

VERBATIM PROCEEDINGS

WEST HARTFORD TOWN COUNCIL

RE: BLUE BACK SQUARE

NOVEMBER 14, 2006

WEST HARTFORD TOWN HALL
50 SOUTH MAIN STREET
WEST HARTFORD, CONNECTICUT

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HEARING RE: BLUE BACK SQUARE
NOVEMBER 14, 2006

1 . . .Verbatim Proceedings of a hearing
2 before the West Hartford Town Council in the matter of
3 Blue Back Square held on November 14, 2006 at 5:40 p.m. at
4 the West Hartford Town Hall, 50 South Main Street, West
5 Hartford, Connecticut. . .

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MAYOR SCOTT SLIFKA: Good evening. I'd like
10 to call the 5:30 public hearing to order. Could we have a
11 roll call, please, Mrs. Cronin?

12

(Whereupon, roll call was taken.)

13

MAYOR SLIFKA: Thank you, Mrs. Cronin. Mr.
14 Spada, could you, please, read the subject matter of the
15 public hearing?

16

MR. ART SPADA: I can. Good evening, Mr.
17 Mayor. A petition on behalf of Blue Back Square, LLC and
18 the Town of West Hartford as co-applicants for amendments
19 to Special Development District approvals in connection
20 with Blue Back Square Development, 45, 72, 90, 103 Raymond
21 Road; 20, 40 and 50 South Main Street; 19 and 13 Isham
22 Road, 15 New Street and 65, 70, 75 and 85 Memorial Road
23 (the "Property")-- Amendments to SDD, (Special Development
24 District) No. 36, SDD 113, SDD 114 and approval of amended

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1 development plan.

2 MAYOR SLIFKA: Thank you, Mr. Spada.

3 Good evening everybody. This evening we'll
4 be hearing an application seeking amendments to the plans
5 for Blue Back Square. I hope that everyone will recognize
6 that we're here to consider these applications as fully
7 and carefully as possible. We expect that everyone will
8 remain courteous and respectful of others throughout this
9 process.

10 As usual the applicants will be asked to
11 proceed first. We expect them to present the entire
12 proposal to us and provide us with the information
13 necessary to allow us to consider the entire application
14 before the Council. Following that presentation, Council
15 members will have the opportunity to ask any questions
16 that we may have. And we're going to see how it goes. It
17 always depends on the application, but we're going to
18 encourage members to hold their questions to the end of
19 the presentation to the extent possible.

20 Then after that will come the public
21 comment portion of the hearing. We're going to follow the
22 Council rules as set out for every application here. We're
23 going to ask speakers to adhere, per the Council rules, to
24 a three-minute time frame. And speakers representing a

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1 group will be given five minutes. And as an alternative
2 to waiting to speak, we don't know exactly what the sign
3 up sheet is yet but if for some reason you have a conflict
4 and don't feel like you can, please, know that we will
5 accept public -- we will accept written statements up
6 through the close of the hearing. And we will read those
7 and we will consider just to the same extent as if you got
8 up and spoke the words yourself to us. But, obviously,
9 that choice is your prerogative.

10 And then finally following the public
11 comment we give the applicants an opportunity to respond
12 to the public comments and any additional questions that
13 the Council may have, many which may even be raised by
14 speakers. We also take that opportunity to ask town staff
15 any follow up questions that we may have of them. And then
16 time permitting we would close the public hearing.

17 So that is a long way of saying that this
18 hearing follows exactly the same rules that all of the
19 others do. But given the -- given the interest we thought
20 we'd go through the rules a little bit more than we
21 usually do.

22 So with that, per what I announced, we will
23 begin with a presentation from the applicant. I see Mr.
24 Heapes here. I'm assuming that he is -- he is speaking.

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1 I'm half right.

2 MR. JOSEPH HAMMER: Good evening, Mr.
3 Mayor, members of the Council, Joseph Hammer from the law
4 firm of Day, Berry and Howard for the applicant. Just
5 very briefly, before Mr. Heapes comes up, I wanted to take
6 this opportunity to hand in our affidavit regarding the
7 sign posting, if I could. Thanks, Mr. O'Brien. And just
8 indicate to you we are seeking amendments to the three
9 Special Development Districts related to the Blue Back
10 Square Development and approval of an amended development
11 plan. This is set forth in more detail in our application
12 and our supporting plans and documents.

13 Mr. Heapes will provide you with an
14 overview of the more significant revisions. And I would
15 just note that there has been a favorable DRAC
16 recommendation and a favorable TP&Z recommendation. I
17 also wanted to note that among the proposed revisions is a
18 de minimis increase in the lot size of Lot 4, the American
19 Legion Lot, which would result from the Council acting
20 favorably on a tending resolution which you'll be hearing
21 later tonight for abandonment of a small portion of the
22 right of way at the corner of Isham Road and Raymond Road.

23 And then I would just note that our --
24 we've submitted a supplemental parking report that

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1 indicates that are no issues with parking as a result of
2 these amendments. In fact the demand for parking and the
3 overall parking situation is improved. And traffic is well
4 because there is a net decrease in floor area and number
5 of units.

6 With that I would ask Mr. Heapes to give
7 you some more specifics. Thank you.

8 MR. RICHARD HEAPES: My name is Richard
9 Heapes, H-E-A-P-E-S, on behalf of the applicant, Blue Back
10 Square Development, LLC, and good evening, Mr. Mayor and
11 Council. I'm a little nervous there. This is a new thing
12 you've got going here. It's nice to be here. Yes, indeed
13 it is nice to be here. And what I would like to do is
14 walk you through some of the issues and concepts and
15 thoughts that we've had in bringing this to you as soon as
16 we have some screen.

17 I'd like to start with --

18 MAYOR SLIFKA: -- I just want to check, can
19 the audience see it? I want to make sure. I think it is.
20 Mr. Heapes is that centered? It has a highlight square on
21 the right, but it looks like there is a --

22 MR. HEAPES: -- it's cutting off on the
23 audience side, on the right hand side.

24 MAYOR SLIFKA: We've been advised it's

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1 going to be a couple of minutes to adjust it. It is
2 centered on our side. We can see the same thing on our
3 side that you see on your side, but this is new technology
4 we're working with so, please, be patient with us. Thanks.

5 (Off the record)

6 MAYOR SLIFKA: Why don't you start, Mr.
7 Heapes?

8 MR. HEAPES: What's important is that we
9 can see the screen.

10 MAYOR SLIFKA: Yes. Let's just go. Let's
11 just do this.

12 MR. HEAPES: We'll do this in the dark, for
13 a change. As I said, thank you, it's nice to be here.

14 Let's start like we have other hearings
15 with why we're here. We're here as part of your SDD
16 process to return and discuss any changes that we're
17 proposing. The list of changes tonight really consists of
18 one kind of significant zoning change, from our point of
19 view. And it is a change that not unlike some of the
20 changes in the past has been spawned by specific responses
21 to realities and issues in the market place today.

22 I am happy to be here and to have a
23 conversation with you and as always look at Blue Black
24 Square. I happen to believe, and I believe you will agree

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1 with me, that the proposed change we are making today will
2 actually make Blue Back Square better. And we do believe
3 it will make it more successful.

4 Let's talk about what we're not here to do
5 tonight. Like in our last hearing, we're not here to make
6 any changes to agreements with the town, including those
7 in the Master Agreement. And most importantly, we are not
8 here to make any change or get out of commitments that
9 we've made either to the citizens or to yourself as
10 Council.

11 Now, I don't know how many of you remember
12 this little sketch. I'm hoping that none of you do because
13 none of you have ever seen it other than Bob Weiner and
14 myself. I'd like to take a step back and just walk you
15 through and put some context into tonight. This was the
16 sketch that we made in July 2001 when we first went and
17 looked at the Crowley Chevrolet site and walked over to
18 Max's and had lunch, Bob Weiner, Ken Nardo and myself, to
19 talk about if we would be interested in going after that
20 parcel of property. That was in July 2001. It was more of
21 a thought piece that we did during lunch and talked about
22 -- but many of the components that are here in Blue Back
23 Square's plan today are there.

24 The need to engage the Board of Education

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1 and the library, to connect to the center, an office
2 component shown in blue, and interestingly enough a heavy
3 residential component in this case consisting of two
4 residential buildings. That kernel of understanding way
5 back in the beginning before we even spoke to the town has
6 been and is still true in Blue Back Square today.

7 To put these things in perspective when you
8 talk about changes and what is a change, what are some of
9 the changes that have happened in our lives since 2001?

10 Well, there was the terrorist attacks on September 11, two
11 months after we began to consider this. There was a war in
12 Afghanistan and is, and a war in Iraq. Since that time the
13 Dow went from 10,000 to 7500 to over 12,000. Oil went
14 from 20 bucks a barrel to almost 70 dollars a barrel
15 today. There were the three hurricanes in Florida and
16 then Hurricane Katrina. Steel and concrete prices had a
17 spike in price because of the growth of China.
18 Construction costs last year went up 60 percent in 12
19 months.

20 And frankly I don't think these are the
21 most amazing changes, but since 2001 the Red Sox won the
22 World Series and the Yankees haven't. That will tell you
23 how remarkable these past seven years have been.

24 In West Hartford, specifically, there have

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1 been other changes since July '01. The Council and Mayor
2 have changed in 2005, some of you. There have been two
3 town wide referendums where the citizens of West Hartford
4 approved Blue Back Square by over 70 percent. There were
5 ten illegal challenges and lawsuits brought by various
6 assorted entities within the West Hartford region. The
7 Town manager changed in 2006. Evergreen Walk and the
8 Shoppes at Canton have not only become promises, but have
9 opened and have affected the market place. Century 21
10 Tower and other urban apartments have been financed and
11 built in downtown Hartford. And we have had pre-sales on
12 the Heritage building, the condos of Blue Back Square. So
13 that a lot of the residential discussions we had in 2001
14 are no longer theory. We have evidence and real market
15 relationships.

16 There are two things that have not changed
17 since 2001. First and foremost, the partners of Blue Back
18 Square have not for one minute stepped back on their
19 commitments, have done everything physically and
20 financially possible to live up to what we said to you in
21 those public hearings in 2004, and make every commitment
22 possible. I think personally the town is very lucky to
23 have Blue Back Square as the developers of Blue Back
24 Square or development partners. Not once have we

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1 questioned increases in costs, etcetera.

2 The second thing that hasn't changed, that
3 is equally important, is that the town administration and
4 this Council have been unwavering in their commitment to
5 the vision that was Blue Back Square to create a
6 sustainable and competitive West Hartford center. Those
7 two things in light of all these things have never changed
8 or wavered.

9 What I'd like to do is take a step back. We
10 don't get to talk very often, and this may be the last
11 time we speak together. Let me give you a little status
12 on where we're at just so you kind of know relative to our
13 commitments and the things we talked about. First and
14 foremost on the leasing of retail, come January of this
15 year we told you that we would bring national one of a
16 kind retailers who were not in the market place, who may
17 or may not have considered West Hartford otherwise. And we
18 have signed leases, as you know, with Crate and Barrel,
19 REI, Cheesecake Factory, Criterion Theaters, all tenants
20 who you would have wanted as the basis of your downtown
21 have and are committed to coming to Blue Back Square. We
22 have done that.

23 Come January we will have completed leases
24 with a number of tenants of which I can't speak about any

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1 of these because I really don't know. I'm sure Shari could
2 help me what they are. But we talked about the kind of
3 tenants that were regional and unique and one of a kind
4 represented here by some of these tenants, which will be
5 coming, that service all kinds of the market. That are
6 small, one, two and multiple store, unique tenants that
7 are not here now.

8 But that's not the whole story. As of
9 January 1st we will be announcing a number of key anchor
10 tenants in our professional office space. And we will be
11 at least 50 percent leased as of January 1st. Hartford
12 Hospital continues to expand and practice groups are
13 coming to the hospital building and signed leases such
14 that in a few weeks will be 75 percent pre-leased on the
15 office building. And as you know, in the Heritage
16 building we have temporarily taken that off the market as
17 the building gets done. We have sold 42 units and have 20
18 left to go. We are still interviewing prospects and we'll
19 put it -- be putting that building back on the market in
20 February or March.

21 I think the promises that Blue Back Square
22 was, that we thought, have been more than met by the
23 market place and this build it and they will come theory
24 is no longer an issue. A year ahead of opening we're

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1 almost completely leased and that's important.

2 Some of the other things we talked about,
3 including the schedule, is we don't have months or weeks
4 anymore. As of today we are going to open in 350 days.
5 It has been a marathon more than a sprint. Some of the
6 things we're doing now that you're not aware of that we're
7 working on include all kinds of design things that will
8 add the special touches that I talked a lot about in the
9 hearings. Things like the place making elements. We are
10 working with the Webster House and Pat at the library and
11 town staff on creating the layers of stories that will
12 make this uniquely West Hartford. Telling the story of
13 Noah's garden and Noah as a revolutionary in the town
14 garages.

15 Currently, and this right off the drawing
16 table, we are working with the Webster House to create a
17 West Hartford alphabet consisting of the 26 great places
18 in West Hartford that will become the basis of our design
19 and amenizing Webster Walk. These were all things we
20 talked about in the original hearing and are the things
21 that we're working with the community now to do.

22 There are other things. We have been, for
23 the past six months, to every nursery between Baltimore
24 and Toronto to find the trees and the species and the

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1 sizes that we talked about in our first public hearing. I
2 know I made a lot of big deal about trees. These are two
3 pictures from the field, that's not me, of Langdon, our
4 engineer, and these are two of the trees that we've bought
5 for this. These are eight inch caliper trees. This is the
6 size of trees we were talking about. The trees, I'm happy
7 to say, will start being delivered and placed tomorrow in
8 front of the hospital building.

9 We continue to work with the community on
10 plans for Celebrate, who were in our office last week. And
11 our partner, Ronus, is heading up a committee of the
12 merchants, and the Chamber of Commerce, and the town
13 administration to plan and create a ground breaking
14 ceremony that is center wide, West Hartford wide for 349
15 days from now. My point being in this is that through all
16 of this let's not lose sight of the goal and the vision
17 that we all started to talk about. And I believe you'll
18 see that the presentation tonight continues that vision
19 and we will do that together.

20 Some of the other things that are
21 conversation pieces, Noah is now tucked safely away in
22 West Haven, being fixed. Little Noah over there was
23 brought out so that the conservator could study his thumb,
24 which is missing, so that we get his thumb correct.

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1 And I'm sure, in fact I know for a fact,
2 there has been major heartburn over the deconstruction of
3 the Board of Ed building. The cupola is down. The portico
4 is stabilized. I want to make sure that everyone here and
5 on t.v. understands that the building is being constructed
6 and reconstructed as it was. And that this rendering from
7 the '04 hearings will result in this is what we're
8 delivering. That's what in our budget. That's what we're
9 working on. And I appreciate your patience. I know it
10 sometimes hard in the darkest moment to see the light.
11 But we have delivered so far on the things that we've
12 said.

13 I'd like to go back to our original '04
14 proposal, where we talked about two residential buildings,
15 Building D and Building B. And remind you what some of
16 the concepts, discussions, issues were. AS you know at
17 that time we were concerned about the residential market
18 and whether they would come to play with our hopes and
19 dreams and we could actually pull it off. And through our
20 discussions with the town we were particularly concerned
21 about Building B and whether we would be able to build it
22 or not, what the market would be, who would be in there.
23 And so we configured that building, as you'll recall, with
24 a little two story component on Blue Back Square and the

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1 option to build a building of 25 units behind it.

2 I've pulled some testimony from the '04
3 hearings that I think are instructive. And if it's okay,
4 I'll read it. "One of the residential, depending on the
5 market, depending on the market, might be delayed." Those
6 things have been all negotiated in the Master Agreement,
7 but our goal is to build and open Blue Back Square in two
8 years with no nonsense, get it built with a minimal amount
9 of obstruction. That was our goal. That has still been
10 our goal.

11 We're proposing two residential buildings,
12 one on either side of Memorial, which is really to make
13 sure that there are residences on each part of Blue Back
14 Square and each part of the area, this area at the center.

15 And finally we don't want just one stand alone
16 residential building. We want residences, perhaps each of
17 them with a different market twist on both sides of
18 memorial. I will take credit for that because that was my
19 description of the residential program and the purpose of
20 having two residential buildings in those initial hearings
21 in 2004. I'm here to tell you today that we are here to
22 try to live up to that desire and that commitment to have
23 two residential buildings, two sets of neighbors in this
24 area on either side of Memorial.

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1 Let me take a little break and make sure
2 that you understand the legal commitments that were
3 relative to the Master Agreement. First and foremost, the
4 developer acknowledges that the inclusion of a residential
5 neighborhood is material inducement to the town's
6 participation in the project. We have never not wanted to
7 or tried not to do the residential. It is our desire as
8 well as yours to have two residential buildings.

9 Each building, as you know, had their own
10 criteria based on whether they were on, at that time, town
11 property or property owned by Blue Back Square. Building
12 D was required to take steps within five months of the
13 closing in the form of permits, etcetera, which we did.
14 And the goal was that that building would be complete by
15 the year 2013. I'm happy to tell you not only have we
16 taken steps, we have sold units, the building is under
17 construction and will open with the rest of the project in
18 the year 2007, six years ahead of time.

19 On Building B it had different criteria
20 because it was on property that we owned. And it said
21 that subject to market and financing forces and excusable
22 delays, perhaps referendums, perhaps closing, that we
23 would require the developer to take steps to provide this
24 building within five months, and to commence construction

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1 by 11/8/06. That was last week. We have taken those
2 steps and are here so that we may do that according to
3 this agreement.

