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2 JOINT HEARING BETWEEN

3 WEST HARTFORD TOWN COUNCIL

4 AND

5 WEST HARTFORD TOWN PLAN AND ZONING COMMISSION

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10 VOLUME 12

11 JUNE 30, 2004

12 West Hartford Town Hall

13 50 South Main Street

14 West Hartford, Connecticut

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23 Reporter: Sandra V. Semevolos, RMR, CRR, LSR #00074

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1 A P P E A R A N C E S:

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3 Present for Town Council:

4 Jonathan A. Harris, Mayor
5 Scott Slifka
6 Joseph Verrenga
7 Barbara Carpenter
8 Kevin M. Connors
9 Charles T. Coursey
10 Maureen K. McClay
11 Art Spada
12 Timothy Brennan
13 Carolyn Thornberry

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15 Present for Town Plan and Zoning Commission:

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17 Tanya Meck, Chairperson
18 David Brown
19 Leon Davidoff
20 John Begley
21 Theodore M. Doolittle
22 Jeffrey Daniels

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24 Also Present:

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26 Joseph O'Brien, Esq.
27 Corporation Counsel

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(Hearing commenced at 6:32 p.m.)

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MS. MECK: I'd like to call this meeting

3 to order. If you could please rise and join me in the
4 pledge of allegiance.

5 (Pause.)

6 MS. MECK: Mrs. Cronin, if you could do
7 the roll call, please.

8 MS. CRONIN: Certainly.

9 Mr. Verrengia, sitting for Mr. Bouvier.

10 MR. VERRENGIA: Here.

11 MS. CRONIN: Mrs. Carpenter.

12 MS. CARPENTER: Here.

13 MS. CRONIN: Mr. Connors.

14 MR. CONNORS: Here.

15 MS. CRONIN: Mr. Coursey.

16 MR. COURSEY: Here.

17 MS. CRONIN: Mr. Harris.

18 MAYOR HARRIS: Here.

19 MS. CRONIN: Mrs. McClay.

20 MS. McCLAY: Here.

21 MS. CRONIN: Mr. Slifka.

22 MR. SLIFKA: Here.

23 MS. CRONIN: Mr. Spada.

24 MR. SPADA: Here.

25 MS. CRONIN: Dr. Thornberry.

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1 MS. THORNBERRY: Here.

2 MS. CRONIN: Mr. Brennan.

3 MR. BRENNAN: Here.

4 MS. CRONIN: Thank you. Ms. Meck.

5 MS. MECK: Here.
6 MS. CRONIN: Mr. Brown, sitting for
7 Mr. Roach.
8 MR. BROWN: Here.
9 MS. CRONIN: Mr. Davidoff.
10 MR. DAVIDOFF: Present.
11 MS. CRONIN: Mr. Begley.
12 MR. BEGLEY: Present.
13 MS. CRONIN: Mr. DeVaughn is absent.
14 Mr. Daniels.
15 MR. DANIELS: Here in the isolation
16 zone.
17 MS. CRONIN: And Mr. Doolittle.
18 MR. DOOLITTLE: Here.
19 MS. CRONIN: Thank you.
20 MS. MECK: Before we begin with the
21 questioning tonight, just a little update on what we
22 are doing this evening. We are going to be continuing
23 the line of questioning that we started last night.
24 That means primarily councilors who deferred to Town
25 Plan and Zoning Commission members last night, because

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1 we need to close our hearings at the end of the
2 evening, four of our hearings, which I will go over
3 with you. We will start with questions from the Town
4 Council members regarding the zoning-related items.
5 These can be questions for the Town staff; these can be
6 questions for the applicant, requests for

7 clarifi cation, follow-up questi ons, anything that the
8 public has raised that they would like to present to
9 the Town or to the applicant they can do at this time.

10 Once we finish the zoning-related items,
11 and I would ask Councilors to confine their questions
12 to the zoning-related items on our agenda, then we will
13 move, and we will probably take a break, if we don't do
14 that before, depending on how many questions, we will
15 move into the financial question portion later on this
16 evening.

17 At the end of the hearing this evening,
18 the Town Plan and Zoning Commission, as a singular
19 body, will close our inland wetlands hearing. We will
20 close our subdivision hearing, and we will close our
21 four Special Use Permit hearings. We will do that
22 officially at the end of the evening, so anything that
23 we hear tonight we can take into account when we make
24 that decision. Those decisions, with the exception of
25 the Special Use Permit, will be made tomorrow night at

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1 6:15. That's when we are having a special Town Plan
2 and Zoning Commission meeting to discuss these
3 applications and to vote.

4 Just a reminder for those of us who will
5 be asking questions tonight, to please make sure they
6 are questions and try to refrain from comments and
7 discussion. That will come before we start to vote.
8 And also just to note, I know that there are a few Town

9 Plan and Zoning Commissioners who may have some
10 follow-up questions. If you do, let me know. We will
11 certainly get to you before we close the hearing this
12 evening.

13 With that, I'd like to turn it over to
14 Mr. Harris for any comments or to start the questions.
15 Mr. Harris.

16 MAYOR HARRIS: Thank you, Ms. Meck. One
17 thing, I actually had a few questions at the beginning
18 that are more addressing kind of the process, and so
19 they overlap a little between the zoning and the
20 nonzoning, but there were comments and concerns raised
21 by the public that I thought we should get some
22 responses to.

23 MS. MECK: Let's do those first,
24 Mr. Harris.

25 MAYOR HARRIS: Thank you, Ms. Meck.

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1 Mr. Feldman, the first part is for you. There were
2 some comments made in the questioning last night. It
3 was brought out about the retention of experts. In
4 January, I believe January 31 of 2004, the Town Council
5 passed a resolution requesting that the administration
6 essentially retain independent experts on various
7 areas, I believe traffic, parking, urban design, the
8 economic impact on the Center, and anything else that
9 would be relevant and important for us to have
10 information on to be able to decide this application,

11 and there has been some questions about what happened.

12 The first thing, just to throw out in
13 general is: What did you do? And we will start from
14 there.

15 MR. FELDMAN: Mr. Mayor, I would enjoy
16 the opportunity to talk about that issue with you and
17 all the members here tonight. We had two criteria that
18 we used to better define the services of the
19 consultants that we hired. First and foremost was that
20 we would hire nationally-recognized experts in their
21 respective fields; and secondly, we wanted to keep the
22 costs down.

23 In regards to the first criteria, we did
24 hire nationally-recognized experts. For instance, our
25 urban design person is the chairman of the Harvard

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1 University Urban Design Program. He has a company
2 called Chan Kreiger, and Professor Kreiger is the head
3 of the Urban Design Department at Harvard University.
4 We hired the head of the Real Estate Department at
5 Columbia University in New York City, again an
6 internationally-recognized expert on real estate
7 development, and you have his executive summary. We
8 hired other experts internationally- and
9 nationally-recognized for their particular expertise.

10 Where perhaps, where perhaps the process
11 became a little bit confused is that traditionally,
12 usually when a consultant is hired, there is a

13 voluminous report that comes with that consultant's
14 recommendation, and I go back to my second criteria,
15 which was, we wanted to keep the costs down. I'm sure
16 you recognize these experts come with a mighty high
17 price tag. I mean, we are talking several hundred
18 dollars an hour to pay to these consultants.

19 What we didn't want to do, and I hope
20 you agree, and we've talked about this periodically
21 over the months, what we said is that we didn't want
22 them to sit in their office in Columbia University or
23 in Cambridge and just write a report. We didn't want
24 to pay somebody 250 or 300 dollars an hour just to
25 write a report, to take some data, to go back to their

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1 office and essentially use their knowledge and
2 expertise, then issue some report.

