

CITY OF DERBY
REDEVELOPMENT AGENCY MEETING
FEBRUARY 9, 2005

DERBY CITY HALL – ALDERMANIC CHAMBERS – 6:30 P.M.

Mayor Marc J. Garofalo called the meeting to order at 6:31p.m. All rose and pledged allegiance to the flag.

Roll Call

Present: The Honorable Mayor Marc J. Garofalo
 John Orazietti
 Glenn Stevens
 Vincent J. Guardiano
 Greg Russo

Also Present: Alderman Bruce Sill
 Alderman Ron Sill
 Alderwoman Linda Fusco
 Alderwoman Sheri Pflugh
 Alderman Samuel M. Rizzitelli, Jr., (arrived at 6:42 p.m.)
 Alderman Michael Flora, Sr. (arrived at 6:53 p.m.)
 Michael J. Joyce, P.E., Milone & MacBroom, Inc. (arrived at 6:40 p.m.)
 Richard Lutz, Mayoral Assistant
 Richard J. Buturla, Esq.
 Warren Holcomb, Esq.

ADDITIONS, DELETIONS, CORRECTIONS TO AGENDA

A MOTION was made by Mr. Orazietti with a second by Mr. Stevens to adopt the agenda as posted. **Motion carried.**

PUBLIC PORTION

Mayor Garofalo said if there were no objections, he would like to hold the public portion after the presentations. The agency members had no objection to this request.

APPROVE MINUTES OF OCTOBER 20, 2004, NOVEMBER 10, 2004, DECEMBER 15, 2004, AND JANUARY 12, 2005 MEETINGS

Mr. Russo said he would like to table the minutes, as he has not had a chance to thoroughly review them.

A MOTION was made by Mr. Russo with a second by Mr. Guardiano to **TABLE** the minutes of the October 20, 2004, November 10, 2004, December 15, 2004 and January 12, 2005 meetings until the next meeting to be held on March 9, 2005. **Motion carried.**

UPDATE ON SOUTH SIDE OF MAIN STREET REVITALIZATION PROJECT BY CERUZZI DERBY REDEVELOPMENT, LLC

Mayor Garofalo said John Ceruzzi is here tonight from Ceruzzi Development, LLC. As you know the Design Workshop Meeting will take place next Wednesday, February 16, 2005 at 6:30 p.m. at the Derby High School cafeteria. We have seen the Concept Plan that Mr. Ceruzzi has developed and they have been working on that project for several months and enhancing that. The Mayor said he spoke to Mr. Ceruzzi and they both agreed that it would make sense that whatever additions, deletions, modifications or enhancements to the project that they be done at tonight's meeting so that going into the Design Workshop, where there'll be public dialogue and input that we know this week in advance what any of those modifications are. Obviously the plan is substantially intact in terms of what it was in October. But whatever additional information Mr. Ceruzzi could provide that seemed to make sense. The Mayor said it was at Mr. Ceruzzi's urging to make sure that all the cards were on the table so that the public process could be one that everybody can participate with the full knowledge of whatever the information is.

John Ceruzzi, Ceruzzi/Derby Redevelopment, LLC – Mr. Ceruzzi said that he is here tonight to basically give a preview of what their presentation will be next week. Next week in the high school cafeteria he will be here with his partners that are involved in this deal - engineers, planners, and the like and they will put on a full blown presentation to both this agency as well as the public and also take public comment at that time to continue to develop, finalize and enhance this plan. He said back in the fall they came in and showed you a plan that essentially dealt with an area of town from Caroline Street over towards the river and they were talking about a project at that time of somewhere north of 500 residential units – both that would be for sale or available for rent – and also 60,000+ s.f. of commercial space – essentially a mix of office and retail. Over the past two and half, three months they have gotten several other people involved in the planning stage of this process. They have brought in a set of partners who really specialize in residential properties. The first proposal was a mixed-use bag more of a big-box type development with some residential. As the process has developed over time it's become more residentially driven and they have kind of eliminated the big-box retail from it and are focusing more on street retail and neighborhood retail types of stores. They have also hired a planning consultant by the name of Street Works out of White Plains, NY. Street Works has been involved in several large projects throughout the country. Very recently in Connecticut they've worked on the Blue Black Square project up in West Hartford. Street Works has taken a look at the plans and have made some suggestions on what they can do to make the project better and more viable – both now and in the future. Market studies have been done – a lot of time has gone into planning. Approximately twenty different people have been working on this project over the past several months to come up with the preview that is being presented this evening. The project area has changed slightly from last fall – it has grown a little bit to the east side of Caroline Street. Mr. Ceruzzi said when the planners looked at what their proposal was back in October, they felt more needed to be done to bring the project into the rest of Derby so it wasn't just its own little island on the south side of Main Street. Several enhancements have occurred to allow that to happen. The first is to take the neighborhood with the Green and the other commercial development and have it tie in with the project. Another new element that this plan incorporates is to create a new Main Street – a new Main Street in name only – Rt. 34 will still be Main Street. They propose to extend Caroline Street from its

