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The problem with a six-bed facility boils down to money, the attorney said.

"When one of our residents needs nursing care, it throws our economics into chaos," Bator said.

The current 1,800-square-foot residential home is licensed by the state. A 20-bed facility would be 8,000-10,000 square feet.

Neighbors are against a larger facility, citing increased traffic and loss in property values. Those fears are unfounded, Bator said.

"I don't care what those reports show," said Anthony deGennaro, who lives on Middlebelt north of the site. "No one wants to live next to a commercial building."

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The \$72.3-million project Malan proposes partly hinges on luring an upscale retailer. The firm is negotiating with an undisclosed company, which if signed, will bring a prestigious anchor to the commercial center, Kaline said.

The retailer is known for building its own structures. The company doesn't pay rent but leases land.

"Certainly they can be picky and they can drive a project," Kaline said.

Instead of paying real estate property taxes, which increase in value, the company

is responsible for personal property taxes. Personal property taxes depreciate over time, which dismayed some council members because that means less city revenue.

"This wouldn't even be an issue with me if we weren't asked to put money into this," Councilman Jerry Ellis said.

City officials want to see the project go through. The development will not only revitalize an older and tired area but take care of drainage and flooding problems, they said.

Right now, Malan is looking at a 10.10-

percent return on the project. Kaline said the company needs at least 11.5 percent, or \$3-\$4 million, to move ahead.

Malan officials could know by the end of January if the upscale retailer is on board. If so, site plans would be in front of the planning commission by April. Two meetings will be held if necessary, city officials said.

"Although it's a little messy ... I remain hopeful we'll make this thing come together," City Manager Steve Brock said.

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"There's a lot of really good things we have in our phys ed department," said Swinehart, following the approval. "The health component, the ninth-grade component that we have is outstanding. But, I think what we need to start doing at the high school level is provide more choices and more opportunities for a diverse group of people."

Superintendent Bob Maxfield said that the waiver is an "interim move" designed to help provide an outlet for active, top-achieving students at North and Harrison who currently don't

have the needed scheduling flexibility.

At North and Harrison, efforts to go to some form of block scheduling in the next two years are under way, despite reluctance from some teachers and parents. Informational meetings about block scheduling took place Wednesday, Dec. 16 at both sites; Farmington High already has an alternating block program in place.

Don't include North parent Doug Klegon among the reluctant. He noted that the need for a waiver will disappear as soon

as the two schools figure out a more-flexible scheduling plan.

"The real change, though, isn't the waiver," Maxfield said. "The real change is the development of a 21st century phys ed program that has choice, that is developmentally appropriate, that attracts kids... because it integrates so many things."

Concurring was Bobbie Feldman, school board trustee. "I can envision a day where students will want to take physical education to do mountain climbing."

The need for a waiver is expected to be eliminated when-

ever alternative forms of scheduling are implemented at those schools, officials explained.

Students at all three high schools will be eligible to take the waiver, however.

And, said Judy White, the district's assistant superintendent for instruction, current seniors will be able to receive the waiver for the second semester of 1998-99, as long as they are approved for the measure.

"We've got to take a look at even some seniors," said White, "in terms of where they are right now and look at the seriousness

of their schedule."

Next year's seniors (now juniors) would need to apply by the end of the current school year, after consulting with high school counselors to demonstrate "the pursuit of a rigorous core curriculum program," according to the proposal.

Students applying for the waiver must:

- Demonstrate involvement in school-sponsored programs "requiring significant physical activity," including athletics,

cheerleading, marching band and pompon squads.

- Complete the health portion of the curriculum, currently associated with ninth-grade physical education or "another age-appropriate health course."

The proposal establishes an appeals process for those who are denied the waiver.

Meanwhile, school board members will annually review the waiver requirement and decide whether or not to continue it.

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