

CITY OF DERBY
REDEVELOPMENT AGENCY SPECIAL MEETING
MARCH 7, 2006

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

Mayor Anthony Staffieri called the meeting to order at 6:30 p.m. All rose and pledged allegiance to the flag.

Roll Call

Present: John Oraziotti
 Greg Russo
 Glenn Stevens
 Richard T. Dunne

Also Present: Mayor Anthony Staffieri
 John DeBarbieri, Interim Chief of Administration
 Alan Schlesinger, Interim Finance Director
 Ronald Sill, Alderman (arrived at 7:21 p.m.)
 Kenneth J. Hughes, President Board of Aldermen (arrived at 7:21 p.m.)
 Joseph M. Bomba, Alderman (arrived at 7:21 p.m.)
 James Coppola, Corporation Counsel

PUBLIC PORTION

Markanthy Izzo, Olivia Street, Derby, CT – Mr. Mayor, members of the Agency – I'll probably be the longest part of your meeting. I have some questions – I just want to get (inaudible) because you probably haven't met too often and it's good to get caught up to date as to what's going on with the Downtown Development Project. I welcome the new member there Mr. Dunne. Some questions I had and if you can't get me the answers tonight I actually would like getting answers to these so we can get them onto record as to what's going on. For example my first question is when was the Preferred Developer Agreement actually signed? By who and what date?

Atty. Coppola – September '05.

Mr. Izzo – September '05 - really.

Mr. Dunne – It's the amended...

Atty. Coppola – May '05.

Mr. Izzo – May '05, okay. And is it available for review for the public?

Atty. Coppola – The Town Clerk now.

Mr. Izzo – The Town Clerk, okay.

Atty. Coppola – It used to be City Clerk but (inaudible.)

Mr. Izzo – Okay, so she has the Preferred Agreement. Now you mentioned – well maybe the other questions will answer that as (inaudible) the PDA was signed has progress been made by the developer in accordance with the agreement? All the timelines – have they been met so far?

Mayor Staffieri – Yes. The timelines since September I would say...

Mr. Izzo – But not since May though.

Atty. Coppola – I don't know if that's true.

Mr. Izzo – Well that's why I'm asking the questions because again it's been a while since you met as a full committee here.

Atty. Coppola – There's a number of timelines in the Agreement. Do you want to pick one?

Mr. Izzo – Well I actually would want him to start from those originally signed. Have all the timelines been made or should this Agreement actually be null and void?

Atty. Coppola – The Agreement is not null and void. Not even close.

Mr. Izzo – Well let me go on with the other questions because apparently it's been signed in May and I'm hearing a September date here. Have any extensions been provided to the developer and if so when was that signed and dated? Is that what this September date is all about?

Atty. Coppola – No, the September date is the Plan of Redevelopment. The Agreement is May.

Mr. Izzo – Okay. In your Plan of Development there that actually tells you what's going to happen in downtown?

Atty. Coppola – Yes.

Mr. Izzo – Okay. And that's available for review in the Clerk's office.

Atty. Coppola – Town Clerk.

Mr. Izzo – Okay. And let's see – so what is the current schedule of development and timeline? Is that in that document there?

Atty. Coppola – Yes.

Mr. Izzo – In the September signed Agreement.

Mr. Dunne – No it's in the PDA.

Mr. Izzo – PDA.

Atty. Coppola – You're talking...

Mr. Stevens – Its two different documents.

Mr. Izzo – Well that's why I'm asking the questions because I think clarity is needed for the public as to what's going on.

Atty. Coppola – You're talking about the timeline as far as our Agreement with the Preferred Developer.

Mr. Izzo – Which should be the same as the development – downtown development as per se.

Atty. Coppola – I mean you should probably take a look at the Agreement and you'll see a number of items that are supposed to be progressing and the timeline and one item is progressing when another one is either finishing or in the middle of or so on.

Mr. Izzo – Okay. Have any of the timelines not been met?

Atty. Coppola – No.

Mr. Dunne – I think the answer is no.

Mr. Izzo – Okay.

Mr. Dunne – They're not in violation of the Agreement today.

Mr. Izzo – As of today.

Mr. Dunne – No.

Mr. Izzo – Now when will the project go from conceptual to architectural drawings? Do we know that?

Mr. Dunne – Hold them to the due diligence period.

Mr. Izzo – And when will that be?

Mr. Dunne – Don't know.

Mr. Izzo – You don't know.

Atty. Coppola – Maybe July...

Mr. Izzo – Say maybe July – is there any way that we can cap it so he has to have it done by a certain time? That's why I'm trying to get at – a timeline.

Mr. Stevens – The due diligence period is in the document.

Mr. Izzo – So what would be that date?

Mr. Stevens – I would have to look it up.

Mr. Izzo – But the thing is I shouldn't have to look it up.

Mayor Staffieri – Again Mark this is the public portion. You're supposed to have three to five minutes. The best thing to do so this doesn't take all day is we'll get you a copy of the PDA – you can read through it.

Mr. Izzo – But Mayor these are questions that this Agency should have. Let me ask this question – has everybody here read the Agreement?

BOARD MEMBERS RESPONDED IN THE AFFIRMATIVE.

Mr. Izzo – Okay. So the questions I'm asking I think are the good questions and questions that should have answers so that's why I'm asking these questions.

Mr. Stevens – We also have a regularly scheduled meeting next week.