current location and wrap it all the way around to the river. This road will be more pedestrian-friendly and less vehicular-friendly. The extended Caroline Street that they envision is more of a main street that people can spend time on. It will be more pedestrian-friendly with wider sidewalks, room for cafes, etc... Mr. Ceruzzi noted that they are proposing a movie theatre on the Caroline Street extension site. It would not be a large theatre. They envision a six-screen complex. This would encourage people to come to the site – they would be able to take advantage of the restaurants and retail that will be on the site. They are also proposing a road coming from Elizabeth Street that would loop around and meet up with Caroline Street. So the project would start from one side of town and come back out on the other side of town. Another element that Mr. Ceruzzi pointed out on the rendering was an amphitheater, which would be located behind where Hubbell Shoe Store is currently located. He said this has not fully been decided on – that is why public input at next week's Design Workshop is going to be so critical. There is also open space located in the middle of the apartments facing the water. Again, that would be brought up at the Design Workshop. Mr. Ceruzzi noted that the majority of the property would be apartments and condominiums. The mid-rise buildings would be situated near the Derby/Shelton Bridge as to not block the river view. They also did not want to block the view from Route 8 – they want people traveling on Route 8 to know that this is not only a housing development - there are other things offered on the site. Mr. Ceruzzi said the parking is very similar to what was shown back in October. The number of proposed residential units has increased by 150± from what was first proposed last October. That is due to the force of the market driven input that they have gotten from studies that have been done that said to make this happen it really needs to be its own substantial project. They needed to create a certain mass in order to get the whole project to work. The commercial space will now be approximately 100,000 s.f. Mr. Ceruzzi also noted that Mr. Lutz informed him that United Illuminating are discussing the possibility of replacing some of the normal street lights on Main Street and some of the side streets with nicer lamp posts. He said that is something they had in mind as well. He also noted that they are looking at what can be done to enhance the Green. Mr. Ceruzzi said he feels this project is the catalyst to really not only serve itself, but the entire section of downtown. Next week his entire team will be here to fully go over the project and get input from the public. They will explain their ideas and how they arrived at the designs that they are proposing.

QUESTIONS & ANSWERS

Mr. Guardiano – Can you give us the approximate number of residential units?

Mr. Ceruzzi – We're probably somewhere between 650 and 700. That's what the market studies are showing it really needs.

Mr. Guardiano – And what was the total commercial space?

Mr. Ceruzzi – About 100,000 s.f.

Mr. Guardiano – And that was going to be all retail?

Mr. Ceruzzi – More than likely we will have about 75,000/80,000 s.f. of street retail down Caroline Street and they are thinking more office type uses on Main Street.

Mr. Guardiano – And is parking going to remain the same? Last time it was around 1,500 spaces.

Mr. Ceruzzi – I don't remember the exact number – it's close to that same number. Again the parking is tiered so that if you're on the street this is the level you come in to utilize the stores. If you live in the high-rise building you would park underneath it and take elevators up.

Mr. Guardiano – How many stories do you envision the mid-rise buildings?

Mr. Ceruzzi – I think they're somewhere around eight. Not positive – I don't even know if we can say that next week. It is something that is being refined, however I know that it is not something that is going to be overpowering – but it would definitely change the skyline of Derby.

Mr. Guardiano – Traffic flow?

Mayor Garofalo – Just to refresh everybody – all these concept plans are subject to – the traffic is subject to authorities beyond the City – it's the State Traffic Commission. That is really one of the last hurdles of this project.

