

FREEDMAN, DEROSA & RONDEAU LLP

ATTORNEYS AND COUNSELORS AT LAW

John B. DeRosa
Thomas Manuel *
Adam P. Clermont
Richard M. Dohoney
Pamela R. Green
Neil C. Darragh

Morton Freedman
Retired

February 5, 2009

* Also admitted VT

Donald B. Elitzer
39 Alford Road
Great Barrington, MA 01230

RE: Wahconah Park, Inc.

Dear Mr. Elitzer:

This firm represents the City of Pittsfield (the "City"). We are in receipt of your January 7, 2009 correspondence to Mayor Ruberto regarding Wahconah Park, Inc.

I have reviewed the concerns raised in your letter with various officials within the City as well as Jim Scalise of SK Design Group. I have also reviewed the City's recent filings with the Conservation Commission regarding Wahconah Park. My review reveals that none of the plans, designs, studies, estimates or filing previously produced for Wahconah Park, Inc. are currently in use by the City. As you are obviously aware, the City is proceeding with its own redevelopment of Wahconah Park and has independently retained SK Design Group to assist in that effort. In fact, SK Design Group has provided engineering and design services to the City regarding Wahconah Park for over two (2) decades. SK Design Group prepared and submitted various new plans and studies on behalf of the City and none of them include, or rely on, any of the materials previously produced on behalf of Wahconah Park, Inc.

With regard to your request that materials be returned to you, the only such materials in the possession, custody or control of the City involving Wahconah Park, Inc. are those submitted to the City's various departments in support of Wahconah Park, Inc.'s various permit applications. As such, they will be retained on file with City as public records.

Please feel free to contact me with any additional concerns.

Very truly yours,


Richard M. Dohoney

BUILDING I, SUITE 200, MASS MOCA
87 MARSHALL STREET, P. O. BOX 746, NORTH ADAMS, MASSACHUSETTS 01247-0746
TELEPHONE (413) 664-1073 TELEFAX (413) 664-7379

17 MAIN STREET, LEE, MASSACHUSETTS 01238
TELEPHONE (413) 243-3325 TELEFAX (413) 243-4887