

REGULAR MEETING OF THE AGAWAM CITY COUNCIL

Minutes dated November 21, 2011

President Rheault – Because the joint effort on the Block Grant was publicized by East Longmeadow at 7:00, I am now going to open that Public Hearing and I'll entertain a motion for the Council to move it on the Agenda to its regular spot. The Public Hearing will remain open, moved by Councilor Walsh, seconded by Councilor Rossi. It will appear and we will have the Public Hearing at its regular time.

Item 1. Citizen's Speak Time

President Rheault – We have several citizens wishing to address the Council this evening and for those who may or may not have addressed, you have up to five minutes to present and the purpose of the public speak time is a privilege given to the audience to address their issue to the Council. There is no interchange between the Council and the public for those who have not appeared before. It is purely for the Council to listen. So the first speaker is Bob MacDonald.

Bob MacDonald – Good evening Mr. President and members of the Town Council for the City of Agawam. My name is Bob MacDonald. I live at 65 Apricot Hill Lane in West Springfield, Mass. I'm the Executive Director of Work Opportunity Center in Agawam on Suffield Street but tonight I'm here addressing you as the official spokesperson for the West of the River Chamber. The West of the River Chamber is the Chamber of Commerce that represents the businesses in the City of West Springfield and the Town of Agawam. I'm here to support fully the solar asset project that Rivermoor has in front of you this evening. The Chamber of Commerce feels that this is a tremendous opportunity for the Town of Agawam to develop some green energy, be current and simultaneously save the town a considerable sum of money. We were particularly attracted to the \$1.1 million that the town might save over twenty five years in energy costs. We thought this was a substantial figure and we know it would be good for the taxpayers, people who own businesses in town and also for people who live here in town. We're also particularly brought to the fact that this is going to be utilized on land that might not be utilized for anything else but more importantly the fact that there's gonna be fifty skilled construction jobs that will come out of this and they'll be fifty people employed for a six month period can only add to the economic base of the area of Agawam. We like the idea that the Rivermoor people are going to be working with the Agawam Public School system. We thought that was a definite benefit and we're also happy to see that Rivermoor has hooked up with Citizens' Energy in that some people in Agawam had received fuel assistance through them in the past. So all we can see is a win win win situation here but we also were very gratified by the fact that Hood would be also benefitting from this project. Hood is a major employer in town with over two hundred employees and we'd like to keep them here in Agawam. We all know that Hood only has one manufacturing plant in the State of Massachusetts and that resides right here in Agawam. So all we can see is good things coming from this. I know there's a lot of

things to be considered and I know this is a new item that we haven't done in town before and I know it's going to take tremendous consideration on the part of the Council but the West of the River Chamber as well as Work Opportunity Center are fully behind this particular item and I thank you for your time and attention.

President Rheault – Thank you Bob. Jay Berger?

Jay Berger – Good evening members of the Council. I'm Jay Berger. I live at 10G Castle Hill Road, Agawam. Currently I serve on the Agawam Energy Commission. I urge you to unanimously approve the two solar farms – one on Shoemaker Lane and the second at Mushy's Driving Range on Main Street. As a nation, we are striving to use less of the non-renewables such as oil and gas, solar surely is one that is constantly available. A quick personal example, our daughter Cynthia and her husband Bill on a project for Bill's sabbatical year as a college professor used solar panels to power their 40 foot canal boat around the eastern half of the United States. They traveled 6500 miles and those of you in the eleven chairs on the dais, our audience both here and at home, know how many gallons of diesel or gasoline a normal boat would use for 6500 – somewhere between 1200 and 1500 gallons and they did it with solar power. It is past time for Agawam to move into the green century. People of good will who want these projects to happen will find common ground to move ahead. Again, I probably will not be able to here this entire evening but I'd be quite grateful to hear that we have a unanimous vote to move ahead. Thanks for your attention and the opportunity to address you and remember – unanimous.

President Rheault – Thank you, Jay. Bryan Nicholas?

Bryan Nicholas – Thank you Mr. President and thanks to the members of the Council for hearing us tonight. WestMass Area Development Corporation is the owner of 13 acres on Shoemaker Lane. We purchased the property in 1982 and we have been steadfastly attempting to market those 13 acres for 29 years and without any success. Route 57 was constructed through the park some years ago and cut off this 13 acres, created two highly irregular parcels that the 13 acres is made up of and we, in the last six years, we have had just one inquiry about the property and that's as far as it went. When the prospect discovered what it would cost to develop a fairly small industrial building on the property. They elected not to go forward with the project. It's a fairly difficult property to develop because of the length of roadway that's required to get to the rear triangle. The cost of the roadway we've estimated or the driveway is something like \$300,000 which is actually fairly close to the market value of the rear parcel of land so the economics are just not there. We were approached by Rivermoor-Citizens about a solar project on the property and although our company's mission is to create jobs and taxes, this project was quite attractive to us because of the project is structured so that the Town of Agawam benefits through some benefits to the electrical rates to the Town. In the end, we felt that the totality of the benefits associated with the project were within the scope of our company's development mission and so I am here tonight supporting the project. Thank you.

President Rheault – Thank you. Mayor Cohen?

Mayor Cohen – Good evening. Congratulations to all of you who are returning and to those of you leaving, I wish you nothing but the best of healthy and a wonderful Happy New Year and great Thanksgiving to all of you. When I first heard about this project – unlike you – I gave it a lot of thought and I found out about it through our Sheriff, Michael Ashe, a very dear friend of mine’s son works in the energy business and I’d like you to meet with him and you know how hard it is to say no to Michael Ashe. So I said sure Mike I’d be happy to meet with him and I met with him, somewhat skeptical, but after meeting with him and looking at the benefits of the solar projects and increasing and utilizing clean energy, I realized the importance of this project. I then called Sheriff Ashe and thanked him for sending John to me and John and the Assessor and myself and Debbie our Planning Director met and met and I said what are the benefits to Agawam and that was my concern. Route 57 project is a piece of land that we heard has not been marketed nor developable. We do get taxes on it as a piece of empty, undevelopable property. The town gets 15% energy tax credits saving us from between \$30,000 and \$50,000 per year. That’s at least one job. In this economy I think it’s important to save money anywhere we can but again at the same time, increasing clean energy. It’s pro-business. It’s tax growth. It’s go green. Everything, we know that Councilor Rossi, you passed a go green in the community – a very good amendment, resolution, that was all for green communities. Hood – jobs, jobs, jobs, keeping local people employed. Thirty percent savings on their energy. That’s a lot of money to a manufacturing plant. They pay great taxes and we certainly wouldn’t want to lose them. The Hood project is a brown field, very limited use as to what can be done with it. This is a win win situation for Agawam in that we don’t own the land. We’re not leasing the land. We just continue to collect revenue, increased revenue as the Mushy’s site would no longer be recreational, it would become regular land use, business, changing it from one entity to the other. It is a win win situation I truly believe for everybody. Other communities have seen the benefits of clean energy in that they have adopted solar energy utilization as we’ve been reading in the paper. So I strongly support this and hope that you, too, will support it as this is certainly jobs, increased revenue, lower heating costs and energy costs and I cannot tell you to end with, I certainly wish my house was solar two weeks ago. So I ask you to please vote in support of this project that is a win win situation.

President Rheault – Thank you Mayor.

Cecilia Calabrese – Thank you. Cecilia Calabrese, 75 Wagon Wheel Drive. I’m here this evening as a member of the Board of Directors of the Agawam Robotics Education Association to let the Council know and to let my fellow citizens of Agawam know about a very important event that’s going to take place at the Agawam Jr. High on December 10th. As some of you may know, Agawam has one of the premier robotics programs in the Commonwealth of Massachusetts and we will be hosting for the fourth year, the regional first Lego league robotics tournament and this is a project that I’ve been involved with for a number of years and very proud of and we should all as a community be proud of what these kids do. Part of the project that they have this year and part of the tournament involves pollution reversal so it dovetails nicely into what we’re talking about

this evening. It is a program designed to encourage and foster creativity in our youth to pursue careers in the STEMs – Science, Technology, Engineering and Math – and I wholeheartedly support this organization and I hope that everyone will have an opportunity to stop by even for a little while at the Jr. High on December 10th, probably if you come by around 10:00 or 11:00 when the action is really going on, you'll be delighted that you did so. Thank you.

President Rheault – Thank you. Kevin Baldini?

Kevin Baldini – Good evening Councilors. Kevin Baldini, Town of Agawam Assessor. I am here tonight to speak about the proposed solar project on tonight's Agenda. Rivermoor Energy has put forth a proposal to construct two solar fields in Agawam and enter into a tax agreement with the town for each development. One of the fields will be located at 912 Shoemaker Lane on land that also runs along Route 57. The other field will be located at 365 Main Street which is better known to most people as Mushy's Golf Center. In the handouts I supplied to the Council, I tried to project what the taxes would be for each solar field for the 25 year term of the agreement. I emphasized in my cover letter and I'm also emphasizing now that any such projection would be highly speculative. The tax projections are meant to provide the Council with a way to measure the relative worth of each project in comparison to the offer put forth by Rivermoor in terms of agreed upon tax payments and energy credits. In regard to the Shoemaker Lane project, Rivermoor's estimated energy benefit to the town or approximately \$1 million would be due to a 15% discount on the town's energy to the town on energy produced by the solar field. The remaining money would come from the tax agreement payment of \$5,000 annually proposed by Rivermoor. I have estimated that the personal property installed at Shoemaker Lane would generate approximately \$1,350,000 in property taxes over the 25 year period. In regards to the Mushy's project the estimated benefit to the town in the Rivermoor offer would be approximately \$273,000 with all this money coming from the tax agreement payment of \$8,000 annually. I have estimated the personal property installed at Mushy's would generate approximately \$1,375,000 in property taxes over the 24 year period. The difference in this case compared to Shoemaker Lane is that the energy credit will be passed on to H.P. Hood instead of the Town of Agawam. Again it should be noted that my property tax estimates are based upon current costs for solar equipment. This most likely will change over time as technology lowers the cost of this type of equipment therefore, the property tax estimates given tonight may be overstated if costs decrease in the future. In comparing both projects it's obvious that Shoemaker Lane development would have more measurable, comparable worth to the town in terms of potential tax dollars to benefits received by the Rivermoor offer. The Mushy's comparison is not so straight forward with the town receiving less of a direct benefit in terms of no energy credit. However, the town would benefit by helping a major tax payer and employer in the business community cut energy costs and make it easier for H.P. Hood to maintain a presence in the community. In closing, there are some issues to consider about both projects in general. Both potential construction sites are parcels of land that have very little development potential. The Shoemaker Lane site is irregularly shaped, cut off from the Industrial Park and is difficult to access. It has been sitting vacant for many years for good reason. The Mushy's site is

located over a former dump and cannot support typical commercial or industrial development. That is why a driving range is on it. The proposed solar projects represent very intensive use for such parcels, for parcels with such meager development potential. I believe that this factor needs to be given serious consideration in any decision regarding the proposed agreements put forth by Rivermoor. Absent a project of this nature, it is very likely that these parcels will remain vacant and underutilized into the foreseeable future. These solar projects offer for the Town of Agawam the opportunity to receive benefits from properties that would otherwise more than likely remain dormant. Thank you.

President Rheault – Thank you Kevin. I have, I'm not sure I can pronounce it correctly, Tortolotte? I apologize if it's wrong.

John Tourtelotte – Council President Rheault and Council members, thank you for having us here tonight. My name is John Tourtelotte from Rivermoor-Citizens LLC. We wanted to make a respectful request that the Council move into a Committee as a Whole after the citizens' comments and our team has a brief presentation and is prepared to answer all the Council's questions tonight. Thank you very much.

President Rheault – Thank you. Brian Morrissey? Okay. Bob Hale.

Bob Hale – Good evening. My name's Bob Hale. I work at H.P. Hood. I've been there for about 18 years – four years in the Agawam plant. In that time, we've built some relationships with different town departments and agencies anywhere from the Agawam Fire Department, the LLPC we attend regular meetings, Department of Public Works and so on. Each year we do projects at the plant to try to become more energy efficient, to become more sustainable, some of those include lighting retrofits and motor upgrades to high efficiency motors, doing baling of items that we send to recycle. Right now we do between 500,000 and 600,000 pounds of recycling. We, at the plant, feel that this solar, proposed solar project, is the next step for us in our green initiative to become more sustainable and I think that's it. Thank you for your time.

President Rheault – Thank you. David Laden?

David Laden – Good evening Council. My name's David Laden. I'm the Plant Manager for Hood in Agawam. There was a comment made that being competitive and there's 200 jobs at that site isn't quite accurate, there's about 389 jobs in that plant. Everything in our world comes down to cost per gallon and we're not just in competition with your Dean Foods or Burn Dairies out of New York, we're in competition with our own plants. They have a plant in New Hampshire, they have a plant in Maine, they have a plant in Vermont, we have a plant in Pennsylvania and a plant in New York and in a shrinking population which the Northeast is in, Hood makes a financial decision to say if the people are shrinking then you don't need so many plants and you're gonna basically run the plant that is, or run the plant that costs the most out of the business. Agawam is not the cheapest plant Hood owns. I can tell you that right now and I don't use that as any kind of a threat, it's the way it is. Our cost per gallon is fourth out of the six plants.

