

SPECIAL MEETING OF THE AGAWAM CITY COUNCIL

MARCH 24, 2008

President Letellier – Good evening and welcome to the Special City Council Meeting for Monday, March 24, 2008. Our first item of agenda is Roll Call. Barbara, could you please call the roll?

Item 1. Roll Call

ROLL CALL – 11 Present

President Letellier – With eleven present, everyone is here.

Item 2. Moment of Silence and the Pledge of Allegiance

President Letellier – Could you please rise for a moment of silence and the Pledge of Allegiance?

Item 3. TR-2008-5 - A Resolution to Accept Massachusetts General Law Chapter 43D "An Act Relative to Streamlining and Expediting the Permitting Process in the Commonwealth". (Mayor)

President Letellier – We have four speakers that are here tonight if the Council wants to open up the item to committee as a whole. We have Nancy Radzevich from the Mass. Department of Business and Technology, Michael Vedovelli, Regional Director of the Massachusetts Office of Business Development and we have the President and Vice President of WestMass, Kenn Delude and Brian Nichols. Do we have a motion to go into committee as a whole? Moved by Councilor Calabrese, seconded by Councilor Bitzas. We are now in committee as a whole, Deborah, I'll leave it up to you, the order of the speakers.

...is there a vote on that?

President Letellier – I'm sorry! I'm sorry. All those in favor of going into committee as a whole please signify by saying Ay. Opposed? I'm sorry, let's do a roll call. Barbara, could you please call the roll?

ROLL CALL – 8 Yes, 3 No

President Letellier – With a vote of eight yes and three no, we're voted to go into committee as a whole. Deborah, do you want to have your speakers?

Debbie Dachos – Thank you very much for letting us come before you again this evening. I do understand that you just saw me a week ago and that was probably too

soon but as you probably read in the newspaper, I'm trying make the April deadline and that means that I have to have this grant application in to the state by Wednesday. So, following your meeting, I called April Anderson, from the department that oversees Chapter 43D and was told that she expects to get twelve applications in in April and there's one million dollars left in the pot. So the, most municipalities are requesting \$100,000.00 that means there would be no money left for May. So I'm sorry that I'm here again so soon, I'm very fortunate to have Nancy Radzevich here this evening who could give you a brief overview of the legislation if you so desire and we'd be happy to answer any questions concerning appeals and other elements of the legislation.

Nancy Radzevich – Hi, I'm getting over a cold so I've a little bit of a hoarse voice. My name is Nancy Radzevich. I work for Mass. Development Finance Agency. Mass. Development – we're one of the partner agencies in this 43D program. And I just want to start out by just kind of do a general overview. The primary agencies do these kind of presentations as needed and I just want to make it very clear that we're not trying to push anyone into this program but hopefully tonight, you know, our purpose here is to just try to answer some questions that may be outstanding. I know you've done this a few times as I understand, you've done this a few times before. So maybe if I just do a real brief overview and then open up for questions, unless you want to start with questions.

President Letellier – What's the Council's pleasure? Why don't you give us an overview?

Nancy Radzevich – Okay. The program was in the form it is right now was adopted on August 2, 2006. There was a previous version of 43D that actually wanted municipalities citywide or town wide to adopt a local expedited permitting program. No one really opted into that. So in August 2006 is when the current version of the legislation was kind of put forward and this is a site specific economic development based provision. It's called local expedited permitting. We like to kind of call it local streamline permitting because I think that's really part of the intents of it. I think the benefits of the program are it allows municipalities to choose where they want to focus economic development activities by targeting and looking at a streamlined permitting process for that site or sites. It also gives you the opportunity to not only look at that for yourself for that particular site but if you want to choose to use it elsewhere, you can. There benefits of being able to apply for up to \$100,000.00 grant which I believe you guys are gonna look at trying to apply for \$69,000.00. You also get priority consideration for some of the state grants, PWEDs, CDAGs, things like that, related to that priority development site and then you get the benefit of some of the partner agencies, Mass Development, Mass Office of Business Development, Mass Alliance for Economic Development, who's doing some marketing programs related to a 43D program for this specific regions and the sites. In our area of benefit on top of the \$100,000.00 grant is once a priority development site is designated by the intra-agency permitting board, Mass Development has additional resources to provide some technical assistance to help facilitate that development and the mechanism or the way that you want it to happen. The committee may already know this but the underlying zoning must be commercial industrial to allow mix use development, the underlying zoning needs to allow for a minimum 50,000 square

foot building not that that's what needs to be built but that's what the minimum parameters are to get into the program. You need the property owner's signature, or agreement to move forward with the city or town council or town meeting needs to vote to adopt the regulations for 43D for each specific site or sites that you might be bringing forward. The next steps if you decide to go forward with this and I think you're looking to try to get to the April meeting, if the emergency permitting board does approve your application in April, what they would do then is send you back kind of a little form contract with a check. Once you cash that check, you'd be opting into the program. The idea behind the program I think first and foremost is to really try to get municipalities to look at streamlining their permitting processes. And it's just a little more of trying to do some stuff up front, you know, maybe looking at doing development brochures, checklists, things like that to just facilitate I guess more information for your boards and committees when they get through that process so that you can meet the 180 day permit decision time frame. Once you decide to opt into the program, you have 120 to do whatever streamlining you see fit. This might be just as simple as looking at changing some of your applications. Some communities are looking at doing consolidated applications so if their site, if they know that they're a priority development site needs to go to the Conservation Commission, then Planning Board, then whatever, they're trying to do maybe a consolidated application so that all the information that each of these boards would need can be filed at the same time and within a complete application. Other communities are looking at getting permit tracking software; others are looking at developing check lists and development guides. And again it's more in line with trying to define what's really a complete application so that when you do get a development proposal in, the boards will have maybe more information, more complete information to try to get the decisions done. Some communities are actually looking at also kind of studying some kind of pre-planning and looking at parameters of if one site is built out, what are the traffic impacts gonna be. So you know there's a lot of things that can be done with that initial money and I'm not sure if you've already defined, maybe you've already have defined what you're going to be seeking for that. The commitment, the decision commitment is just that, it's a commitment to make a decision on a complete application within 180 days. It doesn't change how your boards, or the authority of your boards in making this decision, it's just a commitment to get to that decision process within 180 days. I think there are two important aspects of that. First and foremost, the clock doesn't start until the town or city decides you have a complete application. So again part of our 120 day phase in period is what a lot of communities are doing. They're trying to define what do really need for a complete application, do we need a traffic study, if so, let's get the traffic study, and things like that. The 180 day clock doesn't start until you have a complete application. The other thing that I think is really important is this is not saying that you're guaranteeing a yes. It's just you're guaranteeing a decision. So the boards still have the same authority to make an approval, approval with condition or denial, it's just trying to get us to that point in a more efficient manner. That's generally an overview of the program.

