

## COMMITTEE OF THE WHOLE

### Minutes of the Meeting

February 21, 2017

1. Vice-President Logan called the meeting to Order at 8:00 pm.
2. Vice-President Logan requested that a roll call be taken to record the attendance for the meeting. The Clerk called the roll – all Councillors were present except Councillors Brasco, Marchese and O'Brien.
3. A motion by Councillor Giordano to approve the minutes of the COW meeting held on February 6, 2017 was adopted on a voice vote and the minutes were approved.
4. A motion by Councillor Darcy to take an agenda item out of order was adopted on a voice vote. A request was received from the Mayor to appoint Maria Russo as a member of the Waltham Historical Commission. A motion by Councillor Darcy to hear from an off-committee individual, Maria Russo, was adopted on a voice vote. Councillors Darcy and McMenimen spoke favorably of Mrs. Russo, citing her background and experience. Mrs. Russo explained her reasons for wanting to serve. Councillor Rourke suggested that there be historical research conducted on the veterans' square designations. Councillor Darcy moved to confirm the appointment of Maria Russo as a member of the Waltham Historical Commission for a term ending date to be determined. The motion was adopted on a voice vote and the appointment of Maria Russo as a member of the Waltham Historical Commission was confirmed.
5. A communication was received from the Mayor concerning the acquisition of the property located at 67 Crescent Street. Councillor Rourke spoke about the financial specifics of the property. A motion by Councillor Rourke to authorize the Mayor to make a counter offer of \$400,000 for the acquisition of the property was adopted on a voice vote. A motion by Councillor Rourke to table the matter was adopted on a voice vote and the matter was tabled.
6. A communication was received from the Mayor concerning the acquisition of the property located at 338 Beaver Street. Councillor Waddick questioned the need for the City to acquire the property since it is a regular single family residential home and it would be of no use to the City. A motion by Councillor Waddick to file the matter was adopted on a voice vote and the matter was filed.
7. A request was received from the Mayor to approve a "taking order" for the Stigmatine property. A motion by President LeBlanc to table the matter was adopted on a roll call vote of 9 in favor (Fowler, Giordano, D. LeBlanc, R. LeBlanc, McLaughlin, Romard,

Rourke, Vidal & Waddick), 2 against (Darcy & McMenimen), 3 absent (Brasco, Marchese & O'Brien) and Vice-President Logan presiding.

8. A communication dated February 8, 2017 was received from the Mayor concerning the use of the Stigmatine property. A motion by President LeBlanc to table the matter was adopted on a roll call vote of 9 in favor (Fowler, Giordano, D. LeBlanc, R. LeBlanc, McLaughlin, Romard, Rourke, Vidal & Waddick), 2 against (Darcy & McMenimen), 3 absent (Brasco, Marchese & O'Brien) and Vice-President Logan presiding.
9. A communication was received from the Mayor concerning the acquisition of the property located at 52R Winter Street. Councillor Fowler questioned the need for the City to acquire the property. Councillor Darcy explained the property abuts a wetland and it could be beneficial for the City to use the property to increase its flood storage capacity. A motion by Councillor Fowler to request the City Engineer attend the next COW meeting on March 6 to discuss the potential use of the property was adopted on a voice vote. A motion by Councillor Fowler to table the matter was adopted on a voice vote and the matter was tabled.
10. President LeBlanc informed the Committee that the resolution of Councillor Romard concerning the Traffic Master Plan was inadvertently left off the docket. Councillor Romard moved to request the Traffic Engineer and the consultant, who prepared the report, attend the next COW meeting on March 6 to discuss and answer questions about the report. On the motion, Councillor McMenimen asked that the 2015 resolution on the Traffic Master Plan be sent to the Traffic Engineer and the consultant. The motion, as amended, was adopted on a voice vote and the request was approved. A motion by Councillor Romard to table the matter was adopted on a voice vote and the matter was tabled.
11. A request was received from a petitioner, MuckRock, concerning the minutes of executive session meetings of the City Council. A motion by President LeBlanc to hear from an off-committee individual, Assistant Solicitor Patricia Azadi, was adopted on a voice vote. President LeBlanc gave a brief sequence of events pertaining to the records request. President LeBlanc asked questions about the procedure for approval and release of the executive session minutes. Attorney Azadi explained that only those councillors present during the original executive session could vote on the minutes. Attorney Azadi also explained the Committee would need to go into executive session to approve the executive session minutes and only include those councillors who could vote. Attorney Azadi advised the Committee to provide what records can be located and to do a better record keeping job going forward. Attorney Azadi directed the Committee to provide only those records requested and not to "read into" the request. Councillor McMenimen asked questions about the procedure, adding that time and expense to produce the records is an "unfunded mandate". Councillors Rourke,