The wages we pay out of our plant, I came from the New York plant before I moved here and the wages we pay out of this plant are much higher than industry standard. We're paying anywhere between \$17 and \$35 an hour. There's not many jobs out there like that that are paying unskilled, mostly high school graduate people \$35 an hour, in addition to full dental, full eye care, full medical, 50% contribution in the 401(k) in a company that's been around for 150 years. So it really comes down to cost for us and anything that we can do to make our site more profitable certainly helps us as a site. So thank you for your time.

President Rheault – Thank you. Jim Jutras?

Jim Jutras – Good evening ladies and gentlemen. I've been with H.P. Hood for 17 years no.

President Rheault – Excuse me Jim. For the record, your name and address?

Jim Jutras – Jim Jutras. I live in Springfield, Massachusetts. I've been working for Agawam at H.P. Hood for 17 years. I'm currently the Production Manager with the facility. The Kennid (?) family is strong proponents of going green, the green stabilization and have been for a number of years. This project here is just a perfect fit for what our goals and objectives are in the plant. One of my items every year is to come up with ideas or thoughts that may help sustain energy costs or those type of improvements for overall energy savings for the world realistically. So this is just a great opportunity for that to happen. It's a really good location for us in general being centrally located to the field that they're looking to put this in so thank you.

President Rheault – Thank you. Stephanie Douglass?

Stephanie Douglass – Good evening. My name is Stephanie Douglass. I reside at 295 Suffield Street in Agawam and I am also the Human Resources Manager at H.P. Hood so I see the benefits on this from a business standpoint as well as a personal standpoint being a longtime resident of this town and just moving back because I missed my roots so much and it's nice to see that Agawam is still looking for opportunities and initiatives to keep ourselves attractive to other businesses, to keep ourselves open to new ideas and from a business standpoint, being the Manager of Human Resources, I see how many people are employed by our company, how many people want to be employed by our company and I'm very proud to work for a place that is so attractive to potential employees. One of the things that determine our ability to fill jobs and to have new openings is the profitability of our business and our ability to maintain our costs. Obviously with the solar farm being located on Main Street and the direct benefit to our organization would in fact benefit the community because of the fact that over 50% of our employees do reside in the Agawam or Springfield area. So this would have a direct benefit to our community. I also believe it would help attract new business because so many companies do now have initiatives where they do want to go green and where they would be looking at opportunities to be in an area where that's strongly promoted so again that would benefit the business and the town. As a resident, I obviously would appreciate any tax credit that the town can get to

help alleviate the costs due its citizens, that's always beneficial and the fact that I've chosen to move back here to raise my daughter in this town, I loved the fact that knowing that I live some place where we would be looking at initiatives to find other energy sources and other alternatives so that we can make sure that we're succeeding not just now but in the future for our children as well. So I appreciate your consideration and thank you for your time.

President Rheault – Thank you. Magda Galiatsos?

Magda Galiatsos – Good evening and thank you for allowing me to speak. I would like to address the Council, oh I'm sorry, Magda Galiatsos, 21 Maple Meadows in Agawam. I would like to address the Council regarding the Rivermoor-Citizens proposed solar panel projects. I strongly urge, I strongly support these projects for the following reasons. First of all, our primary source of energy in this country is oil which is very vulnerable to both foreign influence and continuously increased cost. It is very important that we support renewable energy sources. Secondly the Main Street site is a filled solid waste landfill that cannot be used for many purposes. The site on Shoemaker is difficult to develop. Currently these two sites provide very little tax benefits to Agawam. With the development of the solar panels, they'll be increased taxes and benefits to the owners of these sites. In addition, and thirdly, not only will Hood's benefit from the decreased costs of their electricity but on the Main Street but on the Shoemaker site, all of the citizens of Agawam will be able to benefit to the credit given to the town. So for these reasons, I urge that the Council quickly approve the tax agreement so that these projects can move forward. Thank you.

President Rheault – Thank you. Francie Cornwell?

Francie Cornwell – Good evening. I'm Francie Cornwell, 14 Worthington Brook Circle here in Agawam. I'm a 30 year resident of the town and a retired educator and I'm here to support Rivermoor Energy and the solar projects that he's proposed to us today. I think solar energy is something that's really important and it is our future. In addition to environmental cost advantages, saving advantages that would be for Agawam, I think it also shows the community, its citizens and in particular the children of Agawam that we value and support future development through green technology. Thank you.

President Rheault – Thank you. George Cornwell?

George Cornwell – Good evening to the members of the Town Council. My name is George Cornwell. I'm also a 30 year resident of the town. I live at 14 Worthington Brook Circle. Again I'm here this evening to speak in favor of the Rivermoor solar panel projects. The benefits of passive solar energy of our town are many. You've heard a lot this evening and I'm sure you'll hear more as the night goes on. I'm pleased to see that private industry in Massachusetts is beginning to develop from local communities passive solar projects. We need to be competitive not only with the people of our country but with the rest of the world. I'm particularly interested this evening and one of the reasons I'm here as a retired educator and particularly a science teacher, I really see some

exciting possibilities in partnering with the school especially in the environmental sciences and in physics. To partner with Rivermoor, to experience first hand how solar energy is transformed into electricity and to be able to partner with them at a real world situation is really exciting and I think it's an opportunity we should not let go by. I thank you for your consideration.

President Rheault – Thank you. Steve D'Ambrosio?

Steve D'Ambrosio – Hi. My name is Steve D'Ambrosio, 22 Primrose Lane, Agawam, Mass. I also work for GZA...Environmental. I was the project engineer for the Shoemaker Lane project and our company had the opportunity to work with Rivermoor on three solar projects, two of which were out in Eastern Mass, they're two of the biggest in Eastern Mass – there's one in Haverhill and Dorchester. I was very excited to have the opportunity to work with Rivermoor-Citizens on the Shoemaker Lane project and as a citizen of Agawam I'm excited we'll have a project that's coming into town that's gonna create jobs, that's environmentally sensitive and again I'm just very excited to see this coming to our town. Thank you.

President Rheault – Thank you. Michael Grandfield?

Michael Grandfield – Mr. President, members of the Council, Michael Grandfield, 27 Dorwin Drive in West Springfield. Tonight I'm here representing Hampden Bank and also as the former Chair of the West of the River Chamber. As a commercial lender, we're seeing a lot of requests related to solar farms and the reason for that is there's some very good incentive programs out so we are getting various companies, I will say, this is the first one I've seen that directly relates to a municipality. I've had several meetings with Mr. Tourtelotte or Rivermoor and he's shared information on the projects in Boston and Haverhill. Based on those discussions and the information that's been provided, I do believe that both of these projects made sense. I mean everyone here tonight has made a good case for that. The town will obviously benefit directly from the energy credits as well as increase the tax revenues. The tie in to the High School Science and Math Departments is very interesting and as was mentioned before really could add to the curriculum in those areas. It's pretty interesting. The Main Street project of course we've said tonight already many people it will help Hood reduce it's energy costs making it more competitive and as we all know we want Hood here forever and who knows maybe they'll move up the ladder and expand the plant and we'd like to see that. Tonight it's my understanding you're not here necessarily to approve of the project but rather a tax plan and I may be wrong on that. I'm not familiar with the specific details of that tax plan but I've been advised that what's in front of you is fair and is supported by both the Mayor and recommended by the State. I trust that that's true and I'm sure that'll be part of tonight's discussion. As a commercial banker, I'm well aware that any type of development must justify a certain return to its investors and developers. The federal tax incentives is set to expire at the end of the year and that concerns me a little bit because therefore the timing of your approval is critical because any significant changes or delay in the proposal may result in the project no longer being economically feasible based on the numbers you've been provided and as a commercial lender, we see that whether it be

real estate any type of investment *has* to guarantee a certain return and it's predicated upon all the numbers that go in – everything needs to kind of work – if something changes on one hand, it changes on the other hand and I'm sure you all know that. So I kindly ask for your support of both the projects and setting the tax rate tonight and just as an aside, I'm the former Chair of the West of the River Chamber and I've worked with you numerous times and on numerous projects over the last few years and I really want to thank yourselves and the Mayor for really recognizing the roll that business plays in making Agawam a great community. Thank you.

President Rheault – Thank you. Corinne Wingard?

Corinne Wingard – Good evening. My name is Corinne Wingard. I live at 194 Elm Street in Agawam and I was the former Chair of the Go Green Agawam Committee which preceded the Agawam Energy Commission so I think it's very important for a town to take every possible opportunity to develop good clean energy which this project provides. We need to do everything we can do move in this direction and if this solar project needs the tax agreement to move forward then we really need to provide this tax agreement in the best long term interest of the town so I join my very good friend, Jay Berger, in asking you to please vote unanimously in favor of this. Thank you.

President Rheault – Thank you. Geri McCarthy?

Geri McCarthy – My name is Geri McCarthy. I live at 125 Florida Drive in Agawam. I am here to encourage support of the Rivermoor solar project. I am the manager of the Simmons Bedding Company in Agawam, Massachusetts and a member of the West of the River Chamber of Commerce. I believe that this project offers substantial savings to Agawam but just as important, it would make this town a local leader in technology. One of the messages that we share all the time with our hourly folks at the plant is that we have to make every effort to keep manufacturing in the United States. As Council members for the town, I think this vote, a positive vote, would prove to all the residents and the business community that we want to keep industry in Agawam. The project offers more than savings. It offers new jobs, additional tax revenue and practical use of property. Rivermoor has a track record of success. It is my personal opinion that we should move forward with this project. I can tell you quite honestly that Simmons works very hard towards their recycling efforts, towards green implementation. Like Hood, we face problems that in this area, it's very difficult to run a manufacturing facility successfully because you're paying higher wages, because you're paying higher logistics costs so anything that we can do to save money is extremely important. I strongly encourage you and I hope that we will get a positive vote on this. Thank you very much.

President Rheault – Thank you. Douglas Reed?

Douglas Reed – Douglas Reed, 10 Shelley Lane and I'm breaking new ground because I'm not talking about this tonight. I'm actually here to speak to the Council regarding the storm clean up. I'd like to thank the Council for moving forward and getting the process going so that the town does get the debris removal gone. I'd like to thank Councilor

Rossi for asking some real pertinent questions the other night to the head of the DPW as to how the procedure was beginning to develop but never really wholly developed and the fact that we, in the end, ended up spending almost \$2.4million. As a citizen I'm concerned about the amount and I understand that there's a large amount of debris but I think from the Council to the Mayor's Office, DPW, I think what we need to look at, I think we need to look at a plan that should something like this happen again, we have something in place. We had a two almost three week period before any action was taken, understandable the DPW was doing what they could with the resources they had however, I don't think it was enough and I don't think there's anybody in town that would disagree with me that a better plan of action is needed. So I'd like to see something come from the Council, look at a committee form and come up with a definitive plan of action should we have another incident like this. We got very lucky in this town with the tornado that we suffered minimal damage. This far exceeded damage that the tornado provided. Springfield has much more tree debris from this than they actually did from the tornado and if you look at the widespread damage over there, it's significant. So I'm just asking the Council to maybe take a look and see if we can come up with a plan of action so that should we experience this again, we are on the ground running much soon. Thank you.

President Rheault – Thank you Doug. That concludes our Citizen's Speak Time.

Item 2. Roll Call

President Rheault – Barbara, please call the roll.

ROLL CALL – 10 PRESENT, 1 ABSENT (Councilor Letellier)

President Rheault – Ten present, one absent, we have a full council. Gina called and she's not feeling well and will not be in attendance this evening.

Item 3. Moment of Silence and the Pledge of Allegiance

President Rheault – Please rise for a moment of silence and Pledge of Allegiance.

Item 4. Minutes

1. Regular Council Meeting – November 9, 2011

President Rheault – Moved by Councilor Perry, seconded by Councilors Messick and Cichetti. Any corrections or additions? If not, voice vote is sufficient. All those in favor? Opposed? Councilor Rossi abstains.

Item 5. Declaration from Council President

None.

Item 6. Presentation of Petitions, Memorials & Remonstrances

1. **TR-2011-55 - A Resolution Amending the Rules and Regulations of the Agawam City Council (Referred to Rules Committee) (Council)**

Councilor Perry – Make a motion to table this item due to our committee not meeting on it this evening.

President Rheault – Moved by Councilor Perry to table, seconded by Councilor Messick. All those in favor? Opposed? The item is tabled.

2. **TR-2011-56 - A Resolution Entering into a Tax Agreement with Rivermoor-Citizens, LLC for a Solar Development Project Located at 912 Shoemaker Lane, Agawam, MA. (Referred to Finance Committee) (Mayor)**

President Rheault – Moved by Councilor Perry, seconded by Councilor Rossi and Councilor Messick. Referred to the Finance Committee. Do we have a report?