President Letellier – Thank you. Any questions for the speaker? Councilor Rossi?

Councilor Rossi – Can you tell how this directly benefits the Town of Agawam?

Nancy Radzevich – From my perspective I guess, I'm formerly a municipal planner, so I think from my perspective I think it allows for, I think first and foremost, it allows for any opportunity for you to designate where you want development to happen. You know instead of maybe waiting for development or development to happen somewhere else by picking a priority development site, you're allowing to focus not only your grant money resources on trying to find more expedited permitting process or whatever, you know maybe studying impacts on traffic or whatever you are going to choose with that initial grant money, try to pre-study where you want that development to happen. Also because it's a priority development site you get the additional services of Mass. Office of Business Development and ...to help you market that site in a manner that you're looking to try to develop it. So it's gonna comply with you know they'll market in the way that you think, to work with you.

Councilor Rossi – But, the benefits that you are talking about I guess I was trying to get at that they more directly benefit the developer than they do the town? Don't they?

Nancy Radzevich – I, I, not necessarily. You know, I think, I don't know, I think from my standpoint you know I think if you look at from a standpoint of a developer coming in and let's say you don't and I don't know, I don't know anything about your processes right now so don't read anything into my comments, but let's just say right now as in a lot of communities, someone comes in with a project and they go to the Conservation Commission first, and the Con Comm approves the plan and then they go to the Planning Board and the Planning Board says oh no, you've got to change this and this and this. So they make all these changes and then they have to go back to the Conservation Commission. A lot of that is additional money from the developer that may be I don't know I'm just kind of thinking out loud that maybe those resources could be spent elsewhere in helping figure out mitigation plans or looking at traffic impacts or maybe just even downsizing a project because they don't need to spend as much in that development phase. I mean I think the benefit is also helping the municipality not only to find where they want the development but also meeting to help the communication, start those communications with property owner and developer earlier on so that they can say 'this is what we'd like to see'.

Councilor Rossi – You mentioned criterias along with the program, when you mentioned that 50,000 square foot building or up to, are there other conditions and criterias that are suggested in this?

Nancy Radzevich – The minimum thresholds for getting into or to designate a site is just that the underlying zoning is commercial industrial in mix use development and the underlying zoning can allow for a minimum of 50,000 square foot building. Not that minimum 50,000 square foot building area is just through underlying zoning. It can be on one or more sites; it can be made of existing or new building or expanded buildings. For example, the Town of Sharon is going to be coming in, I think this month, and they're looking at designating their downtown area. And they're picking up that minimum; they're meeting that minimum 50,000 square foot requirement through a

number of abutting parcels. So you could do it in any way, you know, wherever you really want to focus your economic development activity as long as that parcel or parcels combined as one priority development site through underlying zoning can accommodate a minimum 50,000 square foot building.

Councilor Rossi – So is the requirement that there are four or five requirements but you only need to meet one, is that what you're saying?

Nancy Radzevich – No, no, no, no. You need to meet all four so the underlying zoning needs to be commercial industrial or mixed use, that's number one. Number two the underlying zoning for your priority development site needs to be able to accommodate a minimum of 50,000 square foot building by zoning. The third one is that you need the buy in signature of the property owner and then the fourth one is that you need city council or town meeting or whatever to bring forward and say we're adopting the provisions of 43D for this site.

Councilor Rossi – Well how about this adjacent to other commercial industrial property criteria? And what about this underutilized building and structures attached to that building or appropriate transit lines, where do those guidelines fall into that criteria?

Nancy Radzevich – You know, I's some things that are suggested when people are looking at selecting their sites.

Councilor Rossi - So it's not necessary?

Nancy Radzevich – No, with that said, I've been able to attend most of the intra-agency permitting board meetings and they're made up of people from, there's a representative from DHCD, there's a representative actually from Mass Development, so a lot of the different agencies, Mass Highway, a lot of different agencies, state agencies that are actually involved with permitting and development at the state level, sit on the intra-agency permitting board. They've kind of taken the stance that they don't want to tell municipalities where to do economic development so what they typically will do is they'll start off the meetings by doing a blanket approval of all the sites that come forward as long as they meet those four minimum criteria, underlying zoning, minimum building size, etc., and then what they'll do is get into a more detailed discussion about the money that they're seeking for the grant to make sure that the grant money really falls in line with the objectives of the program which is to look at streamlining the permitting process and to help facilitate economic development of that property.

Councilor Rossi – Thank you. Just a little bit more, the purpose of the permitting process is to streamline the process so it goes smoothly through this 180 cycle and if it doesn't, there's an automatic approval, is that correct?

Nancy Radzevich – If no decision is made, there is a constructive grant so you know that's a good point, if no decision is made even by one of the boards that may be doing a review, there's a constructing grant but with that said, if you get, if your boards are

getting close to that 180 days, they do have a number of options. They can deny the petition, they can you know they can ask to talk to the property owner and try to seek to mutually extend the 180 deadline. There's a couple criteria for something like that. But the whole idea behind the program again is to try and look at ways to help maybe define that application process up front so that you know when the board gets the application it's more complete.

Councilor Rossi – Well, if I had read it correctly and I probably didn't and I've been called into question several times but my understanding is not meeting the time line is not an excuse for denial.

Nancy Radzevich – Not having enough time is not an excuse, right, not having enough time is not an excuse for getting an extension of time. Right.

Councilor Rossi – And it's been said here by our Planner that we never have, we do not now and she doesn't expect to have any problems with the permitting processes and I really have a hard time wrapping my mind around why we need to apply for permitting process system when we don't really have any problems. But uh, so if, just one more thing, if we do happen to get a denial in there somewhere, what happens then? If all the permits are in order and by chance some controversial or some complicated issue should arise and our Boards say we have to stop here. What happens there?

Nancy Radzevich – I think your questions are kind of twofold. And correct me if I'm wrong, I think what you're saying is while they're in the permitting process, the review process, something new comes up?

Councilor Rossi – No, no. Once everything goes through and the permitting process is approved and the builder says go ahead and something should develop where we've got to say hey time out, we have to hold up on the project, and there's a denial by our boards, to stop the process until those problems can be worked out, what happens?

Nancy Radzevich – Well, I guess what I'm gonna try and answer this as I understand it, if you're going through, if your boards are going through that process and you think that you're not gonna make that 180 day time frame because let's say the project is much more complicated than you thought. Let's say the traffic, and I'm gonna use traffic because when I was a Planner, traffic was always an issue, so let's do the traffic study. You know you thought you covered everything but maybe there's issues that as the project is going forward, new information is being brought forward, things like that. You can seek to have the 180 days mutually extended in cooperation with the property owner to the intra-agency permitting board. But with that said, I'm gonna back up again, that 120 day period that we call the 'opt in period', so after you opt in, you have 120 days to kind of look at some of these things and try to gear up and I think it really helps by choosing maybe one or two sites just to start because that way you can really focus on you know okay what are the issues with the site, you know, does the site have wetlands? Okay, yea. Then let's think about what we're gonna need for a complete application. They're gonna have to do that, they're gonna have to do this. Are there issues with any

sort of infrastructure issue? Okay well then they're gonna have to, then we're gonna want the developer to do a study. So I think by defining you know just starting with one or maybe two sites to start, I think it really helps during that phase in period that you can focus on okay what do we need for a complete application and really kind of think through maybe all the scenarios from past experience of things that might have come up.

