

CITY OF DERBY
REDEVELOPMENT AGENCY SPECIAL MEETING
MARCH 14, 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: Anthony Staffieri
John Oraziotti
Greg Russo
Glenn Stevens
Richard T. Dunne

Also Present: Kenneth J. Hughes, President Board of Aldermen
Joseph M. Bomba, Alderman
James Coppola, Corporation Counsel

ADDITIONS/DELETIONS/CORRECTIONS/ADOPTION OF AGENDA

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

PUBLIC PORTION

Jeff Auerbach, Derby Garden Center, 4 Caroline Street, Derby, CT – At the last meeting we were promised that this meeting we would be getting a lot more specific details as to what stage we're at, what's specifically happening. I see the developer – I believe he has not shown up. I would like to confirm that this board or before elections we were told that (inaudible) open administration. During the meeting that the public has the opportunity to ask questions. Again, as I've said before, to ask questions before the meeting or to have a meeting where we can't speak or ask questions is meaningless. It's like having a closed administration. So unless there's something to hide or for some reason you don't want to answer questions I see no reason why we can't ask questions about the development or what effects us during the meeting. I hope you address that and give us the opportunity to ask questions. Thank you.

Brian Calvert, Calvert Safe & Lock, 40 Caroline Street, Derby, CT – Is Mr. Skolnick or the Ceruzzi people scheduled to appear at any time?

Mayor Staffieri – We were trying to get in touch with them today. I know last week Mr. Skolnick said that he was going to be going on vacation and I thought it was going to be next week – I'm sort of unaware myself. I tried calling them today and he didn't return my call back. So I'm sure he must have a good reason if he doesn't show up tonight.

Mr. Calvert – Traditionally he doesn't show up. Now with the...

Mayor Staffieri – Next time I'll hold him to it.

Mr. Calvert – Well then you know Mr. Mayor (inaudible) he'll turn up here at the end and then the public portion is gone and then you have your say and we don't have a chance to rebut. That's why I would like reiterate what he said. I think you're going to make it easy for us to talk at these meetings. But can I just ask a question on the agreement. Is it still Ceruzzi Derby Development LLC or where does Skolnick come into it? I don't see any amendments to that agreement that makes him spokesman for or in charge? Where does he appear?

Mayor Staffieri – He is a partner – Mr. Ceruzzi or Ceruzzi Corporation has taken him on as a fifty percent partner. That was as of last April or May – I'm not certain as to when. That was when Stoneridge was brought into a 50-50 partnership and Mr. Ceruzzi more or less had him become the managing partner and that's where it states now. Since he's been involved that's why things have moved basically faster than it has in the past seven years. So within in a year's time things have moved quicker. And what I know for a fact is Stoneridge or Skolnick and David Small they're the ones that have put up the monies that the City has been using to pay off demolition, fines and whatever.

Mr. Calvert – I see that and I appreciate that but are we going down a road that is going to be contrary to that agreement, which was made between Lou Ceruzzi, he's a signee, this fellow's name doesn't appear anywhere in there or an amendment has been made that he's now a representative of that company. So are we still dealing with Ceruzzi or Stoneridge?

Mr. Dunne – Mr. Chairman – I wanted to just talk about it because I had the same question when I became aware of the latest PDA. The original PDA that we had way back when required the partnership to disclose the ownership and percentages of the partnership to the City. And they could not transfer or sell those without the permission of the City. The PDA's that were approved over the course of 2005 – one in May and one in September – or amended in September.

Mr. Stevens – No the PDA was in May and the Plan of Redevelopment was in September.

Mr. Dunne – The one that was approved in May of '05 that provision disappeared that required disclosure of the ownership. The contract is between the City and Ceruzzi Derby Redevelopment LLC. They can buy and sell the shares in that partnership as they see fit.

