

CITY OF DERBY
REDEVELOPMENT AGENCY SPECIAL MEETING
JANUARY 10, 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

Also Present: Mayor Anthony Staffieri
 John DeBarbieri, Interim Chief of Administration
 Alan Schlesinger, Interim Finance Director
 Ronald Sill, Alderman
 Kenneth J. Hughes, President Board of Aldermen (arrived at 6:43 p.m.)
 Joseph M. Bomba, Alderman (arrived at 6:43 p.m.)
 Richard T. Dunne, Executive Director – Valley Council of Governments
 James Coppola, Corporation Counsel

Mayor Staffieri turned over the meeting to Mr. Stevens.

ADOPTION OF AGENDA

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

PUBLIC PORTION

Brian Calvert, Calvert Safe & Lock, 40 Caroline Street, Derby, CT – I'm just going to read this statement – Mr. Mayor and Board members, thank you for this opportunity to address you at this time. We want to wish the new administration well and want to assure you of our complete cooperation at all times. I wanted to go on record that the Calvert Family has always cooperated with the agents of this board who are Ceruzzi Derby Redevelopment, LLC. We have never said no to any of their requests for information nor have we ever stopped them from coming on to our property. I have here just a couple of the timelines, this is the timelines of all the times that the Ceruzzi's have contacted us by letter or by email and a timeline of our replies so that you can see exactly what kind of correspondence went on. I also want it on record that we have never asked for money for our property nor have we set a price for it. But rather have said from the beginning that we have two requests – request one leave us alone to make our own future; request two show us land and a building equivalent to what we have now and we will look at it. That's all. Mr. Mayor, I want (inaudible) I want you to go on record tonight as to your prediction for the future of the Calvert Safe & Lock

building location. We've been put on hold for far too long. We need to make our own short-term and our own long-term plans. We have infrastructure in our building that needs replacing. Things like carpets and things like general decorations and we need to know should we do it or should we not do it? So what I would like you guys to do, if you could, is to go on record as to where does the Calvert Safe & Lock building stand at this time or what comes in the near future? Thank you.

Jeff Auerbach, Derby Garden Center, Caroline Street, Derby, CT – I would just like to support what Mr. Calvert said and to stress that we would like some answers. We would like some answers as to exactly what is happening. I also am trying to do certain things down at our location – we have no idea what is happening. The other comment I have is if the developer is here tonight, if he's going to speak and bring us up to date, it would be good if at the end of him speaking we had a chance to ask some questions. To be able to ask questions now, before he presents it, I feel is a waste of time. We'd like to hear what he has to say then have the ability during this meeting to ask him questions. So I hope that you would open up the meeting – part of the meeting – but open up after he speaks so that we can ask questions, pertinent questions, we won't delay the meeting, but we want to get some answers. We need to know what's happening.

Mr. Stevens – Being that this is a special meeting we cannot amend the agenda tonight. I appreciate your comments but we could probably accommodate your request for the next meeting. This is a special meeting tonight and we cannot amend the agenda in any way, shape or form.

Mr. Auerbach – You said next week. What do you mean?

Mr. Stevens – Next month – I'm sorry.

Dan Waleski, 21 Elm Street, Derby, CT – Just before you opened your meeting I was talking to Mr. Calvert and I said Mr. Calvert you have a computer do you find that all the information that has crossed your desk concerning redevelopment downtown here – do you find, the information you find on the computer is that adequate? I said I don't have a computer. I don't know what's going on. To my knowledge the only thing that the City has done so far is designate what area is going to be developed, what area they intend to develop, and the fact that they have not decided on exactly what they are going to put in there but they decided on a concept in the area. That's about all that I'm aware of that you people have done so far. You have some of these businessmen hanging on edge here as to what's going to happen down the line. I think that we're at a point in time where I think you owe it to the public to be a little bit more specific here. Let us know first of all how this project stands legally and in detail. Then secondly let us know how you're going to go about things so that we can – the public can have not only comment and input but the businessmen and other people affected could go about their future in a more systematic manner. Thank you Mr. Chairman.

