

COMMITTEE OF THE WHOLE

Minutes of the Meeting

December 1, 2014

Chairman Marchese called the meeting to Order at 8:00 pm

1. Councillor McMenimen moved that a roll call be taken to record the attendance for the meeting. The motion was adopted on a voice vote. The Clerk called the roll – all Councillors were present.
2. Councillor Brasco moved to accept the minutes of the meeting held on November 17, 2014. The motion was adopted on a voice vote.
3. A request was received from the Mayor to approve the following four items pertaining to the acquisition of the Fernald property (1) Release Deed, (2) Access and Use Agreement, (3) Land Disposition Agreement and (4) CPC funding in the amount of \$2,814,331.80. Councillor McMenimen recused herself from the discussion of the Fernald items. President Waddick clarified for the Committee that the item of the CPC funding was on the docket. Councillor McLaughlin moved to act on the four items collectively. The motion was adopted on a voice vote. Councillor Stanley raised a “point of information” concerning the validity of the CPC funding as a docket item. Councillor McLaughlin moved approval of the \$2,814,331.80 CPC funding towards the acquisition cost. On the motion Councillor Stanley questioned the urgency to vote on these matters tonight since the City had until 9/15/2015 to make a final decision. Councillor Stanley stated the City should decide what it wants to do with the property before its purchase – “no plans for its re-use”. Councillor Stanley questioned the process, stating that no effort was made to determine the true cost of the property and the City did not utilize a consultant to evaluate the property. Councillor Stanley stated he was not necessarily in favor of development, but asked questions about an environmental study and an asset study. Councillor Stanley stated that he was not in favor of using CPC funds for the acquisition. Councillor Vizard moved to hear from an off-committee member – CPC Chair Diana Young. The motion was adopted on a voice vote. Councillor Vizard questioned Ms. Young about the use of CPA funds for the acquisition. Ms. Young stated that if CPA funds were used to acquire the property, then CPA funds could be used for the re-use, you could sell the CPA portion of the property provided the CPA restrictions remain and the CPA historic restriction does not affect the interior of the buildings. Councillor Vizard stated he was concerned with the potential liabilities of purchasing the property but the portion purchased with cash provides an out and the portion purchased with CPA funds provides a cushion. Councillor Romard asked additional questions of Ms. Young about the use of CPA funds. Councillor Romard also asked about the status of the environmental study. President Waddick stated that the City needed to acquire the property to protect its development and protect the City of Waltham. President Waddick also stated that he would rather use an alternative funding source rather than CPA funds,

but time was of the essence. Councillor Logan stated that the City has known about this property for over ten years and he is frustrated at waiting to the last minute. Councillor Logan reminded the Committee that he had not received satisfactory responses to the three requests for information he had made. Councillor Logan questioned why the City did not engage an independent consultant to do a peer review. Councillor Logan questioned the estimated cost to demolish the buildings and the cost to restore the wetlands. Because we don't have all the answers, we may be buying a "pig in a poke". Councillor O'Brien stated this purchase is exactly the intended use of CPA funds and it will provide a cushion for the taxpayer. Councillor Fowler stated that he is excited to vote for the acquisition. Councillor Fowler reminded the Committee that we don't always have plans for acquired property, citing Banks School, Fitch School and Hardy School as examples. Councillor Fowler stated that he was not willing to gamble the opportunity to acquire the property when a new governor and new DCAM commissioner take office. Councillor Brasco stated that he was 100% in favor the purchase, but was concerned about the funding source. The City has other substantial funds available to use. Councillor Brasco questioned if the State knew more about the property than the City. Councillor Darcy stated that if this property were to be developed it could have dramatic impact on City services - police, fire and schools. Councillor Darcy reminded that an appraisal had been recently done by Ed Bowler and there has been disclosure about several environmental issues on the property. Councillor Darcy went on to list many potential uses with CPA funds - walking/hiking trails, exercise stations, soccer fields, softball fields, basketball courts, golf driving range, dog park, farm fields, outdoor skating, outdoor amphitheater and housing. Councillor Stanley reiterated his objection to the use of CPA funds and the need to use City funds. Councillor McLaughlin's motion to approve the CPA funds in the amount of \$2,814,431.80 was amended to \$2,714,431.80. Councillor Stanley and Brasco objected that the item was properly before the Committee and challenged the ruling of Chairman Marchese. On a roll call vote of 11 in favor (Darcy, Fowler, Giordano, LeBlanc, Logan, McLaughlin, O'Brien, Romard, Rourke, Vizard, Waddick), 2 opposed (Brasco and Stanley) and 1 recused (McMenimen), the Chairman's ruling was upheld. On a roll call vote of 11 in favor (Darcy, Fowler, Giordano, LeBlanc, Logan, McLaughlin, O'Brien, Romard, Rourke, Vizard, Waddick), 2 opposed (Brasco and Stanley) and 1 recused (McMenimen) the motion to amend the funding request was adopted. On a roll call vote of 10 in favor (Darcy, Fowler, Giordano, LeBlanc, McLaughlin, O'Brien, Romard, Rourke, Vizard, Waddick), 2 opposed (Brasco and Stanley), 1 voting present (Logan) and 1 recused (McMenimen) the motion to approve the CPA funding request in the amount of \$2,714,331.80 was adopted. Councillor McLaughlin moved to authorize the Mayor to sign the "Release Deed". On a roll call vote of 11 in favor (Darcy, Fowler, Giordano, LeBlanc, Logan, McLaughlin, O'Brien, Romard, Rourke, Vizard, Waddick), 2 opposed (Brasco and Stanley) and 1 recused (McMenimen), the motion was adopted. Councillor McLaughlin moved to authorize the Mayor to sign the "Access and Use Agreement". On a roll call vote of 11 in favor (Darcy, Fowler, Giordano, LeBlanc, Logan, McLaughlin, O'Brien, Romard, Rourke, Vizard, Waddick), 2 opposed (Brasco and Stanley) and 1

recused (McMenimen), the motion was adopted. Councillor McLaughlin moved to authorize the Mayor to sign the "Land Disposition Agreement". Councillor Logan requested that the Mayor submit the name of the escrow agent. On a roll call vote of 11 in favor (Darcy, Fowler, Giordano, LeBlanc, Logan, McLaughlin, O'Brien, Romard, Rourke, Vizard, Waddick), 2 opposed (Brasco and Stanley) and 1 recused (McMenimen), the motion was adopted.

4. A motion by Councillor Fowler to adjourn was adopted by a voice vote and the Chair declared the Committee adjourned at 9:40 pm.

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