Councilor Walsh – Yes we do. We met on this on November 16th, present were myself, Councilors Perry, Letellier, Mineo and Rossi. Also in attendance were Councilors Magovern, Bitzas, Cichetti and Messick, Kevin Baldini, the Assessor, Cheryl St. John, City Auditor, John Tourtelotte, the Rivermoor-Citizens LLC and Brian Morrissey from Citizens Energy. We took a discussion on both items of TR-2011-56 and TR-201-57 jointly because they were virtually identical projects. Councilor Letellier wanted to know how the 15% discount on Agawam’s electric bill would be binding on Western Mass Electric when the contract was between Rivermoor-Citizens LLC and the Town of Agawam. John Tourtelotte and Brian Morrissey explained that the credits which are earned by Rivermoor-Citizens would be given to the Town of Agawam to then be applied towards the town’s electric bill thusly leaving Western Mass Electric Company out of the contract performance aspect. Councilor Perry wanted to know why they are requesting a tax abatement when they could claim manufacturing status from the state and be taxes by the state at a much lower rate. They stated that they had been advised, this is John Tourtelotte and Brian Morrissey, that they had been advised by the Mass Department of Revenue to pursue the course of action that they are now taking. Councilor Letellier was also concerned about their track record as the 25 year contract would be meaningless if they went bankrupt. Councilor Perry also expressed concerns about a 25 year contract. As the time for the Emergency Council Meeting had arrived, there was a motion by Councilor Perry and seconded by Councilor Rossi to declare a recess at 6:30pm. The vote was 5 to 0. The Finance Committee meeting was reconvened at 7:30pm after the Emergency Council meeting, Councilor Mineo was unable to stay for the remainder of the meeting. There was a general discussion and it was concluded that we did not have enough information to make a positive or negative recommendation to the Council. The motion by Councilor Perry and seconded by Councilor Letellier to recommend to the Council to table both resolutions until additional information was available. The vote was 4 to 0.

President Rheault – Thank you Jack. Open for discussion on the floor? Councilor Perry?

Councilor Perry – Yes, thank you Mr. President. I know we'll be moving into Committee as a Whole shortly but again I just want to remind the Full Council what's before us this evening. I really don't think there's a councilor up here that is against either one of these projects in regards to the benefits that they will provide. The projects themselves are not on our Agenda this evening. It is basically what we are looking at is two 'in lieu of tax' contracts – 25 year contracts – not the projects themselves. I feel we all feel and understand what the benefits are. They were eloquently presented to us in Citizen's Speak Time and I agree wholeheartedly with those comments but that's not, the projects themselves that's not what's here before us this evening, it's the actual contracts that they're looking for us to approve this evening. So I just wanted to make that point before we started. Thank you.

President Rheault – Thank you.

Councilor Bitzas – I'll make a motion to go into Committee as a Whole, Mr. President?

President Rheault – Moved by Councilor Bitzas to go into Committee as a Whole, seconded by Councilor Messick –

Councilor Perry – Point of information?

President Rheault – What's your point?

Councilor Perry – With? Who are we going into Committee as a Whole with?

President Rheault – The maker of the motion?

Councilor Bitzas – Yes, we go with the company, the presenter and everybody, the Mayor and everybody else, everybody, open forum.

Councilor Mineo – I'll second that.

President Rheault – Seconded by Councilor Mineo. No further discussion, Clerk, please call the roll.

ROLL CALL – 10 YES, 0 NO, 1 ABSENT (Councilor Letellier)

President Rheault – Ten present, one absent, we have voted into Committee. We are now in Committee as a Whole. Councilor Bitzas?

Councilor Bitzas – Yes, I'd like to have a representative of the Rivermoor –

President Rheault – Specifically?

John Tourtelotte – off microphone

Councilor Bitzas – Any place, I've just got a question before your presentation.

John Tourtelotte – Councilor Bitzas?

Councilor Bitzas – Yes, very simple question. I know we're all in support of both projects you have, a question, if, is the project in danger if this Council votes against the taxes today, the agreement?

John Tourtelotte – It is because we have a, we're operating under a very strict deadline from the federal government for a program that's called the 30% cash grant and that program has a hard deadline of December 31, 2011. Prior to that deadline, our company Rivermoor-Citizens LLC needs to formally be qualified for the program and by an accounting review, a legal review and to the satisfaction of the U. S. Treasury so we need to move immediately to begin that process and in order to do so we need to have a tax agreement in place so that we have an organized financial plan that we can present to our lenders and to qualify for the cash grant and thank you for the question.

Councilor Bitzas – Okay, I'll continue later but I'll let you do the presentation first and then we will have the questions. Thank you sir.

President Rheault – That's precisely what he's here for – questions.

Councilor Bitzas – I'd like to see him to present a presentation and then we have the questions, Mr. President, I'd like to see him present all this information to us so we can be more intelligent to make decision to vote yes or no.

John Tourtelotte – What the Council –

Councilor Bitzas – Can you explain to us the benefits to the town again and how benefits us, how makes us make a vote positive to help the town and help you to help us? Thank you.

John Tourtelotte – Absolutely, Councilor Bitzas. May we approach the table?

Councilor Bitzas – Yes.

Councilor Rossi – Point of information, Mr. President?

President Rheault – Point of information?

Councilor Rossi – I'd like to ask a question in response to the question that was just presented to this gentlemen.

President Rheault – Go ahead.

Councilor Rossi – Just as a follow up question. You said that there was a deadline as an answer to the question that was presented to you by Councilor Bitzas. When did you first approach the town or the town approach you for preparation for this project?

John Tourtelotte – We, Councilor Rossi, we have gone through the full review by the Town of Agawam and all the town departments and we first approached the town approximately one year ago.

Councilor Rossi – One year ago? Why wasn't it presented earlier if there's such a time constraint, why wasn't it presented much earlier?

John Tourtelotte – Out of respect for the Council and the town, we have worked very diligently through a complicated process managed professionally by the town department, the Mayor's Office, legal department, Assessor and we wanted to respectfully come before the Council when our projects were fully approved, permitted and reviewed so that you would know that we had two solid projects that were absolutely going to move forward and as Mike Grandfield from Hampden Bank said importantly that were strong enough to be financed by a commercial bank. I think that's important that we present to you real projects that have gone through the process. We are now at that stage. We received our final approval from the Planning Department for our project for the benefit of H.P. Hood on Main Street this week.

Councilor Rossi – Well, again, respectfully, here's a project that's been on the table here with the Town of Agawam for over a year and the Council has not been privy to any of that conversation between you and the town except recently over the last couple of weeks this City Council was afforded the opportunity to look over and review some of the paperwork from over that year's worth of progress that you and the town have made to come to this point. We have not had an opportunity to really look at and digest and make an intelligent decision on behalf of the community about this project – this tax abatement – can you understand that? So the time constraints here although we can appreciate your concern, I hope you can appreciate the fact that this Council had absolutely no knowledge or had any time to prepare and digest any of the information that you are about to give here and someone is asking us to make that decision in a very, very short period of time. I just wanted to make that aware to this Council.

President Rheault – If I may presented to us this evening in fact – are these two NEW tax agreements that were handed to us this evening?

John Tourtelotte – There's been, Councilor Rheault, at the request, after a legal review by Council member Gina Letellier, Councilor Letellier, to address the concern that Councilman Walsh summarized from the last Finance Committee meeting, Councilor Letellier asked that a statement be made saying that if our entity – Rivermoor-Citizens – the project entity owning each of the separate two projects were to ever experience bankruptcy, that the tax agreement would be null and void and we appreciated Councilor Letellier's review. She I believe has been looking at this material since it was placed in

the Councilors' packets approximately on November 3rd and we wanted to respond and I believe that the Town Solicitor, Vincent Gioscia, spoke directly with Councilor Letellier on Friday of last week and added that statement.

President Rheault – So what were the two agreements that were – is that in response to Councilor Letellier – that were handed to us this evening?

John Tourtelotte – Yes, that was at the request of Councilor Letellier and after her review and then we weren't in these conversations or privy to them but we believe she spoke directly to Town Solicitor Gioscia and it would seem to be a reasonable and prudent decision to add that language.

President Rheault – Councilor Magovern did you want to say something?

Councilor Magovern – I have a question. You've been working through the Planning Board I believe and the Conservation Commission on these projects, were you not?

John Tourtelotte – We have, Councilor Magovern, yes

Councilor Magovern – And when did you start working with the Conservation Commission and Planning Board?

John Tourtelotte – We began working with them by gaining their feedback on the properties and our plan development approach I would say in the neighborhood of June, July of 2011.

Councilor Magovern – And all of these reports were in our packets as City Councilors so that we knew exactly what was going on with this project from last summer because I've been following myself and I've been aware of this project so it's not as if it was just sprung on us at the last meeting, correct?

John Tourtelotte – That is my understanding and there are at least one member of the Council who we had the benefit of working with on the Conservation Commission, Councilwoman Messick.

Councilor Magovern – Because I know I've been in interest of the solar panel project and I know I've been talking with Debbie Dachos about it last summer and a lot of my questions had been answered during the year as I've been following your progress. So thank you.

President Rheault – Councilor Walsh?

Councilor Walsh – Yes, I had talked with Councilor Letellier this afternoon and she had requested Attorney Gioscia to come up with a draft stating the agreement would be void in the event of bankruptcy and she had not heard back from him at the time that I had talked to her so she was still waiting and now we have the agreement here. I don't know

why he didn't get back to her but I don't know if he has approved this or not because he never gave feedback to Councilor Letellier.

Mayor Cohen – Counselor Gioscia and I both called Councilor Letellier and she made it clear she didn't want to speak to me, only to him. There were conversations that went back and forth because I was copied on my computer. She received a copy of this either very early this morning or it was Friday so she did receive a copy of it via email because I also received a copy of it. We didn't know she wouldn't be here tonight but she was told that it would be inserted and she has a copy of this.

President Rheault – What have you prepared?

John Tourtelotte – President Rheault, could we approach the table?

President Rheault – Yeah.

John Tourtelotte – Thank you. We'd like to respectfully ask the Council members if we may make a brief presentation and then answer any additional questions that the Council has.

President Rheault – All right.

John Tourtelotte – Well, we've had the opportunity tonight to hear from a number of citizens from the community ranging from business owners, business operators and workers, from Hood and other area businesses, from science and technology teachers and from those in the community that are interested in advancing green energy and lessening our dependence on fossil fuels and imported oil. We wanted to make a very brief presentation tonight and summarize what we think are the three main points that support this tax agreement and to ask for the Council's consideration. Really brief opening, we feel strongly, Brian Morrissey, Ben Axelman and I, representing Rivermoor-Citizens that this is a unique opportunity for the town. The federal cash grant in 2011 is what enables the low cost power that we are providing to both the town and to Hood. The federal program produces a 30% reduction in project cost and that is needed at this point to make solar costs competitive with fossil fuels. Those dollars will be directed directly into the community of Agawam. The three points that we wanted to clearly communicate tonight in support of the tax agreement are that we have intentionally selected two parcels of undevelopable land. The economics of solar are very tight. In order to have a financeable project, we need to have a very efficient cost structure and that enables the 15% savings to the town in the first project and to Hood in the second. The parcels that we select, not just in Agawam but in other communities such as Holyoke where we just received full town set of approvals as well, our parcels that really aren't appropriate for commercial development and therefore the land values and the tax structure would be in line with the solar development. Our plan is to pay 100% of the taxes on the ground, the real property taxes, we are not asking to change that in any way and in fact, we're subject to increases just as every property owner, business and residential, are in the town. This is not a, this is a no-risk proposition for the town in the sense that the town has no capital

expenditure and no operating costs from either project – one directly benefiting the town citizens in its municipal budget and second we would argue also directly benefited the town at H.P.Hood through continued employment and continued success of a very major tax payer and employer. So that's the first reason. The parcels that we have selected on Route 57 as you've heard are highly undevelopable and not attractive for commercial development and the landfill by definition, the Mass DEP and from an engineering perspective, you cannot develop anything on a land fill, you cannot build a building on it, it is considered a brown field. As Mayor Cohen has said we've done two brown fields successfully in the eastern part of the state and it is a highly appropriate land use and that is why the Mass DEP has a formal program to encourage solar on landfills as was done very successfully locally and announced a few weeks ago by the Town of Easthampton. The second reason is economic development and cost savings. As a student of history, we think back to the Great Depression and FDR and what did we do as a society to come out of that? The country pulled together and at a local level it took action. I think that and we feel strongly that economic development does happen at the local level. It doesn't happen through discussions in Washington D.C., it happens on the ground. We have an opportunity to advance clean energy and technology in Agawam and to send a strong message as you've heard tonight from the Chamber and business owners, that Agawam is pro-business. Growth creates growth. Businesses want to be in a vibrant commercial environment. They want to be in an environment where they can hire dynamic people and they can be successful for the long run. Secondly, businesses like efficient government. If you think about the auto companies that moved into South Carolina in the Greenville area, they did it for a reason which is government is receptive to business and they wanted to hire local people. We are going to send a signal that the Town of Agawam is progressive, that the Town of Agawam will make an affirmative step to save a million dollars for the first 25 years of this contract on its own bills and secondly that the town is not only looking out for its own municipal operations but that it is progressive and thoughtful enough to share benefits with a major employer in Hood. Lastly, on the point of economic development, economic development as the teachers who have spoken here tonight really comes from the climate that fosters innovation. Agawam is blessed to have the Robotics Department that we heard from tonight. They are blessed to have teachers like Nancy Bobskill who is an award winning teacher at a state level in Science and Technology. We have spoken with Nancy, she had a death in the family and was not able to be here tonight but we committed to Nancy that we would integrate this project into our AP Science class in the following way. We will provide copies electronic of all of our construction plans and overview them to her class. That's the first phase, the engineering phase. Secondly, in the construction phase, we will come in and present to the class on our construction approach and we will schedule site visits so that the class can see how the solar arrays are constructed to the engineering plans and lastly, in the ongoing operations of the solar arrays both for the town asset and the H.P. Hood asset, we have a web-based system that shows minute by minute, hour by hour, week by week and month by month production of solar energy. That is what a Science teacher or a Business Statistics teacher would refer to as a rich data set. That data set can be cross-referenced with all kinds of meteorological events with changes in weather and it could be used as a living laboratory for the students and the idea is to engage them physically, to get them to see everything from planning to construction to operation. So

that's the second reason – economic development, cost savings and a climate of innovation in town. The last reason is that and we think this is very important all of the town Departments have reviewed these two projects thoroughly and it has been a pleasure. It is a lot of work and it's a lot of money to go through a full town planning and Planning Board approval and Conservation Commission approval. We have endeavored to do that professionally, diligently and respectfully and we've come away, we think, with some really good impressions of the Town of Agawam in terms of how its departments are run. We've had a full engineering review, full town planning review, building department, very careful review by the Building Department Inspector, Police, Fire, Conservation Commission, legal, and environmental review and we welcome Councilor Letellier's additional review. It wasn't mentioned but in addition to her language in the agreement we also shared information with her on the full tariff, the law, the Green Communities Act and we welcomed her questions just as we welcome yours tonight. These projects are fully approved by the Planning Department and Conservation Commission and we wanted to come before you when they were ready and they were financeable. The finance-ability of these projects it cannot be stated enough is contingent on the 30% federal cash grant – that is what makes these projects work today so that they can successfully move forward and provide discounts to the town and to Hood. And that really is the imperative. We have an imperative for timeliness, we have an imperative for decision-making and going back to the FDR example, we have an imperative for local action, not just discussion, but action and based on what we've seen in Agawam so far, we've been impressed and we're confident that the Council will vote to approve these two tax plans. Thank you very much.

