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CITY OF WALTHAM MASSACHUSETTS

12/14/2020

CITY COUNCIL

EXECUTIVE SESSION:

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

Monday
June 25, 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
John J. McLaughlin, 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

(6:10 p.m.)

1
2
3 PRESIDENT LEBLANC: The Executive Session to
4 address real estate matters related to the high school is
5 called to order.

6 MAYOR MCCARTHY: So, Attorney Azadi, can I have an
7 update on our last meeting?

8 ATTORNEY AZADI: Yes. Okay. We met on June 21st
9 Councillor LeBlanc and Councillor Brasco with Father White
10 and Attorney Patton. And Councillor Brasco and Councillor
11 LeBlanc asked if there's any new information. Father
12 White's response to that was that everything takes time.
13 So, there was no new information from the Stigmatines.

14 Attorney Patton explained that it's not a simple
15 process. And he was discussing the fact that language was
16 an issue because the Superior General in Rome, and the newly
17 elected Superior General actually speaks Portuguese rather
18 than Italian. So, we have an additional layer of
19 translation there.

20 Attorney Patton has a number of comments of past
21 dealings which really aren't necessary to go into at this
22 point. We tried to focus the conversation on the current
23 status of the City Council's feelings with respect to the
24 property and what the Stigmatines themselves are willing to
25 do.

1 Father White indicated that, in addition to the
2 Superior General, it is necessary to have the Cardinal for
3 the Archdiocese of Boston also participate by giving
4 approval for any sale of the property. And he indicated
5 that that was because, any time there's a disposition of
6 property over a certain dollar amount, the local archdiocese
7 has to be involved.

8 He did indicate that, about a year ago, I asked
9 him at that point if he was talking about something like a
10 right of first refusal. And he said, no, it doesn't rise to
11 the level of a right of first refusal. Though,
12 approximately a year ago, when there were earlier
13 discussions going on, apparently, he had some dealings with
14 the Cardinal. And it was indicated at that time that the
15 Cardinal was not interested in acquiring the property for
16 the archdiocese.

17 Father White then went on to explain that, in
18 addition to the Superior General and the Cardinal, he has a
19 board of 15 priests that he has to discuss everything with.
20 And while we were trying to emphasize to him the importance
21 of giving us information on what terms the Stigmatines would
22 like to see whether it's a purchase, a taking, whatever form
23 of acquisition. He explained that he couldn't even begin
24 talking to them until he got approval from Rome and the
25 Cardinal.

1 He did indicate that just us with the City Council
2 having 15 members, it's difficult to get them all to agree.
3 He foresaw the same thing happening with the 15 priests that
4 he has to involve in the process.

5 Father White indicated that he's done all the
6 preliminary work he can do, didn't really specific exactly
7 what that was. Based on the conversation, I would say it's
8 asking Rome to give an answer, nothing more than that at
9 this point.

10 Let me see. Councillor Brasco explained several
11 times that he's trying to get a win/win so that the
12 Stigmatines are happy with the results of any negotiations
13 and the City gets what it needs for its process. But,
14 again, Father White is constrained, according to Attorney
15 Patton. He said his shareholders have a say. The Superior
16 General would have the authority to say okay, you can give
17 the go ahead. But, the local 15 Stigmatines also have to
18 agree.

19 Councillor Brasco requested a copy of the
20 appraisal that has been done by the Stigmatines as a sign of
21 good faith. Attorney Patton is unwilling to release that.
22 He also indicated that he would want to update it, but
23 again, is unwilling to share that document with the City.

24 Although, he did say that price is secondary to
25 the threshold issue which is authority to sell the property.

1 Again, there were several times where that was repeated.
2 And Attorney Patton remained adamant that he would not
3 release the appraisal.

4 Councillor Brasco asked if he'd been willing to
5 give the old appraisal with the understanding that it is to
6 be updated. And Attorney Patton again refused to do so.

7 Let me see. Final upshot, oh, Councillor LeBlanc
8 asked what the current relationship is of the Stigmatines
9 with the marketing company. Attorney Patton indicated that
10 they've done a management plan for the priests and St.
11 Joseph's Hall. And that, at this point, they are not
12 attempting to sell the property. He also indicated that,
13 since they began negotiations with the City, they have not
14 been trying to sell the property to anyone else.

15 We again emphasized that the hope is to move this
16 forward in an amicable way. But, we don't really have any
17 movement or any information from the Stigmatines that we
18 didn't have prior to this meeting other than the fact that
19 we now know that there are 15 local priests who also have to
20 be involved in the process.

21 And we've set up another meeting for tomorrow at
22 4:00 p.m. And the purpose of that meeting is to try and see
23 if there is any authorization to discuss terms. At the end
24 of the meeting, I actually made a statement, I think, that
25 may have prompted this meeting. I said, "to be blunt, if,

1 in fact, there were a vote of the City Council on Monday
2 night to take the property, I want to again make you aware
3 that we have 30 days to record an order." So, there is a
4 possibility to have some negotiation going on.

5 So, I said, "if there were a taking order, would
6 you still want to meet on Tuesday and possibly discuss terms
7 then?" And the answer was, "yes". But, again, because we
8 didn't know exactly what was going to happen tonight, it
9 could be, for a friendly acquisition, it could be for a
10 taking. But, supposedly, there would be more discussion of
11 terms tomorrow.

12 PRESIDENT LEBLANC: So, I mean, that is a good
13 summary. But, there was, I think, one of the most
14 significant things that was conveyed by both Councillor
15 Brasco and myself was the Council's desire to acquire this
16 property for a school, preferably in its entirety. But, to
17 acquire enough of the property for a school.

18 I conveyed, very plainly, looking directly at
19 Father White, that while my personal position on a hostile
20 eminent domain taking had not changed, this was a very
21 different Council body.

22 ATTORNEY AZADI: Yes.

23 PRESIDENT LEBLANC: And Councillor Brasco
24 essentially conveyed those same sentiments. They then came
25 back to us and this is extremely significant, and said, "I

1 need that" -- Father White said, "I need that in writing."
2 This is on Thursday afternoon. Our meeting started at 4:00.
3 It went for almost two hours. And they said, "please",
4 Father White said, "get me that in writing so that I can
5 send it off to Rome."

6 Now, at the same time, Councillor Brasco and I are
7 conveying as well, we need something substantive to take
8 back to the Council body to let them know that we're moving
9 in the right direction toward either a purchase and sale or
10 a friendly taking.

11 And I certainly had all hopes, I'm not going to
12 speak for Councillor Brasco, that we would be able to
13 deliver them that letter so that they could send it off to
14 Rome. And in turn, they would send us a letter.

15 We weren't able to do that. And maybe, Attorney
16 Azadi, explain why you were unable to give them that letter.

17 ATTORNEY AZADI: Yes. The specific request was in
18 reference to comments that were made by both Councillors
19 saying that the City Council had decided that it was ready
20 to acquire the property by all legal means. And the
21 question came from Attorney Patton and Father White asking,
22 "what do you mean by all legal means?"

23 And I had quietly said I wasn't present for the
24 entire meeting last week, so I couldn't comment on what had
25 been discussed by the Council. When I went into work on

1 Friday, I was trying to find out exactly what may have
2 occurred. And I could not find anything that indicated that
3 there was actually a vote on all legal means for
4 acquisition. Therefore, if I had tried to write something,
5 I would have been misrepresenting what the position was at
6 that time.

7 So, I did inform Councillor LeBlanc that I
8 wouldn't be able to send out the letter, and that I
9 recommended that the question be submitted to the Council
10 tonight.

11 PRESIDENT LEBLANC: So, and Councillor Brasco and
12 I have certainly been communicating around this matter. I
13 mean, Attorney Cervone was present. So, he knows what the
14 vote was.

15 Despite the fact that we were not able to deliver
16 to them the letter that they requested to really let Rome
17 know how serious this was, they did, in good faith, and I
18 would guess the Councillors should receive a copy of it.
19 This came in this afternoon from Attorney Patton to
20 Councillor Brasco and myself, send a very brief letter which
21 I forwarded to Attorney Azadi and Attorney Cervone. It
22 actually came through the Acting City Clerk Vizard.

23 And it says, "regarding Waltham property. Dear
24 Councillors LeBlanc and Brasco, Father White is willing to
25 enter into negotiations with the sincere intention of

1 identifying mutually agreeable terms for the sale of the
2 property to the City. We will discuss this further at our
3 meeting tomorrow scheduled for 4:00 p.m. at the Stigmatine
4 property." So that's the letter that we received.

5 Councillor Brasco?

6 COUNCILLOR BRASCO: Agreed. We actually mentioned
7 during the meeting and I'll give my little brief summary of
8 how I believe that it went.

9 I think, when we walked in to meet Father White
10 and Attorney Patton, I think the first thing that they saw
11 was that Attorney Azadi was with us, which sent a clear
12 message to them that, now, we have our lawyers engaged in
13 the conversation and dialogue. I believe, at certain
14 points, it might have become a little contentious with
15 Attorney Patton trying to go backwards rather than moving
16 forward. Attorney Patton engaged Attorney Azadi on a number
17 of different occasions with different comments back and
18 forth.

19 We did state clearly, on numerous occasions,
20 time's up, pretty much. We were hoping to bring something
21 back to the Council last week and we didn't have anything to
22 provide to the Council. That coming back this week without
23 something, a letter to work in good faith, with not even a
24 guarantee that, as Attorney Azadi said, at the conclusion of
25 the meeting, if there is a taking, you know, we should still

1 meet, because we can hammer out a deal.

2 They said, Father White, as Attorney Azadi said,
3 he said he wanted the letter from us stating about, you know
4 -- on a number of occasions, I had said that there's change
5 in dynamics, sufficient support by this body to acquire the
6 property by all legal means. And when they pressed that
7 issue several times, the same response came out. There is
8 sufficient support to acquire the property by any legal
9 means.

10 And then, they wanted the clarity of that in
11 writing. They wanted us to provide that letter in writing,
12 which then, I asked Attorney Azadi if we could get that to
13 them by that afternoon, by Friday, over the weekend,
14 something in good -- I will say in good faith. They said
15 they wouldn't respond without that letter. And to -- well,
16 to my liking, I guess, they responded today with the ability
17 of saying, you know, with that letter in response.

18 They know the clock is ticking, because they knew
19 that we've called these special meetings. They knew that
20 the last of our meetings for the Council body to meet was
21 now. But, they did send off this letter without us sending
22 anything to them. So, to be able to have the ability for
23 them to come back and say this to us, I thought was a
24 positive measure to see.

25 And given the opportunity, probably come out with

1 some type of amicable agreement. I'm hoping. I mean,
2 that's my summary of what took place.

3 PRESIDENT LEBLANC: I think, the only -- well, I
4 don't want to say only. I might think of other stuff. I
5 think, something else that is significant is that they
6 shared with us that the new Superior General will be coming
7 to the property to visit with the Stigmatines here in
8 Waltham.

9 Pat, did you get those dates? It's at the end of
10 the month?

11 ATTORNEY AZADI: The new Superior General is
12 supposed to be coming July 22nd. And in response to a
13 question about why he was coming, Father White indicated
14 that it is not related to the potential acquisition by the
15 City. It's just because of the fact that he was newly
16 elected, he's going to be going around and visiting various
17 local Stigmatine properties.

18 PRESIDENT LEBLANC: He also indicated that he has
19 been here before, but in a different capacity. Not as the
20 Superior General. But, -- but, certainly, if we were
21 working toward a deal, if we get a deal, their leadership is
22 coming here soon.

23 MAYOR MCCARTHY: So, I may, and this is for the
24 record.

25 (Passes out letter/e-mails.)

1 MAYOR MCCARTHY: I'll go over it in a minute.
2 Okay.

3 PRESIDENT LEBLANC: Mayor, the Council has
4 received some of these communications.

5 MAYOR MCCARTHY: With all due respect, Councillor,
6 this is for the record. We have a stenographer here and
7 we're putting these things into the record.

8 COUNCILLOR MCMENIMEN: None of this is marked
9 confidential; correct?

10 MAYOR MCCARTHY: They are all given to you in
11 Executive Session.

12 COUNCILLOR MCMENIMEN: Okay. Thank you.

13 MAYOR MCCARTHY: Executive Session documents.
14 (Mayor McCarthy hands out documents.)

15 MAYOR MCCARTHY: I'm missing one. Joe, can I have
16 yours?

17 The first document.

18 Then, I'd be happy to relinquish the floor.

19 The first document is a document to the Waltham
20 City Council regarding MSBA communications, state funding of
21 Waltham High School. "Dear Councillors, with regard to the
22 issue of state financing of the Waltham High School project
23 enclosed please find, May 14th communication to the
24 superintendent, May 24th school superintendent response,
25 June 19th communication to the Mayor, and June 25th today."

1 Okay. There's been a lot of misinformation all
2 about the September 30th date. That September 30th was an
3 Executive Session. I had indicated to them at the time that
4 I didn't think the September 30th, I don't think I -- you
5 know, they would give me 'til September 30th, but I would
6 report back to them every week. Because at the time, there
7 was no support. I did not indicate that we would have
8 support, but I would get back to them every week.

9 So, this is the superintendent asked the question,
10 is there an interim date by which -- it should say by which
11 -- by which we need to make a site selection. The City of
12 Waltham must complete its site selection process and local
13 actions and approvals on or before September 30, 2018. If
14 the City is unable to meet this time line, then MSBA may
15 request that the City consider withdrawing the statement of
16 interest, -- You know how that starts the process -- for the
17 Waltham High School project, submit a new statement of
18 interest and await a potential second invitation from the
19 MSBA board to enter the eligibility period phase of the MSBA
20 process.

21 So, I want to just point out that. And then, I'd
22 like to point out this one. Hold on a minute.

23 "May 24th communication. Okay. Please provide a
24 more detailed status of the City's efforts to determine the
25 potential sites for the Waltham High School project, the

1 time line for completing this effort and how this affects
2 the City schedule to complete the feasibility study and
3 schematic design. In particular, please provide the steps
4 and reasonable time line needed to engage in discussions
5 regarding the Stigmatine site, conclude on an agreement,
6 secure full use and ownership, and conduct the site
7 investigations and testings needed as part of the
8 feasibility studies schematic design phase. Please include
9 the City's next steps if discussions on the Stigmatines are
10 not successful."

11 So that's that document.

12 Oh, and as I indicated, I did file an amended
13 notice of the meeting for tonight. The amended notice of
14 the meeting in relationship to the last meeting, I
15 eliminated all use of real estate parcels based upon our
16 prior discussions. So, the purpose of the meeting is
17 Executive Session with regard to acquisition of real estate
18 parcels in relationship to the Waltham High School project.
19 As I indicated at the last meeting, I would update that.

20 The next one, to the Waltham City Council re:
21 Trustees of Stigmatine Fathers, Inc -- I'm reading this
22 because they're lawyers.

23 "Dear Councillors, I have not currently spoke to
24 Father White, president of the corporation, nor Attorney
25 Adam Patton, attorney for the Stigmatine Fathers, Inc, nor

1 Atlantic Management. I am not aware of any current plans of
2 the trustees of Stigmatine Fathers, Inc to develop, sell or
3 transfer its properties in Waltham."

4 And I have provided all of the communications
5 since the City Council resolution, March 2nd, March 9th,
6 March 12th, April 23rd, all 2018. May 1st, May 15th, May
7 18th, May 30th, June 4th, June 7th, June 19th, June 20th,
8 June 20th, June 22nd, June 25th. And the 25th has several
9 e-mails in it.

10 Okay. So, those are the communications. Some of
11 them I provided to you previously. I updated that.

12 And the last is regarding local funding. "Dear
13 Councillors, as you are aware, only the Mayor can initiate
14 funding requests for the acquisition of real estate. As
15 such, I'm available to discuss funding as you wish."

16 That's my update. Thank you.

17 PRESIDENT LEBLANC: So, can I just ask, either
18 you, Mayor, or one of the attorneys, the communications that
19 the Mayor has now provided from the MSBA, most of these, if
20 not all, have already come to the Council.

21 MAYOR MCCARTHY: Yes. But, they weren't entered
22 into the record, Councillor.

23 PRESIDENT LEBLANC: No. I understand that. But,
24 what I'm asking, Mayor, is they came to the Council. They
25 weren't marked confidential or anything. They came to me.

1 They go to the clerk. They get distributed to the full
2 Council body.

3 So, the Council received those in an open way.
4 Now, we're getting those same documents entered into the
5 record as part of an Executive Session. What does that
6 mean? How can you bring something into Executive Session
7 after it's already on the public domain?

8 MAYOR MCCARTHY: With all due respect, I can
9 answer that.

10 PRESIDENT LEBLANC: Okay.

11 MAYOR MCCARTHY: I provided some information to
12 the clerk, to you. Waltham Cable kept talking about the
13 feasibility study and whether we have requested an
14 extension. And most recently, they wanted me to provide the
15 document. And I said I cannot provide that because the
16 documents were not complete.

17 So, the issue of the September 30th was discussed
18 in Executive Session only. That September 30th. So, for
19 example, when you got the June 19th letter, he said he had
20 that letter. He wanted me to provide this to him.

21 And so, my bottom line, if you look just at the
22 June 19th letter, and you say, okay, the time line, August
23 29, 2018, February 29, 2019, August 2019, okay, those are
24 the same. The earliest that we can do anything with them is
25 July 1st.

1 So, you would not know if you had just received
2 this letter. And this letter goes to Jess Deleconion of
3 Mass Builngs, to Councilor LeBlanc as Council President,
4 with the City Treasurer, the Superintendent, George Frost,
5 Leann Wilcinski, Marian Parella, Bill Cuniff with NV5, Chris
6 Guarino from NV5, Lorraine Finnegan from SSMA, Karl Brown is
7 at MSBA, Katie Loeffler is at MSBA, Mary Pichetti is at
8 MSBA, and Kathryn Decfristofaro is at MSBA.

9 So, the point is that, the issue of the September
10 30th was only discussed in Executive Session. That's the
11 reason why I'm saying. The rest of the documents are public
12 documents. But, the issue, if you didn't have the September
13 30th information, and you just went to read this document
14 right here, you would have a different opinion of what's
15 being said in this letter versus the September 30th.

16 But, the September 30th was discussed. They
17 started, when I asked previously, what would you like me to
18 tell the MSBA at the meeting. So, they indicated they were
19 willing to give the City 'til September 30th to get all of
20 the site issues done which what they mean by that is, the
21 City owns it and the school department has exclusive use.

22 So that -- that is a precursor to doing all of the
23 other work the architect has to do to get everything filed
24 And that takes months. So, as a result of that, if you saw
25 the answer, -- if it was a different site, it was going to

1 take at least a year. And then, about six months after
2 that.

3 So, once you get the site, it's six months. So,
4 if you go beyond that deadline, now, you're into the issue
5 of whether or not you have to reapply. So that's the reason
6 why Councillor? Because the September 30th, we've only
7 discussed here because we did not want it out to anybody
8 that we might be looking at property, they would know what
9 the deadline is.

10 So that September 30th is an Executive Session.
11 And the Waltham Cable kept it up, kept it up, kept it up. I
12 said, you know, I can't respond to you. I will not. I
13 cannot. I will not jeopardize the project or discuss
14 anything that might be in Executive Session.

15 So, he had indicated that he was going to do it
16 because of what I was planning to do at the end of this
17 month. I have no plans to do anything at the end of the
18 month. So, all of his e-mails, some of them I provided, the
19 last two were about this. It sends a mixed message is what
20 I'm saying.

21 So, if you didn't know about the September 30th
22 deadline, and I think it's very important that only the
23 elected officials know about the September 30th deadline, so
24 it does not adversely impact your bargaining position. So
25 that's the reason why they've come in this way.

1 Now, are the other documents technically public?
2 Yes. But, the September 30th is not. It's not public now
3 for anyone's discussion outside of Executive Session,
4 because that was brought up to me, and I'm trying to be
5 honest about everything. That that was brought up to me to
6 say, you know, we're willing to give you 'til September
7 30th, if you can speak as one voice as the City.

8 And I said, well, you know, I'm really not sure.
9 At this point, I don't really think it's going to happen, to
10 speak with one voice. So, I was very frank with them.

11 So, when they sent out the letter on September
12 19th, it wasn't going to mention the September 30th, because
13 I said to them -- you know what I mean? But I did update,
14 you know, them. And I said, there has been some movement,
15 but I can't tell you what it is.

16 So that's the reason why. I hope that answers
17 your question, Ma'am President.

18 PRESIDENT LEBLANC: Thank you.

19 Councillor Stanley.

20 COUNCILLOR STANLEY: Thank you. I've heard
21 enough. I'm ready to move to take -- to make any motions
22 that are required. I don't know if any -- if we make any
23 motions before -- you know, any motions required to take the
24 property by eminent domain as I said in the last meeting.
25 And so, Ma'am Mayor, my question to you is, are there any

1 motions that we could make now and what wording would you
2 like to do that?

3 MAYOR MCCARTHY: So, first of all, you have to
4 discuss the price, I think. And then, after the price, that
5 can be inserted in an order. But, I think, we need to
6 discuss the price.

7 COUNCILLOR STANLEY: So, I guess, I'll start off -
8 -

9 MAYOR MCCARTHY: I can tell you what my
10 recommendation is, if you'd like?

11 COUNCILLOR STANLEY: Yeah. Please.

12 MAYOR MCCARTHY: So, initially, this land was
13 appraised at 15,000,000 for 96 house lots. There was a
14 deviation of 99 house lots. So, if you looked at the
15 engineering provided by the people that one had 99, it was
16 the same engineer. One came up with 99. The other came up
17 with 96.

18 So, our appraiser went with the 96. And so, that
19 was \$15,000,000.

20 Then, later, there was an appraisal for alternate
21 uses. It was not part of the appraisal. It was an analysis
22 of the property. And that property was for \$18,000,000 and
23 I think 76 through 6, is 400. And so, I had rounded that
24 down to 18,000,000 based upon the fact at the time it was
25 going to be a five year lease back.

1 So, the \$18,000,000 is what the funding is. And I
2 had indicated to them that I was going to go forward in good
3 faith to what we had discussed. And that was the
4 18,000,000. So, 18,000,000 is currently available.

5 COUNCILLOR STANLEY: So, is it working -- What --
6 I think we have to do it now. And I think in all
7 likelihood, we can hopefully negotiate in a friendly way and
8 thhat they have that. But, 18,000,000 is probably, I think,
9 perhaps low. But, it's the only amount that we have to work
10 with and we have to start somewhere.

