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TOWN OF WALLINGFORD, CONNECTICUT

TOWN COUNCIL MEETING

April 11, 2006

6:30 P.M.

MINUTES

The following is a record of the minutes of the Wallingford Town Council at its regular meeting held on Tuesday, April 11, 2006, in the Robert Earley Auditorium of the Wallingford Town Hall. Town Council Chairman Robert F. Parisi Called the Meeting to Order at 6:30 P.M. Responding present to the Roll Call given by Town Clerk Barbara Thompson were Councilors Michael Brodinsky, Vincenzo M. DiNatale, Lois Doherty, Gerald E. Farrell, Jr., Stephen W. Knight, Iris F. Papale, Robert F. Parisi, Rosemary Rascati, and Vincent F. Testa, Jr. Mayor William W. Dickinson, Jr. and Comptroller James Bowes were also present. Town Attorney Janis Small arrived at 6:40 P.M.

Moment of Silence

1. Pledge of Allegiance and Roll Call
2. Correspondence – *None*
3. Consent Agenda
 - 3a. Consider and Approve Tax Refunds (#574 - #593) totaling \$11,378.65 Acct. # 001-1000-010-1170 - Tax Collector
 - 3b. Consider and Approve Merit Increase - Personnel
 - 3c. Consider and Approve an Appropriation to Special Revenue Fund Account SCOW CAUSA-2 Grant for \$29,000 to Acct # 202-1040-050-5000 and to Grant Expenditures Acct. # 202-3070-605-6000 – Grants Administrator
 - 3d. Consider and Approve Resolution Authorizing the Mayor to Execute Memorandum of Understanding Extending Fiscal

Year 2004 Homeland Security Grant Program from
November 30, 2005 to September 1, 2006
- Mayor

- 3e. Consider and Approve a Transfer in the Amount of \$100,000 with \$70,000 to Heating - Board of Education Acct. # 001-7600-860-6900 and \$30,000 to Utilities - Board of Education Acct. # 001-7600-860-4100 from General Contingency Acct. # 001-7060-800-3190 - Mayor

Mr. Knight made a motion to Accept the Consent Agenda from 3a. to 3e. Mr. Farrell seconded. There was no discussion.

The vote was all ayes and the motion passed.

4. Items Removed from the Consent Agenda - *None*
5. PUBLIC QUESTION AND ANSWER PERIOD

Pasquale Melillo, 15 Haller Place, Yalesville, asked about the transmission lines and their care in removing branches. **Chairman Parisi** said that that happens on a regular basis. He then asked about energy needs of the town and getting our power plant going. **Chairman Parisi** said that nothing new has been brought to the Council but they are working on it. **Mr. Melillo** asked about the American Legion property, and **Chairman Parisi** said that he thinks it's in the judicial system.

WAIVE RULE V

Consider and Approve a Transfer in the Amount of \$600 to Facsimile Machine Acct. # 001-1600-999-9902 from Office Expenses and Supplies Acct. # 001-1600-401-4000 - Personnel

Mr. Knight made a motion to Waive Rule V for the purpose of Considering and Approving a Transfer from Personnel. **Mr. Farrell** seconded.

The vote was all ayes and the motion passed.

Mr. Knight made a motion to approve a transfer in the amount of \$600 to Facsimile Machine Acct. from Office Expenses and Supplies Acct. as asked for by Personnel. **Mr. Farrell seconded.**

Chairman Parisi said that this is an emergency purchase. There were no questions or comments.

The vote was all ayes and the motion passed.

6. Consider and Approve a Transfer in the amount of \$18,000 to Utilities Acct. # 2030-201-2010 from Regular Salaries & Wages for \$10,500 Acct. # 2030-101-1000 and Fire Operating Expenses for \$7,500 Acct. # 2030-401-4100 – Fire Department

Mr. Knight made a motion to Consider and Approve a Transfer in the amount of \$18,000 to Utilities Acct. # 2030-201-2010 from Regular Salaries & Wages for \$10,500 Acct. # 2030-101-1000 and Fire Operating Expenses for \$7,500 Acct. # 2030-401-4100 as presented by the Fire Department. **Mr. Knight** read the letter that accompanied the transfer request. **Mr. Farrell seconded.**

There were no questions or comments on the item.

The vote was all ayes and the motion passed.

7. Consider and Approve a Transfer in the amount of \$6,800 to Gas and Diesel Acct. # 2030-300-3000 from various accounts – Fire Department

Mr. Knight made a motion to Consider and Approve a Transfer in the amount of \$6,800 to Gas and Diesel Acct. # 2030-300-3000 from various accounts as requested for the Fire Department. **Mr. Farrell seconded.**

There were no questions or comments on the item.

The vote was all ayes and the motion passed.

8. Consider and Approve a Bid Waiver to hire Construction Manager Constructor (CMC) and Owner's Representative for the Vocational Agricultural Building Project – James Vitali, Vo-Ag Committee Chairman

Mr. Knight made a motion to Consider and Approve a Bid Waiver to hire Construction Manager Constructor (CMC) and Owner's Representative for the Vocational Agricultural Building Project as requested by James Vitali, Chairman of the Vo-Ag Committee. **Mr. Knight** read the letter to the Council Chairman from Mr. Vitali. **Ms. Doherty** seconded.

David Golebiewski member of the Building Committee was called forward since Mr. Vitali had not yet arrived but could not offer assistance on this item.

Mayor Dickinson said that it was discussed with him and the Town Attorney and with Attorney D'Onofrio, who provided information on the positions of Construction Manager Constructor and of Owner's Representative as related to the course of the project, including pre-construction duties. He listed for the CMC the scheduling of work, review of design, value engineering issues, construction cost estimates, and regulatory approvals. He said the owner's rep is also dealing with providing information to the Committee and acting as staff for the Committee. He said that these position work in harmony with the architect. He said that the Committee is trying to comply with a time factor and that both the Town Attorney and he are satisfied that there view of how to properly put the project together is in harmony with what we have done in the past and to go through a bidding process would add three months which they really don't have.

