

TOWN OF WALLINGFORD, CONNECTICUT

SPECIAL TOWN COUNCIL MEETING

March 20, 2006

6:00 P.M.

MINUTES

The following is a record of the minutes of the Wallingford Town Council at a special meeting held on Monday, March 20, 2006, in the Robert Earley Auditorium of the Wallingford Town Hall. Town Council Chairman Robert F. Parisi Called the Meeting to Order at 6:07 P.M. Responding present to the Roll Call given by Town Clerk Barbara Thompson were Councilors Michael Brodinsky, Lois Doherty, Stephen W. Knight, Robert F. Parisi, Rosemary Rascati, and Vincent F. Testa, Jr. Mayor William W. Dickinson, Jr. and Town Attorney Janis Small were also present. Councilors Vincenzo M. Di Natale and Gerald E. Farrell, Jr., were absent.

There was a Moment of Silence and the Pledge of Allegiance was said.

2. Roll Call

Chairman Parisi said that the record should show that Councilors DiNatale and Farrell have recused themselves from discussion on this project for personal reasons. He called upon Councilor Papale.

Ms. Papale: It is with many regrets that based on a recommendation from Adam Mantzaris, and my own feelings, that I will recuse myself from any discussion pertaining to the development of the Wooding Caplan property. I trust that the remaining Town Council members will make a thoughtful and careful decision.

She also read a letter into the record from Corporation Counsel Adam Mantzaris. *(See Appendix I)*

Ms. Papale excused herself from the Council table.

Chairman Parisi announced that the Richman Group Development Corporation removed themselves from consideration on this project, so they will no longer participate. He said that we will have one

presentation. He called DiNatale Management, LLC, Mario DiNatale and Associates forward.

3. Presentation of Wooding Caplan Development Proposals

A. **DiNatale Management, LLC**
Mario DiNatale

Mario DiNatale, DiNatale Management, LLC
Attorney Bernie Pellegrino,
Daniel Webster Lyon, Architect
Jon Walworth, Project Engineer

Attorney Bernie Pellegrino introduced himself saying that he represents Mr. (Mario) DiNatale on this project. He introduced Mario DiNatale, the owner of DiNatale Management, and Daniel Lyon, the architect for the project and Jon Walworth, the engineer for the project. He said that the Council has a very difficult task in choosing the best out of four outstanding proposals. If you look at the proposals subjective standpoint, they are all great. He asked the Council to look at the proposals from an objective standpoint and that objective criteria be used by you in comparing each of these proposals with each other. It is our intent to help you do that by asking a simple question – why? Why should you choose Mr. (Mario) DiNatale's project? He called on Dan Lyon, Architect, to describe why he selected the design that is being proposed with this proposal.

Daniel Lyon, Architect, 4 Simpson Avenue. He said that the slide on display shows their vision for the center of this uptown block in Wallingford. He said that their vision is surrounded by existing buildings all of an historic nature and they include, 22 North Elm Street which is an 18thC. saltbox house and to the right of that are the Levenworth Apartments that were built during the 1800s and below that on North Elm Street is the house that belonged to the Johnson sisters and to the left is St. Paul's Episcopal Church. He said that all of these buildings are there. He said that in the lower right is the Tyneson blacksmith shop, which was there when that picture was taken in 1890 but it is in the same area where we are going to build. He said that the 1890 photo looks just about the way it does today. He said he wanted to show pictures of the existing buildings because they are important to this block. They provide the background and history, and it's on the basis of that that they've designed the buildings that the Council will see (*referring to the*

visual aids on display). He said that this is looking up Wallace Avenue north and that the police parking is at the far upper end. He said on each side of the 50 foot wide area, there are eight buildings on the right and eight buildings on the left. He said that they are sixteen condominium units put together to form an upscale, New England Village that average 850 square feet each. He said that in addition there is a single car garage, and there is a loft area. He said that they are close to the ground, so that they are grade accessible as a true, active, adult community should be. The green is intended to emulate a New England Green and in keeping with the neighborhood.

At the bottom is our proposal as a rough sketch that preserves and enhances 390 Center Street which is the brick building that is there now that is an important part of the streetscape. He said the idea is that on the lowest level there will be commercial, and on the upper floors will be artist loft apartments. He pointed out Wallace Avenue to the left of 390 Center Street and said that is key to this plan that that the plan is called Wallace Court and to the right is the convenience store. He said that this building is really important in his estimation to the streetscape. He said he likes those words but thinks that this whole block has an important streetscape and he thinks it's important because if this building get utilized and as he said commercial on the first floor, dropping the floor so that it is easily accessible and rental artist lofts up above up.

He said that the idea of this building not being there seems impossible to him. He acknowledged that it's been talked about. He noted that he has lived in Wallingford about all of his life and graduated from Wallingford schools. He said that this area is dear to him having lived on this block and living near it now, and he thinks it's impossible to consider that being gone (*390 Center Street*). He said that in addition the commercial first floor of 390, they are planning on having a small, 1,000 square foot commercial space on the 2.9 acres. He said that the building will emulate the blacksmith shop in the picture you are seeing to the lower right. He said finally this is a view from within the 50-wide, green area looking to the west with St Paul's up above. He said he thinks that this is what's best for this project. It reflects the historical aspects of the block and it's pretty and it's going to be something that people can see. It's not going to be off in the boondocks or somewhere far away. People can come into this area and see it. The commercial retail is going to be accessible to these people and accessible to the people that live

(*Mr. Lyon con't*) outside of Wallace Court. He said he thinks it's something that the Council should go for. He thanked the Council. **Mr. Pellegrino** pointed out the model on display for the Council and members of the public to see. He said that it shows the proposal as described by Dan but also show the buildings surrounding the proposal with single family homes on two sides, the commercial in multi-family on the other two sides. He said the next 'why' that he asks he would like Jon Walworth the engineer to answer is -why he believes this proposal best complies with the requirements set forth by the town in the RFP.

