

TOWN COUNCIL MEETING

DECEMBER 9, 2003

6:30 P.M.

AGENDA

Blessing – Margaret Jay, Director of Outreach Program Development, First
Congregational Church

1. Pledge of Allegiance and Roll Call
2. Correspondence
3. Consent Agenda
 - a. Approve and Accept the Minutes of the November 12, 2003 Town Council Meeting
 - b. Consider and Approve Tax Refunds (#408-433) Totaling \$13,509.80 – Asst. to the Tax Collector
 - c. Consider and Approve a Transfer of Funds in the Amount of \$400 from Ventilation Saw Acct. #2030-999-9045 to Volunteer Tax Abatement Acct. #2030-101-1800 – Dept. of Fire & Emergency Services
 - d. Consider and Approve an Agreement Between the Town of Wallingford and the Wallingford Community Day Care Center, Inc. Recognizing the Town has Executed a Contract with the State of CT., Commissioner of Social Services for Funding Programs to be carried out by Said Day Care Center Acting on Behalf of the Town – Mayor
 - e. Consider and Approve a Resolution Authorizing the Mayor to Enter into and Amend Contractual Instruments in the Name of and on Behalf of the Wallingford Community Day Care Center with the Dept. of Social Services of the State of CT. for a Child Day Care Program - Mayor
 - f. Consider and Approve a Resolution Permitting the Wallingford Community Day Care Center, Inc. to Borrow from the Town of Wallingford Amounts Necessary to Meet the Essential Operating Expenses of Said Day Care Center Prior to the Time Its Program is Approved for Funding from the State of CT. – Mayor

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4. Items Removed from the Consent Agenda
 5. PUBLIC QUESTION AND ANSWER PERIOD
 6. Report Out and Possible Action Regarding the Wallingford Housing Authority as Requested by Chairman Robert F. Parisi
 7. Discussion and Possible Action Regarding the Wallingford Housing Authority and Its Commissioners Including but not Limited to the Recent Sale of Property on Ridgeland Road by the Authority as Requested by Councilor Mike Brodinsky
 8. Report Out and Possible Action on the Town-Owned Former Simpson School Property as Requested by Chairman Robert F. Parisi
 9. Status Report Out from the Caplan Wooding Committee as Requested by Chairman Robert F. Parisi
 10. Consider and Approve a Waiver of Bid for the Purpose of Hiring the Jonathan Rose Group to:
 - a. Conduct a Market Analysis of the likely mix of elements proposed by the Caplan Wooding Committee;
 - b. Develop an Request for Proposal (RFP) in Accordance with the Recommendations and "Principles of Development" Recommended by the Caplan Wooding Committee; and
 - c. Open up the Process to Other Developers in Addition to Those with Whom the Committee has Interactedas Requested by the Caplan Wooding Committee/Chairman Robert F. Parisi
 11. Public Hearing to Repeal Article II, "Private Sewage Disposal Systems" of Chapter 177, "Sewers" of the Code of the Town of Wallingford and Substitute a new Article II Entitled, "Private Sewage Disposal Systems" in its place – 7:45 P.M. - Law Department
 12. Report Out and Possible Action Regarding the Municipal Golf Course Study Committee as Requested by Chairman Robert F. Parisi

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13. Consider and Approve a Proposed Road Name as Requested by Sunwood Development Corporation
 14. Discussion and Possible Action Regarding a Transfer of Funds in the Amount of \$18,200 from Contingency – General Purpose Acct. #001-7060-800-3190 –00 to Traffic Signal Modifications Acct. #001-5010-999-0002 in Order to Implement One Way Traffic Flow North on North Whittlesey Avenue between the Intersections of Center St. & Church St., South on South Whittlesey Avenue between the Intersections of Center St. & Prince St. and to Reverse the Flow of One-Way Traffic on North Orchard Street to South between the Intersections of Center St. & Church St. and to Switch on-street Parking to the Alternate side of the Roadway on North Orchard St./ Engineering/Dept. of Police Services – Chairman Robert F. Parisi
 15. Consider and Approve a Transfer of Funds in the Amount of \$15,000 from Regular Salaries & Wages Acct. #001-1401-101-1000 to Purchased Services – Accounting Acct. #001-1401-901-9007 – Comptroller
 16. Executive Session Pursuant to Section 1-200(6)(D) of the CT. General Statutes Pertaining to the Purchase, Sale, and/or Leasing of Property - Mayor

TOWN COUNCIL MEETING

DECEMBER 9, 2003

6:30 P.M.

A regular meeting of the Wallingford Town Council was held on Tuesday, December 9, 2003 in the Robert Earley Auditorium of the Wallingford Town Hall and called to Order by Chairman Robert F. Parisi at 6:40 P.M. Answering present to the Roll called by Town Clerk Rosemary A. Rascati were Councilors Brodinsky, Doherty, Farrell, Knight, Papale, Parisi, Rys, Toman & Vumbaco. Mayor William W. Dickinson, Jr., Asst. Town Attorney Gerald E. Farrell, Sr. and Comptroller Joseph Swetcky, Jr. were also present.

A blessing was bestowed upon the Council by Margaret Jay, Director of Outreach Program Development, of the First Congregational Church.

ITEM #2 Correspondence – No items of correspondence were presented for reading into the record.

ITEM #3 Consent Agenda

ITEM #3a Approve and Accept the Minutes of the November 12, 2003 Town Council Meeting

ITEM #3b Consider and Approve Tax Refunds (#408-433) Totaling \$13,509.80 – Asst. to the Tax Collector

ITEM #3c Consider and Approve a Transfer of Funds in the Amount of \$400 from Ventilation Saw Acct. #2030-999-9045 to Volunteer Tax Abatement Acct. #2030-101-1800 – Dept. of Fire & Emergency Services

ITEM #3d Consider and Approve an Agreement Between the Town of Wallingford and the Wallingford Community Day Care Center, Inc. Recognizing the Town has Executed a Contract with the State of CT., Commissioner of Social Services for Funding Programs to be carried out by Said Day Care Center Acting on Behalf of the Town – Mayor

ITEM #3e Consider and Approve a Resolution Authorizing the Mayor to Enter into and Amend Contractual Instruments in the Name of and on Behalf of the Wallingford Community Day Care Center with the Dept. of Social Services of the State of CT. for a Child Day Care Program - Mayor

ITEM #3f Consider and Approve a Resolution Permitting the Wallingford Community Day Care Center, Inc. to Borrow from the Town of Wallingford Amounts Necessary to

Meet the Essential Operating Expenses of Said Day Care Center Prior to the Time Its Program is Approved for Funding from the State of CT. – Mayor

Motion was made by Mr. Knight to Approve the Consent Agenda as Presented, Items #3a-f, seconded by Mr. Farrell.

VOTE: All ayes; motion duly carried.

ITEM #4 Withdrawn

PUBLIC QUESTION AND ANSWER PERIOD

Gary Linsley, 520 Ward Street Extension complained that he had not received a response from either Councilor Stephen Knight or the Mayor in regards to the asbestos problem in the school system. He accused Mr. Knight of lying to him when he stated at a recent meeting that he would look into the issue and reply to Mr. Linsley's inquiry. To date, Mr. Linsley has received no reply at all from anyone.

Ted Curran, 27 Knollwood asked why there were so many report outs with no action taken on this agenda?

Chairman Parisi explained that he had requested them so as to bring everyone up to date.

Mr. Curran stated that a considerable amount of time has passed since the report was released from the Golf Committee, now it is on the agenda for a report out.

Chairman Parisi replied, the last report given was not a very encouraging report for the golf course so the committee is still in existence. I asked Mr. Zappala to give us a status report to see where we are with it. That's all there was to it.

Philip Wright, Sr., 160 Cedar Street stated, I would like to thank you all for your efforts during this past year. Perhaps more has been accomplished than we see out here. Most of what we, the public see is, yes, yes, yes. I am sure there must be some good conversation elsewhere.

Mr. Linsley stated that sixty days ago he asked the Mayor how he justifies disavowing the Charter, specifically page 19? The Mayor answered that he was going to have a discussion with the attorneys of the Law Department and from that draw a legal interpretation of the Charter. He asked the Mayor if that had been done? It was the section of the Charter which states that the Superintendent of Schools has to provide the Mayor with a complete fiscal report. The report received by the Mayor had no fiscal information in it at all. You (Mayor) said you were going to have the man sitting next to you (Atty. Farrell, Sr.) check into it and get a written report back as to whether or not you have the right to avoid doing what the Charter says or not and at the time there was an interpretation on your part.

Mayor Dickinson answered, I don't agree with your paraphrasing of the matter. There was a question about what report had to be submitted by the school system and the Town Attorney's Office did review that and arrived at the conclusion that the report at the end of the year must indicate what transfers were made in the last month between the line items, the objects so called, that make up the Board of Education budget. At the end of the year when money is moved from one object to another because of unexpended sums, that report is supposed to be received by the Town. That, I believe, is the Town Attorney's interpretation of the Charter after reviewing state statutes.

Mr. Linsley asked, is it possible to get a copy of that interpretation so that I can have a copy for somebody who has authority over this?

Mayor Dickinson answered, sure, the Town Attorney's Office would make that available.

Mr. Linsley asked, and that would be made available?

Mayor Dickinson answered, absolutely.

Mr. Curran asked, at that last meeting I asked if the inventory of the assets of the educational system had been priced out and I think that the Mayor said, referring to the Comptroller, that it would be given to his office and it would have been done in November. I am still substituting and I was in school last week... and I would like an update as to the evaluation of the assets in our public school system.

Mayor Dickinson answered, I don't know if they submitted it. The auditors would require that to finish their report. Perhaps the Comptroller knows.

Mr. Swetcky stated, the last word that I have receive from the Board of Education is that the report will be available on December 21st. in my office. I should have it 12/26.

Mr. Curran wanted to know if the physical inventory and the evaluation of the inventory has been done yet?

Mr. Swetcky answered, the Board of Ed hired a consultant to do the evaluation of all of their assets. I am not sure with a the cost is but I don know that the report is supposed to be coming to my office on December 21st.

Mr. Curran asked, and that will be a complete evaluation of our whole school system and the assets of the school system?

Mr. Swetcky answered, that's my understanding. I won't know until I see the report but that's what has been indicated.

Mr. Curran asked, when will you know that?

Mr. Swetcky answered, on December 21st.

Mayor Dickinson answered, that may result in our audit coming in later than expected.

Chairman Parisi asked, why is that?

Mayor Dickinson answered, we had to file for an extension because they couldn't finish their work, the auditors, until they had the information on the school system.

Chairman Parisi answered, o.k., thank you.

The Public Question and Answer Period was declared closed at this time.

ITEM #6 Report Out and Possible Action Regarding the Wallingford Housing Authority as Requested by Chairman Robert F. Parisi

Mr. Parisi stated that he had a conversation with Mr. Brodinsky and that Items 6&7 will more or less discussed at the same time. The Housing Authority will make their presentation and then the public will have their opportunity and then the Council.

ITEM #7 Discussion and Possible Action Regarding the Wallingford Housing Authority and Its Commissioners Including but not Limited to the Recent Sale of Property on Ridgeland Road by the Authority as Requested by Councilor Mike Brodinsky

Jim Loughlin, Counsel for the Wallingford Housing Authority, Robert Prentice, Chairman of the Wallingford Housing Authority, and Stephen Nere, Executive Director of the Wallingford Housing Authority took their seats at the witness bench to answer any questions the Council had with regards to the matter.

Mr. Loughlin stated, Mr. Nere is also the regional representative for National Association of Home and Redevelopment Agencies (NAHRA), as well as a counselor for the Guilford Housing Authority. Your inquiries are more than welcome. Some of the issues that have been raised in discussions amongst yourselves as well as in the newspaper are solely in need of being addressed. Also, Atty. Fred Monahan, Vice Chair for the Wallingford Housing Authority and Commissioner for 17+ years, Jack Savage, Commissioner for 25 years who served as Treasurer and Asst. Treasurer and as Chair of the Wallingford Housing Authority in his 25 years as a commissioner. He had served as senior vice president for the CT. office of NAHRA. He has served two years as a regional officer for the New England region of NAHRA. He has served four years on the national board of commissioners for NAHRA and he has served twelve years on the International Committee on Housing. The achievements that he has accomplished were recognized in 1992 through his efforts in developing Savage Commons. His efforts were, without

reservation, exhaustive. Also present are Chet Wojcik and Bill Ulbrich, Commissioners who have served on the Board well, particularly Mr. Wojcik is a Tenant Commissioner who speaks enthusiastically as a liaison between the tenants both in moderate rentals and the elderly and the Board.

Robert Prentice stated, on behalf of the Board of Commissioners of the Wallingford Housing Authority, I would like to thank the Council for inviting us to discuss Ridgeland. It is our hope that, through this discussion, a clear understanding of the Authority's actions will be reached. But before outlining the process which brought us to where we are today, is it important to reiterate the Authority's mission; to provide safe, decent, affordable housing for low and moderate income families, as well as elderly persons and people with disabilities. Single persons and families who, on the low end may not have incomes in excess of \$26,652.00 per year in order to gain entry to our developments. Our populations tend to be more transient than renters in private sector. They are also the first persons hit when the economy turns negative increasing the difficulty for them to meet their financial commitments. This is reflected in the high vacancy losses experienced at Ridgeland, not including additional costs for apartment renovation and legal fees. It should be noted that this project was brought to our attention by Mayor Dickinson at a time when the country was in financial crises, banks were failing, properties were being foreclosed on, some owners, as was the case with Ridgeland, simply walked away from the various projects. This was a unique opportunity for the Authority. There was not only a bank that was willing to provide a mortgage to the Wallingford Housing Authority, secured solely by the Ridgeland property, but also provide in excess of \$250,000 in rehabilitation funds. Ten years ago we attempted to expand our services to include below market rent apartments. We call this "gap" housing. With the rental rates starting at \$465 per month, which is about \$150 above our moderate rental and about \$100 lower than the market. Today's fair market rents is established by the federal government. For a two-bedroom unit in Wallingford, it is a monthly rent of \$939 including utilities. The purchase of Ridgeland was a private venture which did not involve the state or federal government. This was an innovative partnership between the Wallingford Housing Authority, People's Bank and the Town of Wallingford. We were all motivated by a shared commitment to increase affordable housing alternatives in town. Ideally, we wanted to provide a type of temporary, less expensive form of housing that would allow families to save on rental expenses and set aside money to either enter the mainstream rental market or, even better, provide an avenue to own their own homes. We also saw these units as a stepping stone for the families to move out of public housing and into affordable rents, thereby shortening the waiting time for public housing. As some of you recall, when the WHA bought Ridgeland, the development was in terrible shape, with 25 of the 32 units being vacant. We received a great deal of resistance from the neighborhood who did not want the Authority to have a presence in their backyard. The Board worked against many obstacles and were still able to renovate and rent these units at below market rates. In fact, in 1994, the Wallingford Housing Authority received a National Award of Merit in Program Innovation and Economic Impact from the National Association of Housing and Redevelopment Officials. Part of our efforts over the past ten years as a private venture

with great financial exposure and risk, we have provided below market housing to over one hundred families, something no one else has done. It became clear over a year ago that we were not going to be able to maintain the status quo at Ridgeland. The cost of addressing deferred maintenance needs coupled with a need to refinance a balloon payment had the Authority facing a note in excess of \$1 million. Clearly the present rent structure could not carry such a debt and the rents that would be needed to satisfy a mortgage of this size would be approaching market rate. As stated earlier, we are not in the business of operating market rate developments. As we struggle with these issues, there were other problems the Board needed to address. The demands of our public housing units increased while funding for desperately needed renovation work all but disappeared. It became clear that it was necessary to reinforce our maintenance efforts and funding to meet our primary mission and to serve our primary targeted population. There are several points I would like to make; one, the Board had three options, foreclosure, refinance, or sell. Had the Board elected to refinance the rental structure would have increased significantly and immediately to \$700 - \$800 per month. Selling allowed for greater flexibility including a \$60 day moratorium on any rent increase. The proceeds of the sale allowed us to pay various debts the development had incurred. We were able to immediately commit to renovation work on the moderate rental units. Again, due to no state assistance being available. The Board was also able to establish a fund which can be used to leverage additional monies for the benefit of all our public housing developments and explore other affordable housing options in the future. Is affordable housing a problem in Wallingford as well as elsewhere? Yes. Did the Authority step up and attempt to address this need? Yes. But fighting the battle to provide affordable housing is not a fight we can fight alone and certainly not at the expense of meeting our primary mission. Thank you very much. This concludes my prepared remarks. I would be happy to answer any questions.

Chairman Parisi entertained questions from the public at this time.

State Representative Mary Fritz stated, I would like to give this folder to Kathy Zandri, perhaps she can pass it out. It is some of the information I sent to you today and some other information for the Council members that I think may be helpful. Some of it is copies of general statutes that apply to the issue.

Ms. Fritz: Chairman Parisi, Members of the Town Council, I am State Representative Mary Fritz and I represent the people of the Ridgeland Apartments. I am not here to place blame but I believe what is happening to these 32 families may not violate the letter of the law but it severely violates the spirit of the law. I have been in contact with the Attorney General as many of you know regarding this situation and that office has copies of leases to try and get an answer regarding whether it is a project or not and to determine whether any form of financial subsidization is being within the letter of the law under CT. General Statutes 8-64a. Further, I learned today that no taxes have been part of this property since 1992 when it was purchased from People's Bank. It has been exempted and the Town of Wallingford must have passed an ordinance to exempt this property. There is a copy of

this statute in the papers that I have given to you that explains how this exemption works and how towns do it. This is Section 8-215. This would classify the property used for housing solely for low or moderate income persons or families. I would like to offer a few recommendations which might help the situation and hopefully prevent this from ever happening again. Because the Wallingford Housing Authority was created by you (Council) I am offering these suggestions to you; 1) I would suggest that you have a Town Council liaison to the Housing Commission just as you do to the School Building Committee, Community Lake, you had one to the Golf Committee, I think that is a step in the right direction so that you, as a group, will know what is going on within the Housing Authority; 2) I would suggest that you pass an ordinance that no public housing property can be sold without a public hearing and by a vote of the legislative body of the Town; and 3) I would suggest the Town Council, Wallingford Housing Authority, a representative of the tenants of the Ridgeland Apartments and the new owner have a meeting to see if something can be done amicably and try to resolve an issue and to help these people survive. These are our people. Many, many of them have grown up in this town, have gone to school in this town and I believe it is important that we take care of them. They are ours.

Rev. Terry Frizzel, Church of the Nazarene, 26 Parker Farms Road, Residence: 18 Gregory Rd. stated, I have questions to pass out to the Council as well as the new Councilors that may be in attendance and will be taking office the first of the year. My questions are directed to the Council as well as to the Mayor and not to the Housing Authority. I thank you that this is on the agenda so that partly answers my first question and what are we doing to help support the Ridgeland Housing Project residents that have lived there for the last 10-11 years. The question, to go further is, what administrative and legal resources is this town willing to put into this situation to support the residents of the Ridgeland Association to ensure that justice is sought and rendered on their behalf to make sure that they can continue to have affordable housing which has been sold out from underneath them? Do you intend as the Town Council to strategize in a way that you can become involved to support out local representative's efforts in finding resolution to this matter and some of her suggestions that were just made? Does the sitting and incoming Council intend to exercise its sole check and balance over the Wallingford Housing Authority and the appointment or re-appointment of Commissioners or directors? For example, is this Council of such a nature that it would consider appointing a member from each housing project to be on the Board of Directors so that there is a voice for each housing project? Perhaps tonight or some time in the future, will one courageous Councilor make motions to this end:

- that we move that the Town Council commit itself to administrative and legal resources to support this effort in bringing justice to these households;
- to move that the resources be appropriated to fully cooperate with our local state representative and her endeavors to help promote justice in this matter;

- to make a motion that we take all possible legal steps required to seek a continued imposition of rent increase moratorium against College Street until this matter is justifiably resolved;
- and finally, to move that as appointments arise for the Wallingford Housing Authority Board, that the Town Council consider appointing to the Board of Directors residents of the Housing Authority property.

When you hear from some of these people tonight, you will see that they are smart people, educated people, people who are on top of the ball. They are people who could serve in these positions. My final question is, if there is one Councilor who is willing to make such motions, are there eight Councilors who would be willing to support it?