Chairman Parisi asked for questions from the Council and there were none. He asked for any questions from the public.

Pasquale Melillo, 15 Haller Place, Yalesville, said that he is against waiving bids and that there is plenty of time.

Mr. Brodinsky asked what the next step is. **Mayor Dickinson** said they would interview applicants and make a choice. **Mr. Brodinsky** asked if the price would be blended with the qualifications. **Mayor Dickinson** said, "Yes."

James Vitali, Vo-Ag Committee Chairman arrived.

Mayor Dickinson said so that Mr. Vitali knows, the question was whether your selection will involve getting credentials, qualifications, interviewing and then selection based upon substantive review of what they represent in terms of cost and their expertise

Mr. Vitali said we're prepared to understand what an RFP does and how the process works. He said that 43 people picked up the RFP packet for the architect. He said that only 11 returned the packets with proposals and that only 50% was in the final group that applied. They interview the five that the selected and are going to short list again. He said the process is coming together. He said Jeff D'Onofrio will be at their next meeting to help review the RFPs that they had and helped them go to the next level with the contract. He said they will be very specific on the scope of the architect, the CMC and the Owner's Rep. He said they will have a specific job description of what each one is doing.

Ms. Papale, as an aside, wanted to know about the location of the Vo-Ag building considering that there are wetlands where they want to put the building. She asked if it has to be put somewhere else now.

Mr. Vitali said when the paperwork was generated for the grant they didn't feel there was any problem in that area so they thought conceptually that's where the building could go. He said previous building maps didn't go to the end of the property because the building was never going to go to the end of the property. He said we wanted to be sure that this was the area that we wanted to work in so the committee had the area was flagged and surveyed and put on a map and it showed that the involvement was too severe. The architects knew this, and they showed up some other areas. One of them is on the opposite end of the building in between Dag and Lyman Hall. Another one is moving the parking lot and there is area in there where the buses unload. He said that they have gone to the state Board of Education regarding relocating on the site and the answer was 'no' as long as they are on the same site and there is no change in the scope of the educational program. He said they asked the state for an extension of time to get the first shovel into the ground because this is too serious an issue to make the wrong decision.

Mayor Dickinson said it is a complication in that if they have to move the parking lot that it will increase costs.

Mr. Vitali said that is still an unknown, and they will keep the council advised.

There were no other comments.

The vote was all ayes and the motion passed.

9. Consider and Approve Revised Job Description for Assistant Superintendent in Sewer Division - Personnel

Mr. Knight made a motion to Consider and Approve Revised Job Description for Assistant Superintendent in Sewer Division as presented by Personnel. **Ms. Papale** seconded.

Terence Sullivan, Personnel Director
James Hutt, Asst Personnel Director
Roger Dann, General Manager Water Sewer Division

Mr. Sullivan announced that Terri Smith had just been promoted to the job of Superintendent of Sewer leaving his job open. He said on reviewing the job description, it was realized that there was a certain state certification required, which precludes all applicants who don't have it. He said they would like to open it up and allow the probationary period the time to get that certification through a testing process. He said this will bring a better pool of candidates both inside and outside.

Chairman Parisi asked if there were any questions from the Council.

Mr. Brodinsky asked if this was a controversial change. **Mr. Sullivan** said, no. **Mr. Brodinsky** asked if it has been passed by the union, and if it has, what is the reaction there. **Mr. Sullivan** said it has been shared with the union, and the letter from the union president states that he is fine with it. **Mr. Brodinsky** asked if this job description has been written in any way so as to eliminate anyone or to make sure someone, not other wise qualified, would get this position. **Mr. Sullivan** said that it will not cut anyone out, and, if anything, it will include others that don't have the license now and who could get it during the probationary period.

There were no other questions or comments.

The vote was all ayes and the motion passed.

ADDENDUM

Discussion and Action on the selection of a developer for the Wooding-Caplan property – Robert F. Parisi, Chairman

Mr. Vincenzo DiNatale, Mr. Jerry Farrell, Jr., Ms. Iris Papale recused themselves from the Wooding Caplan matter and left the Council table at this time.

Mr. Knight read the Addendum item.

Chairman Parisi said they are open for discussion. He asked people to come forward and to identify themselves with name and address.

The following people spoke:

Bob Hogan, Grieb Road, read a prepared statement and said that all plans as presented be rejected and that the town should ask for a more realistic plan for the town.

John Bradley, 49 Academy Street, talked about the process, favoritism and the possible inquiry by the State Attorney General's Office. He read from a prepared statement.

Chairman Parisi announced that Councilors DiNatale, Farrell and Papale have recused themselves from the discussion on the Wooding Caplan project.

Kathy Avery, 42 North Elm Street, referred to the March 22 presentation of the Joseph DiNatale proposal, changes to the original proposal and compliance with the RFP.

Lisa Peretta, 76 High Hill Road, as a business owner she said she is speaking for the businesses in town. She noted that it is difficult to attract businesses to town and that she supports the plan by Mario DiNatale to enrich the citizens of the town as well as the businesses.

Alfred Ferrino, 273 South Main Street, said that he prefers owner occupied proposal of the Joseph DiNatale Town Center plan.

Patricia Sittnick, 139 Prince Street, read from a prepared statement and asked the Council to support the proposal of the Joseph DiNatale Town Center plan.

Ashley Pelletier, High Hill Road, supports the plan of Mario DiNatale to maintain the small town look and feel.