Mr. Dunne – Right. This is a special meeting...

Mr. Stevens – This is a special meeting – we have a regular meeting next Tuesday.

Mr. Izzo – And...so I don't understand what's that have to do with it.

Mr. Stevens – Well a special meeting the only thing on the agenda tonight is the review and approval of the RFP for the Relocation Officer.

Mr. Izzo – Okay. That's posted as a special meeting.

BOARD MEMBERS RESPONDED IN THE AFFIRMATIVE.

Mr. Izzo – So you're saying that I'm out of line? Is that what you're saying?

NUMEROUS VOICES RESPONDED NO.

Mr. Izzo – Well then let me ask these questions. If a negotiator comes in to work with the property owners who will pay for this? I guess that is on your agenda today.

Mayor Staffieri – The City pays for it first and it gets reimbursed by the developer.

Mr. Izzo – This will be reimbursed by the developer?

Mayor Staffieri – Every cost gets reimbursed by the developer. And the developer has reimbursed the City well over \$1 million so far.

Mr. Izzo – Okay, okay. And that's all documented some place.

Mayor Staffieri – Yes.

Mr. Izzo – Okay. In the downtown development zone how many properties are actually owned by the developer through purchases? Actually closed and not based on contingency. Do we know that?

Atty. Coppola – Developer – none.

Mr. Izzo – He owns no property at all – okay.

Atty. Coppola – The developer owns nothing.

Mr. Izzo – Absolutely, okay – thank you very much. And one more question – how many current property owners in the zone still remain in the downtown zone? Do we know that?

Mr. Dunne – Property owners.

Mr. Izzo – Property owners.

Mr. Dunne – But you're talking about – there's a difference between a property owner and a tenant or a business or an occupant. In certain instances an owner may be the prime user the prime tenant of the site. (Inaudible) how many parcels are owned by people other than the City of Derby?

Mr. Izzo – Absolutely.

Mayor Staffieri – Two under contract and six not under contract.

Mr. Izzo – Okay. Thank you for your time.

Mr. Dunne – Mr. Chairman if I may – just one thing Mark that I want to address regarding the timeline – and one of my first questions and I had talked with the administration about it before was could we project a timeline based on the PDA? And I'll tell you I've read the PDA – it leaves open certain time windows to perform certain things. But there are contingencies in those. In other words the clock isn't always ticking. So that's probably why he's not in violation of anything, but I think certainly certain phases have taken longer than were reasonably anticipated up front. But it's impossible, based on that, to put down a timeline and say this is by this date because that's not the way the City agreed to the original PDA. Those aren't the terms.

Mr. Izzo – Okay. I'm not sure that's probably the way it should have been done because this means that the project can actually drag on for years.

Mr. Dunne – Well – no. I think they're very close to the end of the due diligence phase.

Mayor Staffieri – Not at this phase.

Mr. Izzo – Because you know I'm not a business owner in downtown and I can't imagine what they're going through downtown especially with all this eminent domain talk that's going on throughout the country. You know they're businesses that survived after all these years and I would just like to see that they're taken care of. And if one project – there is a project on the board and unfortunately it was shot down because of parking, which would make me a little (inaudible) about this particular proposal because it only projects 1,500 spaces – I think it's 1,550 when (inaudible) 600 unit towers being projected there and to me that doesn't seem like it would accommodate all the parking between the tenants and the downtown businesses that may need parking there. So it's like it's a Catch-22. We're shooting down one project because of parking and we have another massive scale...

Mayor Staffieri – Mark like with Planning & Zoning tenants are divided by parking spaces. So if the developer doesn't provide enough parking spaces he can't have "X" amount of tenants.

Mr. Izzo – As well are businesses...

Mayor Staffieri – So he has to either reduce the amount of tenants or increase the amount of parking spaces. So when that timeline comes he still has to address Planning & Zoning issues. So right now it's just a number in the air. At one time he said 500; another time he said 700. That doesn't mean – those numbers are not set in stone. Because just like other people have to have "X" amount of parking spaces for their businesses or their living quarters or whatever it is you still have to – you can't have 700 parking spaces and say you're still lacking 1,000 spaces – where are they going to build? Planning & Zoning are not going to allow them to do it.

Mr. Izzo – Okay. I just wanted to make sure that's sound. Because – and I didn't mean just the residential units the businesses require a certain amount of parking.

Mayor Staffieri – Right. They have to take all that into consideration.

Mr. Dunne – Nothing in this Agreement, nothing in the Redevelopment Plan supersedes the normal Planning & Zoning process.

Mr. Izzo – Absolutely.

Mr. Dunne – That developer will have to file an application for Site Plan Review at some point. And that's when all those particular issues in regard to parking or any other site plan requirements will come into play.

Mr. Izzo – So at that point there they may still not have architectural drawings is that what we're saying.

NUMEROUS VOICES – COULD NOT DISTINGUISH.

Mr. Izzo – Okay. Because I'll be honest with you – I'm not an architect, I'm not an engineer – but when I stand down there by the bridge and I look at First Street it doesn't look like its going to fit. And I've heard that from other people too and I thank you for your time.

Brian Calvert, Calvert Safe & Lock, Caroline Street, Derby, CT – Just a couple of questions. This PDA did you say that there was an amendment to this? This is the PDA right here from May. And did I hear somebody say there's an amendment to this now?

