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CITY OF WALTHAM MASSACHUSETTS  
CITY COUNCIL

1  
1 - 101

EXECUTIVE SESSION:

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

Monday  
June 18, 2018

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

The above entitled matter came on for hearing  
pursuant to Notice

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

P R O C E E D I N G S

(6:09 p.m.)

EXECUTIVE SESSION

PRESIDENT LeBLANC: The Executive Session of the Waltham City Council for the purpose of discussing real estate matters called by the Mayor is called to order.

Madam Mayor.

MAYOR McCARTHY: I would like to pass out some documents Madam President.

I believe you got one from Joe Vizard already.

(Documents distributed.)

COUNCILLOR McMENIMEN: Do you want us to put our name on these and return them to you afterwards?

MAYOR McCARTHY: No, you can keep these.

(Documents distributed.)

MAYOR McCARTHY: These are attorney/client documents. They won't be marked as an exhibit, they're attorney/client.

PRESIDENT LeBLANC: Mayor, do you want to identify the document for the purposes of the stenographer?

MAYOR McCARTHY: No, because they're attorney/client documents.

PRESIDENT LeBLANC: All right.

MAYOR McCARTHY: But I'll do that in a minute.

(Documents distributed.)

1           MAYOR McCARTHY: I'm going to go off and make  
2 copies of the other one. But first, I'm going to see if  
3 there's any update and then I just have to -- Pat has be  
4 somewhere at 7:00, she's running a meeting which she has to  
5 be at. Attorney Azadi has to leave for that, so I just want  
6 to keep track of that time.

7           Thank you.

8           So if you want that other one -- want me to go do  
9 it John?

10          ATTORNEY CERVONE: It's up to you, or I can go --

11          MAYOR McCARTHY: Do they want this one or do you  
12 want -- do you want to speak on it?

13          COUNCILLOR STANLEY: I can do either.

14          MAYOR McCARTHY: Yeah. I mean --

15          COUNCILLOR STANLEY: Can you just tell us about  
16 it?

17          MAYOR McCARTHY: He can tell you. So he has --  
18 you have this one, right?

19          COUNCILLOR STANLEY: yes.

20          MAYOR McCARTHY: So I don't have to make copies of  
21 that.

22                 So what I have passed out is a June 18th  
23 communication to the City Council with a copy of the legal  
24 opinion from the attorney, Cervone, a copy of the Clerk's  
25 letter, Assistant Clerk, Joe W. Vizard, the council

1 resolution and -- that's the first one.

2 The second one is June 18th, 2018, it's a legal  
3 opinion from the City Solicitor and it has a case with it.

4 The third one is a legal opinion from the City  
5 Solicitor, two pages.

6 So I can say two pages for the last one, the first  
7 one, seven pages and the last one, six pages.

8 So I would like to advise you on the parcels that  
9 we had been dealing with, the first was 0 before  
10 Chesterbrook Road,, I have no update on that.

11 On the parcel that we have been dealing with, the  
12 unnamed parcel, I did send the memorandum of agreement for a  
13 standstill memorandum of agreement to the law department and  
14 the law department sent it to the representative of UMass.  
15 And I was advised that there's an attorney and then I'm told  
16 that the attorney is going to call John Cervone back. But  
17 John has reached out a few times, did you get a hold of him?

18 ATTORNEY CERVONE: He did call me back --

19 MAYOR McCARTHY: He did call? Good.

20 ATTORNEY CERVONE: He wanted to have sent to him a  
21 Word document --

22 MAYOR McCARTHY: A word document? Okay, that  
23 means they're going to change it.

24 So that is the standstill agreement. So once that  
25 standstill agreement is executed, what I intend to do is I

1 have prices for the title, prices for the environmental and  
2 prices for the appraisal.

3 COUNCILLOR LeBLANC: I have to recuse myself.

4 (Councillor Randall LeBlanc exits the Council  
5 Chamber.)

6 MAYOR McCARTHY: Sorry.

7 So what I will be doing is, as soon as that  
8 standstill agreement is executed, I will be sending those  
9 in. I do not want to send them in -- you know, the public -  
10 - you know, because everything has to be public with regard  
11 to money. So I would rather have an agreement in place  
12 before I put the money in, so that's normally what I would  
13 do anyway on any transaction. So that's the status of that  
14 one.

15 And I don't have any status on the third parcel.

16 So, I did hand out three legal opinions.

17 PRESIDENT LeBLANC: Are we keeping these?

18 MAYOR McCARTHY: Those are for your records.

19 They're attorney/client privilege documents, so all know  
20 that. So those were those three.

21 PRESIDENT LeBLANC: Thank you.

22 COUNCILLOR STANLEY: So we can get Randy back in  
23 here?

24 MAYOR McCARTHY: Well, let's find out first,  
25 respectfully, if anybody's going to talk about the unnamed

1 parcel. Any questions? Because there were a couple  
2 questions last time on that one.

3 (No response)

4 PRESIDENT LeBLANC: Get Councillor LeBlanc.

5 MAYOR McCARTHY: Thank you.

6 (Councillor Randall LeBlanc enters the Council  
7 Chamber.)

8 PRESIDENT LeBLANC: Councillor Stanley?

9 COUNCILLOR STANLEY: So just bear with me, I want  
10 to add these comments on the record and that's why I'm -- I  
11 put a lot of thought into these comments and I want them  
12 recorded.

13 For nearly 100 years, Waltham has been blessed to  
14 be home of the Stigmatine Fathers and Brothers and retired  
15 priests. Their important work had provided meaningful and  
16 life changing ministry for thousands through retreats and  
17 other spiritual programs. I am grateful for their work and  
18 positive reflection on our great city.

19 Throughout this ordeal, Waltham residents at  
20 meetings have been against each other. Instead of one  
21 waltham, there have been many, each fighting against each  
22 other. In the age of social media, when important issues  
23 drag on, it's easy for rumors, misinformation and confusion  
24 to reign.

25 I want to set the record straight. My long held

1 positions on public education and open space had never  
2 wavered. Waltham sorely needs a modern high school.  
3 Government should never take private property unless no  
4 other options are available and developing the Stigmatine  
5 property into housing is unacceptable.

6 Initial negotiations to transfer the Stigmatine  
7 land to the City of Waltham broke down and there's  
8 animosity. Since then, the Stigmatine Fathers and Brothers  
9 have insisted that their property is not for sale.

10 A letter to the Mayor read in Executive Session as  
11 recently as two weeks ago from the reiterated their  
12 position.

13 However, the situation has changed since then in  
14 three important ways.

15 First, the Mayor declared in Executive Session  
16 that applying for another time extension from the  
17 Massachusetts School Building Authority is not an option.  
18 In addition, the MSBA has exhausted its patience and will  
19 likely rescind their grant without a secured site.

20 As state representative, I've fought to create the  
21 MSBA, in addition to supporting the Waltham Community High  
22 School. Losing up to \$145 million in state funds to other  
23 Massachusetts Communities will be a tragedy to Waltham's  
24 taxpayers and young families.

25 Secondly, this past week on behalf of the City

1 Council and the Mayor, Council President LeBlanc and  
2 Councillor Brasco met with Father White and Attorney Patton.  
3 This conversation left both councilors with the indication  
4 that the Stigmatine Fathers and Brothers are interested in  
5 renewing negotiations with the City about a possible land  
6 sale. In fact, to both councilors, Father White and  
7 Attorney Patton left the meeting committed to speaking with  
8 officials in Rome.

9 Lastly, the Council seems poised to downgrade the  
10 Stigmatine property's zoning to recreation and conservation.  
11 Thus, eliminating all housing options except a Chapter 40B  
12 project, which is exempt from local housing.

13 Father White and Attorney stated through the two  
14 councilors that this would further alienate the Stigmatines  
15 from the City. In my opinion, any additional alienation  
16 between the City and the Stigmatines would make it likely  
17 that the property would be developed into an oversized  
18 Chapter 40B development.

19 I have serious concerns with traffic and egress  
20 issues along with doubts as to the feasibility of the entire  
21 envisioned Waltham High School campus design on the  
22 mountainous Stigmatine property. Yes, given the change in  
23 the Stigmatine position, their arduous land disposition  
24 process, the expiring MSBA grant and the only expeditious  
25 process available now being eminent domain, a decision has



1 to be made and it has to be made now.

2           Therefore, I moved to take the Stigmatine property  
3 by eminent domain for the purposes of educational and/or  
4 recreation and conservation and I ask that my colleagues do  
5 the same.

6           An affirmative vote will prevent housing  
7 development of open space of the Stigmatine property, secure  
8 a new Waltham High School site, secure millions in state  
9 funding and remove school building pressure from other  
10 historic and environmentally important lands. It will end  
11 the divisive climate on this matter so that our community  
12 can begin to heal and focus on other important issues like  
13 planning for the repurposing of the Fernald and building new  
14 police and fire stations. It may also expedite the church  
15 land disposition process and bring a timely mutual agreement  
16 on a solution that meets both the City and Stigmatine  
17 Fathers needs.

18           Thank you.

19           PRESIDENT LeBLANC: Thank you Councillor Stanley.  
20 Councillor McMenimen.

21           COUNCILLOR McMENIMEN: Thank you very much.

22           Stunning, stunning, stunning course of events  
23 here.

24           I have a parliamentary question, I actually have  
25 two.

1           If I might, through you, to the City's Law  
2 Department please?

3           PRESIDENT LeBLANC: Yes.

4           COUNCILLOR McMENIMEN: Through you, to the City's  
5 Law Department.

6           PRESIDENT LeBLANC: Absolutely. Go ahead  
7 Councillor McMenimen.

8           COUNCILLOR McMENIMEN: Thank you. Now, a motion  
9 has just been made here to take the Stigmatine land by  
10 eminent domain, how many votes does that motion need?

11          ATTORNEY AZADI: Ten.

12          ATTORNEY CERVONE: Ten, if it's real estate.

13          COUNCILLOR McMENIMEN: Ten. If it does not  
14 receive ten votes, can that issue -- if it does not receive  
15 ten votes, what happens? It is then denied or does a motion  
16 have to be made for denial?

17          ATTORNEY AZADI: No, it -- sorry. If ten votes  
18 are not received, that means that it has not been favorably  
19 acted upon and there is no eminent domain taking.

20          COUNCILLOR McMENIMEN: And id that were to happen?  
21 Is there a ruling either in our City Council rules or  
22 elsewhere that says this matter cannot be dealt with, the  
23 Stigmatine matter, for a year?

24          ATTORNEY AZADI: I believe there is a council  
25 rule, however, council rules can be waived simply by not

1 following them.

2 COUNCILLOR McMENIMEN: That's a new one on me,  
3 I'll have to remember that.

4 Okay. So if it fails, what is the option here?

5 ATTORNEY AZADI: When you say option --

6 COUNCILLOR McMENIMEN: So if it does not receive  
7 ten votes --

8 ATTORNEY AZADI: If it doesn't receive ten votes -  
9 -

10 PRESIDENT LeBLANC: The Mayor would like to speak.

11 MAYOR McCARTHY: With all due respect, in order to  
12 take something by eminent domain, the money has to be in  
13 place and you have to say what the money is.

14 So all of this discussion is irrelevant until  
15 there's something that says what the money is and the money  
16 has to be in place before you take the vote for eminent  
17 domain.

18 Thank you. For the record.

19 COUNCILLOR McMENIMEN: So thank you. That's all I  
20 need to hear, thank you.

21 I move to table this matter.

22 PRESIDENT LeBLANC: Councillor McMenimen moves to  
23 table --

24 COUNCILLOR McMENIMEN: I will withdraw my -- I  
25 will withdraw my tabling the matter. Don't go -- I will

1 withdraw it.

2 PRESIDENT LeBLANC: councillor Stanley, do you  
3 with to withdraw your motion?

4 COUNCILLOR STANLEY: Well, my -- I did not  
5 anticipate any councillor not being here and I think this  
6 has to end. It really has to end.

7 So I'm open to suggestions and how the motion is  
8 changed and if that would suffice -- if any motion to night  
9 would the suffice Mayor --

10 MAYOR McCARTHY: It's not suffice me, with all due  
11 respect, it's suffice the city charter and state law. So I  
12 just want to put that on the record. Thank you.

13 COUNCILLOR STANLEY: Right. And I'd like to know,  
14 you know, what that figure may be and I would like to hear  
15 from other members and if we hear from other members and  
16 what they're saying, we could get a sense if we have the  
17 votes tonight. If we don't have the votes tonight, it's not  
18 my intention to -- you know, some Machiavellian designs here  
19 to scuttle this effort.

20 So at that time, if that's what the mayor and  
21 others think is the most prudent thing to do, then I'll do  
22 that.

23 PRESIDENT LeBLANC: We'll withdraw the motion  
24 then. Councillor Brasco.

25 COUNCILLOR BRASCO: Thank you Madam President.

1           So it is with -- just as an update, it is with  
2 great disappointment that we did not receive any  
3 communication from the Stigmatine Fathers and Brothers as of  
4 tonight, the beginning of this meeting, which I had hoped  
5 for but unfortunately, we did not receive that.

6           That being said, I talked with Council President  
7 about reaching out to them with a letter today saying, you  
8 know, we would hope that we would be able to have a sit-down  
9 this week and have the ability to come back with substantive  
10 information for next week.

11           A vote tonight -- maybe through you to the Law  
12 Department or maybe the Chair can answer this. If a vote  
13 tonight to give us the authority to use as a tool, eminent  
14 domain, giving us permission to go in negotiations and use a  
15 vote here this evening of eminent domain, is that possible?  
16 And for it remain in Executive Session?

17           ATTORNEY AZADI: If it's in Executive Session, it  
18 can't be released.

19           ATTORNEY CERVONE: And just to harken back to a  
20 comment that was made before in an action that was taken  
21 before by the City Council, and I don't know that the money  
22 is still there, but an affirmative vote for a certain amount  
23 of money that's based on an appraisal that we had that was  
24 part of our potential eminent domain options might be  
25 something -- because money votes have to be taken outside of

1 Executive Session.

2 COUNCILLOR BRASCO: So if we -- and amount right  
3 now we have the ability to work with \$18 million?

4 MAYOR McCARTHY: That's correct.

5 COUNCILLOR BRASCO: Not the twenty-- only the  
6 eighteen.

7 MAYOR McCARTHY: It's an \$18 million bond.

8 COUNCILLOR BRASCO: It's the \$18 million bond.

9 MAYOR McCARTHY: It would have to be reactivated,  
10 but that \$18 million is there.

11 It hasn't been rescinded. In other words, what I  
12 would have to -- I don't have to reactivate it with you, I  
13 have to reactivate it with Bond Counsel.

14 COUNCILLOR BRASCO: If --

15 PRESIDENT LeBLANC: But if Councillor -- if I  
16 might, if Councillor Brasco and I had the next favorable  
17 meeting and they indicated a willingness to work with the  
18 City, we can then come back, discuss a figure and go forward  
19 with the additional money.