President Rheault – Thank you. Any questions from the Council? Councilor Perry?

Councilor Perry – Yes, Mr. President, thank you, through the Chair to John and I understand the hard work that you've gone through with the Planning Board, Conservation and all the Department Heads and coming to a deadline as you stated by the end of this year for the 30% grant money from the federal government – did you have a Plan B if we said no? Or is Plan B just walk away from the whole project after all that work you put in it?

John Tourtelotte – That's correct.

Councilor Perry – Your Plan B is just walk away?

John Tourtelotte – Absent some development that we're not aware of currently, that would be the result.

Councilor Perry – Okay, so you didn't have, you spent all this time and money on this project hinging that this Council would approve these two agreements. You spent a year and you're telling me that Plan B is if we didn't approve this, it would be to walk away? That doesn't make business sense to me.

Brian Morrissey – These are risks we face every day in the world of development. All right? At any stage, let me finish Councilor – at any stage in the development process we have all sorts of hurdles that we’ve got to get through and any one of those hurdles can completely derail a project and we’re out funds associated with development. From a Citizens Energy perspective these solar projects and the amount of money that we spend developing these projects anywhere from \$100,000 to \$200,000, those, there not, it’s not a huge amount of money when compared to other energy projects that we develop. That, my colleague Ben Axelman is very experienced on the wind side of the house and we’re talking multiple millions of dollars to develop projects where again one simple hurdle that doesn’t get over, you know that’s out and that’s the world of development that we live in. The, if this, if the federal cash grant, if we’re unable to reach that federal cash grant, basically John and I will be scrambling to ...off with the projects. We’ll look to, we could potentially recoup some of our costs by trying to sell the project off to a major utility like a WMECO or Constellation but we don’t feel that that’s in the same spirit that we bring this project to the table because we want to have an active investment in the community through some of the educational programs that John mentioned and the like so it is, the economics change drastically if we miss this cash grant is the bottom line.

Councilor Perry – No, and I understand that Brian and just to go back a little bit as Councilor Magovern had said that the Planning Board, the Conservation Committee, those notes were in there but there’s nothing in those notes about an in lieu of tax agreement until it came to us in November so what I’m saying is you should have, I know you’ve had talks with the Mayor and the City Solicitor long ago in regards to this, you should have contacted the Council and get our Finance Committee involved in it because this is a lot of information and a huge decision that we have to make this evening on a project that if we say no, according to you, is gone.

President Rheault – Councilor Rossi?

Councilor Rossi – Yes, briefly, I spoke to both of you at the sub-committee meetings and I think you know how I feel about the project. I’m fully in favor of this project. I don’t think there’s any question about that. I happen to be on the Energy Commission here in Agawam and I have written, as the Mayor said, I have written Resolutions to declare Agawam a green community although it didn’t fare very well in Boston however but hopefully over a period of time we’ll get that to work but one question I’m asking, I know that there’s an agreement between your corporation and the Hood Corporation. Are you, those tax, those energy credits for Hoods, are you selling them at a reduced cost, is that the plan?

Brian Morrissey – Yes, it is. We almost have, the agreement is almost identical between what we have with the town and what we have with Hood.

Councilor Rossi – Well, the town if I read it correctly, the town is gonna get those tax, those energy credits in lieu of the personal property tax, correct?

Brian Morrissey – No.

Councilor Rossi – We’re buying those energy credits from you?

Brian Morrissey – Yes, that’s correct. There’s an entirely separate agreement than the personal property tax plan.

Councilor Rossi – And how much are we paying for the energy credits?

Brian Morrissey – You will receive a 15% discount on all of the energy that we generate.

Councilor Rossi – Approximately what would that be?

Brian Morrissey – It depends on energy prices but we’re estimating anywhere from \$30,000 to \$40,000 per year.

Councilor Rossi – So if I look at this thing without really looking at it too deeply and I looked at what we pay for energy costs in this town, I’m guessing it’s somewhere around \$200,000, looking at 15% we’re talking about somewhere about \$30,000 benefit to the community if we’re talking 15% kick back on energy credits but that’s not the case here.

Brian Morrissey – Right. Let me, one point of clarification on the energy sale contract, right, so we are utilizing what is called essentially net metering in Massachusetts in order to sell or to provide the benefit to the town and to Hood and what net metering allows is essentially for you to put a project in one place and virtually sell that power to somebody else, all right? And the whole concept of net metering is think if you put solar panels in the roof of your home all right? During the day, you shut all your appliances off, you go to work and those solar panels are generating electricity cuz hopefully the sun is out and it’s a nice day, right? What happens under net metering in that case is you, as a homeowner, your net meter is spinning backwards because you are producing more electricity, you are putting electricity onto the grid as opposed to consuming as most households do so you have kind of a dual flow of electricity when you have solar panels on the roof of your home. This is the exact same concept except we don’t have that home on site that all of our electricity is flowing off so in our account with WMECO, it’s all negative, right, and the way that WMECO compensates us is they give us credits. Think of it as a WMECO gift card, right, you have this WMECO gift card that’s worth in theory one hundred dollars and we tell WMECO, give that gift card to the Town of Agawam or give that gift card to Hood and then we have a separate agreement that hey on your electric bill there’s a line item that says you’re minus \$100 credit and then you pay us \$85 for that credit so that difference in the credit versus what you pay Rivermoor-Citizens for, that is the savings to the town. So it’s a 15% savings on the amount of energy that we produce from our facility and the value of that savings is dependant on one, how much energy we produce which is a direct, is directly correlated with how much sunlight there is obviously and the second is what are WMECO’s electric rates. So as WMECO’s rates go up –

Councilor Rossi – I don't mean to cut you off – I understand the concept – my question to you was how much do we have to pay for those energy credits, that's how much does the town –

Brian Morrissey – You pay 85% of its total value.

Councilor Rossi – We're paying 85% of the total value of the energy credits?

Brian Morrissey – Correct.

Councilor Rossi – So we're getting 15% off of the energy credit and that will amount to minimal.

Brian Morrissey – It amounts to \$30,000 or \$40,000 a year.

Councilor Rossi – A year?

Brian Morrissey – Depending on where you see power prices going and historically it's been going about a 3% escalator each year, you know, obviously as the electricity prices increase, the value of the benefit that we give to the town increases commensurately with that increase in energy prices.

Councilor Rossi – So and for that we're gonna give you an exemption of \$8000 actually \$5000 on that property over off of Shoemaker Lane, \$8000 off of Mushy's and we're probably gonna lose somewhere in the neighborhood of \$100,000 on personal property, if you were to pay the full retail value of the property, of the personal property and that's a considerable difference.

Brian Morrissey – These are two separate agreements.

Councilor Rossi – What I'm talking about is the agreement, the tax agreement; I'm fully in agreement with your system. I think that the solar panels should go in tomorrow. I'm here talking to you strictly about the tax incentives and I'm here talking to you concerning my representation of the citizens of his community. That's where my interests lie. I'm talking to you strictly for them and I say to you, this discussion is strictly on the tax incentives and not the solar panels. Everybody here is in agreement with the system I think everybody knows, I think everybody is paying attention to what our leading scientists in this country are all telling us that we need to go in this direction or we're gonna be self-destructive, no argument. My concerns here are the tax incentives here. You're asking us to allow you to pay \$5000 on personal property when we could get substantially more money, ten times that amount, on the personal property and all we're getting is 85% on the tax credit and that's what I'm here to talk about.

John Tourtelotte – We appreciate that you raise that question, Councilor Rossi. I think it's a question of alternatives and going back to our three key points for tonight, the Route 57 property is not developable and in order to have a successful solar development

that can be financed and has a strong financial structure to support a successful development over a 25 – 35 year period, we do need to have an efficient overall cost structure. You are not alone. The Town of Agawam is not alone in facing this question of personal property tax as relates to solar and wind equipment. In our case, very importantly, we are paying one hundred percent of the land taxes on both the Rt. 57 property and on the Mushy's property. In addition to that one hundred percent taxes on the land, we are paying an additional amount as advised by DOR to cover personal property taxes in a way that provides for predictability to the town over a long term period and in a way that allows us as sponsors and owners of the project, developers of the project, to go to our bank and successfully obtain financing. These are very lean projects. They're more of a bond return than a private equity or venture capital return, that's the definition and one of the things that we'll walk you through in a moment is some comps if you want to call it, some comparatives, we just had a tax plan approved in the City of Holyoke last week, very comparable. The City of Holyoke did not receive the same level of power savings on 57 that the Town of Agawam does but it's comparable. Other towns in this region such as Easthampton are going through the same question. Many towns as Councilor Perry pointed out do allow for a full exemption. We are more conservative. We do want to pay personal property taxes in addition to the land and we think that's a healthy thing to do.

Councilor Rossi – Now, if you went to the state route as Councilor Perry alluded to earlier, what would that price tag be if you paid your personal property taxes through the state industry?

John Tourtelotte – This is a new industry. There isn't absolute clarity and it's a case by case basis but in a manufacturing environment, our attorneys have advised us that the taxes could be zero for personal property.

Councilor Rossi – Then why haven't you gone that route? If it's gonna be \$0, why haven't you gone that route?

John Tourtelotte – Again, we are conservative as we are long term investors of projects. We are different and this is an important point about Rivermoor-Citizens and Brian Morrissey will help me answer this question, but we have a social purpose. We do believe in investing in the local community. I am from Springfield, MA. I went to Cathedral High School. I used to as you heard in the Finance Committee meeting, I used to go to the batting cages at Snake Riley's out on Mushy's, Citizens Energy has been extremely active in Agawam. Over the past five years, they've helped over 267 households with fuel assistance averaging over \$5000 a year in charitable donations so we are different. We're not big oil. We're not represented by Wall Street. We have a leaner structure – more entrepreneurial and we want to make a long term commitment to the town and in doing that we will pay both land and property taxes and we want to do that in a very straight forward fashion that's economic for all involved.

Brian Morrissey – In adding to the manufacturing exemption, as John mentioned, we put together projects that are very conservative. We want to make sure that they are there

for the long run because we are in these projects for at least twenty five years, potentially even longer depending on how technology and everything else developed. Upon review of the manufacturing exemption, we felt it was not at the heart of the manufacturing exemption, we felt it was not a very straight forward exemption, potentially something we could hang our hat on but upon legal review, conversations with DOR, we felt this was the most straight forward route to go for a tax agreement.

Councilor Rossi – Also the state industrial is non-negotiable, correct?

Brian Morrissey – I'm sorry?

Councilor Rossi – Also the state industrial is non-negotiable.

Brian Morrissey – The state industry is not negotiable?

Councilor Rossi – The rate is non negotiable. You can't negotiate the rate is my point.

Brian Morrissey – Correct.

Councilor Rossi – You can't negotiate it. You can with the cities and towns if we allow you to.

Brian Morrissey – Mhmm.

Councilor Rossi – That's why you're here.

Brian Morrissey – Correct and another point of these personal property tax numbers is as the Assessor mentioned at Citizen's Speak Time that these numbers are highly speculative as far as we're dealing with high technology here. We're dealing with projects and products that have five year federal depreciation schedules. We're dealing with projects that you know the cost of solar panels in January of this year were about \$1.90 a watt, that's probably ball park. Now we're looking at panel prices that are about \$1.00 a watt and that's just in eleven months or so and it shows the dramatic increase, increase in investment and changing technology dynamics of this industry and the whole point of this again what are these projects gonna be valued at a year from now? Two years from now? Is it gonna be like you buy a computer and you know that computer two years from now is essentially worthless because the technology has changed so much in a couple years and that could very well be where we're going and the whole point is, again, coming back to why this tax agreement, because that uncertainty of the evaluation of these projects is one of the main reasons for this.