Councilor Rossi – Thank you.

President Letellier – Thank you Councilor Rossi. Any other questions? Councilor Perry?

Councilor Perry – Yes, thank you, through the chair, thank you Nancy for coming this evening and giving us this presentation, it's very good. I guess to follow up a little bit on Councilor Rossi and I think one of the questions I had in my mind and we talked in our last meeting, if our local boards through the permitting process denies the application, does the state have the power to overrule that by accepting 43D?

Nancy Radzevich – Oh no, no, no, no. This is not taking away any of the authorities that you have. All this is saying is by getting into this program; again, you're just guaranteeing a decision within 180 days. Done. Everything else defaults to 40A or whatever other provisions guides each specific board, review process and appeals process. With that said, there's a mechanism to allow for it, it's called DALA. I can't remember the designation out loud, but it's a mechanism to allow for a different kind of appeal process, a more expedited appeal process. So if a decision is made, let's say your board decides to deny the decision and the property owner wants to appeal that decision, they have the right to go through the regular appeal process or they can go through this DALA process.

Councilor Perry – And who oversees that?

Nancy Radzevich – As I understand it, it's made up of a lot of the magistrates and the judicial branch of the government and what they're gonna do is try to do again a more expedited decision process because I think what everyone is recognizing is it's not just the permitting that maybe takes a long time but some of those things. If that decision is made and someone wants to appeal that, people have the right then to go to land courts, Superior Court or the other mechanisms. I mean it's not the state coming in trying to tell anyone what to do on the decisions or the appeals.

Councilor Perry – Okay, thank you. Now, earlier in your presentation in regards to the grant monies, is there a time limit or is that money granted by us accepting 43D? In other words, we have a specific site that's going to be applied for, and if accepted is there a time frame in which that has to be developed? Is the town penalized in any way if the grant money is issued?

Nancy Radzevich – No. The grant money is again first and foremost really geared toward number one assisting municipalities in whatever they need to do to streamline

their permitting processes. So whatever it might take, some municipalities are looking at can we do again, consolidated reviews, consolidated concurrent reviews, concurrent applications, things like that so that things are done simultaneously as opposed to in succession. Other communities are taking a more aggressive approach and may be looking at some zoning changes but that may not be necessary. Some of it may just be as simple as changing some of the rules and regs of your boards. So you have that 180 phase in period and it's expected that a portion of that grant money either through consultants or staff or whomever, is gonna be looking at doing that. There's no time frame for the actual development of the site but with that said, once it's designated you've got additional people available to help you in the ways that you want to help develop it. I guess back to one of the other questions about let's say you get a really big proposal through on this site and your boards and staff are saying oh my god we're not sure we can do this, Mass Development has additional technical assistance available and again, as the program is funded each fiscal year we hope and expect to keep getting funded with that to provide technical assistance and that can include such things as helping define some of those those predevelopment scopes, you know, which should be the scopes of the project for a complete application. It can be assisting by bringing in our team of consultants to help appear at reviews or things like that just to facilitate the process. So, I mean there's people available to kind of help do that. But no there's no time frame in terms of if you don't develop the site, you gotta give the money back. That's not, that's not the goal of this program at all.

Councilor Perry – One last question in regards to accepting that this evening, once this council if it so chooses to accept it or grant, you know accept 43D, is each site that may come up in the future, have to come before this Council or by accepting it once it's, it's each, I just want to make that clear to everybody.

Nancy Radzevich – No. Right. Each particular site that YOU choose to designate as a 43D needs to be done so by your council, town meeting, whatever.

Councilor Perry – Okay, thank you.

President Letellier – Thank you Councilor Perry. Any other councilor with questions? No? Thank you very much Ms. Radzevich. Thank you. Did Mr. Vedovelli wish to speak? I'm sorry if I'm mispronouncing your name. Okay.

Mike Vedovelli - No, you were perfect. We're good. I just basically wanted to explain what my roll is. I'm the Regional Director for the Massachusetts Office of Business Development and I work with the local towns and municipalities in the Pioneer Valley to assist them during applications and development as we move forward. So Nancy was brought in here as kind of the overseer and as I like to say expert of the program. So she answered most of the technical and I work more on the development issues. So I'm just here to support Nancy and any other questions that you may have afterwards.

President Letellier – Thank you. Councilor Rossi?

Councilor Rossi – I have one question. Should there be a plan before your thing here, do you have to have a plan to look at and see what the project is going to entail or can we do this like on a marketing strategy for the development of resale for example?

Mike Vedovelli – No. I get involved basically when companies contact me and they'll say we need x amount of space, we need, we're looking for access to roadways, infrastructures and so forth, so these are development areas that are now targeted and that's why when they said they would have marketing as far with me and Mass Office of Business Development. That's where these would be priority sites for us.

Councilor Rossi – So your division would hand out this money just because a city or town would come to you and say well we're looking at developing this particular area, send in your experts and give us your money and tell us how to do it. Is that the way it works?

Mike Vedovelli – In a nutshell.

Councilor Rossi - Oh, pretty good. Thank you.

President Letellier – Councilor Bitzas, I'm sorry you have another question?

Councilor Bitzas – Yes, I got a question. Actually I want to make sure that some of the councilors they feel that this charter 43D would somehow take away the authority and the power of the local boards and commissions, of course, the question was answered for Councilor Perry, but of course we...and first of all I'd like to thank you all the panel who came here tonight and the council they came here, it's a special day for important legislation. Do you agree with the previous speaker that is that correct? ...Or how you feel about it?

Mike Vedovelli – It's absolutely correct and I back everything she said and it is in the regulations as well.

Councilor Bitzas – Thank you. Any more questions for the speaker? No? Mr. Delude did you want to speak on behalf of WestMass? Thank you.