20 MAYOR McCARTHY: So what I was hoping was you  
21 would read all the legal opinions --

22 PRESIDENT LeBLANC: Yup, mm-hmm.

23 MAYOR McCARTHY: -- after tonight, that's why I  
24 said you could have them, and come in with any questions you  
25 may have at the next meeting.

1           As you know, I have scheduled four Executive  
2 Sessions. The last of them -- well, I had one before June,  
3 but the last of them is next week.

4           So what I'm saying is, I think we can discuss  
5 things here tonight, but if you intend to do anything,  
6 unless it's fifteen or \$18 million -- fifteen is the as of  
7 right 96 house lots, eighteen is the higher price. As you  
8 know what that's based upon.

9           PRESIDENT LeBLANC: If they were willing to  
10 provide us with their appraisal and we got documents that  
11 you've been requesting.

12           MAYOR McCARTHY: So the issue becomes one of --  
13 previously, I had the authority for eminent domain, but the  
14 problem is, that got -- chht -- so right now, the only way  
15 you make that is there will be ten votes to acquire the  
16 property -- to acquire the property.

17           COUNCILLOR BRASCO: So if I made that in the sense  
18 of a motion and then took the --

19           MAYOR McCARTHY: So in other words --

20           COUNCILLOR BRASCO: Does that have to go on --

21           MAYOR McCARTHY: See, last time when we voted  
22 this, if you recall, there were only nine. So there were  
23 nine votes and I believe that motion -- and the Clerk can  
24 correct me if he -- was to continue to proceed with the  
25 Stigmatine property with no vote. That did not receive the

1 ten, okay? So if there were ten tonight, then you could go  
2 back that there are ten votes to acquire it and then that  
3 would be -- without violating Executive Session -- that  
4 would be a clear message to them that there's ten to acquire  
5 it.

6 COUNCILLOR BRASCO: So then my motion would be to  
7 --

8 COUNCILLOR STANLEY: Well --

9 MAYOR McCARTHY: Well, he's got a pending motion,  
10 he's got a pending motion right now.

11 COUNCILLOR BRASCO: Oh, I'm sorry.

12 MAYOR McCARTHY: But what --

13 PRESIDENT LeBLANC: You can substitute a motion.

14 MAYOR McCARTHY: So what I'm getting at is, right  
15 now -- if it's eminent domain, you have to do the money  
16 first.

17 COUNCILLOR BRASCO: Right.

18 MAYOR McCARTHY: So if the money is in place and  
19 you're just going to do an eminent domain taking --

20 COUNCILLOR BRASCO: And just --

21 MAYOR McCARTHY: Okay, but --

22 COUNCILLOR BRASCO: And I'll conclude my remarks  
23 by saying, I think if we have the power to go back and  
24 negotiate with a firm consensus of this committee and this  
25 body, we stand in a much better situation where we can



1 negotiate a friendly -- friendly outcome. If not --

2 PRESIDENT LeBLANC: A friendly -- sort of --

3 COUNCILLOR BRASCO: A friendly outcome.

4 MAYOR McCARTHY: Especially if they know there's  
5 ten.

6 PRESIDENT LeBLANC: A vote to acquire though is  
7 not --

8 COUNCILLOR BRASCO: Especially with knowing --

9 PRESIDENT LeBLANC: -- to vote for a hostile  
10 eminent domain taking.

11 MAYOR McCARTHY: No, I didn't say it was. What  
12 I'm trying to explain to everybody is, if you take an  
13 eminent domain vote, the money has to be in place and then  
14 you have to record that within 30 days; correct?

15 ATTORNEY CERVONE: Yes.

16 MAYOR McCARTHY: Okay. So as a result of that, I  
17 did not think that you would get an answer tonight, Madam  
18 President and Councillor Brasco --

19 PRESIDENT LeBLANC: I didn't either.

20 MAYOR McCARTHY: Okay. But in the same sense, to  
21 unite the City in their resolve, I think, just like in the  
22 beginning, they were dealing with me, they were dealing with  
23 me in good faith and then all of a sudden it dropped because  
24 there was interference on both sides of the coin. That  
25 process was -- Chhh -- so now if that process is now

1 reunited, like it was in the beginning when I started, then  
2 I think sending that message, the designees that I have  
3 requested, meaning you and the Council President, I think  
4 you'll have more authority and more ability to negotiate a  
5 deal.

6 COUNCILLOR BRASCO: I agree.

7 MAYOR McCARTHY: But, I would respectfully ask --  
8 and there's a reason for this -- since their lawyer's there,  
9 I'd ask that the City's lawyer is there. Okay?

10 COUNCILLOR BRASCO: So, I'm fine with that.

11 MAYOR McCARTHY: So, I just would like to say this  
12 -- and I'm just saying, because I think it's a disadvantage  
13 to have the lawyer for the owner with two individuals  
14 representing the City, you know what I mean? As I told you  
15 before, I'm all set with that, it was my idea to do it and  
16 think you did a wonderful job --

17 PRESIDENT LeBLANC: Can we have just one?

18 MAYOR McCARTHY: One lawyer, yeah, one lawyer.

19 PRESIDENT LeBLANC: Can we pick?

20 (Laughter)

21 ATTORNEY CERVONE: Do you --

22 MAYOR McCARTHY: With all due respect, Pat and I  
23 are considered in the same light. Because Pat told the  
24 truth and I told the truth, so bottom line --

25 COUNCILLOR: You lied?

1 (Laughter)

2 MAYOR McCARTHY: -- you can pick whoever you want  
3 -- Huh?

4 No, John did not lie. John is a litigator.

5 ATTORNEY CERVONE: No, I -- I was the good cop. I  
6 eventually became the --

7 MAYOR McCARTHY: John is -- John is a litigator.

8 So as a result, the discussions were, you know,  
9 from the very beginning, Pat was doing, you know, write down  
10 this agreement, do that agreement, all of that was done.  
11 But that's the only thing I respectfully ask both the  
12 Council as well as my designees.

13 ATTORNEY CERVONE: If I may through the -- just to  
14 address the last two comments. Perhaps, there's another  
15 option, I mean, no one has a problem with attending, but  
16 perhaps the other way to -- because I think the Mayor is  
17 correct on this, but maybe the other way to do it is have no  
18 attorneys. You might find that --

19 MAYOR McCARTHY: No, he won't go without an  
20 attorney John. He won't.

21 ATTORNEY CERVONE: Okay.

22 MAYOR McCARTHY: With all due respect. That's a  
23 good idea, I'm not saying --

24 ATTORNEY CERVONE: Because I think that's the  
25 problem.

1 MAYOR McCARTHY: With all due respect --

2 ATTORNEY CERVONE: That the attorney's the  
3 problem.

4 MAYOR McCARTHY: -- we know the attorney's the  
5 problem, who has skin in the game. So, you know, because  
6 he's an attorney for the --

7 PRESIDENT LeBLANC: Could the Council hire its own  
8 legal --

9 MAYOR McCARTHY: It can hire its own legal  
10 counsel. The problem is, is the -- okay, under our charter,  
11 the Mayor and the City Council, so two thirds, ten  
12 Councilors and one Mayor are the only ones that can  
13 consummate a real estate deal. It can't be consummated  
14 without the Mayor.

15 COUNCILLOR BRASCO: I'm all set, I'm all set.

16 PRESIDENT LeBLANC: Can I -- can I ask, is this an  
17 all or nothing? You know, it's a vote to acquire the entire  
18 46 acres, it's vote to acquire whatever we can acquire. If  
19 you can put a high school on the top and you keep them there  
20 on the bottom?

21 MAYOR McCARTHY: Okay, so --

22 PRESIDENT LeBLANC: What does acquire mean?

23 MAYOR McCARTHY: As the voluminous documents that  
24 I have, August 4, 2016, I had said that I could recommend  
25 the following to the City Council: Five years they stay on

1 site -- you know what I mean? You know, \$18 million, all of  
2 that stuff.

3 The only problem that I see is, that was before we  
4 really knew that the perennial stream was intermittent.

5 So what I would say is, we go in with trying to  
6 acquire the whole parcel. So you don't want to negotiate  
7 against yourself, so you go in with -- you know, that we'd  
8 like to acquire the whole parcel, we'd make arrangements,  
9 naturally, as we were going to do before for the priests,  
10 and how much time would you need? So the question is, they  
11 know, or will know eventually how, you know, the deadlines.

12 So what I'm getting at is this, and I want to be  
13 up front, previously when we had discussions, the 0  
14 Chesterbrook Road received not enough votes. There were two  
15 votes on that I think Mr. Clerk. Then, to continue with the  
16 Stigmatine was nine, for the Fernald was two and then the  
17 unnamed parcel, other people were in favor of the unnamed  
18 parcel.

19 So I just want to make sure that we're proceeding  
20 with one or -- I just -- I'm not trying to mess up the  
21 waters, I'm just saying, are we proceeding only with one  
22 site now or are we proceeding with two sites?

23 Because as far as I know, no sites received ten  
24 votes and the fourth site only had two votes, so that went  
25 without.

1           So the three sites were in. The first site, 0  
2 Chesterbrook Road was out because that had, you know, in  
3 other words, two votes and it didn't carry to provide  
4 expanded acreage. So now the question is, are we proceeding  
5 -- and it's a strict question and answer -- are we  
6 proceeding with UMass and Stigmatine or are we proceeding  
7 with just Stigmatine?

8           I just would like to know, you know, at some point  
9 to night.

10           PRESIDENT LeBLANC: We've got to talk about UMass  
11 --

12           MAYOR McCARTHY: I'm sorry, I apologize. I  
13 apologize.

14           But at sometime tonight, after we finish  
15 Stigmatine, I think we have to know that.

16           PRESIDENT LeBLANC: Councillor Logan? Councillor  
17 Logan?

18           COUNCILLOR STANLEY: I was going to comment on --

19           MAYOR McCARTHY: Okay, do you want to leave now or  
20 later Tom?

21           COUNCILLOR STANLEY: I do, but --

22           PRESIDENT LeBLANC: Councillor Logan.

23           VICE PRESIDENT LOGAN: Okay. So I just have a  
24 question because when you talk about the whole property,  
25 about the whole property. Not the whole property, are we

1 talking about the long --

2           MAYOR McCARTHY: No, we're not talking about that.

3

4           See, right now, things have changed. I don't know  
5 what their position is. Originally their position from  
6 Atlantic Management that was always stated to me, that they  
7 were going to move the priests out, they were going to build  
8 them a new facility and it was going to have a chapel and  
9 residence. So that's what they intended to do with some of  
10 the money. The rest of the money was going to the other  
11 Stigmatines.

12           So as a result of that, I'm not really sure where  
13 they're at. That would be one issue that we would have to  
14 get -- you know, because in the beginning, they thought they  
15 would need five to ten years to do that. I said, ten years  
16 is a long time and, you know, you'd have to pay rent and all  
17 that stuff. So, I mean, come on, you can't just stay on the  
18 property with no rent.

19           So as a result of that, No. 1: I'd like to know  
20 where are they at with the priests and what they intend, you  
21 know, what they need for the priests. Because, you know, I  
22 have a written agreement that was there, that August 4th  
23 that said a lot of things and it was five years for them.

24           Now, I'm not sure, I wouldn't say five years right  
25 now because we wouldn't be able -- the Massachusetts School

1 Building Authority is clear, you cannot have a separate  
2 parcel with the parcel. It has to be sa separate deeded lot  
3 that they get by themselves. So they would not allow, and  
4 as matter of fact, Lorraine, the architect, said there's a  
5 new ruling from MSBA about a year ago that doesn't allow  
6 that shared use, it has to be a separate lot defined.

7 So that --

8 VICE PRESIDENT LOGAN: There's no way to -- like  
9 do a lot down the side --

10 MAYOR McCARTHY: Well, the original plan -- so  
11 2015, were to make a subdivision, A and B, with a cul-de-  
12 sac, you know, some kind of cul-de-sac at the base.

13 VICE PRESIDENT LOGAN: If you look at the may,  
14 say, down the right side or the left side of the property  
15 line, a new road so that --

16 MAYOR McCARTHY: Well, that was their proposal  
17 Councillor, that was the proposal. The lollipop was to put  
18 a road, the public way and to make the lollipop, okay? But  
19 I'm not going to go into that right now, because right now,  
20 the price is an issue here. And so before we give away  
21 things, you've got to have the conversation be about the  
22 price first. If you agree on the price, what other terms  
23 do the parties want?

24 So initially, they had agreed to the price of \$18  
25 million and they had also, we had in essence agreed that we



1 would, you know, share the costs at the end and also five  
2 years. So that was all agreed to until -- until it was not  
3 agreed to.

4           So what I'm getting at is, I want to have them  
5 settle the price because if they're going to ask for \$25  
6 million with no appraisal, we should have a clear site  
7 honestly. Clear site. And see, you know, those of you who  
8 negotiated over the years, you know, things get -- chh-chh -  
9 - No, not agreeing to that, I'm not. So it's a back and  
10 forth all the time. Just like when you're buy or sell a  
11 house, I'm not agreeing to that, I'm agreeing to this. So  
12 you eventually come to some agreement.

13           So what I'm saying to you is, I believe they will  
14 want to know what's going to happen to the priests. We will  
15 want to know how much land we're getting. But the price is  
16 the umbrella over those tow.

17           VICE PRESIDENT LOGAN: But I guess what I was  
18 really getting at more was, given the information that you  
19 just gave us in terms of the recent SBA rulings in terms of  
20 not having two lots, is it physically possible to divide  
21 that property in such a way that they could stay there and  
22 we could build --

23           MAYOR McCARTHY: Yes, and the price would be  
24 reflected by that councillor.

25           VICE PRESIDENT LOGAN: Obviously.

1           MAYOR McCARTHY: And the price would be, not \$25  
2 million, with all due respect.

3           VICE PRESIDENT LOGAN: Yeah. I mean, obviously,  
4 you're not going to pay full price for that property.

5           MAYOR McCARTHY: That's correct. And I would have  
6 to get another appraisal to determine what that split would  
7 be.

8           VICE PRESIDENT LOGAN: Yeah. Because my problem  
9 with the whole thing all along has always been that we've  
10 taken property by eminent domain, we've taken vacant  
11 property, we've taken slivers of property, but we've never  
12 put anybody out of their house, but anybody out of their  
13 business by eminent domain.

14           And I'm not saying -- and I don't want to say -- I  
15 don't want people to take this the wrong way, I'm not trying  
16 to cast aspersions on any Councilors that may have a  
17 different position in saying, 'Well, you're wrong.'

18           But just from my perspective, I don't think it's  
19 the right thing to do. It --

20           MAYOR McCARTHY: I think -- everybody has a right  
21 to vote whichever way they want.

22           VICE PRESIDENT LOGAN: Yeah.

23           ATTORNEY AZADI: I apologize, I --

24           MAYOR McCARTHY: Pat, thank you. Wait a minute,  
25 so we can keep quiet.

1 VICE PRESIDENT LOGAN: Oh --

2 PRESIDENT LeBLANC: Thank you Pat.

3 (Attorney Azadi exits the Council Chamber.)