Mr. Calvert – I know that there was a time, and these gentlemen probably remember, that he appeared here and they took him to task and said where did you come from and how come we weren't informed. And he did apologize – that's a matter of record. Apologize that I didn't sort of say that I was coming in and Ceruzzi was going out. So what you're saying is there's a clause in that original PDA that now was omitted. It's probably (inaudible) omitted.

Mr. Dunne – Well they have no obligation to disclose to us who the partners are – I had actually asked the question of who owned how much of the partnership – I haven't gotten a answer to that but, insofar as who we're dealing with the entity that signed on behalf of the developer still exists regardless of who is representing them.

Mr. Calvert – Right so Lou Ceruzzi is still (inaudible.)

Mr. Dunne – Mr. Ceruzzi is not a signatory to the agreement. He signed on behalf of the partnership. It's the partnership that we have a contract with.

Mr. Calvert – The first time I don't bring my (inaudible) with me. I'll have to look into that. Thank you gentlemen.

Carl Yacobacci, 10 Lombardi Drive, Derby, CT – My question is not more or less on Ceruzzi and downtown it's just a couple of things that I have a question on. There's been a proposed bill – an Act authorizing a bond with the State for the redevelopment of downtown Derby and this proposed bill is to add another \$500,000 to an already \$500,000 that was granted last year. Between this bond, which is now \$1 million, and the proposed one I guess for about \$3.5 million for an upgraded water treatment plant that I'm told about my question is are these bonds payable by the City to the State? Or are these paid – because this is for the downtown redevelopment – it's all supposed to be paid for – there's supposed to be no money coming out of Derby to pay for any infrastructure so on, so forth. And if this is true...

Mayor Staffieri – This has nothing to do with the downtown. This is like the Division Street Pump Station – there's all different upgrades that the Sewage Treatment Plant and different Pump Stations need.

Mr. Yacobacci – This one here is specifically for downtown – for redevelopment of downtown area.

Mr. Dunne – That's a proposal in the General Assembly this year.

Mr. Yacobacci – Right – but there was one for \$500,000 passed last year.

Mr. Dunne – Apparently – I haven't seen that, but apparently. But those are bonds of the State.

Mr. Yacobacci – I'll give you a copy – because it says here to increase...

Mr. Dunne – I understand.

Mr. Yacobacci – Well are these bonds...

Mr. Dunne – They're bonds of the State of Connecticut. They're issued to the City as a grant. So it will be used for public infrastructure.

Mr. Yacobacci – Alright so it's nothing (inaudible.)

Mr. Dunne – (Inaudible) taxpayers of the State of Connecticut.

Mr. Yacobacci – Not out of the City of Derby – that was my only question on that. And the other thing is I would just like to get a clarification, if you do know, on this other Act – it's an Act (inaudible) the City of Derby to establish a Special Taxing District for the Redevelopment Area. And apparently this is only one of three Special Taxing Districts in the State of Connecticut. I was just wondering if anybody could just shed some light on what this is and how it affects the tax base and structure of downtown – redevelopment of downtown Derby.

Mr. Dunne – That is enabling legislation. That's permission from the State of Connecticut to the City of Derby to establish it if the City of Derby wishes to establish a Special Taxing District.

Mr. Yacobacci – Now what would this Special Taxing District be?

Mr. Dunne – Typically they work in a way where the bonds are issued privately with a pledge of repayment to the bond holders by a percentage of the newly found tax revenue as a result of the development. Taxpayers – it's not what's call General Obligation – cannot be and it's not backed by the City of Derby nor the taxpayers.

Mr. Yacobacci – Now this bond...

Mr. Dunne – It's not a bond, it's just enabling legislation.

Mr. Yacobacci – Alright it says that the taxing district may issues bonds for the purpose of this section not exceeding \$70 million and the bond is payable by the property owners within the boundaries of the district. Now if we are saying if they have to pay back part of the taxes – is that taxes that are not going to the City but are going to pay the bonds back?