11 MAYOR MCCARTHY: Respectfully, after the the
12 Council, if there's a direction, I would have the lawyers go
13 out and draft a taking order -- I have them on my computer
14 from the original taking orders. I would ask the lawyers to
15 leave Executive Session to go and draft whatever the Council
16 wants.

17 COUNCILLOR STANLEY: Draft the motion?

18 MAYOR MCCARTHY: Draft an order.

19 COUNCILLOR STANLEY: I'd ask that -- make a motion
20 to do that, to ask the Council to ask the lawyers to go and
21 draft the proper language right now for \$18,000,000 to take
22 the property by eminent domain.

23 PRESIDENT LEBLANC: On that motion, Councillor
24 Brasco.

25 COUNCILLOR BRASCO: Thank you, Ma'am President.

1 On that motion, so now I'm kind of confused. Are we going
2 to negotiate in good faith moving forward? Or are we just
3 cutting the chase now? We've had the opportunity to talk
4 with them just twice.

5 I mean, their letter, I mean, I'm more than
6 willing to go back tomorrow, at tomorrow's meeting, and
7 negotiate the price and the willingness to work with one
8 another. I think, I'm not confused to say, if we're cutting
9 to the chase, then why did we even go in the first place.

10 MAYOR MCCARTHY: Okay. So, --

11 COUNCILLOR BRASCO: I mean, that's not even --

12 MAYOR MCCARTHY: You can't negotiate the price.

13 COUNCILLOR BRASCO: And that's what I was going to
14 --

15 MAYOR MCCARTHY: So, what --

16 COUNCILLOR BRASCO: And honestly, that's what I
17 was going to say. I was going to say Ma'am Mayor, if we
18 were given an authority to go up to a number, or have the
19 ability to work within means of this body, maybe even at
20 this point, with the attorney, we go back with the Mayor
21 into this negotiation. You know, and now the four of us go
22 there.

23 I just, I think --

24 MAYOR MCCARTHY: I don't have a problem with that.

25 But, the problem is, is the only money that you have

1 available right now is \$18,000,000.

2 COUNCILLOR BRASCO: And we did say that to them.

3 MAYOR MCCARTHY: Yes. Because you did say that.
4 So, because of that, I think, they know that, because when I
5 did go in to put in alternate values twice, subject to
6 Council the first time, you know, I did that. And the
7 second time, I brought actual financing agreement in here.

8 So, what I will say is, that's the reason why I
9 gave you the letter. You don't have any authority with the
10 money. And I'm not trying to be a strong arm or anything.
11 I'm just saying, the money requires both parties. And I'm
12 the only one that can initiate it.

13 So that's mooted a way, because you would not be
14 able to agree to something. You know what I'm saying?

15 COUNCILLOR BRASCO: Correct. No, absolutely. And
16 that's why I didn't know if you would be engaged in the
17 process, or if -- and we did. You did state at certain
18 points that the only authorization, bond authorization right
19 now is for up to \$18,000,000.

20 MAYOR MCCARTHY: Right. So, what I'm saying right
21 now is, I have provided to you everything since March. I've
22 provided all of the documents since the Council got
23 involved. Okay.

24 And although, I think that's a good sign, I don't
25 see it ending in the time line that you needed. Okay. So,

1 if I look at all the communications, you know, they
2 understood. You know what I mean? It was a friendly, all
3 friendly, friendly, friendly. If you look at all the
4 documents there, it was all friendly.

5 So, my point, and you know, there was no tone back
6 and forth. The earliest tone came recently.

7 So, I'm going to say, with what they told you at
8 the meeting, that this one and this one and this one, you
9 know what I mean?

10 COUNCILLOR BRASCO: But again, I think, I know.
11 And we clearly pointed out, and I think, Attorney Azadi
12 pointed out on numerous occasions, Father White has the
13 ability to do this. And although, he used the term process
14 on multiple occasions, you know, just like the process was
15 to get the letter from us to go to them, we never completed
16 that process.

17 MAYOR MCCARTHY: Okay. But, in fairness, on May
18 30th, we sent a letter by both attorneys to the attorney for
19 the Stigmatines. And that was our final proposal. And that
20 amount was for 25,400,000. So, I'd like to read that to
21 remind everybody.

22 "The City Council has directed and the Mayor has
23 approved this final proposal for your clients to voluntarily
24 transfer all the real estate to the trustees of the
25 Stigmatine Fathers, Inc located in Waltham on or near

1 Lexington Street. Based upon your communications to the
2 City Council, that the above property was valued at
3 \$25,400,000 by an appraiser, that you and your client
4 obtained but did not release, the City Council proposed to
5 pay up to that \$25,400,000 sum to the trustees of Stigmatine
6 Fathers, Inc as long as that owner/your corporation, client,
7 accept this proposal in writing no later than 5:00 o'clock
8 on this coming Monday, June 4, 2018."

9 "Since other previous real estate transactions of
10 the owners, trustees of Stigmatine Fathers, Inc, a
11 Massachusetts corporation, show its president at the
12 authorized signatory. If this limited time proposal
13 accepted by the owner, we would request that such corporate
14 officer/president sign such acceptance. Again, this
15 proposal terminates at 5:00 o'clock on June 4th. This is
16 also with prejudice to and any and all other rights and
17 powers of the City of Waltham under state law."

18 Okay. And they had a line for accepting. The
19 response was, "dear Attorneys Cervone and Azadi, thank you
20 for your final proposal dated May 30, 2018. I wish to
21 inform you that the Stigmatines cannot accept your proposal
22 at this time. I also want to mention that I continue to
23 read on social media posts, namely under Facebook, Waltham
24 Citizens for Education, that the Stigmatines have plans to
25 develop the property or they have a deal in place with a

1 developer. This is simply not true and is being put out
2 there without any factual basis in order to create confusion
3 and anger."

4 "As the Stigmatines have said in the past, if at
5 some future date the Stigmatines reconsider their position,
6 the City of Waltham would be the first entity to be informed
7 and involved in such process."

8 And I confirm with this saying that, "my knowledge
9 is that there is not anyone there either." So, --

10 COUNCILLOR STANLEY: May I address Councillor
11 Brasco's concern?

12 PRESIDENT LEBLANC: Sure. Go ahead.

13 COUNCILLOR STANLEY: Now, last week, I said how,
14 in recent weeks, everything's changed for me. And it was
15 three important reasons. One was, the Mayor's not going to
16 apply for another extension. And I think that's the right
17 way to go. And the MSBA is going to -- they've exhausted --
18 you know, in all likelihood we'd go to the end of the list.

19 The other big thing for me was when yourself and
20 Councillor LeBlanc went and spoke with them and the
21 information that you got back was critical for me to make a
22 decision that they are going to sell it.

23 And finally, the third point was down zoning the
24 property. But, I agree with the Mayor that, there is no
25 more time. Now that I've purchased personally, now that I

1 know that they will sell it either to us or to someone else
2 eventually, for our purposes, there's not enough time to get
3 everything we wanted, to not miss getting \$145,000,000 in
4 funding.

5 And so, your going there, for me, was absolutely
6 critical and the feedback that you brought back. And I
7 don't know if, as the Mayor suggested, both of you go back
8 with her, or whatever. I would be more than happy about
9 that because I think it was very beneficial.

10 COUNCILLOR BRASCO: So that was on a yield to the
11 floor and in response to my question.

12 PRESIDENT LEBLANC: Councillor Brasco.

13 COUNCILLOR BRASCO: And I understand. There was
14 no -- I couldn't have emphasized more in that meeting about
15 the time. They're out of time. They're out of time. How
16 do we -- and I think, maybe they didn't understand that
17 until we walked in with our attorney and gave them the
18 ability to see and tell them clearly that there is
19 sufficient support to acquire the property by all legal
20 means.

21 That being said, like I said, with the return of
22 this letter today, and I know that, in response you're just
23 saying they're going to sell the property to anybody, you
24 know, it does say their sincere intention of identifying
25 mutual agreeable terms for the sale of the property to the

1 City. To the City.

2 I mean, if given the ability, I mean, one more
3 meeting, if they don't like our terms when you walk into the
4 meeting, we can call a special meeting of City Council. How
5 many weeks have we done it now. I mean, to come up to an
6 agreement that's beneficial to all of us and all the parties
7 involved.

8 I think, it's in the best interest of this body.
9 But, to bring the community back together as a whole as
10 divided as it has been. So, I'll do what the wish of the
11 body is. But, having just those two meetings and not having
12 the ability to go back under some conditions. We really
13 didn't have any terms or conditions. As the Mayor clearly
14 stated, we didn't have authority to give numbers.

15 MAYOR MCCARTHY: But, I did. And I gave them the
16 25.4 million, Councillor, with all due respect.

17 COUNCILLOR BRASCO: Oh, no, no. Ma'am Mayor, they
18 should have taken it. I mean, I don't know how this body
19 will vote. But, they should have taken it. And honestly, -
20 -

21 PRESIDENT LEBLANC: So, just for clarification,
22 Mayor, could -- since it was Councillor Brasco who had made
23 that motion to authorize you for up to that amount of money.
24 And that wasn't anything that had to come out, could the
25 body authorize Councillor Brasco and I to go back with that?

1 MAYOR MCCARTHY: Because you can't authorize money
2 that you don't have. Okay. And that has to be bonded.

3 PRESIDENT LEBLANC: But, we authorized you --

4 MAYOR MCCARTHY: No, no. We authorized to
5 negotiate. It's a different story when you authorize to
6 vote. Difference for vote. When you're in negotiation, you
7 have authority to go back and forth. At some point, at some
8 point, what my concern is, is one, I've been through this
9 for two years. And I don't care what people think of me
10 personally, in good faith, we negotiated. And I agree.

11 But, you have nothing right now. You have nothing
12 right now to enable you to negotiate. You have nothing.
13 Because you already said to them about the \$18,000,000.
14 Okay. They didn't accept that.

15 So, what I'm saying to you is, first of all, is
16 there going to be a quorum of this City Council? I don't
17 know. I've called for -- and I thank you for all being
18 here. I don't know, you know, after this one, when the next
19 quorum will be. And the money will have to have a special
20 meeting to vote the money, whatever it is. You know what I
21 mean?

22 So, when you have no purchase and sale agreement,
23 and no expectation right this minute that you're going to
24 have it, you're going in to negotiate in a position of not
25 strength. You don't have a strong negotiating position at

1 this point, because, quite frankly, with all due respect,
2 you tried all that. Okay.

3 So, the issue becomes one of, I've already
4 indicated to you, both publicly and in this body, that I was
5 willing to put the extra money there. But, I'm not going to
6 negotiate against myself. So, the issue becomes, at some
7 point, you need a -- you know, and I know this is the
8 starting point. Well, what if they come back at \$50,000,000
9 like they were laughing about two years ago, one of the
10 priests. You know, laughing at \$50,000,000.

11 So, my whole point is, and it's the message that
12 you give, okay. In other words, we have authority at 18.
13 But, we also have a deadline. And you know, one of the
14 reasons why I asked the superintendent to put the September
15 30th in writing was, they'd know, there's that deadline.

16 And that September 30th deadline is not just, oh,
17 but we have to get the money. It has to actually be
18 completed. And there can be no -- in other words, it can't
19 be a shared use. So, as a result of this, I have to say I'm
20 willing to let you enter into more talks. But, without this
21 baseline that establishes what the City needs to move the
22 process forward, I think, you're just going to go back and
23 then, they're going to go back. You know, the first time
24 I've heard that they now need three entities. And they also
25 said at the last meeting, the Council President said, that

1 Atlantic was not involved. They're not involved any more.

2 Now, I understand they have a modified role. But,
3 the statement was, at your first meeting, that Atlantic
4 wasn't involved. So, I take that as, they're giving them
5 friendly advice on how to manage better their property.
6 But, you're going in the same way I went in in the end, with
7 your hands tied behind your back and with no authority.

8 So, you need some authority. And you need some
9 authority that means something. And that doesn't mean, and
10 I'll say right to you, Councillor, that I'm going to say,
11 oh, by the way, 18,000,000 is it. Okay. I'm not saying
12 that.

13 What I'm saying is, if you don't begin in earnest
14 negotiations that give the City at least a 50/50 bargaining,
15 you don't have anything 50/50.

16 COUNCILLOR BRASCO: So, that's my question. So,
17 if we vote for the order of taking, with the 18,000,000, is
18 that it? Or do we have the ability to go in and --

19 MAYOR MCCARTHY: No. What we've already said is,
20 I am willing -- I was willing last year, before your
21 election, because I knew to try to unite the City, to have
22 the City speak with one voice, I was willing to give the
23 entire purchase price. Why? That was declared out of order
24 wrongfully.

25 So, what I'm saying to you is this, we now have to

1 go back to that. If you then have a purchase and sale or
2 agreement that's worked out, then both parties have time to
3 decide what they need to do, meaning what you're going to do
4 with the priests and what you're going to do with the extra
5 money.

6 But, to not start that process right now, it's too
7 --

8 COUNCILLOR BRASCO: So, we stop that with the
9 order of taking and --

10 MAYOR MCCARTHY: That's correct.

11 COUNCILLOR BRASCO: -- then, go back into --

12 MAYOR MCCARTHY: That's correct. And that's the
13 worst thing they want you to do.

14 ATTORNEY CERVONE: And just, there is 30 days from
15 the date of the clerk's --

16 MAYOR MCCARTHY: That means you have to record it.

17 ATTORNEY CERVONE: That we have to record it. So,
18 if something is resolved between the date of the clerk's
19 stamp on an order of taking, we have 30 days to record it.

20 MAYOR MCCARTHY: To talk.

21 ATTORNEY CERVONE: To talk and resolve something.

22 MAYOR MCCARTHY: Or resolve it.

23 ATTORNEY CERVONE: If it's resolved, we don't
24 record it.

25 MAYOR MCCARTHY: But we have to record it within

1 the 30 days to have it effective. And what I'm saying is,
2 I'm willing to tell the law department, no, we're not going
3 to record it on Day One, Day Two. You know, we'll, in good
4 faith, negotiate.

5 And I already told you what. But, you still don't
6 have an appraisal. And I know you've asked, because you
7 told me. Both of you have told me you've asked. Right.

8 But, with all due respect, you have no ability to
9 engage in a good talk until you make something. Because,
10 what did they want last time? They wanted you to say,
11 correct, from what I understand from what Pat Azadi said,
12 give us the three means, or the four means. What do you
13 mean by legal means?

14 Well, the legal means have to be voted. So, you
15 can't take a vote on eminent domain and not go out in public
16 and take the vote. So that was a negotiation vote; correct?
17 Yeah.

18 So, you have to vote that money publicly. You
19 can't do that in private.

20 COUNCILLOR BRASCO: Right.

21 MAYOR MCCARTHY: Because it's public.

22 COUNCILLOR BRASCO: So, the order of taking would
23 be voted out in the public.

24 MAYOR MCCARTHY: That's correct. And but, the
25 same thing. I'd send the both of you back and say -- you

1 know what I mean? And I may come this time, you know, maybe
2 respectfully. But, I may sit in another room. Let you
3 negotiate and sit in another room.

4 That's what I do when I'm the principal. I mean,
5 if I have to negotiate with the Teachers's Union because
6 three School Committee members have a conflict, don't sit
7 at the table, because I'm the one that has the control over
8 the money.

9 So, I would sit in another room, respectfully, and
10 I would request an independent location this time where --
11 and I'm not saying City of Waltham, where, you know, I would
12 sit there. The law department would go with you. And
13 that's what I'm getting at.

14 So, I can't sit at the table, because, oh, great,
15 you want to pay this? You want to pay that? You can't ask
16 that question, because, you know what I mean. And that's
17 how negotiation is. But, I want to say this. They wanted
18 to know what the legal means means. Well, the only way you
19 can do that is public. You can't say, oh, by the way, the
20 legal means means this. You can't because you can't say
21 you're something by eminent domain without that.

22 PRESIDENT LEBLANC: Mayor, respectfully, when we
23 had that conversation around that matter, Pat said, "well,
24 what I might be able to do is list everything that
25 constitutes a legal means."

1 MAYOR MCCARTHY: Attorney Patton already knows at
2 legal means are. That's -- and I don't want to put the City
3 in a position whereby listing them to him, I've indicated
4 that the City Council has voted that way, because there
5 hasn't been --

6 ATTORNEY AZADI: I was not here for that
7 discussion with John.

8 ATTORNEY CERVONE: Plus, it would be violating
9 Executive Session to identify what was added.

10 MAYOR MCCARTHY: So, what I'm saying, to be
11 succinct, the 18,000,000 would give you some authority to go
12 in. And I will be available to discuss price or any other
13 term. Okay. But, the Council and Mayor have got to unite
14 at some point. Okay.

15 COUNCILLOR STANLEY: Tonight.

16 MAYOR MCCARTHY: Tonight is what Councillor
17 Stanley said to me. They have to unite at some point. And
18 the issue becomes one of, I've giving you the authority for
19 the 18. I did check. You know, that 18 is available. The
20 other issue is, I have to be now part of it at some stage.
21 And then, we would naturally have to bring it back to the
22 Council, because any additional money requires public votes
23 for money.

24 And, you know what I mean? And so, I'm just
25 saying that. I hope I've answered your question.

1 PRESIDENT LEBLANC: Is there a way for you to give
2 us the authority for the 18,000,000 --

3 MAYOR MCCARTHY: You have it already.

4 PRESIDENT LEBLANC: -- without -- so, we do have
5 it already, without there being a hostile eminent domain
6 taking?

7 MAYOR MCCARTHY: No. Because, -- okay.

8 COUNCILLOR BRASCO: I think, if we give her, you
9 know, the friendly or we're can take the property then she's
10 going to go to that and say, okay, let's make a deal and it
11 becomes a friendly deal.

12 PRESIDENT LEBLANC: We've already done that.

13 MAYOR MCCARTHY: There's still the possibility of
14 a friendly deal. I'm going to give you an example. The
15 Waltham High School and some other properties, the old high
16 -- the current high school started as a taking against
17 Storrer and other parties. Then, they ended up making an
18 arrangement.

19 What I'm saying is, I'm going to give you
20 authority and good faith as I've already told you. I've
21 said it three times. So, he's evidently looking for more
22 than 25.4 million. Right. With no appraisal.

23 So, I just, respectfully, if you keep going back,
24 and you already went on through that. That's why I provided
25 all the documents to you. Since both the Council and the

1 Mayor were involved in a friendly purchase, okay, this here
2 says a mutually friendly. Well, that was the first
3 standstill agreement. I can go back and get you the first
4 standstill agreement and the exact language is there that
5 the parties would negotiate, you know, a purchase and sale
6 agreement to sell the property to the City of Waltham.

7 So that's the way it is. I don't know where
8 they're at yet. I'm willing to continue. But, I'm not
9 willing to continue without some movement. Because, if you
10 go back tomorrow with no authority, and that's what -- you
11 know, public authority, then they wanted to know what
12 authority you actually had. Well, we're telling them now
13 what authority you have.

14 But, the difference is, you're going to start the
15 conversation and say, listen, do you really want to make a
16 deal? And you know, would everybody in this room prefer a
17 friendly purchase? Absolutely correct. But, you're not
18 going to get that with your hands tied behind your back and
19 no money and the time is of the essence.

20 So, I've been saying all along -- now, I removed
21 myself from the process. I have two people, request the
22 Council to appoint two people. I have no problem, continue
23 to do that. And you would go back. I just have to be part
24 of the process because, when push comes to shove, but I
25 don't see how anything has changed, anything has changed by

1 that letter.

2 I can go back to the May letter from --

3 ATTORNEY CERVONE: 2016.

4 MAYOR MCCARTHY: -- 2016. We're now May 2018.

5 The same thing. We're willing to negotiate. We're willing
6 to negotiate. We're willing to negotiate. But, last
7 meeting, you said well, three people, let's go. That's your
8 people that you have to secure.

9 So, if they had come in to Council with the
10 purchase and sale agreement to you, a purchase and sale
11 agreement, which is how most people do business, and they
12 said, here, I've got a purchase and sale agreement, this is
13 what it is, you want to negotiate that? That's how it
14 starts. An offer to purchase starts. There was no offer to
15 purchase here. There's no purchase and sale here that you
16 can go back and give the Councillors and say, listen, this
17 is what we'd like to negotiate.

18 And you know what I mean? Usually, not with the
19 big commercial deals now. But, usually, you have some kind
20 of price back and forth. Oh, yeah. Once we've agreed to
21 the price, now we go and do the agreement.

22 So, I'm treating this like every transaction. And
23 I'm trying to help you make a friendly deal is what I'm
24 trying to do. And I know it sounds a little -- But, in
25 fairness, it's not going to happen unless the Council unites

1 and says to them, let's really sit down in a room and get
2 this done.

3 But, if they say -- they didn't give you a time
4 line. I haven't even seen the letter. I didn't get the
5 letter. So, can I see it?

6 ATTORNEY AZADI: Mayor, actually, if I could
7 mention something, too? During the course of the meeting,
8 Attorney Patton --

9 (Councillor Randall LeBlanc exits the room.)

10 ATTORNEY AZADI: During the course of the meeting,
11 Attorney Patton actually pulled out and referenced the
12 language in the standstill agreement. And he was quoting it
13 for the position that there was never any agreement to sell
14 the property to the City.

15 So, to use the negotiation language in this letter
16 he sent today is very similar.

17 MAYOR MCCARTHY: He's going the same route. So, I
18 think, I said all I can say to you, respectfully. So, and
19 whatever happens, happens. I really feel this, two years,
20 what was the date, May 2016, Pat? The original standstill,
21 May 14th or something like that? What are we on now?

22 PRESIDENT LEBLANC: June 2018.

23 MAYOR MCCARTHY: And in fairness, for a while,
24 that standstill agreement lapsed. I was working in good
25 faith with Atlantic. There was no problem. There was no

1 problem. Okay.

2 The only problem came is when the City's appraisal
3 of the \$18,000,000. They actually wanted me to sign a
4 letter for the \$18,000,000 to send to Rome. And I said, "I
5 can't do that without the Council."

6 So, you see what I'm getting at? There's nothing
7 else I can tell you to get around it. Because the bottom
8 line it comes down to, what authority are you going to have
9 going to that table tomorrow to make this friendly deal.
10 And I'm telling you -- I just told you. I've already said
11 25.4.