4 But I must make it really clear that the
5 Master Agreement anticipated and our conversations with
6 the town, including yourself, was that we may or may not
7 build that building depending on the market conditions.
8 The last clause said, you know what, if you don't build it
9 you've got to pay the SDD payment anyway, \$54,000, which
10 we committed to do. That is really the context that we
11 need to look at this project today. We have tried to meet
12 our agreements with the town. We want the residential.
13 We've started D. We're going to deliver D six years early.
14 We are doing what we can to bring up building to Building
15 B. We don't want to pay the SDD payment on its own. We
16 want to build the building. That's why we're here today.

17 Having said that, let's take a little
18 review for what the physical design components were. In
19 2004 we were talking about 25 units, about 54,000 square
20 feet. Last February in '06, because of the positive
21 response of the market on the Heritage building, we
22 proposed that we could increase that to 62 units, 105,000
23 square feet and lose a little retail. I asked you to
24 approve an extra floor over the limit of height. And we

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1 went about trying to create that building.

2 Probably the most important thing from my
3 perspective on that building was that it took units over
4 the top of that little two story retail and brought units
5 directly on Blue Back Square so that there were people and
6 eyeballs and eyes looking on the Square and participating
7 in that public space. I believe that was probably the
8 most important component of that building. As you'll
9 recall that building looked like this on what we call New
10 Street in elevation and from Raymond Road looked something
11 like this, as approved -- a six-story building.

12 I'd like to talk a little about our
13 proposal today. Really there is nothing about the plan
14 that changes. In fact, the foundations are the same. The
15 size and location of the building, its perimeter walls,
16 what its corners do, everything about its footprint is
17 exactly the same. What has changed is the type of unit
18 and the approach to the market, which we'll speak about in
19 a minute.

20 Basically what we're asking for in the
21 zoning is your approval to let me take three floors off
22 the building. I will say -- basically what we're asking
23 for in this submission is allowing me to take three floors
24 off of the approved building. I'm happy to say I'm sorry

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1 for asking for the extra floor. But that is the zoning
2 difference is let me take three floors off.
3 I'm not asking for a number of smaller units. Yes, we're
4 proposing 52 instead of 62. But by reconfiguring the unit
5 type it allows us to do essentially the same number of
6 units, serving a different market in a building that is
7 much lower.

8 What does that mean? If you were to
9 project our new building over what was approved, it would
10 look like that. I will do that again. That is what was
11 approved. The yellow line on the building, as you recall,
12 was what was approved in '04. What we are proposing to do
13 is a three story building that would be configured like
14 that. On Raymond Road instead of the six story building,
15 you would see this. This is not an insignificant
16 building. It has 52 units. But in comparison height wise
17 it is in height two stories less than what was proposed,
18 as you'll see in the red lines. And the height of the
19 Raymond Road elevation is 10 feet higher than the public
20 garage that you see there today.

21 That is the red line -- that is the red line across that.
22 And that is really the difference that we're asking to do.

23 I'll be quite honest, in most zoning that
24 we see across the towns you wouldn't be coming back to ask

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1 to build lesser than the -- but fine. That's where we are
2 today.

3 This is the elevation as you would see it
4 from the VIA and the Teaser parking lot. I want to kind
5 of share with you what the thinking is on these units and
6 what these unit types are. So this is essentially the
7 typical floor plan. And what you'll notice is what we
8 learned in the Heritage building that there are a number
9 of units all facing south, what we call studio loft units.
10 They're not necessarily one bedrooms in that they are
11 single space, that is divided into these loft units. And
12 essentially they are wall to wall facing south with a few
13 units on the corner and along the back of the building.
14 And you see those in these large windows.

15 These units happen to be similar to units
16 that we have built and studied in California and our Santa
17 Ro project. They coincidently happen to be the type of
18 unit I live in in New York. And I'm very familiar with it.
19 In California -- excuse me, here is the unit plan itself.

20 You can see in the single unit you have a front door,
21 bathroom, a sleeping alcove, kitchen and living area with
22 a big window facing south, all in one open space with the
23 kitchen or whatever being in the form of partitions.

24 That looks like this if you were to look in

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1 our unit in California. Here is the big window. Here is
2 the living area, dining area, and then there is the
3 kitchen next to the dining area all as kind of one space.
4 They're very interesting units. They appeal to an
5 entirely different demographic and lifestyle than Building
6 D. They're efficient. They save space, etcetera. The
7 average size of this unit is about 680 feet. Interesting.

8
9 If you compare our proposal with the
10 proposal before our typical floor, our typical unit in the
11 new unit, when you combine it with some two bedrooms, is
12 about 836 square feet. Our typical unit in the previously
13 approved plan was about double that. So those were larger
14 condominium units focusing on three bedrooms, four
15 bedrooms, nearly twice the size.

16 To get a unit in the previous condominium
17 building it would take you about a quarter of a million
18 dollars annual income, based on that average size unit. It
19 would also take you about 70,000 dollars down payment
20 assuming a 90 percent mortgage. In this new unit, since we
21 are proposing that they will be rental, that 680 square
22 foot unit will rent for about 1500 dollars a month, which
23 you could qualify for if you made an annual income of
24 about \$50,000. I don't think this is insignificant.

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1 There is a lot more people who want the option and the
2 choice to live in a place that requires 50,000 than
3 250,000 square feet or dollars.

4 Now, I have to laugh. Mr. -- my friend,
5 Joe Visconti, in the paper was quoted as saying, you know,
6 these people they're not going to take care of these
7 units. They're all going to be single and they're going
8 to drink all the time. Now, I live in one of these units
9 in Manhattan. And I will tell you the truth. Over the
10 past five years, if there has been any time that I've
11 possibly drank too much it would be because of Mr.
12 Visconti and Blue Back Square not because of the type of
13 unit that I was living in.

14 This is a lifestyle choice. At the end of
15 the day this is about having options. And I think the
16 original goal of Blue Back Square was to create options
17 where there weren't any. When we started there wasn't the
18 option to own your place, live in the center and have it
19 not be a single-family house. That has been accomplished
20 through the Heritage. I think one of the great things
21 about this approach is you can now, if you can't afford to
22 own a place, you can also rent a place in the center, be
23 someone young starting out. You may be a policeman, a
24 schoolteacher, someone that works in the town

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1 administration and actually afford to live in Blue Back
2 Square and walk to work. I think this adds one more
3 option and at the end of the day that's really what this
4 is all about.

5 When you talk about options a very
6 interesting thing happened when you go from condominiums
7 to rental units -- very interesting thing. There is a new
8 code in Connecticut around accessibility and access for
9 the disabled. It refers to rentals, not condos. This
10 will probably be the first building built under that code
11 and that code requires 100 percent of the units be not
12 adaptable for the handicapped, but accessible from day
13 one, not retrograded, not renovated to, but every unit in
14 this building will be accessible to the disabled. That's
15 part of its program. I'm not going to take any credit for
16 it. It's a code issue. But I think it's a good issue. So
17 now not only do you have options as a young person or
18 someone renting as a disabled person and we've met a lot
19 with them in West Hartford, there are now 52 units that
20 are ready to go, accessible, creating another option for
21 you to live and participate in the center.

22 I think these are all factors. They're not
23 the reason that we're doing this. We're doing this because
24 we want the project to get built now and be open with the

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1 rest of Blue Back Square. And this is our approach, two
2 minor little things in the proposal. There is an increase
3 of 1700 square feet of retail on the first floor. The
4 original building had three lobbies and three elevator
5 cores. You don't need that for this building. So we have
6 picked up what's equivalent to about five parking spaces
7 with the retail to keep our storefront program going.

8 And then there is the one last kind of
9 sidebar. In our last presentation as part of the Hartford
10 Hospital surgery center, I believe you know that it's a
11 requirement that that permit to be able to pull somebody
12 under cover in an ambulance should something go wrong in
13 surgery and get them to the hospital. It is a permit
14 issue that they be out of the weather. We had proposed,
15 and as you see here, a canopy that brought you out from
16 the south garage to the street.

17 And in working further with the hospital we
18 are asking to revise that in a way that's far superior.
19 Here is a blow up of that area. Here the canopy. The gray
20 is where we had proposed it last time. In further study,
21 the ambulance would have to go and back up, it would block
22 traffic and cause more problems than it helps. We've
23 pulled the canopy back and have designed the edge of the
24 sidewalk to allow the ambulance to come up and back up

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1 over the sidewalk and get out of the way of all of the
2 traffic and pull the person out of the hospital and get
3 and go. This happens on average once a year for about
4 three minutes. But it's a critical component of the
5 hospital's permit. And so we are therefore asking to
6 revise this. It, by the way, provides a nice front canopy
7 for the garage and doesn't fill up this space full of
8 unnecessary architecture.

9 I want to add -- end with a couple of
10 comments. First and foremost, this proposal still
11 fulfills the town's and our desire for residential in the
12 center of Blue Back Square. The condominium building is
13 not an option. And it fulfills them within the conditions
14 of the Master Agreement.

15 No. 2, it needs to be approved now so it
16 can be complete with the opening of Blue Back Square and
17 complete the Square. And understanding what it's like to
18 do construction in that type of site I have to tell you
19 it's highly unlikely that we will build this or anything
20 on the site in the future if you vote no. So the option
21 you're being asked to consider is this building now or
22 most likely nothing certainly in the short term future and
23 likely ever.

24 This building will add more options and

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1 more diversity to the housing program at Blue Back and
2 within the center. It is significantly more affordable for
3 younger people. And enable typical town employees,
4 teachers, policemen, etcetera to have the option of living
5 in the center.

6 As you may or may not know I read a
7 statistic this week that said, Connecticut is 45th in the
8 nation in retaining young people in its marketplace and
9 workforce. That's almost dead last. There is no mystery
10 to that. It has to do with housing options and the ability
11 to live here at rates that make sense. That's a problem
12 in West Hartford too as I believe I know antidotally. I
13 think this approach, this type of unit which appeals to
14 young people, people who are entering the workforce is a
15 positive model to help get us along the way to dealing
16 with that. And I believe you should support it.

17 Finally, I want to just say at the end of
18 the day what we're really asking for is the right to take
19 three floors off the building. I hope this has explained
20 the issues, told you are thinking on the issues, and I
21 wholeheartedly encourage you to support the proposal.

22 I'd like to end with since 2001 this has
23 been a marathon race. Sometimes it has resembled an
24 obstacle course. Right now it is looking a lot like a

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1 relay race and sometimes you have had to carry the baton,
2 sometimes we have had to carry the baton. We are in the
3 final leg - 350 days to make this vision come true. And
4 it is my hope that these units will participate in that
5 opening and that we will have people living in these units
6 a year from now.

7 Thank you very much and I look forward to
8 your questions.

9 MAYOR SLIFKA: Thank you, Mr. Heapes. Okay,
10 as we outlined at the beginning, we're going to move at
11 this point to questions from the Council. We'll go through
12 that as long as necessary. We'll get to the public
13 comment. If anybody did not sign up who wishes to speak
14 the sign up sheets are still sitting here on the table
15 against the wall. And we will then get to the public
16 comment and then return to questions and follow up from
17 the applicant.

18 Mr. Heapes, normally I differ to my
19 colleagues at this point and save my stuff for the end.
20 But I think there is a few threshold issues we need to go
21 over and I'm going to exercise my prerogative to go first.
22 And first is to go to Mr. O'Brien, actually. Mr. O'Brien,
23 you know, as with all things Blue Back this attracts a lot
24 of attention and if -- and there are a lot of related

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1 issues about the project as a whole that may not be
2 directly part of the application that's here tonight. Mr.
3 Heapes represented in his application -- his statements
4 that essentially what is before us is the removal of the
5 three floors and the canopy for the hospital building. And
6 I think a few other design elements. Is that accurate?

7 MR. JOSEPH O'BRIEN: Yes, that would
8 essentially be accurate. There is a couple of very, very
9 minor items. There was just a slight portion of the right
10 of way of the American Legion building that's being
11 abandoned. It's just a few square feet because of a
12 construction detail that's been changed. But a variety of
13 minor modifications to site and streetscape design. But
14 essentially what Mr. Heapes has described is 99 percent of
15 what's being changed in the project.

16 MAYOR SLIFKA: So the related issues that
17 have obviously been covered in the press and relayed to us
18 as Councilors that are kind of -- they're related to this
19 but they're not in it may include things like the right
20 for Mr. Heapes and the rest of the development team to
21 make these rental units. That is not something that we are
22 voting on tonight.

23 MR. O'BRIEN: No, you're not voting on
24 whether these units will be sold as condominium units or

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1 whether they will be rental units. That will be the
2 developer's choice.

3 MAYOR SLIFKA: And it always has been.

4 MR. O'BRIEN: It always has been, yes,
5 that's correct.

6 MAYOR SLIFKA: There is also -- and I
7 expect we're going to get lots of -- lots of public
8 comment on this, the issue of affordable housing as it
9 relates to this. That is -- we have had this come up in a
10 prior application and I'm sure we'll get into that a
11 little bit more. But your office produced in response to a
12 prior approval of this Council where Mr. Sinatro raised
13 the issue of a, for lack of a better term, a set aside for
14 affordable housing in this. Your office produced a memo.

15 Now, in that -- in that discussion, I'm not
16 sure what got covered, what got relayed to the public. But
17 obviously everybody on the Council has been aware of it
18 and had relied on it as has, I believe, the developer. Can
19 you tell us what that conclusion was?

20 MR. O'BRIEN: Yes. Essentially for the
21 Council to impose an affordable housing requirement as a
22 condition of approval the town would have had to have
23 already adopted zoning regulations concerning affordable
24 housing. In the absence of such regulations Appellate and

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1 State Supreme Court case law have made clear that we
2 cannot impose conditions that aren't covered by our
3 regulations. Therefore since we have no affordable
4 housing regulations in our zoning ordinance we cannot
5 impose that on the developer as a condition of approval.

6 MAYOR SLIFKA: So hypothetically speaking
7 if it were the desire of the Council, and I think I can
8 speak for all of us that this is a topic of concern to us
9 and something we want to pursue if we attempted to impose
10 it by virtue of this application your office's opinion
11 would be what?

12 MR. O'BRIEN: It's our opinion that it
13 would be an illegal condition and it would be overturned
14 by the courts on appeal.

15 MAYOR SLIFKA: So in short we couldn't do
16 it.

17 MR. O'BRIEN: You could not do it.

18 MAYOR SLIFKA: Even if wanted to.

19 MR. O'BRIEN: No. No.

20 MAYOR SLIFKA: All right, thank you, Mr.
21 O'Brien. That's all I have for you right now.

22 Mr. Heapes, back to you. I think two
23 threshold issues I think for you. One is for the
24 application that's before us, I'm trying to synthesize.

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1 You know, obviously, the sense of the Council and things
2 that we've received from the public I think there is a
3 general question that everybody has, whether they were in
4 favor of this or not, that they want to make sure that if
5 the project is a reality that you make good on your
6 commitments as you were discussing in the presentation and
7 that the town does not end up short of what it is
8 expecting and what it is contractually supposed to obtain
9 by virtue of this project. And I think a lot of questions
10 have come up about whether this would be a change in
11 quality of the project, the financial impact on the town,
12 etcetera.

13 And I'll give you an opportunity to answer
14 this in a minute, but I think that the question is could
15 you reassure the community that what you, by virtue of
16 what you've proposed, that this project is of the exact
17 same quality, if not better, than what is already
18 approved. Or I guess another way is to say make sure that
19 the town is not getting less than what we have all voted
20 on.

21 In particular, I thought -- I did get an e-
22 mail from a resident who articulated this may be more
23 specifically in a very good way and better than I could
24 have, so I want to repeat her points. She asked us to

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1 look into two particular points. One is, are we
2 maximizing the assessed value of the residential property
3 at stake? And are we not exasperating the problem of
4 overcrowding in the West Hartford schools? So I know
5 that's a lot of stuff, but I think they're all related to
6 the main question.

7 MR. HEAPES: Help me if I forget part of
8 that. Absolutely we intend on fulfilling our commitments.
9 This very topic was part of a Master Agreement. And made
10 sure that no matter what, whether we built it or not, we
11 would be providing the equivalent of the SDD taxes to the
12 town. So that is unequivocal. It is in our agreement.

13 But more importantly, the quality level of
14 this building and the quality level of that proposed
15 particularly in terms of the exterior are the exact same
16 as what we proposed before. As you know in your DRAC
17 submissions, you submit a palate of materials. What color
18 of brick, what does the cornice look like, what's it made
19 out of, what's the railing and what's a window, etcetera.
20 We didn't change that. That's the same as it was when we
21 submitted the condominiums. The exterior is brick. The
22 cornices are pre-cast in stone. The windows are the same.
23 We didn't change it. And we went through that in a great
24 deal in DRAC.

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1 Yes, on the interiors are we going to have
2 Viking stoves? No. We're going to have what's
3 appropriate to a smaller sized unit that's a different
4 construction. But the strategy was not to do a lesser
5 building in the middle of Blue Back Square. That doesn't
6 make sense to us. The strategy was through the size of
7 the unit and the type of the consumer to attack all the
8 issues we have with cost. The reason it costs less is
9 it's the same number of units in three floors. It's a
10 pretty simple concept. But the quality from the street is
11 the highest quality for rental units and is the same as
12 Building D.