(Applause)

Dina Dieffenbach, 144 North Ridgeland Road stated, I am the spokesperson for the families that live in Ridgeland Apartments. First we would like to thank the Council for securing our position on the agenda tonight. We are here to express our concerns and ask questions in regards to the recent sale of our apartments. We are aware of the necessities of this meeting and we hope to establish a common ground to formulate a solution to a distressing situation. While it is understood that the Town Council is a separate entity from the Wallingford Housing Association, we hope that our purpose for being here tonight will not be slighted. As you know there has been much speculation involving the sale of the Ridgeland Apartments. I hope to invoke an understanding on behalf of the families. Most of the residents, myself included, have children and many of them are single mothers. All of us ended up applying to the Wallingford Housing Authority due to extenuating circumstances. Because of these circumstances, we are over-qualified for low income housing; however, cannot afford to pay full market rent. These circumstances have not ceased to exist. In fact, they have resurfaced to a whole other degree with this sale. Prior to the sale, we had an affordable place to call home in a quiet neighborhood in our quaint Town of Wallingford. A sale that should have been disclosed to us at the very least threatens the best interest of our families. Mr. Nere was quoted as being worried about a mass exodus. In all fairness to the tenants, due to our individual circumstances we would not be able to create such an exodus. Having read the ads for the rents, we would need several months to save up for the required two months' security deposit and first months' rent, averaging approximately \$2,400 or more. Right now, currently the base rent for our apartments is \$525. That is well beyond our means, the \$2,400 that is. Representatives from the Wallingford Housing Authority have stated to the newspapers that they are in the business of housing people, not putting them out and that refinancing was an option they had explored but it did not work out as well as they intended and that they explored a lot of different variables with this seeming the most logical. Knowing this information as well as from public legal documents, we fee that there must have been an alternative to this decision. It is obvious from the newspaper articles that there is a

question of the affordability for the Wallingford Housing Authority which offends us as tenants for many reasons. First, it is apparent that dollars and sense were taken into consideration, not people, children or pets. Second, our leases state that we are welcome to the Wallingford Housing Authority meetings, however we were never informed of any meeting being held, especially the meetings concerning the sale. In addition to these reasons, we feel that had we been made aware of the Housing Authority's financial hardship, we would have gladly attended the meetings to resolve this matter through a more pro-active procedures which raises many concerns that the tenants have. The Wallingford Housing Authority would have been able to assist us with a program called CHFA. Most of the tenants would have gladly purchased their apartments. This is an avenue we do not feel the Wallingford Housing Authority serious enough consideration to. Having said all of this, we feel that the sale poses too many threats to the safety and well-being of our families' interests. For instance, there is nothing in writing that safeguards the tenants from a rent increase now that the rent is no longer based on our income or even an eviction process. According to the deed, there is a default passage that states the apartments must be turned into condos, converted, by April 30, 2004 which is pretty much right around the corner. This poses a threat of where are we going to live if the new owners have to fulfill this need in order to not default on their loan. Even though Anthony from College Street has reassured me, personally, of David Nyberg's intentions, and I expressed my appreciation for his sentiment in regards to the tenants and also apologized and told him that it is unfortunate that College Street is caught in the middle, however we are not ignorant to the fact that unless these intentions are in writing, we have no other choice but to protect our position.

The tenants and I have gathered together some petitions. We ask that the Town Council initiate the necessary action to rescind the sale of the Ridgeland property and to rescue People's Bank whose ten year note is past due amongst other reasons the tenants have concerned.

Wes Lube, 15 Montowese Trail stated that there has been a lot of discussion about this during the past month and some of the Councilmen have been quoted in the paper that this is not the responsibility of the Town Council. With that thought in your minds, I think it is even more gracious of you to be willing to put it on your agenda. I would like to draw to your attention something you may have overlooked. In our basic Charter, which we use as a guide, in Chapter III where you list the powers of the Town Council, on page 7, lines 90, 91 & 92 read, "Said Council may exercise legislative oversight over the operation of boards, commissions, and officers which it fills by appointment." This is a commission composed of people that you appointed. Now what is legislative oversight? Webster's Unabridged Second Edition says, "an oversight is the superintendence or watchful care and supervision" and a superintendency is the care and oversight for the purpose of direction and with authority to direct. I think the Council is more than justified in having this on their agenda tonight, because they do have a responsibility, having appointed each one of these commissioners. Our State Statutes, section 8-40 which is in regards to the creation of Housing Authorities says that each municipality of the state, there is created a public body corporate and politic to be known as a Housing Authority of the municipality

and 8-41 says that the appointment, qualifications and tenure of commissions, and the governing body of the town adopt such a resolution as in 8-40 and such by shall appoint five persons who are residents of said town as commissioners for a term of five years and no term for more than one member shall expire in the same year. That is exactly what you have done and each year one position comes up so that there is always four experienced people in the authority. It also says in State Statute 8-43, "The commissioners of an authority may be removed by the appointing power, the Council, for three reasons; 1) inefficiency – if they have demonstrated an inability to get things done; 2) if there is neglect of duty; and thirdly, and perhaps more pointedly, for misconduct. Misconduct, in my recollection, always meant bad behavior. I don't think that would be too appropriate but it also has a definition of bad management or to manage badly. A commissioner shall be removed only after having opportunity to be heard in person of a council given a ten days notice of the charges against him. One of the things that you have to do today is to try and satisfy in your own minds, the possibility that there may be some serious management misjudgments that resulted in this fiasco for these 32 innocent families. That's why I would ask you to please listen very carefully to the pleas of these ten families. Bearing in mind that by their leases, they have never had more than a month-to-month lease whether they have been there six months or six years. That's all they ever have been given, is a month-to-month lease. They have lived under a cloud and because those leases allow the authority to terminate their lease for cause at any time giving the tenant notice...but even more disturbing is the fact that their leases contain the right to evict, "with or without cause on thirty days notice." If they become an annoyance, if they become an advocate of problems in need of correcting, the authority has the right to give them written notice that they are out and doesn't have to explain why. No cause according to their leases. They know that mortgage demands that he convert Ridgeland to condos as they expressed a minute ago. They have suffered miserable, shameful, property mismanagement by the Housing Authority of Wallingford but fear of their one way leases moderated their complaints. With that possibility of being alluding their homes, how many would dare to stand up and say, "do it." If you were to go over there, as I have, you would find that the authority has been so short in money that they never cleaned the roof gutters. Trees are growing in the gutters. If you look at the exterior siding, you can't four square inches that doesn't have peeling paint. They are a terrible contribution to the neighborhood and in many instances, exterior window trim is rotting for lack of paint. The idea of having preventive maintenance is impossible. It was being maintained on a crises basis. If the furnace failed, they would do something about it but when it came to routine furnace cleaning, it is just not in their budget. They didn't have the wherewithal to do it because they did not get off on the right foot from the very beginning. Now, these leases are leases that have been used in public housing but the amazing thing is without any modification these leases, as they stand, have been assigned to the new buyer. He would never ever dream of trying to impose such leases on his tenants in his other buildings, but this is what we handed him on a platter. These families are looking to you for help and you who appointed these commissioners, cannot maintain that you have clean hands. You have the power of legislative oversight by our Town Charter. Please listen to their pleas.

(Applause)

Steve Robinson, 141 North Ridgeland Rd. stated, I have lived in the Ridgeland Housing project for ten years. During the time that I have lived there, these people have never taken care of anything. We had to put in our own bathroom floors, kitchen floors. They would not come out for maintenance. They would be so bold as to say, "if you don't like it, leave." They would hang up the phone on you when you call up. I don't know what these guys did; they mismanaged the whole place and lost control of every property they own as far as I am concerned. The man should be removed from this seat.

(Applause)

Chairman Parisi stated, I really would like to maintain if we would keep it nice and calm. I know you are under a lot of frustration and I acknowledge that but we are not here to attack anyone personally. We are here to hopefully find some sort of a resolution and it may be difficult for some people but let's just try to get through it.

Dina Dieffenbach asked the Authority representatives, I have an article here, Mr. Prentice, that says that the Housing Authority first started talking about refinancing approximately 18 months ago and that if someone told the residents that more recently, they were misinformed. Is this accurate to the best of your knowledge?

Mr. Prentice answered, if they were told more recently, then they were misinformed. We did discuss the possibility of refinancing probably about a year and a half ago is when we started. If they were told this within the last couple of months, they were misinformed.

Ms. Dieffenbach asked, would it surprise you to know that Kathy Rooney told myself and the rest of the Ridgeland tenants when we were reexamined for our leases in May that a new addition to the leases that stated an increase in tenant charges was based on the Wallingford Housing Authority's need for renovations and their plans for renovations? Would that surprise you that Kathy Rooney gave us that information?

Mr. Nere answered, quite honestly, I am not 100% sure of what you're asking at this time but if information was given to you that tenant charges were being imposed for what ever the reason that Kathy indicated, I am sure she was giving you accurate information.

Ms. Dieffenbach answered, according to Bob's statement to Ann DeMatteo in the New Haven Register, in a recent article dated November 29, 2003 if anyone had given us information recently about renovations that that was incorrect, yet...

Chairman Parisi stated, I am a little confused. Just say right out, what is your point? What are you trying to establish?

Ms. Dieffenbach answered, my point is that they are denying the fact that for the last year they have been misleading the tenants into believing that they were going to refinance the buildings for renovations. Numerous tenants have made phone calls and numerous tenants have received the same answer from Kathy Rooney, that renovations were being done to the buildings and that refinancing was an option that you had been venturing into and according to this statement, it is not so and if anyone from your office misrepresented that information, then we were misinformed and we feel as tenants that we were blatantly misled.

Chairman Parisi replied, what you are saying is that the article in the paper stated that this information was inaccurate but, yet, months prior to that article these statements were given from whomever, your office, or wherever that, in fact, you were looking for refinancing. Am I understanding that?

Mr. Nere answered, I don't think we ever denied the fact for the past year and one half or so, maybe even longer, that we were exploring various avenues to refinance. Selling was one option that was explored clearly. If something was said to you after the fact, I guess what I am trying to say is there was never any intent to deceive whatsoever. Whenever you spoke to someone you were informed that we were exploring avenues to refinance is that not correct?

Ms. Dieffenbach replied, no, that is not correct. When I went in for my re-examination, I had to sign an additional piece of paper with increases for tenant charges and the basis for the increases in the charges were because the Housing Authority was refinanced and the bank now owned the property in order to do renovations. That is what your assistant, Kathy Rooney, told myself and the rest of the Ridgeland tenants.

Mr. Nere answered, I am sorry, I just don't understand.

Atty. Loughlin stated, I don't understand that we would increase charges so that we could refinance. The two don't necessarily go together. Maybe there was some misunderstanding as to what Kathy Rooney was saying to you.

Ms. Dieffenbach replied, no, Jim, there is no misunderstanding. As a matter of fact that brings me to my next question, if the Housing Authority had placed the buildings on the market, why would you allow single mothers with children to move in to the apartments within the last six months with no guarantee that the new owners would not have any qualms about displacing the tenants?

Mr. Nere answered, I honestly don't know whether the new owners intend to displace families or not. Secondly, the transition of tenant population is an ongoing basis. Tenants leave, tenants move in and if there is something else brewing, if we are looking at refinancing, if we are looking at selling, nothing is definitive until the day you actually sign the deal, consequently we have to conduct business as we normally would.

Atty. Loughlin added, I have been in real estate law for along time. This was a very difficult closing, postponed at least three or four different times. We didn't know until the very last week whether or not this was going to close. What Mr. Nere just said, about uncertainty in the sale, certainly is true.

Mr. Nere explained, a lot of the concern that everyone is facing right now is that the present tenant population may be facing an extreme rent increase. I did notice there's a gentleman here, I hate to put him on the spot but there is a gentleman here from College Street this evening and perhaps he might step up to the microphone and add a little clarity to what their plans actually are.

Ms. Dieffenbach asked, it was stated that the project was a "gap" project. Is that an acronym for something?

Mr. Nere answered, no. Basically, for lack of a better word, we have moderate rental housing which really services our low income population, you have market rate which is significantly above that and the concept of Ridgeland was to fill the "gap" between the two.

Ms. Dieffenbach stated, thank you very much for answering my questions.

Chairman Parisi asked the representative from College Street developers if he wanted to come to the microphone.

The unidentified gentleman declined the offer.

Jim Krupp, 2 Jonathan Road stated, I am impressed by the way the Housing Authority came prepared, including apparently feeling the need to bring its counsel with it. I have listened to facts and figures they have presented. I have listened to their rationale, I have listened to them refer to tenants, not people. The young lady that made the presentation earlier I think helped to put into perspective who it is that we are dealing with. As (State Rep.) Mary Fritz said, these are our own. What seems to be missing from this whole conversation is what was referred to in the invocation and that's compassion. I hope this Town Council will have that compassion.

(Applause)

Chairman Parisi stated, I think it is only fair for me to say that this Town Council is loaded with compassion and that compassion is also surrounded by law. So with all due respect, it is easy to say those words of compassion and caring and people but the realism is that we are the lawmakers of the Town and we do have to live by the law but that doesn't mean that we won't explore the law. I am sure we will.

Mr. Fitzpatrick, 12 Ridgeland Road stated, my family and I relocated from Waterbury to Wallingford despite the negativity this town was given because of the misunderstanding of what you were trying to get across in the unions. Wallingford, to me, is a beautiful town; a beautiful place. My kids are here, they attend Parker Farms School and they love it. Their ages are 6 & 5. Like any other family, we have our ups and downs with bills and trying to make ends meet. And for a rent increase from the base of \$525 to \$900 is totally ludicrous. To allow something like this to go on, it shows why we have people in office such as Ganim (former Mayor of Bridgeport), Giordano (former Mayor of Waterbury) who allowed something to happen on a lower level that escalated to a higher level. If we can nip this in the bud on this level it will never escalate to something else.

(Applause)

Vincent Testa, 30 Pieper Drive stated, I think what is important is a need to answer the question of whether or not there is anything, legally, that the Town can do? By Town I mean, Town Council, Mayor's Office, Housing Authority, everything that comes under the auspices of Town. Has that been looked into? I am in the mortgage business so I do know that real estate transactions are pretty typically, when they are done, they are done. Can we answer the question of whether or not the Town can do anything? I think it is important that nobody, that these people don't leave under any misconceptions that we are going to try to do something that, in fact, we wouldn't be able to do. I think we need to talk about that first and then we can talk about whether or not we want to try and do something. I am all in favor of looking into seeing if this can be resolved but I would like to hear from the Town Attorney if they have looked into anything along that way?

Assistant Town Attorney Gerald E. Farrell, Sr. stated, at the Mayor's request earlier today, I did read the State Statutes that apply to Housing Authorities and I was very impressed with how autonomous these statutes make the Housing Authority, down to the fact that if the Housing Authority such as the Wallingford Housing Authority desired to have its own police force, it could decide to have it. It is very clear that the State Statutes give a Housing Authority the right to sell real estate that it owns. There's another section that goes on to say that if, in fact, it has received economic aide from the state for that property, then it has to go through totally different procedure. I am unaware of whether, in fact, state assistance was used for these properties but, evidently, that is something that Atty. General Blumenthal is looking into. But the Town Attorney's Office would be glad to look into state statutes and certainly any help we could get from the Attorney General's Office would be appreciated but I think that everyone should be aware that the state has made housing authorities pretty independent in their actions and I don't agree with Mr. Lubee's comment that because we appoint the Housing Authority that we have the right to legislative oversight. Our Charter does not control state statutes, state statutes control our Charter.

Mayor Dickinson added, we are prepared to review all of the appropriate documents and ensure that all regulatory and statutory conditions and requirements have been met. I think the situation certainly deserves that review by the Town Attorney's Office.

Chairman Parisi stated, I would, if I may, I did receive this letter 5:10 p.m. as I was just walking out the door and with your permission I would like to read it or you can read it Mr. Vice Chairman.

Mr. Knight read the following correspondence from Senator Len Fasano to Council Chairman Parisi into the record:

"Dear Chairman Parisi,

Unfortunately I do not think I will be able to attend your meeting tonight. I did receive a letter and a memo from some people from Ridgeland property with respect to the Wallingford Housing Authority. Upon receiving this information and reading various news articles, I did a preliminary research of this matter. After some discussions with the Attorney General's Office, it is my understanding that the scenario of events occurred as follows:

1. The Wallingford Housing Authority (WHA) asked the department of Economic Community Development (DECD) if they could sell the housing project known as Ridgeland. WHA explained that no state monies were used in its purchase.
2. DECD contacted the Attorney General's Office stating that the WHA wanted to sell this housing project to a private developer. Further, that no state monies were used in its purchase.
3. The Attorney General's Office gave the opinion that if no state monies were used, then no consent is required.
4. DECD informed WHA who then sold the building.
5. An issue has been raised if, in fact, any state monies were used for repair work or rehabilitation work or other such related work on the building and/or if state monies were used in rental assistance issues. Those findings have not been made as of today. Said facts will depend upon the review of certain documents just received by the Attorney General's Office and need to be reviewed.
6. It is too early to speculate regarding the ultimate conclusion of the Attorney General's opinion, the range of remedies, if any, may vary depending upon the findings. At this time we need to wait and see what the Attorney General concludes based upon the above information and the information they are reviewing.

If you have any other questions, please do not hesitate to contact me.”

Chairman Parisi stated, I introduced this letter at this time because we are discussing legal aspects of this problem so I thought it was pertinent.

Ms. Dieffenbach stated, it is our understanding that according to the letter Jim (Atty.) Loughlin sent out looking for approval to sell the property, one of the things that defined his actions was the fact that the state did not fund any money to the Ridgeland property, correct?

Chairman Parisi stated, I thought that letter stated that they were told there was no state money used. So now I believe that they are trying to determine whether there was or there wasn't. No state money was used anywhere in the project. That's what I got out of the letter.

Ms. Dieffenbach asked, where does the money come from for regular maintenance such as snow removal, lawn care? Is there a separate account?

Mr. Nere answered, each account for each development that we operate, moderate rental, state elderly, federal elderly, and Ridgeland are exclusionary. They are unto themselves. We may not, by law, co-mingle funds. Any work that is done in the Ridgeland development is done solely with the dollars that development generates.

Ms. Dieffenbach asked, what about the maintenance crew and the supplies? Do you segregate all of that as well?

Mr. Nere answered, yes we do. In fact everything is done on a proportionate share, usually by unit count. In other words, at that time when we owned Ridgeland, we had 349 housing units. There were 349 parts to our budget. Ridgeland would be expensed 32 of those parts. That is about the simplest way I can explain it.

Ms. Dieffenbach asked, why is it that we do not have a separate maintenance crew? Why is it that my friend who lives over in the Ulbrich Heights property has the same maintenance crew doing repairs for the Wallingford Housing Authority as we do on Ridgeland if we are not a housing project?

Mr. Nere stated, if you are asking if you are a housing project, Atty. Loughlin would need to address that. To answer your question, we have a maintenance staff who addresses all of our maintenance needs and I think I just explained that, for instance, that John Smith maintenance man is earning \$20,000 a year, that's broken down into 349 parts subsequent to that, 32 pieces of that salary would be charged off to Ridgeland so consequently Ridgeland would be carrying its fair share, no more or no less.

Ms. Dieffenbach answered, that explains the way you pay the maintenance member. That doesn't explain why we don't have a separate maintenance crew altogether. If we are not a housing project like we have been led to believe all along, that we were a part of the Wallingford Housing Authority, we were under the impression all along that we were all members of the Housing Authority under the same construction umbrella. We were wondering why we didn't have separate maintenance crew, etc.

Mr. Nere stated, aside from the fact that 32 units would not create enough money to warrant its own maintenance crew, I have really no other answer.

Ms. Dieffenbach asked, Atty. Loughlin, why were the fee meetings held in closed session? The meetings in regards to the sale?

Atty. Loughlin answered, statute provides that executive session can be held when we are discussing four different types of topics. That's why when we were talking strategy for the purchase or sale of the property, we could go into executive session to discuss that. The statutes allowed us to do that.

Ms. Dieffenbach asked, was the Freedom of Information Commission notified of this prior to your sessions.

Atty. Loughlin answered, we voted to go into executive session and voted to come out of executive session as required by F.O.I.

Chairman Parisi asked, was there any vote conducted in public afterward?

Atty. Loughlin answered, the Freedom of Information Act is an act that outlines certain requirements for public agencies to provide information. The reason we were taking some time is because F.O.I. is a very complex set of laws. For instance, when the issue was raised in the newspaper about voting in executive session, I called the Legal Department of F.O.I. to find out the story. I am somewhat limited as to how I can speak because we are in the middle of a complaint filed by Mr. Lube. We are in the middle of litigation so if I refrain from discussing facts and speaking more generally...I spoke to a lawyer from F.O.I. and I asked, "where in the statute does it say we cannot vote in executive session?" and he said to me that it was not there. I asked, why is it even an issue, then? He responded that, "if a vote is made in executive session, then it has to be made a part of the public record. Mr. Lube differs in that interpretation. I am not going to pretend to know chapter and verse on that rule, I am just relaying to you that perhaps reasonable minds could differ. To carry it a little bit further, the rules of F.O.I. are so complex that it is inevitable that a Town body is going to run into some trouble facing them, addressing them. For instance, I have searched on the internet just a few nights ago and the Town of Wallingford and the Town Council has been cited thirteen different times and that's you guys, represented by the Mayor, who is an attorney, a team of lawyers in the Corporation

Counsel's Office who deal with the public all the time. In contrast, we are a body unto ourselves where very little public notice is made what so ever to what we do. Since this investigation has been commenced, we have enjoyed the participation of the public in our meetings and quite frankly the discussions have been much more full. Had that been the circumstance prior to the sale of Ridgeland, maybe we would have learned of the issue of voting in executive session or any of the F.O.I. rules earlier. But, due to the circumstances, there was no difference between the discussion in executive session and the discussion during the regular meeting because no one ever attended. It is very important.