Ramona Grimshaw, 25 Harrison Road, said that Wallingford is a very important community to her and is distressed regarding the process and an investigation and requested that the Council defer any vote and that she is not in favor of a high density development.

Chairman Parisi said that as a point of information that he is not aware that there is an investigation right now.

Off-mike comments by Jim Loughlin.

Beverly Calza, is not in favor of high density, spoke about the price.

John Lynch, 11 Taylor Lane, said he is not in favor of high density development on the property and thinks it was a mistake to not televise the proposal presentations. He requested that the Council not accept any proposal until they find out what the people really want.

James Gaffey, 50 Northford Road, said that he is concerned about municipal parking. Without the resource that the Wooding Caplan property offers, as a place where people can come and park their cars, then downtown property on South Main and Center Streets will find difficulty to continue. He asked that the Council look carefully at parking for the whole business day for people who work downtown in businesses, in banks, in retail shops and the post office. He said that it is absolutely critical to the survival of the downtown.

Pasquale Melillo, 15 Haller Place, Yalesville, is not in favor of developing the Wooding Caplan property because there will be less traffic and clean air. He asked the Council to table the issue.

Richard Mansfield, 94 Ridgeland Circle, as a parishioner of St. Paul's church he commented on the use church's parking lot by non-parishioners, the use of the Wooding Caplan property parking for funerals at the church and by post office workers. He likened this parcel to open space for the downtown, and that Wallingford could be the first New England town to establish a 21st C. town green.

John Wooding 43 Academy Street, said he is concerned about accusations, about parking in the center of town for the merchants, about increased traffic flow and that he likes the plan of Mario DiNatale.

Barbara Self, 198 South Main Street, concerned about press issues, questions, concerns and doesn't understand why the urgency to decide about this property. She said that the responsibility of the Council is to the people and that the issue should be tabled.

Tom Grimshaw, Cass Avenue, said that he thinks it is clear that the community is not ready for the decision tonight. He reminded people of the mistake that Meriden made in putting in a high-density development which forever changed the town and moved the downtown to the mall and left the town almost vacant. He requested that the decision be put on hold.

Robert Sheehan, 11 Cooper Avenue, said that the town should hold this property for the future. He said that no plan addresses the parking issue for the people who work or own businesses in town. He talked about the Police Station needs. He urged the Council to do nothing.

Lisa Paretta, 76 High Hill Road, said that she hopes that the Council is listening to what the citizens are saying tonight.

Robert Avery, 42 South Elm Street, read a prepared statement that asked the Council to think of tomorrow's children in relation to the development of the Wooding Caplan property.

Ashley Pelletier, High Hill Road, said that the decision should be made for the town with tomorrow in mind.

Rod Varney, 448 North Main Street, is from a small town where they put condos on every corner and now the town is called Stamford. He said that is why he moved to Wallingford, a place where people know

each other. He loves the town and calls this his new hometown. He feels that the lowest density if anything at all is best for maintaining the small town feel of Wallingford for the future of Wallingford.

Mike Cassello, 175 North Street, he said that you have to vote for the town not just for the neighbors around the parcel.

Dick Caplan, 88 Long Hill Road, said that he is not in favor of any particular plan and reminded people that this conversation is over 25 years old and that a variety of RFPs have been put out. He spoke about parking in relation to his own 4 story brick building across from Simpson Court and wondered what people said in 1860 when the Wallace brothers decided to build that building. He said his parking lot serves people who come downtown, the churches in the area and the restaurants and that he hopes that they collectively come to a decision that best serves the town.

Phil Wright, Sr., 160 Cedar Street, said he wishes he had some words of wisdom for the Council and asked the Council to choose the proposal with the least density.

Chairman Parisi asked if anyone else wanted to speak said that he did not want to close discussion without everyone having an opportunity to speak. He asked if everyone is sure that they've expressed their opinion. He said, "OK, we're set with the comments."

Bev Calza, Academy Street, asked the Council, "Did it help?"

Chairman Parisi said that they listened to everyone speak and that they would proceed with the meeting and see what it did. He said that it's the best he could tell them. He said that he wasn't going to tell them ahead of time. He said that now they would see what the comments are.

Mr. Knight: I'm going to make a motion to approve the selection of Town Center, LLC for the Wooding Caplan Project subject to negotiation of a final plan and contract.

Mr. Doherty seconded.

Chairman Parisi: A motion has been made and seconded for the purpose of Council discussion. Now we are open to discussion, and I will use a procedure that I have used before and we will alternate sides of the table and we'll start with Mrs. Doherty.

Ms. Doherty: First I would like to publicly thank the Wooding Caplan Committee for doing their due diligence in completing their assigned charge which was a very difficult one. You persevered and the end result was the comprehensive Jonathan Rose Report, which recommended a mixed-use theme and was included in the RFP. Now it is the Town Council's turn to vote on the preliminary designs as originally proposed by the four developers. I would like to point out that if a developer is chosen, it states in the RFP that the town still reserves the right to negotiate more definitive, alternative and even different proposal terms with the developer. I have chosen to eliminate two of the developers to mainly to the reliance on the SBC property as a main entrance and exit. Not only have we no definitive answer as to SBC's willingness to negotiate an easement or right-of-way or any additional costs that may be involved but our town engineer and our police department's traffic officer feel that it is problematic due to poor sight distances. Center Street access and egress is the preferable choice and provides better visibility to this interior property. The remaining two developers both cater to empty-nesters for the residential units and both address the widening of Wallace Avenue onto Center Street. Only one, however, has been all inclusive in developing this parcel of land by acquiring two other abutting properties and an additional pedestrian walkway to Center Street. This developer also incorporates five to eight commercial tenants along with a spacial garden courtyard with a park-like quality for public use. For these reasons, I will be voting for Wallingford Town Center's proposal.