13 Relative to schools, I think it's pretty
14 clear frankly that the impacts on schools should be
15 significantly less. When you compare an 1800 square foot
16 unit that maybe two plus, three plus bedrooms with a 680
17 square foot bedroom -- believe me, I live in there and I
18 have a kid and when she comes to visit for the weekend
19 she's got to be gone by Sunday. This is a one-person
20 unit. We do have some two bedrooms, but this is not a
21 family orientated unit for better or for worse just
22 through its size. So whatever the impact was on schools I
23 would, which I don't believe there is much, it will
24 definitely be less because of this unit type.

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1 Did I forget something?

2 MAYOR SLIFKA: I don't think you did, but
3 maybe there is one we didn't totally cover. It's with
4 respect to the value of the property. I see -- I know
5 what you're saying about the quality of the project as a
6 whole and that's more qualitative than quantitative. But
7 could you -- but in terms of dollar amount you could speak
8 to that?

9 MR. HEAPES: I will remind you when we were
10 here last time asking for more units we told you that with
11 the increased property values we might expect to see 5 to
12 600,000 dollars in extra revenue coming to the town
13 through increased property taxes. As a bonus above what
14 was projected in the original model. This project is
15 smaller, but we do anticipate roughly, based on your
16 current mill rate, that this project will give you 340 to
17 350,000 extra dollars per year to the bottom line that are
18 not anticipated in the deal today. That's a smaller
19 project, but it is showing the increased value created by
20 the Heritage and by this product. So it is still a
21 significant net plus to the town of almost 350,000 dollars
22 a year.

23 MAYOR SLIFKA: The last question I'm going
24 to ask you for now and then I'll differ to my colleagues

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1 is one that I think you've anticipated in your proposal,
2 but I think needs to be covered a little bit more is I'm
3 forgetting the exact date you were here last. I think it
4 was roughly February, March, but why are you back again
5 since then? And, you know, I believe we all know that each
6 time there is a Blue Back application it is, I'm not going
7 to be particularly artful here, but it's not a
8 particularly fun experience for the town, not a fun
9 experience for the Council. I'm going to guess not for
10 you. And for the residents who have to, again, hear about
11 it, question what's going on, reassess whether they have
12 faith in it or not.

13 And this is -- this was -- this
14 application, as opposed to the one that we last saw, is --
15 is a repeat. I mean in the sense that it covers the same
16 area. This is not a new endeavor. It's not a change or
17 separate building. We're going over ground that we've
18 plowed.

19 MR. HEAPES: Right.

20 MAYOR SLIFKA: Could you address that a bit
21 more why we're back here again?

22 MR. HEAPES: Well, we're back here because
23 in your wisdom as a town you want to have an active role
24 and understand what's going on. And I'm happy to be here.

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1 Don't misunderstand. I mean I didn't sleep a lot last
2 night and issues like that we are happy to be here because
3 this is important to the town. The truth of the matter is
4 through ten litigations we were delayed at least a year in
5 construction. And it just so happened that with Hurricane
6 Katrina and Florida, etcetera the cost of construction
7 nationwide went up almost 60 percent. Last year as we were
8 trying to bring the condominiums in the budget by the time
9 we changed the drawings and put them out to bid not only
10 did they not take the money off that we had thought it
11 would it added more. And that was a spiral that we had no
12 control over. If we'd had been at construction a year
13 earlier we wouldn't have hit that.

14 The bottom line is currently in mix use
15 with underground parking and expensive land the cost of
16 construction on that building is higher than what we can
17 sell it for. And I know people think we should build
18 things for a loss, our banks don't think that. So the
19 project was not viable. The bank would not loan us the
20 money on it. And we were prepared not to build it. That
21 is the current situation in the marketplace. That's not
22 forever. The marketplace will adjust, etcetera, but we
23 want these units open next year when the project opens. We
24 don't want construction going on and we're not sure we

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1 could build that building with all of Blue Back operating
2 around it. Frankly, we don't think we can.

3 So we're here today doing what is best to
4 get something there today. I'll be very honest. We
5 considered coming to the town and saying, we can't do it.
6 Sorry the market is not there. We can't get a bank loan.
7 It really sucks that we lost that year. The town's
8 administration was unequivocal and clear and made it very
9 certain that you wouldn't be happy, and it wouldn't be a
10 good way to go to do nothing.

11 So we're here with this program. In today's
12 market we are very fortunate that some of those units in
13 Hartford have had some success and raised the bar in terms
14 of rent rates to make it even possible to finance this.
15 It's still skinny, but we'll own it and it will grow over
16 time. So the real reason we're here is we want to build
17 it now. We want residential on both sides of the street.
18 That has always been the strategy. And this is what we can
19 produce.

20 By the way, as I've said before, there are
21 good benefits to this. And we're positive about it, and
22 upbeat about it. But at the end of the day the other --
23 the other product is not financially viable in today's
24 market.

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1 MAYOR SLIFKA: Okay. Thank you. I'm going
2 to defer now to Mr. Coursey.

3 MR. CHARLES COURSEY: Yes. Thank you, Mr.
4 Mayor. Just following up on that, Mr. Heapes. If we can
5 go back, and I know this isn't part of the application
6 tonight, but just to put it in context for folks in the
7 audience and who might be watching. The Heritage, as you
8 indicated, is doing very well. It did very well in its
9 pre-leasing. You've actually shut that down. It's at 70
10 percent. What's the difference?

11 MR. HEAPES: What's the difference? Well,
12 let's make one thing clear, this has nothing to do with
13 the desire in the marketplace. You may be reading about a
14 softness in the condo market, but that's in places like
15 Phoenix, and Florida, and Las Vegas, and California that
16 had massive increases in condo construction. The -- we
17 have seen no lack of interest or a lack of desire to move
18 into condos in West Hartford. Do not feel that that's the
19 message that I bring.

20 What has happened in a year is we bought
21 out Building D over a year and a half ago at a certain
22 price. Those prices have also escalated and are making it
23 very difficult, but we have sales and we're going to
24 complete the building. In the time from the time of

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1 Building D being bought out -- and remember why it was
2 being bought out, in the Master Agreement we agreed to
3 permit and start construction on that ASAP. Thank God
4 because we bought it out early. In that short time, and I
5 know it's hard to believe but this is a national issue,
6 this is not a West Hartford issue, it's not a Connecticut
7 issue, prices escalated radically. And that's just where
8 we are at this moment in time. You know, there is nothing
9 anybody can do about it, but that is the reason. It's
10 basically a year.

11 MR. COURSEY: If I can continue. Thank
12 you. And I know you've touched on this before, but I
13 think it's a very important part in terms of the taxes
14 that will be paid by the parcel that we're talking about
15 tonight.

16 MR. HEAPES: Right.

17 MR. COURSEY: As per the Master Agreement,
18 we had a phone call last night on our Council call in show
19 a caller wanted to know if since we're going from condos
20 to apartments in that building is that going to lower the
21 taxes paid to the -- to the town as part of the Master
22 Agreement. I said, no. That's -- I think I'm right, I
23 said, no, because that was part of the Master Agreement.

24 MR. HEAPES: Right.

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1 MR. COURSEY: That regardless if anything
2 gets built there.

3 MR. HEAPES: Right.

4 MR. COURSEY: So if you could just
5 reiterate that.

6 MR. HEAPES: Well, I think the good news is
7 when we did the original analysis in '04 of what the spin
8 off would be that was based on 70 units, 45 in D and 25 in
9 B. And generated the income that we talked about relative
10 to the SDD. Two things have happened. No. 1 with the
11 success of the Heritage at higher sales prices than we
12 would have projected and then with the increase of the
13 units here both higher sales price, more units there is
14 more spin off than we would have predicted in a
15 conservative thing.

16 So you're two decisions to increase the
17 number of units and the success in the marketplace of Blue
18 Back as a place to live have actually insured as we guess
19 at least 300,000 dollars a year more than was projected.
20 So -- but even if it doesn't, the SDD tax is a function of
21 the ownership of Blue Back so that is covered by us if
22 there is no residences as you mentioned.

23 MR. COURSEY: Just a follow up question,
24 just to follow up on that point, if there -- if for

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1 whatever reason there is a no vote and it's the decision
2 of this Council that we're -- we don't like where this is
3 heading, your choice could be then not to build anything
4 but then you'd still be responsible for paying that tax.
5 So regardless of what happens the town is going to get
6 that tax.

7 MR. HEAPES: That is true.

8 MR. COURSEY: It's just a question of
9 whether or not the Council wants to see --

10 MR. HEAPES: -- that is correct.

11 MR. COURSEY: Activity in that spot, a
12 building or not.

13 MR. HEAPES: That is correct.

14 MR. COURSEY: Thank you, Mr. Mayor.

15 MAYOR SLIFKA: Thank you, Mr. Coursey.

16 Mrs. Carpenter.

17 MS. BARBARA CARPENTER: Thanks so much. I
18 just have a couple of questions, kind of a -- some things
19 I was wondering. These targeted changes the reason that
20 you decided to go from -- going from condominiums to these
21 smaller apartments, did you do any kind of like marketing
22 or any kind of research or how did you finally come to
23 that conclusion that you really felt nine months ago that
24 this really wasn't going to work? Was it just a feeling

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1 of the Blue Back Square or was it lack of sales or --

2 MR. HEAPES: -- no, no, no. Let's be really
3 clear. We didn't really discover this nine months ago.
4 Nine months ago we had the building design. We presented
5 it to you. We've spent almost four million dollars in
6 architectural fees. I can give you a full set of documents
7 for that building that specs the refrigerators, the
8 doorknobs, the lights, the whole works. We had that
9 priced. I believe it came in completely priced with
10 Turner, who now knows the prices because they're building
11 D. These weren't theoretical prices. The building came in
12 four million dollars above budget. And that, by the way,
13 is on a 30 plus million dollar budget. It's a significant
14 amount.

15 So we said, well, what we've got to do is
16 value engineer that four million dollars out of there,
17 change some things. It's a normal part of the process. So
18 we took four months, changed all the drawings, put it back
19 out to bid with Turner. And last February, after our
20 meeting, it came in not four million dollars less but four
21 million dollars over again, up eight million dollars. It
22 became very clear to us in talking with national people
23 who we work with across the country that this was a
24 phenomenon in our economy. It was not a West Hartford

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1 issue. It was not a Hartford issue. Turner Construction,
2 as you know, is an international company. It became clear
3 to us that those two paths may not ever cross for a year,
4 for two years, etcetera.

5 At that point the bank -- there is no bank
6 that's going to say, this is really great. Why don't we
7 lend you 32 million dollars on something that you're going
8 to get 28 million dollars for. So our bank simply said,
9 you're not going to get this financed. It's not going to
10 happen.

11 As I mentioned at that time we began to
12 explore opportunities. We talked to the town management
13 about it. They were unequivocal. They said, find a way to
14 get residential in there. We agreed. Fortunately, with the
15 pre-sales and things going on in downtown Hartford where
16 the rent rates -- when we came to West Hartford the rental
17 rate on an apartment was less than a dollar a square foot,
18 88 cents, 85 cents. During this time, and with help from
19 the public sector, those units in Hartford are pushing two
20 dollars a square foot, maybe a little more.

21 We -- remember we can do something
22 different when we're the owner of a building. We can take
23 a little bit less return knowing that it will grow and
24 increase in value as we own it over time. And we have

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1 worked very hard with our equity and our bankers to
2 provide this program. It's very skinny. We believe its
3 value will grow with the rest of Blue Back Square and we
4 think it's critical that it get built now.

5 So it was a bit of a scramble. It wasn't
6 our intention because we have experience with the unit
7 type. We knew how to design it. It's a unit type we know
8 how it works. We thought it made sense on this
9 marketplace, as we originally did. Frankly, we were a
10 little surprised that we didn't see any younger customers
11 coming to Building D. It was a little more monolithic than
12 we would have thought, but we still believed there would
13 be interest in the younger people living in the center and
14 we believe there will be today.

15 The long and the short of it this was going
16 on and really didn't come to fruition until May or June.
17 And then we scrambled. I would say it was actually June
18 that we finally came to the conclusion that it couldn't
19 happen now. So all of those are circumstances beyond our
20 control. I have to tell you the project is as good if not
21 better. It's a more -- you know, that's not the reason we
22 did it, make no mistake. But it's not a loss to the
23 project. It's not a loss to the center. I think it adds
24 tremendously. So I've probably said enough on that.

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1 MS. CARPENTER: And a follow up question,
2 please. When we first did the proposal tax wise, tax base
3 it was supposed to add 2.8 million dollars.

4 MR. HEAPES: Um, hmm.

5 MS. CARPENTER: In a recent hearing report
6 you said it was going to generate 3.8 million dollars.
7 What right presently is the income of which this project
8 is going to bring to the town?

9 MR. HEAPES: Can I ask Mr. Francis that
10 question?

11 MAYOR SLIFKA: Mr. Francis.

12 MR. JAMES FRANCIS: If I can go back and
13 just kind of review the financials a little bit to get to
14 your answer. If you remember there were three basic
15 components to the financial plan. There was the --
16 certainly the Special Development District tax. There was
17 the parking revenue. And there was the property tax. And
18 one of the goals we had at the beginning of this project
19 was to preserve as much property tax as we could by not
20 giving deferments or any tax relief and we didn't do that.
21 We haven't done that throughout this entire project.

22 As was said during the presentation, the
23 special services district tax, which is about 1.7 million,
24 will not change because of this. There were safeguards

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1 put into the Master Agreement that said they needed to
2 build a 160,000 square feet of residential property. And
3 if they build anything less than that we would still get
4 that money irregardless. So that will not change.

5 We do not think this project or this change
6 in the project has any impact on the parking revenue,
7 which was generated -- estimated at two million dollars.
8 And that was, again, at the beginning presentation. So
9 those two sources of income pay the debt service.

10 The third source of income being the
11 property tax that you gain, which again is not to be
12 committed to the project, but comes into the general fund
13 for you to use at your discretion. At the original
14 adoption of this project, which is you know, '04 we had
15 estimated 2.6 million dollars in additional property
16 taxes. Of that 708,000 came from the residential piece.
17 Right now with the change that we would have in this
18 project, this change, we would estimate 3.1 million
19 dollars in total and 1.15 in terms of the residential
20 property tax that we would get.

21 Now most of that change is because of the
22 unit values that we've had that are different now that
23 we've done revalue and we have more up to date values. And
24 our estimates are better in terms of the values of the

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1 property. Most of that comes from that. But, again, we
2 would see roughly about a 500,000 dollar increase in
3 property taxes since your original adoption in '04.

4 MS. CARPENTER: A follow up question to
5 that is how much money so far has the town generated from
6 this project in terms of revenue?

7 MR. FRANCIS: I'm going to have to estimate
8 that for you. We have roughly 400,000 dollars in the
9 Special Development District fund. And then we have, of
10 course, we've sold the bonds and we've gotten the interest
11 that we've had because we haven't made all those
12 expenditures. I don't know that number just off the top
13 of my head, but I can tell you we've reviewed that each
14 month with finance and budget. The plan -- the financial
15 plan itself is not only target but we are ahead of the
16 numbers that we had projected both in terms of the
17 interest income and the revenue from the project to date.

18 MS. CARPENTER: Thank you. Another
19 question, Mr. Mayor. I was reading that in the Heritage
20 that's being built the parking is going to be behind
21 gates. Is that correct, Mr. Heapes?

22 MR. HEAPES: The parking for those units is
23 -- sorry, the parking for those units is as you recall
24 below that building and is reserved for the units, and is

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1 behind security gates. It is a key component of this kind
2 of parking that those consumers feel safe and secure and
3 know that -- so it is not mingled with the public parking,
4 never was intended to be. You have your own reserved space
5 behind a garage door essentially like you would at your
6 house.

7 MS. CARPENTER: And will it be similar in
8 this Building B, the same kind of parking it won't be
9 shared parking?

10 MR. HEAPES: Yes, under the Building B you
11 have the same issue where you'll come through a security
12 gate for the residential parking.

13 MS. CARPENTER: A follow up would be, who
14 is going to be managing this? Will the Heritage be
15 managing the apartments as well as the condominiums?

16 MR. HEAPES: Well, the Heritage will be a
17 condominium association made up by the owners of that,
18 including ourselves as the owners of the retail. Ronus
19 Properties, our partner, who will be managing the rest of
20 the center will be managing the apartments most likely.

21 MS. CARPENTER: Okay, thank you. And
22 another question is the current balance or percentage
23 right now as it stands with this current change between
24 the retail, residential and office space what is the

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1 percentage of each of those with these current changes?

2 MR. HEAPES: Yes. I don't know the exact
3 percentages by percentage. It used to be -- and it depends
4 on how you include the retail, including the cinema and
5 restaurants as retail, it was essentially 40 to 50 percent
6 retail, and the rest the residential and the office each
7 one at about 30 percent each. So there has been nothing in
8 that kind of strategic balance that has set this off.
9 Remember -- I prefer to think of the residential in terms
10 of number of units rather than size because that really
11 has to do with how many different households there are, so
12 to speak. In the last approval we were at a 124 units of
13 residential. We're now at a 114. So is it effectively the
14 same number of households, just different in their
15 characteristics.

16 MS. CARPENTER: Okay, thank you. I think
17 that's it. The only question was really about the -- oh,
18 yes, the 1700 additional square footage in the retail, was
19 that as a result of the people who are going to be leasing
20 and they want additional space or is that going to create
21 additional retail stores?

22 MR. HEAPES: That's going to create
23 additional retail space because in the proposed condo
24 building we had three separate elevator lobbies, almost

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1 like three buildings. You wouldn't do that in this
2 rental. We've consolidated them to one lobby and taken the
3 balance of that space and made it retail.

4 MS. CARPENTER: And --

5 MR. HEAPES: -- and as I said, that's about
6 five parking spaces or it's about this much. So you could
7 think of it as one more store perhaps.