Councilor Rossi – I understand that but looking at this thing from the very beginning, there's quite a bit, there's a big difference here between \$5,000 that you're asking to pay us and the amount of what it's actually worth in a fair open market. Would you be interested in say in the interest of both parties of say narrowing that gap a tad to make it more equitable for not only you but for the taxpayers of this community and maybe we

could work something out as a pay as you go kind of basis, something that could be maybe open-ended, to be reviewed every couple of years, something similar to what we do if an industry were to come in here like a tax deferral or an exemption to get you started, on your feet and get the ball rolling. Would you be interested in something like that or are we maintaining a hard line approach, this is it or nothing?

Brian Morrissey –I think the main challenge with that is around financing. One of the main reasons we need a tax agreement in place is for surety around our investors because as John mentioned these are very, very tight deals. We're looking at private returns of 7%, 8% on these two projects. If you look at when the value is created in these projects, 30% of the project costs are returned within 60 days of COD with this federal incentive that we discussed, another 30% of the project cost is born out of federal depreciation which is all tied up in the first five years and so that right of the bat, that is essentially 60% of your project's costs in federal incentives, as soon as you put this thing in the ground. So essentially we have cash streams that support 40% of project costs over the life of the project, this will kind of give you an idea of how lean these projects are, if our cash flows are not supporting the overall \$6 or \$7 million investment of these projects, it's supporting 40% of these projects so when we you know first started negotiating these dollar amounts with the Mayor and his staff, it was what can the project support? As John mentioned, we're, we pride ourselves in not being the typical local, or typical national big developers. We have, not only, we have a vested interest in the community, we want to provide back to the community, especially for citizens that is one of our core missions and so we came into good faith negotiations with the Mayor as to what can these projects support? What is the maximum number we can do for these projects in order to give as much benefit to the town as possible? And, in our kind of other tax agreement chart over here, we try to put up a few other data points of solar projects and wind projects that showed some local New England comps where they're all relatively in the same ballpark on a production basis. It's hard to get a whole lot of solar data points up there because again this is a very new technology. There are some towns who have, who are taxing these things as zero personal property; there are other towns who do not take that approach.

Councilor Rossi – I don't want to tie up this whole dais, let other councilors have their shot, just one last question here that I will pose to you is this \$5,000 and \$8,000 tax exemption that you're asking for, those are your figures that were presented to the town that you feel you need to make this project go? Is that correct?

Brian Morrissey –We originally, I believe we originally proposed \$5,000 and \$5,000 on both projects and through negotiations with the town; we came up with \$5,000 and \$8,000.

Councilor Rossi – And the \$8,000 was for the Mushy's property?

Brian Morrissey –That's correct.

Councilor Rossi – Which the town benefits nothing from?

Brian Morrissey –Well, I think the town would benefit through support of a large employer such as Hood.

Councilor Rossi – Okay, thank you.

President Rheault – Councilor Messick?

Councilor Messick – Can you talk a little bit about the, Brian had mentioned it, the highly speculative nature of the value or the cost of the solar panels? You mentioned it was \$1.90 per megawatt earlier and now it's \$1.00 so over the long term, how is this property likely to be valued?

Brian Morrissey –Again, that is one of the main reasons for, why we're approaching with the tax agreement is to reduce that uncertainty for our investors as far as what is that tax burden going to be over the life of the project. One, what is that number and two, is it a number that the project can support? So, again, I brought up the \$1.90 a watt versus \$1.00 per watt today and it's purely a simple example of how quickly the cost around these things change and how dramatically costs around these things can change. Even if you looked a couple years ago, that \$1.90 a watt was \$3 - \$4 a watt so the solar industry again is a very high technology industry that's changing rapidly. There's a lot of investment going on in the industry right now which promotes obviously innovation and you have new technology development and that's what we're seeing today. Again, going back to the computer example for lack of better high technology examples, it's a question of what is that computer value two years from now. What is an iPad 1 valued at now when they've got an iPad 4, right? So through kind of new generations of technology, it very much complicates the evaluation of these things and I can't give you straight answers to what this project is gonna be worth five, ten or even two years from now. As the Assessor mentioned some of the challenges that he's faced when looking at this project and how to value this, it's difficult to value today but what is it gonna value, what's it gonna be valued twenty years from now, that's a big question and what we're looking for is a surety around that so our investors can feel comfortable to make appropriate investments in these projects.

John Tourtelotte – Correspondingly it gives, I think it, we're looking for a win/win here and more than a cliché than actually to make it happen and on the win/win side, when we take our project in for a loan to Hampden Bank or to another local bank, we can say we have a real financial model. It makes sense. It's underwritable, it's financeable. For the town, the town gets some certainty in that it has in addition to the taxes on the land which we're paying again, it has an additional amount of personal property that they can schedule and allow the tax base to grow over time and it may be the case that we're overpaying on personal property taxes but we'd rather have the certainty and we do want to make a commitment to pay additional taxes in town.

Councilor Messick – Now right now Mushy's is under 61, Chapter 61, so and how much are they paying in taxes right now?

John Tourtelotte – I believe it's about, Debbie told me these number were wrong –

Councilor Messick – About \$2,000?

John Tourtelotte – I believe it's like \$850 –

Kevin Baldini – Right now the land is assessed under Chapter 61B and the twenty acres is assessed for about \$600 in taxes.

Councilor Messick – Wow.

Kevin Baldini – And if it gets removed from Chapter 61B, it will be assessed for about \$2,400 in taxes.

Councilor Messick – Okay.

Kevin Baldini – Again, it's not, I'd like to just also say it's not an additional tax revenue to the town because again the tax levy, once the tax levy's set, it doesn't increase the tax amount they're gonna collect from this project but it does increase the tax base and to be honest what will probably happen is that we'll go up a little bit in value too because right now we have all sorts of restrictions on the property in terms of its development potential because it has access problems and it hasn't been developed. Now that it will be developed with this, it'll probably end up increasing the value of that land.

Councilor Messick – Okay, and these guys would be subject to paying the tax on the increased value of that land?

Kevin Baldini – Yes.

Councilor Messick – Okay. As far as the Shoemaker property goes,

Kevin Baldini – Am I still here?

Councilor Messick – Yea –

Kevin Baldini – I didn't know if I should leave!

Councilor Messick – The agreement says they're going to be paying the same amount of real estate taxes on that property, the same amount?

Kevin Baldini – Right now it's, I believe, at \$10,800.

Councilor Messick – But with development that would also most likely increase?

Kevin Baldini – The land value?

Councilor Messick – Yea.

Kevin Baldini – That’s a different piece of land because that is being assessed right now as fully developable commercial land so that would increase whenever we do our updates. If we see that commercial land is going up, that would go up. If we see that commercial land is dropping, then that would probably go down, that would go down too in concert with other properties of that commercial/industrial property.

Councilor Messick – Okay.

Kevin Baldini – I don’t think I would increase the value, if it were developed with a truck terminal or anything else, it’s already being assessed as developable land whereas Mushy’s is not the case.

Councilor Messick – Okay but without any development whatsoever, they’ll be taxed as they are until they are developed.

Kevin Baldini – Yea.

Councilor Messick – Okay and I think it was one of our Citizen’s Speak Time gentlemen, is it Byron Nichols (Bryan Nicholas) said that the Shoemaker property has been on the market for twenty-nine years?

Kevin Baldini – I guess so. I walked the property and it’s a very difficult property to develop. There’s a trough going across –

Councilor Messick – Oh, I’ve been out there quite often.

Kevin Baldini – Yea it’s a hard property to develop. So I think you’ll see if it’s not something like this, I think you’re gonna see it with trees on it for a long time.

Councilor Messick – Okay, that’s all the questions I have for you. I just wanted to go back to the 15% discount on the energy for a minute and ask what kind of variability there will be as far as production goes?

Brian Morrissey – There’s very little variability during production. Solar is a very unique resource. It’s very dissimilar from wind in that it’s not as vocal as wind is. So wind can be very different on one corner of the block as opposed to another corner. Where solar is very predictable and you might have one low month or low production month or another high production month but statistically speaking over the course of a year, it’s very, very predictable so we’re, really the only variability that you’ll have in how much, how many net metering credits we provide to the town is really through the price of electricity. And so we feel it’s a good hedge so as electricity prices go up, the power, the town’s electric bill goes up as well, but so do the value of the credits we provide to the town.

Councilor Messick – So they're tied to the value of the cost of electricity?

Brian Morrissey – Exactly. Exactly.

Councilor Messick – Okay, thank you.

President Rheault – Councilor Walsh?

Councilor Walsh – Yes, Assessor Baldini provided us with some costs for the project and the Hood project I think was \$4,700,000 of property and I don't know if these are his figures or whether he got them from you, and we had the cost for the Route 57 project at \$4,500,000. Are these correct figures?

Brian Morrissey – It's, those are figures that we presented to Kevin.

Councilor Walsh – Okay.

Brian Morrissey – We feel as far as what should be assessed as personal property is potentially a little high but again as Kevin mentioned, these numbers are very speculative and it's again it's a new path that everybody is kind of running down right now as to what is the actual value of these projects.

Councilor Walsh – No I understand that because you're, we're dealing with personal property as opposed to real estate so we're dealing with a depreciable property where the value is going to go down and I believe he had indicated to us that they have a depreciation method which is not the normal accounting but when they get to year 9, they go into a 25% of cost and go with that thereafter so I was looking at the figures and saying okay, first year project, just taking the Hood solar project and you're looking at full real estate taxes, if there was no agreement, at \$133,100 round figures. The solar project for Rt. 57 would be looking at about \$127,440 at full, in other words if you were just to build it and we were to assess it that's year one. They're gonna go down in other years. Now I was kind of playing with the figures and saying okay if the \$5,000 and the \$8,000 figures looked pretty low and I was wondering if you would be agreeable to just taking that 9th year which is 25% which in the case of the Hood project would be \$33,275 and the case of the Rt. 57 project - \$31,860 and round them down if you will – if that would just be acceptable to you giving you the hard fast numbers you need to go into your bankers, in other words your banker wants to see hard fast figures of what this project's gonna cost. If we were to increase those figures – the \$8,000 up to say \$33,000 and the \$5,000 up to say \$32,000 and just have that as our 25 year agreement – would this give you the leverage you need with your banker in order to fulfill this project?

John Tourtelotte – Thank you Councilor Walsh. The short answer to that question is that any additional amount over and above what the town has negotiated for these two properties would cause the financial model to break and the projects to be unprofitable

and unfinanceable. We would not be able to move the projects forward. We would not be able to obtain a loan and they would not be investable undertakings.

Councilor Walsh – Thank you.

President Rheault – Councilor Bitzas?

Councilor Bitzas – Yes, who made those graphs? You did or the Assessor?

John Tourtelotte – No, we did.

Councilor Bitzas – Okay. May I speak to you Kevin? Can you come over to the microphone? Okay, I just wanted to make sure now those two parcels they are one is for 29 years not available to sell and it's almost like undevelopable properties, correct?

Kevin Baldini – I would say both are pretty, you never want to say anything is undevelopable obviously we're developing it tonight but in terms of conventional development.

Councilor Bitzas – Correct.

Kevin Baldini – Right, they're not prime sites.

Councilor Bitzas – They're not prime sites.

Kevin Baldini – Right.

Councilor Bitzas – So logically with all the experience we've had in the past, those parcels they stay there for another twenty years or thirty years without getting any money to us back, correct? Do you agree with these figures? I mean did you –

Kevin Baldini – Well, the figures that I put on the chart, the real estate tax for Shoemaker again it's over 25 years and I started out with the \$10,000 - \$10,980 – and factored in a 2%, I think that's what they did, factored in a two percent increase of taxes per year to come up with a number that would be realistic for that 25 year time period. The tax agreement for Shoemaker is based on and the tax agreement for the landfill is based on numbers that I provided in terms of I took the \$5,000 for the Shoemaker agreement and divided it by the current rate to come up with the value to be placed in that agreement and again I assumed a 2% increase per year which may be a little generous because that property value stays in both agreements, stays at \$176,500 and \$282,500 I believe are the numbers so that might not be quite as much as you would get but the town's savings on the electric bills are numbers that they have estimated, Rivermoor's estimating, will be savings to the town in terms of electric savings. The only number again I had a little bit of a problem with was the real estate tax for the landfill because when the property's pulled out of 61B again you just add more property value to the entire pie and they would pay more, that particular piece of property would pay more.

There wouldn't be any more benefit to the town in terms of tax dollars received if Councilor Rossi you put an addition on your house, you would pay more but if the budget is still \$47 million, you're not gonna, we not gonna take your additional money that comes from your addition on top of that \$47 million tax levy. It's a part of that tax levy, the same as here, the additional value that comes out of the chapter would just add to the tax base. So in general I do agree with the numbers but it's just that one little line about the tax landfill, I think it was, we're not gonna get extra money for that.

Councilor Bitzas - Thank you. That's fine and also did you see this letter from the West of the River Chamber Board of Directors?

Kevin Baldini – I didn't see it, no.

Councilor Bitzas – Okay, they are saying about the benefits and of course they are in support of the lieu of tax – it's 830 over twenty years and it's very difficult, very difficult for us to do that but this is very unique opportunity for us to have the two undeveloped sites to get something better five of one than ten and wait for years and years and not come for the half so that's why I can see it. I don't know we probably discuss it ourselves but it's unique situation, it's, if it was any other situation prime time probably the Council would vote against lieu of taxes but this situation would not be here tomorrow and our vote to be a reason not coming here, it's very hard to swallow so it's hard, okay.