Mr. Ceruzzi – Our plan is to try to keep Route 34 the way it is today. Not to eliminate any parking on it, not necessarily make it wider. The good thing is the smaller retail doesn't generate the traffic numbers that a Home Depot or a supermarket does.

Mr. Stevens – The timeframe on a project of this scale obviously now needs a little bit more time. Do we have a timeframe?

Mr. Ceruzzi – It's a little more time but I think probably the starting gate is more significant than when it finishes. From that perspective we're in pretty good shape to have a real project that could be financed and cleaned up to turn it from a concept to something ready to build – we're at that line now.

Mr. Stevens – I think we're I'm going is – the current retailers that are downtown this looks like a nice upgrade for them. I'm kind of looking at from the time they would be moved out to a temporary space and back in again – that kind of timeframe is what I'm thinking about. Assuming they would have a good shot at some of this nice space.

Mr. Ceruzzi – I would say from when the project gets started there'll be a couple of months period of cleaning out what's there today and then – Caroline Street for example if you drive on it now you know it comes down then grade from Route 34. Most of this will be filled to keep this road up so it meets the dike that's down here. So just rebuilding the road is a little bit of a project because of the fill and what else is needed there. So it's probably a year to two years before this section could be built. And again (inaudible) probably commercial zone and work our way over. But a lot of infrastructure of like the filling operations for the street and the parking deck really has to happen first. So, maybe a year is way off. Maybe it's more like two plus. But again, next week I think they can give you a better handle on that.

Mr. Russo – I just have a general comment. From concept to putting the shovel in the dirt it seems that you're prepared to go forward and that's a positive direction.

Mr. Ceruzzi – We're definitely committed to go forward. And I think there's some technical things that need to be worked out. Because the scope of the project changed a little bit – at one point it was the whole thing then we kind of cut it in phases now we're encroaching a little bit on the east side of Caroline Street – so some of those things just need to be corrected and finalized in the existing Preferred Developer Agreement. But I think other than that I think we're in pretty good shape to move pretty quickly.

Mr. Oraziotti – Mr. Ceruzzi – that green thing on the end – where is that again?

Mr. Ceruzzi – This is where the Hubbell Shoe store is now – if you drive back there it angles like this – so this is to try to take advantage of that natural slope to create some type of (inaudible) to create a park, or maybe an amphitheater – we're looking to get some public input on what we could do here.

Mr. Oraziotti – Okay. At what point do you think you're going to start taking down that building?

Mr. Ceruzzi – I think it's the same answer as we said before - once we have a Preferred Developer Agreement. When we did the other Preferred Developer Agreement's we contributed money to the project to the City. When we developed all these plans over the past two and a half months we put a lot of money into it.

Mr. Oraziotti – Is it a fair question to ask you how close we are to be coming into agreement with the Preferred Developer Agreement?

Mr. Ceruzzi – In the last...

Mayor Garofalo – It's one Preferred Developer Agreement. There will be one Preferred Developer Agreement ...

Atty. Buturla – And maybe I should be the one to answer that. The draft Preferred Developer Agreement has been out for some time and the negotiations have gone on in good faith between the parties but everything is on hold, if you recall, until after the public session. Because we don't want to finalize it – it would defeat the purpose of having a public session, to bring a final document to the board before the public session. Shortly after the public session that will be held on the 16th, I expect the attorneys for the developer and I will be able to finish the document and then bring you back a final Preferred Developer Agreement.

Mr. Oraziotti – When you say shortly after the 16th, what does "shortly" mean?

Atty. Buturla – Shortly could be anywhere from I would say two weeks to a month. That's the timeframe.

Mr. Ceruzzi – I think a lot of it depends on the 16th too.

Atty. Buturla – Because there will be, if I may on elaborate on that, because a lot does depend on the 16th. A lot has to do on whether there will be substantial revisions to the plans, or how far along certain documents are and what sort of changes they make. Because if you remember the first Preferred Developer Agreement, and this one will be somewhat more complicated, there are extensive technical documents that were attached as exhibits. So that's the sort of work that will go into it after the public session on the 16th.

Mr. Ceruzzi – We hope to be able to get input on the 16th and come back to hopefully your next regularly scheduled meeting a month from tonight with those plans that hopefully that's what the Preferred Developer Agreement is based on. If we get overwhelmed with it on the 16th we may need a second public session – we don't know yet. But the general idea is, like Rich said, within a month or so after the public input session we would have the right backbone in place to draft the Preferred Developer Agreement or finalize it.