8 MS. CARPENTER: In speaking of those five
9 parking spaces there will be a reduction of those five
10 parking spaces as a result of this project?

11 MR. HEAPES: Yes, as a result of various
12 construction issues we -- I believe we've lost overall
13 about five spaces just in the run of the mill construction
14 things, such as the surgery center needs an emergency
15 generator. I had the choice to put that back on the
16 sidewalk by the police station, which really didn't seem
17 really great if you've seen an emergency generator that
18 fires off once a month full of diesel in terms of keeping
19 it going -- or taking a parking space in Building C. It's
20 been issues like that, a column here, a column there. It's
21 pretty typical. As you know five spaces is less than half
22 of one percent of the parking, that's really not relevant
23 to the total. And they were all private spaces not
24 revenue generating spaces.

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1 MS. CARPENTER: Okay, thank you. Thanks so
2 much. Thank you, Mr. Heapes.

3 MR. HEAPES: Yes.

4 MAYOR SLIFKA: Thank you, Mrs. Carpenter.
5 Dr. Thornberry.

6 DR. CAROLYN THORNBERRY: Good evening, Mr.
7 Heapes.

8 MR. HEAPES: Hi.

9 DR. THORNBERRY: You know I can't imagine a
10 more unhappy Council if you came back and said that you
11 were not doing anything because, you know, going back to
12 two and a half years and sitting on this original proposal
13 I know how important the residential component was to all
14 of us who sat on this. And how much we believed in
15 residences that are in the center of your community and
16 what it does for a community, it's really expediential.
17 It's -- it's an area that people wouldn't even really
18 think of as to what it can do for your community.

19 So I am very happy that you came back and
20 said that you were doing something versus having nothing.
21 However, you can imagine that those of us who sit on
22 zoning applications and a lot of them too, I might add,
23 more than I think I thought of as I got on this Council,
24 we -- well, I'll speak for myself and other people can

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1 speak for themselves. There is something that kind of
2 goes up my spine, as you can imagine, when someone says
3 it's this or nothing. Now, I can understand this as
4 you've described it. Perhaps -- I think the one element
5 of it is how is it possible not to be able to build
6 anything because everything else is built around it? Can
7 you talk a little bit about how you build within a pretty
8 developed area as far as trucks in and out and that type
9 of thing?

10 MR. HEAPES: I think that's a good point
11 because as you know we do build in urban sites quite often
12 that are surrounded on four streets, etcetera. We have a
13 little bit of a different circumstance here. This site,
14 No. 1, faces Blue Back Square. It's on Blue Back Square.
15 It faces New Street. It faces a parking lot of which
16 there are many overlays put on this that you wouldn't have
17 in a city by our tenants. RAI is not going to allow us to
18 close that parking lot to use it to phase construction.
19 That is part of their lease. They think those 26 spaces
20 are very important. So we have overlays that we wouldn't
21 normally find in an urban environment.

22 Secondly, the space we can't stage in Blue
23 Back Square. I don't think you would be happy if I told
24 you that Blue Back Square is going to be a couple of years

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1 late because there is going to be construction trailers in
2 Blue Back Square. One of the components of this very
3 dense site is there is no place to stage any construction.

4
5 Secondly, the disruption to the project --
6 imagine -- and I think Turner has done a spectacular job
7 of maintaining that site in a polite manner. I'm sure
8 there is a great disagreement in town. I would bet on it.
9 But imagine what you see going on there today in the midst
10 of a very active traffic, busy part of town. I just can't
11 imagine it. I am not sitting here telling you it's
12 impossible. Of course it's possible. We build in the
13 center of Manhattan. I'm just telling you it's unlikely
14 that for the size of project and what you would do that
15 you would go through that heartburn. You wouldn't be
16 happy and we wouldn't be happy.

17 It has always been really, really important
18 to us that on opening day at least the exterior of the
19 building is up and there and the stores are open. We may
20 be finishing off the space. We may be finishing units or
21 people occupy those six, seven months later. That's not
22 unusual.

23 The -- I agree with you about the tingle in
24 your spine. And I didn't intend it as a threat by any

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1 means. But I intended it to be really, really as clear as
2 I can be to just say it's not this or you go build the
3 condos. That's not going to happen. And I tried to be
4 very clear that the likelihood of something happening is
5 less than -- I don't want to bet on that happening. What
6 I want to do is get it built, get it finished, get it all
7 open and be done with the disruption.

8 So it certainly wasn't meant as a threat,
9 but it was meant to be damn clear as to what the issues
10 are here to our benefit and to yours. And plus my
11 partners are sitting out there and they would make sure I
12 made it real clear. It is not a threat. It just is the
13 circumstance we're in. We have a chance here to run
14 through and get over the finish line. And that was the
15 intent. So excuse me if it was read that way.

16 DR. THORNBERRY: Thank you. If I might ask
17 another question, Mr. Mayor. Mr. Heapes, could you
18 comment a little bit about what's happening with concrete
19 prices? And you alluded to it -- well, you did more than
20 allude to it. You actually told us about steel and
21 concrete going up 60 percent. However, my kind of
22 understanding is it's really concrete that's been driving
23 the market and why China?

24 MR. HEAPES: Well, I'll give you Richard's

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1 history of the world and you can take that for -- what
2 happens in these construction things is actually as you
3 know the economy in China and India have been way
4 overheated. I believe three fourths of the world's cranes
5 are right now in China massively building high rises. What
6 happens is about two years ago in order to build high
7 rises you need steel. We were getting a lot of our steel,
8 believe it or not, from Japan. A lot of steel industry
9 has closed and we ship it here from Japan. When that goes
10 to China what happens is construction doesn't stop, people
11 go, okay, what can we use instead of steel? We can use
12 concrete. That hit us when we were beginning to do the
13 parking garages. There was a big crunch -- it's kind of
14 like the snake that Justine -- so you don't do steel, so
15 you do concrete. Then you have concrete problems.

16 In the middle of that, the Florida
17 hurricanes and Katrina hit, which sucked up all the
18 drywall. Literally, all the drywall, almost all the
19 drywall in the country went down to rebuild those places.
20 But it's a rolling kind of cyclical process. First it's
21 concrete. Then what happens is instead of steel you'd be
22 interested to know this we had a steel building in
23 Building D. When we were pricing that hit and we changed
24 our construction type and you're about right to see it

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1 happen where like a coil pot they're going to build it out
2 of structural metal studs. They didn't need the heavy
3 steel members. And you're going to start see that next.

4 What happens is the stuff just kinds of
5 rolls through the economy. The market responds and says,
6 okay, no steel, we'll use structural studs. A hurricane
7 hits, we're not going to use studs, we've got to use
8 concrete. It's a rolling cyclical thing that will resolve
9 itself through the economy. Not unlike the perfect storm,
10 China, steel, concrete, Katrina, drywall, it just rolled
11 through the nation. Now it is beginning to resume a
12 little bit, relax a little bit. If we had another year it
13 might be a different conversation. We need to start the
14 building now to open in a year. And so it's a confluence
15 of timing, and just getting the tsunami.

16 That's my history of the world, but it was
17 reflected in -- the reason we know this is we would try to
18 react and change the drawings. And then we'd get hit by
19 the next wave. And it's really a wave thing. It will
20 cycle through the economy probably in the next 12 to 18
21 months and things will settle down.

22 DR. THORNBERRY: Could you -- I didn't
23 realize that you were talking about the handicapped
24 accessible. Was this a state law that started --

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1 MR. HEAPES: -- this is a national law,
2 which Connecticut has their rider on this national -- the
3 International Building Code and Connecticut has their own
4 version of it.

5 DR. THORNBERRY: Version of it.

6 MR. HEAPES: As of January 1st.

7 DR. THORNBERRY: Is this under the American
8 with Disabilities Act or --

9 MR. HEAPES: -- that's a separate building
10 code, but it's up to that. It is, without casting
11 dispersements to Connecticut, probably the most radical
12 version of it in the country and will be a challenging
13 thing for developers and whatever to kind of roll in. But
14 this building will probably be the first in the
15 marketplace where -- I'll give an example. Your bathroom,
16 which might normally have been five feet by seven feet,
17 you know, a little shower and a toilet and a vanity, could
18 now be six feet by nine feet, 30 percent bigger to allow
19 the turning. I don't know I think this is a good thing.
20 But it's across the board. It's not like, well gee, you
21 can put the bars in later or you can remove the vanity
22 like you can do in condominiums based on the sale.

23 So this is a 100 percent accessible building. I
24 think it will be a marketplace advantage. It certainly is

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1 an asset to the town. I think it's very significant
2 because of its location. You can go directly to the
3 doctor. You can come to town hall services, get your
4 food. It really fills the kind of promise of
5 accessibility and the serving environment.

6 DR. THORNBERRY: Does that mean that
7 someone who is in a wheelchair would not have a problem
8 negotiating the kitchen that appliances would rise and
9 fall? I mean not rise and fall, but, you know, go up and
10 down?

11 MR. HEAPES: Not on purpose. It means such
12 -- for example, that we will not have stackable washers
13 and dryers. Like we would normally have in a loft you'd
14 have a washer, dryer stackable. The industry does not
15 make those yet relative to the reach. They will be side
16 by side washers and dryers. It's a challenge in a quote,
17 "loft like" unit because that's about space efficiency,
18 etcetera. But that is how we're designing these.

19 So no, it absolutely means that all the
20 American Disabilities and accessibility issues in the
21 bathroom, in the kitchen, etcetera -- now, there is a
22 higher threshold for 10 percent of the units that are what
23 I would call hard core accessible. One of the kitchens is
24 actually lowered, etcetera. But a 100 percent of the

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1 units are fully accessible.

2 DR. THORNBERRY: I guess that's what I was
3 asking about, you know, how easy would it be for someone
4 who is in a wheelchair to live and, you know, to live
5 independently and function and get in and out.

6 MR. HEAPES: They are completely designed
7 that way. The door pulls. I have wall mounted sinks.
8 There is no cabinet under the sink, so you can roll up
9 under the sink. All of those things are the components of
10 these units, every one of them.

11 DR. THORNBERRY: Thank you very much.
12 There are only 52 of them and I think, you know, the need,
13 as we know, the need is greater.

14 MR. HEAPES: Yes.

15 DR. THORNBERRY: Also thank you for keeping
16 the same footprint. I think it always bothered some of us
17 that it was set back, you know, in one of the versions
18 then you came forward and you were able to do that. So
19 thank you. I'll let my other colleagues ask questions.
20 Thank you.

21 MAYOR SLIFKA: Thank you, Dr. Thornberry.
22 Mr. Sinatro.

23 MR. MARK SINATRO: Thank you, Mr. Mayor.
24 Let me just comment on Dr. Thornberry's feeling of that --

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1 of her spiny feeling about not being able to stomach the
2 fact that either we approve tonight or maybe they don't
3 get built. But I think that I just need to comment that
4 maybe we should have looked a lot harder when we approved
5 the Master Agreement initially to give the developer maybe
6 this kind of flexibility to build or not to build. But
7 with that said, we have to do what's best for the project.

8 And my question to Mr. Heapes is this, is there any kind
9 of financial analysis that we on the Council can review on
10 the marketability of the rentals based on the 50,000
11 dollar annual income and the 1500 dollar month
12 affordability?

13 MR. HEAPES: Well, you can have the size of
14 the unit, which is 686 square feet. You can look at the
15 marketplace as it is today. I suggest you go to Century 21
16 or its comps and find out the rental rate and the math is
17 pretty simple.

18 MR. SINATRO: Okay. Question No. 2, I know
19 that we spoke about how important the residential
20 component of this project is. I know you had some slides
21 during the initial public hearings and also as a follow up
22 about how the people living here are the eyes and ears of
23 the neighborhood. The fact that the people living there
24 will be able to spend money on meals and so forth at the

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1 restaurants and I think you had some detailed
2 documentation to that. And since June of 2004 we've
3 spoken about how much we really need to make sure that the
4 residential component is as broad as we can get because of
5 that very issue of the density of the project.

6 So eight months ago we talked about the fact
7 that we're going to have a total of a 124 units built.
8 Now, we're going to reduce the residential component to a
9 114. It's my opinion we need to have as many people down
10 there as possible living there. And my question to you is
11 this, putting aside the profit, your profit, why is that
12 in our best interest to have less people living there? Why
13 not go another story, if possible, and broaden the
14 rentals?

15 MR. HEAPES: I think in our analysis
16 relative to the existing parking supply, primarily, which
17 is with parking completely under that block, which is
18 providing the parking for those units. Remember whether
19 the unit is small or big they still want one car, one
20 point to a car. That really maximized the parking without
21 then triggering additional parking, additional traffic,
22 etcetera. I don't necessarily disagree. We are fitting
23 some -- I'm going to do the math here. 28 units a floor,
24 so another floor would add 28 more units. And there really

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1 isn't the infrastructure and the traffic and parking to
2 accommodate those. And the return really is not fantastic.
3 So we're trying to do within the scope as many units as
4 were there. And that's what the bank will loan us money
5 on. So even if you offered it, which I take it you're
6 somewhat suggesting, we would decline it. The cost
7 benefit wouldn't be worth it.

8 MR. SINATRO: Okay. Well, I was confused if
9 we are -- eight months ago if we are going to have a total
10 of 124 units and we had adequate parking. If we had
11 adequate roadways and the infrastructure was there, what
12 would be the reason why other -- so it's the bank
13 financing. It's not the fact about the parking because I
14 mean --

15 MR. HEAPES: -- no, I mean we're ten units
16 less. We need ten parking spaces less. That's a different
17 order of magnitude than 30 spaces. I don't have anywhere
18 to put 30 more spaces for 28 more units. Ten plus or
19 minus just softens up the parking demand, that's fine. But
20 there is no place to add parking. We've dug -- well, you
21 can go over there and see what we've dug. The whole block
22 is dug out for one level of parking. So I think a 114,
23 120 that number of units is however much will fit on the
24 site and we've maxed it out. So that's why. Thank you.

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1 MR. SINATRO: Okay, and just one more
2 follow up is -- so my understanding is that the developer,
3 you have not done a financial analysis as to the
4 marketability of the rentals.

5 MR. HEAPES: That's not true.

6 MR. SINATRO: Is there something that we
7 can see?

8 MR. HEAPES: No.

9 MR. SINATRO: No?

10 MR. HEAPES: No, it's between us and our
11 bank.

12 MR. SINATRO: Even though we're co-
13 applicants?

14 MR. HEAPES: Not on this you're not. This
15 is property on ours that's part of our application. I'm
16 not trying to hide anything. The market is really pretty
17 clear. If you go and look at what's in the market for
18 urban rental properties, you have about three of them and
19 they're all in downtown Hartford. Century 21 is renting
20 out at about \$2.00 a square foot. There is no bank that's
21 going to say, oh gees, you're in Blue Back Square I'm
22 going to pretend that you can get \$4.00 a square foot.
23 Maybe they'll say you can get \$2.00, \$2.25, that's a
24 little bit better.

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1 The strategy here was really get the right
2 unit size. So the math is real simple. Take 650 square
3 feet at \$2.00 a square foot in rent and that will get you
4 1250, maybe we're lucky and can push it up a little bit to
5 15,000. I have always underwritten the ability to spend
6 money on housing as being about 30 percent of your gross
7 income. So you take that rent and times it by three and
8 that will give you 45, 50,000 dollars a square foot or
9 annual revenue.

10 It's that simple. Believe me, we have the
11 bank loan for this. The bankers are very specific in
12 underwriting that rent rate. Yes, we get a little bit of
13 bumping in Blue Back, but it's two bucks plus a little.
14 And that's just what the market is. The key is that small
15 unit, that is attractive to a demonstrable demographic.
16 And by the way the people moving into Century 21 in those
17 downtown condos are young professionals, startups. So we
18 know that that market exists as well.

19 I'll tell you the market analysis isn't
20 really deep like it was for Building D because there is
21 not a lot of comps. So it takes extra equity, which is
22 riskier, and all of those things to make this happen. The
23 reason we can do it on this and not the condos is we
24 believe it will grow in value like the rest of Blue Back

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1 Square will. And the bank is willing to work with us on
2 that.

3 MR. SINATRO: Just a follow up, I wasn't
4 insinuating that you were trying to hide something. I'm
5 just trying to figure out how you got to that 50,000
6 dollar annual income with a 1500 dollar rent when, you
7 know, I did some research and I'm looking at from the CHFA
8 and this is HUD guidelines.

9 MR. HEAPES: Right.

10 MR. SINATRO: The schedule of maximum
11 affordable rents and income limits, I'm looking at a
12 income of 64,000 and according to their calculations the
13 maximum rent is 1117. The only reason why I bring that up
14 is because I would hate to have, and I think everyone at
15 this Council, would hate to have you have to come back in
16 a few months and say, you know, we're not renting the
17 apartments. We need to rethink this. So that's the only
18 reason why I asked that.

19 MR. HEAPES: Oh, I think that's a good
20 point. Let me make something really clear. The financing
21 is in place. The construction loan is in place. We're
22 ready to start construction tomorrow morning, so to speak.
23 So there is no financing considerations or anything else.
24 This deal is ready to go and will be built.

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1 MR. SINATRO: Thank you. That's it.

2 MR. HEAPES: Thanks.

3 MAYOR SLIFKA: Thank you, Mr. Sinatro. Mr.
4 Spada.

5 MR. SPADA: Thank you, Mr. Mayor. I'm not
6 going to admit to any tingling feelings whatsoever. But
7 that's what I heard, that was the word I heard. I've got
8 two questions. One is of a technical nature and I'm going
9 to ask Mr. Francis to address it for a third time. For
10 the record, because I think this Council needs you to be
11 crystal clear, and I guess I will ask you in a series of
12 three questions, rapid fire, if this is voted upon tonight
13 in an affirmative way you anticipate revenues increasing
14 roughly 500,000 dollars.

