McCARTHY: The first one I had was 10-2.

25 Yeah, three votes.

1 CLERK VIZARD: Yes, three.

2 MAYOR McCARTHY: And the last one was 8 to 5 with  
3 1 absent. So I have 10 to 2, 9 to 4, 8 to 5.

4 PRESIDENT LeBLANC: Councillor McLaughlin, do you  
5 have any other questions?

6 COUNCILLOR McLAUGHLIN: I do not.

7 PRESIDENT LeBLANC: Thank you.

8 MAYOR McCARTHY: So I'm all set, that's what I'm  
9 going to say. The only site that I have is the current one.

10 PRESIDENT LeBLANC: Councillor Darcy.

11 COUNCILLOR DARCY: Would a new Councillor joining  
12 this Council, would they be able to vote having not taken  
13 part in all of this?

14 MAYOR McCARTHY: Would they be able to vote?

15 COUNCILLOR DARCY: Mm-hmm.

16 MAYOR McCARTHY: Sure.

17 COUNCILLOR DARCY: Oh, they would? Thank you.

18 MAYOR McCARTHY: And by the way, there are things  
19 out there that you only need nine votes -- nine votes for  
20 eminent domain -- yeah. That's circulated here, nine votes.

21 So if I say -- I'm not going to do it, I'm just  
22 being -- if I say there were nine votes, there'll be panic,  
23 okay?

24 Because that's what the belief is by a real estate  
25 person.

1 PRESIDENT LeBLANC: Councillor Vidal.

2 COUNCILLOR VIDAL: Just wondering, in the case of  
3 the motion that I made current site, plus the additional,  
4 Option 1, to make an expanded high school site --

5 MAYOR McCARTHY: Mm-hmm.

6 COUNCILLOR VIDAL: -- which I got 8 for and 5  
7 against, is there a way to make that motion again or is it  
8 pretty much dead?

9 MAYOR McCARTHY: You can make the motion again by  
10 saying what the property is and then you'll be honest about  
11 what you're doing.

12 COUNCILLOR VIDAL: Okay.

13 MAYOR McCARTHY: Okay?

14 COUNCILLOR VIDAL: Okay, fair enough.

15 MAYOR McCARTHY: You'll be honest about what  
16 you're doing. Because we're being honest here, trying to  
17 move it along. So they were honest, I made them be honest  
18 about his vote, you know what I mean, you can't be just  
19 talking about that.

20 COUNCILLOR VIDAL: Mayor, you mentioned -- you  
21 have been using the terms, Options 1, 2 and 3, so I'm just  
22 referring to Options the same way you have. I thought that  
23 was the reason why you were going like that.

24 If it comes to -- can I disclose the address of  
25 Option 1?

1           MAYOR McCARTHY: You can -- if the City has the  
2 real estate -- if the City owns the real estate, you have  
3 one threshold that you've met. If the City doesn't have the  
4 real estate, you know what I mean, because just like he's  
5 saying he's going to explore, I imagine you want to explore  
6 too as opposed to a real vote; right?

7           COUNCILLOR VIDAL: No, I'm looking for a real vote  
8 because I want you to go to the MSBA in two days with  
9 something.

10          MAYOR McCARTHY: Okay.

11          COUNCILLOR VIDAL: I want something with teeth.  
12 And if we get ten votes, it will go. If not, you're going  
13 to go there and pretty much not say much because we, as a  
14 body, did not agree upon it.

15          MAYOR McCARTHY: Okay.

16          COUNCILLOR VIDAL: So there's my motion.

17          MAYOR McCARTHY: So the motion, because there were  
18 two properties that were brought up. Originally, there was  
19 the Payne Estate, 0 Chesterbrook Road, the Storer Estate,  
20 the Veteran's Fields, so --

21          COUNCILLOR VIDAL: On the worksheet that you gave  
22 us, which are the three options that were given, and I  
23 reference that, Option 1, can you please --