Chairman Parisi replied, to your reference to the Town Council that we were cited thirteen times, anyone can cite a public body for Freedom of Information, the important statistic is, how many did you win and how many did you lose?

Atty. Loughlin answered, I didn't have time to read all thirteen. I wasn't laying any blame at all.

Ms. Dieffenbach stated, I appreciate Atty. Loughlin's comments and his research into the situation because according to his comments in the Record Journal article, he was unaware of the facts at the time he was questioned by the reporters so I appreciate the knowledge that he has brought to the meeting here, tonight. My concern is, I just want to reiterate the fact that, had we been invited to these meetings, informed of these meetings in some way, shape or form, we would have gladly attended. We would also like to know one last thing before we close the meeting, did anyone from the Wallingford Housing Authority consider the possibility that the tenants might be interested in buying the individual units that they live in?

Mr. Prentice answered, yes we did.

Ms. Dieffenbach asked, what were the results of that consideration?

Mr. Prentice answered, the consideration was that actually to condo-ize the units would have put maybe even a larger strain on our financial situation. To actually condo-ize and to sell the units, not all of the tenants, from what we could see would be capable of paying for not only the condo fees but the cost of the purchase. What we didn't want to get into is selling sixteen of the units and then have sixteen units empty. Then you get into moving of the tenants or people...but when we get down to brass tacks, it was the fact that the financial burden on the Housing Authority and no fall back situation would have probably been worse than the situation we are in now. At the time we decided that this wasn't a viable action.

Ms. Dieffenbach replied, I understand the Housing Authority's financial burden you keep reiterating, but did anyone pose the question of possibly asking the tenants if they would like to purchase versus condo-izing the apartments first? Did anyone pose the question of asking the individual tenants if they would, in fact, like to have purchased their own unit?

Mr. Prentice answered, again, if the question had come up and sixteen people said, yes they would love to buy it and sixteen people said, no, we are not interested, it leaves us in a very precarious situation. Now its, "why are you asking this, do you want to sell it?" and we are in a situation where we might have jeopardized the sale of the units to a perspective buyer. We did our due diligence and looked at the financial end of it and said, this isn't viable. If this doesn't work out perfectly, in other words, if this sale of the condo units doesn't work out in a two year span or what ever it was, it would have been a bigger disaster than we could have anticipated. We didn't think to ask.....we just weren't going to do that. We weren't going to ask the tenants and then get into the scenario of, why are you doing this? That's all I can tell you.

Ms. Dieffenbach answered, I appreciate your answer. I have consulted with many other families who live in the Ridgeland Apartments. There are thirty-two apartments, thirty of which are occupied by families and the majority of these families have come to tenant's meetings that I and other tenants have organized and we did ask the question, had the Wallingford Housing Authority asked you, considering their financial burden, would you have purchased or wanted to purchase? And every person at that meeting said yes. We feel...

Mr. Prentice asked, at what price?

Ms. Dieffenbach answered, at the same price that you had sold the buildings to David Nyberg (College Street) divided by thirty-two. We have done the math and we would have been able to afford a first-time homeowners' loan at a comparable price of a monthly mortgage rate of what we are paying for our rent now. And we would have gladly have been able to improve those at our own expense.

Mr. Nere answered, if we were to actually condo the units, the condition they are in presently, the bank would not look to you to loan you the money until you brought them to a certain standard. I think your suggestion that many of the families out there are interested or would be interested in purchasing them, if they are going to be condo-ized and you know more than I, you're telling me that this is part of the documents of College Street, that they are going to have to condo-ize by April, I am sure the Board and myself would be happy to work with any and all people from Ridgeland in association with CHFA and their first-time homeownership program and look and see if we could work something out to make you all homeowners.

Ms. Dieffenbach answered, we appreciate that Mr. Nere, however, we would have liked to have been given that opportunity prior to your selling the property to College Street. We are aware of the fact that what's done is done and that we are here to try and resolve the matter and I appreciate your sentiment. We just wanted to bring it to your attention that we have done the math and asked the question amongst each other, would we be interested, and the answer is yes because we love our neighborhood. We wouldn't have to

re-route our kids from different schools, we wouldn't have to worry about any surprises popping up after the holidays. These are very real concerns that we have as families. We feel that these opportunities were robbed from us. Things that should have been considered or maybe were considered but not to the extent that they should have morally been considered. You have an attorney for the legalities and you have yourself for the logic of the situation but you don't have the heart that these families have that we have put into these apartments. We know we don't own them, we pay rent but we have made them our homes as is and like I said before in my opening statement, all of these unknown factors pose a threat to our families as we know it today. We are concerned about these unanswered questions. We appreciate you looking to help us with the CHFA, that is an option we would like to consider. We are hoping to resolve the matter as best as we can. I know that we have to look into the legalities of the matter in order to see if we can rescind the sale and that is not something that we are ignorant to.

Chairman Parisi asked Mr. Nere to explain his last statement.

Mr. Nere explained, CHFA, the CT. Housing Finance Authority has, in the past and I believe still does, offer first time home ownership programs and providing the units meet a certain criteria, they will assist people in purchasing their home for the first time. There is down payment assistance programs that are still somewhat active and I think Gary King, the President and CEO of CHFA is very big into doing this type of program and I think it would be something that would be worthwhile. As someone very early on in the conversation has suggested, we set up a group between the Housing Authority, the tenants, the Board and if the Council would like representation, certainly, and explore this and if there are other avenues as well.

Chairman Parisi asked, what are we going to buy?

Mr. Nere answered, I guess we are looking to College Street for some kind of an answer.

Chairman Parisi asked, what are we going to try and buy them back? Is that what you are saying?

Mr. Nere answered, no. If they condo them we can then look for the perspective individuals in the units to possibly purchase their unit.

Chairman Parisi stated, my concern would be, is it going to be affordable? That's the whole bottom line of this thing. Is College Street going to do a real public service and come in and sell these at an affordable price for these people? Can you (College Street Representative) give any indication to that or would you be open to discussion of that situation?

Atty. Loughlin stated, Mr. Chairman, it sounds like there is a little rustling going on in the audience and, to this point, we have been silent. But it is very important that we be able to

address the good that came out of the sale and if we lose sight of that, perhaps maligning the reputation of the Housing Authority board, then an injustice will have been served.

Chairman Parisi answered, let's not go there yet.

Atty. Loughlin added, please allow us time to respond to the good that came out.

Chairman Parisi answered, I will. We have done very well so far, please. It has been a very, very, very nice discussion and let's keep it at that level, please.

Frank Micali, Minority Partner, College Street Development stated, my only comment is, I respect she (Ms. Dieffenbach) is a very intelligent woman and she has done a little bit of her homework, I think that the next meeting that you have that addresses this issue, you should have a real estate agent and some other experience to talk about the possibility to talk about making condos in Ridgeland, the costs associated with it, the requirements to meet to put collateral on it and all the other factors that are involved in making this a condo project. It is not as simple, especially for the Housing Authority to go ahead, even if they had twenty-eight purchasers at that level, there would never be twenty-eight mortgages under those circumstances. It is an absolute pipe dream and could not happen. We are responsible owners. We have tried to convey that to them. Nobody is going to be out on the street. We will address all of the other issues as they come to us and I am only here to speak that. I respect every person that is sitting here.

Chairman Parisi replied, I am sure you do and I don't think that anyone is even insinuating that you don't or your company doesn't but you do have to have a little empathy here and understand that they are kind of living under a gun at this point and I am not going to say who is holding the gun because it doesn't matter. The point is that they are living under that. It is not a very comfortable feeling. I can understand what their concern would be. Am I going to be out in two months? Is my rent going to double which maybe I can't afford and then I am out? Those are very real issues for them and if no one can really speak to that, then they are in a very difficult situation. You understand what I am saying.

Mr. Micali answered, absolutely. I want them to understand that I am here for a reason and we are there for a reason and I think that they saw that we shoveled their snow, been there to do the right thing. We've sent dumpsters in, cleaned up the area and with all due respect to the Housing Authority, with limited budgets and the income that was coming in from that property, it is amazing that they could afford anything, never mind what they've done. They've done a good job under the constraints that they are. I want everyone to understand that as well. They are not the bad guys here. There are no bad guys.

Chairman Parisi replied, I think Rep. Fritz eluded to that fact, we are not here to hunt for bad guys. I think we are here to resolve a problem.

Ms. Dieffenbach stated, I would just like to thank Mr. Nere for the idea of forming those groups to help us with an alternative solution to the problem. Unfortunately, it just poses another question. In order to condo-ize the apartments, where will we go during the renovations?

Chairman Parisi replied, I can almost answer that because I am remodeling my house and I'll tell you, I don't know where you go. It's crazy.

Mr. Farrell relayed through Chairman Parisi, it is a paper situation when you condo-ize an area so it doesn't necessarily mean that you would be replaced or have to move out.

Chairman Parisi added, it doesn't require physical construction.

Mr. Lube stated, I do think that when someone's name is mentioned, such as mine was a half an hour ago, you might be a little earlier in letting me respond.

Chairman Parisi replied, I am trying to be fair to everyone, sir, and the young lady is speaking for a large number of people.

Mr. Lube answered, my name was mentioned before that. (State Statute) 8-64a that Atty. Farrell referred to which describes the empowerment of an Authority to sell does mention that it is, in part, determined as to whether or not they have been the recipient of state subsidies or a state grant. He added the words, "that project" and those two words do not appear in 8-64a Atty. Farrell. If the Authority has received them for any reason on any property, then 8-64a is activated.

Chairman Parisi stated, I think the Attorney General is the one that is going to decide that fact, not us, you or Atty. Farrell.

Mr. Lube replied, that is correct. Those are his comments and he mentioned the fact that the State Statutes supersede in the Town Charter and this is true. In this respect the State Statutes are silent. The problem that the Authority has is that they think they have solved a very bad situation and they pretty much a rudderless ship at sea because some eighteen months ago when our Governor decided to streamline our state administrative government, the department which for four years was overseeing the Authorities was disbanded. Some hundred-odd Housing Authorities around the state were turned over to CHFA, they being the successor exercising oversight. The President of CHFA, his assistant and I met and, as far as they are concerned, they don't want anything to do with it. At the time the problem was dumped in their laps in the last budget, not one dollar of payroll was added. Consequently, they have no one to carry out the responsibilities of the predecessor agency. I think that one of the reasons why it took Atty. Loughlin to get this thing closed was because he was groping, trying to get somebody to agree to satisfy the title insurance company that they did, in fact, have the ability to sell. The offer that turned out to be acceptable to the Housing Authority was on the table December 10th of last year. He was

in the better part of eleven months getting the property closed. The listing agreement was listed with Wayne D'Amico on October 22nd of last year. My question is, bearing in mind that was 10/22/02, when were you informed that the property was being sold?

Chairman Parisi answered, it wasn't back anywhere near that time. I think I was aware, quite honestly, either I had a discussion with Chairman Prentice; yeah, I think that was what it was. Am I correct that we had it about two months ago or maybe? That's what I would say.

Mr. Lube asked, that's when you first learned of it, two months ago, even though the offer was on the table last December. Mr. Mayor, when did you first learn that we were going to sell this Ridgeland?

Mayor Dickinson replied, I don't recall knowing until I saw it in the paper that it had been sold.

Mr. Lube asked, no one informed you?

Mayor Dickinson replied, I was not aware of; at times; we had a meeting regarding the payment of a past debt at the closing and I was aware that there were concerns regarding it but I was not aware of anything regarding the disposition of the property other than there was an interest in resolving the issue of whether taxes were owed as a result of the previous owner not covering the entire year. That's all I recall as far as Ridgeland.

Mr. Prentice stated, Bill at that time we did tell you that we were considering selling it. That was one of the reasons we wanted to resolve the issue with the taxes.

Mayor Dickinson answered, I don't recall. what I was focusing on was this issue of the past taxes and...has that been resolved. There were several thousands of dollars that was owed. There was nothing firm as far as what was going on and, frankly, I didn't focus on it.

Mr. Lube stated, I always thought that the payments from the Authority to the Town were in lieu of taxes.

Mayor Dickinson answered, there are payments that are made. This relates to circumstance where tax-exempt organization purchases property. Prior to the next grand list, whether taxes are owed on the property, even though the owner for part of the year is a taxable entity and part of it is not taxable and the statutes were troublesome and Corporation Counselor Mantzaris dealt with the issue and it is complicated enough, I am not going to hazard from memory how it was resolved, but it was resolved to the extent that pursuant to the agreement with the Town, it was believed that the taxable portion of that year was covered by the agreement with the Town. I think that was what Corporation Counsel's ultimate decision was.

Mr. Lubee stated, you referred to a portion of the taxes ten years ago.

Mayor Dickinson answered, this was when they first purchased the property, right.

Mr. Lubee stated, o.k. It sounded like a very monumental amount that was being paid. I think to end on a positive note, it would be very helpful if the Council and your legal advisors would try to approach this not in terms of finding we can't do anything, but rather what can we do that would be of a positive nature and some of the earlier speakers addressed that very subject very constructively. I would just like to add to it, I think you ought to begin to exercise your right to legislative oversight which is granted to you by the Charter and you can appoint a committee. You could appoint a committee to investigate whether charges would be in order per statute to report back to the Council in open meeting and lastly, the Authority's ability to conduct a sale in this manner is legally in question. It is being argued amongst attorneys. The tenants have been told to get an attorney. Legal Aid will not represent them because Legal Aid is limited to indigents as clients and these people are not indigents. The Quinnipiac Law School Clinic will accept a pro bono application but, in all honesty, they acknowledge that they have no one who is experienced in real estate law. The Yale Law School Clinic said that each law school has areas of specialization and theirs, too, does not happen to be real estate. I asked, which one of the schools around the state have real estate law as one of their primary concerns and she said, no one. I said, how do lawyers learn real estate law? She said, the hard way. This is not very encouraging. At the same time, the tenants' means are limited in what they can afford to pay for legal representation and this is where you might be of major assistance. They need financial help. Thank you.

(Applause)

Chairman Parisi commented, I have very, very deep empathy for your situation but, again, we are all creatures of the law and I don't know that we can just go above the law. My own opinion is that we are going to have to wait for the Attorney General or someone is going to have to be able to tell us exactly what we can and what we can't do but that is going to have to be a legal individual or body that's going to determine specifically and not unequivocally what our rights are and, in fact, if we have.

Mr. Frizzel stated, with that last comment, you come into my territory. Whereas we cannot legislate morality, what is the right thing to do? The right thing I would seek to do is for College Street to do its duty to give the property back, to the Town, for the price that was paid. For the Town then, the Housing Authority then could work the issue out with the tenants, for the Town to assist in any way you say, that's a big step. The price of morality of doing the right thing is a big price. It calls us to do all that is within the law that is right for the people. We may be under the law and there may be things that we cannot do to rescind and work for these people but, indeed, there's a law of the heart.

There's a law that does supersede the law of this land; that's the law of true compassion. It takes all parties doing that which concerns individual's lives.

(Applause)

Chairman Parisi replied, I am not going that end of it but I am going to tell you sir, that was very eloquent, as I now and you known, the fact does remain that everyone in this deal has legal rights.

Mr. Frizzel stated, I am not against College Street. College Street is in the business to make money.

Chairman Parisi replied, the fact does remain that everyone in this deal has legal rights; the seller, the purchaser.

Mr. Frizzel replied, they are in the business to make money. What I am saying is, the basis of morality in humanity is for all parties involved in such situations as this, that they do the right thing.

Rep. Mary Fritz stated, I am a little concerned, Mr. Chairman, about your statement about being within the law. The basic tenant is, if it is not prohibited, it is allowed. And there is nothing that would prohibit the Town Council and maybe some legal staff in the Wallingford Housing Authority and the tenants and College Street, LLC from coming together in trying to work something out. I think that is a very good first step.

Chairman Parisi answered, I am not in disagreement. I was going to mention that later on that I thought your suggestion was fine and if they can be accomplished, that's wonderful. I don't have a problem with that.

Rep. Fritz repeated, but there's nothing that prohibits that.

Chairman Parisi stated, what I am trying to say is that we, at this point to my knowledge have no legal right to make any move. That's what I have been more or less told.

Rep. Fritz answered, I'm afraid, you using the word "move" to me sounded like you wouldn't even entertain a meeting.

Chairman Parisi answered, no, no, no. I would highly encourage that as a first step. I told you that it was actually close to one of my recommendations. One of my questions to the Housing Authority was, will you, in fact, help these people to find a place if it should come to that? Would you take what ever staff and help you can give them and work with them and guide them and help them with real estate people, what ever?

Mr. Nere answered, we would do what ever we could to obviously ease their pain and I want to make it perfectly clear, too, to everyone that one of the things the board had looked at prior to the sale was whether or not these families could receive some special dispensation and be placed at the top of our waiting lists. But, again, after reviewing statutes that was not possible. Now, if there was a way that that could be accomplished, we would welcome the opportunity.

Mr. Farrell asked Rep. Fritz, most of the discussion, as I can see it, really comes back to the fact that, to overturn this and to put us back where we were that we need an opinion out of the Attorney General saying that the transaction somehow can be voided. That is was illegal in some fashion. The concern that I have is that, I know when I have requested opinions out of the Attorney General's office, as Chairman of the State Marshall's Commission, I have waited six months to a year to get those opinions. These people can't wait that long. How are we going to fast track getting a response out of the A.G.'s office.

Rep. Fritz answered, that is not a question I asked about the rescinding of the sale. I am not sure that is possible but I do have my people in legislative research looking into case law on that. The questions I have asked the Attorney General to deal with, 8-64a dealing with whether it is a housing project or not, etc., etc., and the other questions about the money being used and the separation of funds and whatever. Those are the questions that I have asked. As you may or may not know, anybody who tries to get me from 8:30 a.m. on until noon, forget it. I am on the phone and I am making calls on a daily basis to the Attorney General's office to remind them that I am out there. I have talked to the liaison and then I talked to him, himself.

Mr. Farrell replied, we really need that because to me it seems that's going to be the ultimate decision here as to whether the actions of the Housing Authority can be voided. I know that creates another problem, but maybe it gives the people some ammunition to get this resolved in their favor.

Rep. Fritz answered, that will be the first question tomorrow morning.

(Applause)

Atty. Loughlin asked, has everyone seen this letter I got from the Department of Economic and Community Development? It says here, "As part of our effort we sought the advice of the Office of the Attorney General to ascertain whether we have to comply with 8-64a. We agree that the housing in question is not a housing project." I have already approached the Attorney General, I have already approached the DECD, it is not as if we tried to abridge the law or overstep the law, that's not the case.

Chairman Parisi answered, I don't think anyone is saying that you did that. Please don't take it that way.

Atty. Loughlin stated, it is not desirable to undo the deal. The financial resources that we have available now, but also the physical resources where more manpower can go to maintain the units down at Wharton Brook, will certainly benefit the tenants there as well as the entire community. We provided affordable gap housing. These tenants probably won't qualify for the moderate rentals. We afforded people who are slightly under market rents an opportunity for ten years to live in a terrific neighborhood. To say that we slighted them is incorrect. Now we have an opportunity to take the resources that we have taken from this sale and apply it towards some of the other issues that have been coming up in the newspaper over the last six months. Please do not lose sight of that.

Chairman Parisi answered, we haven't lost sight of that. I think that what is being said is, we are getting everything out in the open here that's really what we doing. Everybody has a right to be heard. I didn't have that letter and I don't know if anyone else has had it. We are not aware of that at this point.

State Rep. Mary Mushinsky stated, I am only here to give information. These are not my constituents, it is not my part of town but I had a conversation with legal services, they asked me about the case, I told them what I knew and they gave me information which I am passing along to you and the residents. They said, "the decision to change affordable housing may not have met F.O.I. requirements. If not, one remedy under law is to require the action be taken again, to answer your question Councilman Farrell. In about twenty other towns residents normally in Housing Authority towns have the option of going to a Fair Rent Commission for an appeal. This is one of the few towns which has a Housing Authority but not a Fair Rent Commission. Another option is to set one up. Third, if the Housing Authority used CDBG at any time in the past, anti-displacement rules may apply to help the residents. There may also be notice requirements and possibly relocation costs to assist the residents. The relocation costs do not apply if the resident has already vacated so they would have to apply prior to vacating if they were thinking of vacating. Residents may be able to take advantage of protections of the new condo conversion public act. Some residents may be able to request, and I actually don't know the financial classification of these residents, but some of them, maybe at least one, might be there that could take advantage of New Haven Legal Services and Shelly White is the contact down there and the phone number is on here. Other residents who may not qualify for legal services may be able to get assistance from Yale University's Law Clinic and I have three contact names there. They will sometimes take on cases just because they are interesting. Legal Services told me that they might be willing to take the case so because they told me that, I am passing that on to you and to the residents and it is up to them to call and see what happens. Thank you.

Ms. Dieffenbach stated, at this time I would like to thank the Town Council for their efforts in hearing us. The only thing that I don't appreciate is the comment that Jim Loughlin just made about feeling as if they have been slighted. No one is accusing anyone of slighting anyone. We are merely stating that other options/avenues have been overlooked. And if we really wanted to get into the nitty gritty of slighting, I have proof

that the Wallingford Housing Authority; that will be addressed at another time at another place.