Kenn Delude – My pleasure. Good evening. Again for the record my name is Kenn Delude. I'm the President of the WestMass area development corporation. We're the region's economic development and industrial park developer and obviously the developers of the Agawam Regional Industrial Park. There's a number of comments that were made this evening and Nancy certainly took care of the specifics as to the program itself. I'd like to just approach it a little differently for the Council if I may specifically I'd like to discuss with you the Agawam Regional Industrial Park and the industrial land resources in general with respect to your community because it does play in directly with 43D. Specifically obviously we've worked with the community of Agawam for over 25 years developing the Agawam Regional Industrial Park and through those years we developed 309 acres of the 325. The important feature here is that we have right now 3

acres that are undevelopable and we have 13 acres which is the subject of the application you're reviewing this evening as the only remaining fully permitted industrial land left in the Agawam Regional Industrial Park. That's an important criteria here as, when you think about 43D but also, when you think about the purpose and those use of the funds, the technical assistance funds that your Planning Director is focused on, the need for industrial development and parcels in your community. We basically have 35 companies in the park, I'm sure you've all been through there, those 35 companies have built 1.7 million square feet of space which makes it one of the most successful industrial parks in all of western Massachusetts. That 1.7 million square feet of space has resulted in somewhere between 135 and 150 million dollars worth of private investment in your community. Every year the town, excuse me, the city, receives tax revenues and generation from the park on the order of \$2.1 million and we have over 2200 or approaching if you will 2200 employees working in the park. The importance of these numbers is to really say that the Town of Agawam and WestMass really achieved its goals that it set out to do some 25 years ago but what's interesting about what's remaining here is that you know the stability of and diversity of your economic base is really focused in and needs to be focused in on the available land resources, industrial land resources and I think one of the concerns we've had here in listening to Nancy and others is the fact that over the 25 years, we've used, we've always had the Agawam Regional Industrial Park to attract if you will businesses to your community. We've had the ability to use that park to retain businesses that are growing in your community and need to expand. Looking forward is our concern, WestMass' concern and hopefully we'd like to stress that as part of this process because looking forward is important to the economic stability of Agawam and as we stated earlier, we have only 13 acres remaining there and the importance of each acre that we have is obviously stressed from that. I didn't want to tell you that obviously we have an economic downturn now and as a result of that what you're gonna see is the stability of your park. We do not have one large manufacture, one large employer in the park; you have diversity over and throughout your park, both small businesses, medium sized businesses and obviously large businesses. That would give you the economic stability going forward and the end result is the park is a very desirable place to obviously grow business, expand business and remain so even today. You know as well as anyone the difficulty in bringing new land resources to market to become available to the marketplace. I stress your DPW site as a fine example of the difficulty and the longevity it takes to bring new property, new assets to the marketplace. We would anticipate addition land resources to take anywhere from three to four years to bring to market. Therefore, again, these 13 acres and any other properly zoned, fully permitted industrial acres will help you bridge that gap until the new resources are identified and developers or WestMass can begin to move on that. As far as the 43D program is concerned and I'd like to address some of Councilor Rossi's comments on again, I'm a practitioner with respect to this. I'm not giving you the details on the program itself. But you asked about the benefits to the Town of Agawam. The benefits are basically one outstanding benefit that's probably a little undertoned here has to do with the marketing. The marketing is specific to this particular 13 acre site. You'll add, hopefully you'll add sites as the program advances. But the marketing component exposes the Town of Agawam, this parcel and subsequent parcels, to a nationwide site selection group, brokers, companies looking to throughout the United States for new

locations. It's been funded to the level of \$500,000.00 this year by the legislature. So obviously there's a strong amount of funding behind this and I think that's a strong benefit because even if the site selectors do not choose to this 13 acre site or perhaps if you have another site later on, that site they get exposed to the environment of Agawam, they get exposed to other opportunities in Agawam, they remember this particular 13 acre site, they throw it in their files and maybe it didn't work this time but in six months from now when they have another prospect, they'll say hey you know I remember this site over in Agawam that we have information on. That's the value of the marketing component. WestMass spends \$30,000.00 a year marketing its parks. This is a \$500,000.00 opportunity. It's unmatched and it gives us the ability to certainly from the Town of Agawam's perspective to get out there and competing on a national level and recently in an international level as well. The purpose of the streamlining, that's, the first time we read 180 days and most of the economic practitioners and professionals read 180 days, here in Western Massachusetts, we do that all as a matter of routine. I have had the pleasure of working in a great number of our communities and generally 45 – 60 days is their permit process, some less, some more. So that 180 days is not something that's certainly difficult in the communities as we discussed earlier, may not have to be giving up or modifying their processes much at all. That's not true across the entire commonwealth and again the 43D addresses the whole commonwealth and there are locations in the Commonwealth that will have to make sacrifices and major modifications to their programs to get within the 180 day window. We've been blessed with the communities of Agawam and Westfield, Chicopee, you know, Hadley, the communities I've worked in and had the pleasure of working in with expedited permitting from the root if you will with respect to the base. We've never had 180 day problems and challenges so there's not a great deal of modification needed to comply with the program. And I guess the last comment with respect to just overall site development, I think again having the opportunity to have the WestMass site be party to this, WestMass' benefit is that marketing component. I mean that is what we're seeking for this property. We have marketed this property, we do this on a routine basis but having the national exposure and bringing these sites albeit certainly only a single site here but it's a start, brought to a national level, that exposure, opportunities for Massachusetts and Western Massachusetts compete in that arena are very, very important to us. So it's about land inventory. I think we've got some challenges ahead and I think the proposed use for these funds is very important to the community as we look forward at bringing more industrial property on line. But in the interim, which may be a three to four to five years period. We need every fully permitted if you will, properly zoned acre available to make sure there isn't a gap and there isn't a shortage of opportunities for the community of Agawam. Madam President, thank you for the opportunity.

President Letellier – Thank you Mr. Delude. Councilor Cavallo?

Councilor Cavallo – Did I misunderstand you? In other words, you wouldn't be marketing this property if we didn't go along with 43D? You just said have a fund, correct?

Kenn Delude – We, no, that’s incorrect. We have marketed it, we continue to market these 13 acres but our resources on the order of \$30,000.00 a year across the entire, all of our parks, we have four parks where the Massachusetts fund is funded at \$500,000.00 for the marketing and obviously their focus will not be specific obviously within the region. Our \$30,000.00 generally will allow us to advertise in the region and on websites and generally throughout Massachusetts. But to reach beyond that to sell if you will a 13 acre parcel in Agawam nationwide, you have to first convince site selectors and their clients that they want to be located in the northeast and they need to be located in Massachusetts and you could work your way down, western Massachusetts and then Agawam and then by the way, these 13 acres are the appropriate ones. But no we do a great deal of marketing; we spend again a budget of \$30,000.00 a year. We advertise through the Mass Alliance of Economic Development, they have a website. We have our own website where the Agawam site is as well as all of our sites are shown. We do some print ads generally Business West regionally because obviously there’s an opportunity there, Commercial Real Estate Digest which buys to the northeastward and that as well. So we do a great deal of marketing for this site.

Councilor Cavallo – Well how long has this property been for sale? Quite some time, right?