President Rheault – Councilor Perry?

Councilor Perry – Yes, thank you Mr. President, through the Chair, you mentioned that the property taxes you'll be paying 100% of the property taxes, I think in our Finance Committee meeting you're leasing the property, so the property owner will be paying those?

John Tourtelotte – In our lease agreements, we have an obligation to pay the underlying taxes and we're also paying ground rent which provides additional income to the property owners or land lease or ground rent. Just one, if I may, ask the Council this, one supplemental answer to Councilman Walsh's question on the accounting side is that the federal depreciation schedule is a five year depreciation so the method that Assessor Baldini used, we think is fair in the benefit of the town. It's more advantageous treatment than the five year depreciation. The second thing is the Town of Agawam is not alone in negotiating tax agreements on the personal property and they're trending as ours are and this is not unique to us. Financial models are known and we are truly paying the maximum that we can in order to make the projects successful for all involved and to provide and overall basket of benefits to the town.

Councilor Perry – May I continue?

President Rheault – Yes.

Councilor Perry – Thank you. Now I know on your map over there, other tax agreements here, looking your company up, John, on the website, you’ve developed and it states right on there, a number of different solar projects similar to this at Haverhill, Dorchester, I believe the largest roof top was Boston Water & Sewer, were those projects also utilizing federal grant money to build like you’re asking, the 30% that you’re hoping to get, were those projects built with that type of money also?

John Tourtelotte – They were. In the case of the Dorchester project and the City of Boston which is 1.2 megawatts about a third smaller than the town project here, the 30% federal cash grant is used and all additional federal benefits associated benefits such as a depreciation that Brian Morrissey outlined – the five year depreciation schedule – and in addition there’s some state programs just as we’re using to drive down the cost of electricity, they were all utilized in the Dorchester project and then the Haverhill project, the exact same case. The Haverhill project is the largest current project in eastern Mass and it was financially engineered as carefully as these to provide a basket of benefits. In the last case, the Boston Water & Sewer Commission, it is a municipal project that we did for the benefit of the City of Boston’s Water Department and in that case, Councilor Perry, the town, excuse me the City of Boston and the Water Commission owns that project. As a result, the City not being a taxpayer was not eligible for that 30% grant but it did, the City of Boston, did receive a separate grant from the feds for a program called Solar Boston that defrayed some costs and we used everything we could to reduce the cost of electricity there as well.

Councilor Perry – Okay, so the Haverhill and Dorchester got the grant money. Did you enter into a tax agreement with those communities or are you paying full taxes?

John Tourtelotte – Interestingly, interestingly both of those projects historically were owned by the utility, National Grid, they were both what we could refer to as brown field sites or contaminated field sites, so like the landfill here in Agawam they had very limited development opportunities, in answer to –

Councilor Perry – The question is are you in a tax agreement with those two communities?

John Tourtelotte – In answer to your question –

Councilor Perry – It’s a yes or no answer.

John Tourtelotte – There’s an existing tax rate that was paid by National Grid that will continue for the properties.

Councilor Perry – So you have an agreement with them or is it based on –

John Tourtelotte –It’s based on the historical –

Councilor Perry – Or is it based on any other business in Dorchester or Haverhill?

John Tourtelotte –It was based on the historical agreement that National Grid had with the long term property owner of those two properties. There's a difference there since they were already owned by National Grid.

Councilor Perry – Okay.

Councilor Bitzas – I make a motion to go out of Committee as a Whole.

Councilor Perry – mmm...

President Rheault – Not yet, Councilor Perry has further questions.

Councilor Perry – The energy credits based on fifteen percent energy savings to the community over the life of this project. We're looking at almost a million dollars in town savings on the electric bills. I know in the resolutions that come before us it says Rivermoor has agreed to provide the town with energy credits upon completion of the project. We're talking 15%, I mean is there a separate contract with the town stating that 15% will be held over the life of the project?

Brian Morrissey – Yes.

Councilor Perry – And we're not privy to see that contract?

Brian Morrissey – We're happy to share that with you.

Councilor Perry – It would have been nice I mean I'm looking at this and I'm hearing 15% but it's not in here, in what we're agreeing to. Okay but you do have that.

Brian Morrissey – I can provide it to you right now if you'd like.

Councilor Perry – That'd be great. You can give it to Barbara. In regards to before we come out of Committee as a Whole, I did ask in the beginning George that when you made the motion to go in, I said who was it for and you said everybody basically and I have had a request from a citizen in the audience, he says he has some information he'd like to share with us. Is that still open?

Councilor Bitzas – That's fine, yes, it's still open.

Councilor Perry – If I may, Mr. President? He handed me a note asking me if I could and seeing George opened the door, why not?

Councilor Bitzas – That's fine.

Councilor Perry – Thank you gentlemen. I appreciate it.

Mike Delnegro – Thank you. My name is Mike Delnegro. I live on 28 Losito Lane and from fifteen years ago I was a pretty regular here and I think some of you remember that. I know George does. I was a pretty controversial figure. I want to start out by saying that I think this is a great idea and I live off of Shoemaker Lane. I saw Citizen's Speak on TV and I want to apologize for not getting dressed because I found myself getting in my car and coming here because I think I have some information that some of you should know. I'd like to go over some history about even though I don't know a whole lot about politics and I don't know a whole lot about this project, what I do know, let me tell you what I do know. I do know an awful lot about the siting of power plants and if any of you have any questions it's still burning in my mind from way back fifteen years ago and by the way, Berkshire Power's in lieu of tax agreement was for twenty years. They're coming very close to an end. I don't want to be against this project. I'm too old and too tired to go through what Berkshire Power put me through. I had to hire a lawyer. They brought me to court. They sued me. It was a SLAP agreement – Strategic Litigation Against Public Participation – I won and I could go on and on but I'm not here for that. What I'm here for is to give you a little bit of history about Berkshire Power's in lieu of tax agreement. First of all it wasn't done in the very beginning before they decided. It was done during the process and they too if you remember, said we're gonna walk away. Let me tell you something, they have an in lieu of tax agreement that the first year would have paid \$900,000. You've got the Assessor here. The first year instead of in lieu of taxes, they paid between \$2 ½ and \$3million to the town in real property taxes. In lieu of tax means you don't pay tax, you pay something instead of tax. They want to pay \$5,000. Let me tell you something. I've got a home on Losito Lane; I pay close to that myself. Can I have an in lieu of tax agreement? How do I negotiate it for myself? Ask yourselves and I want this project, I really do, but ask yourselves are they really gonna walk away? Are they and if they are well, I feel sorry for you guys cuz I'd hate to have to make the decision. That's a terrible burden, hell I've tried to be a councilor twice, I'm glad I never got elected because I wouldn't want to make the decision that you guys are faced with. Heck, I had about five more points and my mind just went blank cuz I got off the track. Let me see if I can remember now. I'm gonna remember them when I walk away from the podium unless somebody asks me a question and I told you Councilor Perry in my note to you that I wouldn't embarrass you. I hope I didn't. I am speaking as a citizen that lives in Agawam, that's gonna have this facility right in my backyard. Oh, I know what it is. I have just three concerns – two very minor and one major. The minor concerns are first of all, we have a 40' height restriction, please when this does get sited, don't have them go through what we went through fighting with Berkshire Power, that's number one. There's a height restriction in this town and it's 40 feet. Number two, make sure you get enough bonding so that when they're going to dismantle this project for whatever reason, like they're going to mismantle Berkshire Power some day, make sure there's enough bonding somebody so that they can restore the land so we're not going to be looking at stuff that's there and finally it's the in lieu of tax agreement and the Assessor said to you, well first before I said what the Assessor said, when I was listening to him that's when I decided to get into the car and drive down here. I'm sure everything he told you is probably accurate but I just want to caution you that in lieu of tax taxes are not dischargeable in a bankruptcy. If something happens, they can walk away and they don't have to give the town anything. They just walk away. Taxes are not, real taxes are

not dischargeable so they owe us that money and we'd be top on the list by the way. I think we'd come right after the IRS and the other thing is this, he says that if it's possible that you could pay, we would get less in tax revenue if we decided to ask for real taxes because you know something about the value going down, okay, well, I don't know about anybody else in this town but I don't, I'm not sure of anything that went down that I buy and if solar energy is the thing of the future, if anything the value of a solar energy plant which by the way I hope kicks the hell out of Berkshire Power, the value of a solar energy plant would increase in value if anything. So you guys gotta roll the dice and you gotta ask yourselves, you know hey listen, these people are smart, shrewd businessmen and they want an in lieu of tax agreement. I wonder why? I wonder why? You think it's because they want to pay more money than they think they're gonna have to? Well, I got a bridge in Brooklyn I'd like to sell ya – they want an in lieu of tax agreement because it's in their favor just like Berkshire Power did and I don't know. I'm sorry for rambling on as much as I did but I felt an obligation to the town to come in and say something. Thank you.

President Rheault – Thank you Mike. Are you finished Dennis? Finished?

Councilor Perry – With my questions? Yes.

Councilor Messick – I believe Corinne would like to speak if that's all right.

President Rheault – Come on up Corinne. Join the party.

Corinne Wingard – Thank you. With all due respect to everybody, I think comparing this company with Berkshire Power is not appropriate. I think that, I think it's most unfortunate that we don't have a climate of communication in this town where the Council would have had a better sense of what was going on sooner, I truly do, cuz I think if that existed, we would have been done a long time ago this evening. So as near as I can understand we're talking about two parcels of land who are virtually worthless to the town and not liable to be worth anything any time soon and these folks are totally willing to pay the property taxes that we would be getting and conceivable could go up slightly so we're concerned about giving an agreement for something that we wouldn't be getting if they didn't do their development so please, consider this and approve this project. Thank you.

Councilor Simpson – Motion to come out of Committee as a Whole?

President Rheault – Moved by Councilor Simpson, seconded by Councilor Magovern to come out of Committee. All those in favor? Opposed? We're now out of Committee. Back on the floor for discussion and Councilor Simpson for the first time.

Councilor Simpson – Thank you. Sitting here listening to all the discussion I don't know if you're hearing me or not but sitting here listening to all the discussion and weighing some things back and forth, pros and cons and what not but I think one of the things I feel I want to take under consideration for this is not only the direct benefit to the

town as far as the power sell back, the credits to us, but also maybe for once, government and it's on the local level can actually do something for a company. I think that is another thing that we have not been really thinking about is the fact that we're, by doing this, a big company in our town which I believe they said employed somewhere around 300 maybe a little bit more, will benefit from this. We sit back and we ask why are companies going south, going overseas, why are they leaving New England and this area? It's because no one seems to want to help but yet we all cry when unemployment figures are up and what not and government just sits back and lets companies move and won't do anything to help them. Nobody can guarantee that at some point who would move I mean that's not saying it's set in stone because we do this. Many things happen a year down the road, ten years down the road but I think the fact that this company has been in our town for as long as it has, the amount of people it employs not only from our community but surrounding communities that we can finally, as a government body, give a company that has been in our community a chance for some help, I think really should be thought about also on the other side, not just the credits for us. I think that we would not want to see another major eyesore on Main Street if that plant left us. Just think about that, that big plant just sitting there empty if they had to move away so I think this is a good opportunity. It's a nice situation on both sides, for the town and also for a company in town which will in turn benefit once again, the town. Thank you.

President Rheault – Councilor Mineo?

Councilor Mineo – Yea, I actually agree with Councilor Simpson on that. I did put a lot of thought into this. I have met with John Tourtelotte. I met with him on a Monday morning a few days after I had surgery. I really wasn't in the right frame of mind but I did listen to everything they had said and I did speak with Brian and what Jill was saying we have a manufacturing company, in Massachusetts manufacturing is on the decline and I know we're talking about a tax agreement but if we were to lose Hood's, then we would be losing a large taxpayer. I think that this project is a benefit to Hood and it's a benefit to the Town of Agawam and I think it's a fair tax agreement.

President Rheault – Councilor Messick?

Councilor Messick – We've got two pieces of property that right now are almost completely worthless and I have been out on those pieces of property over the years, more times than I care to be out on those pieces of property trying to figure out what could possibly be developed on those pieces of property and the answer is the Shoemaker property has been on, they've tried to be marketed for 29 years. It's very likely it would go at least ten, fifteen, twenty five years more. This agreement we're talking about is 25 years. The Mushy's property – we've got wetlands, a flood zone, easements, it's a landfill, it's under Chapter 61. We've got a solar company coming in. We've got a statement to surrounding communities that we are solar friendly. We've been trying to become a green community, this certainly helps that cause which is dear to my heart. We've got an example for our students. We've got teachers that are already excited about putting a curriculum together around it. We've got support for Hood which is a large taxpayer and a local business but not only that we're actually, if we vote for this

tonight, supporting a new company coming in wanting to do something good for the town. I've done my research on this. There's no down side as far as I can see. What the situation is is we are getting a lot more from these properties that we'd ever hope to get and the benefits, the accrued benefits, the outside benefits are fantastic and the fact that people from the Chamber of Commerce came out and supported this and are commending us for considering doing this? When has the Chamber of Commerce ever said anything nice to us as far as our business atmosphere? So I'm just you know I just don't see a down side and I'm gonna vote for this and I hope everybody else does as well. Thank you.

President Rheault – Councilor Magovern?