24          MAYOR McCARTHY: That was 0 before Chesterbrook  
25 Road.

1 COUNCILLOR VIDAL: So that's Option 1.

2 MAYOR McCARTHY: And that would be for fields and  
3 parking to augment the site.

4 COUNCILLOR VIDAL: So that -- make sure that it is  
5 in the record that Option 1 is what the Mayor has stated.

6 MAYOR McCARTHY: Okay.

7 COUNCILLOR VIDAL: And I will make a motion -- is  
8 it possible Madam President?

9 PRESIDENT LeBLANC: You can make a specific motion  
10 --

11 COUNCILLOR McMENIMEN: Point of order.

12 PRESIDENT LeBLANC: Go ahead Councillor.

13 COUNCILLOR McMENIMEN: Absolutely not. It has to  
14 be a motion for reconsideration of the matter.

15 VICE PRESIDENT LOGAN: We haven't even heard the  
16 motion yet --

17 PRESIDENT LeBLANC: No, he's making a specific  
18 motion on the matter --

19 COUNCILLOR McMENIMEN: He needs to get that matter  
20 reconsidered before he can make the motion again.

21 PRESIDENT LeBLANC: Go ahead, make the motion  
22 Councillor.

23 COUNCILLOR McMENIMEN: Point of order.

24 PRESIDENT LeBLANC: Allow him to state his motion  
25 so that others can hear it.

1 Councillor Vidal.

2 COUNCILLOR VIDAL: Thank you Madam President.

3 My motion is for the Mayor to go back to the MSBA  
4 in a couple of days and provide with the option of building  
5 on the current site and expanding that using the Option 1.  
6 Option 1 being known as -- is it Chesterbrook if I'm not  
7 mistaken?