4 VICE PRESIDENT LOGAN: So, you know, that is my  
5 concern. I mean, if things are heading in the direction of  
6 a taking --

7 MAYOR McCARTHY: Honestly, at the end, with the  
8 price -- see, I talk to the real estate people a lot because  
9 that's who I was designated to talk to. Only a few times  
10 did we talk to Father White or Father Baldasari -- once with  
11 Baldasari, a couple times with White.

12 But the real estate people did everything and they  
13 were making plans to build something right away, they  
14 weren't going to waste their time on doing it. So I'm not  
15 really sure if they still have that connection with  
16 Atlantic. Because Atlantic is in the development business,  
17 so they could easily find them something and make something  
18 with a shorter period of time.

19 So I don't want to give up the fact that if  
20 they're going to do that, why would I bargain against myself  
21 and not try to get the whole land?

22 So I'll have to see how it goes, but they have to  
23 go in with the fact that if it's going to be for the high  
24 school -- if it's going be for the high school, that has not  
25 yet been determined, then the whole parcel is preferable.

1 Okay?

2 VICE PRESIDENT LOGAN: And I understand that. But  
3 I just want to make sure it's clear, and again, it's not  
4 because I'm a Catholic. you know, if this was a synagog or  
5 a mosque or anything like -- I'd feel the same way, and  
6 that's just my personal view on this.

7 But there seems to be some movement here and if  
8 they elect to sell the whole property, I'm all for it. If  
9 it's eminent domain, if there's some way -- I would hope  
10 that the Council would say --

11 MAYOR McCARTHY: Okay.

12 VICE PRESIDENT LOGAN: -- if we can build a high  
13 school without -- without kicking them off basically, if  
14 there's a way that we can carve it off, then why would we go  
15 ahead and take, you know, the buildings. I mean, why  
16 wouldn't we just say -- because you're obviously going to  
17 pay less for less land, why not just say, take the land that  
18 we need and say, we're going to leave you this.

19 That's all I'm saying.

20 MAYOR McCARTHY: Okay, so just so you know, the  
21 architect did make a recommendation that the best site for  
22 the high school is on the top. In other words, where the  
23 espousal was already developed, but it would be more  
24 centered.

25 But I'm not going to go there because I don't know

1 if their position has changed. If their position has  
2 changed, this might be a moot issue, either positively or  
3 negative, it could be moot.

4 So that's the reason why they have to go in and  
5 say, 'There is a united City Council--' or not united, but  
6 if there's ten votes, that's a majority, okay? And the two  
7 thirds are required for disposition of land. If that ten  
8 votes, that is a change from before, okay? And that would  
9 be how -- because I believe both the Council President and  
10 Councillor at large from Crestview, made it very clear to  
11 them that there has been a shift in the Council. So they  
12 have been talking about that shift -- correct Madam  
13 President?

14 PRESIDENT LeBLANC: Absolutely, absolutely.

15 MAYOR McCARTHY: So this might be, you know --  
16 first of all, you didn't respond, even as a courtesy, but  
17 I've dealt with them for a while, so honestly, they might  
18 hit a brick wall or they might hit an opening of the wall.

19 VICE PRESIDENT LOGAN: Who didn't respond?

20 MAYOR McCARTHY: The owner's representative did  
21 not respond to --

22 VICE PRESIDENT LOGAN: Oh, okay. I thought --

23 PRESIDENT LeBLANC: And respectfully, we didn't  
24 give them an ultimatum. We didn't say, you must respond by  
25 --

1           MAYOR McCARTHY: But Paul said, preferably but a  
2 week.

3           PRESIDENT LeBLANC: Right.

4           MAYOR McCARTHY: Preferably -- right Paul?

5           COUNCILLOR BRASCO: Yes.

6           MAYOR McCARTHY: Excuse me, Councillor Brasco?

7           COUNCILLOR BRASCO: Yes. I emphasized the  
8 changing dynamics and time is of the essence.

9           PRESIDENT LeBLANC: Mayor, can I ask --

10          MAYOR McCARTHY: Sure.

11          PRESIDENT LeBLANC: The property that abuts the  
12 top of the Stigmatines that the City owns --

13          MAYOR McCARTHY: Yes, Jericho Hill.

14          PRESIDENT LeBLANC: Right --

15          COUNCILLOR McMENIMEN: Can you speak up please?

16          MAYOR McCARTHY: She's asking about Jericho Hill.

17          PRESIDENT LeBLANC: I'm asking about the property  
18 that's owned by the City that abuts the Stigmatine property.  
19 Obviously, conservation/recreation. Was that ever looked at  
20 for the potential of fields somehow supplementing -- if you  
21 put a building on the top 25 acres or whatever it might be,  
22 was that additionally being looked at?

23          MAYOR McCARTHY: I believe that one and the one on  
24 the left that are conservation restriction.

25          PRESIDENT LeBLANC: So with the conservation

1 restriction, we can still use it for fields?

2           MAYOR McCARTHY: I think we could use it for  
3 fields. The property -- the purpose of buying the  
4 Stigmatine -- I mean, the Sanderson Heights next to the  
5 Stigmatine, was really that they feared -- so Mayor Gately  
6 bought the Jericho Hill and then they feared that there  
7 would be this big parcel of land that could be developed any  
8 which way.

9           PRESIDENT LeBLANC: How many acres is that  
10 Councillor Darcy?

11           COUNCILLOR DARCY: Seven acres for Jericho Hill.

12           MAYOR McCARTHY: Thirty-four for the other.

13           COUNCILLOR DARCY: And twenty-five acres for  
14 Sanderson.

15           PRESIDENT LeBLANC: I'm sorry --

16           COUNCILLOR DARCY: There's seven acres for Jericho  
17 Hill.

18           PRESIDENT LeBLANC: Right.

19           COUNCILLOR DARCY: And twenty-five acres for  
20 Sanderson Heights.

21           PRESIDENT LeBLANC: So --

22           COUNCILLOR DARCY: And they were both zoned from  
23 residence to con/rec. In fact, you voted on it.

24           PRESIDENT LeBLANC: So it's conceivable that if in  
25 fact, you could get the top 25 and put buildings there, that

1 you could get fields --

2           MAYOR McCARTHY: Well, the -- the issue is, I had  
3 the architect look at various locations for the high school.  
4 What she indicated was, because of the stepping, we put it  
5 on the left, we put it on the right, we put it in the back,  
6 she said the best for the City, is for cost and otherwise,  
7 is to put it up on the top and then you have to, you know,  
8 do the -- finish the feasibility study.

9           But I'm just saying, I did ask her to look at, and  
10 those were presented to the Stigmatines. Those plans were  
11 presented to the Stigmatines.

12           PRESIDENT LeBLANC: Councillor LeBlanc.

13           COUNCILLOR LeBLANC: As far as the time line goes,  
14 I don't know, Councillor McLaughlin, he's not here, and is  
15 it -- July 11th is the deadline that the --

16           MAYOR McCARTHY: No, it's September.

17           COUNCILLOR LeBLANC: September?

18           MAYOR McCARTHY: September 27 -- end of September.

19           PRESIDENT LeBLANC: Of 2018.

20           MAYOR McCARTHY: This year, yeah.

21           COUNCILLOR LeBLANC: So there's no July 11th date.

22           MAYOR McCARTHY: But I have to report to him every  
23 single week.

24           COUNCILLOR LeBLANC: Okay.

25           PRESIDENT LeBLANC: But it's the end of September,



1 2018 that we have until.

2           MAYOR McCARTHY: Everything would have to be -- In  
3 other words, what they're saying is, if request the  
4 extension, and I got an inquiry saying, 'Did you request the  
5 extension?' Waltham cable.

6           So if everything was in place, in other words, the  
7 City actually owns the parcel and it's been transferred to  
8 the care/custody, then they would be willing to give us that  
9 -- to that. But at this point, they want to know what we're  
10 doing.

11           And last week, I said, 'There was some movement,  
12 there was a first meeting,' you know what I mean? 'They're  
13 going to try to get an update for the next meeting. I'll  
14 get back to you on the next meeting.' And he said, 'I was  
15 hoping you had good news for me. But I said, 'I hope I have  
16 a next meeting to, you know, go there to see if they've come  
17 back.'

18           But I think in fairness, this is going to be a  
19 week. So they need to know, it's time to fish or cut bait.  
20 Because if you go with a unif-- and that's what I've been  
21 requesting, to go with a unified position for negotiation,  
22 and I understand the concerns because of the eminent domain,  
23 but if you don't send a unified message to the lawyer, then  
24 the lawyer is going to advise his client XY and Z.

25           So -- but that's also the owner and they indicated

1 they need a lot of time, but in the beginning, I would say  
2 that that position was unified.

3 And we've made a lot of progress as a matter of  
4 fact, got everything done, the ConCom, the Board of Survey,  
5 you know, it was all ready to go but I said I'm not going to  
6 do that without a purchase and sale agreement.

7 COUNCILLOR LeBLANC: I don't know that my question  
8 was clear.

9 MAYOR McCARTHY: I'm sorry.

10 COUNCILLOR LeBLANC: On the time line -- it's sort  
11 of time line procedural question.

12 So provided that, you know, Councillor Brasco had  
13 stated that a possible friendly sale could happen, and I  
14 don't know how -- what the time frame on that is as we are  
15 nearing September --

16 MAYOR McCARTHY: I'll tell you.

17 COUNCILLOR LeBLANC: -- should be a possible --

18 MAYOR McCARTHY: The end of June. Because we only  
19 have an August meeting. Other meetings can occur --

20 PRESIDENT LeBLANC: We can call --

21 MAYOR McCARTHY: -- but my bottom line is, you can  
22 ask Attorney Cervone, I dealt with Atlantic Management,  
23 everything was going fine, then a certain -- and another  
24 lawyer, I never dealt with the other lawyer, John Cervone  
25 did -- but everything was going fine until the negotiations

1 were all given to one person.

2 PRESIDENT LeBLANC: Atlantic Management, they  
3 indicated is no longer in the picture.

4 MAYOR McCARTHY: Because their thing has expired.

5 COUNCILLOR LeBLANC: So as we're going forth with  
6 negotiation, if it doesn't look like we're going to hit the  
7 September deadline and we have a --

8 MAYOR McCARTHY: We don't have -- we don't have a  
9 chance. We don't have a change for that.

10 COUNCILLOR LeBLANC: So then it's going to end up  
11 possibly being an ED anyways --

12 MAYOR McCARTHY: I don't know that.

13 COUNCILLOR LeBLANC: -- to make a --

14 MAYOR McCARTHY: What I'm saying is, and I have to  
15 be honest with you, there's movement because there were  
16 nine, there was not ten. So if there's ten tonight, there's  
17 movement again. Do you understand me?

18 And then that would give them an opportunity for a  
19 week to see what they can do and what -- and in fairness,  
20 they might not want to meet with John, but the lawyer knows  
21 he can't prevent John from having -- the only way he can  
22 deal with them directly is with the approval and -- in other  
23 words, Attorney Cervone, acting through the Mayor, has to  
24 give permission for you people to go direct to meet with the  
25 lawyer. That lawyer cannot, by professional responsibility,

1 cannot meet with you directly. So if we now say, you know,  
2 both parties are -- to try to get this moving along, both  
3 parties will have their lawyers there. Because it is a  
4 point we here, you know what I mean, you need counsel, okay,  
5 and the City Attorney is the counsel.

6 ATTORNEY CERVONE: And in fact, to address the  
7 last two questions, including Councillor Stanley's, when the  
8 new lawyer got involved, that was the first time he directed  
9 -- because even with the previous law firm, the Mayor was  
10 allowed to deal directly with principals --

11 MAYOR McCARTHY: Atlantic Management.

12 ATTORNEY CERVONE: Atlantic Management and for  
13 that matter, the Stigmatines. It was only when this new  
14 attorney called and he said, 'No one will deal--' even if  
15 it's without attorneys -- 'No one will deal, Atlantic  
16 Management or with the Stigmatines except through me.'

17 MAYOR McCARTHY: Or the Stigmatine followers.

18 ATTORNEY CERVONE: 'Except through me.' And I  
19 think the Council should probably know something else and  
20 Attorney Azadi would back me up on this because ewe were  
21 really kind of surprised, and this is -- I came in -- I  
22 hadn't met with him the first time, Attorney Azadi had and  
23 dealt with him and Attorney Azadi is pretty easy to deal  
24 with and she found him more difficult than anyone she'd ever  
25 dealt with. So she asked me to come in just to -- anyway,

1 one of the things that we were both surprised with was at  
2 one point when I was just asking basic questions, he got so  
3 exasperated, he said -- seriously, he said, 'As long as this  
4 is on my watch, the City will never -- the Stigmatines will  
5 never leave this land.'

6           Which was the opposite -- we were -- we were this  
7 close, we were on a final document when I was dealing with  
8 the original attorneys, we were this close and just as the  
9 Mayor says, we were talking about all kinds of different  
10 options. Whatever they want, sale and lease back of a  
11 portion, maybe fixing and rehabing one of the buildings for  
12 them, etcetera, etcetera and I think maybe this is also what  
13 Councillor Stanley was getting at, once -- and everyone else  
14 -- if they know there's ten votes, either way, you can do it  
15 the friendly way or we're going to do what we have to do to  
16 unite the City, etcetera, That doesn't preclude us from  
17 continuing to negotiate, but it probably makes the  
18 likelihood that they would actually come to the table  
19 instead of stall, it makes it far more likely.

20           Because my experience was, many years ago when we  
21 made the takings from the First Baptist Church and  
22 diagonally across the street, exact situations. And when  
23 the taking order finally went through, we let them know and  
24 Ed Delaney was the engineer and director, once there was the  
25 vote, we had 30 days to record it before it's final, then

1 they came back and said, 'Well, I know we're opposed, but is  
2 there something you would consider?' And at that point, I  
3 did not record the taking order and got permission from the  
4 City Council and the then Mayor to do that and Ed Delaney  
5 looked at it again and we made adjustments and we eventually  
6 got them to agree.

7 So the one church -- I don't if that's Covenant  
8 Congregational --

9 MAYOR McCARTHY: Same thing happened with Storer.

10 ATTORNEY CERVONE: Yes.

11 MAYOR McCARTHY: Same thing happened with Storer.

12 ATTORNEY CERVONE: Then they -- then we arrived in  
13 an agreement and we didn't have to record the order of  
14 taking because they were willing to convey it and we just  
15 changed the plan a little and we changed the money a little.

16 MAYOR McCARTHY: So --

17 COUNCILLOR LeBLANC: Thank you.

18 MAYOR McCARTHY: To answer the question, only got  
19 to the end of June. Because if he knows you have than the  
20 end of June -- I've worked with the lawyer a long time, I've  
21 been a lawyer since 1983. You know, everybody has their own  
22 negotiation style, but he has indicated, not on his watch is  
23 this probably going to be sold.

24 So the lawyer is not the client and I believe that  
25 he's representing his client, I'm not saying he's not

1 representing his client, but he has said that to Attorney  
2 Azadi on more than one occasion. It's not going to be sold.