Mr. Dunne – The '05 is the amended PDA.

Mr. Calvert – At the time this came out and I got this from the City this amended Preferred Development Agreement Timetable – whether this disappeared with the other administration I don't know – this is quite explicit as to what is supposed to be done. Just within sixty days the buildings should have been down. That would have been last July 4th – they were not done. And it says here the developer to pay the \$360,000 to the people who dismantled those buildings and that was not done. (Inaudible) \$100,000 they were supposed to have paid back then. Site testing within 90 days of execution. To me that's within three months of last May. Site testing – gentlemen there's been no site testing there at all. Now I know what they do with these drill things – they come in and take core samples. There's nothing like that been done. I'm sure the guy will tell you that. And then it says nine months of work (inaudible). None of these times – this is the City, you printed this – or you didn't, but the City printed this and it's the timetable and you're quite welcome to have a copy of this. But he's not done anything on this timetable at all. Not even to the point of just talking to the people he's going to displace. One of my main questions, if I could ask, is the whole secret to this whole thing is that billiard hall. Where does he stand on that? I know that he put \$30,000 down on Syd's building, the Porch & Patio. And when the 17th of February came it passed. So I know he put \$22,500 down on Scarpa's. The 17th of February came it passed. He did not finish whatever those contracts are called. Now with Syd I just spoke to him tonight and he said I think he sent the \$30,000 to my kids, because the \$30,000 never got there so he said I don't know. The guy is not really close on these deals yet. Maybe he will tomorrow night, I don't know – that's neither here nor there. But the thing is this is the secret to it. What's the deal with Derby Billiards? We talk about Porch & Patio; we have threats against Calvert. But we don't hear anything about this. That's the secret of it. And the guy has never said anything to me – I notice he's not here tonight. What's the deal here? We just want to know what his intentions are and we appreciate you guys opening up to us. Maybe the previous administration didn't do that too well. But the main thing I wanted to know is there any amendments to this amended PDA and if you're saying there's not then I have it in front of me and I'm not a lawyer. And with respect to you guys you can see a lot of holes in this. This guy is not playing fair. Even Syd's building if he went through that contract he's closing on January 5th of next year. Okay that's just business – so he wants Syd to pay the taxes for the year. But what he's got he's thrown out \$30,000 and if doesn't want to go ahead next January so he's lost \$30,000. He's not playing the game. I don't think he's showing initiative on this project. So I wanted to bring that up. Same with Derby Jewelers – nothing really been said there. They're talking about this, that and the other. These two are secrets. They can live without Calvert. They can live without Porch & Patio actually and make a nice project out here. But not without these and the guy has made no mention of it and he's even talking – I spoke to Tony over there and he said they want to come in and see about fixing the wall between the two buildings. Fix the wall? What about buying it out and moving on and knocking it down? If he's going to do that. So basically that's why I wanted to know where we stand and I just hope gentlemen as we proceed that you keep us in touch – have a liaison. Can we

have a liaison between yourself and us downtown? There's only four or five of us. You know I got a nice meeting room down there – you can stop by. I was so glad the Mayor's second in command came by and I think he was impressed. He didn't realize who we were, what we were. I showed him around – he couldn't believe it. We're all viable businesses down there. Nobody has really ever come down and had a look at us. I know Rich did in days gone by. But come get to know us and see what you're dealing with here and include us in it. We want to be included in this whole thing. But if you like this timetable you're quite welcome to it. And I would be happy to copy it. That's the City's timetable and this man has reneged on every part of it. So I would say if it at all possible dump this guy, get somebody else who will do something good here – not for me, I'm going anyway no matter what you do here we're going. But let's be sensible. I wear two hats – citizen of Derby and businessman who is going to be displaced. And the citizens of Derby want the best for this and I don't think 700 apartments or 500 are the best for the City – never did think it. And anybody who does you got to be a little nervous about that. But basically gentlemen that's all I had to say. I appreciate you letting me talk and please keep in touch.

Dan Waleski, 23 Elm Street, Derby, CT – I'm not sure you're going to be welcome that I'm here this evening. I do have some engineering experience. I'm well acquainted with the principles of City planning. I've been a concerned citizen in town for well over fifty years. Three generations have lived on the same street in my neighborhood. Some of my family has served on boards and commissions over the years. So I think I can speak with not the most authoritative voice but at least someone that is at least knowledgeable and knowledgeable maybe to some degree but over a long period of time. I hope you won't be angry with what I have to say but it's my opinion and I'll stick by it. I have never seen a project in this City of this magnitude and the intricacies that had been involved in trying to get a little bit of work done downtown. As some of you know we had a Redevelopment Plan or a Redevelopment Project in Derby some years back. They spent \$13.5 million redoing Derby. From my perspective it was a total failure. With that said we're experiencing another redevelopment downtown. A development that has not gone through referendum. Development that's pie in the sky sort of thinking. It's just up there – we'll look at it as we go along. There never has been a model presented to the people to say look this is what we want to do. Folks take a look at it – what do you think of it? Nothing. You ask about this and they say we may want to include it; we may not want to include it. You talk to them another time and you find out there's 700 families contemplated in the development and they say no we're not going to put that many in. We have a parking lot – you're going to take up a parking lot for redevelopment and what are the businesses who are now there going to do for parking? That parking lot was put downtown to aid the local businessmen. But businesses have gone to pot, the parking lot is there and there are still some businessmen in town who find use for the parking lot. So in short I've never seen a project in researching other developments around the United States I've never seen a project start like this one, go along like this one, and here we are two years later and we don't know what the heck they're going to do. The only thing that's been approved is the outer perimeter of the project. And the public has had very, very little input. And there has been very, very limited information submitted to the public or to the concerned boards. Another thing that gives me a serious problem is well we're going to leave that up to the Planning & Zoning Commission. Well if you look at Planning & Zoning Regulations you'll find out that they have the authority to do just about anything that they want. There's no limitations, there's no guidelines. You have this certain

