

COMMITTEE OF THE WHOLE

Minutes of the Meeting

December 4, 2017

1. Vice-President Logan called the meeting to Order at 8:00pm.
2. Vice-President Logan requested that a roll call be taken to record the attendance for the meeting. The Clerk called the roll – Councillors Brasco, Darcy, Fowler, D. Leblanc, R. LeBlanc, Marchese, McMenimen, O'Brien, Romard, Rourke, Vidal, Waddick and Logan were present. Councillor Giordano and McLaughlin were absent.
3. A motion by President LeBlanc to approve the minutes of the COW meeting held on November 20, 2017 was adopted on a voice vote and the minutes of November 20, 2017 were approved.
4. Councillor Darcy moved to take an agenda item out of order. The motion was adopted on a voice vote. A request was received from the Mayor to confirm the re-appointment of Paul Maillet, 160 Hardy Pond Road, Waltham as a constable. Councillor Darcy moved to confirm the re-appointment. The motion was adopted on a voice vote and the re-appointment of Paul Maillet as a constable was confirmed.
5. Councillor Darcy moved to take a docket item out of order. The motion was adopted on a voice vote. Councillor Darcy moved to take the resolution concerning the joint meeting on Waltham High School building project (10/26/2017) from the table. The motion was adopted on a voice vote. Councillor Darcy moved to hear from the Superintendent of Schools Drew Echelson. The motion was adopted on a voice vote. Councillor McMenimen asked that the "be it resolved" of the resolution, as amended, be read into the record. Vice President Logan stated that all members of the School Committee, the Mayor and Councillors-Elect LaCava and Mackin were in attendance. Superintendent Echelson gave a power point presentation addressing the process with the Massachusetts School Building Authority (MSBA), the timeline that has been followed and the pros/cons of each site that was considered for locating the new Waltham High School. Councillor Darcy moved to invite the Mayor, the City Council, the School Committee and the School Building Committee to a joint meeting for the purpose of discussing the WHS project and possible sites. On the motion, President LeBlanc stated that an earlier joint meeting, the Mayor represented the Fernald property as a "plan B" location for the high school. President LeBlanc stated the original focus of the WHS project was on the "educational plan" but the emphasis is now on a "master plan". Superintendent Echelson expressed his concerns about the Fernald property as a site and read into the record a communication that was received from the City's Environmental Specialist Sheryl Waddick who raised environmental concerns on the

property. Superintendent Echelson stated his primary concern and responsibility was the safety of the Waltham school children. President LeBlanc stated that the Coleman/Stanton property should be considered as a site, including using it for fields. Councillor Waddick also expressed his support for using the Coleman/Stanton property for fields. Councillor Brasco spoke of a newspaper article concerning a similar issue in the Town of Belmont with their high school project. Councillor Brasco stated the need to work together and find a solution. As a friendly amendment to Councillor Darcy's motion, President LeBlanc proposed to invite the Chairs of the Conservation Commission, Historical Commission and Community Preservation Committee to the joint meeting. Councillor Darcy rejected the amendment, stating that only the decision makers should participate in the joint meeting. Councillor Randy LeBlanc asked to include other parties to the joint meeting. Councillor Darcy again rejected the suggestion. Councillor Brasco suggested the joint meeting be held after the new City Councillors have been sworn into office. Superintendent Echelson stated it was very unlikely a joint meeting could be scheduled before year end. The motion of Councillor Darcy to invite the Mayor, the City Council, the School Committee and the School Building Committee to a joint meeting for the purpose of discussing the WHS building project and possible sites was adopted on a roll call vote of 13 in favor (Brasco, Darcy, Fowler, D. Leblanc, R. LeBlanc, Marchese, McMenimen, O'Brien, Romard, Rourke, Vidal, Waddick & Logan), none opposed and 2 absent (Giordano & McLaughlin). President LeBlanc moved to invite the Chairs of the Conservation Commission, Historical Commission, the Community Preservation Committee to the joint meeting. Councillor Randy LeBlanc suggested that other parties be invited. The Traffic Engineer and the architect were added to the motion. On the motion, Councillor McMenimen questioned the appropriateness of inviting the Chairs of the Conservation Commission and Historical Commission as there could be jurisdictional issues those bodies would be involved in deciding. Councillor McMenimen also stated those commissions are advisory boards and the chair of each commission could not opine on behalf of their respective commission without a vote of that commission. Councillor Waddick stated the joint meeting was to gather information and we should include those parties to get as much information as possible. Councillor O'Brien said it would not hurt to have other parties involved. Councillor Fowler agreed with the position of Councillor McMenimen. Councillor Darcy stated the commissions will have an opportunity to weigh in on the matter and if the chairs participate in the joint meeting, they may need to recuse themselves if the matter comes before their commission. Councillor Romard stated he could not support including the commission chairs in the joint meeting. Upon listening to the words of Councillor McMenimen, Councillor O'Brien stated it was probably not a good idea for the chairs of the commissions to be included. Vice-President Logan offered an opinion about the role of the City Council at public meetings involving special permits. Councillor McMenimen rose to challenge Vice-President Logan's remarks. Vice-President Logan ruled Councillor McMenimen out of order and requested Councillor McMenimen to take her seat. A motion to uphold the ruling of the Chair