Mr. Brodinsky: I want to go back to 2002. That was the year the Wooding Caplan Study Committee was formed, and they had a daunting task. Their task was to try to form a consensus in the community. They had open meetings. Their progress was reported in the paper. They had invited guests. They put in a lot of work, all trying to put into words, or to crystallize, some sort of a vision, not just them and not just the neighbors but one whole town could get behind. It's a very difficult job. Somewhere in the course of their work, they decided that it would be helpful to them and the Town of Wallingford to get a consultant and many of you have heard of the Jonathan Rose Company and the Jonathan Rose Report. The Jonathan Rose Group in connection with Yale Urban Design Workshop from Yale partnered with the Wooding Caplan Study Committee and partnered with the Town of Wallingford to crystallize some of the concepts that were being discussed in the workshop type meetings. The Jonathan Rose Company approached many people. They sought opinions from many sides of the issue and they did their best with a written recommendation, which is in

a fairly thick booklet. Many of you know of that. After a period of time, that Jonathan Rose Report was issued, made public and presented to the Wallingford Town Council. That may have been the point in time where the proposals or the concept, the vision was the most objective. There had been in the past by some a drum-beat to do something with the property and that was taken into account in the proposal. At the time the proposal was offered to the Council and accepted that was probably the time we were the most objective. We didn't know - meaning the town, the Council, you - what personality would be behind which proposal. That was as objective as we were going to get if we were going to do something. That Jonathan Rose Report was made an attachment to the RFP that was sent out to the developers, which advertised this parcel.

What I'm trying to do in my analysis is try to match how Joe DiNatale's proposal - because that's the subject of the motion - stacks up to the Town of Wallingford's wish at least at that time. Now things may have shifted. Things change. We always have to keep our ears to the ground because if things shift, we have to know that and at least someone is getting the message, and we have to listen. In referring to the Jonathan Road Report, the RFP said that the Town favored a mixed-use plan. That is on page 4 and the mixed-use plan was described on page 18, and it said that the best plan, after all that process, was 20 residential units. Actually it was more specific, 20 townhouses. That was the town's statement at the time the town was at its most objective.

It also recommended 5,000 square feet of commercial space. It called it a commercial pad. No proposal came back responding to the commercial pad concept but the 5,000 commercial space, retail, office was kind of out there. I compare Joe DiNatale's plan with this overall concept and I conclude that it is much too aggressive. It doesn't match what we wanted when we were at our most objective. He has instead of 20 residential units, 30 plus 14 or 44. They're not townhouse. Instead of 5,000 square feet of commercial space there is approximately 17,000 so we have a proposal, which in the case of the residential units, is more than double the amount of density and almost 3 to 4 times the commercial space. If we wanted to do something, that's not what we wanted. That is one reason why I can't support the motion.

The town also through the Wooding Caplan Study Committee and through the RFP said they wanted green space. What the Wooding Caplan Study Committee and the town were trying to do was to accomplish many things and that's tough to do because it's not a very

big parcel but they wanted some commercial; they wanted some residential; and they wanted green space. That ended up in the RFP as what the town wanted, green space. Mr. Joe DiNatale's plan has very little of it. It has something, a piazza, or a plaza type thing, it's OK but as a land-truster that's not what I call open space nor is it green space. The skate boarders might like it. Other people might like it but it's not what we represented when we were our most objective. Other plans have much more green space.

A key component is the Joe DiNatale plan is moving 390 Center Street. Some of you may know that is an historic building that is presently vacant. It's next to the gas station and I assume most of you know where that is. There is a question – what do we do with that building. The RFP didn't address that directly so it's up to our own individual judgments, our own discretion as to what we do with that building, and I think if that was rehabbed as of the developers are planning in one way or another, I agree with the Wooding Caplan Study Committee that building belongs on Center Street. That's exactly the kind of building we want with retail on the ground floor, retail on the ground floor that people can see as they drive by. Although it's a personal judgment of mine, I am not in favor of moving that building. I think it belongs where it is.

The issue of traffic has come up, and this is a tough one because it can be very emotional. There can be a lot of misinformation but there is no question that more development brings more traffic. It may be that all the proposals may satisfy, let's say, a planning and zoning commission. But we're not a planning and zoning commission. We have some discretion, and we can choose a plan that creates more traffic, a middle amount of traffic or the least amount of traffic. The plan that the mover proposed creates as far as we can tell the most traffic, so if there is an issue of traffic, they exercise their discretion by going with the plan that creates the most. We could go the other way and have a plan that creates the least. I don't like two curb cuts. If there has to be a curb cut, let's have one. Go in Wallace and leave it at that. I think that this proposal creates some traffic risks, more traffic that we don't need, that we can avoid with another plan and the two curb cuts are issues or concerns of mine.

Parking – another very difficult issue. Some say we don't have a problem. Other people swear we do. It is a concern and whatever happens back there will affect the parking situation. I don't know how it's all going to work out but I think that the parking issue could

probably handled and worked out with the right plan. All the developers say that they can handle the parking and some of them say that the parking situation will improve with my plan. It may be but the more complex and more aggressive the plan, the more the units, the more commercial, the greater the potential for a parking plan so the plan that Lois has selected is the plan that I think creates the greatest risk for complicating the parking issue.