Kenn Delude – This property has been part of the original acquisition. 1983 was when we acquired all of the property. This particular piece of property requires that the corporation, the way our build out plan would require the investments and infrastructure, to expand the infrastructure into the property and also this property was subject to the modification of the Natural Heritage Endangered Species Act which took the property off the market for a year until they had a policy change on that as well. So this property has been if you will kind of bounced around a little bit but we have had it in our inventory since 1983.

Councilor Cavallo – So during the good times, when we had good years, economically, not like now in a recession supposed in a recession quote unquote, it was difficult trying to get someone to occupy that property. Is that what you’re telling me?

Kenn Delude – I’m telling you, well the reality was that we had at, well I’ve been marketing and involved in the project since for fifteen years now. When I first came on, we had well over 100 acres so we had so many other different sites and opportunities and obviously those for whatever reason, primarily because they fit certain geometric configuration on the site or whatever, those went first. And then we did defer in some ways the development of that site because of the need for the extension of the infrastructure into the property. We’ve had it permitted through your Conservation Commission on one occasion. That lasted three years and obviously maybe economic times weren’t the great so naturally we’re here. But we’ve continued to market it and stay aggressive from that perspective Councilor.

Councilor Cavallo – I had a questions but I think it’s really for Debbie. Thank you.

President Letellier – Thank you. Any other questions for Mr. Delude? Councilor Rossi?

Councilor Rossi – Yes, I know you mentioned the fact that I was concerned about direct benefit to the Town of Agawam in your presentation but as you just got into it, and Councilor Cavallo alluded to it, this \$500,000.00 project for you to benefit the market nationally is a requirement that would have to be met under this 43D, correct? In other words, if we don't pass this, you can't go on that website or the websites to market this on a national basis? You're gonna have to stay within your \$30,000.00 budget.

Kenn Delude – That is correct. It would not be advertised by the Commonwealth as a preferred development site, that's correct.

Councilor Rossi - Okay. So if we adopt this, we're adopting this primarily for you to develop and market this on a national scale. Secondly, I want to touch on the fact that this fully permitted processes that you guarantee through your company and you mention these different cities and towns that you have the pleasure of working with over the years, and I would assume that all these cities and towns have accepted 43D, this permitted process of streamlining the permits and everything else because your company does in fact guarantee your personal hands on getting them through the process, is that not correct?

Kenn Delude – The former is not totally accurate. I think the communities that we're working in are in some formal process of approving 43D, moving 43D, for instance, if we want to talk Chicopee, Chicopee may very well be one of the applications that will be submitted at the same time yours is, Springfield will be submitting an application, Westfield will be submitting an application, Holyoke's already approved, Deerfield's approved, Dalton's approved, Pittsfield's approved, so it depends where you lie with respect to that. So that portion is they're moving towards the same as you are in consideration of 43D. Our permit process, we do guarantee that we will work with a, the devel, the site selectors or the end users to get their permits and that remains our commitment. It has been our commitment and will remain our commitment.

Councilor Rossi – Well as I read your brochure, Mr. Delude, and it was a very impressive one. It says in there that you do have this hands on approach to your prospective clients and you do bring them through the process to make sure that their experiences are pleasant and easy to get through and that when they develop their buildings, and all their permits and everything else will be in order and that your company does ensure that and without 43D, that would be a little difficult, I would assume.

Kenn Delude – We have done it for fifteen years in the community of Agawam. I've had the pleasure and as Brian has to bring forth individually represent those development over the fifteen years to the Conservation, Planning, and etc. here. That will remain our commitment to not only the process to the new prospects that we see and the new opportunities, 43D will just obviously, the importance for 43D as far as development is

concerned and the progress in the park really relates more to the marketing than it does the permitting. We will still be standing by our prospects at whatever expedited process you may choose to implement.

Councilor Rossi - So you're here just for the ability to market your property primarily?

Kenn Delude – I think that is the one of the strongest elements of this program and it's not just our property, Councilor, again I do stress and I can't stress it enough because this idea of national exposure with the site selectors because they may not, they may look at a site in Agawam or in Western Massachusetts, it may not be what they're looking for at this particular moment but again we've gotten call backs from them and they remember this site or they remember that site and that exposure is what we're looking for on a national level.

Councilor Rossi – Were you involved in the original project of the Bowles Airport/Industrial Park?

Kenn Delude – Again, I basically became involved after the reorganization in 1993 prior to 1993 I was not involved.

Councilor Rossi – Okay, well when that project was originally developed back in 1983 I believe it was, so 25 years ago, that project for whatever reason, that property was left dormant or abandoned or whatever you want to term it for over 25 years and since 1983 that piece of property has been slashed if you will by Route 57. Really cutting it off from the main portion of that Industrial Park and what we have now over a period of 25 years is this town has developed a residential area over those 25 years in the name of Rising Street, Cesan Street, over onto Shoemaker Lane area, so that property really borders the banks of Route 57 and by two sides a very large residential district. That's really the piece of property that we're talking about and I ask you as a developer over here, you really consider that in your judgment to be a very prime source of real estate, industrial real estate that would enhance the value of our community as opposed to devaluing the residents of that area?

Kenn Delude – Let me answer from several perspectives. Just let me acknowledge that we have worked over the years with the residents at Cesan Street. I'm not sure the Council's aware of this but in the past after surveying our property we've found encumbrances and encroachments on the property from the abutting neighbors and we basically gave them a license to continue the occupation of the property. So we've worked as a friendly neighbor with them. Secondly regarding the fact that the property abuts if you will 57 as you described a residential neighborhood, I just ask you to, I just ask you to take a kind of a step back and think about that when you start talking about abutting residential neighborhoods, I think I read something in a newspaper articles about wetlands and we have wetlands present there as well and abutting 57 not necessarily having direct access to Route 57, that really if you would, take a step back, that describes all of the project. That really describes originally the Agawam Regional Industrial Park. It has, we have countless parcels with wetlands on them, we abut your residential

neighborhoods along Shoemaker, along Silver Street, along Garden Street, and we've had a great relationship with the neighbors and for again 25 years. We're not directly, we do not have direct access to Route 57 but we have very convenient access. So to answer your question with respect to the marketability of these 13 acres, I think they are very marketable, they're very desirable. The Agawam Regional Industrial Park is still one of the closest to be if you're a business, because of highway access and all of the other amenities that the community offers and I do think it's a very valuable industrial resource if you will. Yes Councilor.

Councilor Rossi – I do think that it's a very nice park and I compliment your WestMass Corporation on the Industrial Park. And I don't think there's anyone here who would be in dispute of that, I think it's a very, very nice park and it fits in well with the community. But my concern with this particular parcel if you will, Mr. Delude, is the fact that the way the thing is shaped, it's actually shaped in two triangles -

Kenn Delude - Two triangles, yes sir.

Councilor Rossi – And it really butts right up against that residential district and both you and I know that on commercial and industrial properties, we could go right to that property line. And I'm very much concerned about what it's going to that neighborhood. That's probably what my concern is.