3 So what we said to each and every one of
4 them, whether they were traffic or parking or urban
5 design or real estate development, we wanted them to be
6 with us. We wanted them to look over our shoulder. We
7 wanted them to critique what we were doing and critique
8 what the developer was submitting to us. We wanted an
9 additional set of eyes to be very critical, to push us,
10 to challenge us and to challenge the investors to make
11 it better, and that was particularly true on Chan
12 Kreiger. The influence that Chan Kreiger had I think
13 was very positive. They offered design suggestions
14 that have been incorporated. The gentleman, the

15 professor from Columbia University I think has had a
16 significant say on what this will mean for the Center.

17 So they have done exactly what we wanted
18 them to do, which was to not issue a voluminous report
19 that sometimes has relevancy or not, but instead to
20 spend their hours with us, and we were very judicious
21 on the number of hours that they spent with us.

22 There has been a lot of discussion about
23 the traffic consultant, and I want to just take a
24 moment and kind of focus in very specifically on the
25 role of the traffic consultant. The traffic consultant

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1 is Tighe Bond, and we had some limited experience with
2 Tighe Bond a number of years ago where he had helped us
3 out on particular traffic issues, and we were impressed
4 in the way in which they approached that particular
5 issue. We recognized again that we wanted a set of
6 eyes that would help us review and critique the data,
7 the analysis and the interpretation that was being done
8 by the developer's traffic engineers.

9 Keep in mind that there is a variety of
10 people looking at what's going on regarding traffic.
11 Actually there is five different entities that have
12 looked at traffic before you get to it. The developer
13 has hired a nationally-ranked traffic engineering firm
14 by the name of Urbitran. They are a New York City
15 company that has a national practice. That information
16 and data analysis was reviewed by another engineering

17 firm that was hired by the developer called Langan
18 Engineering. The State Department of Transportation
19 has reviewed all the data and the analysis completed by
20 the developer regarding traffic engineering, so we have
21 so far three agencies, one public and two private. We
22 have our own Town Engineer and our own traffic engineer
23 that has reviewed all the data and the analysis
24 completed on that data, and lastly, we hired Tighe
25 Bond, and Tighe Bond was to come in to essentially

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1 oversee all that work that's been done, to be an
2 independent, objective analyst, to look at the data, to
3 look at the methodology, to look at the analysis, and
4 to render an opinion.

5 I want to come back to the opinion in
6 just a moment. What is interesting is that certainly
7 it's traffic engineering as a science, but there is a
8 little bit of art involved as well, and it's
9 interesting because the assignment in a way is no more
10 complex, no more difficult than perhaps a college
11 research paper, and by that I mean, the methodology is
12 pretty clear. You start with the research question,
13 which they did, which was essentially: What is the
14 effect, the impact of the Blue Back Square Development
15 on traffic in West Hartford? And further question
16 would be: What types of mitigation would you propose
17 to make sure that traffic continues to flow as well as
18 it currently does? In other words, what do you need to

19 do? So that's the basic question.

20 Any traffic engineer, be it David Kraus,
21 be it the Tighe Bond company that we hired or Urbi tran
22 or the Langan company, that's the basic question that
23 you really want to try to set out to answer. And
24 again, like any other research project, you then have a
25 research question. You collect your data, and the data

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1 is no more sexy than putting out those rubber hoses in
2 the street and having people on intersections or at
3 intersections and at different points in the community,
4 and you probably remember seeing some of these folks
5 because they worked at all strange hours and days of
6 the week. They were out counting, physically counting,
7 manually counting on Sunday afternoons and Saturday
8 mornings and Friday nights.

9 So they counted by an automated system
10 of hoses in the streets that we use on occasion. They
11 use people, manual counts. So they collected data.
12 That data obviously is then analyzed, and from the
13 analysis of the data, there is certain interpretations
14 and then conclusions, and again, essentially it's a
15 research paper which was done by Urbi tran. It was done
16 by the Langan company. Essentially David Kraus took
17 the data, the same data that was collected, and he
18 completed the same kind of research assignment. David
19 and Steve looked at the data, they completed their own
20 analysis, came to their own conclusions. The State of

21 Connecticut did exactly the same thing. They took all
22 all the data, they looked at the conclusions, and Tighe
23 Bond essentially does the same thing. They take all
24 data, they look at the conclusions, and they see if
25 they agree or if they disagree.

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1 Of interest, I want to come back to the
2 Tighe Bond conclusion. Tighe Bond could have, if we
3 wanted them to, taken an approach that would have
4 been -- they will collect their own data. In other
5 words, they put their own hoses out; they have their
6 own people doing the manual counts; they collect all
7 their data; they interpret all their data. We would
8 have paid, I'm going to guess, in excess of 100,000
9 dollars for that. And we just didn't think this was
10 worth the expenditure of that kind of money, given our
11 limited resources, to essentially replicate what's a
12 pretty standard, straightforward process of data
13 collection.

14 It's the interpretation where the art
15 comes in and drawing the conclusions. The sciences and
16 the data, that's pretty standard and acceptable.
17 Nobody is going to fudge the data, and if there is an
18 anomaly in the data, there is five different eyes
19 looking at it, the state, our own traffic engineer as
20 well as three private consultants who have a national
21 practice. They are not going to fudge the data to make
22 some conclusion that's erroneous. There is too much at

23 stake.

24 So the real art comes in drawing the
25 conclusions, and what's interesting is that our own

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1 consultant, Tighe Bond, has told us that we are too
2 conservative. Our own consultant said to us, oh, by
3 the way, we think that your conclusions are far too
4 conservative, that you are almost requesting too much
5 mitigation because we don't think it's necessary.

6 So I mean, from that standpoint, the
7 consultant was more, I guess, liberal, than even we
8 were, but nevertheless we believe the mitigation that's
9 proposed is exactly the right mitigation. So we've had
10 an independent review. We've had an independent
11 analysis. You can, if you want, go out and hire yet
12 another traffic engineer to do yet another count and
13 interpretation and do all the kind of research steps
14 that are necessary to do the work. They won't come up
15 with anything different. It means essentially
16 discounting two nationally-ranked traffic engineering
17 firms, Urbitran and Langan company, and discounting
18 Tighe Bond, yet a third nationally-ranked traffic
19 engineering firm, and discounting what the state of
20 Connecticut is telling us and discounting the best of
21 all, which is our own engineer, Dave Kraus.

22 If anybody knows the streets, if anybody
23 knows our transportation system, if anybody is going to
24 make sure it works, I've worked with David 19 years,

25 there is no finer, more dedicated professional

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1 individual than David Kraus. If David Kraus tells me
2 it's going to work, I'll guarantee it will work. I've
3 seen him in action. He's the individual that knows the
4 system better than none. You can hire whoever you want
5 to hire, feel free to do so. I'll guarantee you, it's
6 not going to get any better than David Kraus.

7 MAYOR HARRIS: Thank you, Mr. Feldman.
8 I guess just one follow-up. Then the use of the word
9 "peer review" in the traffic context, which caused some
10 confusion potentially, basically the piece of it that
11 was the review was just the fact that they, the traffic
12 engineer, took the data that was already gathered, but
13 did an independent analysis of that data, is that --

14 MR. FELDMAN: Mr. Mayor, that's what's
15 going on. They all use the same basic data. If
16 somebody thinks there is something funny going on, it
17 would have to be with the data.