Mr. Dunne – Only taxes that are currently not accruing to the City can be used and that new found revenue that's collected by the City a stream of it can be dedicated to repayment of the bond.

Mr. Yacobacci – Okay so basically then the person holding this bond is paying the bond back with money that should go into our general fund to pay bills.

Mr. Dunne – That's your opinion.

Mr. Yacobacci – Well right now you know downtown is not generating much tax dollars so if this goes up the tax revenue obviously is going to be up tremendously. So now they're going to take that tax revenue that's probably on a financial analysis report that they're going to be taking a percentage and giving that back to the State. So basically what it ends up to me it seems the tax dollars that should be paid to the City are now getting paid to the State. So the people of Derby are financing a portion of that project because the taxes that could go to lower our taxes is now not going to be there.

Mr. Dunne – No. The (inaudible) does not go to the State it goes to the bond holders.

Mr. Yacobacci – Regardless of where it goes it's not going to the City of Derby.

Mr. Dunne – The City of Derby gets the asset for the infrastructure that is publicly owned and built with that money.

Mr. Yacobacci – This doesn't say anything about publicly owned. Because everything down there is going to be privately owned.

Mr. Dunne – Not the streets, not the lamps, not the utilities – all that is publicly owned.

Mr. Yacobacci – That's publicly owned but basically this is \$70 million that...

Mr. Dunne – That's a decision that the City will make later.

Mr. Yacobacci – That is going to be tax money that is not going to go to the City so we are subsidizing much of that.

Mr. Dunne – Public infrastructure...

Mr. Yacobacci – We'll talk about that again.

Mayor Staffieri – To acknowledge Mr. Skolnick and Mr. Small are both here. Any other comments from the public. Hearing none...

PUBLIC PORTION CLOSED

APPROVE MINUTES OF JANUARY 10, 2006 MEETING

A MOTION was made by Mr. Dunne with a second by Mr. Stevens to approve the Minutes of the January 10, 2006 meeting.

DISCUSSION ON MOTION

Mr. Dunne indicated the following changes – Page 1. The City Attorney's name is listed as "James" it should be "Joseph".

Page 5 – Last paragraph "approve" should be "improve."

MINUTES APPROVED WITH NOTED CHANGES.

UPDATE ON SOUTH SIDE OF MAIN STREET PROJECT

Mayor Staffieri asked Mr. Skolnick to give an update on the project.

Mr. Skolnick informed the board members that their counsel is reviewing our comments to the Title. He said they are in the midst of their engineering and GAP studies. They have had several site visits with their engineering team, Langdon Engineering. He said some of the first activities were to meet with the City's engineers as well as any related party with information to gather information. He said the purpose of that was to plot on a map exactly where historical information lays. The purpose of that is so that as an overlay to the existing conditions when they start testing for gaps in information it allows them to determine where additional geotechnical or sub-service condition information is required. On the location plan it locates the shoreline and the information that they

have received from many different sources, including the Army Corps of Engineers, when they built the levee there were test borings done, when the City installed the Riverwalk they had some test borings performed. Over time all of that information that was publicly available got transposed on to the location map. Mr. Skolnick said it was a very exhaustive exercise that required the transferring of test borings from test boring logs from various sites and locations on the land, which are indicated on the plan, they are in the process of determining or he believes they have determined that they require ten additional boring samples from within the site and they are in process of locating that and bidding out privately a rig to do that work. Being mindful that we're trying to stay away from the private property owners who haven't given us access yet and that may become a problem as we get some of the information if additional information is required that we haven't been able to get from the samples that existed or the new samples. So we feel that our engineering is progressing very well and pretty much on target.