district in which they pretty much can determine what they want, what they don't want. I'm not all together sure that's the best thing for the City as a whole. And when we think of downtown Derby, speaking about this City as a whole, we have to look at this downtown development project in such a as what is it going to do for the rest of the town? Is it going to help the rest of the town? Or is this project going to be kind of its own little neighborhood? Is it going to enhance the area? Is it going to benefit a great number of people, not just a few? So there's a lot of considerations here that should be looked at for which at this point we have no answers. As I make my presentation short here I had asked the Downtown Aldermanic Committee to review this committee and to make changes where necessary and let's start from beginning and lets go through all the proper steps so that we will have a successful project once it is done. Thank you Mr. Chairman.

Carl Yacobacci – I'm just asking you something that you said before and it was in the newspaper that the City has received about \$1.1 million from Ceruzzi Development. Can I ask what that money is going to pay for or where that money has been spent?

Mayor Staffieri – The money that has been spent is for the demolition, acquiring Hubbell's – that money was paid for by the developer. The asbestos abatement, the reclamation, the fines that the City – because of the way they did things improperly before, instead of the City paying for it the developer paid for it.

Mr. Yacobacci – Can I ask if there's a ledger? I went to the City Clerk's because as we were talking about different timelines and he was supposed to reimburse the City \$336,000 or \$362,000 and I asked for a ledger of all the payments from Ceruzzi from the \$200,000 payments he said he made to the \$336,000 and everything else. And the City Clerk has one payment from Ceruzzi Derby LLC recorded in the books. One payment of \$25,000 that went through the office and that was back in April 2001.

Mayor Staffieri – Maybe instead of looking under Ceruzzi look under Stoneridge.

Mr. Yacobacci – (Inaudible) I've been up to the City Clerk's Office twice and we spent a little bit of time and they could not find any payment that went through the City Clerk's Office other than that one.

Mayor Staffieri – I'd love to find out what avenue it went. It might have went through Berchem & Moses the old past – because some monies like with the demolition that's going on right now that went on that I was privy to that happened when I was here that money was in trust with Berchem & Moses. Half of it was released when they did those other buildings that I had knocked down. The other half is still with Berchem & Moses that's being held up because of the common wall issue. As a matter of fact Brian and his family were here to see me right after Christmas and I just happened to have a check from Stoneridge for \$87,000, one of his quarterly payments that was on my desk that I had shown Brian. It is true. How it came in I don't know. I know also \$200,000 was put into a different trust with Berchem & Moses to pay Berchem & Moses for legal fees that was done by Stoneridge. There is, let me assure you, they have put money up.

Mr. Yacobacci – Okay. Is there a way that we can get what they put up and what it was spent for? If they're putting up money to pay their own legal bills...

Mayor Staffieri – I would like to find out myself.

Mr. Yacobacci – Because all these numbers - \$1.1 million – but that doesn't go to any of our taxes. Right?

Mayor Staffieri – Maybe Rick might have an answer.

Mr. Dunne – I'd just like to comment on a couple of things here. The largest amounts of money had to do with the demolition. And those have come in on the schedule as promised with the prior administration. I know that those payments have all come in on time – I don't know what they amount to - \$400,000 or \$500,000.

Atty. Coppola – I just don't think it came through here. I think it went to Berchem & Moses.

Mr. Dunne – Well it's possible it went through there. The PDA sets up Berchem, Moses & Devlin as the Escrow Agent for the Agreement. So monies could have and probably did flow through the Escrow Account and were dispersed by the then City attorney on behalf of the City of Derby. Prior to that - \$200,000 involved in fees – that \$200,000 is roughly equivalent to the fees that are charged to applicants for Planning & Zoning. You know how they charge review fees? They charge application fees. Basically you pay to have the City's consultants review your application.

Mr. Yacobacci – Tell me about it.

Mr. Dunne – You just went through it, okay. So there's about, and I haven't obviously been here continuously from the beginning to the end, about \$200,000 that the developer has agreed to pay the City to cover the City's costs of reviewing their submissions to the City. The contract, any plans, any documents (inaudible) anything like that. The first \$100,000 I know for a fact went through the City Clerk's Office. Patty I'm not wrong, right, it didn't come through our office.

Ms. Finn – Right.

Mr. Dunne – The first \$100,000 went through the City Clerk's Office over the cost of 2000-2001. The second \$100,000 then went into the Escrow Account that got established in the first amendment to the original PDA, if I'm not mistaken. So about \$200,000 to cover the City's cost in reviewing their submissions to the City. The balance of the money could (inaudible.)