Kenn Delude – Oh, I, again, I –

Councilor Rossi – How would we buffer that I guess I'm asking.

Kenn Delude – Again, I don't have a plan to refer to here but clearly our experience has been with the residents of Agawam I mean we're no more than 50 feet from any residential house on Silver Street if you will or Shoemaker and Garden Street as well, the new houses on Garden Street. Throughout the region, we do not have an industrial park that doesn't abut a neighborhood, so I would offer to you that we have design tools and covenants and the abilities to buffer as you suggest that all the abutting neighborhoods have found acceptable over the years. To be quite honest with you, an industrial park makes a great neighbor. I mean when you think of the times you want to use your backyard on the weekends in your home, most of the times, these businesses are either very quietly employed on the weekend or maybe they don't have a weekend shift, nightshifts, they may or may not have a night shift. When you go to work in the morning, people are coming so it's kind of a counter activity and they make very good neighbors. If you will, if you'll permit me, I'll tell you a story that when I was trying to permit a park in Chicopee known as Chicopee River Business Park, we had a public hearing and they were concerned about the same thing. They had neighbors in the area, we had a public hearing and a woman showed up and said she was from Agawam, they obviously let her speak and she said she lived right across the park from the Agawam Regional Industrial Park, she thought that WestMass did an excellent job. They made good neighbors and it really shocked everyone to have someone from your community care enough about obviously industrial development but the way she had been treated and

the way the neighborhood had been treated to come all the way to a different community and ask to speak and be heard. I think we've got the tools, we've demonstrated the experience to be able to work and develop in close proximity to or adjoining or abutting residential developments. I mean that's what we have done and I offer that to you as a suggestion sir.

Councilor Rossi – Thank you.

President Letellier – Thank you Councilor Rossi. Councilor Bitzas?

Councilor Bitzas – Yes. I would like to congratulate you and Alan Blair for all this good work you did for the park. And we've been working together for more than 16 or 18 years. And your organization, you did a tremendous, tremendous job, the park looks perfect. It's clean, healthy, the environment, the neighbors are pretty happy there. Two questions first of all, are you, can you guarantee us that you will maintain the same philosophy for the new neighbors, the new 13 acre land? And you're not to change? And the second thing, the second question would be, besides the marketing benefits are you seeing other benefits for this town? Like jobs and taxes to go with the 13 acre parcels and how much do you estimate for the town perhaps to gain – the taxpayers? Thank you.

Kenn Delude – Thank you. I appreciate your kind comments. Alan and I have really been working together on this, on projects in the Valley, for over 35 years now. Specific to some of your comments as to the jobs and the taxes and things like that, again, as you heard it had to have, or has to be able to accommodate 50,000 square feet of space. We think this site at maximum build out will be somewhere between 50,000 and 70,000 square feet, there may be two separate buildings divided or it may be configured in a different configuration as we speak today. If it does reach 60 say average 60,000 square feet of space, you can anticipate that that would represent in private investment on the order of five million dollars, sixty additional jobs and five million dollars and that would be for real estate purposes, it doesn't include personal property and I think five million dollars would mean you'd probably get an additional \$150,000.00 a year in taxes from that property. So when all told, we obviously would add that to what's already there so we'd have probably close to \$2.3 million worth of taxes annually. Our commitment will not change whether again as you were told the 43D program is a voluntary program but our commitment has been to your community and I think your kind comments with respect to the Park, I'm kind of humbled by it because it's not just WestMass, it's your Conservation Commission, your Planning Board, your Building Inspector, your professional staff that have contributed to what you see there as much as WestMass has because we have obviously had to bring those plans forward on many occasions and very difficult occasions but we've been able to work out and always have the support and the commitment to trying to do and bring to Agawam a very quality product. And it's your staff, again, your professional staff and your boards and volunteer boards that are certainly worthy of the praise.

Councilor Bitzas – Thank you sir and thank you for coming and your presentation and of course the other speakers have answered all the questions and have reinforced my support for that legislation and I thank you.

Kenn Delude – I thank you.

President Letellier – Thank you Councilor Bitzas. Any other questions for Mr. Delude? No? Thank you very much.

Kenn Delude – Thank you Madam President.

President Letellier – Does the Council wish to ask any more questions or do you wish to come out of committee as a whole? I hear mumble, motion to come out of committee as a whole moved by Councilor Rossi, seconded by Councilor Bitzas. Barbara, could you call the roll. A yes vote is to come out of committee as a whole.

ROLL CALL – 11 Yes.

President Letellier – With eleven yes, we have voted to come out of committee as a whole. I'd like to thank all the speakers particularly those who had to travel. Do we have a motion on the underlying item? Moved by Councilor Simpson, seconded by Councilor Bitzas. Discussion? Councilor Rossi?

Councilor Rossi – Yes. I have some concerns about this property being developed as retail as industrial property. But WestMass happens to own the property and I guess there's nothing we can do about that if they choose to sell that property for industrial purposes. My personal opinion is I would like to see that converted to residential property and enhance the value of the neighborhood that already exists there. See as how that property has been sitting idle for twenty five years and this town chose to build around it, I think the least we could do is show some consideration and respect for that neighborhood to reserve the dignity of that neighborhood. That's just my view however. As far as this 43D is concerned, I don't really see how this directly benefits the Town of Agawam because as admittedly by our own Planning Department, we do not have any problems with the permitting processes here in Agawam and admittedly, WestMass that they're interested in 43D for the purposes of marketing. So I guess it boils down to the simple fact that we as the City Council in the name of the Town of Agawam wish to apply to the State of Massachusetts for a \$65,000 technical assistance grant to help market a piece of property for WestMass. I don't know that we should be in that kind of a business and second of all as I understand the process under 43D in applying for technical assistance grants, this is a one shot item with us. And I would suggest that maybe there might be other areas and maybe if the Planning Department would come forward with a plan for example to bulldoze the blight out of the shopping center area on Walnut Street Extension over at the old Food Mart property with a plan to maybe put in some specialty retail shops and some green space and help pump up the landlords there to attract businesses, I might be more inclined to go along with this program. But I don't see the benefits to the community here for the Town of Agawam to be applying for state

grant money, for technical assistance to market a property on a national level to strictly benefit WestMass Corporation.

President Letellier – Thank you. Councilor Rheault?

Councilor Rheault – Yes, I guess I'm the only one up here that's started back when WestMass started and at that time, I believe I was totally instrumental in getting WestMass to develop that park and rewards have shown for themselves. It's an outstanding regional park. I don't know one, and I travel quite a bit in Massachusetts and other states as well and it's just fantastic. This particular parcel though I have some reservations because it isolates it from the park. It shuts it off and it borders residential area which I'm concerned with...existing industrial park, I think I would have some reservation if something was developed in that small of a piece. So I have some reservation about supporting this. Thank you.