3

4 So as a result of that, they were very cooperative  
5 in trying to achieve an agreement while the standstill was  
6 in effect and even when it had lapsed for a while. So --  
7 because they wanted me to extend it and I said, 'Are we  
8 moving? Are we moving? Fine.'

9 So I believe that I have confidence that these two  
10 people right here can go and say, 'The Council is united.'

11 The Council is unite-- and I'm not --- whatever it  
12 is, you know, and I'm not saying a vote like it's -- you  
13 know, anybody has a right to disagree, I'm not saying that.  
14 But they always knew that I had authority, and my first  
15 letter was, naturally I would have to involve the Council.

16 So you don't start out saying, 'Oh by the way, I'm  
17 not going to entertain acquisition or eminent domain.' You  
18 know, that is part of the negotiation strategy. But what  
19 they know now is that there's not enough votes. They  
20 probably know that. I don't know if they know specifics, I  
21 don't believe they do, but they have to know, well, there's  
22 been a shift in the thing and there is sufficient numbers --  
23 without talking about the numbers, sufficient numbers to get  
24 the land. You know, acquire the land.

25 COUNCILLOR LeBLANC: My last question or comment

1 would be in regard to the Councillor's comment from Ward 9,  
2 either in a friendly purchase of the entire parcel or an  
3 eminent domain taking of the entire parcel, would any other  
4 parcels beyond, meaning not sure with a Fernald Chapel or  
5 any other thing could possibly be in play to relocate if  
6 there is indeed some priests that are still there?

7           MAYOR McCARTHY: So we actually met at the Fernald  
8 site and we toured both the Marquart building and the  
9 chapel. And they appreciated very much that offer. What --  
10 the problem that they had was they didn't feel that there  
11 was sufficient parking to do their events that they have  
12 over there. And the parking lot was a deterrent and -- it  
13 was a combination. You know, they saw that there was some  
14 potential there, but they didn't get into any specifics  
15 other than, 'We appreciate that, but we don't think that can  
16 work.' Then mentioned-- one of the things was the parking,  
17 the other thing was, you know, they're -- they're more  
18 centralized there.

19           You know, within a -- and they were originally  
20 going to rebuild them and that was very well known in the  
21 beginning, that what they told me was, 'We had discussed  
22 that with the Stigmatine priests there, that they were going  
23 to relocate them to a new chapel and a new retreat center.

24           PRESIDENT LeBLANC: I will say, in the  
25 conversation with Councillor Brasco and myself, they spoke



1 very negatively about even being asked to consider a move to  
2 the Fernald.

3 MAYOR McCARTHY: Is that right? Well, I have -- I  
4 have documents that show otherwise. But that's fine.

5 PRESIDENT LeBLANC: In connection -- I mean,  
6 respectfully --

7 MAYOR McCARTHY: I understand that.

8 PRESIDENT LeBLANC: You know, that was their  
9 comment. They noted the environmental issues and whatnot.  
10 I've got several Councilors on the list.

11 COUNCILLOR LeBLANC: Just make sure we have  
12 options --

13 MAYOR McCARTHY: So I don't believe Fernald's an  
14 option. But we did discuss that.

15 PRESIDENT LeBLANC: I'm going to get to everybody  
16 and I'll get to you for second time around. First time  
17 around, Councillor Darcy.

18 COUNCILLOR DARCY: I just want to thank the  
19 Councillor for reconsidering on this issue.

20 Bottom line is, I duly attended most hearings.

21 What's the procedure to see if we have ten votes?

22 PRESIDENT LeBLANC: I think we'll get there after  
23 --

24 COUNCILLOR: Take a vote.

25 COUNCILLOR: Well, I want to take a vote.

1           PRESIDENT LeBLANC: Can we do a show of hands?  
2 Can we do a straw --

3           MAYOR McCARTHY: No, you have to -- in fairness,  
4 you have to authorize --

5           PRESIDENT LeBLANC: Right.

6           MAYOR McCARTHY: You have to authorize the City  
7 Attorney and the emissary team.

8           COUNCILLOR DARCY: Well, has that motion been made?

9           MAYOR McCARTHY: No. He as the floor, he has a  
10 motion pending.

11          PRESIDENT LeBLANC: But there are people who are  
12 speaking on it.

13          COUNCILLOR DARCY: I mean, I'm just trying to cut  
14 to the chase. If we have the ten votes, then let's move  
15 forward.

16          PRESIDENT LeBLANC: But Councillor --

17          COUNCILLOR DARCY: If we don't, let's wait until  
18 next week until the Councillor from Ward 4 comes back.

19          PRESIDENT LeBLANC: Councillor Harris is on the  
20 list first time around and Councillor Romard is on the list  
21 first time around. Councillor Harris.

22          COUNCILLOR HARRIS: Through you, to the Mayor.  
23 The \$18 million that are on the table, did this include --  
24 because I've been trying to obtain information the last  
25 couple of weeks, trying to get a baseline on this and it's

1 been very difficult. So this is my forum.

2 Does this include --

3 MAYOR McCARTHY: I prefer the forum to be  
4 Executive Session on this.

5 COUNCILLOR HARRIS: Yes, I understand.

6 Does this \$18 million include the Stigmatines to  
7 remain on the property or when that appraisal was made, was  
8 it that they were not going to remain on the property, can  
9 you answer me that?

10 MAYOR McCARTHY: At the time of that, the  
11 appraisal price was \$18,666,700 or something around that.

12 COUNCILLOR HARRIS: Okay.

13 MAYOR McCARTHY: So I had shaved it down to  
14 eighteen because they were going to be on the site.

15 COUNCILLOR HARRIS: So you've made appropriations  
16 in the dollars when you first laid this out --

17 MAYOR McCARTHY: Yes.

18 COUNCILLOR HARRIS: -- for them to remain on the  
19 site.

20 MAYOR McCARTHY: And I believe the bond says  
21 temporary housing, temporary housing.

22 COUNCILLOR HARRIS: And not a guarantee of where  
23 they would be on the property, but you had carved out at  
24 least equal number of acreage or -- what was the  
25 consideration of that \$700,000 that was still on the table?

1           MAYOR McCARTHY: So because we had asked for a  
2 purchase and sale agreement, it never got to that issue.

3           We got to the letter of intent of August 4th,  
4 2016. And then the appraisal came out, you know, the end of  
5 August I think.

6           COUNCILLOR HARRIS: Thank you Mayor.

7           Through you, to the Attorney.

8           I just want to make sure I understand the  
9 procedure. So if ten votes is obtained tonight -- and  
10 that's if -- if ten votes is obtained tonight, how does this  
11 get shared in the negotiations if we're in Executive  
12 Session? I heard a couple of things and then I think  
13 Attorney Azadi answered quickly and then she left and I have  
14 a follow-up question. So please, help me understand that.

15           ATTORNEY CERVONE: I think, and I know Councillor  
16 Stanley's motion was on the floor, but I think there were  
17 other ways to deal with it.

18           Councillor Stanley's motion could be dealt with,  
19 but you would have to go back into regular session to deal  
20 with the money issue. And I think if -- but the point that  
21 was made a moment ago, and has been, I think by Councillor  
22 Brasco also is, there are other ways to deal with the  
23 motion. I think the Mayor said just to negotiate to acquire  
24 by whatever means --

25           MAYOR McCARTHY: And you'd indicate that there's

1 been a shift in the Council --

2 COUNCILLOR: Changed votes.

3 PRESIDENT LeBLANC: And you could --

4 MAYOR McCARTHY: And there's a majority to  
5 authorize the City Attorney and the Emissaries --

6 ATTORNEY CERVONE: I think he knows that it has to  
7 be technical.

8 PRESIDENT LeBLANC: But you could make a vote to  
9 acquire and be part of that vote to send a unified message  
10 and still be opposed to a hostile eminent domain.

11 MAYOR McCARTHY: Yes, but the problem is -- okay,  
12 we're going to talk about that -- I'll talk about that at  
13 the end, because you're basically authorizing the attorney  
14 now. So that covers you, you know what I'm saying?

15 PRESIDENT LeBLANC: No.

16 MAYOR McCARTHY: It covers you to come back with  
17 something. In other words, the message would be, you can't  
18 share what happens in Executive Session, okay?

19 PRESIDENT LeBLANC: Right.

20 MAYOR McCARTHY: So the attorney would say, 'No,  
21 I'm authorized. I'm authorized to speak to you about  
22 acquiring the property.' See what I mean? There's no  
23 authority right now about that.

24 PRESIDENT LeBLANC: But that vote to acquire -- I  
25 support acquisition, I'm all for acquisition.

1           MAYOR McCARTHY: Mm-hmm.

2           PRESIDENT LeBLANC: I support a friendly taking.  
3 Get the current appraisals, we do a current one, we get  
4 their appraisal and you come to a price and you figure it  
5 out. Whether it's the entire parcel, whether it's part of  
6 the parcel, whatever.

7           MAYOR McCARTHY: But if it's part of the parcel, I  
8 have to now go back and get another appraisal.

9           Say for example we have this appraisal and that  
10 appraisal. Say we get it. He's already told Attorney  
11 Cervone that his is not based upon highest best use, so it's  
12 based upon something else.

13           That's what he said, right?

14           ATTORNEY CERVONE: He hasn't. He agreed at one  
15 point to share it with us in February. He's never -- no  
16 matter how many extensions, he's never shared.

17           PRESIDENT LeBLANC: They--

18           MAYOR McCARTHY: So what I'm getting at to you is,  
19 you're giving authority to the team, but you keep your  
20 options because he knows that your options -- he knows what  
21 the vote is, but they're not going to know what the vote is.

22           Say for example you say, 'Nope, I'm not ever doing  
23 eminent domain.' The attorney knows that, he knows that.  
24 So he knows what the limits of his authority are -- is or  
25 are.

1           So, you know what I'm saying? I agree with you,  
2 but I'm just saying, he needs to be able to --

3           PRESIDENT LeBLANC: I understand.

4           MAYOR McCARTHY: -- say something.

5           COUNCILLOR HARRIS: So it would be an assertion  
6 then -- I just want to make sure I'm clear.

7           MAYOR McCARTHY: He can't just go and say, 'By the  
8 way, there's ten votes.'

9           COUNCILLOR HARRIS: Right. Before being asked to  
10 vote, I want to be clear on what the vote is.

11          MAYOR McCARTHY: You will be, once we get there.

12          COUNCILLOR HARRIS: We will be -- I guess this  
13 would enable you to go in with the authority or verbalize  
14 that you have the authority, a majority to acquire the  
15 property and you're working to negotiate that and that would  
16 be -- how that shakes out doesn't have to be shown.

17          MAYOR McCARTHY: But the message would be given by  
18 the emissaries and then John would be there to make sure  
19 that they're saying the right message.

20          COUNCILLOR HARRIS: Is there any chance -- so  
21 thank you for answering that.

22          Next question is: Let's say you go into  
23 negotiations, just hypothetically play this out so that I  
24 understand the next three steps because I'm tired of chasing  
25 this thing. So the next three steps or possible plays here

1 are, let's say they go in, we say that they have this  
2 authority to move forward and they begin negotiations.

3 MAYOR McCARTHY: Yeah.

4 COUNCILLOR HARRIS: Let's say if the number that  
5 they want to sell the property to us is a higher number than  
6 \$18 million?

7 MAYOR McCARTHY: I have to go back in with another  
8 bond authorization.

9 COUNCILLOR HARRIS: What does that do to the time  
10 line with the state and everything else if we have a strong  
11 commitment and we're working towards that, what is the  
12 impact there Mayor?

13 MAYOR McCARTHY: What I would say to them is, let's  
14 execute a purchase and sale agreement.

15 Let's -- you know, from the very beginning, get me  
16 the purchase and sale agreement and then that would -- you  
17 know what I mean?

18 COUNCILLOR HARRIS: So you would allow them --  
19 that could be the next step --

20 MAYOR McCARTHY: Because I would have to substant-  
21 - I would have to at least have out appraiser look at their  
22 appraisal to see if that price meets the state law and the  
23 city charter on value.

24 I can't just -- but I can expedite that with out  
25 appraiser. You know what I mean? Because he's already



1 familiar with the land. If they provide their appraisal and  
2 then I say, 'Is this price in the ballpark to meet the  
3 charter and the state law?' He could do that pretty  
4 quickly.

5 COUNCILLOR HARRIS: But what I want to understand  
6 --

7 MAYOR McCARTHY: But I would have to put an  
8 appropriation request in.

9 COUNCILLOR HARRIS: So that can happen following  
10 an agreement.

11 MAYOR McCARTHY: It can happen after the next  
12 meeting, then I'd have to call a special meeting.

13 COUNCILLOR HARRIS: So how do we get around that  
14 so --

15 MAYOR McCARTHY: And then there has to be so many  
16 days that -- the publication, same as the original bond.

17 COUNCILLOR HARRIS: What I'm trying to avoid is  
18 some other rabbit hole that we end up going down because we  
19 didn't understand or didn't intend the next step.

20 You can still proceed, should the number change,  
21 we have mechanisms to proceed and acquire the funds  
22 throughout our recess and call special meetings to work  
23 through the money.

24 MAYOR McCARTHY: Yup. But he has to know, in  
25 other words, the Stigmatines and its lawyer, its lawyer has

1 to know that we don't have time to do like last time, not  
2 return John's phone calls for two weeks, not sit down and  
3 talk, that's not happening this time. It's not happening.

4 Because when you have a legal agreement in place  
5 and the people refuse to sit down and meet -- John has lots  
6 of emails, 'The agreement's expired, can we sit down? Can  
7 we sit down?' And so they have to know, time is of the  
8 essence because the bottom line is, I can't say what's going  
9 to happen. I don't know what their position is right now.

10 COUNCILLOR HARRIS: Okay.

11 MAYOR McCARTHY: I respect that they give them  
12 business today or not even giving a courtesy back to them,  
13 but that's how this lawyer works.

14 Now, I'm not worried about the lawyer, I'm worried  
15 about the priests. I don't wish to do it either. But this  
16 priest is going to take the advice of that lawyer -- you  
17 know, it's just like if something is happening with us, if  
18 we have a lawsuit or something like that and we're asked to  
19 make a decision and we don't make it, they say, 'Okay, see  
20 you later. See you later.'

21 I mean, I can't predict right now. But I do  
22 believe that Father White is cognizant of the fact that the  
23 Mayor and the Council are united. Because don't forget, I  
24 authorized these two guys -- as a matter of fact, I  
25 requested for a Council vote. They can't be authorized to

1 go unless the Mayor and Council both agree. And this is  
2 where I think it's good.

3 PRESIDENT LeBLANC: They understand that things  
4 are different. They also acknowledged their appraisal and I  
5 believe they indicated, I think Attorney Patton indicated  
6 that they were having their appraisal updated. Did he say  
7 something along those lines?