passed on a roll call vote of 8 in favor (Brasco, D. LeBlanc, R. LeBlanc, Marchese, O'Brien, Vidal, Waddick & Logan), 5 against (Darcy, Fowler, McMenimen, Romard & Rourke) and 2 absent (Giordano & McLaughlin). Councillor Darcy stated the joint meeting would be a public meeting and anyone from the public could attend. The motion of President LeBlanc to invite the Chairs of the Conservation Commission, Historical Commission, the Community Preservation Committee, the Traffic Engineer and the architect to the joint meeting was adopted on a roll call vote of 8 in favor (Brasco, D. LeBlanc, R. LeBlanc, Marchese, O'Brien, Vidal, Waddick & Logan), 5 against (Darcy, Fowler, McMenimen, Romard & Rourke) and 2 absent (Giordano & McLaughlin). President LeBlanc stated the joint meeting should have a moderator. Councillor Romard stated he would support the need. A motion by President LeBlanc to have a moderator for the joint meeting was adopted on a voice vote. Councillor Romard asked Superintendent Echelson to provide and post his presentation on the City's website. Councillor Rourke moved to request the Clerk of the COW provide information on the WHS project to all of the newly elected councillors. The motion was adopted on a voice vote. President LeBlanc moved to request the Assistant City Clerk to provide the Superintendent, School Committee and School Building Committee with all communications from the Stigmatines to the City Council. The motion was adopted on a voice vote. Councillor Darcy moved to place the matter back on the table. The motion was adopted on a voice vote and the resolution on the joint meeting was tabled.

6. A request was received from the Mayor to transfer the care, custody & control of 655 Lexington Street (former North Branch Library) to the Waltham School Department. Councillor Romard moved to hear from School Superintendent Drew Echelson. The motion was adopted on voice vote. Superintendent Echelson stated he did not have authority from the School Committee to speak on the matter. Councillor Romard moved to table the matter. The motion was adopted on a voice vote and the matter was tabled.
7. A request was received from the Mayor to transfer the care, custody & control of 14 Ash Street (former Fitch School) to the Waltham School Department. Councillor Romard moved to hear from School Superintendent Drew Echelson. The motion was adopted on voice vote. Superintendent Echelson stated he did not have authority from the School Committee to speak on the matter. Councillor Romard moved to table the matter. The motion was adopted on a voice vote and the matter was tabled.
8. A request was received from the Mayor for a recommendation and request to demolish the Metropolitan State Administration Building through the appropriate processes. President LeBlanc moved to request the Mayor to provide the COW with all legal documents and agreements related to the Metropolitan State Administration Building and property along with the reasons for the requested demolition of the building and any plans for future use at the site. The motion was adopted on a voice vote. President

LeBlanc moved to table the matter. The motion was adopted on a voice vote and the matter was tabled.

9. A request was received from the Mayor for the approval of a loan authorization in the amount of \$1.6M for the design/construction of improvements to Prospect Hill Park. Councillor Romard stated a request had been approved to have the Recreation Director appear at the COW meeting scheduled for December 18. Councillor Romard moved to table the matter. The motion was adopted on a voice vote and the matter was tabled.
10. A request was received from the Mayor for approval of the appropriation for the Police Station and for the City Council to enact zoning to allow occupancy at the Fernald property for the Police Department. Councillor Waddick moved to hear from City Solicitor John Cervone. The motion was adopted on a voice vote. Rather than potentially invoke a need to go into executive session, Councillor Waddick asked Mr. Cervone if he could generally update the Committee on the status of the bid award for the renovation. Mr. Cervone stated the court appearance to hear the City's motion to dismiss had been rescheduled to January 2018. Mr. Cervone also stated that an approval of the appropriation by the City Council would make the suit brought by the contractor no longer applicable. President LeBlanc moved to combine the appropriation request of this recent communication with the current docket item (3/27/2017) in the COW for the \$7.280M loan order and to combine the zoning request of this recent communication with the current docket item (3/27/2017) in the Ordinance & Rules Committee. The motion was adopted on a voice vote.
11. A motion by Councillor Darcy to adjourn was adopted on a voice vote, and the Chair declared the Committee adjourned at 10:00pm.

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