15 MR. FRANCIS: Property tax revenues.

16 MR. SPADA: Yes.

17 MR. FRANCIS: That's correct.

18 MR. SPADA: And if we vote no and Mr.
19 Heapes decides to build nothing then there is no change to
20 the financial model.

21 MR. FRANCIS: No, if he built nothing there
22 would be a change in the financial model. In other words,
23 we had estimated 708,000 dollars in property tax of which
24 this was apart of that. I'd have to go calculate the exact

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1 part from this B3 building. But if he didn't build those
2 you would not get those property taxes. You would still
3 get the Special Service's District tax, and you would
4 still get the parking revenue. But you wouldn't get the
5 property tax.

6 MR. SPADA: There still would be a shortage
7 then in that example.

8 MR. FRANCIS: That's correct.

9 MR. SPADA: Okay. Okay, on the less
10 technical for Mr. Heapes. And this is, you know, I just
11 kind of want you to wax a little philosophic, not long,
12 long, long waxes, contain it, but in February you were
13 here and I think I finished my statements to your team as
14 saying as much as I enjoy your company I didn't want to
15 see you until we were cutting a ribbon. And here we are
16 tonight. And so there is a perception and almost a, for
17 me, a sense of unease around the fact that maybe change
18 will be a constant here. And that Blue Back Square will,
19 you know, if they sense a souring market or if they sense
20 an opportunity to increase a profit they will move to
21 change the dynamic of the original deal and that it will
22 begin to erode piece by piece what was originally voted
23 upon twice by the town. And I'm not suggesting that's
24 fact. I'm not suggesting it's fiction. It's just out

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1 there. And short of reading the tea leaves, which I know
2 is impossible, but that's what you do as part of your
3 business is this close to your final vision? Are we
4 getting to a spot -- I'm not suggesting it's -- you're
5 never going to change it again, but I'm also a little
6 unnerved about the fact that this is the second or third.
7 And I don't know if there is going to be a tenth time
8 we're going to be here.

9 MR. HEAPES: I will not try not to wax too
10 much. But there are two answers. First and foremost, your
11 SDD process is not set up for this kind of project
12 relative to a desire of never seeing us again. This is an
13 organic project built and evolved in response to a market.
14 It's not a build to suit for a company or a house or
15 whatever else. I don't view this as bad. I like seeing
16 you. And I think it's a good public education process.
17 But the SDD project is the most unusual zoning I've worked
18 with in the country. I don't think that's bad. I think
19 it's had great impact on assuring the best project. And
20 through this dialogue has forced us to do the best
21 possible. So I don't view that as bad.

22 To be quite honest, going back to the 2004
23 -- just go back and talk about residential for a minute.
24 In 2004 we asked with us to support building two

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1 residential products that didn't exist. They didn't
2 exist. There was no such thing as urban luxury
3 condominiums in the center of West Hartford. You had
4 tried to get Crate and Barrel for ten years and they
5 weren't interested in coming. So we set together some
6 really high thresholds. I'm most amazed that we haven't
7 changed really hardly anything at all from our
8 perspective. That we've somehow managed to stay true to
9 that course and deliver the desired results. And I believe
10 that's because we had clear objectives.

11 Going back to Dr. Thornberry's comment, the
12 fact that from the beginning we said we wanted
13 residential. We wanted it on both sides of the street kept
14 our compass straight. So I would love to promise you that
15 I won't see you again. I'm planning on seeing you at the
16 opening in 350 days from now. What's important about this
17 is staying true to the key original principles. And I
18 think we've all done that. We are trying to do that as I
19 know you are.

20 MR. SPADA: And, again, and I think some of
21 the subjective opinions of the Council will probably be
22 articulated when we vote on this. But short of that, let
23 me just finish by saying I don't think that this is a
24 debate at all about the process. So I would respectfully

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1 --

2 MR. HEAPES: -- no.

3 MR. SPADA: Yes. But I think you said your
4 last statement there about staying true, I think
5 ultimately some of the struggle for some of us is that
6 going from condominiums to apartments, I think the debate
7 is does that represent a significant change in the feel
8 and what people looked at and examined. And I'm not
9 suggesting one way or the other, but I think that's the
10 question. I think for me that's one of those questions
11 that I wrestle with. Thank you.

12 MR. HEAPES: Thank you.

13 MAYOR SLIFKA: Mrs. Cantor.

14 MS. SHARI CANTOR: Thank you, Mayor. Most
15 of my questions have been answered and -- but I do have a
16 couple that -- one in particular that I -- if, by chance,
17 the rental market -- again, economics, you know, the
18 economics and the reality of projects changes over time.
19 We look five years down the road, the units are not
20 renting the way the expectation was. Would -- is it
21 possible for you to relook at that? Would you relook at
22 that? And maybe consolidate and convert that to condos?
23 Is that something that you would rethink periodically or -
24 - that's the end of that question.

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1 MR. HEAPES: The answer is we're building
2 this intending it to be rental. We, of course, would
3 reserve the right -- I won't talk about five years. Let's
4 talk about 45 years. This is a long term investment that
5 we intend on owning -- we, if not me, intend on being the
6 owners in 45 years. And, of course, you would always look
7 at what's best for the project. What's best for the town.

8 I will tell you as I've said from the
9 beginning, our druthers is to be owners of this project.
10 It kind of -- you know that tingly feeling you're talking
11 about? I get that when I think of all the condominium
12 owners who are going to come and own this and reap the
13 rewards of the value. It's a good thing. Our druthers is
14 to own it long term and to shepherd it and keep its value.
15 So we're not upset and we're able to do rental. But we
16 will always -- and this is true of the tenants, both in
17 the office and the retail, always follow this dynamic of
18 the market. And we've designed a structure and a project
19 that can accommodate that. Think of the tenants who were
20 in the center 40 years ago -- the
21 Center Theater, Sage-Allen, whatever. We designed a
22 project to allow it to respond to the market and that's
23 really the key thing. The quality of these units would
24 allow them to at some day be considered as condos. They

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1 are high quality units with high quality finishes. There
2 is nothing short term about them at all.

3 MS. CANTOR: Thank you. A follow up to kind
4 of the quality issue, I just was wondering about the
5 ceiling heights and the projection and pictures. Are they
6 similar to the projected ceiling heights of the -- of your
7 -- the design of the condo units that you had though
8 about?

9 MR. HEAPES: No, one of the reasons that I
10 can take three floors off, but that only reduces two
11 floors in heights is that the ceiling heights here are
12 over 12 feet. So they are significantly higher. In order
13 to be a kind of loft open environment they need to be
14 higher. The ceilings in the Heritage are 10 feet. So they
15 are significantly higher, which is really what makes the
16 unit work.

17 MS. CANTOR: Thank you. And then any
18 amenities that will be associated with this proposed
19 development to it in the apartments? Would there be an
20 exercise room? Will there be --

21 MR. HEAPES: -- well, the primary amenity
22 is being at Blue Back Square, No. 1. No. 2, having a
23 memberships to Healthtracks as part of your rental unit
24 here, which is significant. We have looked and

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1 investigated roof terraces, etcetera. Not having a lot
2 success with the new handicapped code accomplishing that.
3 There is trade offs that we look at. The real amenity is
4 you're going to belong to Healthtracks and you're going to
5 be able to go over there and participate in the classes as
6 part of renting here.

7 MS. CANTOR: Thank you, that's all I have.

8 MAYOR SLIFKA: Thank you, Mrs. Cantor.

9 Councilman Verrengia.

10 MR. JOSEPH VERRENGIA: Thank you. I think
11 I know the answer to this, but just I want to make I'm
12 clear. In the language in the Master Agreement relative to
13 residential housing the Heritage and what's in front of us
14 today, the building, the language in there basically
15 speaks to market forces, financing, equity pre-sale
16 requirements that will affect the actual timing and/or
17 construction of both buildings. And it's your testimony
18 this evening that the difference between the Heritage and
19 what we're looking at in doing in Building B is influenced
20 by this 60 percent increase in construction costs in the
21 last 12 months.

22 MR. HEAPES: Correct.

23 MR. VERRENGIA: Okay. A question for the
24 town, Mr. Francis, when a developer, in this case the

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1 applicant, makes those claims does the town staff review
2 that -- would the town staff -- I should say, what role
3 does the town play in reviewing an application and/or a
4 statement such as that?

5 MR. FRANCIS: We generally in terms of if
6 he makes a statement as to the costs have gone up we would
7 use our own experience in the construction field, seeing
8 how we're in that realm all the time, as to what has
9 happened to our own costs just to get an understanding of
10 whether that seems to accurate to us or not. In this
11 case, certainly we've had the same experience with costs
12 that have gone up over the past two years in terms of our
13 construction costs that we've experienced. We don't go
14 into great detail of looking at their financials
15 certainly. But we just use our own experience and
16 judgment as to whether that seems reasonable or not.

17 MR. VERRENGIA: And that 60 percent is
18 within reason?

19 MR. FRANCIS: Yes, we believe it is.

20 MR. VERRENGIA: Okay. A question for Mr.
21 Heapes, is the foundation of this building already built?

22 MR. HEAPES: What you see being constructed
23 there now is based on the foundations that were approved
24 for the previous building. I don't -- I can't go column by

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1 column. I don't believe that this part of the foundation
2 is yet built. But the excavation has been going on in
3 that area to prepare for that, yes.

4 MR. VERRENGIA: Well, according to the
5 Master Agreement -- so according to the Master Agreement
6 and you had stated earlier that if this doesn't get
7 approved the remaining portion of this project parcel is
8 basically going to be plants, grass seed and you're going
9 to maintain a lawn therein according to the Master
10 Agreement. I was just curious as how that would happen
11 given the fact that there is excavation, etcetera.

12 MR. HEAPES: Let's not be so black and
13 white about it. What was in the 2004 approval was
14 essentially two options. One where nothing was built
15 there and one where 54,025 units were built there. If you
16 go to the site today you'll know that we've been working
17 on B from Memorial over heading in that direction. I don't
18 believe that there is much in the way of concrete,
19 foundations, etcetera. Our goal, if it is to be opened a
20 year from now, was pending this vote was to be able to be
21 into the building department, get our permit and be into
22 construction as soon as possible. So, yes, we have
23 excavation going on over there, getting ready to put the
24 foundations in so that we can pull that cord as fast as

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1 possible. It is a race to get this thing up and open. And
2 so it was really coordinating that sequence based on a
3 November hearing.

4 That's what caused us to file when we did.
5 So, yes, you can fill a hole back in with dirt and not
6 build it. That was really based on the initial '04 SDD
7 package, which was the basis for the Master Agreement. We
8 will, if you vote no, we'll come back with whatever makes
9 the most sense, whether it's covering the truck dock and
10 planting lawn, trying to put a store in there or
11 something. I don't know. We don't have an exit strategy,
12 but I can tell you if you vote no there is not going to be
13 condos there is really what I'm trying to say. If you
14 vote no on this I don't think there will be housing there.

15 We don't want to shoot ourselves in the foot and make the
16 Blue Back Square unsuccessful or anything else. But this
17 is really the shot to get housing there and get it up and
18 get it open now.

19 MR. VERRENGIA: I also want to on a
20 personal note thank you for not putting that emergency
21 generator next to the police department. I appreciate
22 that.

23 But one last question for you, it's just
24 kind of minor. You had said that with the canopy at

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1 Hartford Hospital --

2 MR. HEAPES: -- right.

3 MR. VERRENGIA: I thought you had said that
4 the vehicle or ambulance would have to back up over a
5 curb. And I just couldn't envision that.

6 MR. HEAPES: That's a good -- thank you for
7 asking me to clarify that. It's something called a
8 rollover curb where the curb gently kind of rolls up. But
9 the sidewalk stays at the pedestrian level, but allows an
10 emergency vehicle to kind of roll up over it.

11 It's the same condition we have actually as
12 you turn off Isham into the Building D courtyard where
13 you'll go up on a plaza and it's full of pavers. You
14 drive around up there and it's not quite so street like.
15 We actually have that by the way in Blue Back Square as a
16 traffic-calming device.

17 So at that area, which will be marked and
18 have the red curb, the ambulance will be able to kind of
19 roll up and go there. But it will be perceived as a
20 pedestrian place and a plaza and part of that environment
21 realizing that this kind of an emergency vehicle trip is
22 pre-determined by the hospital, by the ambulance service.
23 They're not looking for where to go, etcetera. And as I
24 said, on average this happens once a year. The key issue

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1 is get a person out of the building in the ambulance on
2 his way downtown as quickly and safely as possible. And
3 it's one of those things that as you study further you
4 have a better idea. So that's how I view it.

5 MR. VERRENGIA: And I have one last
6 question. It's actually for corporation counsel. I guess
7 if I look back at the last public hearing and if the
8 Council were to stipulate or require the developer to do
9 what he said the last application we probably wouldn't be
10 here today. So my question today is could the Council
11 legally stipulate for the applicant to -- or require the
12 applicant to build these units?

13 MR. O'BRIEN: The answer is no.

14 MR. VERRENGIA: Okay. And why would that
15 be?

16 MR. O'BRIEN: Because in the SDD approval
17 process and under the Master Agreement the applicant does
18 have the ability simply to not build Building B and to
19 leave it as open space. Or they can come back yet again to
20 you and propose something different such as a store,
21 etcetera, if they can figure out what to put there that
22 they can get their financing and so forth.

23 MR. VERRENGIA: Thank you.

24 MAYOR SLIFKA: Thank you, Mr. Verrengia.

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1 Maybe if I just piggyback on that quickly, if you -- I
2 think actually what you are trying to say to Mr.
3 Verrengia's question is you could do it, but it would
4 require amending the Master Agreement, correct?

5 MR. O'BRIEN: That would be correct, yes.
6 And that would have to be -- you can't unilaterally amend
7 the Master Agreement. That's a contract. It would require
8 that both sides agree to a change of the conditions of the
9 Master Agreement.

10 MAYOR SLIFKA: And then likely another vote
11 by the town to --

12 MR. O'BRIEN: -- it would be subject to the
13 referendum provisions of our charter, yes.

14 MAYOR SLIFKA: Right. Thank you, Mr.
15 O'Brien. Thank you, Mr. Verrengia. Mr. Coursey.

16 MR. COURSEY: Maybe just to clarify this,
17 Mr. O'Brien, it might be an appropriate example. Several
18 years ago before any of us were on the Council there was
19 an application at the former Talcott site for a mixed-use
20 development there with a grocery store. Do you recall
21 that?

22 MR. O'BRIEN: I do recall that, yes.

23 MR. COURSEY: And it got -- it was approved
24 just as this part of the application was approved also.

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1 But that developer was never -- never proceeded with that
2 plan because as time went on in the process it became
3 financially unviable -- it wasn't financially viable.

4 MR. O'BRIEN: That's correct.

5 MR. COURSEY: Because we don't require --
6 once a zoning change is granted we don't require, we don't
7 make it a policy of forcing folks to develop on the
8 property.

9 MR. O'BRIEN: You can't actually. You're
10 just granting a zoning change, which gives permission for
11 a developer to put up a particular project. But the final
12 choice as to whether to do so belongs with the -- with the
13 developer. And, of course, my understanding of that
14 Talcott School situation was the developer could not get
15 financing and therefore nothing happened with that
16 project. But when the GDC came here seeking a change it
17 was from that prior approval to what they wanted.

18 MR. COURSEY: Thank you for clarifying
19 that.

20 MR. O'BRIEN: Okay.

21 MAYOR SLIFKA: Mr. Alair, it appears you
22 have a point to raise.

23 MR. PATRICK ALAIR: Just, I think maybe
24 things got a blurred a little bit between Mr. Verrengia's

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1 question and your question. There are two components here
2 -- the zoning piece, which you have in front of you
3 tonight, and the Master Agreement. There is no
4 application or resolution before you to amend the Master
5 Agreement, which is a contract between the parties, that
6 both the developer and the town would have to agree to.
7 What's before you is the zoning piece and I think Mr.
8 Verrengia's question was could the Council impose a
9 condition in the zoning application that says, thou shalt
10 build this.

11 The problem with such a condition is you
12 would in essence be binding not only the developer, but
13 the Town Council and future Councils to a condition that a
14 future Town Council might want to undo. It would be no
15 more binding than what you have before you previously
16 approved and amended tonight. The developer could come
17 back to you tomorrow and say, well, we heard your
18 condition, but we want to change it anyway. And you would
19 be obliged, under Connecticut zoning law, to hear that
20 application. Now, in your discretion you might turn around
21 and say, well, you obviously heard us but weren't
22 listening. But you'd still have to hear that application.
23 So the practical effect of such a condition is nothing.
24 And I think that's what was perhaps glossed or missed in

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1 the translation between the Master Agreement piece and the
2 zoning piece.

3 MAYOR SLIFKA: Mr. Sinatro had his hand up
4 first.

5 MR. SINATRO: Mr. Alair, I'm sorry, can you
6 just -- not to belabor the point, but I just want
7 clarification. If this were a condition of the Master
8 Agreement and not a zoning condition certainly if we
9 mandated the initiation of the Master Agreement process
10 that a 124 units have to be built that are condos,
11 certainly then the developer would be mandated to do so,
12 correct?