12 (Councillor LeBlanc enters the room.)

13 MAYOR MCCARTHY: That means you've got an extra
14 \$7,000,000. Well, \$7,000,000 of tax payers's money. And we
15 have an appraisal for various uses, various uses, 15, 18. I
16 mean, I -- you know, I even in the attempt to try to split
17 the difference, came up 5,000,000. Each party would have
18 moved 5,000,000.

19 So then, I did the whole thing. So now, I just
20 would say that.

21 PRESIDENT LEBLANC: Councillor Fowler.

22 COUNCILLOR FOWLER: Yeah, you know, it's funny, I
23 just found Attorney Patton to be a master manipulator who is
24 -- with the art of delay. He's been doing it now for two
25 years. And it's really, we need some kind of an end game.

1 And the only end game I know is to put pressure on to say
2 we're going to take the property.

3 I would like to put the gun to their head instead
4 of in ours, which it is. Because if we don't do something
5 in the next week, we're going to hit the deadline and we're
6 not going to have a profit. We're going to lose
7 \$150,000,000.

8 MAYOR MCCARTHY: Well, I'm not losing
9 \$150,000,000. I've already indicated I will come up with
10 something.

11 COUNCILLOR FOWLER: All right. We're going to
12 build at a site that most of us don't agree on as a good
13 spot. I guess that's a better way to put it.

14 MAYOR MCCARTHY: Okay. That's fine. I sit
15 corrected on that one.

16 COUNCILLOR FOWLER: You know, it's not to put the
17 gun to their head and see if they'll negotiate. You still
18 can do that. But, without -- and I agree with the Mayor on
19 this one. I mean, they've just put us off, put us off and
20 put us off. And they're just hoping we'll get close enough
21 to the deadline that we'll go build it somewhere else and
22 leave them alone.

23 I still believe they'll sell it. And they'll sell
24 it for a lot more than the \$25,000,000 to a developer,
25 because --

1 MAYOR MCCARTHY: Could I add something? Can I see
2 that letter? Who did it go to?

3 PRESIDENT LEBLANC: It went to Joe Vizard.

4 MAYOR MCCARTHY: Oh, it's a public record. It's a
5 public record.

6 COUNCILLOR FOWLER: You know, they're going to
7 sell it.

8 MAYOR MCCARTHY: Everything else is not a public
9 record. But that is. It's a public record.

10 He's been sending everything to Joe Vizard instead
11 of sending it directly to the attorney for the City of
12 Waltham. I thank you. It's addressed to Diane LeBlanc,
13 Councillor President, Paul Brasco, care of the Assistant
14 City Clerk. They're represented by counsel. That should
15 have gone to the lawyer.

16 Sorry about that.

17 COUNCILLOR FOWLER: Got a little distracted. But
18 that's fine.

19 MAYOR MCCARTHY: I apologize.

20 COUNCILLOR FOWLER: The only other thing I just
21 want to add, a while back, I found it interesting that, all
22 of a sudden, the Cardinal is involved in this transaction.
23 Because I remember, about a year ago, or at some point,
24 getting a letter at my house from the Cardinal saying, look
25 at that. People are talking about me involved in this

1 transaction. And I've got nothing to do with it.

2 That's paraphrasing it. It's not a quote. But,
3 it's something to the effect of, I've got nothing to do with
4 this. Take me out of this discussion.

5 And now, these people are saying to us, oh, no,
6 no. The Cardinal has to sign off on this. I mean, this is
7 all -- they keep laying another layer, another layer,
8 another layer. It's time to make a decision. I think, most
9 people think the Stigmatines is the right place to put the
10 school, because even the people who opposed to them, say
11 just give them what they're asking and buy it.

12 So, if you're saying that you believe it's the
13 right spot for the school, in my opinion, if you're saying
14 give them whatever they ask, you want it. So, let's make
15 that move. If they want to sit down and talk to the two
16 Councillors and Attorney Azadi and say, look, we'd like to
17 do this and this is how we'd like to do it, and this is how
18 much we want, you know, it's real easy for us to have a vote
19 to not take the property, because we're going to have a
20 deal.

21 But, it would be a lot harder if we don't do it
22 now. As the Mayor said, there's vacations. People are
23 going away. You're not going to have a full Council. And
24 it's not fair to have a special meeting when anyone on
25 either side isn't going to be there. Because I'm sure

1 everyone around this room has a vacation planned over the
2 summer that they're not going to be around.

3 Well, maybe you don't with the look you're giving
4 me. But, a lot of us do. And it's not fair. We're all
5 here now. Let's make a decision and do the right thing.
6 And thank you.

7 PRESIDENT LEBLANC: Councillor Fowler, you done?
8 You good?

9 COUNCILLOR FOWLER: Yes.

10 PRESIDENT LEBLANC: All right. Councillor Vidal.

11 COUNCILLOR VIDAL: Thank you, Ma'am President.

12 And thank you both, Councillor Brasco and yourself
13 negotiating over there.

14 In negotiating, it seems to me that even though
15 the Mayor is saying you have no power, or you're going there
16 without much to do, because you guys are not decision makers
17 and the Mayor is, you are conversing. You're comfortable
18 with the fact that they actually are willing to talk to you.
19 There is no P&S. There's no offer. I understand that.
20 But, you're getting somewhere, and I find that to be a
21 positive thing.

22 I believe, and everyone can say all they want
23 about how they're going to sell this property or not. But,
24 we just took a path in the right direction. Perhaps, the
25 people at the table with the City, two years ago, you were

1 the right people. But something happened. There was some
2 sort of a -- you know, a personality thing. Who knows. I
3 cannot speak to that. I was never there.

4 However, if we don't have anything -- if we're
5 working towards something, what is the point of sending you
6 guys? I mean, if you have any sort of power, sure, I mean,
7 the Mayor made the call.

8 With all respect, now, you made the call to have
9 two representatives go there. So, this is where we are now.
10 So, let's work with what we have.

11 We are about to finally have a chance to talk, all
12 that the Mayor has given us, get back to us, 25,000,000 and
13 all this stuff. And all this thing about not everyone being
14 here, when the Mayor came before us to ask for \$18,000,000,
15 it was the middle of summer and we were here. I remember
16 that clearly. It was a special session in the middle of
17 summer. And all of us were here, except for one person. I
18 don't remember who it was. All of us were here and all the
19 people that come out speaking.

20 So, this whole thing about summer time, no. We're
21 here to work. We'll make time. I'm going to be here. I
22 hope people are going to be here. Because, if we need to
23 approve 25,000,000 or the base line being 18,000,000 is
24 already approved. If we need to go up more, then we're
25 going to do it. I think that's just as simple as that.

1 But, I think, we should continue with the
2 negotiations. It's not a position of being hands behind
3 your back. It's a position of discussing a purchase, a
4 friendly purchase. Again, perhaps things have changed as
5 things have changed for our end. Maybe they can change on
6 the other side and now, they want us to talk to them in a
7 more friendly way, rather than sending e-mails and making
8 requests, I need an answer by this time, this time. I want
9 to --

10 MAYOR MCCARTHY: Point of personal privilege.
11 Point of personal privilege. Every single meeting that I
12 had with Rome, and everybody else was very, very friendly
13 and professional. And I'm going to say that, the only time
14 it fell apart is when Patton was allowed to speak before
15 this body. And there was no authority that allowed him to
16 speak, only the priests. Thank you.

17 COUNCILLOR VIDAL: Understood. Thank you, Mayor.

18 I believe that we should continue with the
19 negotiation. I think it's important to make sure we have a
20 say at that table and be able to agree to a friendly
21 purchase.

22 There's only two options. If we're going to do
23 this, what was the point of sending Councillor Brasco and
24 Councillor LeBlanc to the meeting. It just doesn't make
25 much sense. We shouldn't have wasted three weeks. Should

1 have gone directly there.

2 Thank you, Ma'am.

3 PRESIDENT LEBLANC: Thank you, Councillor Vidal.

4 Councillor LeBlanc.

5 COUNCILLOR LEBLANC: Thank you, Ma'am Mayor, for
6 answering my questions. Thank you, very much.

7 PRESIDENT LEBLANC: Councillor McLaughlin.

8 COUNCILLOR MCLAUGHLIN: Thank you, Ma'am
9 President. I was away last week judging the national speech
10 and debate tournament. And I think, I should volunteer more
11 often for that because apparently a lot went on last week
12 that moved us in a certain direction.

13 I think, it was genius to send the diplomatic
14 mission up from the Council. I think, there was great
15 success with that.

16 When we sent them up that night, there was no talk
17 of multiple meetings. We sent them up for a meeting. I
18 think, I had said at the time, you know, let's leave it open
19 to have more meetings.

20 There's no question in my mind that Attorney
21 Patton is once again dragging this out. You know,
22 Councillor Fowler mentioned the letter from the Cardinal,
23 the Cardinal has nothing to do with this. And the fact that
24 he's saying that to us just tells me front and center, they
25 want to drag this out until something else happens.

1 I think, they sense that there's a unifying force
2 in the Council to move this in a certain direction. I
3 think, they're aware of the option that we could re-zone
4 this. I think, they're concerned about us moving towards
5 eminent domain.

6 So, just to be clear, the meeting tomorrow, Ma'am
7 President, Councillor Brasco, you guys are going up there
8 tomorrow regardless; correct? And it's been said already,
9 but to clarify, if we were to vote to take, there's a 30 day
10 period that we have to file. That's calendar days.

11 ATTORNEY CERVONE: So, 30 days from the date that
12 the City Clerk stamps the order of taking as the vote that
13 was taken by the Council, for example, tonight. So, if it
14 gets stamped tonight or tomorrow, we have 30 days from that
15 date to record it.

16 So, as the Mayor had said in answer to the other
17 questions, if we're told not to do anything until we hear
18 further, until Day 29, that's what we'll do. We'll wait.
19 But, whoever wants to negotiate, negotiate.

20 But, again, I'm looking at the dates. And you
21 know, we started talking to them in January of 2016. And,
22 you know, there's been lots of things back and forth. But,
23 we never got anything other than exactly what you're
24 talking.

25 And I'm going to mention a couple of things. The

1 psychiatrist and the doctor of psychology who taught me at
2 the Master's program in psychology said, the best way to
3 gauge and predict future behavior is to look at past
4 behavior. And I think that's exactly what's being said.

5 And you know, everything changed when Attorney
6 Patton took over, you know, got rid of the other attorneys
7 and moved in. And if he has been consistent, and Pat as
8 telling me the exact same thing, nothing changed. He was
9 even, you know, attacking Attorney Azadi, got so angry, he
10 left the meeting.

11 ATTORNEY AZADI: He left the room for a minute.

12 MAYOR MCCARTHY: Is that so? Attack on Attorney
13 Azadi? What were they attacking Attorney Azadi with?

14 COUNCILLOR BRASCO: It was more contentious over
15 the fact that they had -- he was reliving the past.

16 MAYOR MCCARTHY: Yes. And he continues --

17 COUNCILLOR BRASCO: And he was trying to engage
18 Attorney Azadi with numerous questions.

19 MAYOR MCCARTHY: -- to bring up old issues. And
20 we discussed --

21 COUNCILLOR BRASCO: He did leave the room.

22 MAYOR MCCARTHY: Yes.

23 ATTORNEY AZADI: But, there was some actual
24 friendly banter back and forth.

25 COUNCILLOR MCMENIMEN: Point of clarification. Is

1 the 30 days that begins or stamped today, business days or
2 30 actual days?

3 MAYOR MCCARTHY: Calendar 30 days.

4 ATTORNEY CERVONE: 30 calendar days.

5 COUNCILLOR MCMENIMEN: Thank you.

6 COUNCILLOR MCLAUGHLIN: Ma'am President, I think
7 it's -- so, with regard to that, and I think the Mayor --
8 Mayor, I think, you should go out tomorrow. You should sit
9 in another room. I think, we need to apply the pressure. I
10 agree with the other Councillors. I don't have a problem
11 working on this over the summer.

12 I think, we do run the risk of a quorum. We've
13 had special meetings during the summer where I've shown up
14 and there aren't enough people here. I don't want to do
15 that or risk that.

16 I also want to remind everyone, we began talking
17 about the Stigmatines because they were going to develop the
18 property. This wasn't about the high school. Okay. To me,
19 I've heard that through more people that live in that
20 neighborhood that are worried about 4, 5, 600 units going up
21 there. That will break the back of Lexington Street.
22 That's a major concern for me.

23 We're not sure if the high school can go there.
24 We need to do that feasibility study. And I'm fine with it
25 going there. But, don't forget, there are multiple issues

1 at play here. And I think, we need to strike while the iron
2 is hot. Thank you.

3 PRESIDENT LEBLANC: Councillor Logan.

4 COUNCILLOR LOGAN: So, you know, again, my
5 position has been all along that -- Because, you know, I
6 just don't think it's the right thing. And I understand
7 that thinking about eminent domain would give the Council
8 more bargaining position. But, to me, if it's -- and again,
9 when I say I don't think it's the right thing, I'm not
10 accusing anyone who is on the other side of doing the wrong
11 thing, because there's a lot of that out there, you know.
12 That if you're one side or the other, you're doing the right
13 thing.

14 I think, this is an issue on which people of good
15 conscious can have differences.

16 But, I don't see any difference between just going
17 in and taking it, or negotiating with a gun to their head.
18 To me, neither is a friendly taking. And so, I'd really
19 like to take another shot at negotiation.

20 Personally, you know, again, I mean, I'm taking
21 about three different -- there are going to be like three
22 different weeks this summer that I'm going to be out of the
23 state. And in one case, totally off the grid and
24 unreachable. But, I'm available until next Monday, July
25 2nd, if you want to have a meeting. You know, if we can

1 give it another shot and have our negotiators go up there
2 and see if they can make some progress.

3 The other thing is, you know, ridiculous rumors to
4 -- outstanding. You know, again, my whole motivation
5 opposing eminent domain has always been that I didn't think
6 it was right to put a religious -- an active religious
7 ministry, and it's not because I'm Catholic, whether it was
8 a synagogue or a mosque or anything else, you know, out of
9 business.

10 And again, I'm not saying, you know, if you
11 disagree with me, you're a bad person. I understand that.
12 Because its just the other side of the isste.

13 But, frankly, I'm trying to count the votes,
14 because I think everybody else does. But, you know, if it
15 does end up -- you know, I hope they can go up and
16 negotiate. But, you know, if it does end up with everybody
17 vote, I'm going to be on the losing end of it.

18 I would think that, at least, there would be some
19 talk to still, even under those circumstances carve out what
20 property we need and allow them to continue their ministry.
21 Because for me, that's what it's always been about. Not
22 putting them out of business.

23 So, again, I'd be perfectly available and
24 perfectly willing to come to another meeting next Monday.
25 And I hope that maybe we can hold off for one more week and

1 maybe they'll -- you know, it sounds like there's been some
2 -- you know, some progress there. Let's give it one more
3 week.

4 COUNCILLOR FOWLER: And I can't be here next
5 Monday.

6 PRESIDENT LEBLANC: Councillor, are you done?
7 Councillor Logan?

8 COUNCILLOR LOGAN: I'm done.

9 PRESIDENT LEBLANC: Councillor Mackin.

10 COUNCILLOR MACKIN: I just want to note that, if I
11 don't go on the vacation I have currently scheduled, I won't
12 come back at all, because my husband will kill me. Not to
13 make light of the very serious situation that we have in
14 front of us, I believe all of the questions that I have were
15 answered.

16 PRESIDENT LEBLANC: Thank you, Councillor Mackin.
17 Councillor --

18 COUNCILLOR MACKIN: I --

19 COUNCILLOR BRASCO: She's still talking.

20 COUNCILLOR: She's not done.

21 COUNCILLOR MACKIN: Sorry. I'm --

22 COUNCILLOR: President, she's not done.

23 COUNCILLOR MACKIN: Do I have the floor?

24 PRESIDENT LEBLANC: Yeah. You do.

25 COUNCILLOR MACKIN: Thank you. Thank you,

1 everyone.

2 I believe, all the questions I had have already
3 been answered. But, I did want to clarify through you, to
4 Councillor Brasco, they were questioned at the meeting you
5 had last week. Can you just tell me what the date of that
6 was?

7 COUNCILLOR BRASCO: The meeting that we just had?
8 The most recent?

9 COUNCILLOR MACKIN: Yeah. The most recent one.

10 COUNCILLOR BRASCO: That was Thursday, the 21st.

11 COUNCILLOR MACKIN: Okay. Thank you. And at that
12 meeting, they asked in writing what the Council was prepared
13 to do?

14 COUNCILLOR BRASCO: They asked for a letter from
15 the Council stating what all means by legal actions would
16 mean, what that meant, clarifications.

17 COUNCILLOR MACKIN: All right.

18 MAYOR MCCARTHY: Acquisition by all legal means.

19 COUNCILLOR MACKIN: Thank you. All right. In
20 that case, I believe, this opinion has been aired already.
21 But, my understanding is that, it would not be productive to
22 go back up with an offer of \$18,000,000 and nothing to back
23 stop it. And I think, we need to take this vote to give us
24 a back stop to allow the negotiating room. And that, if we
25 sent these two councillors back up with no public votes,

1 with an empty promise of something happened in Executive
2 Session, that they're just going to laugh at us and they're
3 going to run down the clock until we're out of time. And
4 we're going to be stuck with the second choice option.

5 And I want to remind everyone that that second
6 choice option is not just a problem now. It's going to be a
7 problem 50 years from now. We're locking Waltham into the
8 flipper, where we're going to be building on a parking lot
9 every 50 years indefinitely if we lose this parcel of land.
10 Even if it doesn't turn out to be feasible right now, I
11 think, protecting that land is vitally important.

12 Thank you. I am now finished.

13 PRESIDENT LEBLANC: Thank you, Councillor Mackin.
14 Councillor Romard.

15 COUNCILLOR ROMARD: Thank you, Ma'am Chair. I
16 guess, I have a question to you, to the attorneys. Could
17 the two Councillors go into negotiations tomorrow with a
18 purchase and sale agreement for 25,400,000? And ask that
19 that be signed?

20 ATTORNEY CERVONE: Well, we don't have an
21 appraisal for that with all due respect, number one. And
22 number two, there hasn't been a voting.

23 COUNCILLOR ROMARD: We've offered it at one point.

24 ATTORNEY CERVONE: No. It's up to. Up to. We
25 were asking again if they were willing to enter into

1 negotiations, up to. But, there's no vote or authorization,
2 so I don't --

3 COUNCILLOR ROMARD: We could vote for that. I
4 guess, the point is, you know, we've gone in, asked them
5 that we were all, that we're willing to negotiate. We sent
6 two councillors there with that means. And now, because
7 they didn't act on it immediately, and we didn't ask them to
8 act on it immediately, but because they didn't, they did
9 show good faith. We're going to dismiss everything that
10 they've done and say, well, we're taking it.

11 I don't think that we've given them fair warning
12 that we have a date that we have to do this by. Maybe they
13 know. Maybe they don't.

14 So, I've never been in support of eminent domain.
15 I wouldn't take this property on mere speculation that we
16 think someone is going to sell. That could be said for any
17 property along Lexington Street. It could be said for any
18 property here in Waltham. It's mere speculation. We have
19 letter, after letter, after letter saying that it's not for
20 sale and they're in no negotiations now.

21 So that's my own personal belief. I could not go
22 forward with an eminent domain right now. However, I do
23 think, like anyone, yes, they're holding back. And they may
24 be stalling. Why wouldn't they? It's their property. They
25 don't want to sell. They're going to use any means they can

1 to stall.

2 So, I think, we need to lead the horse to water.
3 And so, I'm saying, if, in fact, we want to have a friend
4 negotiation, and we're looking for a purchase and sale, then
5 we should go into the negotiations with a purchase and sale
6 and a price. And if it can't be 25,4, it can only be up to
7 that, then make it 24,400,000 and say, here's where we want
8 to start and let's talk about this.

9 So, is there anything preventing them from doing
10 that. And if it's simply a vote, then we take a vote to do
11 that.

12 ATTORNEY CERVONE: Well, I understand. There was
13 nothing since 2016 from preventing them from sending us a
14 purchase and sale agreement or an offer to purchase --

15 COUNCILLOR ROMARD: But, they had -- so my
16 question is, is there any law, is there anything right now?
17 Is there any constraint that would stop --

18 MAYOR MCCARTHY: Yeah. We don't have the \$25.4
19 million.

20 ATTORNEY CERVONE: Yes. There's only 18.

21 MAYOR MCCARTHY: The Council did not vote that
22 day.

23 COUNCILLOR ROMARD: So that was going to be my
24 next question. So, --

25 MAYOR MCCARTHY: That was put in last year.

1 COUNCILLOR ROMARD: -- we've offered them that.
2 You said that this year, since the City Council has directed
3 and the Mayor approved a final proposal of 25.4. So, why
4 would we go back to 18 now? And they'd say, well, you
5 offered 24.

6 So, my point is, can we go in with a purchase and
7 sale agreement for 25.4 and say this is what we're looking
8 for?

9 MAYOR MCCARTHY: Respectfully, I'm going to answer
10 that.

11 COUNCILLOR ROMARD: That would start the
12 negotiation.

13 MAYOR MCCARTHY: This was an offer letter. You
14 see, it has offer letter?

15 COUNCILLOR ROMARD: Yeah.

16 MAYOR MCCARTHY: That's an offer letter. So, if
17 they wanted to execute an offer letter, which is the first
18 precursor to a purchase and sale, they could have signed
19 that.

20 COUNCILLOR ROMARD: Okay.

21 MAYOR MCCARTHY: And they could have signed and
22 said subject to a mutually satisfactory purchase and sale.

23 COUNCILLOR ROMARD: Correct. But that was a month
24 ago. And so, now, we've sent --

25 MAYOR MCCARTHY: With all due respect, this was a

1 legal offer executed by the City's attorneys for that very
2 same thing you're saying. The only difference between this
3 document and a purchase and sale is many more legal
4 provisions about how it's going to be done --

5 COUNCILLOR ROMARD: So, I guess, the point is that
6 --

7 MAYOR MCCARTHY: -- and when it's going to be
8 done. Stuff like that.

9 COUNCILLOR ROMARD: -- for this negotiation to be
10 fair to them, to go into them with what we want to come out
11 with. Because they're not going to offer it up. So, we
12 need to do --

13 MAYOR MCCARTHY: But, we did do that, Councillor.
14 So, we have to look at that --

15 COUNCILLOR ROMARD: Okay. So, --

16 MAYOR MCCARTHY: -- the March 30th. That was the
17 -- the May 30th. That was an offer.

18 COUNCILLOR ROMARD: Okay. Mayor, that was a month
19 ago. So, do we give the Councillors this letter, or one
20 similar to it and say, this is what we need. This is what
21 we need out of this negotiation and let's start here, rather
22 than them just going in with nothing and no goal or no --
23 yeah, no goal in mind. This is the goal.