President Letellier – Thank you. Councilor Messick?

Councilor Messick – I'd like to thank the other Councilors for the very thoughtful questions tonight. I think that most of the questions that were raised in the previous meeting have been answered. I do have a couple of thoughts as far as well Councilor Rossi has been, has been I think trying to get to the bottom of what is the benefit to Agawam. And there's something that wasn't raised that I would like to speak to and that is that I spent an awful lot of time with other communities who are working with the 43D program for various properties that they have in their area. I spoke with Worcester, I spoke with Pittsfield, I spoke with Deerfield and one of the themes, one of the things that they all said was that one of the reasons they got into this, it was a very different thing for them, it was something that they wanted to do for town parcels that they were dealing with. Pittsfield had some brown fields and has some mill areas they were working on. Worcester had some industrial parks and they also wanted to streamline their permitting process. Deerfield has a town property that I believe is a pickle factory, yea okay. So they had town parcels that they wanted to market. In the future, their need for town parcels that we could put under 43D and we could get the same benefits that WestMass is asking for now. The other thing that all of these people said or told me about was that they were looking for to be known as a business friendly community not just in Massachusetts but nationally and internationally and that's a benefit of adopting 43D. The other benefit is obviously the grant for economic development which is what we want to do but the other towns that I spoke with used it for permitting software for dealing with ...field sites. A couple of them hired a consultant to work for a portion of time to assist with this thing, cuz they have very small departments and wanted to do a specific project. So I think that that is one you know one good benefit but so the idea that we could use 43D not just for this project but to market town parcels should they become available I think is also a very, a very good incentive for us. And finally, the towns that I spoke with as far as dealing with the agency and dealing with the assistance and going through the process, they were all very positive about how the agency worked with them to develop the plan specifically for they wanted to do, specifically for their town and so you know I think that, I think it is an excellent program and I will be voting to support it.

President Letellier – Thank you Councilor Messick. Any other Councilor wishing to discuss the item? Councilor Bitzas?

Councilor Bitzas – Yes, I am also in support for this. I was the last time and I continue tonight, I was reinforced and how can we say and vote no for something that would create over fifty jobs for our town people or the surrounding communities? Put every year to our town coffers \$120,000.00 in taxes, how can we say vote no? They are good neighbors, they've proved the neighborhoods in Silver Street and Shoemaker, that they are not bad neighbors. They're not offensive, all the businesses are great, the yards and the grass cut and the flowers and everything, it looks so beautiful and I trust them when they say they're going to continue with the same philosophy toward the new neighbors. In the economic climate, we cannot afford to be anti-business. We have to help the business to come here, we have to help our town to pay for the schools and maintain our taxes at the level they are, not to increase. And also create jobs, how can we vote no? I support that and I hope the majority of the council supports this. Thank you.

President Letellier – Thank you Councilor Bitzas. Any one else for the first time before we go onto the second round? Councilor Perry?

Councilor Perry – Yes, thank you, Madam President. You know I did have my reservations when this first came to us. Number one trying to find the law on the Mass. line, I want to thank Debbie for the information she supplied us, I want to thank the speakers that came tonight and did their presentations to us. I thank you very much for your time and your expertise. In regards to the benefits to the community, I feel we will receive some in regards to helping market not only this piece of property but market Agawam/Western Mass as a community out there on the national level. We'll gain benefits there. In regards to the concerns for the neighbors, this property could have been developed ten years ago. There could be building there right now. It's zoned industrial and until someone comes before us to change that, it will remain that and it'll be marketed as industrial property and could be sold and developed as industrial property. One thing this council has to understand and take into consideration is that there's, of all the industrial zoned property in this community, there's maybe, maybe 10% undeveloped. The best tax revenue the community can gain is commercial or industrial. It doesn't burden all the departments as residential does. Residential property does. So we need to be smart, we need to look at what's left and what opportunities are out there to possibly change some zoning in our town and I think that that's what the grant money that we'll get from this is going to be used for, to look at economic development, possibly rezoning and you know I think that my main concern and one of the things that I had with this law and Councilor Rossi brought it my attention in the first meeting was, was this going to take any of the power away from our local boards? Our Planning Board, our Conservation Commission, our ZBA, Zoning Board of Appeals, and as far as I could tell and the answers that we received this evening, it's not. The permitting processes are still going to be in place, need to be followed, 43D just expedites that which Debbie has already told us. We really don't have a problem meeting the 180 day criteria. So that was my main concern on asking for tabling this measure, actually twice I asked for it to

be tabled and I appreciate the council in doing so in helping me get the information I needed to make my decision this evening. And I think that you know it could be a win, win situation for us. It'll be a parcel by parcel application in the future and I think that those are all benefits that our community will receive by accepting this. Thank you.

President Letellier – Thank you Councilor Perry. Any one else for the first time? No? Seeing none, Councilor Rossi.

Councilor Rossi – Thank you. I couldn't agree with Councilor Perry more and I think it's probably refreshing to hear somebody voice his opinion and I think that's exactly what these proceedings are all about. It's not the questions whether 43D has any value or whether or not it has constraints, of course it has constraints. Every program in existence today has constraints. If you're gonna ask somebody for money, the first rule is they get to set the rules, they get to make the conditions. And the second rule is we don't get to change the first rule. So there are problems and there constraints. I'll give you that. My point is there could be another time another place maybe another parcel, maybe this would be a fit in my ideal. It's not with the program itself and maybe we could learn to live with some of the side effects, that's not a real problem. As I said, another time another place we could probably do that. And as far as 50 jobs or whatever Councilor Bitzas was talking about, how do you? How do you know? We don't have any program or project that tells us? We don't know what's gonna be developed on this property but what we do know is we're being asked to ask the state for \$69,000.00 to help WestMass develop a marketing program so they can sell their property and we don't who that person might be. We don't even know what kind of manufacturing or facilities that might go in there. We have nothing, we don't know anything about that. All we know is that they want to market on a national scale and if somewhere along the line somebody's got \$500,000.00 to accomplish that end. Well, I don't know that's our responsibility. But getting back to Councilor Perry, I think you're absolutely right and I think this council has to ask one question and one question only to answer to themselves and that is what is cross – factors over here? What serves the greater good of this community? Is it developing this 13.5 acre parcel of land or is it preserving the dignity and integrity of that residential neighborhood? That's the question we as councilors have to examine in our own conscience and face the community and especially those who live there. Is that what we want to do here? That's the decision that we have to make. Pure and simple. Not whether 43D is good or anything else. That's the question. What serves the greater good?

President Letellier – Thank you, Councilor Rossi. Councilor Simpson for the first time, I'm sorry.