Mr. Russo – When we were back in November and December we were talking about the charrette – the opportunity for the public to have almost a week's worth of time. Is this one night intended to satisfy that requirement?

Mr. Ceruzzi – To some degree yes – it's intended to do that and I like I said if we need more time we'll schedule a second meeting and even a third if need be. We didn't want to schedule three meetings off the bat and have ten people show up. So we'll see what happens on the 16th and go from there. I think if everything goes well on the 16th we'll probably implement some of those suggestions and come back to you a month from now under this type of situation and show you what we've done.

Mr. Guardiano – John I don't know if you're prepared to answer this question or not – you mentioned that you're bringing in partners. Our original proposal was with you and your company. My experience in the business world is sometimes when you bring in partners there could be further problems down the road. Are you at this time ready to disclose who your partners are?

Mr. Ceruzzi – All along, even in earlier drafts and probably the signed Preferred Developer Agreement, it always talked about our company having control of the project through its finish but it always allowed for some kind of partnership because we knew from day one we're really not residential developers. The people who we brought in their names are right on the plans – Stoneridge Partners. They are a first class operation. They will be here next week. I'll let them know now that they should be prepared to not only talk about some of the visions that they have for this, but some of the other work that they have done so you guys can be comfortable with their background and reputation and see what other things they have done. But believe me they have only made this better with their experience of first-rate developments.

Mayor Garofalo – And don't forget this thing is evolving – the different pieces of it. As more research is done by Ceruzzi and their team and as we get input from the public and just continuing things that you look at tonight that you're going to look at it in a different way next month or whatever and add or take away or whatever comes out of the discussions that we have with the developers and the public as well.

Mrs. Pflugh – I seem to remember that on a previous proposal we were talking about all underground parking or the majority of the parking being all underground. Is that still what we're looking at here or is it just misrepresented because of the slice...

Mr. Ceruzzi – It's misrepresented because of the slice but it really is a couple of different layers of parking. So if you live in an apartment over here you would be parking underground. Or if you come to shop you would be at this level and I believe there's one more level for the apartment users that has more green space and a clubhouse.

Mayor Garofalo – So is it fair to say that it's essentially the same as we've seen in the past?

Mr. Ceruzzi – Very close, yes.

Mr. Stevens – I just want to say you guys have been listening to the public and us because everything that I had jotted down on my notes from the last meetings seem to have been addressed in the new proposal. I was a little bit blown away because I've heard river views, people commenting we lost river views, incorporate the other side of Caroline Street, what the problems would be with having parking on Main Street and I just want to comment and say thank you for listening to the public and the City of Derby.

Mr. Ceruzzi – We try to listen to make every project we do successful. And I have to say a lot of the credit in here goes to Street Works and you'll see a few people from there next week because a lot of these ideas – the ideas may have come from the City, but the implementation of that – how it would work and fit in came from them and our other partners too. I would like to take the credit but I really can't take all the credit for it.

Mr. Stevens – It's difficult to come up with a concept, it's easy to criticize – and that's our job to criticize it.

Mayor Garofalo – And we've been forwarding them the minutes – you can tell they're detailed.

Mr. Stevens – They obviously have been listening.

Mayor Garofalo – I think that it continues to grow in a positive way. So we're clear here Mr. Ceruzzi – we talked about somewhere in the area between 500 and 550 residential units was the previous proposal. The difference now is that it's approximately between 650 and 700.

Mr. Ceruzzi – Correct.

Mayor Garofalo – And then as you were talking I was going through the minutes and we had approximately 60,000 s.f. of retail/commercial, now we're talking about approximately 100,000.

Mr. Ceruzzi – Right.

Mayor Garofalo – So 75,000 s.f. along the new Caroline Street Extension – including the theatre?

Mr. Ceruzzi – Separate from the theatre. Just what's in the peach colors.

Mayor Garofalo – And then 25,000. And the parking is approximately the same – 1,500.

Mr. Ceruzzi – Correct.