13 MR. ALAIR: That's absolutely correct. And
14 I think you need to go back to the original hearings in
15 2004. And I actually was going through the transcript of
16 those hearings today to recall -- because I enjoyed it so
17 much, fond memories. The developer was Mr. Heapes and Mr.
18 Hidalgo, and I don't think he's here tonight, but they
19 talked about the distinction between Building D, D as in
20 dog, B, as in boy, then is much the same distinction that
21 is in play today. And that is financing. They could not
22 commit, would not commit at the time of the Master
23 Agreement. It was just -- it was not a matter of gee, we
24 didn't negotiate for it. They would not and could not

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1 commit to the financing for Building B. And therefore it
2 was not part of the Master Agreement that they were
3 compelled to build it.

4 They were compelled by every mechanism that
5 we could put into the Master Agreement to build it or at a
6 -- in the alternative to pay us the Special Services
7 District levy anyway. But that was -- that was then. That
8 was the point and that's why that was not required. And
9 for that reason we would have to amend it today if we were
10 to do that.

11 MR. SINATRO: I appreciate -- you answered
12 my question, thanks.

13 MR. ALAIR: Thank you.

14 MAYOR SLIFKA: Thank you, Mr. Sinatro. Dr.
15 Thornberry.

16 DR. THORNBERRY: Patrick already sat down.
17 You know, I think it is -- you know, Mr. Sinatro kind of
18 illuminates what is sometimes difficult for some to
19 understand, you know, in the public is that, you know, we
20 as a Town Council sit as a council and do all kinds of
21 business in the running of this municipality. We, as a
22 Town Council, also sit as the zoning authority. We're one
23 of the few communities in the State of Connecticut that
24 has that power truly. And it's a -- you know, even though

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1 we're pulling our hairs about some of the SDD, it's a good
2 thing I think for the legislative body to also be the
3 final zoning body as well.

4 But, with that said, you know, my thoughts
5 were that we voted on the Master Agreement as the Town
6 Council, not as the zoning authority. And we knew at the
7 time -- I mean I sat on this. I read it. We spent a lot
8 of time together that summer -- that not every single
9 thing was determined. I mean how could it be because it
10 was going to be built, you know, two and a half, three and
11 a half years later. So there was a lot of stuff that was
12 open. How could Blue Back Square, LLC ever know who was
13 going to do contracts, you know, with them? So sometimes
14 the square footage would always have to be, you know,
15 adjusted.

16 So tell me if I'm right or wrong.

17 MR. ALAIR: Well, in fact, you're certainly
18 right. Councilors are always right.

19 DR. THORNBERRY: But of course.

20 MR. ALAIR: Occasionally they're
21 misinformed by staff, but they're always right. The
22 Master Agreement specifically contemplated the notion that
23 during construction, post construction that there would be
24 changes. It would be -- it would have been reckless for

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1 us and it certainly would have been reckless for the
2 developer to bind themselves to an unchanging plan before
3 they ever put a shovel in the ground. And the Master
4 Agreement specifically called for that. It contemplated
5 that they would be back in front of you for zoning
6 amendments. It requires them to build, to use the terms of
7 the Master Agreement, the private improvements, and the
8 private improvements are defined as being those shown on
9 the site plan. The site plan is defined as being the
10 Special Development District plan as amended by the Town
11 Council from time to time.

12 That's what was in the Master Agreement in
13 '04. It has not changed. It continues to be what's in
14 the Master Agreement. So you're absolutely correct. And
15 undoubtedly for the rest of the history of this project,
16 which will be many hundreds of years into the future I'm
17 sure, the changes to this plan will be coming back to
18 future Councils, but will not require an amendment to the
19 Master Agreement.

20 DR. THORNBERRY: If I might continue. Yes,
21 I would not foresee a change in the Master Agreement. I
22 mean not in my time on the Council. I mean this is --
23 there is a reason why we worked on everything so hard and
24 so critically at the time. This was not something that was

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1 going to change. Well, let me -- I'll just actually, you
2 know, think silently to myself and perhaps I'll get it
3 together.

4 MAYOR SLIFKA: Thank you, Dr. Thornberry.
5 Mrs. McClay.

6 MS. MAUREEN McCLAY: Thank you, Mr. Mayor.
7 First of all, I'd like to thank Mr. Heapes and my
8 colleagues because all my questions have been very
9 thoroughly answered and you have done an extremely
10 thorough job. I would like to, at this time, though ask
11 corporation counsel to reiterate exactly what we are
12 voting on tonight. I know it was mentioned earlier and we
13 talked about it. But we have talked about so many things
14 since I think it would behoove us and to remind the public
15 also exactly what we're voting on tonight and that it's
16 just the size of the building basically.

17 MR. O'BRIEN: Yes. You're voting on the
18 zoning amendments to the three Special Development
19 Districts, but 90 -- I'll hazard a guess, 98 percent of
20 what you're voting on is the changes to Building B, the
21 reduction from six stories to three stories, the change in
22 the story height, a reduction to 40 some odd thousand
23 square feet of residential or units. That's what you're
24 voting on is the change from the larger building, the

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1 larger units to a smaller building and a smaller number of
2 units, a small increase in the retail space because of
3 removal of the elevator bank. That's really 98 percent of
4 what you're voting on. You also have the piece with the
5 canopy on the Hartford Hospital building and some other
6 very minor streetscape changes and so forth. But it's
7 really Building B that you're -- that's really the heart
8 of this hearing.

9 MS. McCLAY: Thank you. And so really that
10 is what we're voting on is those few things that you
11 talked about. And I would just like to add that, you know,
12 I have worked in facilities' management environment for
13 several years and before my present job and I can say that
14 this is -- this is not -- these are not unusual changes
15 for a facilities' project of this complexity and this --
16 you know, it's kind of a normal type of change that comes
17 with these kinds of buildings. And I just wanted to add
18 that because this is not a big thing.

19 Thank you.

20 MAYOR SLIFKA: Thank you, Mrs. McClay.
21 Anything further from the Council at this time? This is
22 not, obviously -- okay, Dr. Thornberry.

23 DR. THORNBERRY: Thank you. I remembered
24 what I was going to ask. You know, when you were -- when

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1 you were here before us and you went up some stories, you
2 know, I really kind of got used to the way it looked. And,
3 you know, in the back of my mind, you know, I keep on
4 thinking that we have one shot at this. We only have one
5 shot at this to make it the best that it can be. Perhaps
6 I would feel more comfortable again if you take off the
7 two stories as to where it lines up with the other
8 properties. Again, I know that you explained it, but if
9 you could go over it again I would appreciate it.

10 MR. HEAPES: Let's see if I can do this.
11 One moment. This is probably the best drawing here, which
12 is the Raymond Road elevation. Here is Memorial her. This
13 is Building B. You see kind of the outline in front of it
14 of the two story building that houses RAI. You see behind
15 that the four story building, the office building. Of
16 course the hospital sits right here. The hospital is the
17 same height as this was. So the hospital is sitting here
18 like this.

19 The parking garage, which sits there today,
20 which is pretty tall in terms of its scale partly because
21 Raymond Road falls off so significantly as you're aware
22 now. The parking garage today, the height of that garage
23 is right about here. So this building is taller than the
24 parking garage today, which will create a certainly nice

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1 scale at New Street in terms of its feeling on the street.
2 It will feel like an enclosed street.

3 I'm not going to judge which is better or
4 which is worse. I will say the pros of this over the
5 other is that the church steeple is right about here. And
6 so from my consideration the most important issue is that
7 this, as I said before, gets out to Blue Back Square in
8 terms of its height, whether it's this height or that
9 height. At the end of the day your experience of this
10 place is at the street. And you will have the same trees
11 that you're walking under, the same retail, the same 20 or
12 30 feet.

13 What you see out there now is a real
14 illusion. Take a look at Building C. You'll never see it
15 like that. It will be impossible to see it like that
16 because the buildings across the street will be there. The
17 trees will be going in this week. So the real issue is
18 what is the character and scale at the street, at the
19 sidewalk, etcetera. No one looks up four or five, six
20 stories in any environment including New York.

21 The view of this project from afar, from
22 Trout brook, from as you come along is and should be the
23 copula and the steeple, period. So from my perspective
24 the experience at the street of having the residences,

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1 having those lights on -- there will be a little hobby, I
2 can tell you this from San Jose, of taking a walk and
3 looking in those big loft windows and seeing those weird
4 cool units. It is no different. So my opinion is it's
5 quantifiably and qualitatively the same experience.

6 DR. THORNBERRY: Thank you.

7 MAYOR SLIFKA: Thank you, Dr. Thornberry.

8 Is there anything further from the Council? Right now?
9 We'll be able to ask again later, but if there is nothing
10 more at this point we can begin the public comment part.
11 If somebody could get a sign up sheet for me. We're going
12 to recess for, well, let's say five minutes.

13 (Off the record)

14 MAYOR SLIFKA: Thanks everybody. We're
15 going to resume with the public hearing and begin with the
16 public comment portion. Again, per the Council rules, we
17 ask that you keep your comments to three minutes and if
18 you're representing a group you get five. We will begin
19 with Lawrence Cook and we ask, so our stenographer does
20 not have to repeat this, would you, please, state your
21 name and address for the record when you get up. Thank
22 you. Mr. Cook.

23 MR. LAWRENCE COOK: My name is Lawrence
24 Cook, C-O-O-K, 91 Fuller Drive. And I wanted to begin

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1 this evening by thanking you for your service to the town.

2 I think you do a lot of the heavy lifting and maybe you
3 don't get enough credit.

4 I also want to say check and mate to Mr.
5 Heapes. I came here tonight originally asking you to vote
6 no on this. Now, I think you have no other choice, but to
7 vote yes. Mr. O'Brien has stated rather emphatically that
8 despite the wishes of probably a good number of well
9 meaning people here in town that who were probably using
10 that you would use your approval process as a lever to
11 secure some type of affordable housing at Blue Back, Mr.
12 O'Brien stated quite clearly that that's not legally
13 possible.

14 Mr. Heapes has also stated quite clearly
15 that if you vote no he won't build anything there. My
16 understanding from Mr. Heapes, and I stand to be
17 corrected, is that the plan that was approved, that you
18 approved in February of this year when times were a little
19 bit better would have allowed him to build more
20 condominiums, bring in more revenue for himself and as a
21 side effect bring in more revenue for the town. That's
22 all very well and good. Now, that the market has turned
23 and the prices have turned and he can't make as much of a
24 profit, the taxpayers of West Hartford are going to see

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1 less revenue coming in from the project that was approved
2 by you in February. And I think that's unfortunate.

3 But I don't think you can do anything else
4 tonight except to approve it. I think you have been
5 legally and financially painted somewhat into a corner. So
6 I would, unfortunately, ask you to approve this evening
7 despite the fact that, as you know, with revaluation, and
8 the NDC, and other financial pressures that you're going
9 to need every dollar of tax revenue that you can get next
10 spring.

11 So, I guess I'm asking you now to vote yes
12 on this tonight and good luck. And, again, thank you very
13 much for your service to the town.

14 MAYOR SLIFKA: Thank you, Mr. Cook. Next
15 is Christine Looby of the West Hartford Chamber of
16 Commerce.

17 MS. CHRISTINE LOOBY: Christine Looby, 111
18 Dover Road, it's L-O-O-B-Y. I'm the Chairwoman of the
19 West Hartford Chamber of Commerce, which represents
20 approximately 650 businesses throughout West Hartford.
21 Our mission is to encourage the development of business
22 and to enhance the quality of life in the West Hartford
23 community. In June of 2004 the Chamber voted unanimously
24 to support Blue Back Square. In our remarks to this

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1 Council we stated that Blue Back Square promises to become
2 a valuable and integral part of West Hartford bringing new
3 businesses and individuals to town and enriching our
4 community.

5 The proposed changes that are under
6 consideration this evening are consistent with our past
7 position and we are pleased to support the changes. The
8 proposal to convert a portion of the condominiums to
9 rental units remain true to the promise of the fundamental
10 principles of Blue Back's original plan. The proposed
11 rental component will broaden the demographic appeal of
12 Blue Back helping to maintain our community as an ideal
13 place to live, work and play.

14 Simply put we believe strongly that the
15 character of promise and goals of Blue Back Square remain
16 firmly in place and we confirm our continuing support of
17 this outstanding addition to our community. Thank you.

18 MAYOR SLIFKA: Thank you, Ms. Looby. Next
19 is Sandy Fry. And I'd point out that the mic can be moved
20 a bit, so Ms. Looby seemed to be straining to get to it.
21 You can move it a little closer. Thank you.

22 MS. SANDY FRY: Okay, thank you. I am Sandy
23 Fry, F-R-Y. I live at 74 Westland Avenue. I'm speaking as
24 President of the League of Women Voters of Greater

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1 Hartford. And once again I stand before you, and I hope I
2 don't do this too many more times, to present the League
3 of Women Voters' support for the Blue Back Square project.
4 The League of Women Voters of Greater Hartford strongly
5 believes that Blue Back Square is right for West Hartford.
6 It preserves the suburban nature of the town while
7 allowing for optimal use of currently underutilized land.

8
9 Blue Back Square, with its shops,
10 restaurants, offices, cinema, residential units and parks
11 provides the best features of what many call smart growth.

12 And this development will provide needed revenue to the
13 town. We continue to support Blue Back. And we believe
14 that the addition of rental housing, although that's not
15 what you're considering tonight, but we do believe that
16 the addition of rental housing to the project makes Blue
17 Back an even better project for West Hartford.

18 Furthermore to the point of the zoning
19 issues that you're considering, we think that the changes
20 really don't change the density of the project to any
21 great extent, so that the density is still right for the
22 location. And we think the scales, the size and the
23 design still looks right for the center.

24 I would like to point out, however, that to

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1 this point we have been disappointed that neither the
2 developer nor the town has seized the opportunity of this
3 large development project to expand the town's supply of
4 affordable housing. While it was very good to hear the
5 developer talk a little bit about the rental units being
6 more affordable to individuals, it's necessary to make a
7 distinction between a market price that currently is
8 affordable -- distinguishing between that and truly
9 housing that is developed to be affordable housing and to
10 serve an affordable market, that as times change and the
11 rental prices, the market changes, those units may not
12 continue to be affordable. So there is no guarantee that
13 in the future they would be affordable. We think that in
14 those cases in this country where mixed structures have
15 been built with both market rate units and affordable
16 units that those have been proven to be successful in
17 providing affordable housing and being assets to the
18 communities in which they're located.

19 As he was retiring, former Town Manager
20 Barry Feldman expressed his belief in the principles so
21 clearly delineated by Jane Jacobs, the noted urban
22 planning expert, regarding development and the health of
23 communities. And I think as most people know one of the
24 most important observations that Ms. Jacobs made was the

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1 importance of providing living opportunities where
2 different income levels can mix. The Blue Back
3 development provides a golden opportunity or maybe I
4 should say it has provided in the past. I'm not sure based
5 on the legal issue that was presented whether it continues
6 to provide a golden opportunity to put this principle into
7 action.

8 Recently Councilor Thornberry introduced a
9 resolution requesting an investigation into an affordable
10 housing fund. This is really a terrific element of a
11 comprehensive affordable housing policy. In addition, a
12 comprehensive policy needs to insure that affordable units
13 are actually built. And an important tool in this regard
14 is an inclusionary zoning requirement. This is a tool
15 that's been used in many locations, it's been used across
16 the country and I think, in fact, the developer has been
17 familiar with this in some of the locations where he has
18 developed.

19 An example of this it might require that 10
20 percent of new units created be available to make -- to
21 people who make 80 percent of median income or less. Just
22 as an example, in our area for a family of four this would
23 be an income of 64,000 dollars. That's 80 percent of
24 median income. Units that are affordable would also carry

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1 a deed restriction to guarantee long term affordability.
2 Such a policy would insure the development of sufficient
3 affordable housing, something that the housing trust fund
4 cannot accomplish on its own.

5 And I'm sure you're wondering why am I
6 spending time talking about this with you because it's
7 really not the issue before you. But I want to remind you
8 that every housing development that comes before this
9 Council that is approved in this town as long as you don't
10 have an inclusionary zoning policy in place every proposal
11 is a missed opportunity. And this is something that
12 Council did discuss, to some extent, when the legal
13 opinion was expressed that this could not be imposed upon
14 the Blue Back project at the time back in January,
15 February. However many months have passed and I once
16 again just want to urge you to look at the provision of an
17 inclusionary zoning policy because we can look around the
18 country. We don't have to look very far. If you look at
19 the Boston area, you can see communities that have changed
20 so drastically where people can no longer afford to live
21 there --

22 MAYOR SLIFKA: -- Ms. Fry, I have let you
23 go a bit over the five minutes.

24 MS. FRY: Okay, sorry.

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1 MAYOR SLIFKA: Just so you could wrap up
2 soon.

3 MS. FRY: Okay, thank you. We don't want
4 to see West Hartford become a community that can no longer
5 support a diverse population including our firefighters,
6 policemen and teachers. So the action that you can take
7 can help correct that. Thank you.

8 MAYOR SLIFKA: Thank you, Ms. Fry. Next is
9 Judy Aron.

10 MS. JUDY ARON: Good evening, Council
11 members. It's good to see you all. Well, whether or not
12 you chose to vote yes or no on this particular issue it
13 just puzzles me that Mr. Heapes said that condos now are
14 not an option. It's this or nothing. And, you know, we
15 heard that before that if we didn't build Blue Back Square
16 then that property at Grody's was going to be a big box.
17 And if we didn't add the couple of floors onto the
18 building then he wasn't going to build that either. And
19 so now we're hearing if the condos -- that the condos are
20 not an option and so it's this or nothing.