18 The other part that is somewhat
19 interpretive and perhaps subjective is how you mitigate
20 the effects of the traffic, and as I suggest, and as
21 you will have read, the Tighe Bond report to you, their
22 executive summary says essentially that we are being
23 too conservative, that essentially the mitigation
24 that's proposed may not be necessary. We think that
25 we'd rather, you know, we are the group known as the

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1 belt and suspenders crowd. Whether it's our finances
2 or however we do our business, we like to wear our belt
3 and a pair of suspenders. So at this point in time on
4 traffic, I think we are absolutely correct in requiring
5 the developer to do those things that are recommended
6 to you.

7 So again, it's an interpretation. Our
8 own guy said he didn't think so, but we believe so, and
9 again, it's predicated upon David's analysis as well as
10 the the consultants that were hired by Blue Back
11 Square, LLC.

12 MAYOR HARRIS: Thank you, Mr. Feldman.
13 I actually have another process question, but something
14 fits in, I think, well with what you just said, to kind
15 of shift gears, because you were talking about traffic
16 and the traffic conclusions, and people have expert
17 reports for a lot of different things. The most
18 important thing, I think, to inform, especially in the
19 traffic context, to inform us is, as the decision
20 makers, is experience, and whereas in thinking about
21 this, I know we have never experienced a project this
22 large in which so many modifications were being made at
23 one time. It struck me in trying to break this thing
24 apart, that a lot of the solutions independently, for
25 instance, the dedicated left-turn lane had been done in

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1 other parts of towns. We've also had experience say in
2 a relatively large project at Home Depot.

3 So when you looked at the traffic
4 reports, one of the things that I guess makes you
5 scratch your head is you see percentages and counts and
6 you see a bunch of numbers. Could Mr. Kraus maybe help
7 give us some pictures, some experience as to how
8 traffic improvements that are going to be potentially
9 involved in this project, if it passes, have been
10 utilized in other areas, albeit smaller, and how they
11 have corrected a problem in the neighborhood or not
12 done so?

13 MR. FELDMAN: That's a good question.
14 David, can you help?

15 MR. KRAUS: Yes. Dave Kraus, Town
16 Engineer. As I said, this application is including
17 eight left-turn lanes, and I've almost been criticized
18 for trying to promote that traffic feature too much,
19 but our experience is that they are extremely positive,
20 both to the capacity of the system, increasing
21 approximately 25 percent capacity at an intersection,
22 ability of vehicles to flow through. It also allows,
23 when we increase the capacity by a left-turn lane, it
24 also allows us the additional time to create exclusive
25 pedestrian phases, and in an urban area or a more urban

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1 area like this, those pedestrian phases are very

2 important. So that's a very, very positive in this
3 situation aspect of the signalization at left-turn
4 lanes.

5 Most importantly, though, is the safety
6 aspects, both at New Britain Avenue, on New Britain
7 Avenue, at New Park Avenue, under the Home Depot
8 application, at Mountain Road, at Farmington Avenue and
9 the recent completed program that the Town has done, we
10 have experienced accident reductions of 50 percent.
11 That's a significant amount at each of these
12 intersections.

13 So that one feature, and that is the
14 primary feature that is happening here, and the reason
15 we are doing those left-turn lanes on the arterial
16 streets is to keep the arterial streets functioning
17 well so that traffic does not disperse and go into the
18 neighborhoods, and that's the basic theory of what we
19 are trying to do. And as the system would break down,
20 or if we get too much congestion, then traffic would
21 disperse into the neighborhoods and become more of a
22 problem to us. And we don't want that. As engineers
23 working for the Town, the neighborhoods that call, call
24 us, so we don't want to see that happen, and that's
25 probably the largest feature and the largest goal that

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1 we've been trying to do here. That's why I went
2 through a lot of those charts yesterday trying to show
3 you the capacity of the system, what it is today, and

4 what it will be after these mitigations is
5 approximately the same.

6 I know that sometimes that's hard to
7 reconcile, that, gee, we are getting all this new
8 traffic from Blue Back Square, and yet we are at the
9 same level of operation, but I really think that -- I'm
10 very comfortable in saying that that's going to be the
11 condition.

12 MAYOR HARRIS: Thank you, Mr. Kraus.
13 Any other examples? I'm thinking, you know, there are
14 some proposals in the plan that's before us to put
15 medians, I believe, Boulevard, that's one place. I
16 know we've had experience with that on Asylum and on
17 Farmington Avenue west of the Center. What have been
18 the impacts of those and how does that have an effect
19 on what we are trying to do in this project?

20 MR. KRAUS: The more traffic-calming
21 features creates a narrower roadway. It gives it a
22 more comfortable feeling, a more residential feeling to
23 it, and what those will do is cause drivers to become
24 more alert. They will make you recognize you are going
25 into a somewhat different area, that there is something

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1 different about this roadway that's not usual, and so
2 it causes you to drive more attentively. So those are
3 positive things to do. Those are some of the
4 experiences we've seen by the islands we've put in.
5 These islands are flush islands. They are not raised

6 and planted islands. These roadways are so narrow that
7 they really can't support traffic in both directions
8 with a raised roadway, with a raised island, but the
9 effect will be very similar.

10 So that's really, on the Boulevard, the
11 plan of using traffic painting in order to confine the
12 lanes. It will tend to channel drivers into a single
13 lane. It will tend to slow those people down because
14 they are all queued right behind each other, not trying
15 to jockey next to each other, and that is a very cost
16 beneficial way of trying to achieve that goal of
17 controlling the traffic flow.

18 The question of bicycle lanes had come
19 up, and I think the Boulevard, at least for that
20 section, lends itself toward that, and possibly even a
21 bicycle lane could be created in that space as well,
22 and that's something -- that's another thing we tend to
23 look at. The continuity of that becomes more
24 difficult, but at least in that area, if that's
25 something that the neighborhood wants, those types of

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1 changes really are things that we try to work with the
2 neighborhood. With the Boulevard, it's a little
3 different because it is an arterial street. Its
4 function is not only to service the people that live on
5 it, but it needs to service some through-traffic as
6 well.

7 MAYOR HARRIS: Thank you. Now, you had
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8 two examples there. You had the left-turn lane to
9 prevent congestion so that people wouldn't be more apt
10 to cut through neighborhoods, and we've had experience
11 with that, is my understanding, from what you said. We
12 had the traffic calming to give it a different feel,
13 slow cars down and have a different speed and safety
14 factor within the neighborhood.

15 How about a third thing that seems to be
16 crucial here, any examples that we have where we've
17 been trying to influence traffic patterns to use other
18 routes where there has been a neighborhood that's been
19 adversely affected by cut-through traffic, and we've
20 taken various steps to incent drivers to use another
21 direction?

22 MR. KRAUS: A few things. Whetten Road
23 next to -- runs parallel to Steele Road from Asylum to
24 Albany. We had complaints on that road of vehicles in
25 excess of 70 miles an hour that was documented by

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1 police, and it was a very frequent occurrence, and it
2 was people trying to go around the traffic lights at
3 Asylum and Steele and Albany and Steele. We tried
4 enforcement, which did not provide a lasting effect, so
5 we installed three speed bumps on that road in order to
6 slow people down. It did slow people down. We have
7 now volumes or speeds that are more consistent with the
8 residential neighborhood, but what also happened is
9 half of the traffic from Steele Road moved over to the

10 adjoining streets, and so then we get complaints from
11 those streets of increased traffic. The traffic is
12 there. It's going to flow through the street system in
13 some fashion, and sometimes when you do something like
14 reducing speeds, you are going to sacrifice and move
15 traffic to another location. So we have to do those
16 things carefully.