Mayor Garofalo – And then what is the approximate square footage of the theatre? If you don't have it we can - the theatre as opposed to no theatre. The previous did not include a theatre. I mean in terms of the structures and so forth and then you obviously talked about the various green space areas as well that are different, and I don't remember the exact, but that's...

Mr. Ceruzzi – The October/November plan was somewhat similar in scope of apartments and even just a little bit with the retail. It was more its own development – kind of own its self – nothing really opened up to as much to the City as this one is.

Mayor Garofalo – But I mean in terms of summarizing the major differences and there's the encroachment you said on the east side of Caroline Street, which is obviously where the theatre is.

DISCUSS NEXT STEPS FOR SOUTH SIDE OF MAIN STREET REVITALIZATION

Mayor Garofalo said the next step would be to meet next week at the design workshop to be held on February 16 at 6:30 p.m. at the Derby High School cafeteria. From there we'll take the input that's given at that meeting from the members of the agency, the boards, and the public and then we will take the time to absorb and analyze that information and report back at the March 9, 2005 meeting. We will then continue to refine the project as well as bring to closure the Preferred Developer Agreement and the other parallel items including whatever zoning items that the City needs to address, the Redevelopment Plan and all the insularly documents that need to go culminating with the execution of the Preferred Developer Agreement and the further issues of demolition and so forth. Both Mr. Ceruzzi and Atty. Buturla agreed with the layout that Mayor Garofalo put forth.

DISCUSS OVERVIEW OF DESIGN WORKSHOP FORMAT

Mr. Ceruzzi said the plan is to bring everything that has gone into the project so far via either a power point, slide show, etc...It will start with the fact finding, take into account the assets that the City has from the Green to the river, etc... and then they will go through final ideas of what the project will look like when it is finished. They will get into more information about the types of units that are to be built – what's for sale, what's for rent. What the hi-rise buildings will look like versus the townhouse buildings. Stoneridge Partners and Street Works will be present to give their backgrounds.

Mr. Guardiano asked Mr. Ceruzzi if he would be leaving the drawings that he presented this evening at City Hall for the public to view? Mr. Ceruzzi said he would be taking the drawings back with him. A suggestion was made to have the renderings placed on the web site. Mr. Ceruzzi said he would speak with the folks at Street Works in order to get that accomplished.

PUBLIC PORTION

Markanthy Izzo, Olivia Street, Derby, CT – Mr. Mayor, members of the Agency – a couple of quick things before I make a statement. If it's possible if I could recommend to the agency and the Chair to suggest to provide a view from Route 8 and maybe from Shelton to see what that would look like from there. Also I have a little confusion on the Design Workshop. Having attended these meetings I understood it was going to be a sixty-day process. If it's not going to be sixty-day then most of the people that want to be heard should be at the 16th meeting is that the case in this particular situation?

Mayor Garofalo – Yes. They should either come or submit their comments in writing by the end of that week.

Mr. Izzo – Because I understood it to be the first thirty days was the City then the second thirty days was from the public so I just wanted to make sure that was (inaudible). And I did prepare a statement so I can go quick so I won't waste your time and obviously you'll hear that some of these were prepared before tonight's presentation, but I wanted to get them off my chest.

Mr. Mayor and members of the Commission: After attending these past meeting I have some concerns I would like to express. First, meaning no disrespect, but in regard to the downtown development I believe the process should have been to have public input whether it is called a Charrette or design workshop. Then develop a consensus as to what we the city would like to see, including working with the businesses in the zone to see what works best with them, then see if there are developers that can work with us. Currently, as some of you may know, there are proposals from a 1994 Olde Birmingham Business Association Charrette in drawing and video form. A copy of the video has been submitted for the city's use to review. There are also drawings based on the San Antonio Riverwalk concept known by some as the Groves Report.

My next concern is the "zone" itself. It is my understanding that the current zone is from the Derby-Shelton Bridge to Caroline Street with no future plans on the table at this time. My concern with that is with the negotiation process with current business owners, who are supposed to be receiving fair market value. What may not be fair is they may be considered being in a distressed area and not worth as much as they could or should be. At this point what may not be considered is something that you cannot put a value on. It is their persistence to stay in the downtown while others have left. They are viable businesses in a so-called distressed area and that should have value too. The market place should determine their viability not a developer. By not negotiating with "all" businesses on the South side of Main Street at the same time may leave the zone east of Caroline Street open to speculators thinking that the first zone now will add extra value to their properties.