8 COUNCILLOR BRASCO: I don't recall that. I know  
9 he did touch upon --

10 PRESIDENT LeBLANC: All right.

11 MAYOR McCARTHY: So the other thing that I  
12 respectfully request and then I'll keep quiet and let you  
13 go.

14 There can be no discussion whatsoever about any  
15 use of the property by them or any other actions that the  
16 City might be doing or not doing. Okay?

17 There can be absolutely no discussion about this  
18 matter or the other matter regarding the potential use of  
19 that property. This is about a property and buying it.  
20 It's not about a potential use or a potential action by the  
21 City because there is no standstill agreement in effect and  
22 I don't wish anyone to talk about that at all. I don't wish  
23 to have any jeopardy on the City's case. Okay?

24 Thank you.

25 I'll sit until --

1           PRESIDENT LeBLANC: So when you -- I believe I  
2 know what you're speaking of. If they want to discuss as  
3 part of a negotiation them remaining on the property --

4           MAYOR McCARTHY: Don't want to talk about that.

5           PRESIDENT LeBLANC: -- for a period of time --

6           MAYOR McCARTHY: Not talking about that.

7           PRESIDENT LeBLANC: You're talking about -- right.

8           MAYOR McCARTHY: I'm talking about the matter that  
9 they brought up to you when they first called you just  
10 recently and I'm talking about the matter that has been  
11 discussed about an alternate use from the past. An  
12 alternate use from the past.

13           Those items should never, ever be brought up.  
14 Right John?

15           ATTORNEY CERVONE: Definitely the wisest move to  
16 take.

17           COUNCILLOR HARRIS: One last thing.

18           PRESIDENT LeBLANC: Yup.

19           COUNCILLOR HARRIS: This is going to be one  
20 opposition. So, I stated last week, I'm incredibly grateful  
21 to both President LeBlanc and also Councillor Brasco for  
22 taking this forward in a leadership position. You can't go  
23 into a negotiation like this -- and I do plenty of this for  
24 my regular job -- you can't go into these positions without  
25 a position of strength.

1           I also am going to echo the thoughts of the  
2 Councillor from Neelers (Phonetic) Lane, there is not one  
3 Waltham because of this issue, Waltham is divided. My phone  
4 rings off the hook and it's frankly not why I ran for  
5 office. I ran for office to govern, to lead, to bring  
6 leadership and support my colleagues to make Waltham a  
7 better place. It is with that, that I too support eminent  
8 domain or the support of purchase and you have to be able to  
9 go in there and force these people into a sale.

10           Otherwise, I think this will continue to ping pong  
11 back and forth and the City will remain disjointed, divided  
12 and the next things that come for Waltham I don't think are  
13 very good for its future.

14           It doesn't matter to me what people call or say or  
15 do on the phone. I have a very thick skin, you can almost  
16 not offend me. But I think what is offensive is how  
17 neighbors are beginning to talk to neighbors and how schools  
18 are becoming places of divisiveness and we really have to  
19 become united.

20           This is a very difficult decision, but I think if  
21 we can negotiate from a place of strength, we can also make  
22 sure that these priests are taken care of.

23           Those are my final comments.

24           PRESIDENT LeBLANC: Thank you Councillor Harris.  
25 Councillor Romard.

1 COUNCILLOR ROMARD: So Madam Chair, summarize for  
2 me then if you can -- and I apologize, I couldn't hear all  
3 of it, but what we're doing going forward.

4 So you're proposing that you're going to go back  
5 to the Stigmatines and say what? What are we going to say?

6 MAYOR McCARTHY: That the Council is united, but  
7 the issue that I just said to the Council President, the use  
8 by us. So that has to be clear as well. Is it for a  
9 school, is it for open space or is it a cemetery? The  
10 original bond had school, open space, temporary housing and  
11 then a request was to add for cemetery.

12 So my issue is, is it for a school? Then you have  
13 to make it clear because the school use is the best -- the  
14 most compelling use if you're going to try to acquire a  
15 property.

16 COUNCILLOR ROMARD: Yes.

17 MAYOR McCARTHY: As opposed to open space.

18 COUNCILLOR ROMARD: It's a --

19 MAYOR McCARTHY: I mean, I'm not saying that it's  
20 not a good thing for open space, it's just not -- it's a  
21 higher standard when you're going for education. So the  
22 discussion then is still just simply around a friendly  
23 taking.

24 MAYOR McCARTHY: If you say that Councillor, if  
25 you even mention that, you've watered down your position.

1 They're not going to say anything. That the Council is  
2 united and they want to acquire the property for a school,  
3 okay? And see how the conversation goes.

4 If you begin to say, 'I'm not for eminent domain,'  
5 or 'It's for friendly taking,' then you're watering their  
6 position down.

7 COUNCILLOR ROMARD: No, I agree with that, I agree  
8 with that. But I'm just trying to get --

9 MAYOR McCARTHY: What your votes might be here,  
10 they know what their is or is not. But as soon as you say  
11 that, you give -- it's just like having a dart --

12 COUNCILLOR ROMARD: Yeah.

13 MAYOR McCARTHY: -- you give so many darts on that  
14 side, so many darts on this side.

15 COUNCILLOR ROMARD: Understood, understood. But  
16 that's out position at this point, is -- what you're saying,  
17 our position is just simply acquire the property. How that  
18 happens, whether it be eminent domain or --

19 PRESIDENT LeBLANC: Hopefully through friendly  
20 negotiation.

21 Okay, second --

22 Are you good Councillor Romard?

23 COUNCILLOR ROMARD: Uhm --

24 COUNCILLOR STANLEY: There'll be other  
25 opportunities to --

1 COUNCILLOR ROMARD: The what?

2 COUNCILLOR STANLEY: There will be other  
3 opportunities if you don't have to finish it now. I think  
4 I can expedite this.

5 PRESIDENT LeBLANC: Councillor Stanley.

6 COUNCILLOR STANLEY: So I -- I agree with what  
7 others are saying and just so -- I think, you know, whatever  
8 is happening here, we have to show the united front, that  
9 we're taking the property and we all basically agree that if  
10 we can do this in a friendly way, it's going to be done in a  
11 friendly way. But we can't go out into the public and say  
12 that.

13 The Mayor and our attorneys have got to speak  
14 first. So I would like to -- to make the motion, with the  
15 words that you want so I'll --

16 MAYOR McCARTHY: So you're going to withdraw the  
17 other motion.

18 COUNCILLOR STANLEY: I'll withdraw the other  
19 motion and tell me what your first motion --

20 MAYOR McCARTHY: Okay.

21 COUNCILLOR STANLEY: What my first motion will be.

22 MAYOR McCARTHY: To authorize the City Solicitor  
23 and designees, Council President Diane P. LeBlanc and  
24 Councillor at Large, Paul J. Brasco to enter into  
25 negotiations to acquire --



1 ATTORNEY CERVONE: By any legal means.

2 MAYOR McCARTHY: Wait a minute John.

3 Acquire the property --

4 (Laughter)

5 MAYOR McCARTHY: I don't write as fast as that.

6 The property, you know, the whole property. Okay?

7 Don't have to go -- ch-ch-ch-ch. That's the vote, okay?

8 But there's a diff-- so I'm going to let him talk,  
9 but there's a difference of agreement as to what those legal  
10 means are.

11 PRESIDENT LeBLANC: And that's okay.

12 MAYOR McCARTHY: Yeah.

13 PRESIDENT LeBLANC: Because they don't need to  
14 know that.

15 MAYOR McCARTHY: Yeah.

16 PRESIDENT LeBLANC: If I might, with all due  
17 respect to the City Solicitor, if you asked me who they  
18 would prefer to be dealing with, you or Attorney Azadi, I  
19 probably would have said Attorney Azadi. I would defer to  
20 Councillor Brasco to see if they had the same read.

21 COUNCILLOR BRASCO: No, I would firmly agree that  
22 -- I don't think you guys get along. So I --

23 ATTORNEY CERVONE: That's --

24 COUNCILLOR BRASCO: I firmly believe that it would  
25 probably be in the best interest that we go in with Attorney

1 Azadi.

2 MAYOR McCARTHY: So that's my decision only. You  
3 guys can't assign the lawyer.

4 PRESIDENT LeBLANC: In fact, that's--

5 MAYOR McCARTHY: I can only assign the lawyer.

6 PRESIDENT LeBLANC: That's right.

7 MAYOR McCARTHY: So I will ask Attorney Azadi if  
8 she feels comfortable doing it. Because in fairness,  
9 there's going to be a vote in Executive Session, but that's  
10 not coming out public at this point.

11 If it came out public, everything would move quick.  
12 But I don't suggest that it comes out public. Because  
13 that's not the way we do business here.

14 But what I'm getting at is, I don't have a problem  
15 if it's Attorney Azadi, but what I'm going to say to you,  
16 when it was Attorney Azadi and myself and the other lawyer,  
17 no problem. There were two people at Atlantic, one, two,  
18 Attorney Azadi and myself. Two and two, okay? Then there  
19 was -- John dealt with Buckley, so --

20 ATTORNEY CERVONE: Reeve and Bronsan (phonetic)

21 MAYOR McCARTHY: Reeve and Bronsan, the real estate  
22 firm. So Pat didn't deal as much with Buckley. John did  
23 all the negotiation on the standstill agreement. So the  
24 agreement itself, and that's what I'm going to say, for the  
25 meeting, yes, but he needs to know the agreements are going

1 to be through Cervone.

2           You see what I mean? In other words, Attorney  
3 Cervone is here, a City Solicitor, he can assign a lawyer to  
4 that and in fairness, he has assigned a lawyer to it in the  
5 beginning. But what happened was, even Attorney Azadi  
6 indicated to me, 'Mayor, they're calling me a liar. You  
7 know I don't lie.' So this, you know, there was a conver--  
8 many conversations between those two. So I'm just saying, I  
9 need for a position of strength to make sure they know that  
10 the City Solicitor is involved in the process.

11           The initial meeting will be with Pat.

12           PRESIDENT LeBLANC: Well -- and so maybe another  
13 option. Obviously they need to understand that the  
14 Solicitor is in charge, is involved. Is there another  
15 attorney that can go with us? Could Luke Stanton go with  
16 us?

17           ATTORNEY CERVONE: I don't have a problem with  
18 Attorney Azadi being involved.

19           MAYOR McCARTHY: No.

20           ATTORNEY CERVONE: It may make sense -- Attorney  
21 Azadi and I have been working as a team with all of that --  
22 all throughout this and it's interesting because actually,  
23 initially after Patton --

24           MAYOR McCARTHY: Yeah, these two got along better.  
25 These two got along better than Azadi and --

1           ATTORNEY CERVONE: Because he -- he said the same  
2 thing. He said, 'Pat Azadi was too difficult to deal with,'  
3 saying he accused her of lying about everything. It doesn't  
4 matter to me. Whatever is best for the City in the final  
5 analysis --

6           MAYOR McCARTHY: I don't want two lawyers because  
7 then it will be two lawyers -- two against one.

8           ATTORNEY CERVONE: -- is fine with me.

9           MAYOR McCARTHY: See what I mean? So I think Pat  
10 can go, no problem.

11          ATTORNEY CERVONE: That's fine, that's fine.

12          MAYOR McCARTHY: She can handle it. And John --  
13 you know, she has to get -- she's supervised by John anyway,  
14 so -- you know what I mean, but I think before you have the  
15 meeting, you'll have a game plan of what you want to discuss  
16 and, you know, I think you -- because it's getting to -- and  
17 I can't -- I'm not saying you're not competent, I'm just  
18 saying you're used to dealing with it all the time.

19          PRESIDENT LeBLANC: Does the Council also need to  
20 also vote to allow Councillor Brasco and I to sit down with  
21 Attorney Azadi and/or Attorney Cervone ahead of time?

22          MAYOR McCARTHY: Well, we can do that. As I said  
23 at the last meeting, that I'm available and they're  
24 available for any advice that you might need.

25          So we're going to leave it at that, you know what

1 I mean? Because I think before you go over there, I mean, I  
2 think you should sit down with the attorney --

3 PRESIDENT LeBLANC: We need a game plan.

4 MAYOR McCARTHY: That's right. So based upon  
5 that.

6 So this would be -- By any legal means, is what  
7 John said.

8 That will send him over the edge John.

9 ATTORNEY CERVONE: But with respect to --

10 PRESIDENT LeBLANC: That means different things to  
11 different Councilors.

12 ATTORNEY CERVONE: -- Councillor Stanley -- yes,  
13 but -- but that's right on point with Councillor Stanley and  
14 Councillor Brasco and -- that's --

15 Considering what they've been saying all along --  
16 because Patton had no problem in letting me know -- he was  
17 telling me that I didn't have -- that there weren't votes  
18 here --

19 MAYOR McCARTHY: That's right.

20 ATTORNEY CERVONE: -- before we were having the  
21 meetings.

22 MAYOR McCARTHY: That's correct.

23 So as a result of that, by any legal means.

24 So that would be -- authorize the City Solicitor  
25 and designees, Council President Diane LeBlanc and

1 Councillor at Large, Paul J. Brasco, to enter into  
2 negotiations to acquire the property -- the whole property  
3 by any legal means.

4 That's enter into negotiations.

5 COUNCILLOR ROMARD: Acquire the property, the  
6 whole property?

7 MAYOR McCARTHY: Acquire the whole property by any  
8 legal means.

9 COUNCILLOR ROMARD: I didn't hear that.

10 MAYOR McCARTHY: By any legal means. So that  
11 leaves it open.

12 PRESIDENT LeBLANC: Right.

13 It sends even a stronger message because you can  
14 get more votes with that language.

15 COUNCILLOR STANLEY: So that's the motion.

16 MAYOR McCARTHY: All right, I'll write it out.

17 PRESIDENT LeBLANC: The clerk would call the vote.

18 CLERK VIZARD: Paul J. Brasco.

19 COUNCILLOR BRASCO: Yes

20 CLERK VIZARD: George A. Darcy, III

21 COUNCILLOR DARCY: Yes.

22 CLERK VIZARD: William H. Fowler.

23 COUNCILLOR FOWLER: Yes.

24 CLERK VIZARD: Cathyann Harris.

25 COUNCILLOR HARRIS: Yes.

1 CLERK VIZARD: Joseph P. LaCava.  
2 COUNCILLOR LaCAVA: Yes.  
3 CLERK VIZARD: Randall J. LeBlanc.  
4 COUNCILLOR R. LEBLANC: Yes.  
5 CLERK VIZARD: Robert G. Logan.  
6 VICE PRESIDENT LOGAN: No.  
7 CLERK VIZARD: Kristine A. Mackin.  
8 COUNCILLOR MACKIN: Yes.  
9 CLERK VIZARD: John J. McLaughlin.  
10 COUNCILLOR McLAUGHLIN: (Not present.)  
11 CLERK VIZARD: Kathleen B. McMenimen.  
12 COUNCILLOR McMENIMEN: Yes.  
13 CLERK VIZARD: Daniel P. Romard.  
14 COUNCILLOR ROMARD: No.  
15 CLERK VIZARD: Thomas M. Stanley.  
16 COUNCILLOR STANLEY: Yes.  
17 CLERK VIZARD: Carlos A. Vidal.  
18 COUNCILLOR VIDAL: Yes.  
19 CLERK VIZARD: President wish to vote?  
20 PRESIDENT LeBLANC: President votes yes.  
21 CLERK VIZARD: Eleven in favor, two opposed, one  
22 absent.  
23 COUNCILLOR ROMARD: What was the vote?  
24 MAYOR McCARTHY: Eleven, two and one. Eleven, two  
25 one.