17 St. Charles Street, where we tried to or
18 we did install serpentine roadway and actually made it
19 a one-way street rather than a two-way street. If you
20 are familiar with St. Charles, it was opposite Kane
21 Street that was opposite I-84, people are used to
22 driving very fast, again, we had very excessive speeds
23 on St. Charles Street. The street was converted into
24 being a more residential street, but again, the volume
25 has moved through the adjoining streets. Now they are

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1 contending with that. So you have to be careful in
2 doing that because you don't want to just chase the
3 volume around.

4 MAYOR HARRIS: I've often viewed some of
5 the traffic calming as, I think I described, the Cat in
6 the Hat where the spot gets on the bedspread, and then
7 it just transfers on to other parts of the house, that
8 might be what you are describing to us, but to follow
9 up on that piece of it, I know that we are now having
10 overhaul in our lights, in our traffic lights system,
11 which will allow us to better time lights and maybe

12 influence traffic patterns, so perhaps this has been
13 more difficult under the system that's currently being
14 turned over, but through light timing, through adding
15 turn lanes, any examples in any neighborhoods of those
16 types of solutions affecting the direction that traffic
17 goes?

18 MR. KRAUS: The changing of behavior by
19 creating the left-turn lanes, I don't think I can give
20 you a good example. I can give you an example of a
21 traffic pattern that's occurring because of congestion,
22 and that is, the westbound traffic on the Boulevard
23 comes to the intersection at Trout Brook Drive, and
24 it's trying to get to the highway. They don't turn, or
25 a lot of people are not turning left and going

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1 southbound on Trout Brook Drive to go onto I-84 because
2 of the congestion they see. What they are doing is
3 continuing to the intersection of Raymond Road and
4 turning left onto Raymond Road and going down to
5 Raymond Road and getting onto I-84. The reason they
6 are doing that is because the congestion exists at the
7 intersection of Trout Brook Drive and Park Road. If
8 that congestion can be removed, more people will turn,
9 and if we even had the space to even add a left-turn
10 lane there and encourage people to move. In fact, the
11 applicant, when he saw the number of cars turning left
12 from the Boulevard onto Raymond Road, suggested we add
13 a left-turn lane there. We said, no, we don't want to

14 add a left turn there, because that's going to
15 encourage people to use Raymond Road.

16 We want to encourage people to use the
17 arterial street on Trout Brook Drive. The same thing
18 happened out of Memorial Road onto Raymond Road out of
19 their -- in the Blue Back Square Development. The
20 first reaction of the traffic engineers was to create a
21 right-turn lane to turn right onto Raymond Road to go
22 down toward the highway. We said, no, we don't want to
23 do that, because again, that's a feature that would
24 encourage traffic to use Raymond Road.

25 So we've done a number of things that is

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1 contrary to normal traffic engineering that would have
2 encouraged traffic to use Raymond Road, and we are
3 trying to discourage it and encourage them to use the
4 arterial streets.

5 MAYOR HARRIS: Thank you. So just to
6 kind of wrap up, so I understand that, the last example
7 you gave where the congestion at Raymond and Trout
8 Brook causes a movement to Raymond and back around to
9 Park to get on 84, what I'm understanding the theory is
10 here, if this is approved, would be by adding an extra
11 lane and making two right-turn lanes off of the I-84
12 off-ramp --

13 MR. KRAUS: Right.

14 MAYOR HARRIS: -- then you make it
15 easier to go to Trout Brook Drive and by light timing

16 and some other traffic calming and sort of impediments,
17 the left turn onto Raymond, you dis incent people from
18 going that way?

19 MR. KRAUS: Right. You add
20 di s incentives to stay out of the neighborhoods, and we
21 add i ncentives to stay onto the arterial streets.

22 MAYOR HARRIS: Okay. You' ve gone over
23 this stuff before, and I apologize if I' m a little slow
24 on it, but I just want to make sure that I' m grasping
25 all the concepts.

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1 Finally, and I beg the indulgence of
2 both parties and the chair, but since I was chairing a
3 couple of times with the questioning, I kind of held
4 back on some questions, and I will yield after one
5 other piece that I was kind of keyed into based on
6 public comment, and then I' ll reserve questions for
7 later.

8 There has been a lot of talk about
9 process, and I think this is really from Mr. Heapes,
10 because one of the things that the Council has
11 encouraged, and I believe the TP&Z also, but we
12 actually legislated this type of encouragement, is that
13 information is out on what is occurring to the public
14 in the Special Development District context in
15 particular. Over a year ago bipartisan resolution
16 passed basically urging applicants to do that before
17 the actual zoning process began, and there seems to be

18 a lot of -- I don't want to say a lot -- but a few
19 people at least raised this issue about information
20 getting out, and could you just outline kind of what
21 you did? Because I know that we also passed another
22 resolution, I don't know -- I don't think I brought my
23 book down, but it's part of the record, which said that
24 through the open houses that you would take all the
25 comments and put them on the record, so we have to

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1 review it.

2 MR. HEAPES: Right.

3 MAYOR HARRIS: Can you just give us an
4 idea of what else you did? And there was a claim, not
5 to do compound questions here, but there was also a
6 specific question about why you didn't reach out to a
7 neighborhood that was very close to here, and I kind of
8 thought you did, so if you could clarify that or
9 correct that.

10 MR. HEAPES: Let me just walk you
11 through the process. Of course, and the case has been
12 made before we ever arrived the process that the Town
13 used to develop their interest and desires, the
14 expansion of the library, et cetera. We went through
15 that. But I will tell you that our launching point was
16 the model that the Town had done and their studies when
17 we first came here and really the process was twofold.
18 First we began our explorations of what we thought the
19 project might be with the Town. I was absolutely

20 insistent that we were not going to start that dialogue
21 and spend people's passions and time and energy over
22 something that at the end of the day we couldn't
23 deliver. I think that's an abuse of the dialogue.

24 So last October when we finally thought,
25 this is pretty close to what I can promise we would do,

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1 so we are talking about a real thing, we embarked on a
2 four-phase process. The first thing we did was I went
3 by myself and Lucy, my partner, went and visited with a
4 number of neighborhoods, very informally, in living
5 rooms. There was no structure to it other than the
6 Town helped me find a sponsor in the neighborhoods who
7 would be willing to invite me into their house, you
8 know, it's often not that easy, and have a
9 conversation.

10 The logic was, I met with neighbors on
11 Boulevard; I met with the neighbors on Brace. I tried
12 to get neighbors on either side of the Center who I
13 thought might have slightly different perspectives on
14 what the impact of Blue Back Square would be.
15 Obviously Burr and the Boulevard, being adjacent to it,
16 would have one perspective. I thought the neighbors at
17 Brace could tell me more about just what their
18 experiences were living next to the Center and yet not
19 immediate to Blue Back Square. I believe that was in
20 October. I think we did that three times, went back to
21 the Boulevard at their request during that process, to

22 try to just begin to sort out what we thought the
23 issues might be and begin to talk about that.

24 We then mailed out, using the Town's
25 records, invitations to the closest 1800 households

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1 adjacent to the Center and invited them to come to a
2 series of open houses, anybody that was there, we held
3 them in Williams Ford during November. It was very
4 cold. The heating -- we rented heating equipment. I
5 believe we had four nights -- David? -- four different
6 nights at Williams Ford in November just to begin to
7 discuss what our plans might be, to begin to hear what
8 the issues might be.