21 I kind of -- I don't like those kinds of
22 ultimatums. And I'm sure that you don't either, especially
23 Dr. Thornberry. But what puzzles me is that if the condo
24 market is not the reason for this scale back being that,

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1 you know, he says the condo market is okay and everything
2 is fine, then I don't understand why they wouldn't build
3 that, the condos in the first place. I mean I guess so
4 they're just -- it seems to me so they're just wanting to
5 build cheaper units in order to deal with rising
6 construction costs.

7 And I don't know. I mean that really
8 bothers me a lot. I mean so he makes a little less money
9 than what he proposed before. If nothing gets built there
10 then what happens to the retail, the first floor, there is
11 no retail either. I also think, you know, when you look
12 at the condo units -- of course condos appreciate,
13 apartments essentially don't. So I think that there is a
14 loss of appreciation that we'd also be seeing with not
15 being able to build condos. And, again, he said if he
16 doesn't build -- you know, get this approved then he's not
17 going to build anything.

18 So I don't know, this whole thing is just
19 kind of very puzzling. But one thing I do know is that as
20 I was recently going out and campaigning, some people that
21 I spoke to, a lot of people I spoke to going door to door,
22 were very, very concerned and very, very upset, as I'm
23 sure many of you have received a lot of e-mails on this
24 issue, about the on-going changes in this project and the

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1 fact that the project that they initially voted on is not
2 essentially what we are getting in the end.

3 And I think that consider, please, would
4 this project be -- would this project have been approved
5 with this component or not? And what would be so terrible
6 about having some more open space? I don't know.

7 Thank you very much.

8 MAYOR SLIFKA: Thank you, Ms. Aron. Next is
9 Henry Steiner.

10 MR. HENRY STEINER: The name is Steiner,
11 Henry Steiner, 35 Burr Street. I'm at ground zero. I'm
12 right across the street from where all the action is
13 taking place. And I was sent a letter here, since I'm
14 within 250 feet of the project, but I really don't
15 understand. It says, the West Hartford Town Council
16 petition on behalf of Blue Back Square and the Town of
17 West Hartford. Now, that looks like a partnership that's
18 already sealed. If the town is already -- is part of the
19 petition then I don't know what the point of my coming
20 here was.

21 I have a few comments. There is definitely
22 a difference between building an upscale part of West
23 Hartford where there are condos and where there are
24 apartments. And it is true that had we known -- and I

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1 didn't even know that the developer had the right not to
2 build when we approved the project itself. I would not be
3 -- at this point, I mean there are holes in the ground and
4 there are -- my view of the steeple is gone or will be.

5 So there are other things to consider then
6 when a salesmen talks to his Board of Directors here and
7 brings up the money aspect of what it means to the town
8 because there is more to the Town of West Hartford than
9 whether it costs another \$100,000 or 200. It's the
10 richest -- well, not the richest in Connecticut, but in
11 this area it's a very wealthy area. So I don't think we
12 have to be blackmailed into doing something that really is
13 the wrong thing to do.

14 And there is no question -- I mean when
15 people say we're going to vote on whether we should have a
16 nice and upscale project with two condos and then to
17 change that so that now we're in a completely different
18 area of development. I don't think that's right.

19 I'm sorry the developer is having problems
20 with -- I mean things go up. But for five years the
21 developers and town officials have been huddling on how to
22 do this and how to sell this project. And they're big
23 boys and they should have brought a lot of the
24 possibilities of what could happen into bear. And from

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1 the standpoint of the Town Council it's true you are
2 partners in this, but you also represent the one third of
3 the population of West Hartford that didn't like the plan
4 the way it was.

5 So I -- my final thoughts are that I think
6 if this doesn't increase traffic by one car or if the
7 congestion is not affected by this then it's a mute point.
8 But I'm not so sure that when you have people visiting
9 from all over, when you have a larger number of apartments
10 and everything that it might not turn into more gridlock
11 than I anticipate anyhow.

12 I would really like for you to vote no
13 because if a little section of Blue Back Square becomes
14 grass for the next three years or four years that's not
15 going to be the worst thing in the world either. Thank
16 you.

17 MAYOR SLIFKA: Thank you, Mr. Steiner.
18 Next is David Fink.

19 MR. DAVID FINK: Mayor Slifka, honorable
20 members of the Council, I'm David Fink, 66 Linbrook Road
21 and I'm the Policy Director of the Partnership for Strong
22 Communities. We're staffing the Home Connecticut Statewide
23 Affordable Housing campaign. I'm not only a proud and
24 grateful resident of West Hartford, but I'm an admirer and

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1 long time friend of many of you on the Council. So I'm
2 glad to address you tonight.

3 It's my understanding that you have
4 received counsel that it would be illegal to require the
5 developers of Blue Back Square to set aside, at this point
6 in process, a portion of the new rental units so that
7 they're affordable to people making 80 percent of median
8 income. So I will not question that legal opinion.

9 I also agree that it might be unfair to ask
10 Blue Back's developers to set aside those units at this
11 point. Their financing is set and without having a chance
12 to fully understand that financing I can see where such a
13 requirement might be unreasonable.

14 At the same time, I believe the Council
15 missed an opportunity to not require such a set aside at
16 the outset. The chance to create mixed income housing,
17 that is the great majority of the units selling or renting
18 at market rate and a small portion made affordable to
19 buyers or renters making 80 percent of median income was
20 there and should have been grabbed by the Council. The
21 town needs housing for people making 80 percent of median
22 income, about 60 to 65,000 dollars per year.

23 The developers should be commended for
24 offering some of the rental units to residents that are

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1 making \$50,000 a year could afford. However, unless there
2 is a covenant or deed restriction guaranteeing those
3 rental levels will remain constant you should be aware
4 that the market will soon put those units out of reach of
5 most workers in town as has happened in other towns.

6 But given the legal and fairness
7 considerations all that is water under the bridge and so I
8 won't dwell on it this evening. I would ask you to
9 indulge me for two minutes, however, and I timed it so I
10 won't take any longer than that. And consider this
11 question as we move forward as a town, what is the
12 Council's plan for creating more housing that's affordable
13 for our workers, our children, and our young professionals
14 and our elderly residents? In other words, if not at Blue
15 Back then where and if not now then when.

16 Our state is facing a crisis, as Mr. Heapes
17 noted. Connecticut has lost more 25 to 34 year old
18 population than any state in the nation since the year
19 2000. There is a clear correlation between the 64 percent
20 increase in housing costs in Connecticut since then and
21 the exodus of young families, professionals and our
22 children. We simply don't have the rentals and starter
23 homes they need. The same kind of housing that was
24 available to all of us when we got out of college, and got

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1 married and began careers.

2 Our children are going to Arizona,
3 Washington, Georgia, Nevada, Colorado, Florida, Texas and
4 the reason is because they can get a four bedroom home
5 there for 200,000 dollars, find jobs and have a life that
6 they cannot have here. As a result our businesses can't
7 find workers and they're moving jobs out of state. Our
8 towns are having trouble finding volunteer firefighters
9 and teachers. And our families can't stick together.

10 So you may be asking why is that West
11 Hartford's problem to solve? And the answer is, it isn't
12 West Hartford's problem alone. But West Hartford should
13 be part of the solution. First off, because every town
14 ought to be part -- other towns are creating affordable
15 units and West Hartford could do so also. Second, West
16 Hartford is the home to a huge number of educated,
17 informed state residents many of them leaders in
18 government, academia, and the private and non-profit
19 sectors. By stepping up to the plate, West Hartford would
20 set the gold standard for civic duty. Other communities
21 would follow.

22 But even if helping those who need housing,
23 or setting an example, or assisting the state are not good
24 enough reasons. There is one more that should concern you

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1 most and that is the future of this town. There is no
2 doubt you can chose to do nothing about this issue and at
3 least in the short term continue to have a majority of the
4 public support and keep the town's budget in balance. But
5 it is my educated guess that ten years down the line if
6 you do nothing this town will seriously -- be seriously
7 injured. You will have a town with many older, wealthy
8 residents and a portion of lower income residents. You
9 will have many, many fewer middle income residents
10 especially young families because there will not be the
11 rentals and starter homes they need to buy or rent when
12 first starting families and careers.

13 If you are like other towns already
14 experiencing this phenomena that could create political
15 problems. Older and wealthier residents who have fewer
16 students in town schools and may use fewer town services
17 will be less likely to vote for town budgets. Lower
18 income residents may be less able and thus less inclined
19 to support the level of taxes to pay for a required level
20 of services. Without a significant portion of town
21 residents who can afford that level of services and who
22 use them you will not have support for the budget and thus
23 the quality of life that the town needs and has come to
24 enjoy.

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1 If you don't believe me, check with some
2 towns, the names of which I can give you, that already
3 face this problem. The bottom line is simple. Towns need
4 a range of residents and a range of housing for them to
5 provide the quality of life we enjoy. We need our police
6 officers to live in town so they get to know the families
7 and neighborhoods they patrol or they will be less
8 effective. We need our other municipal workers to live in
9 town or we will not be able to attract them away from the
10 towns that they can afford to live and work in. We need
11 our teachers and our children and our aging parents to be
12 able to live in our communities. We need the people who
13 need affordable housing.

14 We, at the Partnership, are prepared to
15 answer your questions and assist you in every way we can.
16 We recognize that you, in your wisdom, may decide tonight
17 that it is either illegal or unfair or both to require
18 Blue Back Square's talented developers to set aside units
19 that are affordable to the people we need in town. We will
20 not quarrel with that. We will also not quarrel with the
21 Council's commendable initiative to create a municipal
22 housing trust fund. Councilwoman Thornberry deserves
23 great credit in pushing that initiative. Given the
24 current plans for funding it, its impact will be limited,

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1 but that is not the point. It is a legitimate, accepted
2 step in the right direction.

3 But it will not be enough. If you are to
4 secure this town's future you must educate yourselves and
5 develop a better strategy to provide housing for the
6 people the town needs. Again, if not at Blue Back Square
7 then where? And if not now, then when?

8 Thank you.

9 MAYOR SLIFKA: Thank you, Mr. Fink. Next
10 we have Harriet and Harvey Schneider. We could take you
11 both at the same time or one at a time, however you
12 prefer. Maybe they left.

13 Then we would go to Grant Corbit. Thank
14 you, Mr. Corbit. Andrew Schoolnik.

15 MR. ANDREW SCHOOLNIK: Andrew Schoolnik,
16 2793 Albany Avenue and former Town Councilor. I have a
17 bunch of comments and I'll hand out to you guys in a
18 second sort of a summary. But I'm just going to highlight
19 a few of them verbally and then the rest you'll have to
20 read.

21 I looked through the stuff that you folks
22 got the other day. I looked through it with the
23 information from the developer. And there was one
24 critical item that was missing in that information. And

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1 that critical item was there was no dollar signs. And the
2 fact is that there are no hard numbers for you to consider
3 at all. The developer tonight, I think Mr. Sinatra might
4 have asked him for some information and he denied to hand
5 those out for marketing, private reasons, whatever. The
6 town finance department hasn't provided them to you unless
7 they haven't been provided to the rest of us, so I'm
8 assuming that those are absent.

9 So I don't understand -- I don't think that
10 you folks could in good conscience approve such a dramatic
11 change without knowing its ramifications on the taxes in
12 our town. I was going to talk about the -- that the --
13 that it's really not right to change a building that we
14 all were told was going to be condos and five stories of
15 upscale condos into two stories of apartments. But I
16 realize that unfortunately the previous Council already
17 gave away the store on that one and it's going to happen
18 or it's not and it's completely in the hands of the
19 developer.

20 What I don't understand, Mr. Francis was
21 mentioning, is in a building that's now going to be 40
22 percent smaller how can the taxes that the town is going
23 to get off of that building go up? I -- in the absence of
24 other numbers, I made my own. And I'm not going to read

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1 them out loud because it would take too much, but I'm
2 going to hand those to you. And you'll see how I walked
3 through them that they're numbers that I got from
4 different town departments, from different real estate
5 places and trying to give my best estimate of what, you
6 know, the true dollar ramifications are going to be for
7 us, the taxpayers of West Hartford. So I'll hand that to
8 you in a second.

9 Next, another thing that was not mentioned
10 tonight is a little thing called the conveyance tax.
11 Every time a property in West Hartford, as you guys all
12 know, sells the town makes money on that through the
13 conveyance tax. Every time an apartment gets rented the
14 town makes zero dollars. There is no conveyance tax. So
15 my estimate is that in the first year when all the
16 apartments or condos would have been sold we would have
17 been looking at close to a 100,000 dollars in revenue. And
18 then expediently in the years to come. But I realize,
19 again, that that's, I guess, a fait accompli, as they say.

20 Now, next and two more quick items, I heard
21 the developer crying about the construction costs and the
22 delay. I have very little sympathy. And I will tell you
23 the reason why is that there many other projects going on
24 in and around West Hartford, be it Somerset, be it up at

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1 the reservoir the different constructions going on,
2 Talcott School, Gillette Ridge in Hartford, the couple of
3 places that he mentioned downtown, and those are all still
4 happening despite these expediently increased construction
5 costs. Some of them have begun, some of them are close to
6 finish, some of them are on the way. They're still
7 happening. So I don't understand why construction costs
8 should be such a terrible burden in this instance when
9 it's not in other instances.

10 And with that, he cried about the time
11 delay. If anybody had asked me two or three years ago
12 when this proposal was first made would there be a
13 referendum from the Town of West Hartford, a very active
14 group, I would have said there would be at least one. And
15 if anybody had asked me a couple of years ago, and I'm not
16 the only one that would have answered the same way, will
17 there be lawsuits from neighboring residents that are
18 going to lose their field space and other residents in
19 town that like the open space that's behind this building
20 now, I would have said there would be many lawsuits. If
21 the developer didn't incorporate the time delay caused by
22 democracy and citizen participation in his plans I don't
23 think that's our burden. I think that's his problem.

24 And then lastly, the developer said, and I

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1 wrote this down so I'm hoping I wrote it correctly, he
2 said that it's not financially --

3 MAYOR SLIFKA: -- Mr. Schoolnik, you know
4 the rules. I have let you go quite a bit over, so I think
5 you're close -- you're getting close to the close, but --

6 MR. SCHOOLNIK: I was about to close right
7 now, you bet, thank you. The developer said that today not
8 financially viable in today's market but the market will
9 change. So my feeling is this. It's not now or never. If
10 the market will change then let's wait patiently so we can
11 maximize the town's gain from this development.

12 Thank you.

13 MAYOR SLIFKA: Thank you, Mr. Schoolnik. I
14 apologize because I cannot read this name. The first two
15 initials are RB. And I couldn't get -- read the last
16 name. Does anybody on -- I think Kimberly Road. Okay.
17 Has that person left? Okay.

18 Then I would go to Karen Tyler next.

19 MS. KAREN TYLER: Karen Tyler, 55 Parsons
20 Drive. Thank you. I have, if nothing else came of this my
21 respect for each of you has increased from this meeting.
22 Thank you for your service, but you are between a rock and
23 a hard place with this one. I would say no to apartments
24 and these small units do not give a lot of options.

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1 They're all these one bedrooms. That doesn't look like a
2 lot of options because it's going to really limit who can
3 live there. Moving vans will be coming to apartments the
4 first of the month, every month for this number of units.

5 It is going to change the traffic definitely. Condos, you
6 will not see that.

7 I think a nice grassy area across from the
8 condos would be great. I believe you said you increased
9 the number of condos that are built there now so I think
10 that's enough. And we don't have enough police for what we
11 have now. They're hard pressed to find enough teacher's
12 assistants to aid these special ed children in our
13 schools. We already have Somerset and Quaker Green going
14 up. I think there is enough people already here.

15 So I guess I would say say no. Good luck.
16 Thank you.

17 MAYOR SLIFKA: Thank you, Ms. Tyler. Next
18 is Carl Donatelli.

19 MR. CARL DONATELLI: Thank you, Mr. Mayor.
20 Carl Donatelli, D-O-N-A-T-E-L-L-I, 30 Griswold Drive. Mr.
21 Mayor, before I begin I just would like to clarify
22 something I am -- I do have something that's not overly
23 long, but it is a little bit longer. But my understating
24 from when I was on the Council was that with the zoning

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1 hearings there is no official time limit. Has that
2 changed or am I mistaken?

3 MAYOR SLIFKA: Whether it changed at some
4 point, Mr. Donatelli, I don't know. It has been my
5 experience that this was it.

6 MR. DONATELLI: Well, I mean we were told
7 at the time that it was a state law that you can't limit
8 people at a zoning application. I'm just wondering if we
9 could clarify that before I start.

10 MAYOR SLIFKA: Well, what we -- I think the
11 way we have done it is that if you do not complete, for
12 some reason, your remarks we could have you come back at
13 the end.

14 MR. DONATELLI: I don't intend to go
15 extensively long.

16 MAYOR SLIFKA: Well, I think you will see
17 I've been generous with the time. There is nobody who --
18 Carl, go at it.

19 MR. DONATELLI: I appreciate that. Thank
20 you. I just want to start by saying that although I am the
21 republican town chairman in town the views I'm expressing
22 tonight are my own and do not reflect any official
23 position on behalf of the West Hartford republican party.

24

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1 Mr. Heapes gave his history of where we've
2 been. I would like to give a short history of my own of
3 where we've been and I think it has a little bit to do
4 with creditability. Looking back shortly after approving
5 Blue Back Square, and Mr. Schoolnik alluded to this, the
6 Council had to make 34 pages of changes to the Master
7 Agreement because they had not anticipated lawsuits being
8 filed against the development. I specifically asked why
9 that hadn't happened. Why the lawsuits had not been
10 anticipated. And I was told, well, we anticipated
11 lawsuits, we just didn't anticipate the owners of
12 Westfarms suing us. But we have to change the agreement
13 because Westfarms always sues. It didn't make any sense
14 to me back then either.

