



City of Springfield

Special Meeting

~ Minutes ~

36 Court Street
Springfield, MA 01103
<http://www.springfieldcityhall.com>

Linda Fitzpatrick
413-787-6559

Monday, October 27, 2014

6:30 PM

Springfield City Hall -- Council Chambers

I. Call to Order

6:30 PM Meeting called to order on October 27, 2014 at Springfield City Hall -- Council Chambers, 36 Court Street, Springfield, MA.

Attendee Name	Title	Status	Arrived
Zaida Luna	Ward 1 Councilor	Present	
Timothy C. Allen	Ward 7 Councilor	Present	
E. Henry Twiggs	Ward 4 Councilor	Present	
Kenneth E. Shea	Ward 6 Councilor	Absent	
Kateri B. Walsh	Vice President - At-Large Councilor	Present	
Melvin A. Edwards	Ward 3 Councilor	Present	
Bud L. Williams	At-Large Councilor	Present	
Orlando Ramos	Ward 8 Councilor	Present	
Timothy J. Rooke	At-Large Councilor	Present	
Clodo Concepcion	Ward 5 Councilor	Present	
Justin Hurst	At Large Councilor	Present	
Thomas M. Ashe	At-Large Councilor	Present	
Michael A. Fenton	President - Ward 2 Councilor	Present	

Moment of Silence - Pledge of Allegiance

II. General Business

1. Order (ID # 2823)

Order to Retain Counsel

COMMENTS - Current Meeting:

Read and an explanation was giving by Councilor Allen "am going to give you a little history" many of you know that the special permit was issued September of 2008 and was revoke May of 2011 by this Council . The Council appealed the Board of Appeals decision in January of 2014 to Land Court. Attorney Patrick Markey is here tonight and Council President Fenton have been working hard on this matter and the Court had found that the Palmer Renewable Energy, LLC request to construct a biomass energy plant in the City does not need a special permit and the building permit should not have been revoked by the Council and has been reinstated. Councilor Allen continued stating that after meeting with the attorney for the Council James Donahue in the Land Court case stated that an appeal can be filed by 3 parties whom have standing to appeal the decision of the Land Court namely Springfield Zoning Board of Appeals; Michaelann Bewsee and William and Toni Keefe and the Council. Councilor Allen said he will be supporting appealing the matter tonight.

Attorney Markey appeared and spoke stating that he hopes this not the case where you get what you pay for but he will accept the case pro bono and the Order passed by the following roll call vote.

RESULT:	ADOPTED [12 TO 0]
MOVER:	Timothy C. Allen, Ward 7 Councilor
SECONDER:	Melvin A. Edwards, Ward 3 Councilor
AYES:	Luna, Allen, Twiggs, Walsh, Edwards, Williams, Ramos, Rooke, Concepcion, Hurst, Ashe, Fenton
ABSENT:	Kenneth E. Shea

2. Order (ID # 2824)

Order to Authorize Withdrawal of Appeal

COMMENTS - Current Meeting:

Read and Councilor President Fenton withdrew his order to withdraw the appeal and said order passed by a majority voice vote with Councilor Shea absent.

RESULT:	WITHDRAWN
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City of Springfield

ADOPTED

Meeting: 10/27/14 06:30 PM
Initiator: Wayman Lee
Sponsors: President - Ward 2 Councilor Michael A. Fenton
DOC ID: 2823

2.1

Order to Retain Counsel (President - Ward 2 Councilor Fenton)

Order to Retain Counsel

AN ORDER OF THE CITY COUNCIL IN THE CITY OF SPRINGFIELD, MASSACHUSETTS RETAINING ATTORNEY PATRICK J. MARKEY

BE IT ORDERED THAT the Springfield City Council hereby retains the pro bono legal services of Attorney Patrick J. Markey to represent it in the Appeal from the Judgment of the Land Court dated August 14, 2014 in the matter of Palmer Renewable Energy, LLC v. Zoning Board of Appeals for the City of Springfield, Brenda Doherty, Daniel Morrissey, Henry Nowick, Maria Perez, Jose Gonzalez, and Walter Gould (Docket No. 12 PS 461494 and Docket No. 12 PS 468569).

BE IT FURTHER ORDERED THAT the Springfield City Council authorizes Attorney Patrick J. Markey to take any and all actions necessary to represent the interests of the Springfield City Council in the above referenced matter on behalf of the Springfield City Council.

BE IT FURTHER ORDERED THAT the Springfield City Council hereby authorizes its President, Michael A. Fenton, to take any and all action on its behalf in order to retain Attorney Patrick J. Markey for the above referenced purposes. Said action shall include, but not be limited to, the execution of an engagement letter between the Springfield City Council and Attorney Patrick J. Markey for the purposes of the above referenced representation.

BE IT FURTHER ORDERED THAT the Springfield City Council hereby authorizes its President, Attorney Michael A. Fenton, to take any and all action on its behalf in order to withdraw himself as counsel to the Springfield City Council in the above referenced matter.

RESULT:	ADOPTED [12 TO 0]
MOVER:	Timothy C. Allen, Ward 7 Councilor
SECONDER:	Melvin A. Edwards, Ward 3 Councilor
AYES:	Luna, Allen, Twiggs, Walsh, Edwards, Williams, Ramos, Rooke, Concepcion, Hurst, Ashe, Fenton
ABSENT:	Kenneth E. Shea



City of Springfield

WITHDRAWN

Meeting: 10/27/14 06:30 PM
Initiator: Wayman Lee
Sponsors: President - Ward 2 Councilor Michael A. Fenton
DOC ID: 2824

2.2

Order to Authorize Withdrawal of Appeal (President - Ward 2 Councilor Fenton)

Order to Authorize Withdrawal of Appeal

AN ORDER OF THE CITY COUNCIL IN THE CITY OF SPRINGFIELD, MASSACHUSETTS AUTHORIZING WITHDRAWAL OF APPEAL

BE IT ORDERED THAT the Springfield City Council hereby authorizes its President, Attorney Michael A. Fenton, to take any and all action on its behalf which is necessary to withdraw the Springfield City Council's Appeal from the Judgment of the Land Court dated August 14, 2014 in the matter of Palmer Renewable Energy, LLC v. Zoning Board of Appeals for the City of Springfield, Brenda Doherty, Daniel Morrissey, Henry Nowick, Maria Perez, Jose Gonzalez, and Walter Gould (Docket No. 12 PS 461494 and Docket No. 12 PS 468569).

RESULT: WITHDRAWN