24 And if they can --

25 MAYOR MCCARTHY: So, are you asking that this

1 offer go again? Because that's --

2 COUNCILLOR ROMARD: What?

3 MAYOR MCCARTHY: Are you asking that offer letter
4 go again?

5 COUNCILLOR ROMARD: Yes.

6 ATTORNEY CERVONE: It's already --

7 COUNCILLOR ROMARD: Yes.

8 COUNCILLOR ROMARD: Yes. I can't see going in
9 with 18,000,000.

10 ATTORNEY CERVONE: It was rejected twice.

11 MAYOR MCCARTHY: It was rejected.

12 ATTORNEY CERVONE: It was rejected twice.

13 COUNCILLOR ROMARD: That was a month ago. That
14 was before these Councillors --

15 MAYOR MCCARTHY: Let's -- okay.

16 COUNCILLOR ROMARD: That was before the
17 Councillors went in, that was before the --

18 MAYOR MCCARTHY: I'd just like to say something
19 for the record. The only reason why they got that letter
20 today, addressed to Joe Vizard and Councillor LeBlanc and
21 Councillor Brasco is, because after that last meeting, they
22 knew what by whatever legal means meant. Okay.

23 And with all due respect, to dance around that,
24 you're dancing -- you're dancing.

25 COUNCILLOR ROMARD: And I agree. So that's what

1 I'm saying.

2 MAYOR MCCARTHY: So, they know -- Pat, did you
3 have any discussion about legal means? In other words, -
4 -

5 ATTORNEY AZADI: I identified -- Councillor
6 LeBlanc and I both said, speaking in a more hypothetical.

7 MAYOR MCCARTHY: At the meeting, you had a
8 discussion.

9 ATTORNEY AZADI: Yes. Speaking more
10 hypothetically, there are three ways to acquire a property
11 by a City, by purchase and sale, by a friendly taking, and
12 that's where --

13 COUNCILLOR ROMARD: Again --

14 ATTORNEY AZADI: -- under the charter, we're
15 paying more --

16 MAYOR MCCARTHY: I want to know if there was a
17 discussion about what the term that --

18 ATTORNEY AZADI: Yes.

19 MAYOR MCCARTHY: -- they wanted in writing was.
20 Did you have a discussion?

21 ATTORNEY AZADI: I had a discussion. And
22 Councillor LeBlanc did also. Saying that there are three
23 ways a City can generally acquire property. The first is by
24 purchase. The second is by so-called friendly taking.
25 That's where the price is higher than the average assessed

1 value for the last three years, plus 25 percent. And the
2 third is a regular eminent domain taking where it's not by
3 agreement.

4 MAYOR MCCARTHY: So, was the priest and the
5 attorney present when you were talking?

6 ATTORNEY AZADI: Yes. They were both present.

7 MAYOR MCCARTHY: Okay. Thank you. Respectfully.

8 COUNCILLOR ROMARD: Okay. So, my point is, it
9 doesn't make sense to me, when we've already offered 25.4 or
10 up to 25.4, to go in with 18. That's silly. So, it's a
11 waste of time.

12 So, my point is, to send the Councillors back,
13 because we've offered to negotiate. So, I think, we need to
14 fulfill that. It doesn't make sense to me to go in now and
15 slap an eminent domain, because we have a deadline that we
16 didn't explain to them. I don't think it was explained
17 about the deadline.

18 MAYOR MCCARTHY: Oh, they most certainly knew
19 about the deadline, because I can provide communication
20 after communication --

21 COUNCILLOR ROMARD: Did they know about the
22 September 30th --

23 MAYOR MCCARTHY: -- about the exigent
24 circumstances.

25 COUNCILLOR ROMARD: Did they know about the --

1 ATTORNEY AZADI: If I could interrupt. Both
2 Councillors LeBlanc and Councillor Brasco specifically said
3 there are exigencies. We need to take action. The Council
4 is going --

5 COUNCILLOR ROMARD: Yes. But, did they give a
6 date? Did anybody say --

7 MAYOR MCCARTHY: The date is not for their
8 information Councillor --

9 COUNCILLOR ROMARD: Okay.

10 MAYOR MCCARTHY: -- with all due respect.

11 COUNCILLOR ROMARD: I mean, if it's going to be --
12 if you're going to negotiate in good faith, you negotiate in
13 good faith.

14 So, my point would be, I would suggest --

15 MAYOR MCCARTHY: If you wish to make another
16 motion, there's a motion on the floor. I'm just saying, if
17 you wish to make a motion, that's up to you.

18 COUNCILLOR ROMARD: And so, with that, I will make
19 a motion --

20 MAYOR MCCARTHY: There's a motion pending.

21 COUNCILLOR ROMARD: -- that the Councillors go
22 back to the Stigmatines, to continue to negotiate in
23 friendly means with the order --

24 COUNCILLOR MCMENIMEN: Point of order.

25 COUNCILLOR FOWLER: The motion is out of order.

1 COUNCILLOR ROMARD: Why is that out of order?

2 COUNCILLOR MCMENIMEN: The motion is out of order.

3 MAYOR MCCARTHY: There's already a motion.

4 PRESIDENT LEBLANC: We need to address Councillor
5 Stanley's motion first. And there are --

6 MAYOR MCCARTHY: So, there are still --

7 COUNCILLOR ROMARD: Okay. All right. We can come
8 back to it. If that does not pass, then --

9 PRESIDENT LEBLANC: Right. So, Councillor Harris
10 is on the list. Councillor Stanley would be second time
11 around. Councillor Harris.

12 MAYOR MCCARTHY: Thank you. Can Joe go out and
13 please --

14 MAYOR MCCARTHY: Can Joe go out, please, and talk
15 to the police about -- it's really getting kind of loud.
16 Because before, they were downstairs.

17 COUNCILLOR ROMARD: Why are we paying them, if
18 they're not going to do that?

19 MAYOR MCCARTHY: Well, they weren't told that they
20 wanted --

21 You know what I mean, you can't hear.

22 COUNCILLOR: I know.

23 PRESIDENT LEBLANC: If we could return to order,
24 please.

25 Councillor Harris.

1 COUNCILLOR HARRIS: Thank you, Ma'am President. I
2 want to extend the deep appreciation and gratitude to both
3 the President and also Councillor Brasco -- invocations and
4 clearly, in a matter of a few weeks, moved frankly, what's
5 what's been been not --

6 I too have been this last week and and followed
7 with due dilligence.

8 When I ran for office, I spoke on eminent domain
9 and spoke of -- like many Councillors here, I'm not a fan of
10 eminent domain. I feel that, if the Whittemore School
11 needed to be extended, and homes were taken over there, that
12 would really I think, affect me and affect my neighbors,
13 affect many. But, we're elected to office to sometimes make
14 decisions that take us outside of our comfort zones and
15 require us to make deliberations based on fact.

16 I've read countless, countless documents from the
17 Stigmatines, from the City, where initially, there were
18 friendly negotiations. And then, as soon as Attorney Patton
19 gets involved, things seemed to go sideways.

20 I'm concerned that the paper passing between the
21 two parties, not matter what's written on it, not matter
22 what number it is, is not going to bring the strength of
23 negotiation that needs to be brought to bring this matter to
24 a conclusion. There is the ability to get to a friendly
25 taking. But, you need authority in negotiations.

1 Many of you know that I work as a consultant in
2 health care. And a lot of my work is merger and
3 acquisition. And you must be in a strength position in
4 order to negotiate, number one. And the strength is clearly
5 in the leadership that has been brought forward. It is
6 clearly taking these folks to a point where they begin to
7 understand that, "this is serious".

8 What also is serious is constituents opinions.
9 So, this past weekend and the weekend prior, I met with over
10 30 family members who have reached out to me. And you know,
11 maybe they are reaching out to me because I'm their
12 Councillor, but I would look up and see where they lived,
13 and thinking now, is this just North Waltham. More than 80
14 percent of them live within a few houses of mine and I
15 actually know them from my work on the Whittemore.

16 And I ran on, you know, a commitment to my
17 neighbors that I would be their neighbor and their voice.
18 I'm going on the record here tonight to state clearly why I
19 would vote positively for eminent domain. And it isn't to
20 go negatively against the priests, what they stand for,
21 because I'm a deeply religious person.

22 I would vote for eminent domain so that would give
23 Councillor Brasco and Ma'am President and the Mayor the
24 authority to do this negotiation. If you count the weeks on
25 those little calendars that were handed out, there's 13

1 weeks left. And then, some other decision's got to be made.
2 And then, some people have to be back from vacation.

3 When you have to execute a business deal,
4 something of this size and magnitude, there has to be a
5 decision made. And this body has to decide either for or
6 against.

7 I would vote tonight positively for eminent domain
8 to give the authority for you folks to be able to go forward
9 and negotiate so that we could get to a clear number by the
10 deadline, September 30th. And also, I know, under your
11 stewardship, that these priests would have a respectful
12 location either on site or whatever you guys negotiate to be
13 able to exist and carry on their mission.

14 PRESIDENT LEBLANC: So, first time around,
15 Councillor Darcy.

16 COUNCILLOR DARCY: Thank you. I want this read
17 into the record. I wrote this two months ago.

18 "To plan for a new state of the art high school,
19 City leaders knew they would need land sufficiently large
20 and centrally located in Waltham. On May 15, 1967, then
21 Waltham Mayor, Richard F. Dacey, Jr, and the Waltham City
22 Council approved the taking of three separate yet contiguous
23 parcels of land near Lexington Street by eminent domain for
24 educational purposes. 3.79 acre from Coleman/Stanton
25 families, 6.44 acre from the Cambridge Council of Boy

1 Scouts, Incorporated, and 20.46 acre parcel from the
2 Theodore Lyman Storrer, for a total of 30.69 acres."

3 "The damages paid included the following, 9475 to
4 the Coleman/Stanton families, 16,000 to the Cambridge
5 Council of Boy Scouts, and 51,150 to Theodore L. Storrer for
6 a total cost of \$76,625 for 30.69 acres which amounted to
7 2497,000 -- sorry -- 200 and \$497 per acre. The
8 Coleman/Stanton land was used for the access road away from
9 Lexington Street, now called Jack's Way. The Cambridge
10 Council Boy Scouts's land, where Harding Field is now
11 located. And the bulk of the acreage was taken from
12 Theodore Storrer and the Payne Estate, where the current
13 high school parking lot is now situated."

14 "Ironically, back in 1955, Theodore Storrer, and
15 the Payne Estate, had previously donated many acres to the
16 Boy Scouts on which he sat as board of director in
17 Cambridge. 6 acres of their parcel are now taken back by
18 the City of Waltham. In 1979, the Boy Scouts sold their
19 remaining land, named Camp Ted, after Theodore Storrer, as
20 their wood lot had been cut off for the remainder of the
21 Payne Estate. Their parcel would later become the Pigeon
22 Hill subdivision."

23 "The architect of the new high school was Fenton
24 G. Keys Associates of Waltham. Initial cost of the high
25 school was \$7,200,000. The school was quickly constructed

1 in just over two years, opened on Monday, September 8, 1969
2 to its 2100 Waltham students in grades 10, 11 and 12."

3 "One can only hope that the planning and
4 construction of the new high school in Waltham in 2018 will
5 happen as quickly as it did back in 1967."

6 How many more students, children, do we want in
7 the chamber next month? I mean, this has gone on far
8 enough. I'm getting phone calls and e-mails, people
9 accosting me in the supermarket saying, what are you going
10 to do for the children, for the 6000 children. So, I'd like
11 the Councilor from Ward 2, the Councillor from Ward 4,
12 Councillor for Ward 7, and I think, the Councillor from Ward
13 5 and the Councillor at large, and our State Representative
14 -- I won't speak -- I think, others would speak on it
15 themselves and the Councillor from Ward 8.

16 We need to take it to the next level, empower
17 these three individuals, who we all trust to do a great job,
18 because they're fair people, Mayor McCarthy, Council
19 President LeBlanc and Senior Councillor At Large, Councillor
20 Brasco, who I think we all will trust to negotiate fairly
21 with the Stigmatine father.

22 So, I, like many of the others that have spoken
23 before me, support this eminent domain taking. And I think,
24 it's the right thing at this time. It's just gone on for
25 too long. So, I support the eminent domain taking.

1 Honestly, I hope you all think about what we have
2 outside here for the last four weeks. And it's only going
3 to get bigger. They're not backing down. They want a high
4 school. They want a state of the art high school. And this
5 is for Waltham. This is for our children and our
6 grandcihldren.

7 The most important thing -- this is the most
8 important vote that any one of you will take in the history
9 of you on the City Council. The most important vote, no
10 doubt. The most important vote. I know, a few of you know,
11 make the right vote. Thank you.

12 PRESIDENT LEBLANC: Anyone else for first time
13 around?

14 Councillor Vidal, will you take the chair.

15 PRESIDENT LEBLANC: It is deeply troubling to me,
16 that a vote on a hostile eminent domain taking is being
17 forced tonight. It was only three weeks ago that this body
18 voted to have Councillor Brasco and I go forward to reopen
19 talks and work toward a purchase and sale or a friendly
20 taking.

21 We have had only two meetings. And we have
22 reported back that we are making significant progress. At
23 the first meeting, we worked toward establishing trust and
24 emphasized moving forward in a positive way. At the most
25 recent meeting, just this past Thursday, we effectively

1 conveyed the urgency of acquiring the property to be used
2 for a new high school for our children.

3 They requested a letter to share with the Superior
4 General in Rome and indicated that they would get us
5 something in writing to indicate we were moving forward in
6 the right direction, if we could produce that letter. But,
7 we failed to get them that letter. And I understand why.
8 It's our process. They have their process, too.

9 It's troubling to me that we have continued to say
10 Father White can do this deal on his own when, in fact, he
11 cannot. As he has explained to Councillor Brasco and myself
12 on two occasions, one with Attorney Azadi present, not fully
13 understanding their organizational structure and authorities
14 proved problematic on the first go round. Why would we
15 repeat that mistake?

16 The letter from Atlantic Management dated June 12,
17 2017 clearly states that they made it clear that any deal
18 was subject to the approval of Rome. Allowing us just a bit
19 more time for us to continue meeting, perhaps, for the
20 Superior General to meet with the leadership of the Council
21 again and our Mayor, to come face to face with local
22 leadership would seem to be a better option if, in fact,
23 this Council truly wants to avoid a hostile taking.

24 A hostile taking is not a win/win. If we do a
25 hostile taking tonight, we will not begin as a community to

1 heal tomorrow. While many in the school community who
2 support a hostile taking have been well briefed on our
3 proceedings, many that might be opposed have been completely
4 left in the dark, because we are in Executive Session.
5 Where is the transparency for them?

6 I also want to emphasize that parents of school
7 aged children are not unanimous in their support for a
8 hostile taking of the Stigmatine property. Many of the
9 communications that I have received have asked for a
10 purchase or a negotiated sale.

11 I'm troubled because there is no new evidence to
12 support what is being claimed, that the Stigmatines are
13 moving forward to develop their land. They have
14 consistently maintained their position.

15 The letter from Atlantic Management to the Council
16 dated July 31, 2017 clearly states how they came to possess
17 the subdivision plans from Avalon. These are not evidence
18 of a pending development.

19 I am troubled that anyone would consider
20 information received from anonymous sources that have not
21 been verified to be legitimate evidence. The rumors around
22 this property, this matter, have been insane. Before this
23 came into Executive Session, I heard from someone, who heard
24 from someone, that the City bought the site for \$38,000,000.
25 The source, a cafeteria worker at the Stigmatines. Clearly,

1 they were wrong.

2 If we were in receipt of any legitimate evidence,
3 not circumstantial evidence, but legitimate evidence to
4 suggest that they were moving forward to develop this land,
5 I would move to take it in a heartbeat by an eminent domain
6 action. The evidence is not there.

7 Father White has restated to Councillor Brasco and
8 myself that there are no secret deals with anyone, including
9 the Archdiocese. It's troubling to me that, as a body, we
10 never discussed in any detail the 32 acres that abuts the
11 Stigmatine owned by the City and the role that it might play
12 in a truly friendly taking that allowed the Stigmatines to
13 remain on their property and continue their ministry and
14 allow them to care for their retired priests, while at the
15 same time allowing us to build a school for our children on
16 the upper portion of the land.

17 Could we have gotten a friendly deal if we had
18 talked about that?

19 It is troubling to me that this taking is often
20 compared to taking a portion of land from religious entities
21 at the intersection of Lexington and Totten Pond Road for
22 road improvement. They are not the same. We did not take
23 their church. We did not take their ministry. We did not
24 take their home. We did not force them out of Waltham.

25 A hostile eminent domain taking is a vote more

1 than just take the home of retired priests. It is a vote to
2 terminate a ministry, to kick them out of Waltham and to
3 prevent them from practicing their religion. It's trouble
4 to me that it took us four years to do a friendly taking of
5 Arrigo Farm because of all of the complexities. But,
6 somehow, the complexities don't matter tonight. And for
7 some reason, we can't take a little bit more time.

8 I have to believe that the Mass School Board would
9 give us a little bit more time. Councillor Brasco and I
10 talked after our last meeting. And I understand, the City,
11 the Mayor, our attorneys, they've been through a rough two
12 years on this. They've worked hard. It hasn't gone the way
13 that we wanted it to go.

14 But, Councillor Brasco and I talked after that
15 meeting. And we both felt really good about that meeting.
16 I believe we can get a purchase and sale or negotiate a
17 friendly taking. And I think that we can do it quickly.
18 And I would implore this body to give us just a little bit
19 more time.

20 The Ward 2 Councillor says this is the most
21 important vote we'll take. I agree with him. I want a
22 school as badly as all of you. I want a state of the art
23 school for our children. I want to get this done. But, I
24 don't want it to be through a hostile eminent domain taking.
25 And we can kid ourselves by saying that, well, -- and it's

1 not kidding. It's fact.

2 So, we vote this hostile eminent domain action
3 tonight. And we do have 30 days to see if we can change it,
4 make it right. But, this is a hostile action. I can't
5 support it. Not to say that, if this body should vote this
6 out, that I would absolutely do my very best going back with
7 Councillor Brasco to get the best possible deal for the
8 City. But, again, a hostile taking will not have my vote.

9 CHAIRMAN VIDAL: Thank you, Councillor LeBlanc.

10 Ma'am President, you have the floor.

11 MAYOR MCCARTHY: First of all, the source of my
12 information, any and all information is not innuendo. It's
13 nothing. It's legal information that was provided to Mr.
14 Edward Bowler, the City's hired contractor to do the
15 appraisal.

16 So, all of the information about any of the things
17 in the past that the Stigmatines were considering, whether
18 it be 2015, 2016, 2016, when we were involved, prior to our
19 involvement, is all based upon information that was provided
20 by Mr. Bowler to the City attorneys or to me. And that
21 information was provided by Atlantic Management. Also,
22 information was provided directly by the Stigmatines at that
23 time.

24 So, when I first got involved with this, I was
25 told to deal. So, Atlantic Management came to the office.

1 They scheduled an appointment. I was to deal with their
2 real estate company, Atlantic Management.

3 So, none of the information that I have about what
4 they were engaging prior to the City's involvement, as a
5 matter of fact, they gave me some communications directly as
6 part of the appraisal process that was provided to us,
7 meaning me individually, as part of Atlantic Management,
8 additionally, information was provided.

9 So, it's not speculation. It's not innuendo.
10 But, that being said, the problem here is this, everybody
11 wants their way. So, I'm going to do something that I think
12 will get us to everybody hopefully voting for this.

13 And then, it will be public that it will vote for
14 this, because as Mayor, I have to come up with the high
15 school plan. And I'm not going back to say what site,
16 because, with all due respect, I couldn't get enough votes
17 to have the City land that's unrestricted right next to the
18 high school, enough votes from this body.

19 And now, there is a restricted parcel right next
20 to the Stigmatines which is the former Sanderson Heights
21 property, of which there was another appraiser involved in
22 those days. Okay. That one has a conservation restriction.
23 That would be harder. You have to go back to the state.
24 You've got to go to the Department of Interior, whatever it
25 is at the state level.

1 But, there was another parcel that didn't have
2 those restrictions, with all due respect, the parcel on
3 Sanderson Heights has neighbors next to it. But, there was
4 another parcel right next to the high school that I was
5 asking initially that that would be used to augment the land
6 for the high school.

7 That was -- we had three parcels. We went through
8 all of that, because I started these Executive Sessions in
9 May. I just made four for the month of June hoping that we
10 could get some headway.

11 So, respectfully, we didn't look at that parcel
12 because I had one that was unrestricted that was able to be
13 used right now. So, it didn't have all the restrictions on
14 that. Similar to, I had suggested, when we were at the
15 joint convention at the School Department, School Committee,
16 that maybe if I had the Orange Parcel, which was right next
17 to the high school, if we could go with that one. But, that
18 also creates a lot of things.

19 So, I'm going to suggest that this Council vote
20 out a friendly taking for \$18,000,000. A friendly taking
21 for \$18,000,000. And that's a taking. That's a taking.

22 And now, the question becomes, at what point do
23 you come back with a friendly taking. Because, in order to
24 get to the price, and this is the key, if I say what the
25 price is, now, with all due respect, the only reason why you

1 got that letter is because the lawyer can understand exactly
2 what the two representatives said and to indicate otherwise
3 that you didn't know.

4 Why would I give a letter when I don't know what
5 the price is. Why would -- or were you going to continue to
6 bargain against ourselves? So, if you're so concerned that
7 this is a hostile taking, it was always going to be a
8 taking, because the amount of money that they wanted. Let's
9 be serious about that.

10 So, if you want to take the word unfriendly and
11 make it friendly, John, just say we understand that the vote
12 -- well, just hold on for a minute. With all due respect,
13 the vote would be friendly here. Would be for a friendly
14 taking. But that goes out. And it would be held for 30
15 days. And if it gets out, nobody, I am not speaking -- the
16 authority of the body is what you're talking about.