Mr. Yacobacci – I would still like to see where that money went. It is the town's (inaudible) probably got, should've been paid, and would have are – those are nice. Because when I paid for my Planning & Zoning fees that went through the City Clerk's Office. To say well his money is in escrow – it should have been paid, it could have been paid; we don't know if it has been paid if it's not in. Because like I said I went to the City Clerk's and she looked up on the computer and found one \$25,000 payment as far back as she had. I just ask because it's been published and it's been said \$1.1 million. I'm just questioning where that is.

Mr. Dunne – Well I think we all want the same accounting and hopefully when the City Attorney deals with the prior City Attorney on the Escrow Account issue we're going to have an accounting of all that money.

Mr. Yacobacci – Do you have a timetable of when that accounting would be done? Because I would (inaudible).

Mr. Dunne – Hopefully we're going to discuss it at our regular meeting next week. I don't think we'll have an answer, but at least we can discuss it.

Mr. Yacobacci – The second, maybe you can shed some light, as you know downtown it's a small community rumors get floated around and see if you can clarify something. In regards to some of the infrastructure and the Water Treatment Plant in downtown Derby the word on the street is Derby was going to float a \$50 million bond to upgrade sewers and utilities and stuff like that.

Mayor Staffieri – Nothing that I know about and I've been involved in \$3.5 million that we're trying to get. I was in Hartford last Monday with the Clean Waters Act and trying to get some grants and low interest money. That's way – whoever told you go back to them and tell them you don't know nothing.

Mr. Yacobacci – That's why I'm trying to clarify because we hear things and this is the only way we can get (inaudible.)

Mayor Staffieri – Well I'm clarifying that now.

Mr. Yacobacci – So there is nothing...

Mr. Dunne – There is another way Carl, with all due respect, you can call during the week and ask if it's true.

Mr. Yacobacci – Actually I heard this within the last two hours in conversation so I really didn't have to ask that. Plus I would rather have that on the public record (inaudible) something of that size. Thank you.

Mr. Calvert – Can I just say one other thing. One of the problems that we had last year was a meeting would break up and you have this Executive Session and if you did stick around they would come out with this piece of paper and say this is what we decided about your future. And I'm wondering if gentlemen what's your criteria for Executive Session or backroom discussions?

Mayor Staffieri – Hopefully little to none – hopefully.

Mr. Dunne – It's following State Statute.

Mayor Staffieri – If it has to happen, it has to happen. Certain things have to be discussed in Executive Session. Hopefully – I understand where you're coming from. I used to come to these meetings myself as a private citizen and I used to get frustrated because – I mean every week there was an Executive Session. A lot of things – I don't know – its all in the past. Hopefully it doesn't have to happen that way.

Mr. Stevens – Mr. Chairman most of those Executive Sessions involved litigation. It couldn't be discussed in public when it was under litigation for demolition.

Mayor Staffieri – Certain things have to go when we're talking about litigation, talking about where the money came from. The litigation roughly over two years ago when they knocked down the buildings the wrong way and there was asbestos and stuff like that. There was litigation involved that the developer paid for, not the City, and stuff which never came out in the right way.

Mr. Calvert – This resolution was a big thing and I spoke to these gentlemen before they went in. Mr. Skolnick had his chance to speak at the other City Hall and then he disappears in the backroom and I said to each of them don't cut us loose here. And they come out with this resolution – they could've discussed this in public. And I hope this kind of thing is not going to happen again. The resolution is what it is now it's a matter of record. But you know we were a little sad in we didn't get a chance to discuss it. And that's all. I know you Mr. Mayor and I'm sure you know you're going to look out for your citizens and if you could keep that to a minimum – it doesn't look good and if it's not necessary don't do it.

Mr. Dunne – Mr. Mayor if I could. I really want to just address this. The exceptions to the Freedom of Information allow for Executive Sessions are designed to protect the taxpayers. That's what they're there for. If the City is thinking about acquiring a particular piece of property that is not something that is to be discussed in public. Because exposing the strategy and negotiations ends up costing the taxpayers money at the end of the day. That's the purpose for it. Insofar as this issue of going into Executive Session, creating a document coming out and approving it that's absolutely not the way it should occur. The Executive Session is for the negotiation. Once the document is agreed upon it needs to be published – not published in the newspaper – but published so that the public can review it before the board is actually going to vote on it and take comment on it. So there will be an Executive Session but there needs to be time for the documents available for public review before the board votes on it. That's the way it should go in my opinion.

Mr. Calvert – Well hopefully. But in this particular instance it came out and it was there – this is the resolution, live with it. We never had a chance for a rebuttal.

Arlene Yacobacci – I would just like to know if there's a more current financial impact analysis. The one that is on the web site is based on an old proposal. And I would like the town to be able to see real numbers to see if this project is really going to benefit the town.

Mayor Staffieri – That's being formulated right now. It is in process right now – I know that for a fact. They are going through their GAP Analysis right now and they're...

Mrs. Yacobacci – Do they need to provide that before signing the amended PDA and you know they're proposing a plan that really did not include enough parking for the residential and commercial units.

Mayor Staffieri – They have to provide that.

Mrs. Yacobacci – But shouldn't they have had to provide it before you know the town even says this is what we need and this is going to benefit us.

Mr. Dunne – Well the City hasn't done that.

Mrs. Yacobacci – They have not and they should.

Mr. Dunne – The City hasn't endorsed a project.

Mrs. Yacobacci – But they signed the PDA.

Mr. Dunne – The PDA does not commit the City to a project to the developer.