Jon Walworth, Project Engineer, thanked the Council for the opportunity. He said that his background includes not only volunteerism on other projects in town and but also in serving on the Downtown Plan of Development volunteer committee. He said that that was his first encounter in making recommendations on this property, and then later he attempted to develop a concept for the park and rec department to be within this property as well. He said he is proud to be part of the team to further their concept. He said that what they do is the necessary detail infrastructure work to support that vision with a platform. He said that to begin he will be describing the property rights-of-way and that all of the concepts tonight will have Center Street to the right and north to the left. He said that what you see is the property that's been retained for the police department to the far left. He said that the majority of the property cross-hatched in yellow, and finally, the purple and green the Wallace Avenue right-of-way. He said that they are proposing to abandon that which is shown in darker blue and in the lower right to augment that right-of-way with property by Mario DiNatale to complete the proper width of the right-of-way.

He said that the concept looks to a number of different avenues to solve neighborhood issues on the periphery of the project, the first of which is police access. He said that after meeting with the Police Chief and almost all of the department heads involved with this project, this plan proposed access to both the east and west end of the police parking lot to address a number of issues that the chief had if he couldn't expand. One of them was snow removal and other emergency access including some homeland security and other elements that he requires. He said that after meeting with the chief the developed a layout of the police department parking to make sure that they were addressing his needs. He said that they looked at all of the neighbors and provided shared parking for the church so that

(Mr. Walworth con't) they may be able to share that parking the building in the lower right when it's not being used on a Sunday.

He said that they looked at maintaining substantial buffers to reflect what's been stated in the Rose Report and in the RFP. He said that they have a total of approximately one acre of green space in this project. He said that one third of it is located on the east side within the tow areas shown here *(pointing out the area on the visuals aids)*. He said that substantial buffers are being proposed for the perimeters, behind SBC, behind the church and along the access-way from Center Street. He said that this promotes pedestrian activity which is more pronounced in Wallingford than in many towns. He said to allow those pedestrians to enter the site that has enticing aesthetic of landscaping to enter both into the green space to the east and also to the pad building and the church to the west.

He said that they also studied all the other elements of infrastructure that were required for the project not only with the Electric Division and Water and Sewer but also with a drainage system that would respond to the current issues with the site but also to provide triple pipes that you see in the middle - on site, underground detention so that the project could retain the storm flows from the impervious area. He said in looking at that alternative which is a combination of structures and pipe system, they also looked at what would be the advantage of actually accommodating the police department with this concept because in fact they are almost landlocked as far as drainage to that east side so in fact they have thought of making provision for picking up that drainage and contacted a neighbor and are exploring a drainage easement to the east for potential, alternative outlet.

He said as demonstrated in the booklet they have included those site amenities required in the RFP and to be compatible with the investment that the town has made on both Main Street and Center Street. He said that the key to the project is not only buffering the neighbors and the police but in fact to encompass a property which is one of the largest which the Mario DiNatale property, which is on the west-southwest Taking an aerial photograph, he superimposed their plan, which is shown on East Center Street extending through the Wooding Caplan property, and he highlighted the Mario DiNatale property which is the package store and the property itself. He also highlighted the association, which gains access through the Mario DiNatale property to the Wallace Court. He showed the Council a potential, which is not part of our original presentation. It

(Mr. Walworth con't) is another development and not part of the DiNatale property but it shows the potential of the DiNatale-Wallace Court property to be a jumping off point for other development to occur. He said that they have been in touch with the Caplans for many, many months and with his agreement and a letter that he will work with our team whether there is a project or whether there isn't a project. He said that they believe that this is encouragement for development of this site for the entire area as shown.

He said that they looked very closely in the developmental proposal at what the RFP required, providing mixed use and complimenting downtown and all those issues that you have read, everything from rights-of-way to historic building styles, open space, street furniture and all the way down to the non-discrimination policy that was required in the proposal, and, of course, minimizing traffic. He said that the Rose Report explored alternatives that now are impossible because they were looking at a larger land resource than is outlined in the RFP. He said that nevertheless when you measure us against the RFP that they will do very well.

He said that one of the other areas that they responded to was that they provided a very detailed schedule, and in fact it's only half of the line items that were provided to show the Council that they have thought out the process all the way from when you might be able to be in a position to award the developer, all the way through the environmental issues, the closing and finally the occupancy of the buildings.

He said that they have been asked, and they have addressed concerns of the Council as far as what is the potential donation to the town and the annual tax to the town is approximately \$122,000 and they also have made a statement to the fact that, excluding the contribution of property to the project, the donation to the town would be \$100,000, any combination either environmental or cash. He said when they show these it did not appear to be a relationship between the offers and their density, and he knows that if you look at the two largest offers are in fact have not had an opportunity to provide a right-of-way, in fact they are asking the town to contribute the right-of-way.

In looking at this, he said there is a relationship to the density and it is how much these projects cost the town in future education expense because with 90 or 96 units or even 44 units when you go through the math as they have, you find the expense to the town over a five

(*Mr. Walworth con't*) year period is more than what is being offered in land cost. He said that they based it on an open apartment complex but because they are only supporting active adult community that their expense to the school system would be even lower.

Mr. Pellegrino said that he would like the Council to focus on why they believe this proposal is best not only for the town but, more importantly, for the neighbors, those who live in very close proximity, if not adjacent, to the property. He said that on the top (*using visual material*) are the original five proposals, and this one is their proposal, and on the left are important issues for the Council to consider, and they have tried to compare all of the proposals concerning these issues.

They think height is important because of the residential dwellings that are easily seen on the model before you for which reason their proposal is only two stories. He said they are not sure of this proposal but they think that Smith is clearly three, and Sunwood is three, and Town Center is four. He said that they think that their two-story proposal is more in keeping with the area for this project to serve as a buffer between single-family homes and the commercial area. He said that they think that it is a good transition. He said that he thinks that they have about 10 minutes left.

