

Waltham City Council
Executive Session
June 11, 2018

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

City Council

Present: Councillors Darcy, Logan, McMenimen, Fowler, McLaughlin, Romard, Diane LeBlanc, Mackin, Harris, LaCava, Randy LeBlanc, Brasco, Stanley, Vidal

Absent: none

Non-council members present: Mayor Jeanette McCarthy, City Solicitor John Cervone, First Assistant Solicitor Patricia Azadi

Clerk: Joseph Vizard

President LeBlanc and Councillor Brasco provided the Council with an update on their meeting with Father White and Attorney Patton. President LeBlanc said that the meeting took place this morning and the meeting lasted about 2 hours. The meeting took place provincial house on the Stigmatine property. President LeBlanc said that the conversation went well and that Father White was willing to hit the reset button and bring the possibility of selling the land to individuals that would need to approve the purchase. Councillor Brasco said he asked about the right of first refusal. Councillor Brasco said that Father White indicated they were willing make an offer of right of first refusal. Councillor Brasco said the zoning proposal was brought up by Attorney Patton and Father White but President LeBlanc and Councillor Brasco said they could not talk about it. The Councillors reported that Attorney Patton and Father White said that the zoning proposal hurts the negotiations. Councillor Brasco and President LeBlanc said they informed the Stigmatines that there are new members on the Council and that there is a strong desire from the Council to acquire the property. Councillor Brasco pushed Father White for an answer on selling the property to the City, and Father White said he thought it would take time but would try to get an answer by next Monday. President LeBlanc said that the Stigmatines are willing to enter into negotiations with the City. President LeBlanc said the Stigmatines were still looking for approval from Rome.

Councillor McMenimen asked who was in the room. Councillor Brasco said it was Attorney Patton and Father White as well as himself and President LeBlanc. Councillor McMenimen asked if Councillor Brasco requested the right of first refusal in writing. Councillor Brasco said that both he and President LeBlanc asked for this. Councillor McMenimen said she received a phone call that said the new President of the order in Rome would allow them to sell. Councillor Brasco said he brought up previous negotiations with the City that seemed promising and Attorney Patton said that those negotiations were taking place under the threat of eminent domain. There was discussion of the new Superior General in Rome. The

Mayor said she believes he is from Brazil. Councillor Brasco said he brought up a 1971 court case where the Stigmatines sued the Commonwealth of Massachusetts for not providing an appraisal.

Councilor Darcy suggested getting a mutually agreed to survey firm. Councillor Darcy asked if anyone else was present. Councillor Brasco answered that present in the room were Father White, Attorney Patton, and Councillor Diane LeBlance and Paul Brasco. Councillor Brasco said that Father White and Attorney Patton did not take many notes. Councillor Darcy asked if Stigmatine representatives asked why Councillors Brasco and LeBlanc were there. Councillor Brasco said they were informed that the Councillors were sent as representatives. When asked about where the last offer stood, Councillor Brasco said that the representatives of the Stigmatines said they looked forward to further discussions.

The Mayor reviewed the previous environmental survey and the appraisal. Councillor Harris asked questions about the previous studies of the site. The Mayor discussed work done by Devellis and ACOM and the determination that a stream on the site was intermittent and not perennial. The Mayor left the room at 6:38 and returned with documents at 6:39. The Mayor read from a June 22, 2016 communication which references work being performed by Devellis. The mayor read from a July 13, 2016 document that references work being performed by ACOM. The mayor read from a July 28, 2017 document regarding the work Devellis performed. Councillor Harris asked questions about next steps and when we could get the right of first refusal in writing, have a feasibility study done and see the other appraisals that the Stigmatines have. The Mayor said that she has concerns given the past delay that went on during the previous negotiations and that the city should be focusing on getting to a purchase and sale agreement. Councillor Harris asked about relocation and the Mayor discussed work done by the City to try to relocate the remaining priests on the site during the past negotiations. Councillor McLaughlin spoke about the need to act quickly and asked about follow-up meetings. Councillor McLaughlin expressed concern that the Stigmatines may be using stall tactics.

Councillor Randy LeBlanc asked questions about the history of the site being for sale. Councilor Brasco said he brought up evidence that the site was for sale at some point during the meeting. Councillor Brasco said that Father White said that they were reviewing their land and options but that they were not selling. Randy LeBlanc asked if the Stigmatines commented on why they were willing to deal with the City before. President LeBlanc said that the Stigmatines indicated that they were negotiating because they were under the threat of eminent domain. A number of documents were reviewed including a letter from the Stigmatines President dated August 22, 2016, a communication from John Cervone dated January 24, 2017. The Mayor reviewed that the City had gotten to a point in previous negotiations where price was being discussed. Councillor Randy LeBlanc said he was troubled after reviewing the documents that the Stigmatines have said that the land was never for sale.

Councillor Stanley said that the Stigmatines appear willing to sell and this might change his position on this matter. Councillor Stanley asked if it would make sense to invite the Stigmatines in to an executive session. President LeBlanc and Councillor Brasco said the time might not be right for this and that they should try to go back and continue negotiations. Councillor Stanley said if they are willing to sell it could change my vote on an eminent domain taking. The Mayor pointed to outside interference as the reason that past attempts to negotiate a deal broke down.

Councillor Logan said he has not communicated with anyone about this matter since it is executive session and recommended that other Councillors not even talk about it. Councillor Logan asked questions about the sale of development rights. The Mayor explained the Lollipop plan and ways that were offered for the Stigmatines to stay on site. Councillor LaCava asked if the Stigmatines inquired about other sites the city is considering. President LeBlanc said they brought up Fernald. Councillor Mackin asked about a right of first refusal.

The Mayor provided an update on the School Building Authority. The Mayor said that the School Department would need to have control of which ever property is to be used by September 30, 2018. If this isn't the case the City would need to reapply. This would leave the City with the renovation option or building on the current site. The Mayor said she is concerned about the timing. Councillor McLaughlin asked a clarifying question that September 30th is the drop dead date or start over. The Mayor said the School Building Authority feels the city has had ample time if the City is going to use another site it needs to be clear what the site is by September 30, 2018. The Mayor said she would not reapply and if it comes down to it the City would have to use the current site. The Mayor reported that there was still no agreement from UMass. The Mayor indicated that the agreement would become public when it is signed. The Mayor said she has to notify the School Building Authority by July about site selection. The Mayor said she has not provided information about these deliberations to the School Committee or the School Building Committee. Councillor Randy LeBlanc spoke about the best way to expedite a purchase and sale agreement.

Councillor Vidal moved to adjourn the executive session at 7:47 pm.

Roll Call:

Voting in favor were: Councillors Darcy, Logan, McMenimen, Fowler, McLaughlin, Romard, LeBlanc, D., Mackin, Harris, Lacava, LeBlanc, R., Brasco, Vidal, Stanley. No Councillor voted no

The Executive Session was adjourned