Granted, there is the possibility of no further development past Caroline Street, which then would not make sense to negotiate now but currently no one seems to know. While there is talk of possible eminent domain might having to happen, there should be no need if the negotiation process truly will be fair, which may mean the businesses

received more than fair market value only because the developers intentions (rightly so) proposes to make a profit but it should not be at the expense of businesses that made Derby their home in good times and bad. Personally I would like to see any new plans incorporate current businesses staying in the downtown if it is their wish.

Another concern I have is, while talking to a Shelton business owner, their rent became too expensive. They were asked to go to Bridgeport to renovate an old factory and not only received help from the federal government but also received tax relief that saved them enough money to rehab another building. I just hope those possibilities were investigated for us to use here in Derby.

Your task is a difficult one but it does not have to be as long as the process remains open for input and so far it has. As long as you work with the people in the zone so they know what to expect because they have their businesses to run and to run it in an air of uncertainty is not only not good for their business but unfair. I recommend a milestone chart of progress be developed and publicly displayed so that all boards and commission as well as the downtown businesses and all residents of Derby know how the progress is moving along. I also suggest that since this development will have a major impact on the city and that although you are only required to post your meeting downstairs and here, that news releases be sent out to the media especially when you are seeking public input. It is one thing to say we have a meeting and no one showed but if they do not know the meeting is being held, how could they come? Give them the opportunity to know then to choose to come or not. Thank you for your time.

Brian Calvert, Calvert Safe & Lock, 40 Caroline Street, Derby, CT -

A couple of questions I've got on this project and one of the gentlemen raised this – I would like to commit to get this on the web site tomorrow or the next day so the gentleman of the press can put it in the paper and the City of Derby residents can look at it at their leisure rather than see this next Monday or Tuesday and they'll have a little bit more input on it. Maybe even with some clarification of what the color plan is. From what we gather now the charrette is going to be a short charrette – not going over a period of time. So it looks like you have one evening to look at this, make a decision, come up with some ideas – the ideas that most people were looking at were based upon your previous layouts. This is an awesome design and a lot different from the other one. So can we ask that you would make every effort to get this on tomorrow or the next day? Would you ask this gentleman if he could do that?

Mayor Garofalo – Will you do that?

Mr. Calvert – Or perhaps somebody can take a picture with a digital camera tonight.

Mr. Ceruzzi – More than likely the folks at Street Works do some pretty incredible things and I think we can get you an electronic version of this – I can't tell you put it in the paper or anything like that – but I think I can get you an electronic version. And again as far as the one night workshop we don't know what it's going to take like we said. We're planning on the 16th, which is next Wednesday, and if we need a second night it may happen it may not – we just don't know that. But we're not limiting it to only one night.

Mr. Calvert – Okay I understand that. Maybe the gentleman from the press can announce this will be on the web site. Just, if I may through the Chair, address this project here sir. Can I address this gentleman?

Mayor Garofalo – You can address it through the Chair.

Mr. Calvert – Okay through the Chair. What my concerns are sir is these are going to be buildings up along here, along here, what's your thoughts as to when these buildings will go up? Now supposing this thing happened tonight - if God smiled upon you and everything is signed, sealed and delivered, you already told us maybe two years to do the Caroline Street road and do the infrastructure and stuff like that. So could we say or would you say that within that two years there would be no building of any residences or would that being going on as well as this other stuff?

Mr. Ceruzzi – I think multiple things will happen at the same time, but again I'm not sure. That's an answer that the planner can give you – they're much more qualified than I am. They can give that next week.

Mr. Calvert – So it would be at least a year, two years (inaudible)?

Mr. Ceruzzi – Oh yeah. I mean to do a three level parking deck with 1,500 parking spaces, rebuilding Caroline Street, and these type of square footage it will be a couple year project at least.

Mr. Calvert – At least – before we see any residences – before we see people living there?

Mr. Ceruzzi – Well keep in mind these are commercial buildings at street level with residences on top. So there may be people living in here before someone is living in here. These buildings – buildings like that would go up all at once.