He said that for the very same reasons they were sensitive to density because of the neighbors, which is why their proposal suggests only eighteen units as compared to the other proposals, which are more than 18. Also as a result of neighbors and single family homes, they were sensitive to setbacks and buffers and the setbacks and buffers are rather handsome with 70 feet from their buildings and 14 feet of planted area between the parking parking lot and neighboring properties. He said they are better than the other proposals. He said that they are sensitive to the Police, and so they are being provided with two outlets for their parking area as compared to the other proposals. He said that they are sensitive to the entrance for which reason, they are suggesting a 24-foot public road, Wallace to remain. Some of the other proposals suggest it should be private but they think that it should remain public. He said some of the other proposals suggest that it be only 15 feet in width. He said that they do not need a right-of-way to gain further access in and out of this property from the adjoining neighbor SBC. Some of the other proposals do need another right-of-way from SBC and they don't whether SBC would even consider granting that. He said that his

(Mr. Pellegrino con't) discussion with the SBC attorney in the last few days indicates that it is highly unlikely.

He said that they are sensitive to vehicle trips. He said that their proposal used the same standards in analyzing all the proposals will generate only 161 vehicles trips per day as compared to the others one of which is as high as 1,035. He said that likewise because their density is only 18, they only have to provide 53 parking spaces although they show 63 and the other proposals because of higher densities require more parking spaces. He said that they are of the opinion, based on a study by the Wallingford Town Planner, that they may be the only proposal of all of the proposals, which complies with the town's parking requirements in the zoning regulations. He said that this is truly and active adult community and that they have a bedroom on the first floor of every unity and all of their units are at grade. He said he isn't sure if the others can boast that. He thinks that they score well in that regard. Mr. Pellegrino said that Mario (DiNatale) will describe why he is here, why he submitted this proposal, why he would like to develop this particular land.

Mario DiNatale, DiNatale Management, LLC, said that he has lived in Wallingford almost 50 years, and more important he has been a neighbor *(of the Wooding Caplan property)* for almost 16 years when we bought property from the town with three other partners. He said about 4 years ago he became the only owner, and he considers that his property and the Wooding Caplan property to be the two most important properties to develop this area. He said that there is also a key piece that was considered by everybody throughout the years and that was 382 Center Street, the old package store. He said that less than one year ago, he was successful in purchasing it. He said that it is spelled out in the proposal on page 19.

He said that since the RFP was issued he has put together a team and they understand that the more units, the more money for you and for me. However, he said that was not the intent of this. He said first of all he owned the building and that if he did something bad that it would devalue his building not to mention having to look at it everyday. He said that when he sat with his team that they said that they want to do something that is good for Wallingford and something that they can be proud of and that they needed to stay within the RFP requirements. He said they contacted all of the town officials to answer their questions and tried to fit in with all the fire

(Mr. M. DiNatale con't) department and police. He said he didn't only consider his property but that they improved the exit and eliminating some of the alleyways.

They contacted the neighbors to make sure that this was better for them, especially for fire protection. He said that with the new road his building can be accessed, all the building on the corner including this side of Caplan property, which is really the bulk of this block. He said that he talked with Mr. Caplan and that he has a letter saying that they can work together if this goes through or if it doesn't go through because he is ready to do something with his parking lot and said that he owns the ugly fencing. He said that they sat down with the pastor and trying to do the best thing. He said that they don't need any right-of-ways from the church. He said that they want to share eight parking spaces and also the strip of green area which would give them six more parking spaces outright. We considered the police station and the neighbors on Elm Street.

He talked about the water problem, which is in the RFP, and said that he investigated it and talked to the neighbors and made arrangements to try to correct that. He addressed 390 Center Street and said that they are planning to remodel without removing it. He said that his plan is to lower the first floor and make that floor commercial, and there would be two units on the second floor connected to lofts on third floor.

He said that the project itself has the most green area of anybody, about an acre of green area total. He said that there is about 1/3 of an acre between two spots and they are willing to work with the town to do whatever they want. He said that they have ten extra spaces in this project and would be willing to designate some of those for parking for the park only.

He said that they kept the height of the buildings so they wouldn't be offensive to the neighbors, and we made it attractive to empty nesters. He said that there are no stairs, the garage is attached and the bedrooms are on the first floor. There is a parking space in the driveway and green area in the courtyard and sidewalks leading to other sidewalks to Center Street or to Main Street as far as they would own. He said that past that they do not have a right-of-way but they would be willing to work something out with the church, they would be willing to put something pretty over there too.

(Mr. M. DiNatale con't) The units have radiant heat on the first floor. He said that they are proud of the plan and that he has shown the Mayor and he invited the Council and that most have come up to see it. He said that the W C committee has come up and everybody that was interested in it. He said that they accepted their comments, listened to their suggestions. He said that he thinks that they did a good and he hopes that the Council feels the same way. He thanked the Council.

Mr. Pellegrino thanked the council and said that they hoped that they provided valuable information. He said that they have copies of the presentation for the Council.

Chairman Parisi noted that the Council allowed extra time for the presentation and that he thinks it was important and that they were very, very close in the presentation and that a few minutes isn't going to hurt anybody and that he thinks that this is an important enough project that it benefited everybody. He called on the public for comments or questions.

Robert Krombel, 38 North Elm Street, commented that he knows that Mr. (Mario) DiNatale is offering the town \$100,000 for developing this parcel and asked to clarify something. He said that he thinks that Harold's Package Store is also being included in this and asked if that doesn't increase the value of the proposal and isn't that part of it and doesn't that increase it to \$500,000 or \$600,000. **Mr. (Mario) DiNatale** said that he took that from the RFP on page 19 which suggested the building at 382 Center Street should be purchased, so he did. He said he thinks it was \$375,000 plus closing fees and real estate fees. He included with that the cost of demolition and the environmental cleanup of that building. He continued saying that the town will not be responsible for any environmental in that building or the demolition. He would demolish the building, fill the hole with good fill so that's where the \$500,000 came in. He said that it's something that he got from the proposal from Day 1, 15 years ago when it was intended that 382 should be part of this.