17 You voted for a friendly taking in the beginning,
18 because I have communications from Atlantic Management to
19 pursue the friendly taking option. And I provided all of
20 that to you. Now, what it would do is, you do the taking.
21 Now, you say to them it's friendly for up to 30 days. Okay.

22 But, they now have the authority that they need;
23 correct? And you have the message that you need. Because
24 if you don't vote a friendly taking, and now it's up to them
25 to make it a friendly. So, I want to talk about this for a

1 minute, because the taking is going to be a taking no matter
2 what.

3 Because the \$15,000,000 is what the appraised
4 property is. So, you cannot pay more than appraised value.
5 Now, they're going to go into what was discussed about
6 values and this and that. But, bottom line is, we have an
7 appraisal by a certified appraiser who is, I guess, he's the
8 City's appraiser, independent appraiser. He came in at
9 15,000. So that's what you're authorized. That's what
10 you're authorized.

11 That would be a friendly taking, 15,000,000. Now,
12 the 18 can also be a friendly. But, bottom line is this,
13 that will be recorded in 30 days if they don't step to the
14 plate and come up with an agreement that's mutually agreed
15 by the parties.

16 So, I want to see what the lawyers say, because
17 I'm going to do a taking order. It will be for 18,000,000
18 and it's going to be friendly. And in this room, it's
19 friendly. Okay.

20 Now, because you don't put on your documents if it
21 is a friendly or not, the authorization is there. So, it's
22 a taking for 18,000,000. But, you're going to say, with the
23 negotiation, that the three, the Mayor, the two, and I will
24 not allow -- I will not allow anyone to breach this
25 Executive Session with the Stigmatines or any other school

1 people. I warned you about that already. I've warned you
2 in the letter that I sent out that these negotiations were
3 being breached. And I did that letter early on in this
4 process.

5 So, the bottom line is, the authority that you
6 have is to try to convert it to whatever it is going to be.
7 But, if you do not vote something, if you go and you say,
8 yeah, there's not one person in this room that wants to do
9 an unfriendly taking. Not one. And that's the reason why
10 we've had this for years, because nobody wants to do it.

11 As a matter of fact, the first time I did it was
12 because they wouldn't even meet. They wouldn't even meet
13 while we had a legal agreement in place. But, as soon as
14 push came to shove, they wanted to meet right away. As a
15 matter of fact, that's the only time they actually sat down
16 and did it. And I see the same pattern right now. The same
17 pattern is right here.

18 But, so, the understanding is, so you can relay
19 that message that that is a friendly taking for \$18,000,000.
20 A friendly taking. But, it has to be a taking. And if
21 anybody doesn't understand that it's a taking -- say you
22 come up with more money, what do you think, it's not going
23 to be a friendly taking?

24 The question is unfriendly here. Unfriendly.
25 But, you need to vote the taking, because you need to vote

1 the taking because, if you don't vote the taking, you might
2 as well say, Mayor, go home. Come up with the plan for the
3 high school, and that's it. Because quite frankly, this
4 letter that's a public document, you're going to not have a
5 public document in return? Really, ladies and gentlemen?

6 Can I see that document again? Where is it?

7 Diane, you have it? Council President.

8 Because, quite frankly, --

9 CHAIRMAN VIDAL: It's here.

10 MAYOR MCCARTHY: Yes. Thank you.

11 Quite frankly, that's a public document on
12 purpose. You notice how it was created as a public document
13 on purpose, the first time, the first document was a public
14 document, too. Let's go back to that public document.
15 Let's go back to that public document. Let's read that
16 document. All right. Let's read that.

17 I'd like to read two things into the record.

18 We've got them already. But, let's remind ourselves of what
19 this is, because I can solve this.

20 ATTORNEY CERVONE: Mayor, here's the letter. Do
21 you still need it?

22 MAYOR MCCARTHY: Let me see it. June 19th.

23 Attorney Adam B. Patton. "Dear Attorney Patton, City
24 acquisition of 554 Lexington Street, Stigmatine property
25 meeting request. I'll be brief given the exigencies. The

1 City Council designees who had met with you and Father White
2 had hoped and expected that they would have heard from you
3 to arrange additional meetings relating to the above this
4 past week. But, they did not hear from you."

5 "After the City Council's meeting last night, and
6 given the exigencies, it's imperative that we hear from you
7 to arrange further meetings before next Monday, June 25th
8 Council meeting, designed to move toward substantive
9 resolution to facilitate the above."

10 "Please feel free to call me with any questions.
11 If it would expedite the scheduling, I can arrange to be
12 with the City Council designees to discuss such scheduling
13 via telephone conference call with you or your client today
14 or tomorrow."

15 Then, now, this is the next public document.

16 Public document. Have we made our documents
17 public? No. Because we're negotiating in good faith.

18 "City Council President Diane LeBlanc, City
19 Councillor Paul Brasco, care of City Clerk, City of Waltham,
20 610 Main Street, City Hall, Second Floor. Letter from John
21 B. Cervone, Esquire, dated June 19, 2018."

22 "Dear Councillors, the letter received today from
23 the City Solicitor John Cervone is mystifying to the
24 Stigmatines and to me. We certainly did not walk away from
25 our meeting believing we had agreed or expected to set

1 additional meetings. As you know, the meeting was held on
2 June 11th, was arranged on short notice at your request.
3 Are you requesting another meeting? If so, I suggest you
4 follow the procedure you used last time. In other words,
5 you send the two Councillors. A letter from both of you to
6 the Stigmatines."

7 "The letter from John Cervone is in opposite and
8 completely misses both the tone and tenor of the meeting.
9 Our understanding of our meeting was that you would report
10 back to the Council our conversation with the Stigmatine
11 assurances that they were looking through the process as
12 expeditiously as possible, but could not commit to a time
13 table."

14 "We discussed out continued disgust of the false
15 rumors circulating stating the Stigmatines have plans to
16 develop the property. We also discussed our opposition to
17 the proposed zone change. Subject to Father White's
18 schedule, he will try to make himself available if you wish
19 to meet again."

20 And that goes cc: to Cervone, cc: to Father Robert
21 S. White, CSS. And that's June 20th.

22 Today is June what? 25th? So, these two public
23 documents are out there. Public document, public document.

24 Now, why do I say that? In all due respect, this
25 has been difficult from the beginning, because not only were

1 the individuals that have a true desire to keep the ministry
2 open, and the true desire of Atlantic Management was, to get
3 them a place that they could actually build for them. Take
4 some of the money and downsize because they were downsizing
5 the number of priests.

6 And that was the goal that was stated to me.
7 There was no stating to me that they were going to expand
8 upon the ministry, that they were going to bring all these
9 other people. As a matter of fact, they indicated to me,
10 Atlantic Management -- and you have to understand, with all
11 due respect, the Atlantic Management people are very, very
12 forthright people. They're in the business. And right
13 until the end, they were very, very up front and
14 professional.

15 So, at no point did they say, oh, we're going to
16 grow the ministry. As a matter of fact, they were trying to
17 help them out in a very difficult situation to try to say
18 it's a very sensitive issue. The number of priests are
19 declining. We want to take care of them. And they were
20 going to explore all options.

21 And Atlantic did explore all options. And you all
22 were provided with copies, those who were Councillors at the
23 time were provided that.

24 So, I don't want to get into the past. But, what
25 I want to say is this, 18,000,000 is already an unfriendly

1 taking. It is, because of the price. It's more than our
2 appraised value. So, normally, see that lawyer over there,
3 and that lawyer over there, they would say, Mayor, you can
4 only put in the 15,000,000. And I said to them, I can't get
5 into the conversation, but I'll say what I feel. 18,000,000
6 is what I did in good faith. I worked with Atlantic on that
7 figure.

8 Now, granted, the lawyer didn't agree to the
9 figure. I understand that. But, to go back and say that
10 all of this -- there were parties on both sides interfering
11 with this process. So much so that, I had a conversation
12 when I first met with Father White, that this was
13 interfering with both sides.

14 And I can understand people being interested in
15 trying to save their ministry. I can understand that. But,
16 I also have to understand that elected officials have to do
17 what elected officials's work is. In other words, yeah, you
18 have the right to vote however you feel, but no one can
19 interfere with the process.

20 So, there was interference on both sides of this.
21 Okay. So that being said, I'm going to bring that out right
22 now. Vote the 18. Tell them it's a friendly taking,
23 because right here, and see how fast it gets out. I'm tired
24 of this getting out. I'm tired of the stuff getting out of
25 this chamber. And --

1 ATTORNEY CERVONE: And -- sorry. Go ahead.

2 MAYOR MCCARTHY: Yeah. Thank you. And I'm tired
3 of that because, quite frankly, our job is to represent the
4 City of Waltham. Our job is not to represent anybody else.
5 And at that table, everybody was Catholic except for one, I
6 think, when we met with the Stigmatines, when we met with
7 the Stigmatines in Rome, they were all Catholic. So, this
8 is not a religious issue, because everybody doesn't want to
9 do it.

10 But, at some point, ladies and gentlemen, I've
11 said in the record, the issue of a friendly taking or
12 unfriendly taking, from the very beginning, you authorized
13 me to do a taking. No, we did not. Well, of course, you
14 did. The price was more than \$15,000,000.

15 So, going forward, I understand. Give them
16 whatever they need. But, if you don't vote anything
17 tonight, friendly or otherwise, -- now, it might be an
18 unfriendly taking. It might be a friendly taking. I don't
19 know yet. Because until that 30 days happens, -- but I do
20 agree with the minority Councillors, maybe majority
21 Councillors, that, you know, we should give them a chance to
22 have one more meeting. I agree with that.

23 But, last week, he didn't want to have any
24 meetings. But, all of a sudden, once they found out from
25 the two mostly talking, hey, they're serious now, there's

1 been a substantial shift. And there's sufficient votes.

2 So, they got that message. And that's why you got
3 that public document. So, what are you going to tell your
4 public? What are you going to tell your public? That the
5 City Council is not united in something? And see, if you
6 vote the taking for the \$18,000,000 and you instruct Cervone
7 to go to the meeting, tell them, they had to vote it. They
8 do. They have to vote it because it's beyond the
9 15,000,000.

10 That's the appraisal we have. And quite frankly,
11 I have never done a real estate deal, ever done a real
12 estate deal where the party never gives the price. I must
13 remind you, ladies and gentlemen, when did you get the
14 price? Tell me, when did you get the price?

15 The price for the first time was given by a
16 written communication to the City Council before the
17 attorney came here to speak. That's the only time a price
18 was provided to the City of Waltham in any capacity. And
19 that was provided directly. Is this not correct, Ms. Azadi
20 and Mr. Cervone?

21 ATTORNEY AZADI: Yes.

22 ATTORNEY CERVONE: Yes.

23 ATTORNEY AZADI: And no appraisal with it.

24 MAYOR MCCARTHY: And not an appraisal, yeah. And
25 was provided directly to the City Council just like they're

1 doing now, providing something directly as a public
2 document. So that was a public document. This is a public
3 document.

4 Now, I hope and I pray that this matter moves on.
5 But, to indicate that this is not an unfriendly taking, it
6 is, because your appraisal that you were provided was for
7 \$15,000,000. Everything else, and I'm going to say this for
8 the record, everything else is speculation.

9 But, from the very beginning, they wanted that
10 speculative value. Why? Because it's about money. They
11 wanted that speculative value because they knew, in August
12 of 2016, how many units -- no, excuse me -- how many lots
13 could be created. And it was 96 or 99. That's a difference
14 of \$1,000,000 approximately give or take. 1,000,000.

15 So, for a difference of 1,000,000, from 15, that's
16 16. So, ladies and gentlemen, you have an appraisal for
17 highest best use by right. That is your legal obligation to
18 go by your appraisal. But, in good faith, because I was
19 negotiating in good faith all along, they wanted me to sign
20 for 18. And we had many talks about appraised value,
21 assessed value. We had many conversations with the bank
22 management. But, it came down to 18,000,000.

23 So that's 18,000,000 what you have right now.
24 Respectfully, you vote the taking. I'm willing to have
25 constraints on my negotiation power to go in and say,

1 listen, they voted it, but they really do want a friendly
2 purchase and sale here. But, not to vote it, not to vote
3 anything, let me say it again, it was always going to be an
4 unfriendly taking from the first communication from Atlantic
5 Management in January of 2016 which all of you were
6 provided.

7 They wanted me to explore other things. And I
8 understand that. And so that speculation, they wanted me to
9 explore. They wanted me to explore various uses that were
10 not allowed by right under the current zoning. And I'm only
11 going to say that. I can only go by the current zoning.
12 But, in fairness, I put forth the 18. I'm willing to do
13 more. But, I would respectfully, you have to vote the
14 taking. And then, restrict the authority 'til you have your
15 one more meeting.

16 And if it gets out, if it gets out, then you have
17 no one to blame but yourself. Because the message will be,
18 there's a vote for a taking. Okay. We would like it to be
19 friendly, that's fine. Say it. I don't have a problem with
20 saying that. But, your vote has to be a vote, because it's
21 more than \$15,000,000. And if you don't understand that,
22 respectfully, ask the two City attorneys.

23 CHAIRMAN VIDAL: Thank you, Ma'am President.

24 MAYOR MCCARTHY: Thank you.

25 CHAIRMAN VIDAL: First of all, I want to go back

1 to --

2 COUNCILLOR STANLEY: I was the first one, yes.

3 CHAIRMAN VIDAL: Then, you are next, and then,
4 Councillor Logan.

5 PRESIDENT LEBLANC: Mayor, thank you for that.

6 COUNCILLOR STANLEY: I was first on the list.

7 PRESIDENT LEBLANC: He was. It's a rebuttal.

8 MAYOR MCCARTHY: Can I just ask a couple of
9 questions?

10 CHAIRMAN VIDAL: Yes. Exactly, thank you, Mayor.

11 MAYOR MCCARTHY: So, --

12 CHAIRMAN VIDAL: It's a rebuttal from when the
13 Mayor has been the speaking for the ten minutes. If you --

14 COUNCILLOR STANLEY: No, no. We have rules. So,
15 I'm first on the list, second time around.

16 CHAIRMAN VIDAL: Councillor Stanley.

17 COUNCILLOR STANLEY: Thank you.

18 I appreciate what the Mayor's trying to do here,
19 trying to bend over backwards to, you know, have more
20 momentum going forward than we had into tonight, but I
21 believe, we -- I'm sticking with my motion that you have to
22 vote to take the property. And again, to send Councillor
23 Brasco and Councillor LeBlanc and the Mayor, to meet with
24 them tomorrow. And with getting -- go in and get the
25 correct wording from the lawyers, and then, substitute the

1 language then. But, if we get, you know, that message could
2 be conveyed by meeting with them and telling them, look this
3 is what we can do. But, we're here to negotiate. I mean,
4 that's -- I don't think we should be weakening our position
5 whatsoever.

6 MAYOR MCCARTHY: I have to respond. Respectfully,
7 you're still going to vote the taking.

8 COUNCILLOR STANLEY: Absolutely.

9 MAYOR MCCARTHY: For \$18,000,000. But the issue
10 is, the message that they're going to be authorized to give
11 is, you know, similar to before, where the value is only 15.
12 So, you're still going to vote the taking.

13 COUNCILLOR STANLEY: Right. But, I just don't
14 think we should use the word friendly, because then that
15 sends signals to them that oh, we still have more time.

16 MAYOR MCCARTHY: Oh, no. That would not leave
17 this room. In other words, the vote on the taking would
18 have to come out as normal. It would be \$18,000,000 for
19 whatever purposes you're going to have. And that would be
20 the public vote.

21 What I'm saying is that you can still say to them,
22 because they're not going to agree to the 18,000,000. You
23 could still say to them, although they took that legal vote,
24 they still would like to have a friendly sale.

25 COUNCILLOR STANLEY: Right.

1 MAYOR MCCARTHY: I'm saying that's authority that
2 you would give separate, Councillor Stanley.

3 COUNCILLOR STANLEY: So, in that regard, if that
4 were to pass, what can we say in public session after we
5 take the vote in private session?

6 MAYOR MCCARTHY: Well, first of all, what I would
7 say is, your vote speaks for itself. But, there's going to
8 be another meeting with the Stigmatines.

9 COUNCILLOR STANLEY: Right.

10 MAYOR MCCARTHY: And that will be --

11 COUNCILLOR STANLEY: And that will be in the
12 motion.

13 MAYOR MCCARTHY: That will be in --

14 COUNCILLOR STANLEY: Right.

15 MAYOR MCCARTHY: So, you would do your motion,
16 okay, for the 18, for school purposes or whatever it's going
17 to be, right. So that would come out and be done.
18 Everything else, you would decide to say, but we're
19 scheduling another meeting with the Stigmatines for
20 tomorrow.

21 COUNCILLOR STANLEY: All right. So, I moved my
22 question or move my motion, rather.

23 CLERK VIZARD: So, let me just -- your motion was
24 for the lawyers to draft the taking order?

25 COUNCILLOR STANLEY: Right.

1 PRESIDENT LEBLANC: ?could I ask for clarification
2 to the Mayor. We recently got out of there. And I'm glad
3 the Councillor who just -- I think we could clarify that, I
4 thought you said so that we could, those of us who don't
5 want to vote a hostile taking, I thought, you said that you
6 would have Attorney Cervone prepare a document that said it
7 was a friendly taking.

8 MAYOR MCCARTHY: No. The record would reflect
9 that, you're going back with an unfriendly -- with a
10 friendly authority.

11 PRESIDENT LEBLANC: So, --

12 MAYOR MCCARTHY: Because they've already rejected
13 the 18,000,000.

14 PRESIDENT LEBLANC: So, the vote is --

15 MAYOR MCCARTHY: So, both parties win here is what
16 I'm trying to do.

17 PRESIDENT LEBLANC: So, the vote is for a hostile
18 taking, but --

19 MAYOR MCCARTHY: No. The vote is for a taking
20 with no reference to hostile or otherwise. The vote is for
21 a taking. Then, you will have another motion to have
22 authority to these two and me to go to the meeting.

23 Now, I already told you that I will be in another
24 room. But, the lawyers will go.

25 So, in other words, what you would say publicly

1 is, this is the vote. Whatever it is. The Clerk would
2 announce the vote when you come out in public session. And
3 it would also say, but we're having another meeting with the
4 Stigmatines tomorrow. Okay.

5 So that's the part you can say. We have another
6 meeting scheduled with the Stigmatines tomorrow. And you
7 do.

8 So, what I'm saying is, in this negotiation,
9 you're saying, listen, we want it to be friendly.

10 PRESIDENT LEBLANC: I understand that.

11 MAYOR MCCARTHY: Okay. So, a taking is a taking.

12 PRESIDENT LEBLANC: Right. Yes.

13 MAYOR MCCARTHY: And all I'm saying to you is the
14 other one --

15 PRESIDENT LEBLANC: Thank you. I --

16 MAYOR MCCARTHY: So, you know what I'm saying.

17 So, in other words, the minutes will reflect what your
18 authority is. And that gives the 30 days. That gives the
19 City an ability to negotiate in good faith. And it also
20 gives them an ability to try to come up with a friendly
21 purchase.

22 PRESIDENT LEBLANC: So, this vote is an unfriendly
23 taking. But, it's --

24 MAYOR MCCARTHY: It's a taking.

25 PRESIDENT LEBLANC: Right. I understand that.

1 Thank you.

2 COUNCILLOR STANLEY: And so, I actually have the
3 wording. So, --

4 MAYOR MCCARTHY: Can I see?

5 I think you'd better go have Joe make some copies
6 of this so he can look at it first.

7 CHAIRMAN VIDAL: Are we going to withdraw the
8 motion for the record, or -- because we have --

9 MAYOR MCCARTHY: No.

10 ATTORNEY CERVONE: This is about the motion.

11 MAYOR MCCARTHY: Okay. I think, they need to see
12 this document.

13 ATTORNEY CERVONE: All right.

14 MAYOR MCCARTHY: Do you?

15 ATTORNEY CERVONE: Yeah.

16 MAYOR MCCARTHY: Okay. So, do you want Pat to go
17 and do it or Joe? Which one would you like? Pat can go
18 into my office or Joe can go to his office. What would you
19 like?

20 CLERK VIZARD: You can even go together if you
21 guys want.

22 MAYOR MCCARTHY: All right. Here. Then, put it
23 in an envelope.

24 CHAIRMAN VIDAL: Should we have a --

25 MAYOR MCCARTHY: Declare a two minute recess.

1 CHAIRMAN VIDAL: So, a two minute recess.

2 (Off the record from 8:23 p.m. to 8:36 p.m.)

3 CHAIRMAN VIDAL: We're back to order at 8:36. Mr.
4 Stanley, you have the floor still.

5 COUNCILLOR STANLEY: I withdraw the previous
6 motion and put forth this motion to take the property for
7 18,000,000. Everyone --

8 MAYOR MCCARTHY: You have to vote on the
9 withdrawal.

10 COUNCILLOR MCMENIMEN: No, we never took a vote.

11 MAYOR MCCARTHY: Never took a vote. Okay. Thank
12 you. I guess, it hasn't been voted.

13 COUNCILLOR LOGAN: So as long as no other
14 Councillor objects

15 COUNCILLOR STANLEY: So, I put forward this
16 motion. Everyone, I --

17 CHAIRMAN VIDAL: Provide us a copy of the motion.

18 COUNCILLOR STANLEY: To take the property for
19 \$18,000,000.

20 COUNCILLOR MCMENIMEN: Point of order. Point of
21 order?

22 CHAIRMAN VIDAL: Yes.

23 COUNCILLOR MCMENIMEN: Is this going out to the
24 public session when we're done?

25 MAYOR MCCARTHY: We're going to discuss this right

1 now.

2 COUNCILLOR MCMENIMEN: Okay. Okay. Thank you.

3 Mayor MCCARTHY: We have to finish what you're
4 going to do. There's going to be another motion. This
5 looks right, with the exception, this looks like the
6 original taking order. Okay. With the exception of
7 education use, open space, or a combination thereof. So,
8 the only thing I think was changed there was that based upon
9 last week's vote.

10 In other words, last week's vote, it had three
11 votes; remember? And so, I think, it was Councillor Logan
12 that asked for a combination thereof; right? The result of
13 the motions.