In addition to Langdon doing the Civil Engineering we're looking at the environmental information. A.E.R. is our environmental consultant who has also been on site. They are meeting and have a meeting scheduled to meet with both the City's engineer, Milone & MacBroom, and the consulting engineer for the Sewer Treatment Plant. I believe that meeting is scheduled for later this week. To get again additional information regarding the existing sewer line, the sewer easement, the gas easement. All of this has to be plotted and (inaudible) in order for us to continue to then overlay on that the structures that we plan. So this is all going to continue for the next many weeks until we get to a point where we have all of the background information plotted, identified, any new information that we have to get tested, then put on these maps then we can start overlaying and as we had said before seeing where the current plan may not work with existing conditions. The good news is so far we believe that the site soil conditions are conducive for our project, meaning that we won't have to drive piles all over the site. So to put some of the speculation to rest that I've heard at some of these meetings about the cost of all of this infrastructure, at least we know that the soil can be compacted. You might not do that if you had one building or one building lot because the cost of bringing the equipment to the site and then using the equipment and you know lugging it off the site might be prohibitive for one single lot. But when you talk about a vast area like this it becomes way more cost effective to compact the soil and not drive piles throughout a vast area. So our engineers feel pretty confident about that.

We are getting ready or planning to, I hope by the end of this week, put forth a concept sign. Take down the old sign that is tired and falling down and hoping to get the agency's blessing on the language of the sign, the size of the sign, and then we'll get it produced and erected to put a new public face at the Shelton Bridge. We feel we're moving ahead pretty well on the engineering.

Next we are, as we reported to this agency in the past, we are in contract for two of the parcels – the Teitlemen parcel and the Scarpa Electric parcel. The Scarpa Electric parcel calls for a quicker closing than the Teitlemen closing and we will be closing towards the end of the month. So we will begin to be a land stakeholder in the redevelopment district. The Teitlemen agreement while a private agreement I will tell you has a longer closing within a year or so at our option depending on how these

sections go and how far along we get with zoning. Are there any questions on that report?

Mayor Staffieri – So at the end of March the Scarpa Electric building will be in your possession – you'll have the closing.

Mr. Dunne – The title work that you refer to I noticed back at the January meeting there was a discussion regarding title effecting City properties. Is that something that is an on-going, this is a question for you Joe, is this an ongoing discussion with the developer's attorney about good title to our properties?

Atty. Coppola – No our properties aren't of issue. There is one parcel of land, I'm not sure if it's on that map, that we can't figure out who owns it.

Mr. Dunne – That's that triangle by the parking lot...

Atty. Coppola – So we're trying to figure that. But in terms of easements or former easements with the City's property Atty. Wellinger and myself have discussed the fact that once there's a title transfer that will just merge into the property.

Mr. Dunne – There won't be any problem with insurance title.

Atty. Coppola – No. So the only thing is that little parcel that we can't figure out who owns.

Mr. Dunne – Two more questions – you talk about access – Mr. Skolnick you talk about access to the sites and not having access. Have you specifically requested and denied access to particular sites?

Mr. Skolnick – We have requested (inaudible) be cleared through a consultant who is no longer in our employ. We had approached all of the private property owners they had come back with various degrees of approval meaning not a blanket approval to come on their property – they were very concerned at the time. We then in exasperation came to this agency and per our agreement we had requested that the agency act to get access to the private properties so that we could test. And that was – I don't recall the meeting – but so many months ago now, hoping that this agency could get access granted for us to test the entire site not just the sites that are under our control through a contract or through the City-owned property.

Mr. Dunne – But there are sites you have not been able to drill on.

Mr. Skolnick – Correct.

Mr. Dunne – But you've been able to walk almost all the sites.

Mr. Skolnick – We've certainly walked all of the sites controlled by the City. We certainly walked all of the properties we're under contract for. We've taken casual looks at some of the properties that are privately owned; but none of our professionals have had an opportunity to get a good look by way of the private properties. Meaning – again we're trying to test around them and in fact we have a meeting tomorrow

afternoon - we meet every Wednesday with our engineers to see exactly where they are plotting out the next borings and how close we can come to a good enough feeling. Now if we have a good enough sampling of the subsurface conditions and soil condition and we don't further need to test then it comes to a pre-demolition survey meaning inside of the private properties that we would still like to get access to so we can complete the GAP Study so we can determine how much money in asbestos removal and other contaminants, if any - I'm not alarming anyone, but yes that's necessary and important.