8 MAYOR McCARTHY: Zero before Chesterbrook Road --

9 COUNCILLOR VIDAL: Zero.

10 MAYOR McCARTHY: -- or six --

11 COUNCILLOR ROMARD: Is that the same --

12 COUNCILLOR VIDAL: I'm sorry Mayor, could you  
13 repeat that again?

14 MAYOR McCARTHY: It's 0 before Chesterbrook Road.

15 COUNCILLOR VIDAL: Alright. Zero before  
16 Chesterbrook Road as the Mayor just stated.

17 PRESIDENT LeBLANC: But Councillor, how is this  
18 different than your original motion?

19 COUNCILLOR VIDAL: It's not.

20 PRESIDENT LeBLANC: Then in fact --

21 COUNCILLOR VIDAL: So before, I didn't go into the  
22 address, it was Option 1.

23 PRESIDENT LeBLANC: But it is no different.

24 COUNCILLOR VIDAL: So we need to --

25 PRESIDENT LeBLANC: So you can't make it and I

1 believe there was a motion for reconsideration --

2 COUNCILLOR McMENIMEN: No, he has to make the --

3 COUNCILLOR VIDAL: So in that case, can I make the

4 --

5 COUNCILLOR McMENIMEN: I was not on the prevailing  
6 side, he was.

7 PRESIDENT LeBLANC: I understand.

8 COUNCILLOR McMENIMEN: Let's get some  
9 parliamentary -- he has to make the motion.

10 COUNCILLOR VIDAL: Thank you. May I make the  
11 motion for reconsideration Madam President?

12 PRESIDENT LeBLANC: You may.

13 On the motion for reconsideration, a roll call.

14 CLERK VIZARD: Paul J. Brasco.

15 COUNCILLOR BRASCO: No.

16 CLERK VIZARD: George A. Darcy, III

17 COUNCILLOR DARCY: No.

18 CLERK VIZARD: William H. Fowler.

19 COUNCILLOR FOWLER: Yes.

20 CLERK VIZARD: Cathyann Harris.

21 COUNCILLOR HARRIS: Yes.

22 CLERK VIZARD: Joseph P. LaCava.

23 COUNCILLOR LaCAVA: No.

24 CLERK VIZARD: Randall J. LeBlanc.

25 COUNCILLOR R. LEBLANC: No.



1 CLERK VIZARD: Robert G. Logan.  
2 COUNCILLOR LOGAN: Yes.  
3 CLERK VIZARD: Kristine A. Mackin.  
4 COUNCILLOR MACKIN: No.  
5 CLERK VIZARD: John J. McLaughlin.  
6 COUNCILLOR McLAUGHLIN: Yes.  
7 CLERK VIZARD: Kathleen B. McMenimen  
8 COUNCILLOR McMENIMEN: No.  
9 CLERK VIZARD: Daniel P. Romard.  
10 COUNCILLOR ROMARD: No.  
11 CLERK VIZARD: Thomas M. Stanley.  
12 COUNCILLOR STANLEY: (Not present)  
13 CLERK VIZARD: Carlos A. Vidal.  
14 COUNCILLOR VIDAL: Yes.  
15 CLERK VIZARD: President wish to vote?  
16 PRESIDENT LeBLANC: President votes yes, motion  
17 doesn't carry.  
18 COUNCILLOR VIDAL: It's not on the floor, correct?  
19 PRESIDENT LeBLANC: No.  
20 Councillor Vidal.  
21 COUNCILLOR VIDAL: I just wanted to -- my motion  
22 doesn't carry?  
23 PRESIDENT LeBLANC: Correct.  
24 COUNCILLOR VIDAL: So I'm done.  
25 PRESIDENT LeBLANC: We're done.

1 COUNCILLOR VIDAL: Thank you Madam.

2 MAYOR McCARTHY: So that's not an option.

3 PRESIDENT LeBLANC: Right.

4 MAYOR McCARTHY: Okay. That's how I took it.

5 PRESIDENT LeBLANC: Councillor Fowler.

6 COUNCILLOR FOWLER: You know, it's just  
7 frustrating that we can't decide on anything, we can only  
8 decide on doing nothing. And at some point in two and a  
9 half years, whatever it may be, we've got to come together  
10 here and offer something more than the current site. Which  
11 I think everybody agrees -- well, everyone I've talked to  
12 in the school side, finds unacceptable.

13 PRESIDENT LeBLANC: Another question Councillor?

14 COUNCILLOR FOWLER: We're just a body of no and  
15 it's just very troubling and --

16 PRESIDENT LeBLANC: Councillor Logan.

17 VICE PRESIDENT LOGAN: I have to take exception  
18 with what the previous Councillor said. Because the fact of  
19 the matter is, first of all -- I have to re-state once  
20 again, it's not our job to pick a site, only to approve what  
21 gets picked by the School Building Committee and the School  
22 Committee.

23 We were willing to consider the Stigmatines if it  
24 was in a friendly sale, we were willing to consider the  
25 current site, we were willing to consider the Fernald, we

1 were willing to consider the Veteran's Field, we were  
2 willing to consider the UMass. The only thing we wouldn't  
3 consider -- the only thing we have said no to is eminent  
4 domain. So -- and we said that two years ago. And if the  
5 people who have the authority to make the decisions on other  
6 options had listened to that two years ago and gone and  
7 found either the current site or any other option and gone  
8 ahead with it, we'd be two years further down the road.

9           So I don't want to hear that we're always saying  
10 no or that we decided on this site or that we were the one  
11 that caused the delay, that's just not the case. We -- the  
12 only thing we said no to was eminent domain and we said that  
13 two years ago but nobody was listening.

14           PRESIDENT LeBLANC: The Mayor speaks first.

15           MAYOR McCARTHY: It's not two years Councillor,  
16 May 5th, 2017, February 2017. That's after everything fell  
17 apart, okay? So please, it was in 2017, not two years ago.

18           PRESIDENT LeBLANC: Councillor LeBlanc.

19           COUNCILLOR LeBLANC: I tend to disagree a little  
20 bit with the Councillor from Ward 9. We went down the  
21 rabbit hole with the different sites and we had a couple  
22 Councilors that are in favor of the Stigs, a couple  
23 Councilors that are in favor pf the Fernald, and a couple  
24 Councilors that are in favor pf the current site and we  
25 can't get anything done because we don't agree. Now, I

1 don't know how we're going to get this done because  
2 everything that's been proposed, even if it's not our job --  
3 everything that they've proposed, we've just shot down.

4 So I don't even know where we're going to go from  
5 here.

6 PRESIDENT LeBLANC: Councillor Fowler.

7 COUNCILLOR FOWLER: Just to say we --

8 COUNCILLOR DARCY: That's his second time.

9 PRESIDENT LeBLANC: You're next --

10 COUNCILLOR DARCY: I had my hand up -

11 PRESIDENT LeBLANC: Councilor Darcy.

12 COUNCILLOR DARCY: I'm very optimistic because  
13 there were three people that were in favor of eminent  
14 domain, the Councillor Ward 4, Councillor Ward 2 and myself.  
15 Now I hear there may be nine people. That's -- for me --  
16 and we have a new Councillor coming in in September, so I  
17 think momentum is on the side of the majority. And I hoot  
18 that a few more people might see the light and be the hero  
19 for the day.