14 COUNCILLOR LOGAN: A combination.

15 MAYOR MCCARTHY: Was it education use, open space
16 or combination thereof.

17 COUNCILLOR LOGAN: Yes.

18 MAYOR MCCARTHY: I believe that was your motion?

19 COUNCILLOR LOGAN: Yeah.

20 MAYOR MCCARTHY: Okay. So that, everything else,
21 I have to trust that the lawyers did. It's the same one
22 from before. The one that was originally put forward.

23 COUNCILLOR LOGAN: All right.

24 CHAIRMAN VIDAL: All right. On the motion, second
25 time around, Councillor Logan.

1 COUNCILLOR LOGAN: So, originally, when you
2 described what you said, let's go do this like that, I
3 thought it was important. But now, I'm not too sure,
4 because I thought what you were suggesting was that we take
5 a vote on a friendly taking. But, that when you met the
6 Stigmatines, we were going to finesse this. Because people
7 -- there's a few, including myself, as still not comfortable
8 with the idea of taking a vote on a hostile taking.

9 And it's just a taking. You can vote a taking
10 without saying it's friendly or hostile. I mean, in other
11 words, I don't get a second bit at that apple. I don't get
12 a chance to say, well, I didn't want a hostile taking. You
13 could take that particular property --

14 MAYOR MCCARTHY: So, respectfully, it's always
15 been a taking because the price is more than the appraised
16 value of 15. Okay. Now, what I was suggesting is, that you
17 take this vote. And then, you're going to give certain
18 authority or restrictions on authority to the team for that
19 third day of hearing. And you know, if there's any problems
20 after the next meeting, so, in other words, you have to take
21 this vote public. But, you're going to also say, but we
22 have a meeting scheduled with the Stigmatines for tomorrow,
23 a previously scheduled meeting for tomorrow. However you
24 want to say it. You know what I mean.

25 So, that, if you were just going to take the

1 taking vote, we wouldn't add anything else. But, we have a
2 previously scheduled meeting tomorrow.

3 You have to remember this, what is public are his
4 two communications. So, you have a communication that is
5 completely opposite of any attempt to try to do anything
6 positive. And then, you have this one.

7 So, those are two public records already, because
8 they sent them to the City Clerk. They did not send them to
9 the City attorney. So, there was a deliberate attempt, and
10 I'm not going to say wrongful. I'm just saying, there was a
11 deliberate attempt to send it to the City Clerk, assistant.

12 So, and he'll probably say, well, that's the way I
13 always did it. But, lawyers know, when you're represented
14 by counsel, you have to send it to the lawyer. And then, it
15 makes it an attorney/client privileged document. So, he
16 didn't do it that way.

17 So, what we're going to say is, but -- you know
18 what I mean. Because, you know, when he's contacted, he's
19 going to say, well, I did this, dah, dah, dah. So, I don't
20 know how else to do it except you're going to basically give
21 them certain authority to go forward within that 30 days.
22 You see what I mean?

23 So, he's not going to know that. Except, they're
24 going to -- if you vote the authority, they're going to say,
25 the Council would still like to make, you know, an agreed

1 purchase to this. Okay. And let him -- of course, he'll be
2 all angry and everything else. Forget it. We'll see you in
3 court.

4 But, the bottom line is, that is where this
5 authority is going to go to them and me. So, you're going
6 to -- you know, the public's not going to know that, except
7 that you -- and we will be attending a meeting tomorrow.

8 So, if you just took this one without the other
9 one, I agree with you. It looks like, well, we're trying to
10 do everything good here. And you see what I mean? You have
11 to take the one from June 20th, five days before, which was
12 no, we can't, we can't, we can't. And I'd hope nothing gets
13 out public until they have a good opportunity to go back up
14 there and say, okay. Now, let's talk. Let's talk. Let's
15 talk and try to see if we can come up with it.

16 But, if we continue to posture back and forth, you
17 can't say friendly or unfriendly taking on the taking order.
18 Because when they record it, it's by definition whether or
19 not it was agreed to or not. You see what I mean? So, --

20 COUNCILLOR LOGAN: I do. But, I --

21 MAYOR MCCARTHY: Yes. But the record, --

22 COUNCILLOR LOGAN: You just started talking, I
23 kind of hope that maybe there's something there --

24 MAYOR MCCARTHY: The record will reflect that you
25 want it to be that way, and you're giving them the authority

1 that preferably -- just like last time you said, preferably
2 we want it for school use, and if not, open space.

3 When I'm saying preferably, it's go forward. But,
4 it's really up to both parties. And I can tell you this,
5 from my standpoint, and I believe this even to this day,
6 from my standpoint, when I offered to split the difference,
7 which most lawyers would do, let's split the difference and
8 see, I did that in good faith. And when I offered the full
9 value that he had given, I did that in good faith. Okay.

10 But, there was no --

11 ATTORNEY AZADI: No--

12 MAYOR MCCARTHY: Pardon me, Pat?

13 ATTORNEY AZADI: No give on their side.

14 MAYOR MCCARTHY: No give on their side to say,
15 give us the appraisal. If you actually think it's worth
16 more than that, because our appraiser has to see their
17 appraisal to see, you know, whether or not -- we gave our
18 full appraisal for that. And additionally, I read in the
19 law department that the valuation that they had requested
20 for uses that aren't allowed by right.

21 I couldn't provide the document to them. But, I
22 gave -- I read it to them fully over there.

23 COUNCILLOR LOGAN: And I can see that.

24 MAYOR MCCARTHY: And we don't have anything in
25 return, Robert, that fits, Councillor Logan, excuse me.

1 COUNCILLOR LOGAN: And I appreciate that. Just I
2 hope you can see it from my --

3 MAYOR MCCARTHY: I do see it.

4 COUNCILLOR LOGAN: -- standpoint in that, if I --
5 the best possible outcome would be if we can somehow get to
6 a friendly taking. I understand that you think this is an
7 avenue to a friendly taking.

8 I guess, my concern is that, if I vote for it, I
9 now -- I mean, basically, the game is over. I --

10 MAYOR MCCARTHY: No. The game's not over, because
11 they're not going to agree to \$18,000,000 with all due
12 respect. It's going to be a lawsuit. And then, the lawsuit
13 would happen. And then, I would have to come in for
14 authority to settle the lawsuit.

15 So, quite frankly, this is a way to try to get the
16 negotiations moving. If you're going to get -- and listen,
17 a mutually satisfactory -- no, mutually agreeable terms.
18 That's the problem. What is mutually agreeable? You don't
19 even know yet. You don't even know yet.

20 And see, my point is, I don't know what else to
21 tell you. Either it's going to work, or it's not. And
22 we'll come back to you. I mean, we'll report back to you,
23 because my point is, as soon as he sees me there, he's not
24 going to be happy. But, there's no way you can initiate
25 funding without me.

1 Now, if you want to wait for two years from now,
2 then you can initiate 50,000,000. I don't care what you do.
3 But, I have to go by the rules. And the rules are the
4 charter rules. Honestly. The rules are the charter rules.

5 And so, no matter what, if you do reach an
6 agreement, that has to come back and be voted. It has to
7 come back and be voted because I'm not going to put in a
8 money -- see, I could have done all this and say let's just
9 go put the money back in now. Well, I can't until I have
10 certain authority here.

11 I was just hoping to get everybody on the same
12 page last year to try to get beyond this so we wouldn't even
13 be talking about it for another year. But, in fairness,
14 we're not. So, I'm just trying again to get us to a point
15 where we get a decision and then, come back. And if you
16 don't like that, within that 30 days, okay, it's either
17 going to be recorded or not.

18 I'm telling you, I'm not going to allow them to
19 record it until this has been allowed to go forward. But,
20 to not -- you've got two public documents. Do you think
21 either one of them are in favor of the City? Really, let's
22 be serious.

23 The two public documents that the lawyer for the
24 Stigmatines have put out are one, -- where's that one?
25 Okay. We didn't expect there to be any more meetings.

1 Well, that's contrary to what they told us.

2 PRESIDENT LEBLANC: Mayor, if I may, and I shared
3 with --

4 MAYOR MCCARTHY: Yes, you did. But, I want to see
5 what other people say.

6 PRESIDENT LEBLANC: But, that -- there is --

7 CHAIRMAN VIDAL: You've still got --

8 Okay. Okay.

9 MAYOR MCCARTHY: I don't know what to tell you.

10 CHAIRMAN VIDAL: First time around, Councillor, --

11 MAYOR MCCARTHY: Because I'm being told that there
12 hasn't been much progress made until this letter came. And
13 this letter came this time as a public record on purpose.
14 On purpose. To try to put the City Council in their
15 negotiation sphere.

16 So, who are we negotiating for? The Stigmatines
17 or the City of Waltham?

18 CHAIRMAN VIDAL: Thank you, Mayor. First time
19 around Councillor LeBlanc.

20 COUNCILLOR LEBLANC: Yeah. I don't have much.

21 MAYOR MCCARTHY: And respectfully, after this
22 vote, I would like to have the lawyers come up to try to
23 address the other issues that people are concerned about so
24 that we make sure that the authority that we have is clear
25 to the negotiating team. And that's Councillor Brasco,

1 Councillor LeBlanc and Mayor McCarthy.

2 I just want to make sure. Because I don't want to
3 misstep at all.

4 CHAIRMAN VIDAL: So the motion of the floor just
5 by Councillor Stanley.

6 I've got to take a roll call.

7 CLERK VIZARD: Roll call.

8 ATTORNEY CERVONE: The roll call has to be --

9 CLERK VIZARD: Okay. Roll call to move the
10 question.

11 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 LEBLANC: Yes.

23 CLERK VIZARD: Robert G. Logan.

24 COUNCILLOR LOGAN: No.

25 CLERK VIZARD: Kristine A. Mackin.

1 COUNCILLOR MACKIN: Yes.

2 CLERK VIZARD: John J. McLaughlin.

3 COUNCILLOR MCLAUGHLIN: Yes.

4 CLERK VIZARD: Kathleen B. McMenimen.

5 COUNCILLOR MCMENIMEN: Yes.

6 CLERK VIZARD: Daniel P. Romard.

7 COUNCILLOR ROMARD: No.

8 CLERK VIZARD: Thomas M. Stanley.

9 COUNCILLOR STANLEY: Yes.

10 CLERK VIZARD: Diane P. LeBlanc.

11 PRESIDENT LEBLANC: No.

12 CLERK VIZARD: President, wish to vote?

13 CHAIRMAN VIDAL: Yeah, I wish to vote. The vote

14 is no.

15 MAYOR MCCARTHY: Please announce the vote.

16 CLERK VIZARD: 10 in favor. 4 opposed.

17 Okay. On the question, do you need me to read

18 what the motion is?

19 ATTORNEY AZADI: Yes, please.

20 CHAIRMAN VIDAL: Yes.

21 CLERK VIZARD: Motion by Councillor Stanley is to

22 approve a taking order of the Stigmatine property.

23 Paul J. Brasco.

24 MAYOR MCCARTHY: Want to say is attached as

25 Exhibit what or something?

1 ATTORNEY CERVONE: By eminent domain, pursuant to
2 the attached proposed taking.

3 MAYOR MCCARTHY: Yeah.

4 CLERK VIZARD: Paul J. Brasco.

5 COUNCILLOR LOGAN: Just a point of order, sir.

6 This vote is a taking by eminent domain?

7 MAYOR MCCARTHY: That's correct.

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 LEBLANC: Yes.

20 CLERK VIZARD: Robert G. Logan.

21 COUNCILLOR LOGAN: No.

22 CLERK VIZARD: Kristine A. Mackin.

23 COUNCILLOR MACKIN: Yes.

24 CLERK VIZARD: John J. McLaughlin.

25 COUNCILLOR MCLAUGHLIN: Yes.

1 CLERK VIZARD: Kathleen B. McMenimen.

2 COUNCILLOR MCMENIMEN: Yes.

3 CLERK VIZARD: Daniel P. Romard.

4 COUNCILLOR ROMARD: No.

5 CLERK VIZARD: Thomas M. Stanley.

6 COUNCILLOR STANLEY: Yes.

7 CLERK VIZARD: Diane P. LeBlanc.

8 PRESIDENT LEBLANC: No.

9 CLERK VIZARD: President wish to vote?

10 CHAIRMAN VIDAL: Yes. My vote is no. Sorry. You
11 know what I mean.

12 MAYOR MCCARTHY: Announce the vote, please.

13 CLERK VIZARD: 10 in favor. 4 opposed.

14 MAYOR MCCARTHY: Now, the negotiation, the
15 authority that, if you wish to give authority or limitations
16 on authority to the negotiating team for the meeting
17 tomorrow.

18 COUNCILLOR STANLEY: So, are we going to have
19 language to that or --

20 MAYOR MCCARTHY: I don't have any language,
21 honestly, sir. I have been listening to what everybody has
22 said. So that, some of the issues are one, we appreciate
23 the June 25, 2018 offer to negotiate. Okay. The City
24 Council and Mayor, put that there, would still like to
25 negotiate a friendly purchase and sale. Not agreement now.

1 A friendly purchase and sale. In other words, a friendly
2 purchase and sale. Okay. Considering the exigencies of the
3 Massachusetts School Building Authority deadlines. We
4 respectfully ask that the parties try, in good faith, over
5 the next week or two.

6 Or how much time do you want to give? With all
7 due respect, you have to start somewhere. I'm just giving
8 some guidelines. You know, because --

9 COUNCILLOR BRASCO: You said it's going to be 30
10 days before it's recorded.

11 MAYOR MCCARTHY: Yeah. You're going to tell them
12 that. You know what I mean.

13 COUNCILLOR BRASCO: Within 30 days, we have to
14 have --

15 MAYOR MCCARTHY: Considering the exigencies, we
16 respectfully ask that the parties try, in good faith, to
17 negotiate friendly purchase and sale. And that will take it
18 to July 24th is 30 days from tonight.

19 COUNCILLOR LACAVA: When is he going to stamp?

20 MAYOR MCCARTHY: Pardon me?

21 COUNCILLOR LACAVA: When's he going to stamp?

22 MAYOR MCCARTHY: When's he going to stamp?

23 COUNCILLOR MCMENIMEN: Oh, I think tomorrow.

24 MAYOR MCCARTHY: Tomorrow.

25 CHAIRMAN VIDAL: Councillor LeBlanc, go ahead.

1 MAYOR MCCARTHY: Yeah. Go ahead.

2 PRESIDENT LEBLANC: So, Mayor, I mean, I
3 understand this is not going to be put in the letter, but do
4 we need some votes here with regard to --

5 MAYOR MCCARTHY: That's what I'm trying to do.

6 PRESIDENT LEBLANC: Okay.

7 MAYOR MCCARTHY: I'm trying to get what your
8 authority is so they can vote it. So, whatever you're
9 asking for, I'm going to try to put it in there. So, what
10 I'm getting at is, I think, when you make the public vote, -
11 - John, I think, they have to make a public vote; don't
12 they?

13 ATTORNEY CERVONE: Oh, on the safety, absolutely.

14 MAYOR MCCARTHY: Yeah. Okay. I think, you have
15 to make the public vote and say, you know, we have a meeting
16 -- we have a meeting scheduled tomorrow with the
17 Stigmatines. You know, and just say that. You know what I
18 mean. Announce the vote and the clerk or somebody -- I
19 don't know who is going to be the clerk. But, whoever's
20 going to be the presiding party, when you come out, will
21 say. And you also wish to notify the public that we do have
22 a meeting scheduled with the Stigmatines tomorrow.

23 You know, don't say the time. But, you know, you
24 do; right? Have the meeting scheduled?

25 PRESIDENT LEBLANC: We do, at 4:00 o'clock. But,

1 can we say to work toward being friendly?

2 MAYOR MCCARTHY: You know, to talk to them, to
3 continue to talk to them. To continue to talk to them. All
4 right.

5 CHAIRMAN VIDAL: To continue negotiations,
6 perhaps?

7 MAYOR MCCARTHY: No. I don't want to say
8 negotiations. To continue to talk to them. Okay. But,
9 what I'm not going to say to the public is this, oh, by the
10 way, they got 30 days, and then, they have to record it and
11 then it's a done deal. So, I'm not going to do that,
12 because I don't think anybody should be talking about the 30
13 days or the September 30th because the September 30th is
14 over our head, and the 30 days is over their head.

15 Why would we bring out that stuff? It's only
16 going to cause more, you know, oil and vinegar. So, I'm
17 trying to say, but we continue to talk to them about -- you
18 know what I mean. And they might say, well, -- I don't know
19 what they're going to do tomorrow. I can't say what they're
20 going to do tomorrow.

21 But, my whole point is, what I -- you know, when
22 you go in, because you're still going to go with Pat.

23 ATTORNEY AZADI: I was just saying that, when I
24 asked the question at the end of the meeting, I said, what
25 if the City Council does take a taking vote on the night,

1 would you still want to meet on Tuesday and the answer was
2 yes.

3 MAYOR MCCARTHY: Oh, okay. That's good. That's a
4 good thing. Okay.

5 So, based upon that, we'll continue to talk then.
6 So, we'll -- yes. Who's got the floor?

7 CHAIRMAN VIDAL: I'm sorry. Who --

8 COUNCILLOR STANLEY: I did, but go ahead.

9 CHAIRMAN VIDAL: Well, then, I have Councillor
10 McLaughlin first.

11 COUNCILLOR STANLEY: Fine.

12 CHAIRMAN VIDAL: You're the next one on my list.

13 COUNCILLOR MCLAUGHLIN: So, my question is, I have
14 a concern about tomorrow. If you show up, you sit down and
15 you say, okay, we're going to take the property and they
16 stand up and walk out of the room. I think -- I see your
17 writing there. I think, we should have something we can
18 hand to them which also includes an additional date to meet.

19 MAYOR MCCARTHY: No, no. I got that. That's what
20 we're trying to work out here.

21 COUNCILLOR MCLAUGHLIN: No. I'm with you. But,
22 I'm not sure everybody in the room understands that that's
23 what this is going to be. I have a concern --

24 MAYOR MCCARTHY: I'm trying to work out. Okay.

25 COUNCILLOR MCLAUGHLIN: I'm just -- I'm afraid

1 they're going to --

2 MAYOR MCCARTHY: Okay. Let me explain this.
3 Normally, the vote's done. Meeting's over. Good-bye.
4 Good-bye. So what I'm trying to do is work out all of the
5 concerns so that they'll know -- so, you know, this also is
6 negotiation. So, whatever it is, someone's going to type it
7 up, probably Pat.

8 ATTORNEY CERVONE: At the meeting, when we were
9 talking about the possibility of a taking, I did indicate to
10 Attorney Patton and Father White that the taking had to be
11 recorded 30 days, within 30 days.

12 MAYOR MCCARTHY: So they know that. Okay. And
13 they also knew that 18 was the most they could do; right?

14 ATTORNEY AZADI: We didn't specifically say it,
15 but we did make it clear that the 18 was the appraisal for
16 anything more than the 15 appraisal that was --

17 MAYOR MCCARTHY: Well, did anybody say 18? Was
18 there any talk about 18?

19 PRESIDENT LEBLANC: So, actually, when Pat talked
20 about that, he said, "well, what about the Mayor's offer for
21 --"

22 MAYOR MCCARTHY: Well, that's what I'm saying.
23 With all due respect, I don't know how many times I've tried
24 to make it clear.

25 COUNCILLOR BRASCO: That's when we asked for the

1 appraisals.

2 PRESIDENT LEBLANC: Exactly.

3 MAYOR MCCARTHY: Okay. Yeah. All right.

4 PRESIDENT LEBLANC: Yes. That's what we said.

5 MAYOR MCCARTHY: So, let's do this. Okay. We
6 appreciate the June 25th offer to negotiate. The City
7 Council and Mayor would still like to negotiate a friendly
8 purchase and sale of the parcels. Okay. Of the property.
9 All right. I'll say property instead of parcels. Property.
10 Considering the exigencies of the MSBA deadlines.
11 Respectfully ask that the parties try in good faith to
12 negotiate a purchase and sale agreement. Okay. And to
13 continue -- you know, a purchase and sale agreement. Okay.
14 And so, you know what I mean. We're available for how much
15 ever time, or however many meetings you might need.

16 COUNCILLOR STANLEY: So that's not a motion?

17 That's just a --

18 MAYOR MCCARTHY: No. It's going to be motion
19 here. This is the negotiation. In other words, this can't
20 leave here. They're going to say, no -- no. If we voted,
21 this what's authority. Pat can give some stuff. I mean,
22 listen, there are plenty of times you exchange things. But,
23 we can't -- we've got to be careful on the vote. I'm just
24 saying what this is right now. You know what I'm saying.
25 Right now?

1 CHAIRMAN VIDAL: Thank you.

2 MAYOR MCCARTHY: In other words, authorize the
3 Mayor and the two designees to negotiate along these terms.
4 Okay. That's what's going to be the vote.

5 PRESIDENT LEBLANC: Is there going to be any upper
6 dollar limit associated?

7 MAYOR MCCARTHY: I can't say that right now. All
8 I can tell you is I offered the 25.4 and I'm not going to
9 sit here and say we're going to not offer that again. Okay.
10 But, my bottom line is, I have a duty to the tax payers to
11 get something so that our appraiser can at least look at and
12 say, is it -- because every time they talk to him about the
13 appraisal, well, we didn't do it like you. We didn't do it
14 like you.

15 So, they did highest best use by something that's
16 not allowed by right. Right, Pat?

17 ATTORNEY AZADI: Yes.

18 MAYOR MCCARTHY: So, they did highest best use of
19 something that's not allowed by right. Which I don't want
20 to get into what's not allowed by right. Okay. So, we know
21 what's allowed by right.

22 So now, we're talking about that. And quite
23 frankly, I don't know what it is. But, I am going to say
24 this, I'm not going to interfere with the negotiation
25 either. So, in other words, I'm going to allow my

1 designated requested team, correct, to continue that. And
2 I'm not going to try to usurp that.

3 All I'm going to say is, the price should come up
4 last after they are willing to give the appraisal or
5 something. Usually, the devil is in the details. Now,
6 usually, when you do a purchase and sale, you do the price
7 first. But, in this case, it's all the other things that
8 you got to worry about. You know what I mean. Any things
9 that they might be requesting.

10 So, you never say the price in the beginning,
11 because the price might be offset by the things they're
12 requesting. So, I'm just saying to you, I would only bring
13 up the price at the end. And you know, we need their
14 appraisal. And the appraisal should be able to be given --
15 I'm not saying give it to me. Give it to the Council. Let
16 us, just like I certified that our appraisal was complete,
17 give it to the appraiser so the appraiser then -- I'm
18 willing -- you know, I had to give permission for Atlantic
19 Management to get the appraisal. I'm all right if they just
20 give it to Bowler right now, and Bowler would do an analysis
21 of it. I'm all right with that.