Mr. Dunne - So will lack of access to these sites prevent you or delay the time at which you will be able to deliver the full analysis to the agency?

Mr. Skolnick - A portion of the analysis, yes.

Mr. Dunne - A portion - okay.

Mr. Skolnick - So again I would like to reiterate that we need the help of this agency to get us access, unfettered access, to the private properties within the redevelopment district.

Mr. Russo - I guess really what my comment is I understand you did make reference to the agency requesting some help. What I would like to do as a formal, and I don't know if we can do it as part of the update but maybe a separate motion, to authorize the City to contact via correspondence whether it be email - probably not email - but probably by letter and schedule some times for access to the properties. This way here we have written documentation of notification, written documentation of you know...

Atty. Coppola - You mean like a letter for voluntary...

Mr. Dunne - Voluntary agreement. Is that a motion - I'll second it.

Mr. Russo - We can make the motion now it would be great. What we're hearing is these property owners are saying they're not being contacted and I think this is a way to go about it.

Atty. Coppola - Mr. Skolnick you can give us a list of the property owners that...

Mr. Skolnick - We delivered a map on Thursday that shows all of the private property owners.

Mr. Dunne - You haven't gotten access to any of the private property owners?

Mr. Skolnick - No. I'm sorry other than the...

Mr. Dunne - Other than the ones you have under contract.

Mayor Staffieri - I was just going to ask you to give us an update on the demolition end of it.

A MOTION was made by Mr. Russo with a second by Mr. Dunne to have the City send a letter for voluntary inspections of the individual properties requesting access for the developer's team.

DISCUSSION ON MOTION

Mr. Dunne – I would just say to make it clear that the letter will request access for the developer's team to conduct necessary investigations.

A MOTION was made by Mr. Russo with a second by Mr. Dunne to have the City send a letter for voluntary inspections of the individual properties requesting access for the developer's team to conduct necessary investigations. **Motion carried.**

Mr. Dunne – I would just also ask Corporation Counsel to prepare for the agency members a list of statutory methods of accessing sites under these circumstances if any exist.

Atty. Coppola – I'll check but they're usually related to emergency situations. I don't think we have statutes that allow a redevelopment agency to go in, but I'll check. They're usually for emergency, health and safety but I'll check. Voluntary is different – we can send that out – the question is if they don't allow us then we'll see what happens I'll do some research.

The timeframe for the owners to respond to the City was reviewed. The developer said they are ready at any time to go. Mr. Dunne said we could state in the letter if we do not receive a response by a particular date then we'll assume that you are not going to provide access. He said he feels fourteen days is sufficient time. The agency members concurred.

UPDATE ON DEMOLITION

Mr. Skolnick – By way of updating the demolition the City has a contract with Standard Demolition as it specifically relates to the common wall issue relative to the buildings at 256 and 250 Main Street, Derby Billiards Building and the City's 256. By way of review it was under contract with Standard Demolition and the City to demolish the properties. The developer came in before the demolition company wouldn't enter the buildings. There had been a question of remediation of asbestos containing materials and other contaminants within those buildings. We went in and did the abatement of all asbestos – handed the City certificates of clean...

Mayor Staffieri – Specify by we abated – that means that you have paid the money.