Mr. Stevens – Thank you. Anyone else from the public? This is a special meeting called by the members. I'm going to make some comments just for me. We are in the process of regrouping this agency and getting this thing back on track. This administration is committed to redeveloping downtown. This administration has a binding Preferred Developer Agreement and is holding to the timeline of that

agreement as it is set in the Preferred Developer Agreement. And this administration and the City is committed to honoring that Preferred Developer Agreement and that timeline with this developer. That's where we stand right now. We are in the process, again, but the downtown development is going to move forward. At the next meeting if you wish to have items added to the agenda you can contact the Mayor or City Hall and we'll put them on. Each one of you that have questions the Mayor has opened his door and his phone for those questions. We won't be able to have an open forum tonight because again this is a special meeting; but we will put anything on the agenda that you wish to have on the agenda for next month's meeting. Also, with regard to the website I am working with the aldermen and with Mr. Walsh to get the Redevelopment Agency actually on the website because we are not even on there at this point. So we're working to improve communication with the citizens in whatever way possible. So any of your suggestions are more than welcomed.

PUBLIC PORTION CLOSED

APPROVE MINUTES OF SEPTEMBER 28, 2005 SPECIAL MEETING

A MOTION was made by Mr. Russo with a second by Mr. Oraziotti to approve the Minutes of the September 28, 2005 special meeting as presented. **Motion carried.**

Mr. Russo noted on the minutes of the August 10, 2005 meeting there was a motion made and seconded by Mr. Stevens. Ms. Finn said she would review the tape and make the correction for the next meeting.

UPDATE ON SOUTH SIDE OF MAIN STREET REVITALIZATION PROJECT

Mr. Stevens informed those present that progress has been made – buildings are coming down. Mr. Stevens asked Mayor Staffieri for a few comments. Mayor Staffieri noted that they are working on solutions to deal with the businesspeople and property owners in the downtown to work out a solution to best suit everybody's needs. We are working for a fair solution for everyone.

Mr. Skolnick said with the advent of the new administration there has been a lot of information passing between the City and the private developer. They have enjoyed the renewed vigor and focus that the new administration has given to the redevelopment project. He said they have been in dialogue with the City to consider bringing on an expert to assist with the issues relative to the Relocation Plan under the Redevelopment Plan to satisfy the needs and concerns relative to those businesses and owners that exist within the Redevelopment Zone. He said as it relates to the private property owners who are interested in selling they are now in contract with two of the private property owners. The Teitlemen Property is under hard contract and the owners of Scarpa Electric have signed contracts and have sent them back to counsel. He stated that they have been progressing as far as they can regarding the GAP Study and the engineering necessary to complete the study. Mr. Skolnick said they still need the City's help in gaining access to the private property owners in order to complete the study. He urged the Redevelopment Agency to give him some assistance in gaining that access. With regard to the Title work, Mr. Skolnick said their attorney is just about complete with the review and a letter that will go to the City's Counsel outlining their concern regarding the Title affecting the City properties. He also stated that they have been assisting the City with regard to the new issue relative to the demolition that has been occurring. It has to do with the advent of a common wall between 250 and

256 Main Street. Everyone has been working very hard to come to a resolution that allows for the completion of the demolition that has been taking place. He said they are hopeful to come up with a resolution in the next week or so. Mr. Skolnick said they felt it was viable to release some of the monies that they placed in escrow to the demolition contractor since they have pretty much completed two-thirds of the work.

NEW BUSINESS

Establish 2006 Meeting Schedule

The agency members reviewed their personal schedules. With the exception of the February meeting, all meetings will be held on the Second Tuesday of each month at 6:30 p.m. at Derby City Hall, Aldermanic Chambers.