The amount of commercial space in this plan concerns me. There is an issue visibility because if there is a commercial space back there to be successful it has to be visible. In the Wooding Caplan written recommendations there is a little box "visibility" and they put 'yes'. I think the visibility is lousy. Under any plan any plan is lousy. Coming up on Center if you are watching the traffic ahead of you, watching the red light at Center and Main, you may miss that alley-way if you're just looking straight ahead, so visibility is not going to be good under the best of circumstances and that's one of the reasons why I don't have a great amount of faith for the success of commercial -retail or office space back there. Joe DiNatale's plan from what we gather from the oral presentations contemplates a lot of office space. Office space on the ground floor is not how you revitalize a downtown and can actually hurt if it crowds out retail that might otherwise want to come in. What makes a downtown vital on the ground floor – shop after shop after shop businesses that sell things that people want to need or the window shoppers have an adventure as they go down Center or North Main looking in windows, and the strollers have fun that before or after dinner. That's what helps revitalize a downtown. This plan doesn't get us there, in fact it may lead us in the other direction. It's hard to tell. I also have some concerns about 17,000 square feet of commercial space is internally compatible with an internal condominium, and there are some risks there that we don't need to take in my opinion. Will the business people on the ground floor have the same interest as the residents upstairs when they come to governing the condominium if a store wants to stay open late, will that mess up the parking situation, will that create conflicts. I'm not thrilled about any commercial space but the RFP said it and I'm willing to live with it – 5,000 square feet, give or take, but from my perspective, if we are going to do anything, I would like to pick the plan with the least amount of commercial space back there and devote most of it to residential.

Footnotes - Many of you have said there is a cloud over the process, that the decision making process is under scrutiny and that bothers me that it is and that we are making or possibly making a decision while

that is going on, and I don't want to play out the worst case scenarios but we've got to talk about it. This is really our only chance. Let's suppose there is no investigation. I think Mr. Parisi's comment was correct. Will there be one day? I haven't the foggiest idea but if there is and if there is some impropriety found, we may look back on tonight and say what were we doing? We put Wallingford in the map for the wrong reason. That concerns me. The other thing that concerns me – fast forward the videotape a year and one half from now, and it's under construction, and Joe DiNatale gets it – sometimes the owner of a property has a dispute with a person doing the construction, and it may happen with the school renovation project or with the Vo-Ag project. Sometimes you have to take care of business and things don't turn out the right way and there may come a day where the Town may have to get tough with the developer who submitted a plan that we accepted and that whole scenario concerns me. I'm being a little vague, and it's on purpose. If you don't understand what I am talking about, give me a call. For all of these reasons, I cannot support the motion. Thank you, Mr. Chairman.

Ms. Rascati – See Appendix I.

Mr. Testa: Before I start I would just like to say, I respectfully disagree with my colleague on my left on one issue, not on his conclusions on a statement that he made and that's all and it clarifies my position and that was that the study committee did have concerns about the degree to the extent of the commercial development and primarily the objections had to do with visibility, and more importantly, the idea that that report was given to the town with the understanding that the town would be a partner financially in some way in the re-development of this project and it was raising the concern that any larger amount of commercial development might make it difficult to generate commercial financing to exceed the quantity that they recommended. We are not in that situation. We have not chosen to go forward in a way that the town is going to put in some money and do some of the development and do it in stages and try to lure a developer to do some of it for us. We have chosen to take a different path.

We have a proposal; we have several proposals but all of the proposals have said I'm going to do whatever I'm suggesting, and it's not going to require the town to do any investing. I address that because I think that's vital to understanding why a larger amount of commercial space is reasonable. Personally for myself, I've had a vision for this parcel for a long time. When I ran for Mayor eight years ago, I shared it. I have

press releases. I talked about what I would like to see done. I was going to try to get something done, and what I wanted, what I proposed was a mixed use development with a central plaza that would encourage pedestrian flow and stimulate commercial activity from both new and existing businesses. I promoted this concept throughout the study process when we initiated this and when we were discussing this. I supported the concept as the preferred option in the study report, and I remain consistent in those feelings to this day.

We've been clear that our desire is to develop this property in a way that will further revitalize our uptown by encouraging people to both live there and to do business there. It should also be stressed that this does not represent the end of our efforts but as a continuation of what must be an ongoing commitment to the whole central district of town – downtown and uptown. From here we need to improve the existing parking facilities behind the buildings on Simpson Court and all the way down Center Street. So this is not an end all. This is a continuation and in some ways a beginning.

The study report was clear in its recommendation of a mixed-use scheme. There were conditions however that needed to be addressed, namely parking for the *whole* downtown, visibility and access to the site. It calls for a parking management program that will distribute parking more effectively throughout the downtown. I'm quoting it. It is something that we didn't need to continue to do after this. Commercial development was recognized as a need for the uptown. The study quoted local brokers indicating a demand for uptown retail space. It also stated that visibility and access was critical if commercial development was to succeed. I believe that the proposal from Town Center best addresses the recommendations of the study report and will maximize the potential of this valuable property, and I stress that – maximize the potential. We are trying to revitalize, further revitalize, the downtown for the benefit of the whole community for the businesses and the residents, not simply the neighbors of that area, although I am very conscious of their concerns, and I took them under consideration.

It's the only proposal that involves the whole area in question, not just the town owned parcel. This was also stressed in the report as desirable, if not necessary, to the success of a re-development effort. Most of these are not my words. They are out of the report. The plans to provide access and visibility are far superior to any others suggested. Having the project in full view from Center Street is a major advantage and directly addresses the concerns raised in the report. You don't have

to look for this project. You will see it in full view, plaza and buildings and all and that is critical and was important to me, and it was important to the study report.

Access and egress to the site is also superior. By incorporating work on the adjoining Caplan property, this plan also improves the appearance of the building and will encourage more pedestrian flow and creates more synergy with the surrounding businesses.

I also feel strongly that residential ownership is necessary. I do not favor rental properties, and I have been consistent in making that clear. Having stated that, I think it's necessary to address the fact that I am not following the recommendation of the committee. My reasons are primarily twofold. Primarily, it is the issue of rental properties that I object to and I personally don't accept the idea of depending on a new demographic. Both conclusions seem to be in contradiction with the results of the study report itself. The study report stressed the need and desirability of housing for what they called empty-nesters, and they dismissed the idea of rental housing as being desirable.