Mr. Krombel said that to clarify this the value of the proposal, or the value of your contribution, to the town is about \$600,000 when all is said and done. **Mr. (Mario) DiNatale** agreed and said that in addition to that they have the first \$25,000 that may be spent on environmental. He said that he assumes the town property was cleaned up about 15 years ago. When they investigated that, He said

(Mr. Krombel con't) that there are still two tanks present, some lead in one corner of the property and there was a fueling station back there. He assumed on Phase I and Phase II at least removing the two tanks and \$25,000 would probably cover it but obviously I cannot leave myself open if there's a \$10 million worth of cleaning up. He said, "I think we all understand that." He said that he thinks that would do it with that limit.

Mr. Krombel said that they are proposing a small number of units and asked if they had given any consideration about the kind of traffic that would generate and how it would impact Center Street. **Mr. Walworth** said that he is a member of the Institute of Transportation Engineers and has looked carefully at their exit location onto Center Street and that it is his opinion when they improve Wallace Court to its proper width and remove the parking on either side to avoid a site line issue that their 100+ vehicles will not be an issue on Center Street. **Mr. (Mario) DiNatale** added that they also in replacing this road, they are eliminating the seven alleyways that exist right now Center Street between Elm and Main. **Mr. Walworth** said that the summary is that by combining multiple alleyways into one controlled access way is a much safer approach.

Kathy Avery, 42 North Elm Street, asked about siding on the housing units, fireplaces and heating fuel. **Mr. (Mario) DiNatale** said part brick and a blend of brick veneer and architectural siding and that was his first intention to keep with the neighborhood. He said that there are gas fireplaces in some of the units and that the units would have radiant heat on the first floor and a boiler run by oil or gas.

James Vumbaco, 46 South Cherry Street, asked why these proceedings are not being broadcast and that he thinks that it's a disservice to the people here tonight who cannot see the presentation and the people in this community who are unable to come here.

Chairman Parisi said that he does not have anything to do with the broadcasting. He asked if there were any more questions about the project.

Richard Cremini, 8 Rolling Meadow Drive and 9 North Main property owner, which is in close proximity to this property, said that this isn't really a question for this complex and said that he has prepared notes that he will forward these before all of these meetings.

(*Mr. Cremini con't*) are over. He read his statement, which said that he would like to see this property developed with the least possible buildings or condos.

Stuart Hecht, 360 Woodhouse Avenue and also co-owner of the **Book Vault, 9 North Main Street** talked about the property in the back on the Wooding Caplan property and not part of the church property that has fences and a sign that it is for postal employees only. He asked who owns that property, and if the post office has a right to use that property, and if they are leasing that property from someone.

Mayor Dickinson said that the Public Works Director looked at the location and the Town Attorney said it is not town property and no one has exclusive right to the property back there. There was discussion regarding church property and perhaps an old sign.

Mr. Hecht asked if there was a right of the post office to use that property and whether that piece is part of the Wooding Caplan property that will be developed. He got the response that it is part of the Wooding Caplan property.

Robert Avery, 42 North Elm Street, asked about shared church parking and whether a traffic light would be needed.

Lois Olsen, 386 Long Hill Road, asked if the only commercial structure in Mr. (Mario) DiNatale's plan is the one facing Center Street,

and **Mr. DiNatale** said that that there is a 1,000 square foot building near the residential and will be used as an office like an engineer or an architect, rather than retail. **Ms. Olsen** said that she favors this plan and is very disappointed that this is not being filmed.

Charles Flynn, 52 Academy Street, said that we should be thankful that the town owns this property and asked the Council to make the right decision.

Some rearranging of the presentation materials took place.

Charles Barryman, 3 Briarwood Lane, said that he agrees with this being televised but that every developer should have that opportunity. **Chairman Parisi** said that it wasn't in their ability to

(Mr. Barryman con't) televise all four proposals so if we couldn't do them all, then they won't do any.

Michael Gannon, 79 Farm Hill Road, said that he and his wife have been following all the steps of this issue including attending study group meetings and he would like to thank the study group for all of their work and everyone else who has contributed so much time and energy. He expressed his concern about density and parking. He related his experience with parking in the downtown area on a Friday night and asked how Mr. (Mario) DiNatale's proposal addresses that issue.

Mr. (Mario) DiNatale said that without counting the driveways that they have ten more parking spaces that is required by regulation.

Patricia Sittnick, 139 Prince Street, asked about Center Street sidewalks and the Main street sidewalks will continue into this project and if there will be public sidewalks inside the area.

Mr. Walworth said that yes and pointed out the entrance to the property at 390 Center Street, and he pointed out a sidewalk to accommodate pedestrians into the site to the green space and the pad where the commercial building is.

Ms. Sittnick asked if the Elm Street residents would be looking up at a wall. And she asked if this was a gated community.

Mr. Walworth said that they are talking about a berm area to soften the view for the residents. He added that this is not a gated area and that there is no pedestrian entrance on the east and north and a portion of the west side.

Tom Simpson, 150 North Orchard Street, asked that they be sensitive to the neighbors and that the piece be open to everyone in town so that everyone can enjoy it.

Ms. Doherty asked about the exclusions that will be the responsibility of the town - 1A. the cost for municipal services within the public portion of the relocated Wallace Avenue.

Mr. (Mario) DiNatale said that Wallace Avenue is probably less than 100 feet. He said that the public services already exist there – sewers, water main – so there is very little and that he estimates it to be about \$25,000 if the town wanted to, I would assume that

(*Mr. M. DiNatale con't*) responsibility for that number. That would be for basically what I proposed extra on the environmental. I would be willing to do that portion. It's very minor, and the rest is all private and would go underground at my cost and not cost the town a penny. The only portion is that first 100 feet of public road, and that's a good estimate and probably already exists.