1 COUNCILLOR STANLEY: Do you need any other  
2 motions?

3 MAYOR McCARTHY: I just -- negotiate -- (Pause)  
4 The whole property -- the Stigmatine property is the whole  
5 property.

6 COUNCILLOR DARCY: There's three parts, as you  
7 know.

8 MAYOR McCARTHY: Yup.

9 COUNCILLOR ROMARD: And I'm sorry, what is this  
10 vote now? What's the next one?

11 MAYOR McCARTHY: I didn't do any next one yet.  
12 Where's John?

13 COUNCILLOR STANLEY: Do we have to designate if  
14 it's for education or --

15 MAYOR McCARTHY: We'll do that now.

16 COUNCILLOR STANLEY: Okay.

17 COUNCILLOR DARCY: Point of information.

18 MAYOR McCARTHY: Yup?

19 COUNCILLOR DARCY: Do you have to include all  
20 three parcels?

21 MAYOR McCARTHY: The whole property, so --

22 COUNCILLOR DARCY: Which includes three parcels.

23 MAYOR McCARTHY: So make a motion. That -- to  
24 understand that it's for the three parcels.

25 COUNCILLOR DARCY: I make a motion to amend the --



1           MAYOR McCARTHY: He has got the floor.

2           COUNCILLOR STANLEY: I make that motion. To  
3 clarify 'the whole property' means the three parcels owned  
4 by the Stigmatines.

5           COUNCILLOR DARCY: Referenced by their parcel  
6 numbers.

7           PRESIDENT LeBLANC: We need a roll call.

8           CLERK VIZARD: Paul J. Brasco.

9           COUNCILLOR BRASCO: Yes

10          CLERK VIZARD: George A. Darcy, III

11          COUNCILLOR DARCY: Yes.

12          CLERK VIZARD: William H. Fowler.

13          COUNCILLOR FOWLER: Yes.

14          CLERK VIZARD: Cathyann Harris.

15          COUNCILLOR HARRIS: Yes.

16          CLERK VIZARD: Joseph P. LaCava.

17          COUNCILLOR LaCAVA: Yes.

18          CLERK VIZARD: Randall J. LeBlanc.

19          COUNCILLOR R. LEBLANC: Yes.

20          CLERK VIZARD: Robert G. Logan.

21          VICE PRESIDENT LOGAN: Yes.

22          CLERK VIZARD: Kristine A. Mackin.

23          COUNCILLOR MACKIN: Yes.

24          CLERK VIZARD: John J. McLaughlin.

25          COUNCILLOR McLAUGHLIN: (Not present.)

1 CLERK VIZARD: Kathleen B. McMenimen.

2 COUNCILLOR McMENIMEN: Yes.

3 CLERK VIZARD: Daniel P. Romard.

4 COUNCILLOR ROMARD: I'm sorry Mr. Clerk, what are  
5 we voting on?

6 MAYOR McCARTHY: Motion to clarify that it's the  
7 whole property, the three parcels by parcel ID number,  
8 that's the motion.

9 COUNCILLOR ROMARD: No.

10 CLERK VIZARD: Thomas M. Stanley.

11 COUNCILLOR STANLEY: Yes.

12 CLERK VIZARD: Carlos A. Vidal.

13 COUNCILLOR VIDAL: Yes.

14 CLERK VIZARD: President wish to vote?

15 PRESIDENT LeBLANC: President votes yes.

16 CLERK VIZARD: Twelve in favor, one opposed, one  
17 absent.

18 MAYOR McCARTHY: Okay, the third one is that the  
19 acquisition of the property would be for what use?

20 COUNCILORS: Education.

21 MAYOR McCARTHY: What use? Acquisition of the  
22 property would be for what use?

23 COUNCILLOR STANLEY: Well, are you suggesting that  
24 it should be one or the other?

25 MAYOR McCARTHY: I'm suggesting that it should be

1 school use and, you know, you know that they have to address  
2 the issues of the priests.

3 COUNCILLOR STANLEY: Right.

4 MAYOR McCARTHY: But this would be the school use.  
5 So we're acquiring it for school use.

6 COUNCILLOR STANLEY: For school use.

7 PRESIDENT LeBLANC: Councillor Logan.

8 VICE PRESIDENT LOGAN: We still have to have -- at  
9 some point we have to have a feasibility study?

10 MAYOR McCARTHY: That's correct, yeah.

11 VICE PRESIDENT LOGAN: And in case this foes  
12 ahead, we take the property and there's a feasibility study  
13 --

14 MAYOR McCARTHY: So let's say, the preferred use  
15 of the property would be for school use.

16 VICE PRESIDENT LOGAN: I think maybe we should say  
17 for school use or open space.

18 COUNCILLOR ROMARD: Can't we just say for the  
19 public --

20 COUNCILLOR McMENIMEN: How about for the preferred  
21 school use.

22 MAYOR McCARTHY: For the preferred school use and  
23 alternate open space.

24 COUNCILLOR McMENIMEN: And alternate open space.

25 VICE PRESIDENT LOGAN: Because just in case -- in

1 case it turns out that for some reason we can't build a  
2 school there.

3 MAYOR McCARTHY: Okay.

4 So the acquisition probably would be for would be  
5 preferred school use and alternately, for open space. Or a  
6 combination thereof. Okay?

7 You alright with that?

8 COUNCILLOR STANLEY: Yeah.

9 MAYOR McCARTHY: All right, there you go, that's  
10 the third vote.

11 PRESIDENT LeBLANC: Roll call.

12 CLERK VIZARD: Paul J. Brasco.

13 COUNCILLOR BRASCO: Yes.

14 CLERK VIZARD: George A. Darcy, III

15 COUNCILLOR DARCY: Yes.

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 VICE PRESIDENT LOGAN: Yes.

1 CLERK VIZARD: Kristine A. Mackin.

2 COUNCILLOR MACKIN: Yes.

3 CLERK VIZARD: John J. McLaughlin.

4 COUNCILLOR McLAUGHLIN: (Not present.)

5 CLERK VIZARD: Kathleen B. McMenimen.

6 COUNCILLOR McMENIMEN: Yes.

7 CLERK VIZARD: Daniel P. Romard.

8 COUNCILLOR ROMARD: No.

9 CLERK VIZARD: Thomas M. Stanley.

10 COUNCILLOR STANLEY: Yes.

11 CLERK VIZARD: Carlos A. Vidal.

12 COUNCILLOR VIDAL: Yes.

13 CLERK VIZARD: President wish to vote?

14 PRESIDENT LeBLANC: President votes yes.

15 MAYOR McCARTHY: Twelve, one and one, right?

16 CLERK VIZARD: Yeah.

17 MAYOR McCARTHY: Now the only other thing is that  
18 the City Attorney will designate. So it's clear, I agree to  
19 that here, so we'll designate -- the City Solicitor will  
20 assign the attorney.

21 To -- City Solicitor will assign the attorney to  
22 accompany the designee team.

23 PRESIDENT LeBLANC: We don't need a vote for that.

24 MAYOR McCARTHY: I'm just saying, we're going to  
25 do that. All right?

1           PRESIDENT LeBLANC: So in terms of what happens  
2 next, because quite honestly, this is fast forward at a much  
3 greater rate than they probably are anticipating based upon  
4 the conversation that Councillor Brasco and I had with them.

5           MAYOR McCARTHY: Mm-hmm.

6           PRESIDENT LeBLANC: What does the next  
7 communication to them look like and who does it come from?

8           MAYOR McCARTHY: It will come from Attorney  
9 Cervone or Attorney Azadi to them and asking for a meeting  
10 before next week.

11           PRESIDENT LeBLANC: So if we're looking for them  
12 to get to a place by next Monday where they're even close  
13 to where we want them to be, we can't hit them with all of  
14 this on Monday at noontime.

15           MAYOR McCARTHY: Okay. So the bottom line  
16 Councillor, I'm going to tell you, it's two years that I've  
17 negotiated with them, with all their undermining and  
18 everything else.

19           They have every right to negotiate for their  
20 client and that's what he's doing, he's negotiating for his  
21 client. But we're also negotiating in good faith with them.  
22 They know what the deal was, if fell apart for a lot of  
23 reasons.

24           But right now, they have to know. John sent them  
25 a letter when we told them it was vital because of school

1 use. So they know when the deadlines were previously when  
2 they went to the School Building Authority, the send all of  
3 the Stigmatine followers and supporters to every meeting, so  
4 they're fully well aware of that.

5           The bottom line here is this, under normal  
6 circumstances, this is what I would do. I would pick up the  
7 phone -- because I'm just telling you what I would do, I  
8 would pick up the phone and I would say, 'Listen, we need a  
9 meeting and we need it right away. We're getting down to  
10 serious stuff here, the same team is in effect and this is  
11 the bottom line.' And if he pushes back -- if he pushes  
12 back, he gives you the answer that you have not been wanting  
13 to have, okay?

14           So it's up to them. He represents that client,  
15 but the client has to now say, 'Well, the dynamic has  
16 changed.' All of a sudden, they're now, 'Yes.' So the  
17 issue becomes one of either they're going to negotiate in  
18 good faith and we'll figure out if we can make an agreement.  
19 And if we can't, they'll report back that they can't. So  
20 then you will have tried every single step before doing  
21 that.

22           So my bottom line is, he is going to delay  
23 naturally, that's what he wants to do. But he doesn't know,  
24 number one, that it's a critical time line, it is.

25           COUNCILLOR BRASCO: Madam President, through you

1 to the Mayor.

2 PRESIDENT LeBLANC: Right.

3 COUNCILLOR BRASCO: It might have not come across  
4 as clearly as we wanted it to, we did emphasize. We have  
5 four executive -- We told him, 'We have four executive--,'  
6 they know we're discussing this this evening.

7 MAYOR McCARTHY: And they'll say, 'The Mayor is  
8 bullying.

9 COUNCILLOR BRASCO: So tomorrow --

10 MAYOR McCARTHY: The Mayor is bullying.

11 COUNCILLOR BRASCO: So tomorrow, they can say what  
12 they want. My --

13 MAYOR McCARTHY: That's right.

14 COUNCILLOR BRASCO: My thought is, is that we move  
15 quick, we move fast to get a meeting with them, because I  
16 want to make sure I get to them before any leaks do.

17 Plain and simple.

18 MAYOR McCARTHY: And so next Monday --

19 COUNCILLOR BRASCO: Wherever that comes from,  
20 whatever happens, I want to be there.

21 MAYOR McCARTHY: Next monday is this -- next  
22 Monday is the last Executive Session.

23 COUNCILLOR BRASCO: That's it.

24 MAYOR McCARTHY: As far as I'm concerned. The  
25 next Executive Session is going to be called my either the



1 Mayor or the Council or a combination of both.

2 COUNCILLOR BRASCO: I thought you already called  
3 one for next --

4 MAYOR McCARTHY: I did. But I'm talking about  
5 after the one in June. I called four for June. I'm talking  
6 about after this June meeting.

7 PRESIDENT LeBLANC: And even if things go well, we  
8 may need another one.

9 MAYOR McCARTHY: That's correct. But in the same  
10 sense -- I'm going to say this, tomorrow, a phone call will  
11 be made. You'll be making it probably in the City Lawyer's  
12 office so that Pat Azadi can say, you know --

13 PRESIDENT LeBLANC: So I can make that phone call  
14 with Pat Azadi there?

15 MAYOR McCARTHY: Pat Azadi and preferably Paul as  
16 well.

17 So if you make the phone call tomorrow with the  
18 lawyer present and you two there, they'll know the dynamic  
19 has changed because it's in the lawyer's hands now. You're  
20 not going with just him, okay? Go ahead John, you've got  
21 something wrong?

22 ATTORNEY CERVONE: Just from my prior experience -  
23 -

24 MAYOR McCARTHY: Yeah.

25 ATTORNEY CERVONE: -- that's a fine idea. But you

1 --

2 MAYOR McCARTHY: But follow up with writing --  
3 follow up with writing.

4 ATTORNEY CERVONE: Yeah, my guess is, there will  
5 not be a -- you won't be able to get him and you won't get a  
6 return phone call, so I think it needed -- needs to be --

7 MAYOR McCARTHY: It needs a written communication.

8 ATTORNEY CERVONE: -- followed up with a fax and an  
9 email.

10 MAYOR McCARTHY: Yeah.

11 PRESIDENT LeBLANC: So maybe you make a written  
12 communication first with just say, 'Look, the council would  
13 like to have a conversation tomorrow, on Wednesday.'

14 ATTORNEY CERVONE: Through -- through --

15 PRESIDENT LeBLANC: Right, right, right.

16 ATTORNEY CERVONE: -- the two --

17 PRESIDENT LeBLANC: Exactly. And arrange for a  
18 time on Wednesday to do that.

19 COUNCILLOR STANLEY: Do you want me to make a  
20 motion on that or?

21 MAYOR McCARTHY: I want to say something for the  
22 record.

23 The issue about -- they keep bringing up Rome.  
24 And the city attorney has gone back and looked all at their  
25 -- all of their transactions, he said that in the last

1 Executive Session I believe -- all the transactions were  
2 done by the president, okay? The issue right now is whether  
3 or not they wish to get serious in talking to us in a  
4 friendly manner, that's the only issue. Really, that's it.  
5 But time is of the extreme essence.

6 PRESIDENT LeBLANC: So they could send a very  
7 clear message, yes, they want to do this through a friendly  
8 negotiation without us getting to the complete end game  
9 price, details, how long they can stay on the property.

10 MAYOR McCARTHY: Yeah.

11 PRESIDENT LeBLANC: We don't have to get there by  
12 Monday. I mean, I think that, quite honestly, is asking a  
13 little bit much.

14 MAYOR McCARTHY: Yes, but they also know that the  
15 alternative is, other legal means, and I didn't say what  
16 they are.

17 COUNCILLOR LeBLANC: I have a question, if I may.  
18 We're projecting that they're not taking any  
19 action. I mean, June 25th is coming up fast and they know  
20 from the conversations and the stuff, that the City is  
21 prepared to do to acquire the parcel. Is there anything --  
22 and this might be for the Solicitor -- is there anything  
23 they could be doing, crafty, to sort of block everything  
24 we're going to do --

25 MAYOR McCARTHY: Oh, they could be doing something

1 worse. They could beat you to the punch.