Mr. Skolnick – The developer has spent the money – hired the contractor, oversaw the work, to clean the buildings to clear the way for the demolition shortly after resolving the dispute between the City and the demolition contractor and putting up the money to resolve that dispute. (Inaudible) to all of us as the buildings started to come down it became clear that the wall between 256 and 250 was a common wall. So that triggered the balance of the demolition to slow down while that issue was resolved because it created a dangerous condition for the 250 Main Street building being that that one wall protected their interior. Research was performed and it became clear that in the title of these properties there was (inaudible) agreement to the common wall that if ever that wall came down that both property owners would share in the

expense of shoring it up for the other. In investigating that unfortunately the City had a difficult time getting access to 256, certainly the developer had difficulty getting access. Then the City was able to get access for our engineers to go in and determine how to shore up that common wall and tie it back to 256 Main Street so that that wall would then engage 256 and protect 256. That engineering has been performed and forwarded to the City's demolition contractor. The demolition contractor is now pricing that additional work out before they come back onto the job, engage that wall, tie it back through their steel beams and then take away the rest of the debris, clear up the slope and take the balance of the demolition debris away. So I believe that the demolition contractor is in the process of pricing that and then I guess we'll have to make a decision how to proceed with that.

Mr. Oraziotti – Who is going to pay once the demolition people come up with a dollar figure? Who is going to pay for it?

Mr. Skolnick – I'm sure that's going to be a negotiation between the private developer and the City when we get our hands on that. So far we the developer have been willing to put up in escrow the \$155,000 into the City Attorney's escrow account to pay for the demolition of those three buildings. So we've already put up that money. It's really the City's – the fact is that the demolition is going or proceeding according to the City's desire. The private developer would rather get all of the properties tied up, get the zoning in place and then at the same time as the project moves forward take down the buildings, level off the land, do the infrastructure work, build the project.

Mr. Oraziotti – Is there a possibility if there's a conflict – who is going to pay the developer or the City. Can the developer take the action of paying and then perhaps the City could repay so we can get this portion of this building down?

Mr. Skolnick – Again that's something – we don't know what we're talking about. I would turn that around and say if there was a possibility that the City wanted the buildings down maybe the City would pay and we would reimburse the City – but we're open to the discussion. Let's see what we're talking about.

Mr. Dunne – Just let me interrupt for a second on this. I think John the answer to your questions always goes back to the PDA and the way it's written. The PDA says at the end of the day when all of the land is assembled and the approvals are in place all of the costs incurred by the City – relocation, demolition, acquisition – any of those costs become the purchase price at closing. So ultimately no matter costs the City incurs as a result of this going forward in those categories of demolition, relocation, acquisition – that is what the developer has to pay for to us at the end. So the question of who's paying in my mind it's always the developer at the end.

Mr. Stevens – So to understand this right now the cost for that shoring up the wall will be split fifty-fifty with the City and the current property owner.

Mr. Skolnick – That's how we interpret the title or the deed to read. There is still the potential that the property owner says no. There is that possibility. Maybe there is a legal action to that. But I'm not getting into the legal matters. I believe that the property owners are legally obligated to share in the expense.

Mayor Staffieri – Besides hiring Langdon Engineering and civil engineers you have hired your other engineers, your architectural engineers and started to prepare prints.

Mr. Skolnick – We have currently engaged Streetworks, LLC who are our architectural planners. We have Langdon Engineering who are the civil engineers and geotechnical engineers. And we have ADR who are environmental engineers. And they are all engaged and actively working on the downtown Derby revitalization project.

Mayor Staffieri – So you have organized a full squad of all different types of engineering firms that are needed.

Mr. Skolnick – Yes we have and in fact we had a meeting with the City's various departments including the Building Department, the City's engineers – in this room I think our consultants filled the table – we have quite a number of people working on this.

Mayor Staffieri – More or less I'm asking that question for the public to let them know that a full complement of engineers were hired and to say our Building Inspector was impressed by the entourage Mr. Skolnick brought into the room.