22 I don't necessarily have to see the appraisal.
23 But, the City's designee has to see the appraisal. And they
24 have to certify that it's a complete appraisal.

25 That's the only two requirements that I would

1 have.

2 PRESIDENT LEBLANC: Mayor, you indicated --

3 COUNCILLOR MCMENIMEN: I have the floor here.

4 CHAIRMAN VIDAL: I'm sorry. We have Councillor
5 McMenimen is next and then, we have Councillor Logan and
6 then, Councillor LeBlanc. Go ahead, Councilor McMenimen.

7 COUNCILLOR MCMENIMEN: Thank you. Now, as a sign
8 of good faith already, already, the Councillor from Ward 3
9 who was going to have a public hearing this evening on a
10 matter that pertains to the zoning of that land, as a sign
11 of good faith, if I'm not mistaken, that public hearing will
12 not go forward. That's a sign of our good faith. Why?
13 Because we or he or somebody made a decision that that would
14 jeopardize what's being negotiated here.

15 So, I think, there are a lot of things that we
16 have that need to be brought to the table like that. I also
17 think that it's the will of this City Council body that the
18 condition of the ministry and the priests be of utmost
19 concern as this negotiation takes place.

20 MAYOR MCCARTHY: But, not a deal breaker.

21 COUNCILLOR MCMENIMEN: Correct. I said be of
22 utmost concern.

23 MAYOR MCCARTHY: Yes. I agree with that. But, it
24 can't have a -- you can't give it more --

25 COUNCILLOR MCMENIMEN: I'm with you. It won't be

1 my deal breaker. But it's my concern. But, it won't be my
2 deal breaker. All right. I'm done. Thank you.

3 CHAIRMAN VIDAL: Thank you. Next on the list is
4 Councillor Logan.

5 COUNCILLOR LOGAN: Okay. So, we've taken a vote
6 here. I, along with three other Councillors, you know, took
7 the position, even after I knew what the vote was going to
8 be.

9 MAYOR MCCARTHY: I didn't, with all due respect.

10 COUNCILLOR LOGAN: Really?

11 MAYOR MCCARTHY: No, I did not.

12 COUNCILLOR MCMENIMEN: Nor did I.

13 MAYOR MCCARTHY: No, I didn't.

14 COUNCILLOR LOGAN: Well, I had a pretty good idea.
15 I had a pretty good idea. I can guess.

16 But, -- and I'm proud of that vote, because I
17 think, you know, we took a difficult position on what we
18 thought was a matter of principle. And again, not to imply
19 that people who voted on the other side weren't principled.
20 Because once again, I'll state, I think it was a -- it's an
21 issue where people of good conscience can have a
22 differences.

23 Having done that though, I think, it's important
24 the decision has been made. And so, I think, it's important
25 as a matter -- and I still think the best possible outcome

1 would be a negotiated sale.

2 MAYOR MCCARTHY: That's what we're talking about
3 right now.

4 COUNCILLOR LOGAN: Exactly. And I think though,
5 as a -- you know, there's also -- that everybody, all of us,
6 which ever side we were on with our position, has a
7 fiduciary responsibility to, you know, protect the interest
8 of the City.

9 So, I want to once again reiterate what the Mayor
10 said. And as I said, I think, in the last meeting, there's
11 a saying that says, if you want to keep a secret, tell your
12 best friend and then, kill him.

13 (Laughter)

14 COUNCILLOR LOGAN: Exactly.

15 COUNCILLOR: That's on the record.

16 (Laughter)

17 COUNCILLOR LOGAN: Absolutely. And what that
18 means is that, even if you really want to keep a secret, you
19 can't even leave it with somebody that you think you can
20 trust in the greatest confidence.

21 I have some very colorful sayings. There's more
22 where that came from.

23 But, you know, when I come home, and I'm sure you
24 all deal with it, you know when you come home everybody's,
25 so what happened, Councillor? It's like on this,

1 consistently all along, even with my wife and my kids, I've
2 said, I can't talk about it. You've got to. We can't talk
3 about it, because for those of us who so strongly want to
4 see this not be an unfriendly taking and want to see this be
5 a friendly taking and negotiated sale, on both sides. And I
6 know, even some of the people that voted for the taking
7 really want to see this be a negotiated sale.

8 But, the best way to scuttle that possibility is
9 to go outside and talk about the stuff that was talked about
10 in here. Am I right, Ma'am Mayor?

11 MAYOR MCCARTHY: They can't. You can't.

12 COUNCILLOR LOGAN: Yes. You can't.

13 MAYOR MCCARTHY: Listen, they can't talk. And if
14 you talk to anyone, you're jeopardizing the entire thing for
15 both parties.

16 COUNCILLOR LOGAN: Exactly.

17 MAYOR MCCARTHY: Because, quite frankly,
18 everybody's trying in good faith knowing we have an exigent
19 time line.

20 Okay. But, I'm not the one that went to Chris
21 Wangler and said, oh, by the way, you have this document.
22 You have this. I said, "Chris, I've already told you I'm
23 not going to talk about it. And I'm not jeopardizing
24 Executive Session. I'm not talking about the matter."

25 So, he comes back and with two or three other

1 things. So, I don't care who it is.

2 COUNCILLOR LOGAN: He brought that at me, too.
3 And I said the same thing.

4 MAYOR MCCARTHY: I don't care who it is. I don't
5 care who it is.

6 COUNCILLOR LOGAN: I said, "I can't talk about
7 it."

8 MAYOR MCCARTHY: Right. My bottom line is, enough
9 already. Enough already. Listen, we're grown ups here.
10 Everybody knows we're grown ups. Come on. Cut it out.

11 COUNCILLOR LOGAN: And so, you know, both from the
12 standpoint of the fact that -- it's a state law relating to
13 Executive Session, from the standpoint of protecting the
14 City's fiduciary interest. And from the standpoint of, if
15 you really want to see a negotiated sale happen, you've
16 really got to keep all of this --

17 MAYOR MCCARTHY: That's right. That means
18 everybody, pro or con on this vote.

19 COUNCILLOR LOGAN: Yeah. You've got to keep it
20 under wraps.

21 MAYOR MCCARTHY: When you leave this room, you
22 can't talk about it. Can't talk about it. Why? You
23 already voted. Can't talk about it.

24 COUNCILLOR LOGAN: We're going to have to take a
25 vote in public session.

1 MAYOR MCCARTHY: Yes. But, everybody's --

2 COUNCILLOR LOGAN: But, you can't talk about all
3 this other stuff.

4 MAYOR MCCARTHY: -- going to come up to you, and
5 you know, because this one --

6 COUNCILLOR LOGAN: Still don't talk about it.

7 MAYOR MCCARTHY: Last week, they went home.
8 There's still -- everybody's still out there. There's all
9 kinds of people out there.

10 COUNCILLOR LEBLANC: Am I --

11 CHAIRMAN VIDAL: Excuse me. Counselor Randall
12 LeBlanc has the floor now.

13 COUNCILLOR LEBLANC: Thank you very much. I think
14 everyone would like to see just a friendly negotiation.

15 MAYOR MCCARTHY: Joe, can I have that other one
16 back? Go ahead. I'm sorry.

17 COUNCILLOR LEBLANC: I have a procedural question
18 about, when the team goes up to negotiate --

19 MAYOR MCCARTHY: Thank you for giving back that.
20 Thank you.

21 COUNCILLOR LEBLANC: When the team goes up to
22 negotiate and an appraisal comes from wherever, and the
23 price gets figured out, whatever that number may be, I'm
24 going to use a hypothetical question. If it's \$20,000,000
25 and there was an appraisal given and the owner accepted it

1 and it was \$20,000,000, where do we go from there to accept
2 it? You just end up finishing the deal, or do we come back
3 and vote on it again?

4 MAYOR MCCARTHY: No. There's two things. I would
5 have -- say it's over what he's told me, now, I have --
6 remember this, okay. So, I don't want to get into the
7 theory of the appraisal, because there's all kinds of stuff
8 in the appraisal.

9 So, what would happen is, I would then ask Bowler,
10 you know, in light of your appraisal, does this fit within
11 it. And so, and then, if he says -- so, for example, when I
12 did a previous transaction, I sent it back to Bowler and
13 say, you know, what did you feel about this. Okay. So, I
14 would send it back to him.

15 COUNCILLOR LEBLANC: And if he says yes, then?

16 MAYOR MCCARTHY: Then, I would bring it back to
17 you.

18 COUNCILLOR LEBLANC: And then, we come back and
19 then we vote on it again?

20 MAYOR MCCARTHY: Yeah. Well, first of all, if the
21 parties agree on the price, then I am going to insist that a
22 purchase and sale be done. Because that's the only thing
23 that can obviate the taking. Right.

24 ATTORNEY CERVONE: Be signed by them subject to
25 appropriation. That's --

1 MAYOR MCCARTHY: Yeah. Subject to appropriation.
2 That's right.

3 COUNCILLOR LEBLANC: Thank you, very much.

4 CHAIRMAN VIDAL: Thank you, Councillor. President
5 LeBlanc, please.

6 PRESIDENT LEBLANC: Thank you, Mr. Chair. Mayor,
7 the attorneys, earlier today, I reached out to the Clerk and
8 tried to go over the rules on, if I gave up the Chair,
9 because I wanted to speak on the matter, am I allowed to
10 take back the Chair when we go in open session. The Clerk -
11 -

12 MAYOR MCCARTHY: Normally, you're not allowed to.

13 PRESIDENT LEBLANC: Okay. The first read on it
14 that I was. But that was --

15 ATTORNEY AZADI: What Roberts Rules of Order says
16 and also the Council rules is that, if the Chair steps down
17 to speak on a matter, the Chair cannot resume the seat while
18 that matter is pending. So, as long as the discussion
19 relates to this matter.

20 PRESIDENT LEBLANC: So, if --

21 ATTORNEY AZADI: In public session as well as
22 Executive Session.

23 PRESIDENT LEBLANC: Again, and I asked. The Clerk
24 had a different read because he saw there was two separate
25 meanings, that's fine. So, I read here.

1 Can we, when we take the vote, can we get to say
2 the same things that we said? Do councillors get to speak
3 on why they voted a certain way?

4 MAYOR MCCARTHY: No, no.

5 PRESIDENT LEBLANC: So, but the point --

6 MAYOR MCCARTHY: With all due respect, if you
7 wanted to be able to continue to speak, then we don't go
8 tomorrow to the meeting. And we don't try to make it a
9 friendly sale. We just go home and then, let the lawyers
10 handle it.

11 PRESIDENT LEBLANC: I just want --

12 MAYOR MCCARTHY: I'm not suggesting that we do
13 that.

14 PRESIDENT LEBLANC: -- to be sure everybody
15 understands that.

16 MAYOR MCCARTHY: Okay.

17 COUNCILLOR LOGAN: Excuse me. Just a point of
18 order. Because any time we're doing something in session,
19 Councillors can, by right, speak if they want. But, I
20 think, what the Mayor is saying, and I agree is, please
21 don't.

22 MAYOR MCCARTHY: Okay. Because I'm going to tell
23 you something.

24 COUNCILLOR LOGAN: Because it will wreck
25 everything.

1 MAYOR MCCARTHY: Because the vote is for a taking,
2 I can honestly say to that you have anticipated litigation,
3 whether it's --

4 PRESIDENT LEBLANC: Anticipated what?

5 MAYOR MCCARTHY: There's anticipated litigation.
6 So, based upon there's potential or anticipated litigation,
7 you shouldn't be talking to anyone, because you have no idea
8 what it's going to end up in. See, because, within the --
9 once it's recorded, then it's up to them to file the suit.
10 So, it behooves both parties to try to come to an amicable
11 settlement.

12 And they may not want to. They may want to go to
13 court, which I'm going to tell you, the only people make out
14 with that is lawyers. Lawyers. And I'm not recommending
15 that -- I'm recommending that we try in good faith to make
16 an amiable agreement. That's all I'm saying.

17 But, you can't -- you can have your say at the
18 end.

19 CHAIRMAN VIDAL: Thank you. Councilor --

20 COUNCILLOR LOGAN: Wait. Point of order. So, one
21 of the things that I'm concerned about is, you know, just
22 like this in the Executive Session, I have been answering
23 people that I can't discuss that. I've been accused of, oh,
24 you're just trying to duck the issue.

25 So, now, we're going to come out and will take a

1 vote and people are going to want to know why did you vote
2 that way. Can we have some kind of a statement when we go
3 out there that says --

4 MAYOR MCCARTHY: No.

5 COUNCILLOR LOGAN: -- that we can't --

6 MAYOR MCCARTHY: No.

7 COUNCILLOR LOGAN: -- that we're not allowed to
8 speak?

9 MAYOR MCCARTHY: No. No. Because --

10 COUNCILLOR LOGAN: How do we explain to people who
11 ask us for our vote?

12 MAYOR MCCARTHY: I'm going to say it to the same
13 10. Don't you think the 10 want to talk? Same as the four
14 want to talk?

15 COUNCILLOR LOGAN: No. But, what I'm saying is,
16 can some kind of a statement be made simply saying that we
17 can't --

18 MAYOR MCCARTHY: I'm telling you what the
19 statement is going to be.

20 COUNCILLOR LOGAN: -- that we can't --

21 MAYOR MCCARTHY: This is what I suggested.

22 COUNCILLOR LOGAN: Explain that we can't discuss
23 it.

24 MAYOR MCCARTHY: But then, if you want to add
25 that, you know what I mean, we'll continue to talk. But, at

1 this point, you know, the elected officials cannot be having
2 any statements. That's it. Something we can agree to.

3 COUNCILLOR LOGAN: But, can that be made so people
4 understand this --

5 MAYOR MCCARTHY: Yes. I can --

6 COUNCILLOR LOGAN: So, when our constituents say
7 why did you vote the way you did, then, we can't say --

8 MAYOR MCCARTHY: Wait a minute.

9 COUNCILLOR: Sorry.

10 COUNCILLOR LOGAN: Say, well, we can't discuss
11 this --

12 MAYOR MCCARTHY: So, let's get to what the --
13 okay. Listen. It's getting late. And I know you've got a
14 big night. But, let's get to what the authority is and what
15 the public statement is going to be. All right. All right?

16 COUNCILLOR LOGAN: All right. Good.

17 MAYOR MCCARTHY: Okay. Let's get to that.

18 CHAIRMAN VIDAL: Councillor McMenimen.

19 COUNCILLOR MCMENIMEN: Thank you. That's exactly
20 what I was going to ask you to do. Can we walk through the
21 steps, not the details, the steps of what is going to happen
22 from now until we go into regular session?

23 MAYOR MCCARTHY: All right. This is what's going
24 to happen. You're going to vote on certain authority for
25 the negotiating team, or whatever you want call them, the

1 designees -- I'm not a designee. You're going to vote a
2 certain authority for the designees and the Mayor. Okay.

3 Then, after that, we're going to just talk about a
4 public statement. And then, you're going to adjourn the
5 meeting, come out and vote, just take the vote, read the
6 public statement, and that's it.

7 COUNCILLOR MCMENIMEN: And we're done.

8 MAYOR MCCARTHY: That's it.

9 COUNCILLOR MCMENIMEN: And everything here, of
10 course, becomes public --

11 MAYOR MCCARTHY: And then, we'll have to schedule
12 another Executive Session, so thank you.

13 COUNCILLOR LOGAN: No, no. There's something --

14 COUNCILLOR MCMENIMEN: Can I finish? May I
15 continue?

16 CHAIRMAN VIDAL: Councillor McMenimen has the
17 floor.

18 MAYOR MCCARTHY: What was the question?

19 COUNCILLOR MCMENIMEN: Everything here becomes
20 public only when --

21 MAYOR MCCARTHY: The matter is finally disclosed.

22 COUNCILLOR MCMENIMEN: -- the matter is completely
23 and --

24 MAYOR MCCARTHY: That's correct.

25 COUNCILLOR MCMENIMEN: -- finally disposed of.

1 MAYOR MCCARTHY: That's correct.

2 COUNCILLOR MCMENIMEN: And we don't know when that
3 is going to be.

4 MAYOR MCCARTHY: No, we don't. So, there's no
5 reason to reveal any of the Executive Sessions to date. And
6 then, there would have to be a vote by the City Council --

7 COUNCILLOR MCMENIMEN: I'm done.

8 MAYOR MCCARTHY: -- to reveal that.

9 CHAIRMAN VIDAL: Thank you.

10 MAYOR MCCARTHY: Right? Okay. So now, is there
11 anything else? So, there's --

12 CHAIRMAN VIDAL: Anybody else. Sorry, Mayor.

13 MAYOR MCCARTHY: But, I just want to get what she
14 wants to say it now that nothing that happened in Executive
15 Session can be revealed at this time.

16 COUNCILLOR MCMENIMEN: At this time. That's
17 correct.

18 MAYOR MCCARTHY: All right. What else?

19 CHAIRMAN VIDAL: Ma'am President.

20 COUNCILLOR MCMENIMEN: Can we give Councilor Vidal
21 exactly what it is, you know, we want him to say the proper
22 wording about --

23 MAYOR MCCARTHY: I'm writing it down. Yeah. So,
24 we're writing it down.

25 But, I want to go back. Is there any more

1 authority you want to give them? Just come back, right? Is
2 there any more authority you want to give those two?

3 COUNCILLOR LOGAN: Is there anything else we
4 should say?

5 MAYOR MCCARTHY: Well, it says here, we appreciate
6 the offer to negotiate. The City Council and Mayor would
7 still like to negotiate a friendly purchase and sale,
8 considering the exigencies of the MSBA deadlines. We
9 respectfully ask that the parties try to negotiate in good
10 faith for a purchase and sale. And that we, you know, begin
11 today and schedule as many meetings as soon as possible.
12 Begin today and schedule as many meetings, you know, prior
13 to the 30 days. Right. Schedule as many meetings prior to
14 the 30 days.

15 You all right with that boys, over there? Got it
16 down pat?

17 COUNCILLOR MCMENIMEN: Yes. Can we take that to
18 open session as well?

19 MAYOR MCCARTHY: No. It's a negotiation.

20 All right. Here we go. This is what I have --

21 CHAIRMAN VIDAL: I want --

22 MAYOR MCCARTHY: -- go ahead.

23 CHAIRMAN VIDAL: Councillor Fowler, please.

24 COUNCILLOR FOWLER: I was going to make a motion
25 that we vote on the proposal as written by us that the Mayor

1 read --

2 MAYOR MCCARTHY: So, let's see what we have.

3 ATTORNEY CERVONE: Can you read it, Mayor?

4 MAYOR MCCARTHY: I've got shorthand. But, I want
5 to see if Pat has the same.

6 We appreciate the June 25, 2008 offer to negotiate
7 on the Stigmatines. Right. So far so good?

8 ATTORNEY AZADI: Yes.

9 MAYOR MCCARTHY: And you know, there has been good
10 faith exhibited by both parties. And I think, even though
11 you don't like to acknowledge that, there has been.

12 The City Council and Mayor would still like to
13 negotiate a friendly purchase and sale of the property -- of
14 the properties. Okay? I-E-S. Okay, Pat?

15 ATTORNEY AZADI: It is actually less -- to see the
16 lot now, but it's --

17 MAYOR MCCARTHY: Of the three properties, of the
18 three properties, combined properties. The three combined
19 properties. Considering the exigencies of the MSBA
20 deadline, we respectfully ask that the parties try, in good
21 faith, to negotiate a friendly purchase and sale agreement?

22 ATTORNEY AZADI: A friendly purchase and sale.

23 MAYOR MCCARTHY: A friendly purchase and sale. A
24 friendly purchase and sale. Okay. And to that end -- to
25 that end, we will make ourselves available for as many

1 meetings as necessary. To that end we will make ourselves
2 available to attend as many meetings as necessary.

3 COUNCILLOR: While everybody else is on vacation.

4 (Laughter)

5 MAYOR MCCARTHY: Not us.

6 Meetings as necessary. As necessary.

7 Is there anything else you want?

8 ATTORNEY AZADI: You had prior to the 30 days?

9 MAYOR MCCARTHY: Prior to the 30 days. Prior to
10 the 30 days. For recording, right?

11 ATTORNEY AZADI: For recording. Prior to the 30
12 days within which the taking has to be recorded.

13 MAYOR MCCARTHY: 30 days for recording. Prior to
14 the 30 days for recording. For recording of the order.
15 Okay. All right. Taking order; right?

16 ATTORNEY AZADI: Yeah. Yes.

17 MAYOR MCCARTHY: All right. Anybody?

18 CHAIRMAN VIDAL: Anybody want to add anything to
19 it? Councillor McLaughlin.

20 COUNCILLOR MCLAUGHLIN: Just a question. So, this
21 will be in written form that can be handed to them when they
22 walk into the meeting tomorrow?

23 MAYOR MCCARTHY: Yeah.

24 COUNCILLOR MCLAUGHLIN: And the only reason I'm
25 asking is, I'm afraid that they're going to head for the

1 hill and I want them to have something in their hand so that
2 we can --

3 MAYOR MCCARTHY: They're going to know the vote, a
4 public vote. And this --

5 COUNCILLOR MCLAUGHLIN: No. I know.

6 MAYOR MCCARTHY: Okay. Listen. I can't get into
7 the vote to them. I'm just saying, this is what we're going
8 to have as a handout. It's not going to be word for word.
9 You know what I mean. It's going to be a word for word
10 vote. But, it's not going to be word by word.