Councilor Simpson – Thank you. I'm just going to be very brief but in regards to...near the industrial, that neighborhood has been there for a while. I've known people who have lived since I've lived in town so we're talking about 22 years or so. It's not a question of that it was a residential property and then we rezoned it to industrial surprise, surprise to the neighborhood. They do know that that is industrial property and like Councilor Perry had said this could have been developed five, six, ten years ago and industrial would be

there. I think what we have to look at is for one time being very proactive. In this time, the northeast, Massachusetts, isn't typically a prime area of where people want to come with their industry. They've moved south, they move out of the country and I think it is a benefit to the town to get us on a national level throughout the country to say hey take a look at Agawam, this is what we have to offer. I think that could benefit us greatly. Even if it ends up a business that maybe only employees 50 – 60 people, we're still out there, we're being marketed as saying take a look at us. Take a look at what we have to offer. So yes it does help WestMass in their marketing tools but it really helps Agawam by helping to put us on the map. If somebody from Denver Colorado all of a sudden goes hey, never thought of Massachusetts, never thought of, whoever heard of Agawam type of thing, but this looks like a good location for something. I think living in Massachusetts and living in the northeast, we need to do all we can to promote businesses to come to us. We know they take the jobs and they move south or out of the country. So I think it is a win situation and I believe that the way that the industrial park has been developed into a really nice park that this last acres of 13 acres, they will be neighborhood friendly and like I said the people know that it is industrial, it's been zoned that way for ages. So it's not gonna be a surprise to them that an industry would come into there and if you know our park, we don't have heavy industry and ...industry. So I think this is a good situation and I'm in whole agreement to it. Thank you.

President Letellier – Thank you, Councilor Simpson. Councilor Bitzas?

Councilor Bitzas – Yes, thank you, Madam President. Just to let you know, Councilor Rossi said how's he know about fifty jobs? We don't know if it's fifty jobs, a representative from WestMass said maybe. We don't know, maybe more, maybe less, maybe more taxes, but any creation of any number of jobs is worth our vote to make it happen and I hope that you all, the Council, supports that. Thank you.

President Letellier – Thank you. Any further discussion from the Council? Questions? Motion to move the questions by Councilor Simpson, seconded by Councilor Mineo. Barbara, could you please call the roll? A Yes vote is to move the question and cease discussion.

ROLL CALL – 11 Yes.

President Letellier – Question has been moved. Barbara, could you call the roll? A Yes vote is to approve the Resolution...six votes are needed. Barbara?

ROLL CALL – 8 Yes, 3 No (Councilors Rheault, Rossi, Cavallo)

President Letellier – With a vote of eight yes and three no, we've passed the Resolution. Thank you again for coming this evening.

Item 4. TR-2008-7 - A Resolution Appropriating and Authorizing a Loan Order in the Amount of Two Hundred Fifty Thousand (\$250,000.00) Dollars Pursuant to

**Massachusetts General Laws Chapter 44, Section 7 (2B) for the Rehabilitation
/Reconstruction of the Pool at Perry Lane Park (Mayor)**

President Letellier – This is the second reading as requested by bond counsel. Eight votes are necessary. Do we have a motion? Motion to approve by Councilor Simpson, seconded by Councilor Cavallo. Do we have any further discussion? No? Seeing none, Barbara, could you call the roll? Again, eight votes are needed to pass the Resolution.

ROLL CALL – 10 Yes, 1 No (Councilor Rheault)

President Letellier – With a vote of ten yes and one no, we've passed the Resolution and I'll make sure we get everything signed that we need to to get the construction started on time.

Item 5. Any other matter that may legally come before the City.

President Letellier – I'd like to thank all the Councilors for coming tonight and I think we started with Councilor Simpson last time? Or Councilor Perry? Okay, so Councilor Simpson it's your turn to go first.

Councilor Simpson – Nothing tonight, thank you.

President Letellier – Councilor Mineo?

Councilor Mineo – Yea, I just wanted to say, I heard former Councilor Magovern hasn't been feeling well and I just hope he has a speedy recovery and he's feeling better.

President Letellier – Councilor Cavallo?

Councilor Cavallo – Yea, I just, going back to some of the pending issues regarding our town government. I'm concerned about the fact that some of the things we've read about like the issue regarding the police officers and their suit with the town regarding overtime. I recall a few years ago when we had a problem with Tuckahoe and we delayed paying the amount of money that was, you know, owed to Mr. Depalma because of a decision made and it was prolonged and prolonged and we ended up paying probably twice the amount of money that we could have paid from the onset. I'm just concerned now with this escalating cost of this suit, it could reach close to a million dollars. Who knows by the time we're through, we have read in the paper that no judge in the world from this point on is going to rule in favor of the town and their suit or to win the suit, the police obviously have won it. That's a sizeable amount of money and I'm concerned, you know, if we lose the suit, where does that money come from? Does it come from the free cash account to pay for the damages? I mean, this is something I know we don't have much control over because it's the Mayor and the City Solicitor who are dealing with this particular issue but you know, in this time of money and I don't know if we get apprised of all the lawsuits that are pending against the town, but that's a sizeable amount of money and it's too bad that we have to linger here, not us, but the powers that be and

not come up with some action to settle this particular dispute. That's all I have tonight. Thank you.

President Letellier – If I may, I know you were on vacation and you missed the last meeting, we've already set up an Executive Session for the second April meeting. The first April meeting is the Executive Session on the Optasite Cell Tower lawsuit. The second April meeting is an Executive Session on various lawsuits.

Councilor Cavallo – I apologize.

President Letellier – That's fine. I know you probably haven't read the minutes yet.

Councilor Cavallo – That's good. We're meeting and taking some action. Thank you.

President Letellier – Yes, we are, thank you. Councilor Rossi?

Councilor Rossi – Nothing, thank you.

President Letellier – Councilor Rheault?

Councilor Rheault – Yes, just to fill you in on Councilor Magovern. I spoke with him today and he did have a mild heart attack. He had a couple of arteries that were blocked and a stent was put in on both sides successfully fortunately. He's home and he sounds in good spirits and looks like he's on his way to recovery which is good news.

President Letellier – Thank you. Councilor Perry?

Councilor Perry – Nothing this evening.

President Letellier – Councilor Messick?

Councilor Messick – I have nothing.

President Letellier – Thank you. Councilor Bitzas?

Councilor Bitzas – I have nothing this evening.

President Letellier – Thank you. Councilor Young?

Councilor Young – Nothing.

President Letellier – Councilor Calabrese?

Councilor Calabrese – I have nothing.

President Letellier – Well, I know we all wish Councilor Magovern a speedy recovery and a reminder that if you're marching in the St. Patrick's Day Parade, step off is at 11:00 the parade starts at 12:00. At this point, I may be the only councilor marching. If that's the case, I don't think I want to go by myself. If anybody else wants to march, please let me know. Motion to adjourn? Moved by the Council, seconded by the Council. All in favor? Opposed? Thank you all very much for coming tonight.

Adjournment.