2 COUNCILLOR LeBLANC: Correct. And should we be  
3 meeting on the 24th? I'm just --

4 MAYOR McCARTHY: No. What I'm indicating is this,  
5 they have their certain -- you know, just like the  
6 standstill agreement, they had what their rights were, we  
7 had what our rights were, if anything's changed in between,  
8 you know what I mean? I had to run to them, I had to  
9 actually run. I will say that they don't have a real estate  
10 firm anymore. The real estate firm could answer a lot of  
11 the questions about what's happening to the Stigmatines  
12 themselves, you know what I mean? So, I don't know yet.

13 But I do know this, no matter what happens, we  
14 need an answer from them. If the answer is 'no,' you get  
15 your answer. If they answer is, 'Maybe I'll meet with you,'  
16 that's not an answer. Because they maybe's take too long  
17 and they're going to say, 'Listen, this is our property,  
18 we're not interested, goodbye, stay away from us.' And  
19 respectfully, that's a right for their position to be. But  
20 at some point, they are interested in other things.

21 COUNCILLOR LeBLANC: Could they pull this off  
22 before the 25th?

23 MAYOR McCARTHY: Of course they could, of course  
24 they could. The plans go back to 2015.

25 PRESIDENT LeBLANC: Councillor Darcy.

1 COUNCILLOR DARCY: So there's no -- there's no  
2 leaks. Because if there's any leaks --

3 MAYOR McCARTHY: There can't be any leaks.

4 COUNCILLOR DARCY: Nothing.

5 MAYOR McCARTHY: If there's any leaks --

6 COUNCILLOR DARCY: And if -- I'll find out who it  
7 is, eventually it comes back.

8 MAYOR McCARTHY: What do you mean you'll find out?

9 (Laughter.)

10 PRESIDENT LeBLANC: Councillor Logan --

11 COUNCILLOR DARCY: No, there can't be --

12 MAYOR McCARTHY: No, there can't be any leaks.

13 COUNCILLOR DARCY: The point I'm trying to make  
14 is, you can't --

15 MAYOR McCARTHY: The City has to be -- we  
16 represent the City of Waltham, they represent the  
17 Stigmatines, that's all there is.

18 COUNCILLOR DARCY: Because exactly what the  
19 gentleman from Linden Circle is saying, listen to what he  
20 just said -- listen to what he just said, what he said makes  
21 total sense.

22 MAYOR McCARTHY: Yeah, he said if there's a leak,  
23 the leak could have consequences, is what he said, right?

24 COUNCILLOR DARCY: That's exactly --

25 MAYOR McCARTHY: Isn't that what you said?

1 PRESIDENT LeBLANC: Yes, it could.

2 MAYOR McCARTHY: In essence, that was the question  
3 you were asking? All right.

4 COUNCILLOR HARRIS: Exactly.

5 PRESIDENT LeBLANC: Councillor Logan.

6 VICE PRESIDENT LOGAN: So to follow up with  
7 something somebody said about the fifteen -- I just, you  
8 know, this, kind of an elder statesman, I want to emphasize  
9 --

10 COUNCILLOR McMENIMEN: Oh.

11 (Laughter)

12 COUNCILLOR: Not the eldest statesman.

13 COUNCILLOR: Not the eldest.

14 VICE PRESIDENT LOGAN: I didn't say eldest  
15 statesperson.

16 (Laughter)

17 VICE PRESIDENT LOGAN: Elder. Reemphasize, you  
18 know, in terms of the -- there was a discussion about what  
19 opposition is, but we shouldn't be talking -- even  
20 discussing anything with anybody --

21 MAYOR McCARTHY: With each other.

22 VICE PRESIDENT LOGAN: Yeah.

23 MAYOR McCARTHY: Or anybody else.

24 VICE PRESIDENT LOGAN: Paula would love to know  
25 what's going on, I haven't told her. People -- I've gotten

1 all the same emails everybody's gotten, I've been trying to  
2 get through and answer them as best I can, I've been busy,  
3 but my answer has simply been, 'We're discussing things in  
4 Executive Session, I can't tell you anything.' And that's  
5 the best way to go. Because whatever -- I mean, whatever  
6 happens, if -- and as much as it's hard, because some people  
7 are getting back to me and they're saying, 'Oh, you're  
8 avoiding the issue, you know, you're talking around in  
9 circles,' and stuff like that.

10 We can't -- you know, it's frustrating, but we  
11 can't. We just, you know, loose lips sink ships, you know,  
12 we can't compromise the City's position either way until  
13 it's all over and out in public. You've just got to be  
14 tight lipped and that's it.

15 PRESIDENT LeBLANC: Respectfully Councilors, it's  
16 like 7:40. The Mayor does have another topic she wants to  
17 talk about and I -- I just want to throw out there that we  
18 have a stenographer here --

19 COUNCILLOR LeBLANC: I'm recusing myself.

20 (Councillor Randall LeBlanc exits the Council  
21 Chamber.)

22 PRESIDENT LeBLANC: -- because the City Counsel  
23 indicated that they wanted the stenographer. We never had  
24 money in our budget for a stenographer.

25 MAYOR McCARTHY: You have legal money, \$10,000.

1           PRESIDENT LeBLANC: Right. So we've got the legal  
2 fund. At some point, there is going to be a bill. There  
3 wasn't a vote to authorize this --

4           COUNCILLOR: Until now.

5           (Laughter.)

6           PRESIDENT LeBLANC: I just want to make sure that  
7 when the bill comes through, we pay it. That's it.

8           MAYOR McCARTHY: There was a request to have a  
9 stenographer.

10          PRESIDENT LeBLANC: Yup, that's it.

11          MAYOR McCARTHY: And they followed up with the  
12 request.

13          PRESIDENT LeBLANC: Mayor.

14          MAYOR McCARTHY: So I would like to get to the  
15 unnamed parcel for a minute. The unnamed parcel, because  
16 we're finished with that other parcel, right?

17          PRESIDENT LeBLANC: Yes.

18          MAYOR McCARTHY: The unnamed parcel, I'm getting a  
19 lot of communications. And what I have indicated was, I'm  
20 not permitted to talk about this parcel, you know, I'm not  
21 permitted to talk about this matter, you know what I mean,  
22 blah, blah, blah. You know, when I can, I will, you know,  
23 talk.

24                 But they're asking specific questions and it's  
25 extremely important that this parcel -- if this is going to



1 be considered for a school or not?

2           Because if that -- they know from emails to  
3 everybody's getting the same kind of emails -- that this  
4 unnamed parcel -- that I not have said it -- but unnamed  
5 parcel -- if that is a viable alternative to this, it's a  
6 problem.

7           Now, it might be a backup plan or a not plan  
8 depending, but if this unnamed parcel is out there, then  
9 there's no reason for this to be thought about.

10           So in the beginning, they were both in the mix,  
11 for a reason, because we're trying to come up with a site,  
12 right? So when we discussed the four sites, we discussed  
13 three and we agreed on three and then later, someone brought  
14 up a fourth. But I'm just saying, if that unnamed parcel  
15 gets out as a potential for the site, it's going to  
16 adversely impact your bargaining position on the first one,  
17 is all I'm trying to say.

18           So it's very important that you don't have any  
19 communications about this one at all, you know what I mean?

20           Because everybody is saying to me, this shouldn't  
21 be a site for the school, it should be for this, it should  
22 be for that. So all these deluge of emails we're getting --  
23 how they ever got out, is another story -- but my point is,  
24 how would you wish to deal with that?

25           PRESIDENT LeBLANC: Mayor, you indicated you were

1 going forward with checking to see if it perced or it didn't  
2 perc?

3           MAYOR McCARTHY: That's correct. But what I'm  
4 getting at, is if it gets out -- if it gets out -- because  
5 some people have indicated, you know what I mean, what their  
6 preferences are.

7           It's just like anything else, you're elected  
8 officials, people ask you questions, whether it be in the  
9 grocery store or this or that, you know what I mean? I'm  
10 just saying, this parcel is much further in the exploration  
11 than the other one. I mean, it's -- in other words, we're  
12 in the infancy states of this one. It couldn't be done  
13 (claps) like that.

14           PRESIDENT LeBLANC: Attorney Cervone.

15           ATTORNEY CERVONE: And just -- and I haven't had a  
16 chance to speak with the Mayor or anyone else about this,  
17 but there was -- I just got a call back, late afternoon,  
18 it's an attorney different from the attorney that we met  
19 with.

20           MAYOR McCARTHY: Oh.

21           ATTORNEY CERVONE: And just to echo what I heard  
22 is -- to echo his word, that it's 'very much in the future,'  
23 that was reemphasized by this attorney.

24           MAYOR McCARTHY: So its not likely to occur  
25 anything soon?

1           ATTORNEY CERVONE: No, they don't want -- and they  
2 were very clear --

3           MAYOR McCARTHY: And they don't want it out  
4 either?

5           ATTORNEY CERVONE: -- they don't want any, even  
6 hint.

7           MAYOR McCARTHY: Okay.

8           ATTORNEY CERVONE: They said, any hint of it  
9 getting public could --

10          MAYOR McCARTHY: Could kill it --

11          ATTORNEY CERVONE: -- kill in the future.

12          MAYOR McCARTHY: Could kill us getting it at all.

13          ATTORNEY CERVONE: Yes, kill us before we could  
14 get --

15          MAYOR McCARTHY: Okay, that's what I thought,  
16 that's what I thought.

17          PRESIDENT LeBLANC: Councillor Logan, then  
18 Councillor Stanley, then Councillor McMenimen.

19          Councillor Logan.

20          VICE PRESIDENT LOGAN: In fairness, that being, I  
21 think we can count votes, I think you've got your answer on  
22 that.

23          MAYOR McCARTHY: No, we never had a vote on that  
24 one.

25          VICE PRESIDENT LOGAN: No, but --

1           MAYOR McCARTHY: Because -- because -- no,  
2 seriously.

3           VICE PRESIDENT LOGAN: Yeah.

4           MAYOR McCARTHY: But I think the process is clear.  
5 This is in infancy stage. There's at least two years of  
6 work on that one.

7           VICE PRESIDENT LOGAN: Yeah. So it's not --

8           MAYOR McCARTHY: And including, if the owner  
9 cooperates.

10          VICE PRESIDENT LOGAN: I haven't actually answered  
11 emails on that one, but I would be even careful with saying  
12 it's in Executive Session because the public doesn't know  
13 that.

14          MAYOR McCARTHY: Oh, I didn't say it was in  
15 Executive Session.

16          VICE PRESIDENT LOGAN: Yeah.

17          MAYOR McCARTHY: I said, I cannot comment on this  
18 property.

19          VICE PRESIDENT LOGAN: Yeah, and everybody else  
20 should say the same thing, can't comm-- because even if you  
21 say -- if you say, 'Well, it's in Executive Session,' then  
22 you're indicating --

23          PRESIDENT LeBLANC: They know it's in Executive  
24 Session because Randy LeBlanc leaves the room.

25          MAYOR McCARTHY: And they know when the other one

1 has to leave the room, Councillor McMenimen.

2 VICE PRESIDENT LOGAN: Yeah.

3 MAYOR McCARTHY: They surmise, they surmise. But  
4 they don't know.

5 VICE PRESIDENT LOGAN: Not to put too blunt a  
6 point on it, to the City Solicitor --

7 MAYOR McCARTHY: Johnny, Johnny.

8 PRESIDENT LeBLANC: Where are you going?

9 COUNCILLOR: Something on the screen.

10 COUNCILLOR: Are you sure?

11 MAYOR McCARTHY: Did it come back on?

12 PRESIDENT LeBLANC: No, it did not come back on,  
13 that was taken care of.

14 VICE PRESIDENT LOGAN: I thought I remembered at  
15 some point, somebody from the Law Department telling us that  
16 it was a violation of state law to breach Executive Session  
17 and there could actually be penalties?

18 ATTORNEY CERVONE: That's true.

19 VICE PRESIDENT LOGAN: So if you go and blab  
20 outside, you're breaking the state law.

21 MAYOR McCARTHY: Enforceable my the Attorney  
22 General.

23 VICE PRESIDENT LOGAN: But in terms of --

24 MAYOR McCARTHY: Enforceable my the Attorney  
25 General.

1           VICE PRESIDENT LOGAN: So I think -- and that was  
2 quite a few years ago, but I think it's --

3           MAYOR McCARTHY: And I just repeated that in my  
4 recent letter.

5           VICE PRESIDENT LOGAN: Yeah. So I think that's  
6 important to point to. It's actually a violation of state  
7 law.

8           MAYOR McCARTHY: It's not up to me to enforce.

9           PRESIDENT LeBLANC: Councillor Stanley.

10          COUNCILLOR STANLEY: So Madam Mayor, are you  
11 looking for a vote, some type of vote that would clarify  
12 we're only looking at one parcel? Because I think --

13          MAYOR McCARTHY: I just wanted -- I didn't need a  
14 vote Councillor Stanley.

15                 What I wanted to make sure was, that that has to  
16 be -- and Attorney Cervone said it now again, if we're  
17 interested in getting that property, the owner is now  
18 indicating that they feel that's far in the future. That  
19 was not clear at the meeting, you know what I mean, that  
20 last meeting, because we got onto whatever. But what I'm  
21 saying is, that can't come up because that would adversely  
22 impact what we're doing.

23          COUNCILLOR STANLEY: So this -- we still can't  
24 talk about it.

25          MAYOR McCARTHY: I'm just -- I'm reminding

1 everyone that it can't come up.

2 COUNCILLOR STANLEY: All right, I'm okay.

3 PRESIDENT LeBLANC: Councillor McMenimen.

4 COUNCILLOR McMENIMEN: So my question would be, if  
5 that was so far in the future that it's practically  
6 impossible --

7 MAYOR McCARTHY: We shouldn't be discussing it  
8 anymore.

9 COUNCILLOR McMENIMEN: Excuse, me, excuse me. And  
10 onto a time constraint for this first property, which is the  
11 property of preference, why would wet hen be considering  
12 this second property if we have to meet deadlines by  
13 September?

14 MAYOR McCARTHY: That's a good point.

15 COUNCILLOR McMENIMEN: Why?

16 MAYOR McCARTHY: You mean, why would we be even  
17 inquiring --

18 COUNCILLOR McMENIMEN: Yes.

19 MAYOR McCARTHY: -- about, you know, that for a  
20 school?

21 COUNCILLOR McMENIMEN: If we've been told --

22 MAYOR McCARTHY: Okay.

23 COUNCILLOR McMENIMEN: If we have been told, 'This  
24 is your time line by --' And by the way, I just read that  
25 they have a new director of the DESE.

1           MAYOR McCARTHY: Okay.

2           COUNCILLOR McMENIMEN: DESE has a new director, so  
3 who know's how he thinks, I don't know.

4           MAYOR McCARTHY: Honestly, it was brought up at  
5 the state level that this could be the solution to our high  
6 school site.

7           So when I originally sent my communication to  
8 Senator Barrett, cc: to Representative Lawn and  
9 Representative Stanley, wasn't a high school considered at  
10 that time, in January of this year.