9 The only reason we did it by invitation
10 was we thought that we could have a better dialogue if
11 there was only one, 200 people in the room, rather than
12 1800 in one event. I believe the first night we had
13 240 people, and that was probably the average across
14 the four nights. I think it dwindled as the
15 temperature went down. That was four nights in
16 November. We really talked about the plan to the
17 people most adjacent to Blue Back Square, and who we
18 thought would have the most impact. The goal wasn't to
19 kind of set them out as special, but I thought if I did
20 that, I'd get a pretty good cross-section of what the
21 issues were going to be and a pretty good reaction.
22 That was in November.

23 During that time we had a little white
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24 model that you've seen around Town that we schlepped
25 everywhere and talked about it. We were working and

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1 changing the design of the proposal somewhat in
2 response to those meetings, preparing the big model,
3 which we will talk about in a minute, to kind of
4 reflect some current thinking.

5 At that time I continued to meet with, I
6 think I showed you the other night, almost every group
7 that I could find that could give me some new
8 perspective, met with the Exchange Club. I think
9 that's the first time I met Mr. Sinatro and a number of
10 the land owners in Town, League of Women Voters, Park
11 Road Playhouse. I met with Mr. Tierney on the War
12 Memorial Committee, literally anybody we thought who
13 would have a unique perspective, the board of the
14 library, the historic commission, obviously the
15 American Legion. We met with the Housing Authority.
16 We did meet with the Interfaith Housing Coalition. I
17 met with West Hartford Vision, because I really wanted
18 to understand that part of Town's perspective, the
19 history of what had happened here before, which I had
20 heard lots about, but I really wanted to hear it from
21 them and that neighborhood, really anybody we could.

22 At that time, I began coming to the, and
23 maybe it was a bit presumptuous, coming to the monthly
24 Landowners Association meeting and the Merchants
25 meetings, just to kind of get a flavor of who is there,

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1 what their issues are. That was all in November, and
2 we began to kind of change the design. At that time we
3 launched our toll-free number, which has been available
4 for anyone to call. I didn't want it to be just if you
5 came, you got access, and if you didn't come, there was
6 no access. We launched our website at that time, to
7 get information out that allowed people to comment to
8 us. I think we were very good at responding to
9 comments within seven days, which at times was
10 difficult, but we did do that.

11 Then in January, we sent a postcard,
12 infamous postcard to every citizen in Town. We mailed
13 30,000 postcards out inviting them to come speak face
14 to face, one on one, with myself in this very room
15 during the playoffs, and it was snowy, it was Saturday
16 and Sunday afternoon, and I made it clear to anyone who
17 came that I would stay. Well, to be honest, the Town
18 did kick us out at 5:00, but I would stay as long as
19 anyone wanted to stay, ask questions, have some
20 dialogue. That generated a number of the comments that
21 you see on the boards, call them the good, the bad and
22 the ugly boards.

23 We recorded those comments. We went
24 through every one of those comments, evaluated our
25 plan. At that time we also began some education as we

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1 tried to understand some understandings or
2 misunderstandings. We had a TV show where I was
3 interviewed about the design and those comments.

4 In the meantime, I have continued to
5 meet, I would say I've met with the merchants at least
6 every other week since January. I met with many of the
7 landowners one on one. I've met, to be quite honest, I
8 said in November, and I think I've lived up to it, that
9 I would meet one on one or in a group with anybody any
10 time in West Hartford who wanted to speak with us.

11 We met repeatedly with members of the
12 opposition groups, both one on one and as a small
13 group, and then over the course of this, we also mailed
14 newsletters twice to every citizen in Town, partly as
15 an education process, to explain where we were, and
16 partly as an opportunity to publish our web site and
17 how you might get access to it before we sent our
18 application in.

19 As you know, we put our application in,
20 in May. I have continued to meet with people, and
21 understand their concerns. This morning I was speaking
22 with a woman who had an idea for a self-filling dog
23 bowl, because so many people walk their dogs over there
24 now, and I think that's a great idea, so if you want to
25 condition that, that would be great. I will continue

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1 to meet with people during this process. You know, we
2 had the toll-free number.

3 So I will be quite honest, I do this on
4 both sides of the aisle as a consultant, as the
5 developer. I've never seen a more extraordinary
6 outreach program, and the offer is still good to call
7 us. We are still getting comments on our web site that
8 we are interested in, and we will try to incorporate,
9 so I can honestly look in the mirror and say, I don't
10 know what else we could have done.

11 So we certainly have tried to do that,
12 and I will honestly tell you, as you will see if you
13 ask me any questions tonight, any question, other than
14 would you just leave Town, you know, which was 20 or 30
15 percent of the questions, we looked at, and I don't
16 care how crazy the idea was. We looked at, we asked
17 ourselves, could we do it, what would it take to do it,
18 and when the answer was no, it wasn't met with any joy,
19 oh, good, we can't do that one, and the plan is better
20 because of that, I'm convinced of it.

21 You can ask the Town, the common phrase
22 in our dialogue is, do we have a plan yet? How are you
23 ever going to make an application if we don't have a
24 plan. That's Mr. Van Winkle, I heard that 1,000 times
25 from him. Do we have a plan yet? And the answer was,

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1 no, the open space isn't right yet, or the parking

2 isn't right yet. I've got some issues that people have
3 mentioned to me that I don't feel resolved about yet.
4 So I feel very comfortable in telling you, we seriously
5 listen to those things and the plan is better because
6 of them.

7 MAYOR HARRIS: Thank you. I'm dog
8 sitting my sister's Jack Russell terrier this week so
9 I'd like to follow up on that self-filling dog bowl.

10 MR. HEAPES: Self-filling.

11 MAYOR HARRIS: So thank you for that
12 description of being out there, but I guess someone
13 could say, so what? What did you do? I mean, what
14 changes were made? You talked about changes in design
15 and responses. I mean, that's really where the key is,
16 in going out and talking, and that's I think the intent
17 behind the resolution.

18 MR. HEAPES: Right. I would say the
19 dissatisfaction, having talked with people, is in their
20 view we didn't change enough. We didn't say, oh, yeah,
21 you know, you are right, we won't use the Board of Ed
22 building. You know, you are right, we won't come and
23 use the site of Memorial, so any of the opposition
24 would describe our change as cosmetic.

25 I think the important issue is we looked

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1 at them, questioned them, and at the end of the day, we
2 have to ask ourselves and underwrite our own issues. I
3 think our independent experts, particularly in design,

4 agreed with us, not because they should have. They had
5 changes in the plan as well, which we readily did, but
6 I asked them to weigh in, for example, on the open
7 space, because I wasn't sure about it. They weighed in
8 on putting the park where it is rather than keeping the
9 current configuration.

10 Systematically, we lowered the building
11 heights. I couldn't reduce the density and you
12 understand why, because I couldn't reduce the SSD
13 payment. I put the South Parking Garage one level
14 below as a result of this. We backed off on the
15 density, particularly in the cinemas, which was a big
16 concern, from 1800 seats to 1,000. We almost cut the
17 cinema in half.

18 There are a number of serious realistic
19 things. This is a balancing act, as you well know, and
20 the economics on this deal are finely-tuned, so it was
21 impossible to just massively reduce the density without
22 affecting the structure of the deal, and that's the
23 balancing that we have to play.

24 MAYOR HARRIS: Thank you, Mr. Heapes.
25 I'm going to take some of that in, and I might

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1 follow-up later, but I've monopolized enough of the
2 time, so I will turn it back over to Madam Chair.