A MOTION was made by Mr. Russo with a second by Mr. Oraziotti to adopt the 2006 Meeting Schedule for the Derby Redevelopment Agency as follows:

Tuesday, February 7, 2006 (1st Tuesday of month)

Tuesday, March 14, 2006
Tuesday, April 11, 2006
Tuesday, May 9, 2006
Tuesday, June 13, 2006
Tuesday, July 11, 2006
Tuesday, August 8, 2006
Tuesday, September 12, 2006
Tuesday, October 10, 2006
Tuesday, November 14, 2006
Tuesday, December 12, 2006

All meetings will be held at 6:30 p.m. at Derby City Hall, 1 Elizabeth Street (Aldermanic Chambers, Derby.

MOTION CARRIED.

Ms. Finn will submit the schedule to the Town & City Clerk for filing.

Discussion regarding referral from Planning & Zoning

Mr. Stevens said there is a letter in the packet tonight from Michael Joyce, Project Manager for Milone & MacBroom, the City's engineering firm, sent to our commission as well as Mayor Staffieri. The letter reads:

Dear Mayor Staffieri:

On behalf of the Derby Planning & Zoning Commission, we are hereby forwarding to you and the Derby Redevelopment Agency, copies of the site plans and architectural drawings for the above-referenced (Clark Development Group, LLC / 148-156 Main Street, Derby, CT – MMI #1563-22-5) application, which is currently before the Planning & Zoning Commission for review. The property associated with this application is located within the Downtown Business Revitalization District, more specifically shown on Derby assessor's Map 8-5, Lot 185 and identified in the Plan of Redevelopment, adopted by the Redevelopment Agency on September 28, 2005. It is the Planning &

Zoning Commission's intent to follow the standards established by the Plan of Redevelopment in addition to the existing Zoning regulations, especially Section 195-20A(6) to "Promote the most desirable use of land and direction of building development in accord with a well-considered plan..."

To insure that this proposal is consistent with the goals and objectives of the Plan of Redevelopment and the City's vision for this area, the Commission requests that the Redevelopment Agency review the attached material and respond to the Commission with a written opinion of the proposed project. The public hearing for this application has been continued to the next meeting of the Derby Planning & Zoning Commission on January 17, 2006.

In addition to the applicant's drawings, we have also attached a copy of our original zoning comment letter for the agency's review. Should you have any questions or concerns, please do not hesitate to contact our office. Very truly yours, Milone & MacBroom, Inc.

Mr. Stevens said the following is going to be a discussion amongst the members of the agency. He informed the members that as he is a member of the Planning & Zoning Commission he would recuse himself from comment. Mr. Stevens noted that the Planning & Zoning Commission thought this item should be reviewed by the agency as it is in the Redevelopment Zone.

Atty. Coppola said in the packet there is a letter from Milone & MacBroom dated November 10, 2005. He noted that the only inaccuracy in the letter appears in paragraph four where it refers to the section of the Revitalization District and the Zoning Regulations. He said that Zoning Regulation has not been enacted yet, so the only modification of what is in there is just to call your attention that you can't follow the new regulation – we have to follow the old regulation. He said the agency right now has the authority to review what is on the plan and make any comment that you feel are appropriate and send to the zoning chairman. Atty. Coppola noted that it is number 4 on the 2nd page. He said there is no discussion of waiving off street parking, the board doesn't have the authority – the P&Z Commission does though in the Central District. He said the plan that was passed talked about parking requirements in that area, the agreement with the developer of what the ultimate goal is. He said the applicant has stated that they plan on using the municipal lot for parking. In the Redevelopment Plan that parking lot is going to be turned over to the developer. He said one of the recommendations that this board can consider is notifying the Planning & Zoning Commission that the lot that the applicant is requesting use of in the future will not exist. Another example was to have some type of control for pedestrians. The plan submitted by the applicant really just talks about sidewalks. There's no real control about pedestrian traffic on Caroline Street or Main Street. That is an item that you could have some discussion input on.