The proposal also has inferior, I thought was inferior, regarding access. I was actually surprised by the recommendation of the committee due primarily to those reasons; however, the committee did acknowledge that a mixed-use scheme was desirable, so I did not understand why if the Smith Craft proposal wasn't going to be acceptable, then the least dense, least commercially involved proposal was the second choice. Contradictions. I found hard to understand.

Based on the criteria established early in this process and the results of the study report, I feel strongly that the Town Center proposal best addresses the needs we identified. It maximizes the potential of the property and offers the greatest financial advantage to the town, and I don't believe it is going to have a negative impact in any part of our downtown area residential and/or otherwise, so I will support this.

Mr. Knight: First of all let me start by echoing the sentiments of everybody that's spoken regarding the hard work by the Wooding Caplan Committee and all the input from everybody that has attended all the meetings we've had regarding this project.

Tonight we have a real and rare opportunity to move our town in a very positive, optimistic direction. We have an opportunity, if we have the vision and the confidence to reach out and grab it, to put our downtown

economy on a viable and sustainable footing for decades into the future. To do so, I am voting for the Town Center LLC proposal.

In outlining my reasoning for that statement, I will refer to the eight "criteria used by the Wooding-Caplan Committee when ranking each developer" as outlined in their recommendation to us on March 28th.

1. Adherence to the RFP and comprehensiveness of each response. I will concede that the four proposals varied in their amount of detail, but the wording in the RFP was written in an intentionally general manner in order to elicit as large a variety of responses as possible. I did not look at the proposals as "term papers" where a percentage of the author's "grade" would be determined by this criterion. I was looking for a proposal that demonstrated a thorough understanding of what type of project the Town was seeking. All four proposals, regardless of their length or complexity, met that standard.

(Mr. Knight was interrupted by people leaving the Council Chambers, and the Chairman gave them time to do so before he re-convened the meeting with Mr. Knight's statement.)

2. Stimulus of each development to the economy of the downtown. There are two factors – commercial *and* residential - to consider when discussing this criterion. Let's take them one at a time:
 - a. Commercial/Retail: Town Center LLC is the only proposal that has a significant commitment to this type of development. I understand that there are those who believe that the days of downtown Wallingford being a viable retail destination are over, but I am going to defer to the principal of Town Center LLC, who has had decades of building successful retail and commercial developments. His optimism is contagious, and it is shared by real estate developers all over this country, as we are witnessing a much publicized remigration of many suburban dwellers back to downtown areas. Long forgotten downtowns in large cities and towns our size are becoming destinations once again. When the commercial and retail spaces in this plan have been leased out, downtown Wallingford will have achieved the number and density and variety of retail establishments to capitalize on this trend and it will give this area a much better chance of being a positive retail destination for many more residents. In other words, more establishments bring more

people downtown which in turn may bring more establishments, etc etc. But you need that number and density in order to begin that process of reinvigoration, and only the Wallingford Town Center proposal addresses that possibility.

- b. Residential: the Wallingford Town Center proposal strikes a balance between maintaining the integrity of the neighborhood and fostering economic viability, especially when you consider that more than an additional half acre of property is to be purchased. 44 units, each occupied by 2 people, will house a significant number of people who will be looking to stores in the downtown area as primary destinations.
3. Accessibility of "open space" to residents of Wallingford: as several of the developers said, "open space" does not necessarily mean "green space." All the proposals do address this aspect to a greater or lesser degree, but there are three reasons that Town Center LLC does it the best.
 - a. Accessibility: open space in the middle of town is only useful if 1) people know that it's available and 2) it's inviting to the public. Because Wallingford Town Center is accessed via a 50-foot wide roadway leading from Center Street, anyone walking or driving on Center Street will easily see and feel invited by the large open courtyard which is at the center of the development. No other proposal comes close to providing such visual or physical accessibility to the open space area.
 - b. Maintaining the condition of the open space: as traditional as a town green is, it is a difficult space to maintain in prime condition if it receives heavy pedestrian usage, and all of the proposals except that of Town Center LLC have a public lawn as open space. Town Center's is more of a piazza than a green, and I think it is a more realistic approach. This is especially true when you consider that the maintenance expense of this publicly used property is to be borne by a private party.
 - c. On site supervision: as mentioned above, the general public is expected to have full access to and utilization of the areas of each proposal designated as open space, yet private parties are to bear the maintenance expense. Only one proposal commits to locating a principal of the owner on site, Town Center LLC. Joseph DiNatale has committed to locating his firm's offices in the development complex, and that ownership supervision can only improve relations between

the development and the town and insure proper upkeep of the public areas.

4. Attractiveness of design in relation to the surrounding buildings: the surrounding buildings not only include the 2-3 story residences on Academy and North Elm Streets and the larger structures on North Main Street. It is important to remember that there are also two other structures abutting the Wooding-Caplan property, and Wallingford Town Center is the only proposal that razes the two light blue steel buildings on the Woods property and the one-story nondescript brick building on the Wallace Realty property. Those are the last industrial structures left on the entire block. The Town Center LLC plan eliminates these out-of-character structures; every other plan leaves these in place for someone else to deal with in the future.
5. Appropriate density for the area: because the Wallingford Town Center plan includes the acquisition of over ½ acre of additional property, making the overall developed footprint more than 3.5 acres, the density of the total development is in keeping with the in-town character of the neighborhood. The proposal recommended by the Wooding-Caplan Committee contains far more units of residential housing.
6. Track record of the developer for similar endeavors: all four developers have excellent reputations. And all have chosen to team with other firms of equal repute. Having said that, I will admit partiality to Lazarus and Sargeant, Town Center LLC's architects. A few years back, I was part of the committee involved in the planning and construction of the new Senior Center building. All through the process, this firm exhibited wonderful creativity in their design, responsiveness to suggestions from all parties, and pride in their work. In other projects, they have shown great sensitivity to the historical and environmental context in which their buildings reside. Their presentation to the Town Council was thorough and enthusiastic, and their expertise developing answers to the dozen of questions put to them gave me a glimpse of how much they will put into the design of this project.
7. Compatibility of development with surrounding area: here are four reasons that Town Center LLC has a superior project:
 - a. They plan to purchase the two incompatible structures sitting adjacent to the development property, raze the buildings and build on that property.
 - b. They plan to rehabilitate and improve the parking lot behind the Caplan building in order for that area to blend aesthetically with their project.