Mrs. Yacobacci – Right. So he can do whatever he wants.

Mr. Dunne – No he can't. Because he needs to endorse a project and the Planning & Zoning Commission needs to approve the Site Plan. The fiscal analysis you're looking for needs to follow the due diligence period to allow the developer access to the site to determine the costs and then present the Fiscal Impact Statement. That's where it's going to come from. The City has not committed the taxpayers to a penny. And the City has not committed to supporting a particular project.

Mrs. Yacobacci – But you have put our lives on hold for these years.

Mr. Dunne – Understood.

Mrs. Yacobacci – And I think it's totally unfair.

Mayor Staffieri – I think – you know how I feel – I think it was unfair the way things have been done in the past; it took too long. The project should have been finished by now or half way there – I agree. But the past is the past and I can't dwell on the past. I was one of the unhappy people, I was one of the unhappy businesses in town trying to make a living in this town where all you got is nothing but a negative atmosphere even just to operate your business – I understand. Just to live in the blight of being known as "Dirty Derby" – "Beirut." It didn't do nothing for our business. And it didn't do nothing for them to take as long as they are taking to what they did. So you know it's this administration – give us a chance to make it work as best as possible.

Mrs. Yacobacci – Okay. Well they also have a Relocation Plan that's on file at town hall and nothing's been followed. We were supposed to be notified of you know our properties, available properties and so on. We get no information.

Mayor Staffieri – Again that was something that should have been done and this is what we're going to approve now. It should have been done a few years ago, but wasn't done.

Mrs. Yacobacci – Right. (Inaudible.)

Mayor Staffieri – And this is why we're – I told the developer that the City is going to adhere to their timelines, which the City didn't adhere to their timelines, the developer

didn't adhere to certain timelines themselves and we're going to hold them responsible. Now certain windows that have been put in place that they can sort of vary from you know we're going to move as quickly and expeditiously as possible and professionally. Not like the way things were done in the past.

Mr. Calvert – Would you like (inaudible.) You did say that you're not committed, that the City is not committed – this is committing the City to this project – this resolution. I suppose...

Mr. Dunne – (Inaudible.) It wasn't part of my PDA.

Mayor Staffieri – Which copy is that?

Mr. Calvert – This is the copy that was approved by this board actually and the resolution pretty much says we're committed to this project now in its entirety. The piece we took issue with is the fact that says no families have been displaced. We never got a chance to touch on that.

NUMEROUS VOICES – COULD NOT DISTINGUISH.

Mr. Dunne – I could tell you that specifically deals with the statutory requirements dealing with residential dwellings. It's not a comment on how your family owning a business has been impacted. Trust me that's not...

Mr. Calvert – That was just a follow up to what you said there were no commitments.

Mr. Waleski – Just one other comment. The way I see this project we're talking about a \$300 to \$400 million expenditure. We're talking about maybe a five-year time span. The developers seem to have all sorts of expertise. In a friendly way I make the following suggestion for your consideration and that is would the City be served well if they brought in a few consultants, a few specialized consultants, to look over this project and advise the City as to schedules, as to legalities, as to the timeframe and sequence and advice as to how to schedule these things so we have them in a proper sequence. And design whatever has to be done in such a way that the public has the opportunity to review all this stuff. And perhaps that kind of expertise it would seem to me since this is such a huge and profound project – it has such a tremendous impact it seems to me no matter what you spend for some good sharp consultants I would think it would serve the City well.

Jack Getlein – Maybe Mr. Mayor just one thing. Are you saying that you're going to look for ways of helping these people that are going to be displaced?

Mayor Staffieri – We have to. That's what we're voting on tonight – the RFP – that we hire a professional to deal and this way you're dealing with a true professional. Not you're dealing with someone that's a businessman that maybe he's trying to negotiate a best term for himself, not the best term for yourselves. And basically that's what we're doing. We're making sure that property owners and businesses are being treated as most professional as possible.

Mr. Calvert – Does that rule out you actually placing us in a building somewhere? Or is there one day you're going to turn up and say this is our check and you got to do what you got to do?

Mayor Staffieri – No they're going to negotiate with you...

Mr. Calvert – We're not in a negotiating position. We need buildings.

Mayor Staffieri – Well you know they're going to try to find other buildings for you. They have to exhaust – you know determine what the cost of your building, your business relocation, all the different costs that are involved and either try to relocate you to a different position or settle on a cash amount. Am I correct?

Mr. Dunne – Yeah. Tonight we're going to issue an RFP for the City to engage a professional to do the City's compliance of the Uniform Relocation Act. So all of the items that you as an effected property owner are entitled to and all those items that the City needs to deal with in a relocation – whether it's adversarial or not. This is a professional who will come in and conduct that process on behalf of the City. The City really doesn't have a stake in the dollars. The dollars are going to get paid by the developer at the end of the deal. So you know he is as impartial a person as we could engage to conduct this activity. It doesn't preclude anything.

Mr. Calvert – It doesn't preclude eminent domain.

Mr. Dunne – It certainly doesn't preclude eminent domain, in my opinion.

Mr. Calvert – That's what we wanted to say.

Mr. Dunne – If that was the question I didn't realize it...