11          COUNCILLOR STANLEY: Can I comment on that?  
12 Because I -- I was in a meeting that Senator Barrett asked  
13 to have with UMass, once he got of the hospital, and it was  
14 right after Mt. Ida, and it was about trying to keep the  
15 folks there at the Fernald -- I mean, at UMass field  
16 station, and that was the first I had heard about the  
17 potential sale for UMass field station.

18          So at that meeting, I did not say that I'd prefer  
19 to have a high school there, but I -- in the issue of -- and  
20 I don't know if this is what you're talking about, but --

21          MAYOR McCARTHY: No, no.

22          COUNCILLOR STANLEY: --- letting Senator Barrett  
23 know that --

24          MAYOR McCARTHY: Not talking about that.

25          COUNCILLOR STANLEY: -- you know, we're looking



1 for a site at the high school, so that might be something  
2 that is considered and just letting him know that he's got  
3 to think about that politically and so forth.

4 So, that's all.

5 MAYOR McCARTHY: I wasn't at the meeting. In  
6 fairness, what I was talking about was, they were looking at  
7 all sites.

8 When I originally sent my letter to Senator  
9 Barrett and Representative Lawn and Stanley, the idea was,  
10 was continuing the UMass as it was. This came up --

11 (Councillor Logan exits the Council Chamber.)

12 MAYOR McCARTHY: This came up over there, I'm  
13 advised. I'm advised it came up. You know, we need a high  
14 school, blah, blah -- you know, stuff like that.

15 But my point is, then it was looked at at our  
16 Executive Session, about whether -- you know, should we look  
17 into it? And we were in the early stages of that. So we  
18 only discussed it twice. But what was clear was, that the  
19 owner did not want the name out. And I've made that very  
20 clear to the MSBA, that I couldn't have it out.

21 But in fairness, people were just trying to figure  
22 out, was their land large enough around to put a high school  
23 site on it, naturally, subject to the whole process. So  
24 that was the only thing.

25 But my original letter was not for a high school,

1 and that's clear. When I was asked what to put in the  
2 environmental bond bill, it was not for a high school, it  
3 was not.

4 COUNCILLOR McMENIMEN: So then following that --

5 MAYOR McCARTHY: That came up later to me.

6 COUNCILLOR McMENIMEN: So following that up, if  
7 after what our attorney has said to us, it's very, very far  
8 down the road. If that would be an included alternative, if  
9 you will, in all this discussion here, that might jeopardize  
10 out preferential site, which is 554 Lexington Street, why  
11 would we continue to keep that in the mix?

12 MAYOR McCARTHY: Because it was brought in the mix  
13 over there and at the state level, is what I'm saying.  
14 People wanted to talk about it now that it was a possible  
15 site for acquisition.

16 (Councillor Logan reenters the Council Chamber.)

17 MAYOR McCARTHY: So my point is, I had to amend  
18 the legal notice to talk about that site because it was --  
19 people were talking about, that might be 25 acres for a high  
20 school. So in fairness, I've looked at every site that  
21 everybody's asked me to.

22 But the issue about, should it be a high school,  
23 is a long way off. So in the future, what I'll do is I'll  
24 change the Executive Session notice.

25 COUNCILLOR McMENIMEN: Okay.

1           MAYOR McCARTHY: So that it would not include that  
2 other site.

3           See, in other words, it was clear that I was  
4 talking about acquisition use. You know, because in other  
5 words, if you looked at the three sites, one was use, care  
6 custody and control, use, Chesterbrook Road, that was to  
7 give them extra land. The second was for acquisition and  
8 the third was potential.

9           So I had to change it. I couldn't -- at that  
10 time, they were all three in the mix, in this room, you know  
11 what I mean?

12           So -- is that not right Mr. Clerk? Was -- they  
13 were discussed here?

14           So I understand that and I -- you know what I  
15 mean? Based upon what Attorney Cervone's told me today,  
16 that it's way in the future, that they don't want that even  
17 out, now that explains why they didn't send the agreement  
18 back to me.

19           ATTORNEY CERVONE: They were afraid of having a  
20 public record.

21           MAYOR McCARTHY: Okay. So based upon that, I will  
22 amend any communications about Executive Session to be just  
23 about acquisition.

24           PRESIDENT LeBLANC: Okay.

25           MAYOR McCARTHY: That will then -- that answers

1 your question?

2 COUNCILLOR McMENIMEN: It does. And just --

3 MAYOR McCARTHY: And I will keep that parcel  
4 separate, like any other real estate parcel we might have.

5 COUNCILLOR McMENIMEN: Just for the record,  
6 without getting into a lot detail, I've come very late to  
7 the decision making agreement that some of the other  
8 Councilors posited here this evening.

9 For a lot of personal reasons and due diligence,  
10 which I have done for six months on my own. A lot of  
11 reading, a lot of delving, a lot of connecting in my mind,  
12 and understanding what's really, really happening here. And  
13 quite frankly, as group of people, entities outside look  
14 upon us as -- all of us, I don't mean me or you, I mean all  
15 of us -- as not being in the same league as they are in  
16 many, many, many endeavors.

17 And so attorneys look at us, they come here, they  
18 talk to us about many things in development on a regular  
19 basis. And in most cases, they have the upper hand because  
20 this is their business and they do it all the time. Other  
21 business people come to us on a regular basis, that's their  
22 business. They expect that we know very little about their  
23 business. Educators come to us, it's their business -- of  
24 course it's -- they expect we know very little about the  
25 educational business.

1           But out in the big world out there, there is  
2 something called hardball, and hardball is used on a regular  
3 basis. And very often when hardball is used, it's one  
4 entity with another entity.

5           In this case, there's hardball being played. And  
6 I can play hardball very, very well, it's in my DNA.

7           And they look at us and say, it's not one and one,  
8 it's fifteen, of which you need ten and one. And if you  
9 can't get eleven people to come to the table, we'll -- all  
10 those cliché's, we'll divide and conquer, we will dilute, we  
11 will stop, these are all hardball tactics.

12           I've belonged to a union, I've gone into union  
13 negotiations many, many times and I've played hardball with  
14 management and I won three times in a row.

15           So if you people think this is just -- what is --  
16 it's hardball, I'm there, it's taken me a while to get  
17 there, but I'm there.

18           PRESIDENT LeBLANC: You all set Councillor  
19 McMenimen? Councillor Vidal?

20           COUNCILLOR VIDAL: Thank you Madam President.

21           If we're discussing the site that shall not be  
22 named, I know that we shouldn't -- and if we were somehow --  
23 it gets out there that that's being discussed, it will give  
24 us less leverage at the negotiating table, is that correct  
25 Mayor?

1           MAYOR McCARTHY: If the other side were to find  
2 out that there was another site that we were considering,  
3 yes.

4           COUNCILLOR VIDAL: So I have a concern. A concern  
5 with the Councillor who recused himself from here, he's not  
6 going to walk on Thursday at that same site and I'm af--

7           MAYOR McCARTHY: He's going to walk over there?

8           COUNCILLOR VIDAL: And I don't know what the  
9 hell's going on with that, because that shouldn't be  
10 happening if we are somehow -- I don't know whether he's  
11 doing this because -- he's not even here and I'm not going  
12 to say he's going to say things that he shouldn't, but we  
13 shouldn't be having any walks of on that land on Thursday  
14 night.

15          MAYOR McCARTHY: Yeah.

16          COUNCILLOR VIDAL: Because even if he says one  
17 thing, it could be misinterpreted by someone and the idea of  
18 the whole thing blows up.

19          MAYOR McCARTHY: Yeah, that's a point well taken.

20          COUNCILLOR VIDAL: So I would like to somehow -- I  
21 don't know if it would be -- whatever may be the case. This  
22 is a suggestion, but based on what you just told us --

23          MAYOR McCARTHY: I can relay that message if you'd  
24 like.

25          COUNCILLOR VIDAL: I mean, I know that Healthy

1 Waltham is involved and all that, but--

2 MAYOR McCARTHY: Yeah.

3 COUNCILLOR VIDAL: Most of the other Councilors  
4 don't do walks, it usually is a ward thing, but this is  
5 happening in his backyard.

6 MAYOR McCARTHY: Okay.

7 COUNCILLOR VIDAL: And if something like that --  
8 you know, I just want to make sure I shared that with you,  
9 make sure --

10 MAYOR McCARTHY: Yeah, it's point well taken.

11 COUNCILLOR VIDAL: Thank you.

12 PRESIDENT LeBLANC: Councillor Vidal. Councillor  
13 Romard.

14 COUNCILLOR ROMARD: Same thing to that point. We  
15 shouldn't be talking about any property, people approach me  
16 all the time. You know, 'Is Chesterbrook still on the  
17 table? Is this still on the table?'

18 I hope the Council obviously -- or is aware of  
19 that. We shouldn't be talking about any property at all.  
20 Because that -- you know, people negotiate or figure out,  
21 'Oh, and this is still--'

22 So no property at all should be discussed at all.

23 That's it, thank you.

24 PRESIDENT LeBLANC: Councillor Fowler.

25 COUNCILLOR FOWLER: I haven't said much so -- just

1 on the unnamed property, everybody knows that is a potential  
2 piece of property because Senator Barrett made a phone call  
3 to a member of the Farm Board, talked to them on the phone  
4 and told them that the property was going to be available.

5 So that whole group and everyone in the building  
6 and -- it spread out -- knows the property is for sale.

7 MAYOR McCARTHY: Plus, their lease was not  
8 renewed.

9 COUNCILLOR FOWLER: And their leases were not  
10 renewed.

11 So it might -- I mean, I'd just ask the Mayor,  
12 maybe to --

13 MAYOR McCARTHY: He didn't say the City was going  
14 to get it. I did --

15 COUNCILLOR FOWLER: No, no. And that's my point.

16 MAYOR McCARTHY: He didn't say the City was going  
17 to get it, but he said that they were going to sell it.

18 COUNCILLOR FOWLER: Right.

19 And so maybe a statement to the effect of, if the  
20 property becomes available, down the road, the City would be  
21 interested in it --

22 MAYOR McCARTHY: Okay.

23 COUNCILLOR FOWLER: -- but for other uses.

24 And just to -- I don't know.

25 MAYOR McCARTHY: So the City --



1 COUNCILLOR FOWLER: I'm not an attorney --

2 MAYOR McCARTHY: The representative of the unnamed  
3 property wrote out a joint press release that he was willing  
4 to say. That the City and the unnamed property for years,  
5 have been having ongoing discussions regarding this unnamed  
6 property and we will continue those discussions. That was  
7 the basis of his -- he said, and at the appropriate time, he  
8 will release that.

9 But we -- I'm not releasing anything, anywhere,  
10 unless I get a standstill agreement, in fairness. Because  
11 it's a real estate transaction. I'm going to say it again,  
12 whether it be parcel A, parcel B. You can talk a lot, but  
13 with real estate, you need an agreement in writing because  
14 real estate needs to go -- satisfy the statute of frauds.  
15 So as a result of that, it has to be in writing.

16 You know, the law requires any real estate  
17 agreement to be in writing. So as a result of that, that's  
18 why we had a standstill agreement and several extensions on  
19 the parcel that we were talking about and that's the reason  
20 why I would do the same thing here.

21 And then, and only then, when I go, that would be  
22 the agreement, then I would come for the public notification  
23 of the money for the exploratory phases, meaning appraisal,  
24 environmental, title.

25 But I would come back and I will separate that as

1 a separate issue now and a separate Executive Session  
2 notice. I will not combine that one based upon the fact  
3 that -- it was just that this had come up.

4 PRESIDENT LeBLANC: To this point, all the notices  
5 have said "Real estate matters." There's nothing --

6 MAYOR McCARTHY: I know that, but this had come up  
7 and it wasn't the same because it was 'acquire,' -- in  
8 fairness Councillor LeBlanc, it was 'acquire.'

9 So acquire is different than purchase, okay?

10 I hear you. I hear what you're saying.

11 COUNCILLOR FOWLER: I've got as many emails on  
12 that property --

13 MAYOR McCARTHY: A lot.

14 COUNCILLOR FOWLER: -- it seems as --

15 PRESIDENT LeBLANC: If we're done with this -- If  
16 we're done with this, Councillor LeBlanc can come back in so  
17 we can adjourn.

18 Councillor Logan, if you can get Councillor  
19 LeBlanc? And where did Councillor McMenimen go?

20 COUNCILLOR: She's here.

21 MAYOR McCARTHY: So I'll do a new notice and get  
22 that -- about the property walk.

23 VICE PRESIDENT LOGAN: Move to adjourn.

24 PRESIDENT LeBLANC: Vice President Logan moves to  
25 adjourn. Roll call.

1 COUNCILLOR McMENIMEN: What are we doing?

2 PRESIDENT LeBLANC: I'm sorry, what?

3 COUNCILLOR McMENIMEN: I didn't hear what you  
4 said.

5 PRESIDENT LeBLANC: Vice President Logan moves to  
6 adjourn.

7 COUNCILLOR McMENIMEN: Oh, okay.

8 PRESIDENT LeBLANC: A roll call is required.

9 COUNCILLOR McMENIMEN: You move?

10 VICE PRESIDENT LOGAN: I moved.

11 CLERK VIZARD: Paul J. Brasco.

12 COUNCILLOR BRASCO: Yes.

13 CLERK VIZARD: George A. Darcy, III

14 COUNCILLOR DARCY: Yes.

15 CLERK VIZARD: William H. Fowler.

16 COUNCILLOR FOWLER: Yes.

17 CLERK VIZARD: Cathyann Harris.

18 COUNCILLOR HARRIS: Yes.

19 CLERK VIZARD: Joseph P. LaCava.

20 COUNCILLOR LaCAVA: Yes.

21 CLERK VIZARD: Randall J. LeBlanc.

22 COUNCILLOR R. LEBLANC: Yes.

23 CLERK VIZARD: Robert G. Logan.

24 VICE PRESIDENT LOGAN: Yes.

25 CLERK VIZARD: Kristine A. Mackin.

1 COUNCILLOR MACKIN: Yes.

2 CLERK VIZARD: John J. McLaughlin is absent.

3 COUNCILLOR McLAUGHLIN: (Not present.)

4 CLERK VIZARD: Kathleen B. McMenimen.

5 COUNCILLOR McMENIMEN: Yes.

6 CLERK VIZARD: Daniel P. Romard.

7 COUNCILLOR ROMARD: Yes.

8 CLERK VIZARD: Thomas M. Stanley.

9 COUNCILLOR STANLEY: Yes.

10 CLERK VIZARD: Carlos A. Vidal.

11 COUNCILLOR VIDAL: Yes.

12 CLERK VIZARD: President LeBlanc.

13 PRESIDENT LeBLANC: Yes.

14 CLERK VIZARD: Fourteen in favor, one absent.

15 (Whereupon, the Executive Session was adjourned at

16 8:04 p.m.)

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CERTIFICATE OF REPORTER AND TRANSCRIBER

This is to certify that the attached proceedings

In the Matter of:

EXECUTIVE SESSION:

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

Place: Waltham, Massachusetts

Date: June 18, 2018

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

Jeffrey Mocanu

11/26/2018

Reporter

Date