- c. Their residential buildings are designed to have their highest points toward the tall structures to the west and south and their lowest points toward the residential dwellings to the east and north.
 - d. Theirs is the only plan to take account of the Police Department parking lot and create a barrier between that lot and the Wooding-Caplan development area using a row of garages along the border. By its nature, this lot will be busy 24/7, with vehicle lights and sirens being tested prior to the officers leaving on patrol. Only Town Center LLC has planned for that.
8. Access and visibility: no other proposal comes close to solving the access and visibility problems that exist on Wallace Avenue. Moving the 390 Center Street building to the interior of the project footprint is inspired, and accomplishes three major improvements:
- a. It vastly improves the sight line eastward for oncoming traffic for cars exiting the project area.
 - b. It enables the developer to install a standard sized roadway with sidewalk. As I mentioned a minute ago, this gives excellent visual access to the development, making it a much more inviting destination for the public.
 - c. It makes it possible to create a standard four-way intersection with Center and Fair Streets, which will improve access because of the resulting conventional traffic pattern, rather than the offset intersection that exists now and would continue to exist under other proposals.
9. Money offered for the property: this property was not purchased in 1991 for the purpose of making money. It was done to 1) provide parking for the police department, 2) perhaps provide a site for an expanded fire house and 3) protect and guide the development of the property itself. The extra properties purchased, the razing of the structures on those properties, and the improvements to the adjacent Caplan property are going to cost Town Center LLC approximately \$947,000. These are improvements that no other developer even considered, and I count this investment as part of the remuneration to the town because of that. Add to that the \$409,000 cash payment to the Town and the fact that the Town is not being asked to provide any direct assistance other than the routine environmental assessment, and you have a very substantial payback.

So, put another way, here are the features that have led me to vote for the Wallingford Town Center proposal:

- The acquisition of two additional pieces of property, and the razing of what will be nonconforming industrial buildings.
- Moving 390 Center Street to the interior of the parcel, enabling 50-ft wide access to the property, along with other traffic advantages.
- Rehabilitation and improvement of the parking areas behind the Caplan building.
- Developer offices to be moved to the premises, providing on-site management.
- Garages to be built as an effective barrier between the development buildings and the new Police Department parking lot.
- Significant addition retail/office space which will highlight downtown Wallingford as a retail destination.
- The best visibility and access to the interior of the development of any of the proposals.

As I said in the beginning of these remarks, the Town of Wallingford is standing at a crossroads with regard to its downtown. We are being offered a remarkable opportunity from someone with a lifelong record of accomplishment in the development field. We can "reach for the brass ring" by following his vision, or we can settle for less. My choice is to use this opportunity to move this town forward and secure the economic future for its important downtown area.

Chairman Parisi: I too want to acknowledge the efforts of the Caplan Wooding Committee, its present members and Robin Wilson, the former chairperson of that committee.

See Appendix II.

Chairman Parisi called for a roll call vote.

ROLL CALL VOTE:

**Mr. Brodinsky – no; Ms. Doherty – yes; Mr. Knight – yes;
Mr. Parisi – yes; Ms. Rascati – yes; Mr. Testa – yes.
5- yes; 1- no**

The motion passed.

10. Executive Session pursuant to Section 1-200 (6) (D) of the Connecticut General Statutes with respect to the purchase, sale and/or leasing of property
- Mayor

Not taken up.

Mr. Knight made a motion to adjourn. **Ms. Doherty** seconded the motion.

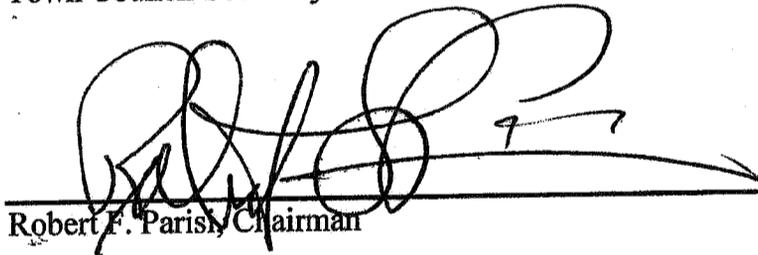
The vote was all ayes and the motion passed.

There being no further business to consider, the meeting adjourned at
8:53 P.M. P.M.