Mr. Russo said he feels the main concern that he has is that they are just receiving the information. He said the other critical impact to him is what is the impact of this building on the Redevelopment Plan and the impact on the Preferred Developer Agreement?

Atty. Coppola said any of the owners in the zone can approve their property. The Plan discusses that ultimately the City can try to take possession of their property. A

comment to P&Z could be although the person can develop on their property, according to the Plan the City may at some point come into possession of it or the developer will. So whatever improvements are being made are at the risk of the owner. He said that is all you can really say – that the agency has approved the Plan. If you have an idea of what the Plan is, the recommendation could be that this application follows whatever the Plan seems to offer.

Mr. Oraziotti said the only thing that he would want to add is in order to make an intelligent decision, and we did just receive this information, he feels that the developer should submit his views on how this would or wouldn't interfere with his project. He said he feels to make a determination right now would be just wasting time.

Atty. Coppola said he would have to caution the use of the word "determination" because that is not what this agency's authority is on this review. The agency's authority is "recommendation." You're not making an answer to vote in favor or against. So one consideration that you would like is more time to review the application. You would like to be informed by the Preferred Developer as to how this plan affects the entire project.

Mr. Russo said he wholeheartedly agrees with that. He said there is a tremendous amount of infrastructure change that is going to occur in the Redevelopment Zone – streets, landscapes, sanitary sewers, water lines, etc... He said he also knows that they are going to be changing the elevation of Caroline Street to accommodate parking garages. We need to know how do the plans that are currently before the different agencies in the City that impact what is going on? The other thing is parking. If the municipal parking lot is not available based upon the square footage of the proposed facility how is the new development going to propose parking to satisfy the requirements of Planning & Zoning?

Atty. Coppola stated that they haven't disclosed exactly what they are going to need for parking. He believes that is going to be reviewed in Planning & Zoning.

Mr. Russo noted that it is his understanding that Planning & Zoning has strict requirements based upon the use of and square footage of a facility. That would need to be satisfied in order to move forward. Mr. Russo also noted that the developer has stated that there are going to be certain parts of the parking garage that are going to be public – a lot of it is not going to be public. It is going to be used specifically for the buildings within the development zones.

Atty. Coppola said the caveat to that is entitlement to mean all the properties. So whichever properties aren't included in that understanding would it mean that the owner would have to contribute for his use of the parking?

Mr. Russo said in addition if there are going to be infrastructure costs assumed by the developer is the new developer who is proposing this facility going to be contributing toward the cost of construction, the cost of infrastructure? He said the short of this is we need more time to review this.

Atty. Coppola said he would draft a response from this board to the Planning & Zoning Commission requesting more time to review, to have the opportunity for the developer

to review the proposed plan, and that the board has serious concerns regarding the infrastructure change and parking.

Mr. Russo said he has a general concern in that we already have a Preferred Developer Agreement within the zone with a developer and how does that impact our contract with him?

Atty. Coppola said it doesn't make it easier, however, he is an owner and they can improve their property. He said he would draft the letter to Planning & Zoning.

Mr. Oraziotti said there is a whole gamut of things that come to his mind that he is concerned about. He is concerned about what is the developer's position to help Mr. Calvert, Mr. Yacobacci? He has to let us know where we stand. Are we in violation of the Preferred Developer Agreement? Are we not in violation? Can we proceed? Is there a work around plan? There are so many things that we need to know from them before we can move forward. We want to make sure that Mr. Calvert and Mr. Yacobacci get taken care of. He said we're not going to know unless we get these people to commit to us on what we can and can't do.

Mr. Stevens suggested that the letter also be sent to Mr. Skolnick.

ADJOURNMENT

A MOTION was made by Mr. Russo with a second by Mr. Oraziotti to adjourn the meeting at 7:06 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.