Ms. Doherty asked about 1B and said that it says "all costs with relocating an undergrounding of the current overhead electrical services and other utilities on town owned property."

Mr. (Mario) DiNatale said that refers to the overhead wires in back of Caplan, 350 Center Street and on that portion. He said that his intention is to put some nice units back there and he said he is embarrassed about the fence back there of which he owns half and he thinks that the town should be embarrassed about the overhead wires and he thinks that if they are to be relocated that it should be up to them to locate those wires and obtain the easements from Caplan and the church. He said that he would not be able to do that. He said that it would be up to the town, and that he is just suggesting that it's a good idea to clean up this block that the wires should be removed and if the town decides to remove them, it should be at their cost. He said that any wire on his new project would be totally at his expense.

Mr. Brodinsky asked about the height of the buildings, and **Mr. Lyon** responded that the highest point of any of the buildings would be 30 feet to the ridge or the peak. **Mr. Brodinsky** asked explanation of the tax analysis, which probably has to do with the purchase price times the mill rate. **Mr. (Mario) DiNatale** responded that basically it is the 16 units about \$350,000 value and the commercial property at about \$100 per square foot, and that's been assessed as the value multiplied by (*indecipherable*) times the mill rate.

Mr. Brodinsky said that the anticipated sales price is \$350,000 at this time and maybe it will go up. He next asked about the floor plans and that he understands that there are two models and they are 1800 square foot range. **Mr. Lyon** said that they are 1850 square feet is true for both the colonial and the cape. They all have a garage and a basement.

Mr. Brodinsky talked about the small, interior, commercial building and asked about the square feet, and why they have 1,000 square feet, such a small commercial space. He mentioned the Rose Report, which said that commercial rentals are considered hot rentals. **Mr. (Mario) DiNatale** said that they wanted to conform as much as possible to the Road Report and that they felt that 1,000 square feet could very easily be an office or that the condo association could use it. **Mr. Brodinsky** asked **Mr. (Mario) DiNatale** if he thought that this was important to the town to have some extra commercial space. **Mr. (Mario) DiNatale** said yes. **Mr. Brodinsky** asked if the distance between the two rows of units was 50 feet, and the answer was yes, which is 50 feet of lawn.

Mr. Brodinsky asked where exactly the church parking is and how many spaces. **Mr. (Mario) DiNatale** said that there are eight spaces close by the commercial building, which can be shared with the church, and near there is a strip of green that is in excess that they do not need that would take about 6 more cars, and they can give their right to the church. He said that one of the RFP maps has a square piece and that the ownership of that piece is very doubtful regarding who it belongs to. He said that he would relinquish rights to that piece and abandon that to the church. He pointed out that on the last page of the RFP there is a dotted area in back of the church on the left hand side. He said it could belong to the town but that the ownership is questionable. He said that's the 20 ft. by 60 ft. area that he would turn over to the church. He said that if there are changes for the church that he willing to help in that area. He said that he does not need anything from them as far as space, easements or rights-of-way.

Mr. Brodinsky repeated that to clarify the net cash to the town is \$100,000 and that other than the environmental expenses over \$25,000 that there is no further exposure or liability. **Mr. (Mario) DiNatale** said yes other than the building He is purchasing that he is putting \$125,000 on the table, which is \$100,000 for the property and \$25,000 for environmental. He said that from their studies that \$25,000 should do it and that he does accept the environmental for the 382 Center Street building, the package store and that is not included in the \$25,000. **Mr. Brodinsky** asked if there were any other contingencies. **Mr. (Mario) DiNatale** said that he doesn't see any. **Mr. Pellegrino** said that he thinks that that is one of the unique features of this proposal in that it is not conditioned on anything.

Mrs. Rascati asked who owns the green space that they will have marked as a parkway. **Mr. (Mario) DiNatale** responded by saying that it's about 1/3 of an acre, and they would be willing to work that any way the town wants that, deed it back to the town, put in parking spaces, maintain it, keep it in the condo association with rights that the town would be able to use it again with 4 or 5 parking spaces for the park. He said it's open and accessible. He said that it's a nice area and that it's bigger on the site than it looks on the map.

Mrs. Rascati said if it is owned by the association wouldn't it present a problem for the public to use? **Mr. Pellegrino** said that if the condominium association owned the space, the association would give to the town an easement so that property would be dedicated for public use that easement would be recorded and that they would work with the town concerning the wording of that easement. **Ms. Rascati** asked about the maintenance. **Mr. Pellegrino** said that if the property were conveyed to the town, then the town would be responsible for its maintenance. If the property were owned by the association with an easement to the town for its use, then the association would be responsible for the maintenance. **Ms. Rascati** said that she assumed by **Mr. (Mario) DiNatale's** comments that if he gets the project that he will knock down the hideous fence. **Mr. (Mario) DiNatale** said that **Mr. Caplan** is willing to work with him on the fence even if he does not get the project, and he referred to a letter that he has that he will share. **Ms. Rascati** referred to the alleyway and the entrance that is now used to get to the back of 350 and asked if that will remain as an entrance or an exit. **Mr. (Mario) DiNatale** said that would remain as an entrance because he doesn't consider it to be dangerous. He thinks that coming out is dangerous. He said that by opening the road to the east side of the parking lot that entrance will no longer be needed and it will be closed off. He said in the model that you can see that it's closed off. *(the speaking into the microphone distorted what was being said, and therefore the tape is indecipherable in many areas)*. He talked about the parking of patrons to Michael's and the Book Vault and evening parking in general and how cars come and go from the current parking area.