Mr. Calvert – One other concern – when the other Mr. Ceruzzi was here a few months ago and he was asked a question as to what is going to go on here his answer was if we started this sometime within a year, in 2006 we could be delivering the first buildings and then as the buildings rent, as the buildings sell, the rest of it would be built. So, sir is this going to be a speculation? So, if you get tenants for the first couple of buildings that's good. But if you don't really sell too good you'll just keep that as vacant space all over and build nothing?

Mr. Ceruzzi – No. I think there's enough planning that's already gone into the project and will continue to go into it, that from day one when the project starts it will just continue on.

Mr. Calvert – And this Mr. Mayor would be something that the City would monitor? That there would be no reneging on this? What kind of...

Mayor Garofalo – Well there are clauses in the Preferred Developer Agreement, the current Preferred Developer Agreement, and we would insist that they be in any future Preferred Developer Agreement that would speak to the matter of default and so forth – to protect the City's interest, absolutely.

Mr. Calvert – Would we have like a timeline of say three years – five years that this would be completed and not go on for the rest of our lives?

Atty. Buturla – If I may Mr. Mayor – in the existing Preferred Developer Agreement there is in fact such a timeline – that's the sort of thing that we're in negotiations on and a timeline would most certainly be included in the amended and restated Preferred Developer Agreement.

Mayor Garofalo – Precisely to your point Mr. Calvert.

Mr. Calvert – We just want to see it started and finished – not just as a speculation as we sell it then we'll build it.

Mayor Garofalo – No, no – we're all in agreement on that.

Mr. Calvert – Well that's basically my questions and I just want to say we are for this project – it looks beautiful. And of course we do need some assurances from this board as to what's going to happen to us downtown and all of those things. And I hope that you know you're staying up at night thinking about it. Because obviously I don't see me there or the Derby Feed guy there. So gentlemen please take this seriously. It's serious business to us – we don't want to get into all of that – but please think about it and remember us and whatever you want to do I'm sure we'll be happy with it and so far we're happy with this.

Mayor Garofalo – Thank you Mr. Calvert.

Kathy Norwood, 4 Lanzieri Court, Derby, CT – Is the City planning on retaining any space within the zone? Retail, office – because we own eleven out of the twenty-five properties right now. Between the negotiations are you going to retain the space?

Atty. Buturla – I can tell you what was in the existing Preferred Developer Agreement and that is that the City will be contributing that land for this development.

Ms. Norwood – I understand...

Atty. Buturla – The City would not be retaining any space in the existing Preferred Developer Agreement. So I would rather doubt that the City will be retaining improved space of some kind in the project to be redeveloped. I guess it's possible, but I wouldn't call it likely.

Ms. Norwood – That's something that I would highly recommend so we don't have some (inaudible) space downtown. Just a thought.

Mayor Garofalo – Thank you. Further comment?

Jeff Auerbach, Derby Garden Center, 4 Caroline Street, Derby, CT – If I may through the board – Mr. Calvert asked you a question about time period and so forth – I'm just curious once everything gets approved and it seems to be going forward, what would you estimate the time to be after that, that you would start your work? You talked

about you're going to do leveling the street first on Caroline Street. When you do that I assume you need access to the whole of Caroline Street. Are you talking a few months, are you talking six months, talking a month or two? Can you get a little more specific because some of us have a seasonal business and the timeframe is important.

Mr. Ceruzzi – I understand your concern. I'm not sure I'm qualified to answer the question and be correct in it. But essentially once the legal issues are out of the way and we can actually get started I would envision the first step would be demolition and cleaning of the existing site. And I could be completely wrong, that's why I would have a better answer next week, but I think we would probably start with the rebuilding of Caroline Street and work our way through the other infrastructure with the parking deck and all that and then build up from there.

Mr. Auerbach – Are you talking a month or two? Or six months – that's what I'm trying...

Mayor Garofalo – Mr. Auerbach – can you answer it – because then I just want to add something to his answer, that's all.

Mr. Ceruzzi – Well I think once the Preferred Developer Agreement is finalized and the plans have gone onto a more finalized state and we're currently talking to landowners – I'm sure you've probably spoken with someone associated with us already – but we somehow need to acquire non-City owned properties. Once all that is done then we would start the demolition essentially immediately, within a couple of months. And then (inaudible), which will be the first phase and then it would be probably two years from that – maybe a little better – that the project would kind of resemble what it would look like when it is all finished. I mean there is maybe ten, eleven property owners in there and everyone has their own concern. And it's a little premature for us to try to figure out every situation at this point. We made initial contacts as I'm sure you know but everybody there – not everybody – a couple of people will close up and retire just to go away but everybody else needs a new home. And we're going to have to handle that on an individual basis on how to make that happen.