Mr. Brodinsky stated, everyone has been quite eloquent and I want to compliment the people who ask the questions and the people who gave the answers. I think we saw a lot of civility and good questions and a lot of frank answers. I compliment all of you. There was a statement made, actually it was in Senator Fasano's letter that said, "The Attorney General's Office gave the opinion that if no state monies were used, then no consent of the State was required. I am not aware of any such Attorney General's opinion. Can anyone say that they have talked to the Attorney General? That they have a letter? I have a letter that was handed to me and that doesn't give the Attorney General's opinion. The letter that was handed to me just says that the DECD talked with the Attorney General but said or never attempted to quote the Attorney General.

Chairman Parisi stated, if I may because I got the fax. Senator Fasano told me that he talked to the Attorney General's Office.

Mr. Brodinsky stated, that's not my question at all. The question is, whether or not the WHA got an opinion from the Attorney General that no consent from the State of CT. was required?

Atty. Loughlin answered, yes.

Mr. Brodinsky asked, where and in what form was that opinion given?

Atty. Loughlin answered, it is not in this letter. My initial inquiry was to the Office of the Attorney General, Attorney Paul Pernerewski and he and I undertook at least two or three conversations and I outlined my understanding of 8-64a to him in those conversations. He, in turn, said that I should address my letter to the DECD so that by the time it had gotten to DECD I'd already undertaken significant consultation with the Attorney General's Office.

Mr. Brodinsky asked, are you saying that Asst. Attorney General Paul Pernerewski told you that state approval was not required? Because that is not here.

Atty. Loughlin answered, he said to me that they were working together and that the decision actually had to come from DECD because I understand the Attorney General Office is nothing more than the attorney for the state and so the opinion would have to come from the department, itself.

Mr. Brodinsky stated, the question is, Senator Fasano's letter said the Attorney General's Office gave the opinion that if no state monies were used then no consent is required and it just didn't appear from the documentation that you gave me apparently it was a verbal thing, this letter could have said that and didn't. But we will get to the bottom of it.

Atty. Loughlin added, we will get to the bottom of it. It does say that we sought the advice of the Attorney General's Office so...

Mr. Brodinsky replied, it is so easy to say, "and he said", you know, but he didn't but we can address that later on.

Atty. Loughlin stated, _____ the structure of 8-64a to answer any questions that the Council may have?

Mr. Brodinsky replied, yes, I just want to go over that again. The statute says, as Jim, you and I discussed, "that no Housing Authority that receives or has received state financial assistance may sell any housing project." So just a plain language reading of the statute if you received any state financial assistance for any thing that you did, then you would be within the teeth of that statute and the way that Ridgeland was described, by definition, by your own comments in the press, it is a housing project because it provides housing for people that cannot afford market rate housing.

Atty. Loughlin answered, it is a development. The statute goes on to define what "housing project" is, so the teeth of 8-64a actually comes in the definition section of this chapter of the statutes and that is 8-39i. That says, "a housing project is any undertaking to provide apartments for families of low income or moderate income" and those are further defined in other subsections in 8-39 but as we discussed, this was not designed for low income or moderate income. This was designed for people who would not qualify for the moderate rentals that are provided down at Wharton Brook. This is gap housing for people who make too much to live in the Wharton Brook Drive area. That's why, because this is not providing low income or moderate income, it is not a housing project and therefore we were not selling a housing project, we were selling a housing development.

Mr. Brodinsky stated, all I am saying, and I should have said this up front, this statute has some gray areas. You have one interpretation and there's mention that the buyer of the property has rights, the seller has rights, but the tenants also have rights and especially if a case can be made that the statutory procedures weren't followed. The case can be made, the statute is gray, "no housing authority that receives state financial assistance" which was not the same quotation that we got from the right side of the room.

Atty. Loughlin stated, please acknowledge that we exhausted the avenue that we should have. We approached the Attorney General, we approached the DECD, we were not trying to do anything underhanded.

Mr. Brodinsky answered, no, you got the clearance that the statute required, whether or not that clearance was proper is another matter for another discussion. You got the clearance absolutely that you needed to get. Refinancing, there was some discussion about refinancing, you looked into it and decided not to do it. In looking in the financials that

you gave me, the balloon on the note was something like \$690,000 or \$680,000. What rate of interest would you have had to pay?

Mr. Nere answered, honestly, I don't remember off the top of my head. But between the \$700,000 which was a balloon payment, an additional \$250,000 to \$300,000 which has to be infused into the development in order to bring it up to the standards because right now, quite honestly, there's a great deal of deferred maintenance that needs to be done out there. We are looking at, again, a \$1 million mortgage and, consequently, a \$1 million mortgage puts us right back to where we were and the rents would have to be increased significantly.

Mr. Brodinsky stated, I guess I can only regret the past. We can't do anything about it. I did some quick work on the amortization tables. If you had a 6% mortgage and you may have been able to do better I'm not sure, and if you borrowed \$900,000 which would give you some cash, maybe not all you wanted but some cash to put into the project, your principal and interest payment would be the same as now. You could have refinanced and that's 6%.

Mr. Nere answered, that's correct but as the financials will show you we were losing money every year.

Mr. Brodinsky answered, let's talk about that because, again, all we do is regret the past but this was not a cash loser. You had money left over after paying your direct costs; principal and interest on Ridgeland, after paying for direct costs like snow plowing, maintenance on that building, you had money left over which was a contribution to the overall operations of the Housing Authority. What you have done, you told me over the phone that there were not going to be any layoffs or anything so by selling the property, you weren't saving a whole lot in personnel or labor. You had this rent money coming in, you would pay off the principal and interest, the insurance, the snow plowing, and you still have a lot of money left over, \$60,000 - \$70,000 that went into underwriting your entire operation.

Mr. Nere answered, it is very difficult for me to converse about this without sitting down. The accounting methods that are used, I am not a finance person, I would be happy to sit with you with our accountant and have her walk you through exactly what we do, where we were. That bottom line that the Board and I looked at is every year we lost money.

Mr. Brodinsky asked, when did you stop your efforts to refinance? When did you give up on that? In October of 2002?

Mr. Nere answered, I honestly don't recall.

Mr. Brodinsky asked, is that roughly when?

Mr. Nere answered, I really don't recall. I just don't remember when we...

Mr. Brodinsky answered, I am not going to go into some of the other things that we really need to go into but I am concerned about the statute that allowed you to sell and how it is applied and the business decision. I am concerned that you have less rents coming in.

Mr. Nere stated, we can't lose sight of the fact; I know where you are going with this. We have less money coming in but we still have some of the same expenses. Obviously, we don't have all of the same expense since we have 32 units....

Mr. Brodinsky stated, you had rental income of \$196,000 per year and direct expenses of \$109,000 per year. That leaves \$87,000 that was going to subsidize your entire operation. You had extra cash only because of Ridgeland, yet you decided to sell it. I have some problems with that but I guess it's done. I would put my support for what ever it is worth for some sort of a task force, a committee, to see what can be done. Maybe the Council, the Town, the Housing Authority can get together with other landlords or something and get a pool of available units. I also think that there ought to be a meeting with the new purchasers and maybe when they are prepared, they can put some cards on the table and say exactly what these tenants can expect. I think it is the fear of the unknown that causes a lot of distress. If they knew exactly what plans had to be made, they could make them.

Mr. Nere answered, the Authority, as I indicated before, the Board and myself would be more than happy to work in a cohesive group but I would like to ask you to please join me and my accountant because I think your interpretation might be; it's not the way it has been explained to me. If all of a sudden my board was made aware that we were making \$87,000 to \$90,000 a year, this may have been looked at a little differently. Again, not having the people that prepare all of the finances for us, I think it is difficult to have a solid conversation about that. But I would invite you to give us a call and let's sit down and talk about that.

Mr. Brodinsky answered, we did and that's why I can confirm my suspicions. We are not going to agree so let's beat a dead horse here.

Ms. Papale stated, I will start by reminding everyone how supportive I have been of the Housing Authority, the elderly housing, anything to do with low to moderate income housing. I think I have been always very supportive. Steve (Nere) and I have become pretty decent friends because for a while I was bothering him all the time. I was really one of the happy people when the Ridgeland properties were under negotiations for being bought because I realized the need for it in the town. I knew people who moved in there and were happy there and then all of a sudden one of my friends tells me that his daughter told him that they are going to have to move out because the place was sold in a short amount of time and they will be evicted. I didn't think that was true. Isn't it ninety days before you can be evicted? Can we straighten that out right now?

Mr. Nere answered, our attorney gave give you a run down on how long it truly takes to evict someone if it goes that way.

Ms. Papale asked, they are not going to be out of there in three weeks to a month? This is what they were told, Steve.

Mr. Nere answered, rumors run rampant when something like this occurs. When we sold the property and it was closed on October 31st, we were able to negotiate a minimum of sixty days with no rent increase. If the present owners choose to terminate a lease, Jim, (Atty. Loughlin) perhaps you can address what process they have to go through.

Ms. Papale stated, we should discuss that because I do have good friends that have family that live there. I am very much aware of what is going on. When it was brought up to me that it was sold, I thought something is wrong here. Not that we on the Town Council have to know everything that goes on in the town but we should have been aware that this was going to happen. We try to be there for our constituents, the people in the Town of Wallingford. When it was brought to my attention I knew nothing about it. I read about it the next day in the newspaper. I am not saying things could have been different. I understand why you wanted to keep things quiet because of the money issue; what you might gain if it was out in the open. This is where it wasn't fair to the people that live there. It really, really isn't. Something else I don't understand is...the gap homes; they (people?) are not under the same list as people looking to get into Ulbrich Heights?

Mr. Nere answered, they are not. It is a separate list altogether.

Ms. Papale stated, that's why people I know got in. But if there are people waiting on the list for Ulbrich Heights and they are waiting and I know there is a wait, and these things cannot be taken care of, I think they should be put on the top of the list but I don't make the laws and I don't make the rules.

Mr. Nere answered, I think this group that we are hopefully going to be forming, that is something else we can explore.

Ms. Papale stated, I am not saying that everyone of these people will be looking for housing but I can't imagine every one of them finding a home. They should be put on top of the list. How can we resolve this because I feel that nothing is going to change. This property has been sold and these people (College Street) are not going to sell it back to us. How can we resolve this problem? I am on a liaison committee that we formed when we talked about selling Simpson School for elderly housing of moderate income. I would like to stay on the committee and work with the Housing Authority on what ever happens in the future with Ridgeland.

Mr. Nere answered, we welcome any and all participation. I do have to say that while much of this conversation has been fueled by speculation, we are aware that one unit has

been renovated out at Ridgeland and they are advertising it as \$900/mo. I don't know that there has been any takers. I don't know if any of the councilors have ever seen any of the units at Ridgeland but they are quite small. Quite honestly, \$900 is extremely aggressive with no amenities what so ever. I know for a fact that rents in the neighborhood; it is all four unit buildings lining each side of the street going up onto North and South Ridgeland Road. The right-hand side of the road is what the Authority owned. The left-hand side of the road is owned by both owner-occupied units and then there is one or two buildings that are owned by one person and rents are typically \$600-\$650/mo. not the \$900/mo. bracket. I find it very difficult to conceive that they are going to get that kind of dollar and knowing College Street to be a conventional business individual, the last thing they want to do is have everyone exit. I would assume that they are going to step up and make it clear what their intent is to quell some of the fears that everyone is having.

Ms. Papale wished all involved a lot of luck. She felt it would be very difficult to get everyone back together.

Mr. Nere stated, ten years ago no one wanted us in that neighborhood. We went to public and Council meetings. We still have the articles and editorial cartoons drawn about myself, the mayor, the locals in the neighborhood who took the stand, "not in my back yard." Here we are ten years later and everyone still wants us which is kind of nice. This was a concept that Chairman Prentice and I, it was very close to our hearts. This was our baby. We had to sell it to the Board to do it. To see it go was not something we wanted to do. Unfortunately, we felt it was the best for the entire Authority.

Atty. Loughlin asked Mr. Nere to speak about the benefits that will come out of the proceeds of the sale.

Mr. Nere explained, everyone is painfully aware of the press coverage we have received as of late and I am not here to say that some of those issues, although somewhat glorified in the paper don't exist. Everyone knows that the State of CT. has gotten out of the housing business. There is no five cents in the budget for housing for renovation or anything of that type. Fortunately, with the monies that we have generated, immediately the Board voted to start infusing money into our Wharton Brook Development. We have a high vacancy rate. Eight units have been earmarked to be renovated immediately by private contractors, thereby freeing up our maintenance staff to start to address deferred maintenance items in some of the units that are being lived in. There will be benefits to the population.

Chairman Parisi asked, do you think someone is going to step forward or something?

Mr. Nere answered, no. It is just my own opinion that, as I look at that neighborhood, knowing the units as I do, I can't fathom that the market would bear \$900. For \$900, it seems to me that you would be able to go to a condo that has swimming pools and tennis courts and things of that nature. \$900 for a very small unit; two bedrooms; a fine bath; a

living room/kitchen combination and a basement that is not very nice as I am sure most of the tenants agree. I can't see it; that's my thought.

Mr. Knight stated, I agree with Councilor Brodinsky in that all of us would like to pursue this to its conclusion with all the details out and speculation out of the way and really get a clear picture of many, many issues, most of which have been discussed tonight. Not the least of which is the relationship with the WHA to the rest of the government, not just local but state. I must admit that over the years I have labored under the misconception that the State of CT. had an interest in the WHA and that the WHA was a vehicle through which state monies could be channeled and applied for an so forth and so on. One of my issues is that over the years it seems to have evolved that the WHA has become an island unto itself, not just jurisdictionally, but financially. At least with respect to this operation. I would hope that we would take up Mary Fritz's suggestion. Rep. Fritz has suggested that we make sure that all the representative and interested parties stay in vigorous contact with one another to do everything that is possible to represent the people that are living in this development at this present time. Having said that, I would conclude by saying, I think that one of the ironies of this whole matter is that if these people didn't work as hard as they do to get the income that they do have, if they really fell on rough times, there would be all kinds of programs available to them. Rep. Mushinsky started ticking off a list of things that might be available to them but, unfortunately, they make too much money. It is one of the terrible ironies that they face; they are ambitious enough to try to work within the system and maintain their responsibility to their families and so forth and through no fault of their own or your own, they are put into a situation that is very difficult. I hope you (Mr. Nere) are right, that the possibility exists that these people will be able to remain in their apartments with some modest adjustments to the rents to reflect the money that is going to have to be put into the; in order to bring them up to par. I would like to compliment Dina on an excellent job. You handled yourself; you did yourself and all of your constituents a world of good by the way you handled yourself.

(Applause)

Mr. Farrell asked, when exactly did the vote on this occur in open session or in executive session?

Atty. Loughlin answered, I hate to say this but I don't know because it was such a long undertaking, the contract. We took a vote on the contract signing and a vote on continuing the obligations under the contract and then we did that several times and then we took another vote to ultimately close on the project.

Mr. Farrell asked, aren't your minutes going to reveal that one way or another?

Atty. Loughlin answered, oh yes, absolutely.

Mr. Farrell asked, can you forward those minutes to the Council soon, so we will have an answer on that?

Atty. Loughlin answered, yes.

Mr. Vumbaco asked, I would like to know what the thought process was when you purchased Ridgeland to have a \$600,000 balloon payment to begin with? Who, in their right mind, I would think, would sit down especially when you have limited income and limited funding to establish a situation where you would have a \$600,000 balloon payment? And what made you think you would be able to have that money sitting in an account to pay it ten years later?

Fred Monahan, Housing Authority Commissioner explained, the numbers actually worked out when we did it. The early 1980s experienced a boom with property values and the late 1980s experienced a bust. At that point the FDIC was forcing banks to unload bad properties. We had an opportunity to pick this property up for in the vicinity of about a \$700,000 - \$800,000 note plus the money. The Town Council put in \$100,000 which we paid back with 5% interest over the ten years that we held it. We wouldn't have been able to do that without the Town Council's help. We financed it. We had to take money to both purchase it and to rehab it so the note ends up in the vicinity of \$800,000 - \$900,000. We looked at it and knew that we had approximately a 10% vacancy rate in our moderate rental, elderly units. Private Realtors and landowners run about a 5% vacancy rate so we spent an inordinate amount of time with our CPA running scenarios to try and determine whether or not we could fill the niche and provide what we call gap housing. That is a term we made up. Based on about a 7-7.5% vacancy ratio, it should have worked and we thought it was going to work but a couple of unfortunate things have happened along the way that you may have noticed. In the 1990s we had the loss of factories and production jobs in the area. What we have seen happen...is that the people with professions, trades, skills, income has gone up markedly over the past 10-12 years. The people in the middle to the lower end haven't. When we set the rates, we were setting the rate about \$100 below what the average rental in Wallingford was, which was about \$565 so we set it at about \$465/mo. Based on our projections we expected that at the end of ten years, we would have the money in the bank, we may have had to do some re-financing, but we could have done it and the operation would have kept going. That was our plan. We had no intention when we bought this of selling it in ten years. We spent about 6 months to a year arguing about this. The banks were holding the properties and had to unload them so it wasn't like the seller was going to disappear on this, the FDIC was trying to force him to unload it and nobody wanted it. The apartments were essentially empty, 32 units. We worked the numbers out and it looked like it was going to work. What we found has happened is, the income of the people in the gap hasn't gone up significantly. Now, remember our base numbers are from the federal government, we are not making this stuff up, where it was \$565 it is now \$900. If we kept the same increase we should be charging \$700 or \$800 now, but our tenants can't afford that. It is an economic problem. We can build \$300,000 houses in Wallingford and sell them as fast as you can build them, but our

people who are in the lower income bracket but above the poverty line for getting into Ulbrich Heights don't seem to have had the increase in rents which would allow us to raise them. So what do we do? If we had kept the projection going, we would not be charging \$700/mo but as you just heard, the tenants can't afford that. We ended up between a rock and a hard place. Our projections were based on what we expected to happen but they didn't. It all made sense ten years ago.

Mr. Vumbaco asked, so ten years ago you're saying that you were going to raise rents proportionately down the road in order to pool enough money for \$600,000?

Mr. Monahan answered, actually it showed that if we did that, it would work. Another problem developed; we figured about a 7% vacancy. We are running at 10%; the same as we are running at Ulbrich Height. When you only have 32 units and you have 3 units vacant on average, that costs you the rent for that unit every month. That money never appears. I was one of the skeptics who wanted to buy the property but was afraid it wasn't going to work. When we were convinced that it was a viable option and that at the end of the period of time we would be able to refinance and have a much smaller number that we were paying off, the numbers just didn't work out.

Mr. Vumbaco stated, if you basically look at the numbers in a very simplistic way, \$700,000 balloon payment, in ten years, that is \$70,000 a year that you would have to somehow sock away to be able to make that balloon payment. There are 32 renters. You were planning on collecting \$2,100 per person, per year over and above their rental payments in order to make that balloon payment? I find that very hard to believe. That is almost \$200 per month.

Mr. Monahan answered, you are doing the math wrong. We were going to refinance, but not necessarily the whole amount. You are talking about doing \$700,000. If we only had to do \$400,000, ... we were anticipating refinancing a smaller amount which would give us the savings. We did not expect to own the place free and clear in ten years. Heck, you wouldn't buy a house and expect to own it free and clear in ten years.

Mr. Nere added, quite honestly, we could have easily been blinded by the fact that we were going to put roofs over families heads at a reduced rate. That is our primary mission.

Mr. Vumbaco asked, what would the rentals be if you did refinance?

Mr. Nere answered, it is anticipated at this point that they would run between \$700 & \$800. We are not in the business to do market rents and if the Council remembers, when we brought this project to you ten years ago, there was some strenuous objection from the public who were private landlords themselves. We assured them that we were not going into competition with them, nor would we compete with them.

Mr. Vumbaco stated, Rep. Fritz did raise up some issues and I think you will probably see, as we go forward, Council liaisons with the Housing Authority as well as meetings and consistent meetings with the Housing Authority as Steve and Mike and Bob and everyone else here has shown and Iris has talked about. I think it is utterly important for more than just the reasons of making sure we do something here because this is not just a single person or people in homes. This is a community down there. These are neighbors who have known each other for five, six, seven years. Just to be able to say that we can put them at the top of the list and move them into other areas, you are breaking up a neighborhood and that's why, personally, I think it is so very, very important to see if we can keep that neighborhood intact and I think that this Council is probably in 100% agreement that we are going to do everything possible to see if we can work in conjunction with all the bodies as has been suggested to see if we can keep that. Why was the Council and Mayor's Office not informed of the sale? I think it is a very valid question that needs to be explained.

Mr. Prentice answered, there was no real reason why we didn't say anything to anybody. It was a Housing Authority matter. It was a matter of a financial situation. We just didn't think we needed approval from the Town Council or the Mayor to sell it. I know it sounds arrogant of me but it wasn't. There was no intention of hiding it from the Town Council is someone had asked me if we were selling it, I would have told them yes or no. There was no intent of hiding anything. That's all I can tell you.