Councilor Magovern – Historically I've been totally against in lieu of tax agreements and in comparing Berkshire Power I was totally against the in lieu of tax agreement with Berkshire Power and along with Council President Rheault and the rest of the Council we led the charge to get an actual tax base which netted the town \$3 million a year in taxes however, you cannot compare this program with Berkshire Power. These two pieces of property as Councilor Messick said are totally unusable brown zones, irregular property. If we don't do something with these two pieces of property, there never will be anything done with these pieces of property. I've spoken at great length with John about the upside, the downside. I'm very concerned about the involvement that he'd have with the School Department and I tried to twist his arm to get a little bit of cash to the School Department and I still hope that if this project goes forward they may see their way clear to give a little bit more than just assistance to the teaching staff at the High School but I think that it's great for education. I think it's great for communication to the other surrounding towns that hey, get on the band wagon for solar energy cuz I think solar energy is going to be our only salvation in the future. We don't want Mt. Tom spewing more coal dust up into the atmosphere and I think that solar energy is a pure way to generate power so with all the pluses the minuses and like I've said I've studied the process of this program. I think it's a win/win for Agawam and I'll be supporting this project. Thank you very much.

President Rheault – George? Councilor Bitzas?

Councilor Bitzas – Yes, Mr. President, yes I commend Mr. Delnegro, he was very passionate about his speech about Berkshire Power and what went on ..years ago, I did too along with other councilors here and the record shows, I voted against in lieu of tax for Berkshire Power. I don't like that but we compare here apples and oranges. Berkshire Power they have the building already there. It was prime industrial land. This here it's unusable land so it's two complete different situations. We may lose some revenues in the beginning but in the long run we great benefit the town, great benefit. Also, the Chamber of Commerce they came and send us letters in support for these tax agreement, it was the first time, I agree with Councilor Messick, that they came to us and that means we have to prove also and to the outside people, the voters of Agawam that our town is pro-business. We may have some bad name, anti-business, but we have to prove that we are pro-business. I have a hard time with this, I have a difficult time but

when I weigh the pro and cons, I put the column, the minus and the pluses, the benefits; I think the agreement ...so I will support it. Thank you.

President Rheault – Councilor Rossi?

Councilor Rossi – Thank you. I've been wrestling with this thing for quite a while to be perfectly honest with you. I believe in the use as I said earlier and I don't want to be redundant but I believe in the use of solar power but let's be honest and take this thing for what it is. We're looking at three people over here that represent a company like any other company to make money. They just happen to be in the business of selling solar power to the electric company and the electric companies are obligated to buy that power. In terms of the Hood Corporation going out of business if they happen to go out of business if they happen to go out of business it's not gonna be because they're buying power, not buying power from this corporation here. Hood's agreement with this company over here is like any other vendor that they would do business with, if they're making ice cream they would look at the cheapest way around for their milk products that go into that ice cream, there's no difference here. I don't think Agawam should be responsible if this solar project doesn't get underway and Hood's Corporation has to go out because if they go out it's not gonna be because they're not getting their 15% energy credit from solar power but the in lieu of taxes bothers me. This whole thing bothers me because when we say in lieu of taxes, the City of Agawam is giving up their right to taxes. We're saying you don't have to give us any taxes. You don't owe us any taxes but we're gonna enter into a sidebar agreement with you for some \$5000 and \$8000 respectively on these properties and should these properties go under, we have no claim under the taxes unless I'm really misreading the law. Our agreement would have to be enforceable through the courts because it's a contract that says these people will pay us \$8000 and if they go belly up, we'd have to take them to court to get our \$8000 whereas if they did pay taxes as Mr. Delnegro said, we would be second in line behind the IRS to be entitled to those taxes that are due us. I had suggested earlier to these gentlemen down here that maybe we could come to some agreement that would narrow the gap somewhat. If you look at the life of the agreement here in this lieu of tax program, we're talking over the life of this agreement about \$130,000 was that what it was, something like that or \$1,350,000, that's what it was \$1,350,000 and \$1,375,000 if I remember the numbers and over the, we would be giving up approximately if we're gonna get back a million dollars, we'd be giving up about \$350,000 per parcel over the life of this contract so we're asking the citizens of this community to give up \$350,000 that they would otherwise be due simply because these people are a solar company and everybody happens to be sensitive to solar power but I think we're losing sight of the fact that these people are just a business like any other business and their business happens to be solar. So what do we do with other businesses who want to come in here and asking us for lieu of taxes? Do we say they don't have to pay any taxes? That they can pay us \$5000 or \$8000 because they say if they can't do that, they won't be able to get off the ground, they won't be able to get running, they won't be able to operate. I don't know if this is the fair thing to do in terms of a community and as a community I've always been in favor of helping businesses whenever we can through tax incentives and deferments and everything else but they're still paying a tax and I think these gentlemen should pay a tax. Now I don't

think we should do anything in terms of lieu of taxes. I think the town is gonna get at the short end of this thing. I think we should come to some kind of an agreement and I'm sorry that we didn't have time to go over this thing but the City Council didn't have time to digest this to make an intelligent decision. To come in here at the eleventh hour and force us into making a decision because we've got a narrow window because you people have got a \$3 million or was it 30% of \$12million some \$4 million you're looking at for your project, well I'm sorry for that but I'm also sorry for the fact that we don't have the time to make those decisions that are in the best interests of the people we represent and that's the people and that's what we're here to do – to make a decision for them, those people that can't speak for themselves, we're supposed to speak for them. I don't know what I'm gonna do with this thing but I wish I had time and I wish I could convince these council members to take this thing in abeyance and that we at least had time to discuss this to see if the cost worth factors were there about giving this kind of incentive for you people to come into our town and operate. Now I understand that the properties that you're operating under have no other value probably but that's not the point here. The point is we're giving up a lot of tax dollars and we're creating one big precedent for other companies that want to come in here and I think we should weigh that very carefully and I think that's a decision we shouldn't make lightly and I would entertain for my fellow councilors if maybe they would like to take this under advisement at least for the next meeting and you people would still have your answer in time to go and get your incentive from your tax agreement or whatever that was and I will throw that out to any other councilors who want to listen.

President Rheault – Councilor Cichetti?

Councilor Cichetti – Thank you Mr. President. I've been sitting here for two hours listening to negativity and listening to positive things. From what I've seen the positive outweigh the negative. I think it's a great thing for the town to move into solar. I'd like to see more solar in this town and I spoke to John about that and John said if you could find more land, it's something they would look at. I've gotten letters in favor of it, our Town Assessor is in favor of it, our Mayor is in favor of it, everyone that came up here and spoke about it is in favor of it, so I just think there's nothing but positive that can come out of this and I will be definitely backing this one hundred percent. Thank you.

Councilor Magovern – I'd like to move the question.

Councilor Messick – Second.

President Rheault – Move the question by Councilor Magovern, I'm gonna move to table this until the next meeting to give an opportunity for the Council to better digest all that's been presented this evening.

Councilor Messick – Council President I seconded the motion to move the item.

President Rheault – I know but tabling takes precedent. Seconded by Councilor Rossi. Barbara please call the roll on the tabling.

ROLL CALL – 2 YES (Councilors Rheault and Rossi), 8 NO, 1 ABSENT (Councilor Letellier)

President Rheault – Two yes, eight no, one absent, you’ve defeated the tabling. Motion on the floor is to move the question. It’s been moved by Councilor Magovern, seconded by Councilor Messick, the question’s been moved. Barbara, please call the roll. All those in favor of moving the question I should say, now we’ll get a vote. Now you can call the roll.

ROLL CALL – 7 YES, 1 NO (Councilor Perry), 1 ABSENT (Councilor Letellier), 2 PRESENT (Councilors Rheault and Rossi)

President Rheault – Seven yes, one no, one absent and two present, you have approved the resolution. (applause) That wasn’t hard!

Councilor Bitzas – Point of information – that was to move the question – what? With a voice vote, oh okay.

President Rheault – Okay?

Councilor Bitzas – Okay, that’s correct.

President Rheault – Let’s go to the public hearing –

Clerk – You have the other one first.

President Rheault – Oh, that’s right. It’s been so long I forgot.

3. **TR-2011-57 - A Resolution Entering into a Tax Agreement with Rivermoor-Citizens, LLC for a Solar Development located at 365 Main Street, Agawam, MA. (Referred to Finance Committee) (Mayor)**

President Rheault – Moved by Councilor Messick, seconded by Councilor Magovern. Any further discussion? No? Moved the question by Councilor Bitzas, seconded by Councilor Mineo. All those in favor? Opposed? Question’s been moved. Barbara, please call the roll.

ROLL CALL - 7 YES, 1 NO (Councilor Perry), 1 ABSENT (Councilor Letellier), 2 PRESENT (Councilors Rheault and Rossi)

President Rheault – Seven yes, one no, one absent and two present, I think that totals it, you have approved the resolution.

Item 7. Report of Council Committees

None.

Item 8. Elections

None.

Item 9. Public Hearings

1. **PH-2011-6 (TR-2011-54) A Resolution Authorizing the Application and Acceptance of a Massachusetts Community Development Block Grant (Referred to Finance Committee) (Mayor)**

President Rheault – Now the continuation of the public hearing authorizing the application and acceptance of a Massachusetts Community Development Block Grant. Public hearing is now open again. State your name and address for the record if you would please. There's a button on there to turn it on. Thank you.

Andrew Loew – I'm Andrew Loew. I'm from the Pioneer Valley Planning Commission. I live in West Springfield. The purpose of the hearing tonight is to have some public discussion of the town's application for a Community Development Block Funding. We also, as your Agenda indicates, we're seeking the Council's vote to support the Grant Application through passing the proposed resolution authorizing the application by the Mayor's office. So I'll try to go quickly through this because I was here last year in the same capacity so I think you're all familiar with the program. I also met with the Finance Sub-Committee about a week ago so I think many of you are up to speed on this already but for folks who may not be up to speed, I'll just give a very brief background on the program itself. This is again the Community Development Block Grant. It's funded by the Federal Housing and Development Department for communities of Agawam's size. It's administered by the Massachusetts Department of Housing & Community Development. It is a competitive grant program so what we're seeking here is the Council's authorization so that the Mayor can sign off on our application to seek this funding. There's no guarantee that the funding will happen. The basics of the application – it's a regional application so there may still be some folks here from East Longmeadow. We're proposing that Agawam partner with East Longmeadow because under this particular grant program there are actually bonuses that the state had been regionalizing or has been emphasizing regionalization for the last several years and to make that goal happen, they are awarding extra points in the grant program to regionalize so by town's combining, the grant is more likely to happen and at the same time, the two towns we're looking at are very similar projects so we think it's a very good fit for Agawam to team with East Longmeadow. We're seeking about \$900,000.00 in grant funding. That's gonna be about a 50/50 split between the two communities. The application is due in the middle of December with a potential award date of June or July of next year. The projects we're seeking, for the most part, are the same as what we sought last year. There's a regional housing rehabilitation loan program, about 14 to 16 homes that'll be split more or less evenly possibly with a few more units in Agawam, regional housing authority improvement projects, so for that one we'll be seeking funding to do improvements at the Colonial Haven facility on Main Street as well as another facility in East Longmeadow. We'll be seeking to do a Regional Americans with

Disabilities Act planning project so that'll look how the two towns can plan to try to make their facilities and services more accessible for people with disabilities. One project that's just in Agawam will be to design some sidewalk improvements on Springfield Street between Mill Street and Franklin Street and another project that's just in East Longmeadow, that one will be to build an emergency generator at the Senior Center in East Longmeadow. This process hasn't just sort of arrived here without any support. We've, with the assistance of the Mayor's Office, put together a Community Development Advisory Committee which is chaired by Mark from the Planning Board. We've had meetings basically since about Labor Day. They've helped us put together the projects through the public involvement piece. We've had a Community Development strategy meeting at the Planning Board where the Planning Board endorsed the strategy that we're taking. We've had project-specific public meetings and outreach for the last several months. There were quite a few media articles about this which you may have seen and finally we're here tonight requesting your resolution for the Mayor's Office to make the application.

President Rheault – Thank you. Any questions from the Council for Mr. Loew? You handled it well. Anyone else who'd like to come up in favor to speak? Yes, come to the mic thank you.

Christopher Dunphy – Good evening. I'm Christopher Dunphy representing the Pioneer Valley Planning Commission, 60 Congress Street, Springfield. I'd just like to say we had some friends from East Longmeadow join us this evening to provide some support for this proposed grant. One of the individuals had to leave, Carolyn Brennan, I'd like her name introduced into record as supporting this grant, specifically she's the Senior Center Director in East Longmeadow and they're proposing they'd like to get a generator to provide back up energy in cases of emergency at that Senior Center. So Carolyn was here to voice her support for that and we also have two other gentlemen from East Longmeadow that would like to say a couple quick words. Thank you.

President Rheault – Thank you. Anyone else who would like to come up and speak in favor? They'll have an opportunity –

Christopher Dunphy – Mr. Dan Hellier, he was on our Community Development Advisory Committee –

President Rheault – Excuse me. We will provide an opportunity for them to just record their name.

Christopher Dunphy – All right. Dan Hellier, Community Develop-

President Rheault – No, after I left the opponents have an opportunity if there are any.

Christopher Dunphy – All right.

President Rheault – Is there anyone who would like to speak in opposition to it? If not, anyone who would like to just in name only come forward in support of the project? You can mention their names now if you'd like. If they want to come up -

Christopher Dunphy – Again, the individuals joining us this evening are Dan Hellier, he's the Community Development Advisory Committee Chairman and Mr. Robert Adams, resident of East Longmeadow. Thank you.