Mayor Garofalo – And we've been very clear understanding the nuances of some of the businesses that wish to be relocated that are seasonal, and you are one of them, to make sure that is accommodated in advance of your timeline, which I'm sure your spring and your summer are already passed – your planning for next fall already I'm sure to be ahead of the game, but we want to be cognizant of that and make sure that we work with you to accommodate that.

Mr. Calvert – First of all I'm looking at the movie house there and I just would like to throw this in – wouldn't that be a nice City Hall down there instead of a movie house? My question through the Chair – supposing you get, because there's a lot of people here, supposing you get some people who dig their heels in and we know this eminent domain debacle going on right now all over the State – you've got New London, you got it in Derby and it drags on for years and years and nothing could be done at that time – they ask for an injunction. What happens if that happens? If you can't get the property or you're told keep off it until it sells?

Mr. Ceruzzi – I don't know the answer. I rely on legal counsel who says...

Mr. Calvert – It could go on...

Atty. Buturla – I'll tell you this – the law in the State of Connecticut right now is very clear. The Connecticut Supreme Court has spoken in the New London case and for the moment I have a pretty good idea as to the timing of the process.

Mr. Calvert – What would that be?

Atty. Buturla – Well I'm pretty confident the City could move forward in an expeditious manner once the deal is struck between the developer and the City – and that's all I'm going to say on that tonight.

Mr. Calvert – Well as I say I'm looking at this – it's gone quite some years in New London and we had it right up by Griffin Hospital, it went on for some years – these are examples of what could happen and my question is...

Atty. Buturla – I'll give you another example and that is anyone that's familiar with the east side of Bridgeport. That was a massive relocation and demolition project and I think it took roughly two to three years tops. And that was massive to the scale and scope compared to what we're talking about.

Mr. Calvert – That was for the people who dug in.

Atty. Buturla – In the State of Connecticut based upon the New London decision is very clear.

Mr. Calvert – But I mean in that project that you were talking about it did go on for a few years. Then the Steel Point Place and the Yacht Club and the rules reversed and they had to give it back. I don't want to see that happen here – that's why again I'm saying to you guys let's get this done. Don't let anybody dig in and say I ain't gonna go. You sir and your organization and the gentlemen here you got to look at this. It could go on for years and years. It would cost you and the City tens of thousands of dollars – it would cost the people who dig in tens of thousands of dollars – the lawyers, which we've got a few here would get very rich – the town gets poorer and everybody else gets poorer. So, gentlemen look at this – don't smile at me now – look at me and say I'm going to do the best I can.

Mayor Garofalo – I thought you were looking at me – I wasn't smiling.

Atty. Buturla – Well just for the record I was going to tell you no one's getting rich on municipal legal rights – I'm just smiling about that.

Mr. Calvert – I got to tell you I'm with you – nobody's getting rich down there either. All I'm saying is gentlemen look after it.

Mayor Garofalo – We're all reasonable people and we want to make sure everybody is treated fairly.

Atty. Buturla – We understand it.

Mr. Izzo – I don't want to comment on this plan here, but I just want to comment on Street Works – the quality of their work. I visited their web site and this proposal over here is very (inaudible) but I just want to comment about Street Works.

PUBLIC PORTION CLOSED

REMINDER OF DESIGN WORKSHOP MEETING ON FEBRUARY 16, 2005

Mayor Garofalo said the Design Workshop Meeting would be held on Wednesday, February 16, 2005 – 6:30 p.m. at Derby High School cafeteria.

REMINDER OF NEXT REDEVELOPMENT AGENCY MEETING ON MARCH 9, 2005

Mayor Garofalo reminded everyone that the next meeting of the Redevelopment Agency would be held on Wednesday, March 9, 2005, 6:30 p.m. at Derby City Hall.

ADJOURNMENT

Without objection, the meeting adjourned at 7:36 p.m.

Respectfully submitted,

Patricia Finn
Recording Secretary

A TAPE RECORDING OF THIS MEETING IS ON FILE IN THE CITY CLERK'S OFFICE.