Mr. Vumbaco replied, I wasn't stating that you owed us any (explanation) and that we had to approve it or disapprove it. We are well-aware of what the responsibilities of the Housing Authority and our responsibilities are but, personally, I was totally disgusted that I read it in the paper in the morning and no one had told me as a councilperson and I think some Councilors here will agree with me. The phone started ringing off the hook the minute it happened and as Iris stated, we were ignorant of the fact. That it water over the dam now, but I'm darn well sure that in the future if there is any kind of decision-making that is going to be done by the Housing Authority, you should at least inform us of what plans you are doing so at least the Council can have some impact. I think by having a Council Liaison committee, we will know because they will report back to us what is going on.

Atty. Loughlin replied, we invite participation and earlier on I commented how much more engaging the conversation is now at the Housing Authority Board meetings. I don't go to all of them but I am a good neutral third party who can judge these. I have been to maybe a dozen meetings over the last ten years as counsel and I can honestly say that over the last ten years I have seen one person at any one of those meetings in the last ten years. So, please, come all you want but understand where we were coming from. We announced the risk that we thought was there of tenant flight. We were in touch with the Mayor's Office and Corporation Counsel's Office at least two or three different times when we were talking about that late tax issue with Adam Mantzaris and Mayor Dickinson. Had we disclosed it in a public forum in front of the Town Council or even had we disclosed it to

the nine members of the Board, that would have led to some of the risks that we were trying to avoid; the public knowledge and tenant flight. It would have been disastrous if the deal had gone through and it would have killed the asking price that we could have asked for at the time of the sale. We weren't acting underhanded again. We weren't trying to keep you uninformed, but rather we were trying to protect an asset that we were selling.

Mr. Vumbaco stated, I can respect that. I am saying that is it is quite obvious by listening to the people who have been here tonight that there is no place for them to go. To sit there as an Authority that is supposed to be knowledgeable and is supposed to have their concerns at heart, to say that the reason you didn't inform the Council or the tenants is that you were afraid they were going to split and go somewhere, there was no place for them to go and you guys should have known that. That's the only point I am trying to make. To sit here and fall back on the idea that you were worried about tenant flight when there is no place for these tenants to go now because I am sure that if they get the boot, there's got to be a place they have to live in and they are scared right now, they don't know where they are going to be living and to use that as an excuse why you didn't at least inform the Council or other people what was going on, I can't buy that. Personal opinion; I don't want to get into a debate and argue it. It is just my personal opinion.

(Applause)

Mr. Vumbaco continued, if I may, I have one simple question; someone raised that there were people who came on board as renters that are single mothers with children after this discussion of potential sale was started in the last six months...were they informed that there was a potential sale?

Mr. Nere answered, no.

Mr. Vumbaco asked, and you don't feel that that was necessary to tell them that?

Mr. Nere answered, not at that time, sir.

Mr. Prentice added, we couldn't tell one person and not the other 31.

Mr. Vumbaco replied, then you should change your rules.

Ms. Dieffenbach responded to Atty. Loughlin's comments regarding the flight of the tenants by saying, we would need several months in order to pay our rent now and save the required two months security deposit and first months rent that is averaging for fair market value totaling at least \$2,400. There would have been no mass exodus. Where are we going to go and where are we getting this money? On top of that, it is not fair. You are an attorney. You are a very intelligent man, I would not take that away from you. You would not expect anything less than to be informed of every move your client would make.

You, yourself, would not accept ignorance of anything or some kind of rhyme or reason based on excuses as an answer if you were in our situation or if you were dealing with one of your other clients.

Chairman Parisi stated, the one thing that I want to make sure goes forward and I don't know who will take responsibility, but the suggestion of Rep. Fritz that some sort of an Ad hoc Committee be formed. I would hope that someone would take the responsibility for overseeing that.

Mr. Nere replied, we do have an liaison that has been established a little bit ago that Iris had mentioned; Iris and Gerry...

Mr. Farrell stated, that was only for the purposes of Simpson School.

Mr. Nere stated, no, I meant that there was already a mechanism in place and that we should use that mechanism. I will contact you folks. Ms. Dieffenbach please call my office, I don't have your number. Is there anyone else we want to involve in this?

Chairman Parisi replied, I thought that the suggestion was that someone from each housing complex be involved. It opens up everything to everyone.

Mr. Prentice answered, we do have a tenant commissioner that is in contact with all the tenants.

Chairman Parisi stated, that's a pretty big order to be running around to all of your...

Mr. Prentice stated, I thought we would try to focus initially on the situation at hand at Ridgeland. I am just not clear as to what you....

Chairman Parisi answered, I understand that. You are free to do what you want. I am telling you that, at this point, I think it is a good step forward to opening up everything to everybody. If you are going to do it for one group, you may as well do it and have at least one representative. You can choose not to do it, it is only a recommendation. You are free to do what you feel is fair.

Mr. Nere answered, we will invite people from every complex. I would hope that within the early part of next week we could possibly get together.

Chairman Parisi stated, and then I would suggest that you stay in touch with Councilor Vumbaco.

Luanne Naples, 44 Wharton Brook Drive (Ulbrich Heights) stated, my heart goes out to the poor tenants of Ridgeland because the same thing can happen to me as well. I have an 81 year old mother that I reside with, an 8 year daughter with Down's Syndrome and I,

too, am a single mom. If these residents were to move in to a vacancy if there was one available, which there's many, we were told, as Wharton Brook residents, Ulbrich Heights, which is 132 units, is that our rent is going to be raised to \$750/mo. for the security deposit.

Chairman Parisi asked, who is telling you that?

Ms. Naples answered, Kathy and it is right on my copy of our....

Mr. Nere interrupted to say, no one has ever told you that your rent is going to \$750.

Ms. Naples replied, I'm sorry, I'm sorry; the security deposit is going to \$750. I have resided there 50 years and my rent back then was \$222. So to bring, I'm sorry, it was the security deposit. To bring it up to \$750 I have to put out over \$500. and I believe I am grand fathered in.

Chairman Parisi stated, that is way off the subject. It really is.

Ms. Naples disagreed stating, any new tenant coming into Wharton Brook Drive is going to pay double the amount for their security deposit, \$750/mo. for two months and one month's rent which is \$2,400.

Mr. Nere answered, two months security and one month of rent at \$350...

Chairman Parisi stated, with all due respect, this is far off the subject. We are trying to wrap up Ridgeland and now we are getting into Ulbrich Heights. That is not the point, it wasn't the subject of discussion tonight. Ulbrich Heights is not the issue. The issue is Ridgeland.

Ms. Naples answered, the issue, if you relocate them to Wharton Brook Drive, that's not an issue?

Chairman Parisi stated, no one is saying that we are going to relocate them. We don't even know what is going to happen right now. If they can stay there then there's no problem. I am not going to get into any projections right now because no one has any idea what can be done and how it can be done. It created an atmosphere to go forward and see what could be done and I think I would like to leave it with that thought. I think it would be better for everyone. The problem we are dealing with tonight is Ridgeland.

Ms. Naples asked, if someone at Ridgeland were to say, with all the vacancies at Ulbrich Heights, would they be able to relocate there as a family?

Chairman Parisi answered, I don't know that they would qualify to relocate there as the law reads right now, am I correct?

Mr. Nere answered, that's right.

Chairman Parisi added, so that's not going to happen as we sit here right now because they are not qualified to live over there. They made that point themselves.

At this time Chairman Parisi thanked the Housing Authority representatives present and those members of the audience still present. He commended the public stating, you were just perfect; you got your points across. I hope you feel that you had your say. I hope that something productive will come from this and something productive in the sense that it might be something that we will all be happy with.

No Action Taken

ITEM #8 Report Out and Possible Action on the Town-Owned Former Simpson School Property as Requested by Chairman Robert F. Parisi

Mr. Prentice stated, we have nothing to report on Simpson School

Mr. Nere stated, that last communication we received from DECD was April 15, 2003 thanking us for our application for substantial renovation of the Former Simpson School. We requested a 1% deferred loan for 30 years of \$1.5 million to create 40 units of affordable housing for the elderly. This would represent approximately 34% of the project's total development cost. In addition, the department provided us with an \$74,000 pre-development loan to work with consultants. The Authority is currently seeking to obtain 4% tax credits and also utilize tax exempt bonds and they acknowledge that there's firm support for this project in the community. They go on further to state that they have committed all of their funds for 2003 and they don't know what they are going to do for 2004. The last line reads, "should you continue activity on your project, please give due consideration to the fact that the department has not issued your organization a funding commitment and that you are proceeding at your own risk. Basically, what they are telling us is that they are aware of our needs. Our application is there and they will consider it when they find out what their funding levels are for 2004.

Chairman Parisi stated, I had a discussion with the Mayor and I was reminded that we had, in fact, issued an RFP (Request for Proposal) to the private sector for this. I am going to request that a motion be made that we reissue that request for proposal and, what is the accepted time period for something like that to be put out into the market place and receive answers?

Mayor Dickinson answered, my guess is that it is a minimum of 3 months, and more ideally, 4 or 5 (months). You have a listing of why people didn't respond along with a copy of the RFP that went out in 2001.

Chairman Parisi stated, I put this on the agenda. I am really tired at this point of talking about Simpson property and that is no reflection on you, your efforts, or anyone's. My personal feeling is, and I am telling this to the Council, that we put the very same RFP out to the market place with a three month period and if nothing happens that we sell the property. And by selling the property, and this isn't revolutionary, that we more or less stipulate what we are looking for in the sale. What ever legal avenue we have to take to require what we want.

Mayor Dickinson stated, this RFP regarding conversion to elderly housing, if you are just going to sell the property, what uses would you entertain? If you are saying anything that would fit within zoning, then that...

Chairman Parisi answered, congregate housing, maybe. What ever need might be determined.

Mr. Farrell stated, my feeling at this point is that I want to end the exclusivity period that we had created for the Housing Authority. I do not necessarily want to dispense with the idea of doing elderly affordable or gap, which might be the term for slightly above that, housing on that sight. I might recommend that we end the exclusivity period and put out the same RFP and see how the economy has changed. I remember that after the RFP went out I did get a number of telephone calls thereafter from developers who did not have the opportunity to walk through but had done similar projects in our own town along those lines.

Motion was made by Mr. Farrell to End the Exclusivity Period with the Wallingford Housing Authority and Issue Under the Auspices of the Mayor an Updated RFP for Development Proposals for Residential Units for the Elderly at Simpson School, seconded by Mr. Toman.

Mr. Vumbaco stated that he did not have a problem with rescinding the time frame because I don't think it is going anywhere. But I am not in favor of an RFP. List the darn thing. If we want to do something that we are finally going to unload this project and take it out from under us, then why don't we just list it with a Realtor and take in what's best for the community and what we can do. This idea that we don't want to put a piece of property with a Realtor I think is absolutely ridiculous and to go out with an RFP, you didn't get anyone last time besides the Housing Authority. You had a few developers who said that they couldn't do it according to what was just handed to us because of various reasons. Why don't we just list it?

Mr. Farrell responded, I can remember from when Ms. Papale and Mr. Zappala and I sat down and talked about this with the Housing Authority long ago that the criteria for the kind of rents that we wanted to create basically limited the market and if we just put it on the open market, we are saying that we will take anything that goes there and my intention has always been to somehow get elderly housing there. The best route would have been

through the Housing Authority. That doesn't seem to be working but I don't want to just abandon it to the open market which is going to come back with something that probably doesn't address rents in that \$400 - \$800 range, similar to what Silver Pond is right now. It is just not going to happen if you put it on the open market. That is my problem with going with the other than the RFP route at this moment.

Mr. Vumbaco stated, I disagree and you should know this, Jerry. You can put any kind of restrictions on a listing that you want. If you turn it over to a series of real estate agents and tell them what we are looking for, let them go out and sell the project. You can say that you want to limit it to the senior housing which I whole heartedly agree with, I think we need that in this community, but to limit it to an RFP and not go out to a Realtor, I don't see what the difference...you can restrict your listing by going with a Realtor. You can open up to a wider variety of potential people who can sell that piece of property for you.

I think you can get the response faster and probably get some very creative ideas than restricting it through this RFP that you have here.

Mr. Farrell stated, I don't mean it as a slight but I think it misleads people to tell them after the fact that we do have some restrictions in mind and they were contained in this RFP. I think it is a more direct and honest route to say, "this is the framework that we have in mind" straight up front.

Mr. Vumbaco stated, you weren't listening. I didn't say to wait until the end after they put the bid in. When you list it with the Realtor, those restrictions are there as part of the listing...they will know that the restrictions are that we are looking for senior housing and that we are trying to sell it to someone who has the ability to do that.

Mr. Farrell stated, then we would have to created a document that is pretty similar to the RFP to do this. It is sort of, which comes first, the chicken or the egg.

Mr. Brodinsky stated, we can take this document that was the RFP back in 2001, tinker with it a little bit and provide it with the listing package so that the Realtor and the public understand that favorable consideration will be given to a perspective buyer who will be constructing elderly units. So we have the language, it is just a matter of attaching it or incorporating it into a listing agreement and everyone will know up front, the Realtors, Multiple Listing will know up front that there are conditions that we are interested in. It can be done. The advantage of a listing agreement is that the market exposure is much longer instead of a two or three or four month window. It is out there for six months or a year. You also have a built-in expert.

Chairman Parisi answered, no six months, on the RFP, three months and that's it.

Mr. Brodinsky replied, the window of opportunity is much longer with a listing. I don't want to split hairs with you and your point is well taken but with a listing it is much

longer. You have a Realtor who has turned into a consultant for you who is out there pushing the property all the time. I think a listing is the way to do it.

Mayor Dickinson answered, that probably can be done. I think you would also have to consider that there will be a selection process for who you would choose for a Realtor.

Mr. Brodinsky stated, we would have to retain a Realtor because we would owe a commission if the property were sold.

Mayor Dickinson stated, if you want to go the multiple listing route, a Realtor would have to be chosen as our agent.

Chairman Parisi stated, that's the best of both worlds I think.

Mr. Farrell stated, hiring a Realtor moves it one more step towards non-affordability. It means that out of the whole mix of the deal, a Realtor is going to have to be paid. If it is 6% and the building sold for \$500,000., even though we can negotiate the Realtor's fee, you are talking a \$30,000 commission. Maybe that's enough to do one more unit and to me that is the impetus for not moving too quickly to list with a Realtor. I am not saying to leave this out there forever, but maybe a limited window that it is an RFP that we are handling in house doesn't waste money and make it less affordable.

Chairman Parisi stated, maybe we have some Realtors who would give back to the community in some way with a very, very fair considerate percentage of commission. I know that there are people that exist like that in Wallingford.

Mr. Brodinsky stated, maybe there is a middle ground. If we go RFP and we put a window on it and if that is not successful then as part of the resolution then it go out to a Realtor with a listing agreement. You get the first bite of the apple and if that doesn't work then it goes out.

Chairman Parisi stated, what ever the Council's pleasure at this point.

Mr. Farrell Amended the Motion to Include, Said RFP was to be Received by the Town Council by April 1, 2004 and Listed with a Realtor if no Response is Received, seconded by Mr. Toman.

VOTE ON AMENDMENT: All ayes; motion duly carried.

Mr. Nere asked, if the Board of Commissioners for the Housing Authority wishes to submit a proposal during the RFP period, do you want us to submit a new proposal or would the one that is presently in place be adequate? Do you just want all the paper again? We have one presently pending.

Mayor Dickinson stated, the proposal currently is that you are seeking funding. I think what the Council is looking for is the availability to move ahead. Someone who is going to say, as of a given date we will sign, we are set to go with "X".

Chairman Parisi stated, I beg your pardon, Mayor, but I think tonight, with that vote, that ends it, it is done. He can participate any way he wants, that is his judgment as to which way he participates.

Mayor Dickinson asked, is not the Council looking for a real project that has financing behind it?

Chairman Parisi replied, the Council is looking for this to get off the ground and get moving. That's what we are looking for.

Mr. Brodinsky stated, I agree with the Mayor. In the RFP if we say that someone is expected to close within 30 days or 45 days or 60 days, that means that they are going to have to have the cash. I think that is what the Mayor is getting at so I think the RFP would be specific enough as to when we expect the closing to take place.

Mr. Nere stated, we do have, for what it is worth, something in the works and if lightening struck and all of a sudden they said that funding is in place. I would like to be able to....

Mr. Brodinsky replied, you would have to by the date of April 1 and be able to close within 30 days after that.

Chairman Parisi stated, that's right. You would have to qualify like anyone else. However you choose to bid, with your present paperwork or whatever.

Mayor Dickinson stated, it raises the question, within a certain time period to seek a closing, probably a ninety day time period would be more realistic. You choose the time period.

Mr. Farrell stated, you can talk in terms of a ninety day closing but have a mortgage or financing contingency that is shorter than that so it is not hanging out there the full 60-90 days.

Mayor Dickinson stated, I don't think that language is in the current proposal. We will have to add something.

Mr. Nere asked, are you pretty much done with us for this evening?

Wes Lube, 15 Montowese Trail stated, commercial deals usually have a 60 day financing clause and I think that's what the Mayor was eluding to; you are looking for a buyer that would be able to deliver funds within 60 days to close. The motion, as amended, could be

negated by the Authority if the Authority responds. The way you worded it, "in the absence of a response" is not good enough. It would have to be an acceptable response.

Chairman Parisi stated, we would not entertain anything other than an acceptable response.

Mr. Lubee stated, but that's not in the motion or the amendment. When we talked about the American Legion Building, we talked about an RFP and when we talk about the Wooding Caplan property, we talk about an RFP; why are we wedded to RFPs? Can anybody on the Council tell me when the last time was when we had a successful RFP?

Mr. Toman answered, the Auditor Search Committee, it was very successful.

Mr. Lubee stated, it was not real estate though. My point is, they don't work with real estate. When you had an RFP on the Simpson School, what was the price indicated in the RFP?

Mr. Brodinsky responded, what you witnessed was a compromise. You had the anti-RFP people hooking up with the listing and that was the compromise that was struck to move it forward.

Chairman Parisi stated, that's right so let's move forward.

Mr. Lubee asked, what was the price in the RFP?

Mayor Dickinson answered, I don't think the RFP dictated an amount. It was looking for an overall proposal including the amount. The reason for the RFP is because there were concerns about exactly what would be done on the property given the....

Mr. Lubee interrupted to say, the question about what was going to be done was answered by Mr. Brodinsky. You indicate in your MLS agreement what would be an acceptable use. The thing I am trying to get at is real estate is sold by someone who says, "I have something for sale and this is my price." Unless you do that, unless you come up with a price, you are not going to get anyone who will do anything but low ball you. That is what it is all about. You don't want low balls, you want sincere buyers and you have to tell them what the heck the price is and to do that you have to use an appraisal, stick on a negotiating margin and put it on the MLS and then you will come up with a buyer. That is how real estate works. Stop screwing around with this stuff.

Rep. Mary Mushinsky stated, I looked into this question of bonding for Simpson School and whenever I run into Stephen Nere at the gas station he says, so how is it going? And I say, "I will check for you." The trend has been, and I have a graph here, down. It just has not been a priority for the current administration so we went from \$96 million in bond funds for housing in F.Y. 93 to \$3 million in F.Y. 2000. Recently it has come up a little bit so we are now at \$25 million. There have been a couple of changes over time other

than the money dropping. First of all, there is a shift in authority...from the Department of Economic and Community Development to the CT. Housing and Finance Administration (CHFA) and the sums are more lump sums now under CHFA. They are still trying to find out how the authority has shifted themselves. There is a protocol letter which I have included here which is dated today to tell you the new protocol under the new authority. You should have that to make sure you follow it correctly. There is also a reference to their new document which goes over all the category of funds they will take applications for and it is 28 pages. You can get on the web and download the document and it is still in draft form. Finally, I tried to find out from the staff on the Bonding Subcommittee, because I am on the Bonding Subcommittee for Finance, I tried to find out from them a picture of a doable project that the Governor will release money for because they are very, very picky now on which projects they will release money for. Basically it comes down to this; they follow a combination model. They have a bundled package of bank loans, private investments, CHFA funds or tax credits and local funds and the units in the housing are a mixture of affordable and market rate units. That seems to be the magic formula that Marc Ryan authorizes release of funds for. It is the combination funding and that mix of affordable and market rate units and the example I have attached here is Lamberton Square in New Haven. That is one of the projects that they thought was a good composite and mixture. It was 221 units in that project. That is the current protocol and guidelines that seem to be in play as the little bit of money that is being released. It may be possible, still, to pull off this project but you have to approach it in the formula that the Governor feels is doable.

Mr. Nere stated that the formula is pretty close to exactly what the WHA has sitting up in Hartford at this time. It is some market, some affordable, combination of funding between home funds, bonding, tax exempt credits.

Ms. Mushinsky stated, the other thing you may want to consider is starting from the ground instead of trying to rehab the building. That's another thing to look at.

Mr. Nere answered, that would probably prove out to be our best approach given the fact that we still have a small piece of land that's adjacent to Savage Commons and, clearly, the state is not going to move in 90 days.