20 Thank you.

21 (Councillor Mackin exits the Council Chamber.)

22 PRESIDENT LeBLANC: Councilor Fowler.

23 COUNCILLOR FOWLER: We just tried to expand the  
24 current site -- we had voted it down. So --

25 PRESIDENT LeBLANC: Councilor McMenimen.

1 COUNCILLOR McMENIMEN: So is there any information  
2 or strategy that would change somebody's mind on eminent  
3 domain?

4 COUNCILLOR DARCY: Who is that question to?

5 (Laughter.)

6 COUNCILLOR McMENIMEN: It's to all of you.

7 If information were provided, would that change  
8 somebody's mind?

9 (No response.)

10 COUNCILLOR McMENIMEN: Well, I guess -- that's  
11 quite amazing.

12 That was a hypothetical question, I can see a lot  
13 of no's.

14 PRESIDENT LeBLANC: Do you have any other question  
15 Councillor?

16 COUNCILLOR McMENIMEN: No, not now.

17 PRESIDENT LeBLANC: Councillor Romard.

18 COUNCILLOR ROMARD: Motion that we adjourn.

19 PRESIDENT LeBLANC: On the motion to adjourn, a  
20 roll call is required.

21 VICE PRESIDENT LOGAN: I'm not sure the dead horse  
22 is sufficiently --

23 CLERK VIZARD: Paul J. Brasco.

24 COUNCILLOR BRASCO: Yes.

25 CLERK VIZARD: George A. Darcy, III

1 COUNCILLOR DARCY: No.  
2 CLERK VIZARD: William H. Fowler.  
3 COUNCILLOR FOWLER: Yes.  
4 CLERK VIZARD: Cathyann Harris.  
5 COUNCILLOR HARRIS: No.  
6 CLERK VIZARD: Joseph P. LaCava.  
7 COUNCILLOR LaCAVA: Yes.  
8 CLERK VIZARD: Randall J. LeBlanc.  
9 COUNCILLOR R. LEBLANC: No.  
10 CLERK VIZARD: Robert G. Logan.  
11 COUNCILLOR LOGAN: Yes.  
12 CLERK VIZARD: Kristine A. Mackin.  
13 COUNCILLOR MACKIN: (Not present)  
14 CLERK VIZARD: John J. McLaughlin.  
15 COUNCILLOR McLAUGHLIN: No.  
16 CLERK VIZARD: Kathleen B. McMenimen  
17 COUNCILLOR McMENIMEN: No.  
18 CLERK VIZARD: Daniel P. Romard.  
19 COUNCILLOR ROMARD: Yes.  
20 CLERK VIZARD: Thomas M. Stanley.  
21 COUNCILLOR STANLEY: (Not present)  
22 CLERK VIZARD: Carlos A. Vidal.  
23 COUNCILLOR VIDAL: Yes.  
24 CLERK VIZARD: President wish to vote?  
25 PRESIDENT LeBLANC: Yes.

1 CLERK VIZARD: 7 in favor, 5 opposed, 2 absent.

2 PRESIDENT LeBLANC: So the motion to adjourn  
3 doesn't carry.

4 VICE PRESIDENT LOGAN: How many?

5 PRESIDENT LeBLANC: Seven.

6 So Councilors, I mean, again, this is important,  
7 we want to take as much time as we need. We have two 7:00  
8 committees that need to meet, we have an 8:00 committee that  
9 need to meet --

10 MAYOR McCARTHY: I have a suggestion --

11 PRESIDENT LeBLANC: -- we have three individuals  
12 waiting to be interviewed by this body.

13 MAYOR McCARTHY: I don't care -- I don't care who  
14 gets credit for anything, I don't. I care about the kids, I  
15 think you do too.