Mr. Calvert – No. But I mean that we got to say what we've got to say. Mr. Mayor I love him dearly he always says that would be the absolute, absolute last – but I (inaudible) absolute, absolute last – I want you to say we'll give you a building somewhere. That's what I want you to say. I don't want you to say we'll give you a check. I want you to say go look for something. Because you know that's not fair. I'm not in the real estate business, you people are.

Mr. Dunne – But there will be a very specific process. Everyone will be treated the same – everyone will be treated equally by the consultant. The consultant will offer, and this is just a short version of it, will offer alternative options for you in terms of buildings. How that gets worked out or paid for that's almost a separate issue. But you're entitled to certain things under the law. Before I was shut up several years ago in a meeting I started to explain in a meeting what everyone was entitled to. At any rate this step will allow us to move forward and to treat the effected property owners as fairly and as impartially as possible as the process will permit.

Mr. Getlein – I think what I'm asking is (inaudible) and think Mr. Calvert is asking the same thing – is the City going to go one step further? You already said you have a way of putting pressure on the developer (inaudible) you're going to get what you're entitled to – he's asking for a lot of things from the City. For the few people that are

involved I don't see why the City can't put pressure – look you better go the extra ten yards and take care of these people a little better than just what the law says they're supposed to get. Because that's what this guy would love to do. Just give whatever he has to do under the law and not a penny more. And I think that's not enough.

Hearing no one else wishing to comment...

PUBLIC PORTION CLOSED

REVIEW AND APPROVAL OF THE RFP FOR RELOCATION AGENT

A MOTION was made by Mr. Dunne with a second by Mr. Stevens to move adoption of the issuance of the Invitation to Bid.

DISCUSSION ON MOTION

Mr. Oraziotti – There's a few questions that I have. Forgive me but I'm a little bit curious – first of all the question was asked before – who's going to pay for this and Mr. Mayor I thought you had said that the City will be paying for it and is getting reimbursed. Correct?

Mayor Staffieri – Correct.

Mr. Oraziotti – That's the way I was led to believe.

Mr. Dunne – That's what the PDA says.

Mayor Staffieri – Exactly. What I was led to believe verbally and it's written down in your PDA that you have.

Mr. Oraziotti – I guess the other questions that I have – why should we pay a relocation agent? I mean we have Mr. Skolnick here, we have Ceruzzi. I mean how many people are we going to put in the middle of this thing to solve these problems? Why do we always have to create another layer? Instead of taking the bull by the horns and moving forward and doing what we have to do? Mr. Skolnick met with these property owners. Are you saying, not you personally Mr. Mayor, but are you saying that Mr. Skolnick can't do his job or wasn't able to do his job? So now you have to hire a relocation agent? I'm looking at the requirements – the resume for the – how long is this going to take? Is this going to be a situation where we approve an RFP tonight to go for a relocation agent where you say here it says (inaudible) who they have to be made familiar with? To me it just doesn't make any sense to me to be honest with you and the reason why it doesn't make any sense to me that we're letting another person get involved in our renegotiations because the people who are supposed to do the job are not doing it. That's what I'm seeing here.

Mr. Dunne – Mr. Chairman if I can just take it point by point through you Mr. Chairman. I'm supporting this because we're engaging a firm who is acting on behalf of the City, not in addition to the City, to protect the City's interests and to comply with what the law requires of the City in regard to this matter. We cannot be assured unless the person works for the City of Derby that they are in good faith carrying out all of the responsibilities of the City under the law. So I frankly don't feel comfortable with the developer...

Mayor Staffieri – Basically you have heard from the property owners saying that they haven't been dealt fairly. You know whether that's true or not true we are making sure that they're going to be treated fairly and professionally.

Mr. Stevens – Another misconception is that the City is responsible for the relocation. The developer can acquire properties but the City is responsible for relocation. And there's property owners that want to relocate rather than just being bought out and that's the problem. The City has not been able to carry out the negotiations.

Mr. Oraziotti – Why?

Mr. Stevens – Back to the previous administration or (inaudible.)

Mr. Oraziotti – You know...

Mr. Dunne – John...

Mr. Oraziotti – Let me just say something.

Mr. Dunne – John hold on please. You don't a Development Office. You have no Economic Development professional from the prior administration and the current administration has not engaged one yet. You have no staff in the City of Derby who can do this job. This is not a volunteer job John. This is a job that requires complete familiarity with the State Statutes that govern our activities here. What I don't want is the City of Derby to get sued at the end of the day for not complying with these responsibilities under the law.

Mr. Oraziotti – Okay but you know Rick I feel that if you're going to have a meeting of redevelopment and you're going to bring up an issue like this then an issue like this should be brought up before the Redevelopment Committee first, discussed what you're going to do and then move on approving it. Not put it on a piece of paper and all of a sudden this is the way it's going to be let's approve it. That's not the way to do business. I don't like to do business like that. I like to study something first. We're not getting any time to look at anything; we're not getting any time to study it. We don't know what this is going to cost us. I mean you're going to get somebody who is going to be putting in bids – what is it going to cost? Where does it say in the PDA, where does it say on a piece of paper that the developer is going to reimburse the City?

Mr. Dunne – Well it says it in the PDA.

Mr. Oraziotti – That we can go for a relocation agent? It says that in the PDA? I don't know, I don't think so.

Mayor Staffieri – John it does say it. You need to understand the PDA.