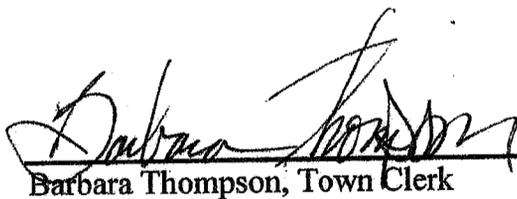
Respectfully submitted,



Sandra R. Weekes
Town Council Secretary


Robert F. Parish, Chairman

7-26-06
Date


Barbara Thompson, Town Clerk

7/25/06
Date

RECEIVED FOR RECORD 7/19/06

AT 4 15 P.M. AND RECORDED BY

Barbara Thompson TOWN CLERK

APPENDIX I

April 11, 2006
Town Council Meeting
Addendum Item

Discussion and Action on the selection of a developer for the Wooding-Caplan property – Robert F. Parisi, Chairman

Presented by Councilor Rosemary Rascati
Transcribed from handwritten copy by SRW

Before I cast my vote this evening I want to say that the Committee that was appointed in October 2002 and with whom I have worked for the past 3 ½ years is great group of individuals. We have worked diligently to come up with a fair recommendation for the *best use* of the Wooding Caplan property. I have nothing but the greatest admiration and respect for my fellow committee members. Personally, however, I do not agree with the Committee's recommendation of a developer.

In my opinion, there is one Developer who will develop the subject property to its maximum potential, resulting eventually in the best possible return to the town in tax dollars – which will benefit the entire community – meanwhile adhering to the Principles of Development set out by the committee.

This developer will have an additional pedestrian passageway onto Center Street, will be widening and improving Wallace Avenue for vehicular access, will be Purchasing additional property which will bring the total acreage to 3.65 acres plus or minus (compared to 2.9 acres), will move 390 Center Street to a spot within the complex where it will be more protected – moving this building will provide access and visibility from Center Street for the project and will not have to rely on an additional possible exit onto North Main Street. [This developer] Has already negotiated with the owners of 33 North Main Street and St. Paul's Episcopal Church to improve the entire parking lot and driveway to North Main Street (suggested in the feasibility study).

This development will provide a mixed use and a Public Pedestrian Plaza (also suggested in the Jonathan Rose Study).

I quote from the feasibility study report as follows, "If the Wooding Caplan Property is transformed into a mixed use scheme, the potential for greater downtown re-vitalization grows." I feel that this developer has attempted to follow the study and the RFP and also has a very good track record here in town so I will cast my vote for Wallingford Town Center, LLC.

Thank you, Mr. Chairman.

APPENDIX II,

April 11, 2006
Town Council Meeting
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Discussion and Action on the selection of a developer for the Wooding-Caplan
property – Robert F. Parisi, Chairman

Presented by Chairman Robert Parisi

I used the committee's criteria as a guide to frame both my thoughts , and my final evaluation.

Adherence to the RFP by Wallingford Town Center LLC was clear, concise and to the point. The square footage for commercial and residential plus the addition of approximately $\frac{3}{4}$ of an acre and the removal of 10,000 square feet of Building space (Wood Building and Caplan Building) was both creative and important to a most complete project. I was very pleased with the blend of commercial and residential.

The category of accessibility allowed Wallingford Town Center LLC to be both imaginative and creative.

Walkway off of Main Street, walkway Wood Property, 2 way traffic on Wallace Street, plus more than adequate

provision for emergency vehicles showed an exceptional *via emc*

APR 18 2006

TOWN COUNCIL OFFICE

R. F. Prisi *stmt*
V. P. of TCM 4/11/06

(SR)

understanding of the site and the solutions that were needed. Wallace Street remains a public road.

Density – The category of density was addressed nicely. The number of units does not overload the area due to strategic placement. The unit count was very specific; Caplan Wooding 30 units, the Wood Property 10 units and 4 units Caplan property being purchased (where 390 Center Street will be relocated).

Stimulus to the Area – The Wallingford Town Center LLC proposal design will prove to be a magnet for the Uptown area. Easy access and superior visibility will invite the public to visit the area. The clear sightline from Center Street is a definite A+ for this design. The brick walk ways are right in line with the present techniques to sublimely lead walkers to the commercial areas.

Design – The Victorian design of the condos will easily adopt themselves to a neighborhood that has charm due to the individuality of the homes that are presently located there. I would suggest that Wallingford Town Center LLC be asked to consider the removal of the loft units . This would certainly show good faith and an effort to cooperate with the concerns of the neighborhood.

Accessibility to the Towns people, Walkway off of Center Street leads to 8,000 plus square feet of public area. The piazza which appears to be the welcome area, if you will, is centrally located, widely available for the Public to use, and is both complimentary to the design and desirable being located away from the front of the homes.

The track record of the Wallingford Town Center LLC principal and the other 2 local developers are very good.

All have successfully completed projects that are good examples of their ability to get the job done.

Wallingford Town Center LLC did state that their rental capacity was presently 100% which demonstrates an ability to successfully deal with tenants and an understanding of the rental market.

There are units recently completed in Town that were rentals, high end, 2 bedroom \$1200.00 per month that are now being converted to condos for sale. The rental market just wasn't there.

Compatibility – I would rate all but the Smith Craft as being compatible with the area.

Money offered for the property – The investment in property of 1.7 million dollars and a cash payment of \$409,000 is acceptable. Wallingford Town Center LLC is truly a redevelopment project. The offer of 1.2 million in

cash is basically a sub division and the other proposals do not demonstrate a real plan to recreate the area or a clear entrance and exit proposal. I wanted a vision with creativity; thinking that was outside of the box and Wallingford Town Center LLC provided that beyond what I had ever envisioned.

The opinion of many people that I met as I went about town was that Wallingford Town Center LLC was clearly the proposal that demonstrated creativity, appropriate density, assimilation to the area and a clarity of proposal plus the financial return to the Town of Wallingford. me a

On a personal note, I am saddened by the personal attacks that were put forth on my colleagues that weren't even voting on the issue and myself. I would hope that there would be some self reflection to curb the rather unfortunate actions of some, a very small representation of

the good people of Wallingford. I will do what I was
elected to do, I will Vote. I will never allow anyone to
steal that vote from me. It was given to me by the electorate
in good faith and trust.

Thank You