Ms. Mushinsky stated, I just want to state for the record that just thinking about the Ridgeland situation and also the complaints I sometimes get on the repairs not being done on my side of town and my thought was to resurrect the Tenant's Association that used to be there and I would be happy to assist with that. The tenant, if they have an association and learned record keeping and presenting their group list of repairs that need to be made and dating them and presenting them on a monthly basis to the Authority, then there is a pretty good track record of what came in, what month, what year, what was asked for, and the response of the Authority, like they do in law enforcement. It is much more organized and it is easier to tell if the repairs are being done in a timely manner or not. Sometimes they just make calls but they don't have the documentation behind the request for repairs.

That helps the tenants and it helps the Association and I would be happy to set that up so it will work a little more smoothly to help out.

Chairman Parisi thanked Rep. Mushinsky for her input and her attendance this evening.

Mr. Brodinsky stated, I am not sure the motion is tight enough and if we can get in proof of adequate financing and a closing date under the form of the motion that would mean that we don't need another amendment but I am looking to Atty. Farrell, Sr. to see if the motion, as phrased, would allow us to put in that RFP a financing date and closing date because the motion sort of said...

Atty. Farrell, Sr. stated, you could put it in administratively.

Mr. Brodinsky stated, so what we want is an acceptable response.

Chairman Parisi stated, why don't we insert, "acceptable response."

Mr. Brodinsky, by acclamation?

Chairman Parisi answered, yes, by Atty. Farrell (Sr.). Insert "acceptable". Can you fit that in, Kathy?

VOTE ON MOTION AS AMENDED: All ayes; motion duly carried.

Mr. Nere stated, I would like to remind everyone that we are having our elderly Christmas gathering tomorrow. It starts around 11:30 a.m. at the Elks and we welcome you all to come by. They enjoy seeing the dignitaries in town.

ITEM #9 Status Report Out from the Caplan Wooding Committee as Requested by Chairman Robert F. Parisi

Robin Wilson, Committee Chair, was unable to attend this evening as asked that David Smith, Vice Chair appear on her behalf.

Chairman Parisi stated, I asked at the last meeting that all members of the committee be canvassed to see if any were interested in staying on the committee and everyone is, with the exception of Mr. Fishbein. I informed Mr. Vumbaco and he is working on a replacement since it was his appointment.

Mr. Smith stated, I assume by now that the Council has read the report we presented at the last meeting. The purpose tonight is to request a waiver of bid so that we can move to select a project manager. When we were here last, we identified the most desirable uses of the property. In order to move forward there has to be a ascertained that the uses will be successful economically and they will meet the criteria of the town. Our proposal was to

move ahead and utilize the Jonathan Rose Company as the project manager. Essentially, what they will do is conduct economic feasibility to make sure that the elements recommended to you will work. They will conduct additional meetings to make sure there is a proper amount of input from the community in general as well as the nearby residents, they would provide specific recommendations as to what will work and what density so exactly what the plan would look like would also support the formation of a master plan. From that you can move right into what ever the Town elected to do.

Chairman Parisi stated, I think we went from (Item #) 9 to 10.

ITEM #10a-c Consider and Approve a Waiver of Bid for the Purpose of Hiring the Jonathan Rose Group to:

- a. Conduct a Market Analysis of the likely mix of elements proposed by the Caplan Wooding Committee;
- b. Develop an Request for Proposal (RFP) in Accordance with the Recommendations and "Principles of Development" Recommended by the Caplan Wooding Committee; and
- c. Open up the Process to Other Developers in Addition to Those with Whom the Committee has Interacted

as Requested by the Caplan Wooding Committee/Chairman Robert F. Parisi.

Mr. Farrell stated, I had a chance to sit in on maybe 70% of the committee's meetings and I think that this is the route to go. They got a lot of input, they interviewed quite a number of people who were potentials and I think this is the one that really fits the best and is going to give us the most bang for the buck. I am supportive of this.

Chairman Parisi stated, I have to make the observation that I was there when this group was interviewed and I was very impressed with their presentation and their flexibility and their overall knowledge of large and small projects.

Mr. Smith stated, they have a very good success record and have done a lot of work in Connecticut as well.

Chairman Parisi added, and their eagerness to accept what they consider a challenge. I was favorably impressed.

Mr. Farrell asked, are we going to need to Waive Rule V to put on a motion for appropriating money to fund this? If we are waiving the bid we are also authorizing funds?

Mayor Dickinson stated, yes, I think that does have to be addressed. First of all we don't have a dollar figure from Rose. Secondly, I am very concerned about the level of funding we have in the general purpose reserve. We have not gone through the winter and we are down to around \$240,000. Last year we spent I believe at least that during the course of the winter. We have had two expenditures we weren't expecting; one was the settlement of a wage contract and another one was the appropriation of funds for the transmission lines for the attorney. We are \$100,000 less than perhaps normally we would be and without any knowledge of the sand, salt, overtime needs for the winter. I am very concerned about any large appropriation at this point but I think first the committee has to find out what is the amount of money that is being requested from Rose and maybe it can be phased in in some way.

Chairman Parisi replied, I am going to say it is in the neighborhood of \$50,000.

Mayor Dickinson stated, without something in writing, you really don't know. I would rather see it at \$30,000 than \$50,000.

Mr. Smith stated, we did not solicit a specific proposal with a cost. Mr. Mayor, we did, during the course of the committee meetings look at similar projects and did query them as to relative expenses of those projects. It seemed to the members of the committee, it is probably an accurate number and would not be exceeded. I cannot speak on behalf of the Rose company but it would certainly seem reasonable that that could be phased for two reasons. One is, there is going to be a period of time during which they are going to have public input to prepare the feasibility analysis and make their recommendation to the Town. I doubt that would occur within 90 days. My guess would be, again it is supposition, but maybe a 6 month window which will bring you well into the summer. Also, on this committee, you have a great many experienced business people and I think they would be very comfortable in setting conditions that could be phased as opposed to a significant lump sum.

Mayor Dickinson stated, I think we need to see that. Again, my concern is the need for money during this winter. I hate to see us spending too much right now.

Chairman Parisi stated, I think we share your concern but if it can be done on a phased in type of program, I would think that would be more in line with perhaps with what your concerns are.

Mr. Smith stated, obviously we don't have a commitment from them but I would feel comfortable in telling you that that is probably the amount, typically, for most firms like this to do the feasibility. They require 25% generally in the beginning, 25% upon completion of field work, 25% upon submission of the recommendations and 25% at the end of the project. I guess the question would be, would the Town consider \$12,500 for the initiation? The one issue that was discussed over and over from all people that talked to us was, timeliness of the project is an issue. If, in fact, the Town would like to create

something there, if this was the only impediment, it would seem reasonable that this be strongly considered because once this is completed, you can move into developing that site.

Mayor Dickinson stated, we are not able to enter into a contract for any amount beyond what we appropriate. So if we were to appropriate \$12,000., that would have to be the component of contract that is entered into.

Chairman Parisi asked, what if we have a motion to consider a cap of \$50,000 to be worked out in sequential payments?

Mayor Dickinson answered, it would have to be contingent upon our appropriating the subsequent sums of money. We are going to have to look at a document and have it worded in a way that allows us to fund part of it but subsequently fund...

Chairman Parisi stated, it isn't anything we haven't done.

Mayor Dickinson stated, it isn't a mystery, it is just that everyone has got to understand that there is a financial reality.

Chairman Parisi stated, our intent is to pass this tonight and then it can be worked out with a cap of \$50,000 and, as Dave (Smith) stated, a sequence of payments.

Mr. Smith stated, we would require that that was a requirement of the Town.

Mr. Vumbaco stated, I am going to go against the tide here and risk it. I am not in favor of this at all for a couple of reasons. We have had so many proposals and so many discussions and so many issues about this has been brought over. First of all, I don't see what more can be brought to the table. Secondly, we all know that the development of that piece of property, and I still can't get over the fact that it is called a desirable piece when, in fact, we have nobody who wants it but I think that every proposal and every time this has ever come up, the idea of access to that parcel is an issue and if we are not willing, as a town, right now to commit one way or another to buying the package store in that area along the road that leads into that, no matter what development, what plans this gentleman or group comes up with, it is not going to work, because that is going to be a piece of it. I think by committing \$50,000 of taxpayers money to a plan, which would be nice; I am sure it is going to be very professionally done, I am not debating that, but if we are not willing to also say that we are going to have to purchase that piece of property in order to make this plan work, I think it is a waste of time and it is a waste of money. Personally, I don't like waiving bids on something like this to begin with. That fact is well known. I don't think we are going to get anything more than what we already have. Sam Sargent, God rest in peace, has done a tremendous amount of work in issuing, re-writing, re-doing and presenting plans and there has been other developers and people who have talked about a multitude of plans and I personally don't think we are going to get anything more

than those ideas pieced into a nice little proposal and sold back to us for \$50,000. Apparently it is going to fly because Bob (Parisi) says, the idea is to get it passed tonight and we will talk about the money later. But I want it on record that I am not in favor of this at all.

Mr. Brodinsky asked his fellow Councilors; this doesn't happen unless we get the package store, isn't that right?

Mr. Smith answered, not really. First of all I am not a Realtor nor a planner.

Mr. Brodinsky stated, I am just going by your principals of development.

Mr. Smith continued, in the principal of development, access was discussed. In a plan several years ago, and Sam Sargent probably addressed it better than I, there were other access points that were able to be accomplished. One of them was next to the SNET building as one point. That involved essentially an agreement from SNET which they were very willing to give in terms of expanding the entrance to that site. I am unsure if that other acquisition is necessary. There is no question the site needs more visibility. But the SNET access was one of the sites that was looked at a few years ago and evidently they agreed to it.

Mr. Brodinsky asked, you are saying that we have a firm commitment from SNET to give up how much property?

Mr. Smith answered, I am not saying that at all. I am saying that there was several years ago a commitment to allow that.

Mr. Brodinsky replied, then my question stays the same, I just add the SNET property. Unless we have the package store property or the SNET property and presumably we would have to pay for them, no one is going to give it to us, we don't have a project. Isn't that right?

Mr. Smith answered, I believe that it would be very difficult to put housing back there of any kind without some egress. You do need expanded access, yes.

Mr. Brodinsky stated, now I ask my fellow Councilors, at what point do we vote to commit another large sum of money to acquiring either the SNET property or the package store property? Is it after we put in the \$50,000 and we get back this plan and then we go and try to negotiate and maybe at that point the Council, then sitting, does not really want to throw another substantial sum towards it?

Mr. Smith stated, at that time, the SNET property, I don't believe was particularly expensive. It was a right-of-way, they were willing to offer given the fact that the back would be improved. Clearly the package store would have an expense.

Mr. Brodinsky asked, don't we have to nail that down? If the package store isn't going to be feasible because the Council doesn't want to spend the money to acquire it one way or another, that leaves us with SNET. How can anyone develop a plan unless they know which way the property has increased access and visibility? How do we know where to begin? Isn't the logical starting place to nail down either the package store or SNET, see if the Council wants to spend the money; if they do want to spend the money, and they may not, if they do, then you may start the process. I am looking for the timing. How do we know that we are not just throwing away \$50,000 and in the end no one wants to spend another large sum of money on another parcel? How is that going to work? Someone walk me through this.

Mr. Smith answered, the primary element that we are looking for is to find out what is financially feasible and what isn't. We have at this point a very good sense of what is desirable back there by a group of citizens interviewing neighbors and other people. That was the main work of the committee. The issue before us is what will work? The sentiment of everyone is that what ever goes back there has to be economically viable and has to also provide something relative to the principals of development that is desirable. I don't want to address those other issues because I can't speak knowledgably as a real estate development expert but that is one of the elements that I think is very important to find our specifically as part of the process.

Mr. Brodinsky stated, I know that you don't want to speak to that, but we are also speaking about \$50,000. Apparently that was pre-negotiated and is set and that's what it is going to be. Once Rose knows that we are willing to spend up to \$50,000., it will be \$50,000. Maybe \$45,900 but it is going to be that. We are also talking about \$50,000. What I am asking is, how do we know we are not throwing away \$50,000 because step 2 is something that we don't have the stomach for or can't afford? We can very easily move up the acquisition of the package store, move up that question, or SNET; move that up in advance of the \$50,000 because if we don't acquire one of those, there is no point in spending the \$50,000., agreed?

Mr. Smith answered, not necessarily. You have the other point which is the Caplan driveway which also has other property that the church was willing to part with a few years ago.

Mr. Brodinsky stated, so let's add that to the third possibility. You can name five access points. My point is, we will take all three unless we nail down one of the three, we are throwing away \$50,000. agreed?

Mr. Smith answered, I don't think you are throwing it away at all.

Mr. Brodinsky stated, didn't the Chief (of Fire?) come to one of your meetings and say, without increased access, this is undevelopable? Forget the economic perspective. You can't develop this property, your own documents say, unless you increase access.

Mr. Smith answered, that maybe applies to the housing and that is accurate.

Mr. Brodinsky answered, o.k., and that is what I am getting at.

Mayor Dickinson stated, there is a little bit of which comes first, the chicken or the egg? I think either way can be criticized. If we went to buy access without knowing if there could be a financially feasible project then people could say, why are you buying that access when nothing may happen? ON the other hand, it is certainly, you can take the argument, "well, if we don't have the access, then you spend money to determine what is financially feasible." I am not sure how you sort that out other than, what ever is the lowest figure to spend, probably is one way to look at that's the direction to go. So if it is a lower figure, but I agree with Mike's point about needing access. Anything that I have heard requires two access points; one off of Main Street and one off of Center Street. There is no doubt about it, there will have to be improved access in order to have the site be marketable or feasible. I guess the issue is, how much do we want to spend before we get into the project and we may end up spending more in order to acquire property than going through the study.

Mr. Brodinsky replied, I wasn't proposing that at all, Mayor. What I was proposing is whether or not the Council was ready to resolve with a motion to acquire one of these three ways in, not necessarily going out and buying it, because that might sink another large sum of money without ever any guarantee of getting the money out. But if it is put to the Council, as just what was on the package store, let's say that is the only one feasible because the others have been eliminated, to illustrate the point, if the Council isn't ready to acquire it, I am not saying to go out and spend the money, but a motion presented that we are going to go out and acquire it one way or another, either voluntarily or involuntarily, if the motion doesn't pass, we don't have to go forward; we can't go forward and we don't spend the money and the same with the other three areas. We have to commit to those ways in or else we could be wasting the dough.

Mr. Smith stated, if you take that, you will have to decide on the valuation. How much are you willing to spend on the acquisition? And that is very difficult to know until you evaluate the feasibility of the project inside and how much value that is.

Mr. Brodinsky answered, we have an appraisal.

Mr. Smith answered, only on the raw land, Mr. Brodinsky, not on the property as developed.

Mr. Brodinsky asked, are you saying that the Jonathan Rose contract, if we sign it and do this feasibility study, and we have this market survey, comes with a guarantee?

Mr. Smith answered, wouldn't that be terrific? It comes with the following; visibility on this project is so significant that to move forward without having experts who have done this before suggests the component elements, exactly what they are, what they should be, would create risk for the Town. Essentially, our recommendation is aimed to reduce risk for the Town and the risk we want to reduce is, that whatever occurs there, we want it to be successful, as I am sure the Town does. That is the purpose of seeking expert advice. At the end of the day, I doubt that anyone is willing to give a guarantee, but the reason this step is important is because it reduces the risk to the Town. There are lots of unsuccessful developments throughout the U.S. and our goal is to avoid that, hence, our recommendation.

Mr. Brodinsky stated, I see this as increasing the risk to the Town. Maybe you had better walk me through exactly what the Rose Company is going to do and what we get for our money because what I envision them doing is...they are going to come up with something rather specific in the way of a proposed use, is that right?

Mr. Smith answered, yes.

Mr. Brodinsky continued, that increases the risk because it narrows the market and the interest. What decreases the risk is the opening up of a wider variety of uses and more flexibility but by putting constraints on it, you have narrowed the number of perspective buyers because it is very narrow. You may have chosen a music store, for example. That means all shirt stores are now discouraged. You may have chosen a glass blowing factory which means that all violin manufacturers are now discouraged. The more specific you get, the less likely you will get great ideas coming in that you haven't thought of and what also worries me considerably is that merely because Rose says it is economically feasible, as I recall, he is the one that didn't want to put equity in it, right? Someone asked him from the back of the room, "would you put equity in and build it?"; "no, we don't do that." I think that was him. But merely because they determine that it is equitable or feasible, doesn't mean that there is a buyer out there that agrees, right?

Mr. Smith answered, I can read from your letter to us in which you ask us to make sure that the land was developed in a manner approved by the Town. We assume that means financial feasibility. Now I certainly can't comment, although I will tell you it is very unlikely for a consultant to place equity. In this case they are going to be a consultant and not a developer. So I would say that is probably unusual. What you have here is a group of citizens with a fair amount of experience. It took a lot of time to try and figure out what would work there and at the end of the day after interviewing developers and doing what I think is a reasonable due diligence, we are recommending a firm that has had a great deal of success throughout the U.S. in taking problematic pieces of property and recommending uses, including in New Haven two difficult projects. What we have done is, we have

answered our Charter by saying the following, "The methodology by which to market this property is first to determine what uses are most desirable." We have done that. But any part of a good market plan also suggests what will and what won't work. We don't have the knowledge in this committee to suggest to the Council, in particular with taxpayers' money, as to what will work for development and this is a company that has an excellent track record in determining it. No one gives a guarantee, but I would think that the Council would want the best possible thinking on what would work and what would not work. That's the purpose of our recommendation.

Mr. Brodinsky replied, we know from an appraisal, and this guy, Leary Counseling and Valuation, Inc. selected by Janis Small (Town Attorney), he has some credentials, too. And they put in the appraisal what the highest and best use was and it was residential and he had some ideas about the density. Common sense indicates to me that retail would be very high risk back there. I don't care what the Rose Company says. Retail is very high risk because you don't have exposure to the street. You have an RFP that was put together back in 1993 or something like that which had language which incorporated your principals in slightly different language, but it incorporated them all. What concerns me is that you spend a lot of time, a lot of money, someone comes back with a very specific concept, someone labels it "economically feasible" without regard to whether or not there is anyone out there who is really going to build it and I suggest that there is an alternative the following, and obviously, the fix is in, the votes aren't here for this, but I would suggest this; there is a place for the Rose Company; if someone should surface that has a real interest in the property, real money, and is willing to put some real equity into this and has a use in mind, we can make a judgment with your committee, the Council, we can make a judgment whether that use is in the target area. We can recruit that person through a Realtor, putting it out on the market just like we discussed in the other issue; Multiple Listing. We put our principals of development, yours, the one that was done in the mid-'90s, attach that....they were pretty much the same; consistent with the neighborhood, sensitive to the surrounding neighborhoods, something that looks nice, all that. If someone is recruited and they have a proposal, then we need Rose to help negotiate with that live one the technical specifications of the project to see if we can nail it down. that way we don't waste \$50,000., we have a much broader market because it is exposed to the market for a greater period of time and I should say that the Leary appraisal said that we need to expose this to the market from 1-3 years and the problem with an RFP is that there is a very narrow window. If we do it that way we have Rose on board for all the technical things that we need. We have to nail down the access of which way we are going to go in, not put the money out as the Mayor said. I am not saying to go out and buy something before we have a real buyer and a contract with a real buyer. It seems to me that's the way to minimize the risks to the Town, minimize the expense, minimize the out-of-pocket expenditures now, minimize the speculation and we still have the expertise of Rose when we need them and that is when a real offer comes up and that would be my suggestion for how this should go and we will find out in about a year or a year and one-half whether or not anyone is interested in this property. If no one is interested in this property after all

that exposure to the market, we go to plan B which may be a park, who knows what it might be.

Mr. Smith answered, it is interesting that you should say that because we considered, because you were at more than a few of the meetings and we considered putting it out in the market. The problem is, the issuance of an RFP or the presence of a developer does not guarantee financial success. It only relieves you of the burden of the property. Number two; in this we have devoted some time to suggesting green space and I think we all would recognize that if you were to put out an RFP for private development, that would probably be the first thing squeezed and it was a very important element to have green space that the entire town could enjoy. The purpose of the Rose organization, in our view, is to really make sure there was financial success that wasn't tilted toward extracting the maximum profitability out of it. We all recognize that it has to make sense financially. That was really the basis of it.

Mr. Brodinsky replied, when an offer comes in or an interested buyer reveals him or herself and in the initial proposal, there isn't enough green space, we can use the Rose Company to negotiate that and if, as a result of the negotiations, the buyer says, it is no longer economically feasible because you forced me to put 1/4 of an acre into green space and they walk away. So be it. That is apparently what is going to happen. But the RFP has no advantage over the listing, just like in the Simpson School (matter), we take your principals, which are general, you say you want green space, I don't mean to be disrespectful but don't say you need exactly this much because someone may have a slightly different view and the economic feasibility is not in the eyes of Rose but in the eyes of someone who is actually going to buy this. I think it is very dangerous to have someone other than a buyer determine economic feasibility. It is very, very risky.

Ms. Doherty stated, I think this committee has done a wonderful job. It has been ten years; it sounds like we are going back to square one and I don't want to do that. I would like to move ahead with this and go with the Jonathan Rose Group. They seem to have incorporated everything. They would talk to the other land owners which I think we need to be a little careful on what names we are throwing out here, also. I am for this.