11 PRESIDENT LEBLANC: Mayor, that's fine. What I
12 was really asking, in terms of you want Councillor Vidal,
13 after we take the vote, to say --

14 MAYOR MCCARTHY: I'm going to get to that in a
15 minute.

16 CHAIRMAN VIDAL: Still talking about --

17 MAYOR MCCARTHY: This is the negotiation. All
18 right. Everybody agree with this?

19 COUNCIL: Yes.

20 CHAIRMAN VIDAL: Okay. So, we're going to --

21 COUNCILLOR MCMENIMEN: Yes. Council will have to
22 make a motion to accept that for the negotiation.

23 MAYOR MCCARTHY: Who has the floor again?

24 CHAIRMAN VIDAL: Councillor Fowler has the floor.

25 MAYOR MCCARTHY: Councillor Fowler.

1 CHAIRMAN VIDAL: On the motion -- On the motion,
2 we're going to roll call.

3 CLERK VIZARD: Paul J. Brasco.

4 COUNCILLOR BRASCO: Yes.

5 COUNCILLOR ROMARD: What's the motion for?

6 MAYOR MCCARTHY: Motion is, we appreciate the June
7 25, 2018 offer.

8 COUNCILLOR ROMARD: Oh, no. Okay. We'll just
9 vote --

10 CHAIRMAN VIDAL: Yeah, yeah. Go over it.

11 CLERK VIZARD: George A. Darcy, III.

12 COUNCILLOR DARCY: Yes.

13 CLERK VIZARD: William H. Fowler.

14 COUNCILLOR FOWLER: Yes.

15 CLERK VIZARD: Cathyann Harris.

16 COUNCILLOR HARRIS: Yes.

17 CLERK VIZARD: Joseph P. LaCava.

18 COUNCILLOR LACAVA: Yes.

19 CLERK VIZARD: Randall J. LeBlanc.

20 COUNCILLOR LEBLANC: Yes.

21 CLERK VIZARD: Robert G. Logan.

22 COUNCILLOR LOGAN: Yes.

23 CLERK VIZARD: Kristine A. Mackin.

24 COUNCILLOR MACKIN: Yes.

25 CLERK VIZARD: John J. McLaughlin.

1 COUNCILLOR MCLAUGHLIN: Yes.

2 CLERK VIZARD: Kathleen B. McMenimen.

3 COUNCILLOR MCMENIMEN: Yes.

4 CLERK VIZARD: Daniel P. Romard.

5 COUNCILLOR ROMARD: No.

6 CLERK VIZARD: Thomas M. Stanley.

7 COUNCILLOR STANLEY: Yes.

8 CLERK VIZARD: President LeBlanc.

9 PRESIDENT LEBLANC: Yes.

10 CLERK VIZARD: Diane P. LeBlanc, President.

11 CLERK VIZARD: President Vidal.

12 CHAIRMAN VIDAL: Yes.

13 MAYOR MCCARTHY: Please announce the vote.

14 CLERK VIZARD: 13 in favor. One opposed.

15 MAYOR MCCARTHY: Okay. So now, the only thing

16 left is to what the public statement will be.

17 COUNCILLOR: Yes.

18 MAYOR MCCARTHY: John, Mr. Cervone, come here.

19 This is where we need you. Okay. So, the Clerk is going to

20 announce -- they're going to take -- they took the vote

21 here. Now, they're going to come out into public session.

22 ATTORNEY CERVONE: Get out of Executive Session.

23 MAYOR MCCARTHY: Okay. So, you move out of

24 Executive Session. And you take a vote on that.

25 ATTORNEY CERVONE: Yeah.

1 MAYOR MCCARTHY: Okay. And then, after that,
2 you're going to say -- who's going to make the motion now?

3 COUNCILLOR STANLEY: I will.

4 MAYOR MCCARTHY: He's going to say -- he's going
5 to make it publicly now; right? So, motion by Councillor
6 Stanley. And then, their other vote was to adopt, you know,
7 --

8 ATTORNEY CERVONE: Well, that's part of Councillor
9 Stanley.

10 MAYOR MCCARTHY: All right. Motion by Councillor
11 Stanley to take the property by eminent domain for
12 \$18,000,000 for the purposes of --

13 COUNCILLOR MCMENIMEN: Property at 554 Lexington
14 Street.

15 MAYOR MCCARTHY: Yeah. Take the property, yeah,
16 at -- well, it's 554 Lexington Street, three parcels.

17 ATTORNEY AZADI: Yeah. It's in there. Yeah.

18 ATTORNEY CERVONE: Pursuant to --

19 MAYOR MCCARTHY: Motion by Councilor Stanley to
20 take the property known as -- known as. And you're going to
21 read from that property, this paragraph, okay. Right?

22 COUNCILLOR STANLEY: Second paragraph.

23 MAYOR MCCARTHY: Second paragraph. Motion by
24 Councillor Stanley to take the property. Okay. Consists of
25 three formerly separate parcels, formerly known and numbered

1 as da-da-da -- now known as. Okay. And the entire
2 property. So, you read that whole paragraph. All right.
3 Read the whole paragraph. Right?

4 ATTORNEY CERVONE: Pursuant to this --

5 MAYOR MCCARTHY: Don't you have to mention the
6 money?

7 ATTORNEY CERVONE: It's in an order is what --
8 Pursuant to --

9 MAYOR MCCARTHY: Okay. Pursuant -- yeah. But,
10 then they're going to rush over and want the order. They're
11 trying to -- okay. I don't know what to say.

12 Move motion out of Executive Session. Vote that.
13 Motion by Councillor Stanley to take the property consisting
14 of -- you know, by eminent domain. Read the whole thing.
15 To take the property consisting of three formerly separate
16 parcels, blah, blah, blah, by eminent domain for the
17 purposes of -- for the purpose of -- now, you're going to go
18 back to the top paragraph.

19 ATTORNEY CERVONE: It's just -- to me, you don't
20 want to have a vote that's differs from this. So, just say
21 pursuant to --

22 MAYOR MCCARTHY: Okay. All right. Johnny, that's
23 what I'm asking. You know, --

24 ATTORNEY CERVONE: Pursuant to the attached --

25 MAYOR MCCARTHY: Okay. Motion by Councillor

1 Stanley. And he's going to read this. And you want him to
2 take the property.

3 ATTORNEY CERVONE: Yes.

4 CLERK VIZARD: I could just read, the order.

5 ATTORNEY CERVONE: Pursuant -- what you said,
6 pursuant to the attached order or proposed order for the
7 amount listed in the attached.

8 MAYOR MCCARTHY: All right. Here. Write it up.
9 He's going to need -- honestly, John, they've got to have it
10 written up. So, here, write it.

11 ATTORNEY CERVONE: There's nothing to -- okay.

12 MAYOR MCCARTHY: No. I just want -- because in
13 fairness, they don't want to make any mistakes.

14 PRESIDENT LEBLANC: That's right. That's right,
15 John.

16 MAYOR MCCARTHY: Johnny, write good.

17 ATTORNEY CERVONE: With this handwriting --

18 MAYOR MCCARTHY: No. That's what I'm saying,
19 write good, John.

20 (Multiple Councillors talking at once.)

21 MAYOR MCCARTHY: No. He has to make the motion,
22 John.

23 ATTORNEY CERVONE: Yes, it is.

24 PRESIDENT LEBLANC: But, can't he just highlight
25 from the order what he's supposed to --

1 MAYOR MCCARTHY: No. He can say pursuant to the
2 attached order, you know.

3 ATTORNEY CERVONE: Making it too -- yeah. We've
4 all got to keep it simpler.

5 MAYOR MCCARTHY: So, now, motion by -- Tommy's
6 going to get up and talk.

7 CHAIRMAN: Where do we go --

8 MAYOR MCCARTHY: I would just go from the -- you
9 know, the first two paragraphs. Let him read the first two
10 paragraphs, John.

11 CHAIRMAN VIDAL: The meeting will come back to
12 order.

13 ATTORNEY CERVONE: Yeah. That's fine. But, then
14 after that --

15 MAYOR MCCARTHY: What if he reads the first two
16 paragraphs?

17 ATTORNEY CERVONE: Yeah. But, then you still have
18 to say pursuant to the attached order of taking, because
19 that has the legal description and the terms and the amount
20 of money.

21 MAYOR MCCARTHY: All right. So, yeah. Well, he
22 can say ordered. And then, at the end, he says, pursuant to
23 the, you know, the attached order.

24 ATTORNEY CERVONE: Okay.

25 MAYOR MCCARTHY: And all the -- go ahead, Joe.

1 CLERK VIZARD: So, we still have to have the
2 announcement that the President's going to say about why
3 people aren't talking?

4 MAYOR MCCARTHY: We'll get there. This is his
5 motion.

6 CLERK VIZARD: His motion. Sorry.

7 COUNCILOR VIZARD: Mayor is losing it.

8 MAYOR MCCARTHY: No, I'm not losing it.

9 (Laughter)

10 COUNCILOR VIZARD: Well, you're getting madder at
11 us. We're almost there. We're almost there.

12 MAYOR MCCARTHY: I'm not getting mad. The only
13 thing is that we have to say --

14 CHAIRMAN VIDAL: Mayor, so if he said --

15 MAYOR MCCARTHY: No. Tommy has to make the
16 motion. So, you can't say it came out of Executive Session
17 -- it's not like, you know, report of the committee. It's
18 not. He has to make another motion right now. So, you know
19 what I mean. Because this -- the Executive Session stays in
20 Executive Session. He has to do it this way.

21 CHAIRMAN VIDAL: And the vote will be a mirror
22 image of the vote that we just took.

23 MAYOR MCCARTHY: Yeah. Yes. You two start
24 working on the public statement. All right.

25 CLERK VIZARD: Co you're going to say Cuoncillors

1 are unable --

2 CHAIRMAN VIDAL: Aren't able?

3 CLERK VIZARD: -- to discuss this matter --

4 MAYOR MCCARTHY: And we've got to have this
5 attached.

6 CLERK VIZARD: -- in public session --

7 CHAIRMAN VIDAL: It doesn't matter. It doesn't
8 matter whether it's first or second.

9 At this time. That's it.

10 CLERK VIZARD: And say that right after he makes
11 his motion.

12 CHAIRMAN VIDAL: Okay. And then we just put it
13 right to vote.

14 CLERK VIZARD: Yeah. See if -- you know what I'm
15 saying?

16 CHAIRMAN VIDAL: So, Mayor, after Councillor
17 Stanley makes the motion, and then, right after that, I'm
18 going to come in with my statement, or do we go through the
19 vote?

20 MAYOR MCCARTHY: We have the vote.

21 CHAIRMAN VIDAL: Yeah. We have --

22 MAYOR MCCARTHY: We have the vote. And then,
23 after that.

24 CHAIRMAN VIDAL: All I'm going to say is
25 Councillors were unable to discuss this matter in public

1 session at this time. That's all I'm going to say.

2 CLERK VIZARD: So, when he makes his motion,
3 that's when people would be able to debate though. So, I
4 think, that's when he should explain why there isn't debate.

5 MAYOR MCCARTHY: All right. We're going to talk
6 about that right now. We're having four or five different
7 meetings here.

8 ATTORNEY CERVONE: I think, you've got to get to
9 the vote first. And then this will follow the vote.

10 MAYOR MCCARTHY: Yeah. And we are. We're going
11 to get to the vote. But, in fairness, Carlos?

12 CHAIRMAN VIDAL: Yes.

13 MAYOR MCCARTHY: That's important, that's all.
14 We're going to get it there.

15 CHAIRMAN VIDAL: I want to make sure I come out of
16 here sounding like, you know -- close this down quickly.

17 COUNCILLOR FOWLER: It's 2:00 o'clock, so --

18 MAYOR MCCARTHY: Maybe 3:00. It's past 3:00 right
19 now.

20 COUNCILLOR FOWLER: I'm never home for that.

21 MAYOR MCCARTHY: I've been here once 'til 5:00
22 a.m. Once.

23 COUNCILLOR FOWLER: No. I already talked to
24 Attorney Azadi. And she says she has no more business here.
25 So, if we get the law department out, let's speed it up.

1 MAYOR MCCARTHY: All right. That's good. Okay.
2 Here we go. Just say.

3 But, you want to say that you have a meeting with
4 them tomorrow. You want to put that in the public
5 statement; right?

6 CHAIRMAN VIDAL: Oh, are we going to -- we're
7 going to put that in the public statement that we have a
8 meeting tomorrow.

9 MAYOR MCCARTHY: We're going to put that in the
10 public statement. Yeah. So you want to put it in to say,
11 you know, we have a meeting scheduled for tomorrow and we
12 will continue.

13 CHAIRMAN VIDAL: I don't give a time; right? I
14 just say scheduled for tomorrow, Mayor?

15 MAYOR MCCARTHY: No. Don't give the time.

16 CHAIRMAN VIDAL: Okay.

17 MAYOR MCCARTHY: Have a meeting scheduled with the
18 Stigmatines tomorrow. And --

19 CHAIRMAN VIDAL: To continue the conversation or
20 no?

21 MAYOR MCCARTHY: To continue to talk.

22 CHAIRMAN VIDAL: To continue to talk.

23 MAYOR MCCARTHY: I think, it was that. Yeah. And
24 you know, individuals. And elected officials are not
25 permitted to talk about the matter at this time. Right.

1 CHAIRMAN VIDAL: Got it.

2 MAYOR MCCARTHY: All right. Now, Johnny, what do
3 you got? He's all right so far, Tom? All right. So now,
4 here we go.

5 All right. Let's go to the public statement now.

6 CHAIRMAN VIDAL: All right.

7 MAYOR MCCARTHY: Let's go. Let me see this, Tom.
8 It says here, I make a motion to take the property known and
9 numbered by eminent domain. And now, sometimes, known
10 collective as 5 -- pursuant to the attached order of taking
11 from the current notice, the trustees of Stigmatine Fathers,
12 Inc for the taking price of \$18,000,000. Okay.

13 And then, you're going to make the motion.

14 CHAIRMAN VIDAL: Yeah.

15 MAYOR MCCARTHY: Then -- so, you can have this
16 back.

17 CHAIRMAN VIDAL: We'll have a roll call on that;
18 correct?

19 MAYOR MCCARTHY: There will be a roll call on
20 that.

21 CHAIRMAN VIDAL: Yeah.

22 MAYOR MCCARTHY: And then, you're going to make,
23 after that you're going to say --

24 CHAIRMAN VIDAL: I'm going to say, we have a
25 meeting that's scheduled for tomorrow to continue talks with

1 the Stigmatines. Councillors, we are not able to discuss
2 this matter in public session at this time.

3 MAYOR MCCARTHY: At this time.

4 CHAIRMAN VIDAL: And that's it.

5 MAYOR MCCARTHY: Anything else you want in the
6 public statement?

7 PRESIDENT LEBLANC: No. But, Mayor, is the thing
8 being tabled?

9 MAYOR MCCARTHY: Well, as for that, not -- the
10 taking is not being tabled. In other words, the Stigmatine
11 matter is still here. So, you're not going to table the
12 eminent domain.

13 PRESIDENT LEBLANC: Okay.

14 MAYOR MCCARTHY: Because I have to have another --
15 one of us has to have another special meeting if there's
16 other terms. Because you need to put a funding request in
17 and all that stuff. Right. So, I would have to have --

18 PRESIDENT LEBLANC: So, if you're going to call
19 another special meeting --

20 MAYOR MCCARTHY: One of us is going to do it.

21 PRESIDENT LEBLANC: Right. Exactly.

22 MAYOR MCCARTHY: Either you or me or both. Right.

23 PRESIDENT LEBLANC: Yeah. That's fine.

24 MAYOR MCCARTHY: So, in other words, if it comes
25 to fruition that they're able to make a friendly sale, then

1 I would have to present a purchase and sale to you as well
2 as funding source.

3 PRESIDENT LEBLANC: But, we've been coming out of
4 Executive Session and simply -- you know, so, tonight, we're
5 going to take a vote, then we're going to move to adjourn.

6 MAYOR MCCARTHY: Move to adjourn, that's right.

7 PRESIDENT LEBLANC: And that's it?

8 MAYOR MCCARTHY: So, nothing's getting tabled. So
9 then, you move to adjourn. But, we're already moving -- it
10 was moving to adjourn that special meeting.

11 CLERK VIZARD: Special meeting.

12 CHAIRMAN VIDAL: Then, move to adjourn after that.

13 Okay.

14 COUNCILLOR FOWLER: Executive Session because
15 we'll still be in the special meeting.

16 CHAIRMAN VIDAL: So, we're adjourning the special
17 session first.

18 MAYOR MCCARTHY: You're moving --

19 CHAIRMAN VIDAL: Which is the next thing. Right.

20 MAYOR MCCARTHY: You're moving to adjourn the
21 Executive Session.

22 CHAIRMAN VIDAL: Right.

23 PRESIDENT LEBLANC: Right. So, I move to adjourn.

24 MAYOR MCCARTHY: Wait a minute. Not yet. We move
25 to adjourn the Executive Session. Then, --

1 PRESIDENT LEBLANC: The public session.

2 MAYOR MCCARTHY: Now, public session. This takes
3 place; correct?

4 CHAIRMAN VIDAL: Meeting will come back to order
5 at 9:00 whatever time it is. And then, Councilor Stanley --

6 MAYOR MCCARTHY: Then, they open the doors.

7 CHAIRMAN VIDAL: Yeah.

8 MAYOR MCCARTHY: And then, the Chair is going to
9 recognize Councillor Stanley.

10 CHAIRMAN VIDAL: Councillor Stanley. Correct.

11 MAYOR MCCARTHY: And then, from there, you're
12 going to make your statements after that.

13 CHAIRMAN VIDAL: No. Well, he will make his
14 motion and then, I'll make my statement.

15 MAYOR MCCARTHY: Yeah. Then, the vote.

16 CHAIRMAN VIDAL: Before the vote or after the
17 vote? So, because I have my --

18 MAYOR MCCARTHY: Okay. What is the pleasure. Do
19 you want him to say -- it's not relative to the motion, so -
20 -

21 PRESIDENT LEBLANC: It would be after the vote.

22 CHAIRMAN VIDAL: After the vote.

23 MAYOR MCCARTHY: After the vote. Then, he makes
24 that statement; right?

25 CHAIRMAN VIDAL: Yeah.

1 MAYOR MCCARTHY: And then, after that is announced

2 --

3 ATTORNEY AZADI: Then, ask a motion to adjourn the
4 special meeting.

5 MAYOR MCCARTHY: Motion to adjourn the special
6 meeting.

7 CHAIRMAN VIDAL: Okay. Okay.

8 COUNCILOR STANLEY: Then, before you call it, you
9 should say we're going to have a vote and then call the
10 statement. Because we need to make known --

11 MAYOR MCCARTHY: Do you want to do that?

12 I'm all right with that. I think, I'm all right
13 with that.

14 CHAIRMAN VIDAL: What do you want to do?

15 MAYOR MCCARTHY: In other words, before you
16 recognize Councillor Stanley, you're going to say, there's
17 going to be a vote and a public statement.

18 CHAIRMAN VIDAL: Okay.

19 MAYOR MCCARTHY: Up here.

20 CHAIRMAN VIDAL: Okay. So, this is --

21 MAYOR MCCARTHY: So, you're --

22 CHAIRMAN VIDAL: There is going to --

23 COUNCILLOR: Followed by a public statement.

24 MAYOR MCCARTHY: Yeah. There's going to be a vote
25 followed by a public statement. From you.

1 CHAIRMAN VIDAL: Yes.

2 MAYOR MCCARTHY: From the Chair.

3 ATTORNEY AZADI: Mayor, you might also want them -
4 - have everybody turn over their papers. Because if
5 everybody doesn't --

6 MAYOR MCCARTHY: Wait one minute. Just wait one
7 minute. Did we vote the authority?

8 COUNCILLOR: Yes.

9 MAYOR MCCARTHY: It was Councillor Fowler; right?
10 I just want to make sure.

11 CLERK VIZARD: Yeah. Councillor Fowler.

12 MAYOR MCCARTHY: Councillor Fowler. It was 13 and
13 1. That's fine. So, we did that. Now, it's this. Any
14 questions before we go back in? And I would put your papers
15 away, except for naturally, these guys and you.

16 COUNCILLOR MCMENIMEN: All right. Hang on to your
17 hats. Having been here before, hang on to your hats.

18 MAYOR MCCARTHY: Because that's part of the -- all
19 right.

20 What? Now, you're not going to have the
21 stenographer after the public meeting; right? So, you're --

22 CLERK VIZARD: No. He's free to go once we're --

23 MAYOR MCCARTHY: He's free to go once this meeting
24 adjourns. All right.

25 CHAIRMAN VIDAL: Councillor President LeBlanc

1 makes a motion to adjourn from Executive Session.

2 CLERK VIZARD: Paul J. Brasco.

3 COUNCILLOR BRASCO: Yes.

4 CLERK VIZARD: George A. Darcy, III.

5 COUNCILLOR DARCY: Yes.

6 CLERK VIZARD: William H. Fowler.

7 COUNCILLOR FOWLER: Yes.

8 CLERK VIZARD: Cathyann Harris.

9 COUNCILLOR HARRIS: Yes.

10 CLERK VIZARD: Joseph P. LaCava.

11 COUNCILLOR LACAVA: Yes.

12 CLERK VIZARD: Randall J. LeBlanc.

13 COUNCILLOR LEBLANC: Yes.

14 CLERK VIZARD: Robert G. Logan.

15 COUNCILLOR LOGAN: Yes.

16 CLERK VIZARD: Kristine A. Mackin.

17 COUNCILLOR MACKIN: Yes.

18 CLERK VIZARD: John J. McLaughlin.

19 COUNCILLOR MCLAUGHLIN: Yes.

20 CLERK VIZARD: Kathleen B. McMenimen.

21 COUNCILLOR MCMENIMEN: Yes.

22 CLERK VIZARD: Daniel P. Romard.

23 COUNCILLOR ROMARD: Yes.

24 CLERK VIZARD: Thomas M. Stanley.

25 COUNCILLOR STANLEY: Yes.

1 CLERK VIZARD: Carlos A. Vidal.

2 CHAIRMAN VIDAL: Chair votes yes.

3 CLERK VIZARD: Diane P. LeBlanc.

4 PRESIDENT LEBLANC: Yes.

5 CLERK VIZARD: 14 in favor. None opposed.

6 MAYOR MCCARTHY: What did you say, Robert?

7 CLERK VIZARD: Just declare the Executive Session
8 adjourned.

9 CHAIRMAN VIDAL: Executive Session adjourned.

10 (Whereupon, at 9:38 p.m., the proceedings were
11 concluded.)

12

1 CERTIFICATE OF REPORTER AND TRANSCRIBER

2 This is to certify that the attached proceedings

3

4 In the Matter of:

5 EXECUTIVE SESSION:

6

7 RE: ACQUISITION AND/OR USE OF REAL STATE

8 PARCELS IN RELATIONSHIP TO WALTHAM HIGH SCHOOL

9 PROJECT AND OTHER PROJECTS.

10

11

12 Place: Waltham, Massachusetts

13 Date: June 25, 2018

14

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

18

19 Jeffrey Mocanu11/26/2018

20 Reporter

Date

21