Mr. Testa commented on the current general parking especially in relation to post office parking and where they are going to park once the property is developed. He noted that **Mr. (Mario) DiNatale** said that he would open up the parking behind his building and that it gets filled up. He asked if it's 6 or 7 spaces that are going to be built to cover 390 Center Street.

Mr. (Mario) DiNatale confirmed that there would be one retail on the ground floor of 390 Center Street and that in the parking for 390 it should be remembered that the Chinese place and the package store will be eliminated. **Mr. Testa** asked if there was a way to provide any additional parking for the existing businesses on Center Street and North Main Street and asked if taking out the fence and possibly having some additional parking from the Caplan property associated with **Mr. (Mario) DiNatale's** parking. He wanted to know if the parking was sufficient to cover the new retail and the existing business. **Mr. (Mario) DiNatale** said the in the proposal there is sufficient parking and that his parking lot and that of **Mr. Caplan** would remain private (*indecipherable*). He said that in removing the fence and reconfiguring the parking area that he thinks that maybe two spaces can be gained.

Mr. Testa said that he worries about the people parking back there now end up taking the parking on the street and that will be problematic. He also acknowledged that it is not **Mr. (Mario) DiNatale's** problem. **Mr. (Mario) DiNatale** said that with his project that no people will be parking on the street. **Mr. Testa** asked how the parking calculations were done. **Mr. (Mario) DiNatale** said that **Mr. Pellegrino** visited **Linda Bush**. (*the speaking into the microphone distorted what was being said, and therefore the tape is indecipherable in many areas*) He said that they asked **Linda Bush** if they could use the driveways and she said that they do not count as parking spaces, so that without counting the driveways, they have, according to what is required by Planning and Zoning, ten extra ones. **Mr. Testa** asked if he used the same formula for all of the other projects that he threw up on his comparison. **Mr. (Mario) DiNatale** said that the numbers he used were those suggested by Planning and Zoning and that they didn't go figure any other parking. He said that they complied with everything and when we say we have ten extra spaces then we have ten extra spaces. **Mr. Testa** asked where the other numbers came from on the other ones.

Mr. Pellegrino said that for the commercial the town's regulations require one space for every tow hundred and fifty square feet and at times it was difficult to analyze some of the other plans to determine exactly how much was commercial and so they tried their best to try to make that determination and to base their parking accordingly. For their residential units, they assumed that they were two bedroom, and not three bedroom, although they didn't have the benefit of all of the floor plans to confirm that information. He said that they calculated their parking the same way as their own $2^{1/4}$

(*Mr. Pellegrino con't*) spaces per unit. He said that they did not count the driveways on any proposal, including their own, for permitted parking.

Mr. Testa said that they made mention of the fact that their roads are public roads versus private on the comparison slide, and he asked to what extent. Mr. (Mario) DiNatale said the public road is the first 100 feet. Mr. Pellegrino said that one that slide they indicated that their would be public and it would be 24 feet wide and continue to be two-way, and in trying to analyze the other proposals, some of them were only 15 feet wide, some of them were no longer two-way but were one-way only, and it appeared that some of them were not public but private. Mr. Testa said that they were talking about the driveways leading in and so forth and Mr. Pellegrino said yes. Mr. Testa continued by saying that they weren't implying that the east and west Wallace Court are public roads. Mr. Pellegrino said that he was talking about entrance.

Mr. Testa asked what was the mill rate they used in calculating the tax estimate so that he can compare apples to apples. Mr. Walworth said that maybe at the end of the meeting they can confirm that. and we'll go back and take a look at that. Mr. Testa said there is about \$3.9 million in assessed value in assessed residential and that they have 1,000 square feet of commercial. Mr. Walworth (*off-mike*) said "...so it's \$300,000 in commercial." and Mr. Testa asked if that was the assessed value? Someone said that no, that was market.

Mr. Testa talked about what they called the two public safety connections and asked if that was considered public egress out over the fire or police departments' driveway. Mr. Walworth said that they talked with Chief about having an agreement that is public to the extent of the police use, exclusive of police and fire use, and it is for emergency use, yes, if they need to get a snowplow in there, then they have agreed to that and if they need to get a fire truck through them, they've agreed in principle but it's not the public's way out. Mr. Testa asked what they meant by Homeland Security. Mr. Walworth said that when they met with the Chief, he went into details as to equipment that he has to keep back there and some of it Homeland Security equipment that is coming in. Mr. Testa said that he is trying to make a relation to their need for two public safety connections. Mr. Walworth said only if there is a maneuverability issue with larger equipment that he can gain access to our property as opposed to trying a u-turn in that limited space.

Mr. Testa asked how did they calculate what they consider educational expenses to the town. **Mr. Walworth** said that they made inquiries to the Board of Education and they responded as far as the cost per year for every age group, K-5, 6-9, 10-12, and then they found from the census information the number of dwelling units, the number of students per dwelling unit in the town and then calculated out for the total of 13 years of expense and divided it by 5.

Mr. Knight said that we're talking about the center of the community and that we're looking forward to having some open space for people to walk back there yet the property is private and asked how they envision the real relationship between the town and the homeowners, who will support the maintenance of that whole area. **Mr. (Mario) DiNatale** said that because it's a 1/3 of an acre green area that the maintenance would be minimal, and the condo owners would have that in their condo association book, and they would be aware of that to begin with and that it can be emphasized. He said that he would put it into the documents in any way that the Council desires so that it would be clear. **Mr. Knight** asked because it is a unique property, and the public will be using it, if he anticipated any ill-will between the owners and the users of the green area. **Mr. (Mario) DiNatale** said the issues can be dealt with. **Mr. Walworth** said that they look at that because it is unique area. They think that the police can have access and that coupled with low-level lighting will discourage more undesirable issues and that it could work as a partnership.