Patricia Sittnick, 139 Prince Street stated, we can have a foot path from Main Street and Center Street back there. I think it can be successful without retail. We have many empty stores in the center of town already. Strawberry Bank in Portsmouth, New Hampshire; everyone who goes there enjoys the gardens. With footpaths and gardens for people to enjoy, people would go there and be attracted to retail in the center of town. Maybe no one needs to see it. Maybe it could be Wallingford's secret garden.

Motion was made by Mr. Farrell to Approve a Waiver of Bid for the Purpose of Hiring the Jonathan Rose Group to a) Conduct a Market Analysis of the Likely Mix of Elements Proposed by the Caplan Wooding Committee; b) Develop a Request for Proposal in Accordance with the Recommendations and Principals of Development Recommended by

the Caplan Wooding Committee; and c) Open the Process up to Other Developers in Addition to those Whom the Committee has Already Interacted, seconded by Mr. Toman.

VOTE: Brodinsky & Vumbaco, no; all others, aye; motion duly carried.

Motion was made by Mr. Knight to Waive Rule V for the Purpose of Appropriating \$12,500....

Mayor Dickinson interrupted to say, there is no appropriation here so it is going to have to wait.

Mr. Farrell stated, we are waiving Rule V.

Mayor Dickinson stated, I don't have any of the forms.

Chairman Parisi stated, they can be done tomorrow. We are just voting for a cap of \$50,000.

Mayor Dickinson replied, I thought you were appropriating \$12,000.

Motion was made by Mr. Farrell that the Town Council Authorizes the Mayor to Negotiate...

Chairman Parisi stated, I thought we were making a motion to approve a cap of \$50,000.

Mr. Farrell stated, we are not transferring any funds, if I understand this....

Chairman Parisi replied, we are not transferring anything, we are just approving a cap of \$50,000. We are not expending it.

Mayor Dickinson stated, I think we are going to need to see a document that outlines what's to be done for each of the phases, the price tag and that has to be approved. At this point we have no agreement with Rose or anyone. We need to see exactly what that agreement is. There is a contract that needs to be negotiated and it has to be phased in and the amount of money per phase. There's none of that before us.

Chairman Parisi stated, we can approve an expenditure for those very reasons; \$12,500; \$12,500, what ever it was that Dave said with a cap of \$50,000 and that's all we have to do. The rest of it can all be worked out afterwards. We have done that before.

Mayor Dickinson stated, that would be an outline for a contract to be entered into.

Chairman Parisi replied, that's what we are approving.

Mayor Dickinson asked, the bid was waived on it, right?

Chairman Parisi answered, yes.

Motion was made by Mr. Farrell that the Council Transfer a Sum of \$12,500 from Contingency General Purpose Acct. to what ever the Newly Created Account would be...

Mayor Dickinson stated, we can't transfer any money right now. There's nothing before the Council to transfer the funds. I think what you want to do is have them come back with a contract. That has to be negotiated. If a document can be put together we can have a special meeting and deal with it but I don't think we can take it up. There's nothing before us. I think we would need the language of what we are doing with Rose. There's got to be an approval. The Town Attorney's Office has to look at this contract. The Purchasing Office has to approve it. It is a contract for service.

Mr. Farrell stated, let's say we did take \$12,500 out of the Contingency General Purpose this evening and that allows you to negotiate a phase of this. You will have enough money to get started. You can determine where that \$12,500 goes. It somewhat negates your argument that we have set the parameters of what the price will be. Here we are putting a certain amount of money and you can negotiate for the biggest bang out of all those things that you can get up front.

Mayor Dickinson stated, we don't have a transfer here.

Mr. Farrell stated, that's why we waived Rule V.

Chairman Parisi stated, we are trying to establish a cap, we are not transferring.

Mayor Dickinson stated, and if you establish a cap, that gives an umbrella for the committee to work under but I don't think it is a good idea to get into the idea of transferring money when we don't have any transfer before us. You can indicate what you want as a general parameter for the committee to come back with a contract. We need to see a contract.

Chairman Parisi stated, I understand that but tonight we can approve a cap.

Mayor Dickinson stated, yes, you can indicate that you want to see a contract indicating an expenditure of no more than "X" amount of money.

Motion was made by Mr. Farrell to Authorize the Mayor in Concert with the Committee to Negotiate a Contract for the Services Annunciated with a Cap of \$50,000., seconded by Mr. Knight.

Wes Lube, 15 Montowese Trail asked, did someone move to waive the bid? Was it determined that the bid be waived because it was in the best interest of the Town? That was in the motion?

Chairman Parisi answered, yes to the first two questions and no to the last. We don't normally have to have a phrase like that in. We have done it many times as we did it.

Mr. Lube stated, that's what the Charter says. You can only waive it if you determine it to be in the best interest of the Town.

Chairman Parisi answered, o.k., and we thank you.

Mr. Lube asked, why not do it by the Charter?

Chairman Parisi answered, o.k., fine. Any other comments from the public?

VOTE: Brodinsky & Vumbaco, no; all others, aye; motion duly carried.

ITEM #11 Public Hearing to Repeal Article II, "Private Sewage Disposal Systems" of Chapter 177, "Sewers" of the Code of the Town of Wallingford and Substitute a new Article II Entitled, "Private Sewage Disposal Systems" in its place - 7:45 P.M. - Law Department (Appendix I)

Motion was made by Mr. Knight to Enact the Ordinance as Written, seconded by Ms. Doherty.

Eloise Hudd, Health Director explained, the ordinance is subject to language change to make it reflect the changes in the CT. Public Health Code and Design Standards.

VOTE: Farrell was absent; all others aye; motion duly carried.

Mr. Farrell announced that he would like to record a vote in favor of the ordinance when he returned to his seat.

ITEM #12 Report Out and Possible Action Regarding the Municipal Golf Course Study Committee as Requested by Chairman Robert F. Parisi

Thomas Zappala and Resident John Gilmore were in attendance for the item.

Mr. Zappala stated, we have been trying to organize Mr. Gilmore with our Wetlands Commissioner to see the feasibility of George Cooke's property still in use. A couple of weeks ago, John, myself and Tom (Juros, Wetlands Consultant) went to see the land in question and we were able to come up with a design that could work on that particular property. Although we did have a report from the National Golf Foundation, the

conclusions arrived at were very questionable. I am not sure, to be honest, that we got our moneys worth from them. The numbers given to us were not very concrete. If you do decide to build a golf course the only way to do that is to go out and get prices. The only way to get a true price is to have some kind of a design done. We arrived at the conclusion that if we are able to use the moderate wetlands on George Cooke's property, the golf course could be constructed. The question is, does Wallingford really want to build a golf course? If Wallingford wants to build one, you have to spend money. We have to have a design developed, go out to bid, then you will know the true numbers of what it will cost to build a golf course. That is when you determine whether or not it will be able to support itself or not. Golf courses are being built every day. People don't build them because they are losing money. I don't see why it would happen in Wallingford, I really don't. Mr. Gilmore has devoted much time to the committee with no strings attached. He is a citizen of Wallingford devoting his time for the purpose of achieving this golf course if it is at all possible.

Mr. Gilmore stated, when I first looked at the foundation layout there was a significant amount of wetlands activity being proposed on this site. We have about 185 acres and nearly 41% of the site is wetlands of some variety; low, moderate and high quality, as defined by the soil scientist. When we superimpose the golf foundation layout on top of the Town's topography and the wetland that were flagged, I found that there was nearly eleven acres of wetlands filling proposed in order to build a golf course. That is rather significant. That is an activity that I think would be hard to get approved either at the local level or even at the state or federal level, an Army Corps. permit would be necessary for something of this magnitude. We did meet with the Town's wetland consultant. We drove the site and surprisingly we were more optimistic than first thought about the potential for developing it. There are areas that were hayfield. It is maintained or it is pasture. Or there were cultivated fields where there was virtually no vegetation at all on the property that were designated as wetlands. Each of these areas had potential for development because it had been previously disturbed. Along with some suggested modifications of revisions to holes that would better optimize the use of upland area rather than wetland area. I think we can probably reduce the wetlands activity that was proposed to somewhere in the range of perhaps half of what was originally shown. Going from 11 acres down to about 5.5 or 6 acres which would be more palatable environmentally, as well as from a permitting standpoint. I think the site does have some potential for development of an 18 hole regulation golf course if the low and moderate quality wetlands were utilized. I am more optimistic having seen the site then I first thought when I first looked at the Golf Course Foundation layout with a magnitude of wetlands on the site. There is precedent for it. I did obtain a copy of the wetlands permit that was done for the Pin Oaks Golf Course in Middletown that was recently approved by both the Army Corps of Engineers as well as the State DEP and that had nearly 10 acres of total wetlands disturbance on it so there is some precedent for this type of thing happening. If the Town wishes to pursue it a little further, that a revision to the original layout that was done plus a biological evaluation of the site, with respect to those wetlands areas would be in order.

Chairman Parisi asked, the report stated that it was the composition of the ground that caused it to not qualify? Am I right? That was the original problem.

Mr. Zappala stated, the original problem they saw was so many bridges that had to be built.

Mr. Gilmore stated, wetlands are defined by state statute as soil types. They auger into the ground. You and I may be able to walk across the ground and it may be dry under foot; it doesn't look like wetlands nor exhibit the qualities of wetlands like skunk cabbage yet it is a defined wetlands and that has to be respected. The Army Corps, the federal definition is somewhat different than the state definition, many times the boundaries are coincident but sometimes they do differ. You can obviously go into a high quality wetlands on the site that experiences things like skunk cabbage and clearly it is a wetlands.

Chairman Parisi stated, are you saying that you disagree with their findings.

Mr. Gilmore stated, the wetlands are the wetlands but certain wetlands, particularly when they have been disturbed by past practices such as farming and the most obvious one is the one right along Cooke Road where you can see that something was growing there this past season but yet it is wetlands. Since that has been disturbed, the biological habitat is non-existent. It would be considered a low quality wetlands for which you may get a permit to continue to disturb it for a golf course.

Chairman Parisi asked, are you saying then that there is an opportunity for this to seriously be considered by the state?

Mr. Gilmore answered, yes, at this point in time, we think there is some potential. I am suggesting that we take the next step which would be to do a biological evaluation of those areas which are intended to be disturbed with a golf course and use that as part of your argument in obtaining permits with.

Mr. Farrell stated, this is only a report out so you are coming back to us perhaps in January to ask us to put this out to bid for some specific biological testing?

Mr. Gilmore answered, that would be my recommendation to the committee. In how the committee would approach that and whether they would want to go a step beyond what I am recommending, at least a biological evaluation. Two things have to happen, the preliminary layout that was done by the National Golf Foundation has to be adjusted so that we take some of the activities out of the high quality wetlands and put them into the lower quality wetlands and reconfigure it to reduce the overall magnitude of the wetlands disturbance. The second is, after that has been done, look at those areas and get a biological evaluation done.

Mr. Farrell asked, we are revisiting some of the questions that were in the National Golf Study, trying to finesse them with the ultimate idea of a design that we can then price out?

Mr. Gilmore answered, that's right, moving forward toward a design. I think it is one more step in the process, yes.

Mr. Farrell stated, I would like to see this thing come to fruition. This has been going on since I was in diapers. Yes, that long, Mr. Chairman. I would be supportive of what your outlining. If we can chip away at some of that and come away with a better understanding of what the design challenges are that need to be finessed, that probably means that we can do this in the end.

Mr. Zappala answered, I think then we can get more substantial figures for which we can determine what the price may be.

Mr. Farrell stated, it may cut down on the price.

Mr. Vumbaco asked, who will do the re-design of the golf course?

Mr. Gilmore stated, the Town has already engaged a property survey of the wetlands delineation. All of that preliminary work has been done. I think it will be timely now to look to get a golf course architect involved that would take the previous course and assemble it into a package and tweak it along with the biological assessment. We can do both concurrently. A biological assessment could cost somewhere in the range of \$5,000 to \$10,000 leading up to something more elaborate during the design stage. I am not sure what a golf course architect would cost at this stage.

Mayor Dickinson stated, is this oriented to bringing us to a plan that will have a course that pays for itself? The financial feasibility indicated that it would not pay for itself and that was a very serious major element in the report that we received.

Mr. Gilmore answered, I am not sure we can speak to it paying for itself at this point in time but I think we get a better handle on the construction costs. If the potential construction costs comes down then the golf course better pays for itself when the cost of it comes down. We don't really know where we are just yet.

Ms. Doherty asked, what did you quote for the number of acres that you think now are the low wetlands?

Mr. Gilmore answered, nearly 1 ½ acres are high quality wetlands, about 7.5 acres are moderate quality and 2 acres are low quality wetlands.

Mayor Dickinson left the meeting at approximately 10:35 P.M. and returned at 10:52 P.M.

Vincent Testa, 30 Pieper Drive asked, what are you using to make the determination of high, moderate and low quality wetlands?

Mr. Gilmore answered, the Town engaged a soil scientist out of Cheshire to flag the wetlands back in 2001. They offered their opinion as to the quality of wetlands. They offered a report and based upon the amount of disturbance, along Cooke Road there is a farm area on the easterly side along the edge of the road. In the summertime something was planted and growing there. It was a highly disturbed wetlands that was rated as a low quality wetlands because of the past disturbance. If you move further to the east, there is a wood line with a farm road. If you go down that farm road, it is a red maple swamp with a lot of standing water and vegetation that is indigenous to a wetlands area. They rate that as a very high quality wetlands.

Mr. Testa stated, the interesting thing about wetlands is, even areas where you think there is nothing wet about it, there's never anything wet about it, is actually a function of how well-drained the soil is and that's the problem with talking about disturbing wetlands. The main function of those areas is recharging the groundwater because they are so well-drained and actually putting in golf course scenarios like that, you have such well drained soil that anything you put down on the golf course is going to drain very easily into the ground water. I am in favor of putting a course in, I just think that what you need to do is use the highest level of technology today in making it an environmentally-friendly golf course and there is a lot of things you can do and all of the most recent courses that have been built have had to do that. You see a lot of bridges, natural areas left where we lose all of our balls and you can't go in and get them, that kind of area. But even the areas that you consider low quality, this is a golf course that you are going to have to be able to use more expensive means of maintaining the property because you really just can't be putting down heavy duty doses of fertilizer in an area like this because it is charging the groundwater and bleed into the river. There may be a little extra cost to do this in an environmentally-friendly way. I am in favor of it and I would like to see the Council do what ever it needs to do to go forward with the understanding that at some point it will pay for itself, but certainly not in the beginning. The wetlands have a use.

Mr. Gilmore stated, I agree. That's why I say, eleven acres, whether it is high quality or low quality, you shouldn't fill eleven acres of wetlands in if it can be prudently done another way.

Mr. Testa stated, in this particular one, I would be loathe to approve anything that had any of the "high or medium quality" wetlands literally filled in. We have to be able to work around that and leave those as is and then save as much of the other soil areas as you can, too. You may be looking at something along the lines of a moderate links type course where you are used to seeing all green.

Mr. Zappala stated, the organic fertilizers co-exist with water sources. The Cape Cod Study proved that when using organic fertilizers, it doesn't hurt the watershed. We will be mandated by the State to use such products.

Ms. Papale asked, are you looking for any particular action tonight since the items on the agenda reads, "discussion and possible action"?

Mr. Zappala stated, I was not prepared to take any action tonight. By your next meeting, I will have had a meeting of my committee and we will have come up with a report that is more conclusive and we will be here seeking action.

Chairman Parisi recognized Mr. Gilmore's generous contribution of his time to the Town on this matter.

No Action Taken

Move Up Item #14

Motion was made by Mr. Knight to Move Agenda Item #14 Up to the Next Order of Business, seconded by Mr. Farrell.

VOTE: All ayes; motion duly carried.

ITEM #14 Discussion and Possible Action Regarding a Transfer of Funds in the Amount of \$18,200 from Contingency – General Purpose Acct. #001-7060-800-3190 –00 to Traffic Signal Modifications Acct. #001-5010-999-0002 in Order to Implement One Way Traffic Flow North on North Whittlesey Avenue between the Intersections of Center St. & Church St., South on South Whittlesey Avenue between the Intersections of Center St. & Prince St. and to Reverse the Flow of One-Way Traffic on North Orchard Street to South between the Intersections of Center St. & Church St. and to Switch on-street Parking to the Alternate side of the Roadway on North Orchard St./Engineering/Dept. of Police Services – Chairman Robert F. Parisi

Motion was made by Mr. Knight, seconded by Mr. Farrell.

Mr. Farrell asked if a survey was performed and, if so, who was surveyed?

Chief of Police Douglas Dortenzio replied, 81 residences; a 14% response was received with a 2-1 ratio in favor of the proposal.

Mr. Farrell asked, on what areas of the street?

Chief Dortenzio replied, the streets that were just described in the description that is on the agenda, those affected spaces by the changes.

Mr. Farrell asked, you surveyed South Whittlesey between Center and Prince?

Chief Dortenzio answered, that's correct.

Mr. Farrell asked, you surveyed South Whittlesey between Prince and Ward (streets)?

Chief Dortenzio answered, no, because they are not affected.

Mr. Farrell stated, I beg to differ that they are affected.

Chief Dortenzio stated, the streets that were surveyed were the ones that were directly affected by the proposed change.

Mr. Farrell stated, I believe there are people in the audience, and I could be wrong, who are going to say that they live in one of the blocks that you surveyed, own in one of the blocks surveyed and were not surveyed. I know that people in the block between Prince and Ward were not surveyed. I have heard from those people and they feel pretty strongly that it affects their lives.

Chief Dortenzio asked, did you get a copy of the materials that I described?

Mr. Farrell answered, the numbers, how many, yes.

Chief Dortenzio asked, did you get a list of all the addresses that we had someone personally visit and deliver those surveys to? I supplied a spreadsheet with the 81 residences that we had someone walk to and hand-deliver those surveys.

Mr. Farrell asked, and how many responses total were received?

Chief Dortenzio answered, 14%; 11 responses, 1 anonymous response and we received an additional response from a person who resided on the corner of Prince and South Whittlesey who was not a part of the households that the surveys were delivered to but they did contact the traffic division and express an opinion in favor of the proposal. In total, we received 12 opinions out of 81 requests; 14%; 8 were in favor and 4 were opposed.

Mr. Farrell stated, it is not a vast number however you cut it.

Chief Dortenzio answered, I didn't expect that it would be.

Mr. Farrell stated, I think it might have helped if we had surveyed the extra block. I had envisioned that that's what you were doing.

Chief Dortenzio answered, we surveyed the streets that were affected. It is a very difficult to draw a bright line as to how far away from the affected streets you are going to travel. There are people who live all over the town that might, on occasion drive down those streets but the ones who are the most affected are the residents who live there.

Mr. Farrell stated, I am sure we will have a couple of speakers tonight from South Whittlesey who will tell you that it does affect their lives and are rather disappointed that you didn't survey them. What are the alternatives...

Chief Dortenzio answered, the alternative if this proposal doesn't go forward is, the only option left is to improve the sight lines by eliminating parking spaces along Center Street in order to achieve the sight lines necessary in order to improve safety; on all four corners of Center and Whittlesey.

Mr. Farrell asked if there was a map showing those spaces?

Chief Dortenzio answered, it is in the package that I provided. There are eleven parking spaces eliminated.

Mr. Farrell asked, where is the impetus for the current proposal coming from? For making the streets one way?

Chief Dortenzio answered, I believe, based on the information that was provided me that that is the most practical and viable long term solution.

Mr. Farrell asked, but if I understand it correctly, the impetus for this whole proposal was coming out of various merchants on Center Street.

Chief Dortenzio answered, that's not correct. This started a few years ago after one of the more horrific accidents at the intersection with a call to the Mayor's Office looking for improvements that could be made to reduce the accidents at that intersection. The Mayor's Office sent it to me to take a look at and as a result of that request, we did take a look at the accidents, the causes of the accidents, and we asked the Engineering Department to take a look at several options, the other option was putting in a traffic light at the intersection but the topography and the fact that it is a state highway pretty much rules that out. It would be very difficult to put a light there and have people stop as they were going down the hill. If traffic was particularly heavy, the distance between the intersection of Whittlesey and Main Street could conceivably cause a back up queue of vehicles from the traffic light back to the previous intersection. We don't think that putting a light there would receive state approval, particularly for the topography. We looked at two other options, one is improving the sight lines and the other is changing the traffic flows so that we eliminate the turning movements and the movement across Center Street which is, more times than not, the attributed reason why the accidents occur.

Mr. Farrell stated, at some point it had been mentioned about placing an island in the middle of Center Street that would eliminate traffic crossing Whittlesey Avenue from North to South.

Chief Dortenzio replied, I don't know where that has come from but it is not one of the things that we had considered. I don't think that has any viability at all; to put some sort of a barrier down the middle of a state highway so that you cannot cross the road. I don't think we even have the road width.

Mr. Farrell stated, I have said that my feeling is that this is going to create more accidents at the intersection of South Whittlesey and Ward and North Whittlesey and Church. Can you make those intersections four-way stops?

Chief Dortenzio answered, we could take a look at it but you did raise South Whittlesey and Ward the last time I was here and unbeknownst to....