16 (Knock)

17 MAYOR McCARTHY: Come in.

18 I'm going to make a motion that the City Council  
19 authorize Councillor Paul Brasco and Council President Diane  
20 LeBlanc to go and meet with the Stigmatine Fathers --

21 PRESIDENT LeBLANC: Oh dear God.

22 MAYOR McCARTHY: Wait, listen. And that's one in  
23 favor, one opposed. It's fair as can be.

24 Can't use the Council Vice President because  
25 they're both opposed. So one of the senior Councilors. I

1 would like to suggest that and go to them and try to  
2 explain, this is not personal. It's not personal, it's  
3 never been personal. And maybe, you know what I mean, I've  
4 done this on one occasion, Curtain, David Marcou --

5 COUNCILLOR McMENIMEN: They went to Bentley --

6 MAYOR McCARTHY: They went to Bentley as my  
7 representative --

8 COUNCILLOR McMENIMEN: That's right.

9 MAYOR McCARTHY: On another occasion with regard  
10 to the ridge, Paul Brasco was a representative, so they're  
11 not unfamiliar with this. And I would be very happy to have  
12 them go, have a sit down -- Councillor from Ward whatever --  
13 at large.

14 COUNCILLOR BRASCO: Crestview --

15 MAYOR McCARTHY: Crestview Road, and the Council  
16 President.

17 Now, the only thing that I will say is, because  
18 the Council President has indicated that she has direct  
19 communications with them, I think it's only fair that any  
20 direct communications be shared with both parties, that you  
21 do nothing without each other present, nothing.

22 PRESIDENT LeBLANC: Councillor Logan.

23 VICE PRESIDENT LOGAN: Yes, I'd make the motion  
24 that the -- the Mayor suggested, again, if there's any  
25 possibility -- that's why I sponsored the resolution to



1 reopen negotiations. I supported the motion for additional  
2 monies. If there's some way that we can accomplish it  
3 through negotiations, I would be absolutely, totally for it.  
4 So I'll make that motion.

5           MAYOR McCARTHY: But as the Councillor said, he  
6 doesn't talk to the Stigmatines, but the people he does, do.  
7 So that's why I need two independent parties. One that's in  
8 favor, one that's not.

9           PRESIDENT LeBLANC: On the motion, roll call.

10           CLERK VIZARD: Paul J. Brasco.

11           COUNCILLOR BRASCO: Yes.

12           CLERK VIZARD: George A. Darcy, III

13           COUNCILLOR DARCY: Yes.

14           MAYOR McCARTHY: I'm not setting the Councillor  
15 up, I can trust him to be fair and honest.

16           CLERK VIZARD: William H. Fowler.

17           COUNCILLOR FOWLER: Yes.

18           CLERK VIZARD: Cathyann Harris.

19           COUNCILLOR HARRIS: Yes.

20           CLERK VIZARD: Joseph P. LaCava.

21           COUNCILLOR LaCAVA: Yes.

22           CLERK VIZARD: Randall J. LeBlanc.

23           COUNCILLOR R. LEBLANC: Yes.

24           CLERK VIZARD: Robert G. Logan.

25           COUNCILLOR LOGAN: Yes.

1 CLERK VIZARD: Kristine A. Mackin.  
2 COUNCILLOR MACKIN: Yes.  
3 CLERK VIZARD: John J. McLaughlin.  
4 COUNCILLOR McLAUGHLIN: Amen.  
5 PRESIDENT LeBLANC: What did you say?  
6 COUNCILLOR McLAUGHLIN: Amen. Yes.  
7 CLERK VIZARD: Kathleen B. McMenimen  
8 COUNCILLOR McMENIMEN: Yes.  
9 CLERK VIZARD: Daniel P. Romard.  
10 COUNCILLOR ROMARD: No.  
11 CLERK VIZARD: Thomas M. Stanley.  
12 MAYOR McCARTHY: Oh, I should have sent you then.  
13 (Laughter)  
14 COUNCILLOR STANLEY: (Not present)  
15 CLERK VIZARD: Carlos A. Vidal.  
16 COUNCILLOR VIDAL: Yes.  
17 CLERK VIZARD: Diane P. LeBlanc.  
18 PRESIDENT LeBLANC: Yes.  
19 MAYOR McCARTHY: In fairness, all I expect, you  
20 know, I'll make myself available -- all I expect -- you know  
21 the law department is available too -- that they reach out  
22 collectively to the Stigmatine Fathers and -- you have to go  
23 through their counsel, okay? But that was a unanimous vote,  
24 one absent, was it not?  
25 CLERK VIZARD: One --