Chairman Parisi asked **Mr. Pellegrino** about the composition of the association and if the two properties of the business people would be members of the association and would any member of your team be members, for instance, **Mr. (Mario) DiNatale**. **Mr. Pellegrino** said that this is what is known as a mixed-use condominium, some residential and some commercial, and the association would own all of the land. The individual units above residential units as well as the commercial units would be owned by the people and that together all of those unit owners through the association would own the real estate so it would be a mixed condominium association combining both residential and commercial. Would **Mr. (Mario) DiNatale** be involved? He tells us that he would love to own one of the residential units and move there. **Mr. Parisi** said that it was a concern of a constituent of his who has had a lot of experience with associations and he understands that they weren't very pleasant and

(*Chairman Parisi con't*) so the question. He said that he personally would like an owner-developer living there or maintaining some ownership. He asked about if the commercial would be owned by the developer.

Mr. Pellegrino said, "No." and that any person or company could purchase a condominium unit in this complex. A person or company could either purchase a residential unit or could purchase a commercial unit. The old Whitney Theatre in the Town of Hamden is now a mixed-condominium complex. He said that the first floor consists of offices and retail condominium units, and the second and third floors consist of residential condominium units, and together they form one condominium association. **Chairman Parisi** said that he is sure that there are many ways to do this. He said that recently the town had a problem with a misunderstanding supposedly between people who purchased and those who were selling condominium units and that is where his concern comes from. An association is a good association when it has strong leadership and bad when it lacks leadership among other things. He asked how id the association going to function. **Mr. Pellegrino** said that most certainly will and must comply with our Connecticut statutes concerning common ownership for condominiums, and **Mr. (Mario) DiNatale** by being the developer and the owner until such time as they are sold will to others, **Mr. (Mario) DiNatale** will control but by statute once a certain percentage are of the units are sold, he has an obligation to turn over to the people who own the units the right to manage them,

Chairman Parisi said that if he lives there, he would have a strong voice and maybe that does become important. He asked about the width of East and West Wallace Court and wanted to know if there were 34 feet. **Mr. Walworth** said that they are 34 feet because the width of that parking space is being added to that. **Chairman Parisi** said that he was sure that they would not designated them as such if they didn't meet all the criteria that was required by Planning and Zoning and Public Safety and everybody else. **Mr. Walworth** said that those may be reduced in size but it was the feeling that it was more appealing with that greater width. He said that when they approach the Police Department, they may be narrower in the last few feet that you see there. They are shown to be narrowed as they enter the police gate because there is less pavement needed.

Chairman Parisi said that it was a good presentation and it answered a lot of questions.

Mr. Brodinsky referred to a slide on the motor vehicle trips and asked that when it is distributed to the Council that a key be added to show how that number was developed or the assumptions so that the Council can re-do the map. **Mr. Walworth** said that it's the same basis that Linda (*Bush*) would use, the Institute of Transportation Engineers which is published for residential.

Ms. Doherty asked **Mr. Pellegrino** about the SBC attorney with whom he spoke and wanted to know what was said. **Mr. Pellegrino** said that as of two weeks ago the in-house attorney for SBC who he had contacted told him that no one had contacted the SBC concerning any requests to use their right-of-way. SBC, therefore, has not talked to anyone about giving their right-of-way. He said that doesn't mean they won't but as of this point in time, it has not been discussed.

Janis Small, Town Attorney, asked if this is an adult-attractive community or are they going to legally restrict the occupancy to adults. **Mr. Pellegrino** said that it is an adult, attractive community designed to attract because of the one-bedroom on the first floor and great access. The project will not be restricted to age. **Ms. Small** asked if someone with children could buy one of the units, and **Mr. Pellegrino** said, "Yes."

Ms. Small referred to the purchase offer where they talk about the town's contribution, and in *IA*, it talks about the town paying for improvements in the public portion of the road and asked what that would be exactly. Clarification of the question was requested, and **Ms. Small** said that the first one is the cost of all municipal services designed and construction costs in the public portion of the road. **Mr. (Mario) DiNatale** said it is the same portion that he referred to earlier which is about 100 feet and most of the utilities storm and water is there, and the estimate is about \$25,000. **Ms. Small** said that in *IB* his preference would be for the town to move the electric underground but that you are not requiring the town to do that and asked if that was correct. **Mr. Walworth** said that there are three separate areas and that they are requesting that the town underground that portion of the right-of-way, which will stay public. **Ms. Small** asked if it was the \$22,000 (*not clear*) estimated cost.

Mr. Walworth said that that includes they were given a rough estimate for the entire site and that they proportioned it out into public right-of-way, within the DiNatale property that does not fall within that charge, and then there is also additional undergrounding through Caplan, through private property which is not part of any expense that we are discussing. That is purely for the town to strongly consider undergrounding that as part of a overall quality of project. **Ms. Small** said then you are not saying that they need the town to do that for their project. **Mr. Walworth** said, "That's exactly right, what we're saying is we're asking the town to underground, and we've talked to the Electric Division about the public portion of the right-of-way only."

Ms. Small then referred to *IB* that talks about other utilities and asked what other utilities. **Mr. Walworth** said that there are none because the existing storm drainage appears to be adequate, the sanitary sewer appears to be adequate, and the water supply appears to be adequate. **Ms. Small** said that the potential contribution appears to be \$25,000 in the public portion of the road. **Mr. (Mario) DiNatale** said that does not include the undergrounding of the wires. He feels that taking the poles down is like his removing the fence. **Ms. Small** said that it's something that you want the town to do but not requiring them to do. **Mr. (Mario) DiNatale** said that he would like them to that for whoever develops it in an effort to make this a nice area for the town. **Ms. Small** said that having the streets all with the same name is not a good idea. **Mr. (Mario) DiNatale** said that could be adjusted.