(due to a brief malfunction with the tape recorder a small amount of dialogue went unrecorded)

Town Engineer John Thompson stated,....Whittlesey should not see any increase in traffic. The area that we see as experiencing the highest increase in traffic volumes is going to be North and South Orchard Street at Center (street) and we feel that is the right place for additional traffic. We have a traffic signal there and it has the ability to regulate by the assignment of the green time of the vehicles coming out on to Center. That is why we believe that the safest location for increased traffic volumes is Orchard Street and that's why we are essentially forcing by this traffic pattern having traffic go to the Orchard Streets to get safely into Center. If anything, the whole purpose of this plan is to make the intersection of Center Street and North/South Whittlesey safer. That is what started this; the underlying impetus, the accident experience and the severity at Whittlesey which led us to the re-routing analysis that we looked at.

Ms. Doherty asked, most of the accidents that occurred at North & South Whittlesey were due to crossing over from one to another?

Mr. Thompson answered, crossing or turning movements coming out of the street; out of Whittlesey.

Chief Dortenzio added, crossing or left turns.

Ms. Doherty asked, why couldn't you just do a right turn only on South and North Whittlesey?

Mr. Thompson stated, we discussed that in great detail at the last meeting and the reality is that you would need to have an officer there 24 hours a day to enforce the turn prohibition.

Ms. Doherty stated, I would imagine that when you do something like this you would have officers out there especially at certain times of the day to remind people that this is a new procedure.

Chief Dortenzio stated, I don't have sufficient labor to stay at an intersection and do that. You still have a left-hand turn problem even if they don't cross Center and continue on Whittlesey, you still have the problem of the left turns coming out onto Center Street. If I thought it were practical, we would have implemented it. I don't think it is a viable solution to the problem.

Mr. Farrell stated, you said that right-hand turn only is unenforceable. You could say that one way streets are also unenforceable and I can give you lots of evidence. My office is on the corner of a one-way street and I can't tell you how many times I look out the window and someone is coming down the street the wrong way. So you are not necessarily solving this problem by making it one-way streets. You are making it confusing.

Chief Dortenzio answered, as I said before, I don't claim it to be a perfect solution. Of the options that were considered, and there were several, the one that is proposed is the one that we believe is the most practical and viable.

Mr. Farrell stated, but if we are going to choose amongst a range of alternatives, the least intrusive to the people in the neighborhood would be a right-turn only lane versus a one-way street. And if you have to choose between things that are mildly enforceable, which I guess we are categorizing both as mildly enforceable, I would rather have the one that leaves it more preferable to the neighborhood.

Chief Dortenzio answered, I don't know what else to tell you except to say that we considered the options and the one that we have before you is the one that comes to me as the most viable, practical and effective.

Mr. Brodinsky stated, I came across something on the internet that says, when streets are one-way, traffic tends to go faster because they have no fear of oncoming traffic. How would you respond to that? Would you generally agree to that proposition?

Mr. Thompson answered, in certain types of environments, that is probably true.

Mr. Brodinsky stated, not this environment thought, right? Absolutely not.

Mr. Thompson answered, in this case I really don't believe that creating one-way streets is going to introduce a higher speed environment. We are talking about two relatively short blocks. We are talking about a residential street that is going to now have parking on both sides. I don't think that we are creating a situation where we are going to be having a speedway. I think this is a situation where speed is not the issue.

Mr. Brodinsky stated, reasonable minds can differ and you guys have made your point very clear that this is the only practical way. I was just asking a question and no one knows whether speed will increase except the drivers who will go down that block knowing that it is one way, knowing that there won't be oncoming traffic. But the principal stands and whether or not this particular street will buck the conventional wisdom only time will tell. Can we agree, that the intersection of South Whittlesey and Ward will now see some increase in traffic and also North Whittlesey and Church will see some increase in traffic?

Mr. Thompson did not agree.

Mr. Brodinsky explained, if someone wanted to go downtown towards the direction of Center Street and they lived on South Whittlesey, not in between Prince and Center but more towards Ward Street, they know they couldn't go down South Whittlesey because they couldn't get out so they would have to either go up to Ward or up Prince or down Prince or something, right? There are other intersections that would now see increased traffic.

Mr. Thompson answered, other intersections, but not that one. Nothing in this plan that we are proposing would suggest that South Whittlesey and Ward is going to see more traffic.

Mr. Brodinsky answered, except that I talked to a couple of folks who say, that's one of the choices that they have is to go out that way. My conversation is of no account, I guess, because you guys sort of know, but I just want to point out some statistics that you know already. I counted up the relevant accidents at Center Street and South Whittlesey and there is 13 and when I say relevant some accidents would have happened anyway, regardless of whether the street was one way or not. There are rear-enders, the sun got in people's eyes, etc. There were 11 qualifying accidents at Ward Street and South Whittlesey. Ward and South Whittlesey seems to have just about as many accidents as Center Street and Whittlesey. Now if you throw on North Whittlesey and Church I think that is going to see increased traffic. That has had 4 accidents. Those two intersections, North Whittlesey and Church and Ward and South Whittlesey, there are 15 accidents compared to 13 at Center Street and Whittlesey. For what ever that is worth, I wanted to point that out to my fellow councilors.

Dave Cella, 146 S. Whittlesey who also owns property on 14 S. Whittlesey, and also 162 N. Whittlesey stated that he was never surveyed nor any of his tenants that he spoke to were surveyed for this traffic study. A 14% response does not seem significant enough in his opinion to make a decision on this matter. If the sight lines were improved on the corner of Ward and South Whittlesey, that solution would also work for the Prince Street block of South Whittlesey and Center Street. The buses for the schools, when they are waiting for the kids to load, they wait on the block between Prince Street and Center on S.

Whittlesey going in the opposite direction of the proposed one way. How did the study incorporate that?

Chief Dortenzio explained, the school was one of the first respondents to the survey. They considered their own specific needs and that of their student population. They are in favor of the proposal.

Mr. Cella asked, how would the bus traffic change? They would be facing the wrong direction for your proposed street? I like removing the two parking spaces and increasing the sight lines, that is a great idea.

Chief Dortenzio stated, the proposal has a net gain of parking spaces along North and South Whittlesey Avenue but changes obviously have to be made, there are changes in the parking on North Orchard as well. They will actually go over to the opposite side of the street if we change traffic direction.

Mr. Cella stated, I also travel back and forth down Whittlesey a lot and it would be a personal inconvenience to me. If you were to improve the sight lines, that would be a big public safety concern, but creating a one-way, it just seems like you are going to divert the problem to other areas of the town and that you have never really solved the problem which is to be able to cross the street safely which is being able to look both ways, not just one.

Ann Cosentino, 17 S. Whittlesey Ave stated, I have been there for 5 ½ years and the safety issues that a variety of which have been brought up I would like to address. First of all, I would like to see this go one way, basically for safety reasons. I have four children; two that are driving and two that are pre-school age. Trying to get through that intersection is very difficult even just crossing. I was walking my daughter to school and it took me twenty minutes just to cross the street to get to Moses Y. Beach School and we ended up being late for school. The other issue is, the increase in speed that someone mentioned; the speed they drive now is incredible and it goes both ways. A little bit more police presence to check the speed may also help. The amount of accidents I have witnessed over the past 5 years; come sit with me on my front porch for four hours and I will show you the close calls, the kids that have almost gotten hit going across the street; the people that don't stop; the people who don't see the kids because they are making the right turns because they cannot see the kids crossing. There are a lot of issues there. With my older kids, the first rule for them is, go around the block at least for the first year that you are driving. They are not to go through that intersection, it is too scary. Stop signs at the other ends (of the street) as Mr. Farrell brought up would be very helpful. I have had close calls down at that end, too. We have a lot more pedestrian traffic over at Center and South Whittlesey. You have all those kids over at Holy Trinity (School) as well as a bunch of neighborhood kids and people who just go up and down the streets and have a difficult time just getting across there. It will be up to the bus drivers to find someplace else to wait if it goes one way. I have called in accidents; gone over to help with accidents; seen

potential accidents. It is very frightening. Regarding the parking on both sides, the only problem I have is that since they repaved the road, there are no curbs on my road so there is a potential for someone going up the curb.

Jack Agosta, 505 Church Street, Yalesville told of an incident where he was coming up to Town Hall and mistakenly took a right turn on Whittlesey Avenue instead of Orchard Street. He stated, school must have just been getting out and there was a school bus stopped at the top of the hill and there was no crossing guard at the time. There were cars parked on the side and I could not see the road. I had to go out further than I should have and there was a car parked in front of a building on the left hand side and I had to watch. Luckily the car that was stopped at the light was a white car with lights on top of it. When I pulled out I saw it coming and I took a quick turn because he wasn't going that fast. That was a close incident I had. I avoid that street coming off of Prince Street altogether. There are three family houses on that side of the street that are allowed two parking spaces per apartment. That is six parking spaces. If they have company, someone has to park in the street. If you eliminate the parking on that street, they will have to park somewhere else and walk. I don't understand why you would make N. Whittlesey one way? Are you worried about the left turn?

Chief Dortenzio answered, it is to divert traffic away from Center Street as opposed to having more traffic come in to Center Street and the intersection.

Mr. Thompson added, the idea was to eliminate all the movements that were sight line limited. I think we have a higher compliance with one way streets and people complying with those than turn prohibitions that drivers make a decision that they disregard the "no turn on red" or "no left turns". I think the disregard for those are much higher than the one way street controls.

Mr. Farrell stated, there are actual instances where I will violate the Fair Street one way when the snow is very bad, if the traffic is not bad, rather than going out to another bad intersection of Fair Street and Ward. If there is very little traffic, it is safer for me to come the 20' out onto Fair Street. Other people are going to make a similar decision. One of the reasons that was cited by a lot of the South Whittlesey people as to why they don't want the one way is that, in essence, they are very comfortable with how they approach their homes during the snow and basically by making it a series of one ways you are putting them at a disadvantage. Right now they have the ability to choose where they can go. If you make it one way, they are going to have to choose to do something that is not quite in compliance with the law.

Chief Dortenzio stated, this is not the first time we have done this in town; it has worked; we have not had an increase in speed. The speed eluded to tonight is also a factor of the width of the road, the density of the population, parking on the street. I would agree that if it were an open thoroughfare, one way, very similar to what you would have on a divided highway the speed there would likely increase. I don't think that is going to be the case

given the nature of the streets that we are talking about. We have done it before. We have had to change one way streets to the opposite direction and have had very few difficulties doing that. We provided notice to the people who live there; signs go up and we have a car there for the first day or so. People adapt quickly.

Mary Ann Farrell, 106 South Whittlesey stated, I would just like to read the letter that I wrote to you, Mr. Parisi, and I believe other members of the Council have it.

“Dear Mr. Parisi,

My husband and I have lived at 106 S. Whittlesey Avenue for over 35 years and we chose to buy and continue to live here for its ease of access to the center of Wallingford. The proposal concerning S. Whittlesey Ave will cause us to drive further to get to Center and Main or alternatively will require adding a difficult left hand turn at either Prince and North Main or S. Whittlesey and Ward. The lesser number of accidents at S. Whittlesey and Ward is due to Center Street having much more traffic. If you redirect more traffic toward Ward Street, this number will change. In icy and snowy weather we have always felt comfortable that we could travel down flat S. Whittlesey Avenue directly to a well-sanded Center Street. Our winter travels will be much more dangerous by any other route. I hope you will reject the proposal. The alternative of eliminating two parking places in front of 235 Center Street versus inconveniencing and endangering several hundred people seems a better decision. In addition to the above mentioned removal of two parking places in front of 235 Center Street, I would like to mention several other possible solutions that I feel would be better alternatives than the current proposal. One, have right turn only signs at both corners of Whittlesey Avenue and Center Street; two, move the traffic light at Orchard and Center and replace it with a stop sign, possibly with a right turn only sign. Put the traffic light at Whittlesey and Center intersection. Orchard Street has far less traffic exiting onto Center than Whittlesey Avenue does. Thank you.”

Ms. Farrell added, in regards to the survey, I know that you can't survey every single person who is affected by I do think the block between Prince and Ward is tremendously affected and we were not surveyed and did not have any input into the upcoming proposal.

Elita Cella, 146 S. Whittlesey Avenue stated, we live on the corner of S. Whittlesey and Ward and it is a very, very dangerous intersection. I actually hadn't noticed that the sight lines had been improved. We sit in our apartment and listen to tires screech and I am very, very concerned over the increase in traffic. There is going to be. There is going to be more traffic on Whittlesey and Ward. I feel for the folks on the other corner. I run in the morning but I have noticed that there is a traffic woman with a stop sign to help the children cross the street? Is she there in the afternoon? She has been hit also. I have an alternate idea; a flashing red light. It would be much more visible for the crossing guard and for those crossing that intersection, along with a right hand turn only sign. Or if you have a light moved up to Whittlesey and Center, that light be timed with the light on Center and Main so that the traffic pattern is not a problem. If it is timed right, there

shouldn't be a traffic flow problem. I think the survey is flawed when you only have a 14% response rate. I don't think it is a good enough response rate. You need to do a phone or written survey that people can turn in. We own three properties along that whole road and neither our tenants or us received any kind of notice about the survey. I hope the notice you provide about changing the street is better than the survey that you did.

John Letourneau, 3 Regent Court stated, I am concerned about the intersection also. There have been accidents there, that's a given. As a merchant downtown, I have some concerns. One of the most viable plans that I heard was the right turn only. The concern I have is, the entire downtown is becoming one way streets and we have Boston, New Haven, and New York have one way streets. We are a small town. It is going to come down to where all the streets leading off of Center Street and the downtown area are going to be one way and it is going to put increased traffic in the back neighborhoods. I get tractor trailer deliveries and I have to send them back in those back neighborhoods to come to the back of my store and it is a concern. I think one more one way street is not going to help. I think the right turn only is something that should be really looked at. I know it is hard to enforce and, again, I hear this quite a few times in town, that things are hard to enforce. I don't know what the answer is. Maybe next budget session, the Chief may need some more manpower so we can enforce this. I would like to see it looked at with the right turn only. I have a concern with making all the streets one way.

Patricia Sittnick, 139 Prince Street stated that she, too, would like to have more people surveyed on Prince and Church Streets. All of the corners in neighborhood, you have to be just as careful pulling out of because the streets are very narrow. I think the school markings should be emblazoned on the road and the signs more visible that the school is there so traffic will slow down. If with this change cars are going to be parked on the west side of Whittlesey, I think speed will be an issue there because people will not expect a car coming at them. Cars are going to be parked on that west side right to Center Street. You will not see children, particularly if you are going quickly. From Whittlesey down to Orchard on Prince Street in the winter, it is very, very narrow. You can just about pass two cars and a lot of Town Hall traffic because they can't turn right on Whittlesey Avenue to get to Center are going to try and go down to Orchard or over to Ward Street which will affect S. Whittlesey Ave. Town Hall traffic possibly increase going up the hill on Prince to Main and that is going to back up Prince Street and because of the bus stop, you will put more traffic onto Main Street. Church Street residents should have been surveyed also. With the addition to the Library...there will be more people at the Library exiting onto North Whittlesey Avenue and may want to go straight across Center Street to the Town Hall to pay their bills and then up to the post office to mail a letter and then continue back north. They won't be able to do that. They will have to go up Church Street and exit onto Main Street so there, again, you are going to have more traffic on Main Street. I think the biggest difficulty at that intersection of Whittlesey and Center is sight line and I think that is something that we can do immediately, improve the sight line. If you don't want to eliminate spaces, put a really good sign in and enforce it at particular times of the day that reads, "compact cars only." This works on Fair Street. I feel that there are just as many

corners that are just as bad. We have to be very careful. I don't think that this is going to be the solution. I think we can start immediately by increasing the sight line on Center Street by taking parking spaces away or make them for compact cars only. We can start monitoring Town Hall traffic that will be exiting up Prince that could impact Main Street parking at certain times of the day. I value the work that you do, the Police and Engineering Dept., to protect us and to look for safe measures.

Wes Lube, 15 Montowese Trail asked Chief Dortenzio, how far back does your study go?

Chief Dortenzio answered, statistics went back to January 1st of 1998 to August 27th of this year.

Mr. Lube asked, how many accidents were there in that five years at the Whittlesey and Center Street intersection?

Chief Dortenzio answered, nineteen.

Mr. Lube asked, how many were exiting S. Whittlesey?

Chief Dortenzio answered, I don't have that information in front of me. It was looked at by staff when they prepared the recommendation that came to my office. They do have that information, they just didn't record it on the map they provided me. They did take a look.

Mr. Lube asked, is the information available?

Chief Dortenzio answered, yes.

Mr. Lube stated, I think the number of parking spaces that may need to be eliminated would be influenced by how many of these accidents occurred from people exiting N. Whittlesey versus S. Whittlesey. You don't just eliminate parking to improve sight lines unless there was a real need. The information that I asked for would be needed for increased sight lines.

Chief Dortenzio answered, they have already been reviewed in the preparation of the document that lists the number of spaces and location that need to be eliminated in order to produce those sight lines and it is a total of 11 parking spaces downtown. There are three spaces in front of 218 Center Street; 3 in front of 209 Center Street; 3 in front of 235 Center Street; and two of them on the fourth corner.

Mr. Lube stated, there was absolutely no need to eliminate any spaces to the right. It is only down hill that are in the way of your making that exit to the left safely. That may well be true for people exiting N. Whittlesey, therefore 11 spaces would seem to be

excessive. Everyone talks about a 14% response; it was a 10% positive response; 8 out of some 80+. To make this drastic change with only a 10% favorable return is not practical.

Mr. Knight stated, the reason I am going to vote in support of this change is very simple...I think that all of us have an opinion on just how other people handle their driving responsibilities. All of us have very strong opinions on exactly how this issue should be settled. Tonight, we are taking testimony from affected residents and the nine of us deciding whether or not this change should be made. I think that every once and a while we have to defer to the people who have spent their entire career studying these kinds of issues. The people who have done that are sitting in front of us now. They have been studying the problem for four years and have decided after a number of hours that this is the best solution. I think there is going to be less traffic at S. Whittlesey and Ward Street because I know, personally, that I take the street to get to Center Street very often just to avoid the light at Center and Main. If I make that decision, how many other people are making that same decision? We may even reduce the traffic coming onto Whittlesey because it is one way and you can't get to Center Street from either of those streets. That is anecdotal; I am a freight consultant. I know my own personal experience. These two men (Engineer and Police Chief) have spent combined many years studying these problems as professionals. We have to defer to experts, especially in the area of public safety. This is one of them and that's why I am going to vote for this.

Mr. Toman stated, I find myself in a rare position in disagreeing with Steve. The simplest thing to try first is a "right turn only" sign at the corners of Whittlesey and Center Street. It isn't going to eliminate very many parking spaces and won't cost much and will help the hundreds of people in the populated areas by not totally changing their traffic patterns all at once. We can see how it works for a few months and it might possibly eliminate the most dangerous accidents that occurred because you will have eliminated the crossing over into the flow of traffic. For that reason I will not support this particular attempt.

VOTE: Knight, Rys & Parisi, aye; all others, no; motion failed.

ITEM #13 Consider and Approve a Proposed Road Name as Requested by Sunwood Development Corporation

Motion was made by Mr. Knight, seconded by Mr. Rys.

It was decided that the item would be sent back to Atty. Molloy and ask that she choose a name from the Town Council's list of street names on file with the Planning & Zoning and Town Council Offices.

VOTE: All nays; motion failed.

ITEM #15 Consider and Approve a Transfer of Funds in the Amount of \$15,000 from Regular Salaries & Wages Acct. #001-1401-101-1000 to Purchased Services – Accounting Acct. #001-1401-901-9007 – Comptroller

Motion was made by Mr. Knight, seconded by Mr. Farrell.

VOTE: All ayes; motion duly carried.

ITEM #16 Executive Session Pursuant to Section 1-200(6)(D) of the CT. General Statutes Pertaining to the Purchase, Sale, and/or Leasing of Property - Mayor

Motion was made by Mr. Knight to Enter Into Executive Session, seconded by Mr. Farrell.

VOTE: All ayes; motion duly carried.

The Council entered executive session at 12:14 a.m.

Present in executive session were all councilors, Mayor Dickinson and Atty. Farrell, Sr.

Motion was made by Mr. Knight to Exit the Executive Session, seconded by Mr. Farrell.

VOTE: All ayes; motion duly carried.

The Council exited executive session at 12:22 a.m.

Motion was made by Mr. Farrell to Adjourn the Meeting, seconded by Mr. Knight.

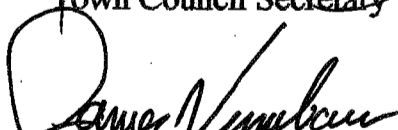
VOTE: All ayes; motion duly carried.

There being no further business, the meeting adjourned at 12:22 a.m.

Meeting recorded and transcribed by:


Kathryn F. Zandri
Town Council Secretary

Approved:


Chairman

1/13/04
Date

Kathryn J. Landri / 1/13/04
Town Clerk Date

RECEIVED FOR RECORD 12-30-03
AT 4:20 P M AND RECORDED BY
Barbara A. Bessie TOWN CLERK