3 MS. MECK: Thank you, Mr. Mayor. At
4 this time, we will entertain questions from councilors
5 about, and I want to be clear when I say the

6 zoning-related items, basically any questions that you
7 might have that are not financially-related. We hope
8 to get to that piece a little bit later on in the
9 evening. We thought a little bit about the best way to
10 organize this, I don't think there is, because we've
11 heard all the presentations, we've been asking
12 questions. Now is the time for follow-up and
13 clarification, and so we will take the questions as
14 they come. Mr. Spada.

15 MR. SPADA: Thank you, Madam Chair.
16 I've got a series of questions that I'm not sure bleed
17 into zoning or not, but I'm sure you'll scream and
18 holler if they do.

19 MS. MECK: I'll let you know.

20 MR. SPADA: Thank you. I want to go
21 back to the very first topic on the independent study,
22 and I would agree with the Town Manager Feldman that
23 Mr. Kraus is the best of the best. I don't think that
24 is being debated at all. But we passed a resolution,
25 and I was only one-ninth of the vote, so I can only

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1 speak for myself, but I think the spirit of it was to
2 get an independent study to look at what traffic will
3 look like if Blue Back Square was built and developed
4 and functional. What we got was an executive summary,
5 I think that's how you described it.

6 Is there something underneath that
7 executive summary that we can at least look at, read,

8 digest, versus a simple confirmation of the developer's
9 study?

10 MR. FELDMAN: Mr. Mayor, Mr. Spada,
11 maybe again the disconnect occurred because we wanted
12 to use the dollars in a way as to not write that study,
13 and maybe that's just my error for not understanding
14 that a study would have provided you more comfort. But
15 instead what we chose to do is to have the traffic
16 engineer basically look over our shoulder. I think
17 there are upwards of a dozen visits or telephone
18 conversations where we kept querying him, making sure
19 that our analysis seemed to be correct, and that the
20 Urbitran, Langan analysis was correct. They did not
21 write any report that would underlie their analysis,
22 other than the fact that they've reviewed all the data,
23 they've looked at all the assumptions, they looked at
24 the interpretation, and that essentially they thought
25 that we were just too conservative. They could

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1 probably go back and reconstruct that using the data
2 and probably come back in with a separate report, if
3 that should be the Council's wish. That's certainly
4 not difficult to do. I don't think it's even that
5 necessarily time-consuming. I don't want money to roll
6 the roost, don't misunderstand my next comment, but it
7 would be expensive. This guy charges 250 bucks an
8 hour. So if he is going to write a report, be
9 prepared, it's going to be five figures.

10 MR. SPADA: I appreciate that, and I
11 think you are right, that's something that the Council
12 will ultimately have to make a decision on.

13 I'm going to go, and again, Madam Chair,
14 if you could just steer me if I go wrong here, but I'm
15 going to hit parking and the parking garages just for a
16 brief minute, and this would be addressed to Attorney
17 Alair.

18 How much control do we either -- how
19 much control would we through a condition or through
20 the Master Agreement have on the actual designs of
21 these garages?

22 MR. ALAIR: The Master Agreement
23 requires the developer to provide us with detailed
24 construction drawings before we complete or build a
25 master, or build the garages rather, so certainly we

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1 have control over functionality, design, operation. We
2 have to be comfortable with what it is.

3 If you were talking about architectural
4 design, that's an issue which Mr. Heapes spoke about
5 last night, and indicated that he would be more than
6 happy to work with the Town Planner and with DRAC,
7 perhaps, to design exterior architectural changes
8 subject to some kind of condition of approval.

9 MR. SPADA: And my question was
10 referring to the architectural piece of it, and I think
11 Mr. Heapes deals in good faith, and we would have no

12 reason not to believe that, but preapproval, would it
13 take a condition to allow us more than just a verbal,
14 you know, hey, we look forward to working with you on
15 this piece post an approval?

16 MR. ALAIR: You certainly could draft a
17 condition of approval, and I would be happy to do that.

18 MR. SPADA: Thank you. I'm just going
19 to keep rolling.

20 Library, Mr. Van Winkle, and you may
21 have, through the hours and hours of these, you may
22 have addressed this, but if you could just repeat the
23 answer. There was a concern that some of us jaded
24 souls have that people would park and then run into the
25 library and grab a book and validate the ticket and

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1 then spend the day in the Center.

2 Do we have any strategy to combat
3 that, or is the strategy not to combat that and live
4 with it, and if so, have you put forth an estimate into
5 the projections of the revenue on that sort of an
6 impact?

7 MR. VAN WINKLE: Well, of course,
8 although I am certain people will do that, some people
9 will do that. The great majority of us all are not
10 cheaters, and, you know, I don't expect people to cheat
11 the system as a regular basis, but I do think we will
12 find people who will go in, visit the library, and then
13 go up to a desk and ask to have their card validated.

14 The validation at the library is a two-hour validation
15 and they would get that off.

16 If we had an excessive use of that, we
17 would have to find some way to adjust it. Maybe there
18 is some card swipe as you walk in, so we know how long
19 you've been in the library. So you take your card, you
20 come in through the library, and it tells when you
21 enter and when you leave, it tells you. There is
22 certainly ways to deal with it.

23 Certainly, again, the great majority of
24 us are honest, and we are not the kind of people who
25 will do those sorts of things, but we will find people

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1 who do it. We have people now who feed meters in the
2 Center. We have people who park in our parking lots
3 and swap a ticket with someone on the second shift. So
4 the person on the first shift comes in, they get in at
5 8:00 in the morning, they work all day. The person in
6 the second shift comes in, they swap tickets. The
7 person on the second shift would go out free, on the
8 first shift would go out free. The person on the
9 second shift would go out after we close our booth.
10 And we had people doing that. So we started watching
11 for it. We started trying to find ways to do it. We
12 kept our booth open longer. There are methodologies we
13 can obviously do as we see this development, I think
14 that's what we will do.

15 I don't have a particular answer for how

16 many cheaters we have in West Hartford that will employ
17 that system, although once they get in the library,
18 then they will find that there is a lot going in the
19 library, and it will increase the use of the library
20 for a very good reason, so it might also be a nice
21 incentive.

22 MR. SPADA: I appreciate your optimism,
23 I would agree with you, you just confirmed it. Thank
24 you. Last, library topic, and it may go to my left to
25 the staff or to Mr. Heapes. We have one of the women

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1 who spoke, I believe it was a librarian in Avon, and
2 she talked to the fact that there were these standards,
3 certain number of parking spots per patron, and I think
4 Mr. Daniels asked for them, and if we've received them,
5 my apologies, but she described -- this particular plan
6 as being woefully short in that area. And is that
7 something that we are moving to address, or was she
8 mistaken or can you comment on it?

9 MR. VAN WINKLE: Ron Van Winkle. The 69
10 spaces we are using were for revenue purposes. It
11 wasn't that we were going to limit 69 people to go into
12 the library. The number 69 was generated by our
13 observation and counting of persons in the library at
14 various times during the day, so we actually went
15 around and did a head count of number of patrons at
16 mid-morning, mid-afternoon on Saturday to look and see
17 what kind of traffic we had in the library, and that

18 number 69 came out to be a number that looked like it
19 would work. But if 100 people come to the library,
20 they will be able to pull into the garage, they will be
21 able to park. They will be able to go into the
22 library, get their ticket validated and get out of the
23 garage. The garage can hold almost 500 cars. If they
24 all go to the library, they are all going to get
25 validated. So it isn't restricted to 69. It is for

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1 revenue purposes that we said, all right, we are going
2 to have 69 parkers who are going to go into the library
3 and get two hours of free parking that we did that
4 analysis, and that 69 came from a head count kind of
5 traffic study, if you will, within the library, looking
6 at how the patronage of the library was at that point.