Mr. Skolnick – I would say just by way of an off comment that anytime as developers we hear anyone in the public, certainly not in the City, but anyone in the public say the developers aren't committed to this redevelopment I feel that couldn't be farther from the truth and it must be a member of the public who isn't well informed and doesn't see the commitment that we have made both by way of our time, our energy – certainly our money. The amount of money that we have already contributed to the City to help the City with demolition concerns, to our team of professionals, to the locking up of properties would certainly, if you added that up, would show the City's residents that we are in for millions of dollars already and that we don't take that lightly and that we're very committed.

Mayor Staffieri – I think we're going to prove that in the type of administration that we're going to run. Questions will be asked and the proper and right answers will be given. Any other questions?

Mr. Oraziotti – Just one Mr. Mayor. I guess we're all anxious to know “where's the beef?” You can have all of the consultants in the world – that's fine - but we want to see some teeth in this. (Inaudible) you can have a whole household – that's great, I applaud you. But bottom line is when are we going to start moving? When are your people going to start getting things together?

Mr. Skolnick – I think there's got to be a certain amount of reality to that question.

Mr. Oraziotti – I guess I'm just impatient.

Mr. Skolnick – No – but that's okay – we're all impatient. But there has to be some reality in the expectation of timing. The zoning has to be in place, all of the private properties have to either be relocated or purchased. We have to get – to study the GAP and figure out a way if there is a gap how to close that gap. One thing that I applaud the City on is putting the legislature in place so that if the need be a gap

could potentially be filled by having the district issue some bonds that's a very good step in anticipation of the amount of infrastructure that will be required. I personally testified at the State House in favor of enacting that legislature. I personally feel this is an unusual development and this is what I said to the Senators and Representatives. It's an unusual development in that almost every piece of land that we buy as a development site is ready to go. Maybe you have to get zoning in place but once zoning is in place you hook into the water and sewer, you bring in your cable and electric and you build your buildings. Here we have to find a way to build the infrastructure, distribute the roadway, distribute that infrastructure – in some cases move the existing infrastructure and build that public place so that we can then build our buildings and that's what is very unusual about this development and that's something that, although we're all anxious has to happen before the buildings go up. So as long as we're realistic we're moving as fast as we can. It's not going to be fast enough for the residents of the City to feel there's progress being made on a visible basis. But that doesn't mean a lot of progress isn't being made. In fact a lot of progress is being made. And I will say particularly with the advent of the new administration and what we feel is a renewed focus and energy about getting it done. And that helps us as developers dramatically.

Mr. Russo – I guess it's safe to say Mr. Skolnick that there's a lot of action happening behind the scenes versus behind closed doors. And all I'm trying to say is that you have a lot of work to do that people will not see the fruits of your labor. Buildings are not coming down; buildings are not going up, but all the permits, all the test borings, all the surveys that's all the items that have to be put into place before you can move forward. And obviously you need our help with that.

Mr. Skolnick – I'm saying that we have hundreds of thousands of dollars of consultants busy at work behind closed doors and out in the open working on getting this done. And I would say you're right they may be behind closed doors or in an office somewhere but we're happy to meet and discuss it openly in public.

Mr. Russo – That's what I'm really trying to say. You are expressing your concerns and functions in the open versus behind closed doors.

Mr. Skolnick – Absolutely.

Mayor Staffieri – I'm going to go out of character and take one question from Mr. Auerbach.

Mr. Dunne – Point of order first. I understand Mr. Chairman what you want to do. It can not be a back and forth between two people in the audience. Questions come through the Chair. We can take comment we can respond but it cannot be a negotiation between two parties in the audience.

Mr. Auerbach – Mr. Mayor I was trying (inaudible) there's a wall that is demolition and there's a wall that has to be shored up to stay standing. If the developer is planning to take all that down I'm just curious why they wouldn't spend money to acquire that additional piece of property and take the whole thing down.