President Rheault – Okay, thank you. Anyone who would like to be recorded in name only against? If not, we'll close the public hearing and I do want to thank you for being patient with us at this time of the evening. Council's pleasure? Anyone want to speak? No? All right. As the motion is in front of us as attached, if you are in favor of it, please vote yes. I'm sorry?

Councilor Perry – Make a motion to move the question.

President Rheault – Moved by Councilor Perry, seconded by Councilor Rossi. Barbara, please call the roll?

ROLL CALL – 10 YES, 0 NO, 1 ABSENT (Councilor Letellier)

RESOLUTION AUTHORIZING THE APPLICATION AND ACCEPTANCE OF A MASSACHUSETTS COMMUNITY DEVELOPMENT BLOCK GRANT

(Sponsored By: Mayor Richard A. Cohen)

WHEREAS, the objective of the CDBG program is to support communities in their effort to provide decent housing and suitable living environments, and expand economic opportunities; and

WHEREAS, the last time the Town of Agawam received a Community Development Block Grant was 1983; and

WHEREAS, the proposed use of funds received under the grant could be expended to address sidewalk and roadway improvements along the Springfield Street corridor thereby improving the pedestrian experience and the roadway;

WHEREAS, the proposed use of funds received under the grant could be expended to prepare an ADA-Compliant Self Evaluation & Transition Plan to identify locations in need of accessibility improvements; and

WHEREAS, the proposed funds received under the grant could be expended to undertake a Housing Rehabilitation program to assist low and moderate income households; and

WHEREAS, the proposed use of funds received under the grant could be expended for code improvements at Colonial Haven and Brady Village; and

WHEREAS, it is in the best interest of the Town of Agawam to apply for and accept funds under the Community Development Block Grant program.

NOW THEREFORE, the Agawam Town Council hereby resolves; that the Mayor apply for said grant and that he execute all documents necessary to secure the award of the grant.

BE IT FURTHER RESOLVED, that if the Town of Agawam is awarded said grant that it accept the grant pursuant to M.G.L. 44§ 53A and to expend funds pursuant to the Town of Agawam FY12 Community Development Strategy and that the Mayor execute any necessary documents to that end.

2011 FEB 10 AM 10:00
COUNCIL CHAMBER
AGAWAM, MA

President Rheault – Ten yes, one absent, you have approved the resolution as attached. Thank you Mr. Loew.

Item 10. Old Business

1. **TO-2011-34 - An Order Granting or Renewing a AUTOMATIC AMUSEMENT Device(s) – Sabre Entertainment d/b/a Bourbon Park, 360 North Westfield Street, Feeding Hills, MA. 01030 (Referred to License Committee) (Clerk)**

President Rheault – Moved by Councilor Rossi, seconded by Councilor Simpson. A report from the License Committee?

Councilor Rossi – Thank you Mr. President. If I may at the Council’s pleasure, I’d like to group the first three items and take them as one vote.

President Rheault – Moved by Councilor Rossi to lump 2011-34, -35 and -36 into one vote, seconded by Councilor Perry. A report?

Councilor Rossi – Thank you. The vote is unanimously to vote a unanimous recommendation for a positive approval for TO-2011-34 An Order Granting or Renewing a AUTOMATIC AMUSEMENT Device(s) – Sabre Entertainment d/b/a Bourbon Park, 360 North Westfield Street, Feeding Hills; TO-2011-35- An Order Granting or Renewing an AUTOMATIC AMUSEMENT Device(s) – Polish American Club, 139 Southwick Street, Feeding Hills, and TO-2011-36- An Order Granting or Renewing a AUTOMATIC AMUSEMENT Device(s) – F.S.F., Inc. d/b/a The Riverboat, 11 South End Bridge Circle, Agawam.

President Rheault – Thank you. Any further discussion? If not, Barbara, please call the roll.

ROLL CALL – 10 YES, 0 NO, 1 ABSENT (Councilor Letellier)

President Rheault – Ten yes, one absent; you’ve approved the three items of Agenda.

2. **TO-2011-35 - An Order Granting or Renewing an AUTOMATIC AMUSEMENT Device(s) – Polish American Club, 139 Southwick Street, Feeding Hills, MA. 01030 (Referred to License Committee) (Clerk)**

President Rheault – See item #1 above.

3. **TO-2011-36 - An Order Granting or Renewing a AUTOMATIC AMUSEMENT Device(s) – F.S.F., Inc. d/b/a The Riverboat, 11 South End Bridge Circle, Agawam, MA. 01001 (Referred to License Committee) (Clerk)**

President Rheault – See item #1 above.

4. **TO-2011-37 - An Order Granting or Renewing a LICENSE for a CLASS I Dealer (s) – G&T Beaver, Inc. d/b/a Beaver Camper Service, 721 Springfield Street, Feeding Hills, MA 01030 (Referred to License Committee) (Clerk)**

President Rheault – Moved by Councilor Rossi, seconded by Councilor Simpson. A report from the Committee?

Councilor Rossi – Yes, thank you Mr. President. The Licensing Committee voted unanimously to send a positive recommendation for approval for the following licenses and again for the Council's pleasure I would like to group them under one motion if I may.

President Rheault – You've got the next three reminding you that they are Class II's.

Councilor Rossi – Right that's why we separated them. These all will be Class I or Class II Dealer Licenses that would be #4 through #7 and if I may it's TO-2011-37 -An Order Granting or Renewing a LICENSE for a CLASS I Dealer (s) – G&T Beaver, Inc. d/b/a Beaver Camper Service, 721 Springfield Street, Feeding Hills; TO-2011-38- An Order Granting or Renewing a LICENSE for a CLASS II Dealer (s) – Auto Kraft, 119 Walnut Street, Agawam; TO-2011-39- An Order Granting or Renewing a LICENSE for a CLASS II Dealer (s) – Balfour Motors, 1801 Main Street, Agawam and TO-2011-40- An Order Granting or Renewing a LICENSE for a CLASS II Dealer (s) – Dino Carando d/b/a Euro Imports, 325 Main Street, Agawam, MA.

President Rheault – The motion's in front of us to accept all four, I'll entertain a motion to accept? Moved by Councilor Rossi, seconded by Councilor Walsh that we group all four. Barbara, please call the roll.

Clerk – To consolidate? Okay, sorry, I just wanted to make sure.

ROLL CALL – 10 YES, 0 NO, 1 ABSENT (Councilor Letellier)

President Rheault – Ten yes, one absent, you've approved 2011-37, -38, -39 and -40.

5. **TO-2011-38 - An Order Granting or Renewing a LICENSE for a CLASS II Dealer (s) – Auto Kraft, 119 Walnut Street, Agawam, MA. 01001 (Referred to License Committee) (Clerk)**

President Rheault – See item # 4 above.

6. **TO-2011-39 - An Order Granting or Renewing a LICENSE for a CLASS II Dealer (s) – Balfour Motors, 1801 Main Street, Agawam, MA. 01001 (Referred to License Committee) (Clerk)**

President Rheault – See item # 4 above.

7. **TO-2011-40 - An Order Granting or Renewing a LICENSE for a CLASS II Dealer (s) – Dino Carando d/b/a Euro Imports, 325 Main Street, Agawam, MA. 01001 (Referred to License Committee) (Clerk)**

President Rheault – See item # 4 above.

Item 11. New Business

1. **TO-2011-42 - An Order Granting or Renewing a LICENSE for a CLASS II Dealer (s) – Bear Auto Sales, 517 Springfield Street, Feeding Hills, MA. 01030 (Clerk)**

President Rheault – Next Agenda. Send that to the License Committee.

2. **TO-2011-43 - An Order Granting or Renewing a LICENSE for a CLASS II Dealer (s) – Lafleur Auto Exchange, 374 Main Street, Agawam, MA. 01001 (Clerk)**

President Rheault – Next Agenda. Send that to the License Committee.

3. **TO-2011-44 - An Order Granting or Renewing a AUTOMATIC AMUSEMENT Device(s) – Buc, Inc., d/b/a Buccaneer Lounge, 86 Maple Street, Agawam, MA. 01001(Clerk)**

President Rheault – Next Agenda. Send that to the License Committee.

4. **TO-2011-45 - An Order Granting or Renewing a AUTOMATIC AMUSEMENT Device(s) – The Main Street Still, Inc., 858 Suffield Street, Agawam, MA. 01001(Clerk)**

President Rheault – Next Agenda. Send that to the License Committee.

5. **TO-2011-46 - An Order Granting or Renewing a AUTOMATIC AMUSEMENT Device(s) – T.J.’s Sport House, 1664 Main Street, Agawam, MA. 01001(Clerk)**

President Rheault – Next Agenda. Send that to the License Committee.

6. **TO-2011-47 - An Order Granting or Renewing a AUTOMATIC AMUSEMENT Device(s) – West Springfield Fish and Game Club, 329 Garden Street, Feeding Hills, MA. 01030(Clerk)**

President Rheault – Next Agenda. Send that to the License Committee.

7. **TO-2011-48 - An Order Granting or Renewing a LICENSE for a CLASS II Dealer (s) – Garden Auto Sales, 204 Garden Street, Feeding Hills, MA. 01030 (Clerk)**

President Rheault – Next Agenda. Send that to the License Committee.

8. **TR-2011-58 - A Resolution Adopting a Residential Factor of 0.00000 pursuant to Massachusetts General Laws, Chapter 40, Section 56 (Mayor)**

President Rheault – According to the Resolution drafted, we need to call for a Public Hearing which will be December 5th. Any problems with that? If not, December 5th we will have a Public Hearing.

9. **TR-2011-60 - A Resolution Appropriating from the Community Preservation Fund and Authorizing the Expenditure of Community Preservation funds for Cooper Commons, 161 Main Street, Agawam, MA. (Mayor)**

President Rheault – That should go to the Ad Hoc CPA Committee, next Agenda.

10. **TR-2011-61 - A Resolution Appropriating \$492,933.00 from the Agawam Wastewater Department Fund Available Funds to the Agawam Wastewater Department Operations (Mayor)**

President Rheault – That'll go to the Finance, next Agenda.

11. **TR-2011-62 - A Resolution Approving Sewer Use Rates Fixed by the Department of Public Works (Mayor)**

President Rheault – That'll go to the Finance Committee, next Agenda.

12. **TR-2011-63 - A Resolution Adopting the Order of Assessment for the Phase I Southwest Area Sewer Project (Mayor)**

President Rheault – That'll go to the Finance Committee as well, next Agenda.

Item 12. Any other matter that may legally come before the City Council.

President Rheault – And start to my immediate left tonight for a little difference, Councilor Walsh anything under Item 12?

Councilor Walsh – I'll pass thank you.

President Rheault – All right. Councilor Cichetti?

Councilor Cichetti – Yes, I'd just like to take the opportunity to wish everyone a Happy Thanksgiving – all of our fellow councilors and everyone out there still watching hopefully and I'd also like to let everyone know that our Fire Department in town was also honored in Worcester as one of the nine in the area that did their response to the June 1st tornado – just hats off to those gentlemen. Thank you.

President Rheault – Thank you. Councilor Messick?

Councilor Messick – I'd like to thank the rest of the councilors for voting for the tax agreements for the solar facility this evening. Taxes are very, very important in keeping our tax rate low, it's very important but sometimes it's more about the collateral advantages of a project and sometimes it's about the statement that we're making to the broader community and I feel really good tonight that we made that statement to the broader community that we are in favor of and will support this type of business. Thank you.

President Rheault – Thank you. Councilor Perry?

Councilor Perry – You still respect me though Jill, don't you? Okay. Just real quick, I want to wish all my colleagues here on the floor a Happy Thanksgiving, to all the people out there if they are still watching on TV, our camera crew and to Barbara, Happy Thanksgiving all. Thank you.

President Rheault – Thank you. Councilor Rossi?

Councilor Rossi – Yes, I'd just like to wish everybody a Happy Thanksgiving.

President Rheault – Councilor Mineo?

Councilor Mineo – I would also like to wish all my colleagues a very Happy Thanksgiving and everybody in the community. Thank you.

President Rheault – Councilor Magovern?

Councilor Magovern – Again, I'd like to wish everybody a Happy Thanksgiving and remind everybody that we have so much to be thankful for not only in Agawam but in our entire country and I love Thanksgiving you can just commercialize a turkey so much but again also just to remind people that we have our rivalry between Agawam and West Springfield football game and tomorrow we have our annual Rotary combined meeting with the West Springfield Rotary where we have the Superintendent of Schools from both towns. We have the Mayors from both towns, we have the Athletic Department, the cheerleaders, the football players and we'll all be getting together for a peace pipe before the game and hopefully send everybody off to a great football with a little bit of cheer cheer, rah rah so again, it's a great town we live in. Thank you very much.

President Rheault – Councilor Simpson?

Councilor Simpson – Thank you. Happy Thanksgiving to all.

President Rheault – Councilor Bitzas?

Councilor Bitzas – Yes, Happy Thanksgiving to all and also a happy holiday season. Thank you and good night.

President Rheault – And I'll echo the sentiments of the Council to all my fellow councilors – a Happy Thanksgiving – to all of you out there, the same, and I'll entertain a motion to adjourn. Moved by the Council, seconded by the Council, all those in favor? Opposed? We are now adjourned. Thank you and good evening.

Adjournment.