15 It's also telling in that it appears the
16 feeling at the time was if residents sue the town or the
17 developer you'd be able to steam roll over them because
18 they would not have the finances to fight as opposed to a
19 Westfarms mall. We saw other surprises as well. The
20 original proposed development was downsized conveniently
21 before the first two referendum to make it less dense to
22 accommodate resident's concerns. Only to have the density
23 increased this past February. The number of screens
24 proposed for the theater was also decreased to answer

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1 another concern. That too was increased in February. And
2 just wait West Hartford for the theater owns to come back
3 for their liquor permits.

4 Remember at the last hearing how surprised
5 Mr. Heapes was when the tenants he spoke so highly of and
6 claimed to know so much about mentioned his intention to
7 sell alcohol at the theater. Yet another detail that
8 caught this well researched development team off guard.

9 The proposed covered walkway been the
10 parking garage and the library was done away with,
11 something that people had asked for to project themselves
12 and children from the elements at ground level while
13 walking to the library. Apparently, Mr. Heapes didn't
14 realize that cars and trucks would have to be able to pass
15 beneath the canopy. So it became not feasible to build
16 it. Again, something most people would consider obvious
17 was missed.

18 Mr. Heapes claimed Blue Back Square will
19 complement not compete with the existing center. It makes
20 me wonder why these letters have gone out to tenants in
21 the existing center buildings trying to lure them to Blue
22 Back Square. And we have an item on tonight's Council
23 agenda authorizing the abandoning of part of Isham and
24 Raymond Road because the surveying of the Blue Back

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1 property was done incorrectly and the development has
2 encroached on these two streets. And still the majority
3 of this Council and administration has unwavering blind
4 faith in this developer.

5 And let's not forget about the demolished
6 Board of Education building. In a recent letter to the
7 editor in the West Hartford News David Jones stated that
8 he was unaware of any promises as to the state of the
9 building at the midway point in the project and said, "it
10 has been suggested by some that we have been misled or
11 lied to." You decide. When concerned residents warned of
12 the impending demolition of that historic building and
13 went to court to try and block it the administration and
14 this Council, with the exception of Mr. Sinatro, made them
15 out to be malcontents, spear mongrels and all but called
16 them liars.

17 In an August 5th Hartford Courant article,
18 we were told the building was not being destroyed, it was
19 undergoing selective demolitions/renovation according to
20 the Master Plan. The article said only the rear of the
21 building was being demolished. In an October 10th Courant
22 article Mayor Slifka described the work being done as an
23 adaptive reuse of the building and claimed we're
24 preserving the building for future generations. I would

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1 challenge any resident to take a drive by the former Board
2 of Ed building and tell me who was being more truthful.

3 Of course after the building was destroyed
4 as predicted by those residents we were then told that
5 this was the plan all along. The Council was aware of it
6 and residents should have known. In other words,
7 residents should have -- shouldn't have believed what the
8 administration and Mayor were telling them in the papers -
9 - selective demolition, renovation, adaptive reuse. I
10 cannot believe how people who are so proud of this project
11 being named after Noah Webster have distorted and twisted
12 the meaning of the English language. Noah must be
13 spinning in his grave.

14 Mr. Heapes has outlined some of the
15 problems he has incurred -- Hurricane Katrina, he
16 mentioned 9/11, things that all happened a year and a half
17 ago. Nine months ago he came here and we listened to him
18 and this Council gleefully talk about the need for more
19 condominiums and how that showed the strength of this
20 development, nine months ago.

21 There were quotes such as this from one
22 Council member speaking about the impact of more
23 condominiums. "It is not that significant, but what is
24 significant is the fact that in round one, if you will,

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1 back when we first looked at this there were questions
2 about whether or not we can get them built. And now in
3 round two we have a developer, an application in front of
4 us that wants to expand. I think that it's telling. That
5 speaks to our community, it speaks to the quality of this
6 project, the viability of this project and I think that is
7 a good thing."

8 So what does it say about the project now?
9 I don't blame Mr. Heapes for not wanting to admit that the
10 market has gone south. That would be just one more
11 miscalculation. At the time Mr. Heapes said, it's an
12 indication of the depth of the market. Mr. Heapes and
13 several Council members also bragged about the 600,000
14 dollars of additional tax revenue from the additional
15 condos as a reason to support the last set of changes. In
16 fact, at that time Mr. Heapes said that was one of the
17 most -- I believe it was the most important thing. Now,
18 tonight it was something else that's more important and
19 I'm sure at the next meeting it will be something else.

20 As one Councilor said, I'm a tremendous
21 supporter of more condos. Adding it -- it is also going
22 to add to our bottom line. Not anymore. That was less
23 than nine months ago. Now we are being told that in yet
24 another miscalculation the condo market is cooling. I

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1 understand things change in real estate, but I have a
2 problem with the proposed changes for several reasons.

3 First, the article in the Hartford Courant
4 reporting the proposed changes quoted a professor of real
5 estate as saying the problems being encountered in the
6 condo market have been going on for five years. Mr.
7 Heapes didn't notice this. Second, we will loose a large
8 chunk of the tax revenue that prompted this Council to
9 approve the additional units in the first place.

10 Third, Mr. Heapes is either being
11 disingenuous or is once again sorely miscalculating when
12 he states that this change will allow for a more diverse
13 population at Blue Back Square. A proposal Councilman
14 Sinatro was criticized for making at the last public
15 hearing. I don't know of many people earning \$50,000 a
16 year that are going to be able to afford a rent of between
17 1500 and 2500 dollars a month, as Mr. Heapes claims. So I
18 hope diversity is not used as a reason for approving this.

19
20 Four, Mr. Heapes and members of the
21 administration and members of this Council have all stated
22 that this proposal is something that was always desirable
23 from the beginning. If that's true why wasn't it insisted
24 on. Mr. Heapes did not come in and acquire someone else's

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1 project and now decide that this would be a better use.
2 This was his project from the beginning. If this was the
3 better use why -- where has it been?

4 Lastly I find it hard to believe the condo
5 market is cooling. I remember one person I know who
6 predicated the cooling condo market. Patty Sanglioari
7 said the softening condo market was the reason Ginsberg
8 development was moving slowly on the Talcott School
9 property. As it did with the residents trying to save the
10 Board of Ed building, this Council attacked the messenger
11 and said the condo market was healthy and that it was Ms.
12 Sanglioari's lawsuit that was holding up progress in
13 Elmwood. That was only five months ago. Once again it
14 looks like the experts were wrong and the residents were
15 right.

16 Another resident that perhaps Mr. Heapes
17 could have listened to rather than ridicule is Mr.
18 Visconti, who over two years ago talked about the rising
19 costs of steel, concrete and other building materials and
20 predicated exactly what's going on tonight. Mr. Heapes
21 and the administration couldn't predict six months in
22 advance, but we're expected to trust 20 year projections
23 on the town's 50 million dollar bond. When this developer
24 wants less this Council thinks it's good. When he wants

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1 more it's great and when he wants less again it's better
2 than great.

3 And other than the few remaining diehard
4 skills for this developer it's getting harder and harder
5 to find people who are willing to admit they voted for
6 this project. I think it's the same reason that police
7 have -- are having a hard time finding conmen. People who
8 have been suckered either don't want to admit it or will
9 continue to throw good money after bad. At some point
10 even you have to have doubts.

11 There is an old saying that if you owe the
12 bank 100 dollars the bank owns you. If you owe the bank
13 one million dollars you own the bank. I think we know who
14 owns who tonight. Mr. Heapes used the tactic of either
15 approve it or I won't build it when he wanted more units
16 in February. He's using that tactic tonight. I hope that
17 this Council stands up to this developer and says enough
18 is enough. Give us what you promised and what we approved
19 or don't build it and put the tax check for the SDD in the
20 mail.

21 Thank you.

22 MAYOR SLIFKA: Thank you, Mr. Donatelli.

23 Next is Mary Elizabeth Hager Dixon.

24 MS. MARY ELIZABETH HAGER DIXON: My name is

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1 Mary Elizabeth Hager Dixon and I live on Farmington
2 Avenue. At the outset, I would like to state that I
3 absolutely feel it's progress for the residential building
4 in question to have fewer stories. Secondly, and far more
5 importantly, I feel it is also progress to expand the
6 housing options for occupancy in Blue Back Square to those
7 who earn \$50,000 per year as well as to the condominiums
8 planned from the outset which requires, as Mr. Heapes
9 explained, an annual income of approximately a quarter of
10 a million dollars per year.

11 I still have grave concerns that we are not
12 providing housing options in the center of our town as
13 part of the Blue Back Square project for a wider cross
14 section of our population, especially in view of the fact
15 that Blue Back Square destroyed approximately ten to
16 twelve housing units that served residents who earned
17 significantly less than \$50,000 a year. I am speaking
18 specifically about those residents who lived in the three
19 historically significant, though some found them
20 unattractive, three story, and I'm guessing, turn of the
21 20th century early 1900's residential buildings. They
22 were permanently displaced.

23 During the years I lived in the Hampshire
24 House I often walked to the library, to the shops and

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1 business locations in the center via Raymond Road, Isham
2 Road and Memorial Drive. And my attention was never drawn
3 to those multi family dwellings because of trash or
4 indications of drinking or other behaviors that are
5 detrimental to community living or community quality of
6 life.

7 I recently read an article that was written
8 for the publication, the Chronicles of Higher Education,
9 covering an interview of Walter Harrison with deep roots
10 in our wider community as a graduate of Trinity College
11 and currently president of the University of Hartford.
12 The topic of the article was related to his experience and
13 leadership and oversight of collegiate athletics, the
14 NCAA. He was questioned about preferential treatment
15 given to boosters who made contributions at the highest
16 levels. He pointed out some of the complexities and
17 concerns related to contributions at the highest levels,
18 preferential seating, skyboxes and so forth.

19 In his closing comments, to this complex
20 topic, he stated his firm belief in and commitment to an
21 ideal that I believe is all too often ignored or only
22 lifted up with too much lip speak and not enough sincere
23 belief or commitment to. The ideal that he lifted up as
24 essential to our past, present and future is that we are

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1 an egalitarian country and we must be mindful of that in
2 considerations related to collegiate athletics, which was
3 the context of the article.

4 I submit we must also be extremely mindful
5 that one of the most important foundations and strengths
6 of our nation is the ideal working as well as
7 philosophical that we are truly an egalitarian country and
8 society. And it is important for our diverse population,
9 social and economic as well as racial, linguistic,
10 religious and so forth and so forth in every aspect of our
11 diversity to live, patronize businesses and receive
12 medical services as neighbors.

13 I believe Blue Back Square must not change
14 our center's being a welcoming place for all people, for
15 people of all economic and income level. This is of
16 paramount importance as we build new opportunities for
17 people to live in our center. Let us take this
18 opportunity to provide housing opportunities for a full
19 cross section of our town. Blue Back Square started
20 exclusively with high end housing for the very wealthy.
21 Now, Blue Back Square is asking to provide opportunities
22 for middle America. Let us complete the picture with
23 opportunities for those such as were displaced by the
24 destruction of the three residential dwellings on Raymond

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1 Road.

2 Thank you.

3 MAYOR SLIFKA: Thank you very much. Next
4 is David Jones.

5 MR. DAVID JONES: David Jones, 1795
6 Boulevard. First I would like to thank each of you on the
7 Town Council for all the time you donate to this
8 community. You know, God bless you for your willingness
9 to do this. I really mean that.

10 The developers of Blue Back Square have
11 proposed a change in regard to the second residential
12 building. And the essence of this change is a small
13 reduction in the number of units -- a reduction in the
14 number of floors of this building and a reduction in the
15 size of the units. Although you're not voting as to
16 whether these will be condos or rental units, the Blue
17 Back Square developers have stated that their objective is
18 to make the second building rental units.

19 The question before you is very
20 straightforward. Does this change impact the Town of West
21 Hartford in a positive, neutral or negative fashion?
22 That's all you have to decide. I know we're all a bit
23 weary of the process. We really don't want to talk about
24 building Blue Back Square anymore. We just want it to be

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1 built. But this is the process we have. And your job as
2 members of the Council, as weary as you may be, is to
3 carefully consider the application before you and do
4 what's in the best interest of the community.

5 I had intended to talk a bit about the
6 affordable housing issue, but that's been covered pretty
7 well. I'll just say this. First, I don't know Mr. Fink,
8 but I would like to commend Mr. Fink on the -- both the
9 content and the tone of his remarks. And I know
10 affordable housing is an issue that the Council is working
11 on. Thank you, Ms. Thornberry for introducing it. And I
12 look forward to discussions we'll be having as a community
13 going forward on this important topic.

14 The significant housing component at Blue
15 Back Square is of the utmost importance. And while I'm
16 perfectly happy with all condominiums I believe the
17 combination of luxury condominiums and upscale apartments
18 provides a much better demographic mix of residences than
19 we would have with luxury condos alone. It's also more
20 consistent with the original vision of Blue Back Square
21 which is that of a diverse neighborhood. This change is
22 good for the project, it's good for West Hartford.

23 Don't get distracted by the peripheral
24 issues. Focus solely on the merits of the application

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1 before you, as I know you will. And approve these changes
2 because they're beneficial for our community.

3 Thank you very much.

4 MAYOR SLIFKA: Thank you, Mr. Jones. And
5 unless the audiences at home were worried, Mr. Visconti
6 has signed up.

7 MR. JOSEPH VISCONTI: Hi. Joe Visconti, 1
8 Clifton Avenue. I guess everybody spoke for me already.
9 West Hartford is going through some difficult times coming
10 up now. We're all aware of what's going to happen with the
11 taxes next year. So I think I wouldn't worry too much
12 about affordable housing. I think a lot of elderly and
13 people on fixed incomes are going to be putting their
14 houses up for sale and a lot of them don't have big
15 mortgages. So the affordable housing is really something
16 that I don't want to address tonight. I think it's just
17 going to be a problem legally.

18 The feasibility study years ago were not
19 really done well. I don't want to beat it all up, but we
20 did it for so long. The projections were for five years
21 and they're not adding up. I know Mr. Heapes and Blue
22 Back Square have some huge cost overruns, huge. I don't
23 think he's telling you the whole story on his end of just
24 how much construction has increased from steel to

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1 concrete.

2 And if you've all studied the Master
3 Agreement you realize this is an opportunity. And I
4 wouldn't say it for you to vote no or yes. I think you
5 should talk to counsel on this, but this is a fantastic
6 opportunity for West Hartford to now reinvest with Blue
7 Back Square and increase the heights back where they
8 originally were and invest in more condominiums. If they
9 are luxury or semi luxury, it's a heck of a time where in
10 the Master Agreement counsel explained to you what you can
11 do to actually help him if he is having financial
12 hardship. The market is there. He said, it's all over the
13 country, the market is still there.

14 We know, and I've talked to many real
15 estate people, the market is there. It may be slower
16 coming to sell them at a higher level, but we as a town
17 can reinvest. We can sell more bonds. We can get involved
18 deeper with Blue Back Square. Nothing is limiting us from
19 actually coming back to the table with them if both sides
20 -- both parties would like to do that. There are many
21 ways that can happen to actually maximize the heights.

22 Now, a lot of people with Save the Center
23 did not like six and seven stories. I wasn't -- I was one
24 who believed that we should maximize whatever we can get

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1 for a tax base. So I think there is an opportunity here.
2 I don't know how the process would work legally with
3 saying yes or no tonight or whenever you all vote on this.
4 But there is an opportunity here to maximize the original
5 zoning requirements and West Hartford could get in the
6 game with that somehow. And I'm not going to design ideas,
7 but I think we can reinvest as we did with the garages and
8 become partners.

9 And the lawyers really can work this thing
10 out because Blue Back will never bring what we're going to
11 need next year. We need some big bucks from a lot of
12 places for education and what not. And we need to continue
13 this project, finish it, get that hole filled in and do
14 what we have to do.

15 But if both parties can come back to the
16 table and work out something if this developer is showing
17 hardship with the Katrina and things I heard, and I was
18 told I think they -- and obviously, he's not going to say
19 hurting, hurting, but I would say ten million, twenty
20 million dollars I really have heard many things on the
21 street from guys in the business of clean up and what not
22 on Raymond Road that has really put a whole -- he took a
23 chance. He took a risk. And we have -- we're partners
24 with him now. We've got to finish this thing and I think

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1 we want to maximize what we can get out of that.

2 Again, I don't want to say affordable with
3 extra housing or if the town would own the condos or if
4 the developer owns them, but we somehow reinvest because
5 the tax base, I think, we want to increase and that market
6 is going to be there for condos. It will continue to be
7 there. But I don't know how you all could do it with
8 amendments or what you could do, but I think it's a heck
9 of an opportunity.

10 Thank you very much.

11 MAYOR SLIFKA: Thank you, Mr. Visconti.
12 That concludes the public forum portion of the hearing.
13 With that, we move to further comments from the applicant,
14 questions from the Council. Mr. Heapes, I'm looking to
15 you.

16 MR. HEAPES: Thank you for your attention
17 on that -- that's the only comment I have and I look
18 forward to working with you over the course of the next
19 year. Thank you very much.

20 MAYOR SLIFKA: Thank you, Mr. Heapes. Does
21 anyone from the Council have further questions at this
22 time? Okay. Seeing none, we will close the public
23 hearing.

24 (Whereupon, the hearing was adjourned at

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1 9:00 p.m.)

2