Waddick, McLaughlin and Romard asked follow-up questions and commented on the procedures for executive session minutes. President LeBlanc asked if the Committee needed to go into executive session tonight to approve the COW executive session minutes. Attorney Azadi responded no, but it should be done promptly. It was requested the executive session minutes of the COW be placed on the agenda for the next meeting. President LeBlanc moved to request the City Clerk or his designee to prepare redacted copies of the City Council executive session minutes, provide them to the Councillors in advance and the minutes be listed on the February 27, 2017 City Council docket. The motion was adopted on a voice vote. President LeBlanc moved to request Attorney Azadi review the City's response to MuckRock as prepared by the City Clerk or his designee before it is sent and for Attorney Azadi to attend the City Council meeting of February 27, 2017, including a probable executive session. The motion was adopted on a voice vote. A motion by President LeBlanc to move the docket item forward to the City Council was adopted on a voice vote.

12. President LeBlanc moved to take the matter of the Stigmatine property (1/11/2016) from the table. The motion was adopted on a voice vote. President LeBlanc stated the Mayor provided a communication dated February 16, 2017 to the City Council. President LeBlanc read the Mayor's letter. A motion by President LeBlanc to hear from off-committee individuals, Mayor McCarthy and Assistant Solicitor Patricia Azadi, was adopted on a voice vote. President LeBlanc stated that it was good to have the Mayor move forward with the negotiations on the acquisition of the Stigmatine property. President LeBlanc read the three (3) conditions in the Mayor's communication dated February 17, 2017. President LeBlanc expressed concern with the third condition as it suggested the decision to construct a new Waltham High School at the Stigmatine property had been made. The Mayor read the November 28, 2016 letter that had been received from the Stigmatine's attorney. The Mayor explained that she would need to come back to the City Council for authority if the Stigmatine property was to be vetted for the Waltham High School project. The Mayor re-iterated the "use of the property" was to conduct the vetting of the site. The Mayor stated if the property were acquired it would be in the City's general inventory, would need to comply with the law, the Mayor would need to come back to the City Council with a request for a specific use and the City Council would have the opportunity for input. President LeBlanc questioned if the agreement could be amended or a separate letter could be included. Attorney Azadi stated the agreement had been signed by the other party and a separate communication is typically not done. Vice President Logan stated the City Council would be voting on a proposed order and the City Council could add a condition to the order when it votes. Councillor Waddick stated he was happy the parties are communicating, but was not in favor of an adverse "taking". Councillor Waddick also expressed concern with the language of the third condition in the agreement. Councillor Randy LeBlanc inquired if the City acquired the property could it later convert the funding source to CPA funds. It was stated that you could not supplant the acquisition with CPA funds. The Mayor

stated when the price was known, the City could then determine the funding source for the acquisition. Councillor Romard stated it would be prudent to substitute the phrase "access to the property" instead of "use of the property". The Mayor re-iterated the \$18 million funding order that was approved stated the acquired property could be used for educational use, open space, recreational use, temporary housing use and/or cemetery use. President LeBlanc wanted to make it clear the Mayor had broad authority – consistent with the funding order. A motion by President LeBlanc to authorize the Mayor to sign, on behalf of the City, the Revival of and Second Amendment to the May 11, 2016 Memorandum of Agreement between the City of Waltham and the Trustees of the Stigmatine Fathers, Inc. was adopted on a voice vote. A motion by President LeBlanc to place the matter back on the table was adopted on a voice vote and the matter was tabled.

13. A motion by President LeBlanc to adjourn was adopted on a voice vote, and the Chair declared the Committee adjourned at 10:35pm.

Paul G. Centofanti – Clerk to the Committee of the Whole