7 There will be moments in the week or the
8 month where they will have a speaker at the library and
9 we will draw more, and on that evening there will be
10 more validations for that. But again, it is not to
11 adjust, tell someone you can't get out free because
12 we've got 69 cars in here already. It is wide open.
13 It is for the public. The parking and the library is
14 free whenever you come.

15 MR. SPADA: Thank you. I'm getting
16 close to the finish line, Madam Chair, on to our
17 favorite topic, the movie theater. I watched the tail
18 end of the discussions last night, and I want to ask
19 Mr. Heapes, because I thought I heard maybe two

20 different answers to the question that I think Mr.
21 Davidoff had asked about whether or not this in fact,
22 going from five to four was a deal-breaker. I think
23 you had answered in the affirmative, but then suggested
24 that there would be, you know, a contingency plan and
25 what you would do, et cetera, et cetera. So I don't

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1 know if you can comment on that tonight with more
2 clarity. Is it A or B? Would you walk on that
3 particular issue?

4 MR. HEAPES: The answer is yes, it's A
5 or B. I did some research today. I'm not trying to be
6 flip about this. I just want to be real clear so let
7 me build up the story again and see if this answers
8 both your questions.

9 When we originally applied, we were
10 asking for general rights of what we thought would be
11 the outside envelope in a zoning tradition for the
12 theater. We had talked about eight screens, 800 seats.
13 There is no magic to that number. That is the size of
14 the movie theater at Mizner Park. That is the size of
15 the movie theater in Bethesda Row. So I knew that that
16 matched in some remote, wide, broad way what you might
17 be expecting to see. It wasn't a fine arts theater,
18 the one in Bethesda is.

19 In response to the citizens' concerns
20 about the cinemas and in preparing the application, and
21 of course, we are out talking with art screen cinemas,

22 I went to them and said, what is the minimum size that
23 your business model will operate under? consistently
24 they said six screens, 1,000 seats. In pursuing our
25 negotiations further, I was able to get them to five

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1 screens, and we can have a little discussion about what
2 this theater type is. It's important to understand,
3 these are small theaters. This is a very niche market
4 type of product. To give you an order of magnitude,
5 each theater is about the size of half of these seats.
6 So one theater in the complex is about 150 seats.
7 These are about 125, so you see two theaters here.
8 Five of those, with one of them being a little larger.

9 I was on the phone with our leasing
10 people today, and I will always do this. You ask me a
11 question, I will always go find the answer. I will not
12 just stand here and stonewall for some unknown
13 principle. I talked to the two theater operators that
14 we are talking to and asked them what the impact of
15 going to four screens are today. They did confirm that
16 there would not be a theater deal under that scenario,
17 that their business model does not work. We would not
18 conclude a deal.

19 So that's not intended to be a line in
20 the sand, that just is the fact of the business. I
21 kind of equate it with saying to Hartford Hospital,
22 we'd like to limit the number of nurses per doctor to
23 one. The Hartford Hospital would probably say, it

24 doesn't really work for us. I don't know.

25 But that's data coming from the theater

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1 investors and operators, and we talked about -- Mr.
2 Davidoff asked a very good question, because we've
3 talked about, well, how do you underwrite if the
4 theater fails and goes out of business; what are you
5 going to do there? And I told him how of course we
6 think the retail market wants this place as
7 consolidated, the address exists, people understand the
8 project. There will be all kinds of opportunities to
9 refill space. I don't worry about that.

10 We talked about our problem with
11 financing the project, and I wanted to remind you of
12 something. It was the Town that put the preleasing
13 requirement on us in addition to the financing because
14 they wanted to make sure that there was enough retail
15 space leased so that the revenues would come on the
16 parking side, so in essence, that is the threshold we
17 are trying to meet through our leasing.

18 As I thought about it over the night,
19 there is a couple of things to think about here:
20 Number 1, the theater really is the primary retail use
21 that drives benefits to the Center. It adds length of
22 time to the customer. It adds significant number of
23 meals to the restaurant. It enhances the Center
24 package of experience as much as any other retailer.
25 It is what will drive people to walk back and forth to

1 Blue Back Square to the various commercial
2 opportunities.

3 Secondly, we don't want to reduce the
4 SSD payment, so we don't want to reduce the amount of
5 retail. The retail is paying the highest amount of SSD
6 payment. If I convert the theater to commercial, we
7 will be 200 cars short at 1:00. We would need to add a
8 level to the parking deck at 1:00. The bond would not
9 be large enough, and the SSD payment would stay the
10 same. So implications of these things really do kind
11 of ripple through what we are talking about. Could we
12 lease the space? Yes. But what we would have to do is
13 then go lease 25,000 square feet of smaller shops.
14 Five, six, seven shops. They will not be local shops
15 because they don't have the credit that the Town would
16 require and that our financiers would require to be
17 counted. So I would have to go without the space being
18 there, go lease five or six shops to, frankly, people
19 we probably don't want in the project, national
20 creditworthy chain stores.

21 So we would have lost an anchor
22 destination for the Center that really helps both
23 sides, that drives foot traffic, that reduces traffic,
24 that adds parking, that adds a level to the deck, in
25 exchange for five chain stores that we maybe wouldn't

1 have to do otherwise, that in the best of my ability
2 kind of explains all the interlinked conditions here.
3 These mixed-use projects are finely-tuned and
4 finely-balanced things. At the end of the day, it's up
5 to your decision. If we limit the screen to four
6 screens, I don't believe there is a deal for us to do.

7 Now, let's talk about another issue. We
8 do have leverage, and I will commit to you to work as
9 hard as possible with these theater operators to have
10 them fit into the community as much as possible. I've
11 already talked to them about being the home for the
12 Noah Webster National Vocabulary Bee. Should it turn
13 into something fantastic that Blue Back Square, or
14 whatever it's called, could we use those theaters
15 during the day for that kind of thing? I talked to one
16 of the operators about putting a small stage in the
17 theater for overflow, the Park Road Playhouse mentioned
18 to me they have some concerns about how they might
19 grow. I think we had two theater operators that are
20 very interested in having this be the Center for
21 community events, not just movies.

22 As I mentioned, I did talk to
23 Mr. Wilkins at Real Arts on how we can gauge this. I
24 met with the Arts League months and months and months
25 ago about how Blue Back Square could be the Center for

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1 the arts, not much different than what we did at Mizner
2 Park and really unleash -- we have a public space here,
3 so how could artists work here, music, Hall High
4 School. There is so many opportunities to do something
5 here. I think the theater could be a real focal point
6 of that. I would hate to lose it over this condition,
7 but I do believe at the end of the day conditioning it
8 to four screens would make it impossible for us to
9 close a deal. I don't know if that answers your
10 question.

11 MR. SPADA: Oh, yes, it more than --
12 that was an excellent explanation, and I think,
13 speaking for me, I understand fully the residual impact
14 on the bonding and the finance. I think the part that
15 I struggled with is if West Hartford is as electric and
16 as magic as we all believe it is, then I would think it
17 would be a line of movie operators that would be ready
18 and willing to go from five to four to four to three
19 just to get here.

20 MR. HEAPES: This is a special kind of
21 product.

22 MR. SPADA: And I think you did a fine
23 job of explaining it and I appreciate it.

24 The last question on the movie theater
25 is for Attorney Alair. Can you talk to whether or not

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1 we have ordinances, if this is approved and if a arts
2 theater goes in and then five years later moves out,

3 what is the control mechanism on what sorts of
4 theaters? Do we have ordinances that address these
5 sorts of entertainment type operations?