1           MAYOR McCARTHY: One against.

2           CLERK VIZARD: The vote was 12 in favor, 1 no, 1  
3 absent.

4           MAYOR McCARTHY: That's ten --

5           COUNCILLOR McMENIMEN: Point of order.

6           MAYOR McCARTHY: Yes.

7           COUNCILLOR McMENIMEN: Will you be able to take  
8 this two days from now and say it's still working -- we're  
9 still working into negotiations?

10           MAYOR McCARTHY: What I'm going to say to them is  
11 I suggested, since the Council vote is the issue here, and  
12 it always has been the Council, because the School Committee  
13 and the School building Committee and the Mayor are all in  
14 agreement and they have been for more than two and a half  
15 years. So this gives you an opportunity -- and I'm not  
16 trying to set anyone up here -- I trust Paul Brasco as a  
17 business person to be able to, he's done it before -- once  
18 before, Councillor -- sent them to get more money for  
19 Bentley and they did, you know what I mean? And quite  
20 frankly, I think it's a fresh approach and it also might  
21 come through.

22           But I think everybody has to be honest with each  
23 other, in other words, the direct dealing by the Stigmatine  
24 priests with the Council President is a factor. Paul, have  
25 you have any direct dealings with the Stigmatines?

1 COUNCILLOR BRASCO: No.

2 MAYOR McCARTHY: Okay. And the Council President  
3 already admitted that she did.

4 COUNCILLOR BRASCO: And that's for the record too.

5 MAYOR McCARTHY: That's on the record. He's had  
6 no direct dealings with the Stigmatines and Council  
7 President has already admitted that has. So based upon  
8 that, I respectfully say, let's go do it and see what can  
9 happen.

10 COUNCILLOR FOWLER: Motion to adjourn.

11 PRESIDENT LeBLANC: Councillor Fowler moves to  
12 adjourn, a roll call is required.

13 CLERK VIZARD: Paul J. Brasco.

14 COUNCILLOR BRASCO: Yes.

15 CLERK VIZARD: George A. Darcy, III

16 COUNCILLOR DARCY: Yes.

17 CLERK VIZARD: William H. Fowler.

18 COUNCILLOR FOWLER: Yes.

19 CLERK VIZARD: Cathyann Harris.

20 COUNCILLOR HARRIS: Yes.

21 CLERK VIZARD: Joseph P. LaCava.

22 COUNCILLOR LaCAVA: Yes.

23 CLERK VIZARD: Randall J. LeBlanc.

24 COUNCILLOR R. LEBLANC: Yes.

25 CLERK VIZARD: Robert G. Logan.

1 COUNCILLOR LOGAN: No.

2 CLERK VIZARD: Kristine A. Mackin.

3 COUNCILLOR MACKIN: Yes.

4 CLERK VIZARD: John J. McLaughlin.

5 COUNCILLOR McLAUGHLIN: Yes.

6 CLERK VIZARD: Kathleen B. McMenimen

7 COUNCILLOR McMENIMEN: Yes.

8 CLERK VIZARD: Daniel P. Romard.

9 COUNCILLOR ROMARD: Yes.

10 CLERK VIZARD: Thomas M. Stanley.

11 COUNCILLOR STANLEY: (Not present)

12 CLERK VIZARD: Carlos A. Vidal.

13 COUNCILLOR VIDAL: Yes.

14 CLERK VIZARD: Diane P. LeBlanc.

15 MAYOR McCARTHY: Good luck Madam President.

16 CLERK VIZARD: Are you going to vote?

17 PRESIDENT LeBLANC: Yes.

18 CLERK VIZARD: One absent, 12 in favor, 1 no.

19 PRESIDENT LeBLANC: This Executive Session is now

20 adjourned.

21 (Whereupon, the Executive Session was adjourned at

22 9:44 p.m.)

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21

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: June 4, 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 Mocuano

09/12/2018

Reporter

Date