Atty. Coppola – Let me say something. Mr. Oraziotti there is a Relocation Plan and there is a Preferred Developer Agreement. The Preferred Developer Agreement is an Agreement between the City and that developer as far as once title to the (inaudible) once title to Phase I is obtained either through the developer or the City that some kind

of development is going to go forward there – that's the Agreement. The Plan of Development that was adopted by this Board, the P&Z is the plan on what we're going to do back there as far as property owners and businesses. This plan requires that the City go forward with offering relocation services to those businesses that are in there. The Request for Proposals to bid comes directly out of the Plan of Development, which comes directly out of the statutes. So this is drafted out of our plan. It has nothing to do with the developer. It's a decision by, I'm going to say the past administration, but it's the decision that when this Plan of Redevelopment was entered there's a timeline with that. It's either we're going to stare at what we see or the City, through this board, has now got to go to the next level. That's what this is. This is nothing new. This is actually coming directly out of the Plan of Development.

Mr. Oraziotti – What does the developer have to say about this? Or they don't have any say?

Atty. Coppola – You have to understand the Plan of Development for the developer. They don't have statutory authority to go to a business and say what do you need for us to move you from the City? They have no authority, only we do. Now what we're discussing is this Board qualified to do it? We're not qualified – there's no one in the City that's qualified. That's what the relocation...

Mr. Oraziotti – Who is going to make the decision on who the Relocation Agent is going to be?

NUMEROUS VOICES – COULD NOT DISTINGUISH.

Mr. Oraziotti – (Inaudible) and then we're going to rule on the bidding?

Atty. Coppola – Yes. This board has to decide who.

Mr. Stevens – Remember your frustration with Hubbell? I mean there were no negotiations going on and you took the bull by the horns.

Mr. Oraziotti – Yeah.

Mr. Stevens – That's what we have to do tonight. We have to take the bull by the horns; we have to get an agent. There's too much property for you to go out and negotiate yourself.

Mr. Oraziotti – Obviously we're not that comfortable with the way (inaudible) negotiating with the property owners.

Mr. Stevens – It's not his responsibility to negotiate.

Atty. Coppola – Whether it is or it isn't statute tells us that we have to do it.

Mr. Oraziotti – Well you know all I'm interested in – I'm interested in two things. Number one we have businesspeople out here who are looking for some direction. They're looking for some answers and they're looking for something to happen and how much

time is this going to take? That's going to bring this thing another couple of months?
What's the timeline here?

Atty. Coppola – Let's talk about it.

Mr. Oraziotti – How long are the bids going to be in place?

Atty. Coppola – Do you have the bid in front of you – the language? I left open the date. You guys pick a date.

Mr. Dunne – We made the motion...

Mr. Oraziotti – We can't make a motion without having a date.

Mr. Dunne – I made the motion – there's no date on the document. And we can have a discussion about that and then we can amend the motion. I would like two weeks turnaround – I would like no more than thirty days.

Atty. Coppola – Just keep in mind it's got to be posted in the paper.

Mr. Dunne – Right. From the publication date.

Atty. Coppola – Got to give them some time to go downstairs to look (inaudible.)

Mr. Dunne – I understand.

Mayor Staffieri – This is not to make this political. This is to respect our property owners. Not to put them in limbo, not to talk about it and not to make this a political move. This is to show respect to them and what is going on. Because it's all things that have been written down and accepted by you people already. We're trying to move forward. You say that the developer held things up before. Now if we don't do this we are holding things up – the City is holding things up.

Mr. Oraziotti – I'm looking to move forward but I want to make sure we're not adding an extra two or three months on to the timeframe.

Mr. Stevens – This will provide property owners with the liaison that they've been looking for the last eight years.

Mayor Staffieri – This is what they've been asking for.

Atty. Coppola – I want to tell this board that you guys are going to be very busy in the next few months. This board has a lot of power that was never used and I don't know why. But you're going to use it.

Mr. Oraziotti – I'm all for moving forward but I don't want to end up (inaudible.)

Mr. Russo – As part of the Relocation Plan, and this was brought up in previous meetings, but the second paragraph of this John take a look at it. The agency retains jurisdiction and oversight over all aspects of the Redevelopment Plan – this agency does. So we

have the responsibility – the ultimate responsibility. Now it was explained to us in previous meetings that – and that's where your confusion and our confusion I think lies – is that we were told that certain parties were going to be performing certain duties and that did not happen. And that's why going to this phase and selecting a professional to do this aspect of the Relocation process is now we're acting in the capacity that we should be. Instead of having this person is going to do it – that person is going to do it. There's no more shuffling. There's no more shell games. It's back to where we should have been.

Mr. Oraziotti – Then we should have a date.

Mr. Russo – We also have to be realistic because if we're going to select somebody we have to select a competent person also.

THE BOARD MEMBERS DISCUSSED VARIOUS TIMEFRAMES FOR THE BID DATE.

AMENDED MOTION BY MR. DUNNE WITH A SECOND BY MR. STEVENS

The due date for bids will be no later than 4:00 p.m. on April 4, 2006 and they will be opened publicly and read at the Special Meeting of the Redevelopment Agency at 6:30 p.m. on April 4, 2006.

MOTION CARRIED.

ADJOURNMENT

A MOTION was made by Mr. Stevens with a second by Mr. Russo to adjourn the meeting at 7:28 p.m. **Motion carried.**

Respectfully submitted,

Patricia Finn
Recording Secretary

/paf

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