Mr. Knight referred to comments about ownership of a certain property that borders the church property and the Wooding Caplan property and asked if it was an issue. **Mr. (Mario) DiNatale** said it's not an issue but if it does become an issue that he will not argue it. If he doesn't address it, then I bought the whole property from you without saying that could create a question for the church and in case you haven't noticed it there is a place that should be questioned that he will not make any claim to. **Mr. Knight** asked Janis Small about this. **Ms. Small** said this is the first that she has heard any possible problem with the property that the town owns. **Mr. Knight** asked if this property was surveyed prior to its purchase. **Ms. Small** said that engineering has done different things at different times but no one has ever raised a flag that there is a potential problem with what we own there. **Mr. DiNatale** offered to point it out to **Ms. Small** on her map.

Mayor Dickinson asked Mr. DiNatale to point it out before he leaves, so they can follow up on it.

Linda Bush, Town Planner, referring to Wallace Row, asked if the first 100 feet is town property, then where are the snow plows going to turn around. She said that when they talked about Wallace Row in the proposal, she said that she didn't know what they meant but that if only 100 feet is a town road, there is no way for snow plows to turn, since Wallace Row is acting as a driveway to this property. She suggested that it be considered a driveway instead of a town road.

Ms. Small said that the point is well taken and that there would be no reason for the public to go in there except to use that one corner and that they don't want cars in there because it's private. She said that they want people to walk there. She said that Linda has a very good point.

Dick Caplan, 88 Long Hill Road, wanted clarification since his land abuts Wallace Avenue. He asked that if the first 100 feet is a road and the rest of it is private and the rear of his parking area gives access to Wallace Row, then it is confusing since he could lose the ability to go onto Wallace Avenue, and thus he couldn't get to Center Street. He asked if he was missing something.

Mr. DiNatale (*off mike*) said that if he noticed on the map that they didn't touch that portion ... **Mr. Caplan** asked if the 100 feet goes beyond?

(The conversation took place off the microphone and could not be heard on the tape.)

Mr. Caplan asked, "So there's an easement that is included in your plan?"

Chairman Parisi thanked the public.

B. Richman Group Development Corp.
Pamela I. Mikusova

The Richman Group Development Corporation withdrew their proposal, and therefore, made no presentation to the Town Council.

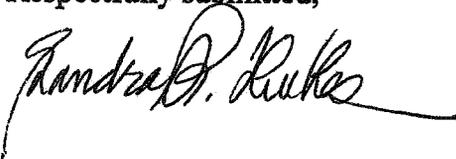
MOTION: Mr. Testa made a motion to adjourn.

Mr. Brodinsky seconded the motion.

The vote was all ayes except for Councilors Vincenzo DiNatale, Jerry Farrell, Jr. and Iris Papale who had recused themselves from the issue and were not present at the Council table.

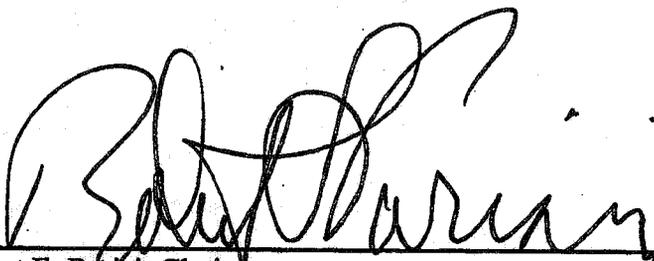
The motion passed and the meeting adjourned at 8:10 P.M.

Respectfully submitted,



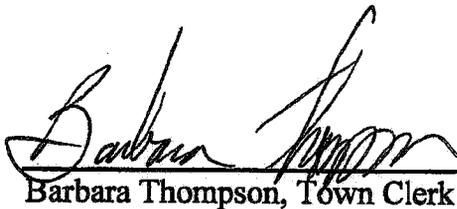
Sandra R. Weekes
Town Council Secretary

Meeting recorded and transcribed by Sandra R. Weekes



Robert F. Parisi, Chairman

9/12/06
Date



Barbara Thompson, Town Clerk

9/12/06
Date

RECEIVED FOR RECORD 9/11/06
AT 12:55 P.M. AND RECORDED BY
Barbara Thompson TOWN CLERK



Town of Wallingford, Connecticut

APPENDIX F,

TOWN ATTORNEY
JANIS M. SMALL

ASSISTANT TOWN ATTORNEY
GERALD E. FARRELL, SR.

CORPORATION COUNSEL
ADAM MANTZARIS

DEPARTMENT OF LAW
WALLINGFORD TOWN HALL
45 SOUTH MAIN STREET
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TELEPHONE (203) 294-2140
FAX (203) 294-2112

March 20, 2006

Ms. Iris F. Papale, Councilor
Wallingford Town Council
45 South Main Street
Wallingford, CT 06492

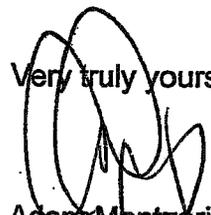
Dear Iris:

This letter concerns my opinion, following our meeting and discussion on this day, that you have a conflict of interest, as that term is defined by Wallingford's Code of Ethics, in participating and voting in the selection of a developer for the Wooding-Caplan site. How I came to this follows:

You are employed at Ives Road Wine and Spirits which is owned by Vincenzo DiNatale, the son of Mario DiNatale, Principal of DiNatale Management, LLC, one of the parties with a proposal to develop the Wooding-Caplan site. Up to this point, any conflict would be too conjectural and remote to affect your participation.

As we learned today, however, Vincenzo DiNatale is intimately associated with the proposal of DiNatale Management, LLC to develop that property. Wallingford's Code includes any interest, direct or indirect, which is of financial or personal value to the official and includes an interest arising from a close business association. Although only an employee, it is the kind of business that puts you in almost daily personal association with your employer, a person who is intimately involved with the proposal of which you would be called upon to vote if you did not absent yourself. This association, in my opinion, is in conflict with your expected independent and impartial consideration of the various proposals.

Very truly yours,


Adam Mantzaris
Corporation Counsel

AM/bjc

*Rec'd in Special
Mtg from Iris Papale
3/20/06 (SR)*