Mayor Staffieri – I can probably answer that. There's a contract that exists between the City and Standard Demolition. Now Standard Demolition wants to finish the job. They want to get paid for the job and if they don't do it they have been putting pressure on the City they want us to release them from liability and get paid for more (inaudible.) We become responsible if somebody goes into that building and gets hurt – so we want to finish the project. The demolition company is only hired up until that point and everything is spelled out on what is required for them to do. So that's the main point – finishing it, making it non-hazardous and this way the demolition company can go its own way, we don't have a hazardous condition and for that purpose there.

Mr. Skolnick – Can I add just a little bit to that? I agree with everything you said. In addition, I use an expression sometimes – it sounds good when you say it fast. And the member of the public proposing that – you purchase the building then you take it all down reaching an agreement with the private property owner, negotiating that agreement, then entering into a legal document, negotiating that legal document and then closing and transferring funds and taking the building would take way too long and the demolition contractor is sitting at risk and wants to finish the contract.

Mayor Staffieri – Putting pressure on the City on finishing the contract.

Mr. Skolnick – So while it sounds good that you just buy it and knock it down the reality of that is just not feasible.

Mr. Dunne – I have a question while we're on this agenda item. There was a letter that was in our packet that was to the Planning & Zoning Commission. With your permission it refers to the south side of Main Street redevelopment project. Was this letter actually sent to the P&Z by this body? The main reason I ask is if this letter becomes a matter of record that my name be removed from it. I was not a member of the board at the time. As far as this issue is concerned, it's my opinion as a member of this board that we should return any requests from P&Z of this nature without comment. The P&Z is well aware of what the redevelopment zone entails. They had to review and comment on the plans before it was adopted. And any of the questions that they may have can be answered by a simple reading of the Redevelopment Plan. Any other questions they may have for us have nothing to do, in my opinion, have nothing to do with what this agency does. They review Site Plans based upon the regulations and they should make their judgments based upon the regulations – not based upon any ex-parte discussion.

Atty. Coppola – Mr. Dunne the only thing I want to add to that is that the Redevelopment Plan gives this board the authority to review anything that happens in that zone.

Mr. Dunne – Well you know that State Statute does (inaudible).

Atty. Coppola – You're absolutely correct. But what that means is by the statute the letter does have to come to us. Whether or not you respond...

Mr. Dunne – My suggestion is that we respond without comment in the future.

Atty. Coppola – That's why anything in that zone will come here. P&Z will send you a request. And whether or not you act on it I guess you would have to vote on that and discuss it.

The board members expressed surprise that it was included in the package. Ms. Finn said the letter was given to her so she included it in everyone's package.

UPDATE ON RFP FOR RELOCATION AGENT

Mayor Staffieri said the legal notice ran in the Connecticut Post and New Haven Register on Friday. Atty. Coppola stated that one person did call about the RFP.

PROJECT SIGN FOR SITE

Mr. Dunne asked how quickly could a new project sign be erected. Mr. Skolnick said he is assuming someone would want to review and approve the sign. Once it is reviewed and approved he said it could be erected within a two week period. Mr. Dunne suggested to Corporation Counsel to just assign it to the Mayor to approve the project sign. Atty. Coppola said an application will go before Planning & Zoning. Mr. Dunne asked why would this go before Planning & Zoning? Atty. Coppola said there is a regulation regarding billboards and signs. Mr. Dunne asked if that is your interpretation or the Zoning Enforcement Officer's. Atty. Coppola said that is the regulations and what he has also heard from the Zoning Enforcement Officer. Mr. Dunne said we have had this argument for years regarding temporary signage and project signage. He noted that he has put 4' x 10' signs on State Projects and no one has ever said a peep. If it applies to this it applied to that. He said he doesn't believe it applies to this. He said he feels the Zoning Enforcement Officer should just sign the permit. Mr. Dunne also noted that the City of Derby is still the property owner. The Board of Aldermen still has control of the site. Atty. Coppola said it will still have to go before P&Z.

ADJOURNMENT

A MOTION was made by Mr. Oraziotti with a second by Mr. Stevens to adjourn the meeting at 7:27 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.