6 MR. ALAIR: The only ordinance that we
7 have relating to movie theaters, other than parking and
8 other specific requirements, seating capacity, that
9 sort of thing, standards is we have an ordinance
10 regulating adult entertainment establishments which
11 would obviously include adult movie theaters. They are
12 prohibited in business zones. They are only permitted
13 in industrial zones. Certainly that type of an
14 operation could not come in here. And furthermore, in
15 the Master Agreement, we have made it clear that the
16 theater cannot be anything which would qualify as an
17 adult entertainment establishment.

18 Beyond that, we do not have ordinances
19 in place which define what is a fine arts cinema as
20 opposed to a general run cinema. The Master Agreement
21 does call for a fine arts cinema, but not our
22 ordinances.

23 MR. SPADA: Thank you. Just one last
24 topic, and this is for Corporation Counsel O'Brien.
25 Mr. O'Brien, you went through, at the very, very tail

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1 end last night, a statement of process and protocol,
2 but just so that I'm clear, in terms of the actual
3 putting forth of conditions, that's not to happen until
4 our special meeting?

5 MR. O'BRIEN: Through you, Mr. Mayor,
6 well, the actual conditions that you would propose as
7 part of the Special Development District or Districts
8 would be done at the time of the meeting where you are
9 voting to either approve or not approve this project;
10 however, it is very appropriate to express your
11 thoughts on what conditions you may be thinking of
12 tonight so you can get the reaction of both the
13 developer and of Town staff to those conditions.

14 Also, if there is any conditions, you
15 know, when the hearing is closed, if there is any
16 conditions you'd like to have us prepare for you, we'd
17 be happy to do so.

18 MR. SPADA: Thank you, and thank you,
19 Madam Chair, for your patience.

20 MS. MECK: Thank you, Mr. Spada.
21 Mr. Harris.

22 MAYOR HARRIS: Thank you, Madam Chair, I
23 just wanted to procedurally also respond to Mr. Spada
24 as to what we were contemplating doing if it's
25 appropriate. The TP&Z will be closing their hearings

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1 down tonight. We will be closing our hearing down
2 except for two purposes with which we will keep it open
3 essentially, one to receive the TP&Z recommendations,
4 which we expect to be made tomorrow night, and two,
5 Mr. Spada, to be able to deal with conditions at a
6 further hearing if that has to happen, if there is

7 something that requires that.

8 So to the extent you are not able to
9 come up with conditions tonight and you want to just
10 keep asking the questions and be able to contemplate
11 that, you will have the ability, if this is legally
12 appropriate, we always have these constraints in the
13 zoning process, if it's legally appropriate.

14 MR. SPADA: Thank you, Mr. Mayor.
15 That's kind of why I asked it. Now I may be more
16 confused than before. I have -- I mean, I have
17 conditions, we all probably have conditions we are
18 thinking about starting to frame, but you know, I asked
19 several of the questions. Mr. Heapes provided answers;
20 staff provided answers. I still may have conditions.
21 Now is the right night to bring those forth formally,
22 but I imagine we will discuss those in deliberations.

23 MAYOR HARRIS: Yes, Mr. Spada. Actually
24 I would think that we would really want to get to
25 questioning tonight and not do conditions, because

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1 really that's a Council agenda item, a piece of work
2 that the Council does, and we really want to make sure
3 that the TP&Z in particular is able to wrap up
4 questions before tomorrow night and one -- well, one
5 other thing I just want to say that we have asked Mr.
6 Alair, and he has already begun to put together the set
7 of draft conditions based on some, you know, typical
8 conditions, some boilerplate, if you will, and some

9 other things that he has heard through the hearing
10 process, so we will have to give the councilors a menu
11 to begin to build off of.

12 MR. SPADA: Thank you, Mr. Mayor.

13 MS. MECK: Mr. Alair.

14 MR. ALAIR: Madam Chair, through you,
15 just to sort of follow-up perhaps, the concern I would
16 have is if you have ideas about conditions, without
17 necessarily fleshing out the exact language that you
18 are proposing, I would encourage you to ask questions
19 about how those issues might be framed on the record.
20 The problem that I'm worried about, and we've seen this
21 from time to time, is that the night of your
22 deliberations, we are drafting conditions at the table,
23 which in most cases is all well and good, but in a
24 project of this complexity, what I'd be worried about
25 is drafting a condition on the fly, which has

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1 implications for either the developer or the Town in
2 terms of the operation or the viability of the project
3 and not realizing what we are doing, so I'd like to be
4 able to flesh those out rather than being stuck in
5 deliberations when it's too late to go on the record
6 and respond to those questions.

7 MR. SPADA: May I comment? My intent
8 was never to put forth a condition on the fly, but --
9 and I'd be more than willing to e-mail you, I'll give
10 you my thoughts, but I had several condition ideas that

11 Mr. Heapes addressed, and so I'm satisfied that I will
12 e-mail you and copy whomever wants to be copied some of
13 my thoughts on what may be conditions.

14 MS. MECK: Thank you, Mr. Spada.

15 Mr. Harris.

16 MAYOR HARRIS: Thank you, Madam Chair,
17 through you, I didn't want to give the impression that
18 people shouldn't ask questions that would deal with
19 conditions. I just don't think that at this point the
20 deliberation on conditions and essentially debate,
21 discussion, however you want to say it, amongst
22 councilors is appropriate at this point in time.

23 MS. MECK: Thank you, Mr. Harris.

24 Actually, Mr. Alair, excuse me one moment, I think a
25 perfect example of what we are talking about here is

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1 Mr. Daviddoff's questions last night regarding Special
2 Use Permit. He had specific questions, would they be
3 acceptable to the developer, could the developer
4 explain why or why not they would be acceptable. We
5 all didn't get into a discussion about those
6 conditions. He simply had his questions answered in a
7 form where he was able to do that. In his mind, he can
8 come up with conditions based on those answers, if he
9 so desires, and then he can present them at our Plan
10 and Zoning Commission meeting. So that's the kind of
11 questions we are looking for this evening as it relates
12 to conditions.

13 And with respect to Mr. Harris's
14 comments, not to go back and forth, about why a
15 condition would or would not be appropriate at this
16 time, just to gain the information for you on a
17 personal level so that you can make those decisions in
18 a separate venue.

19 Mr. Alair, did you want to follow up on
20 that?

21 MR. ALAIR: Perfectly stated as always,
22 Madam Chair.

23 MS. MECK: Thank you, Mr. Alair.
24 Further questions? Mr. Connors.

25 MR. CONNORS: I want to stay on the

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1 movie theater for a little bit. Actually, I had
2 questions, as you guys were going back and forth, so
3 through you, Madam Chair, just for clarification,
4 reducing the number of theaters runs in contrary to the
5 business models of the theater owners, but does that
6 necessarily mean there is a perceived need? Just
7 because there is a business model, is there a need
8 there as well?

9 I guess my question is: These theater
10 owners perceive that there is a need for at least five
11 and maybe more in this community once the project is
12 built.

13 MR. HEAPES: Correct.

14 MR. CONNORS: So that the business model

15 doesn't -- I mean, my perception is I'm not sure that
16 1,000 seats and five screens, just wondering if you
17 think there is a specific need for that. You think
18 people will come, spend that amount of time, go to five
19 different movies, and then from there you said that the
20 theater drives foot traffic for the rest of the Center.

21 MR. HEAPES: Right.

22 MR. CONNORS: So you are thinking that
23 the people will come, their main focus might be to go
24 see a show, but will make it a day and spend the time
25 back and forth throughout the existing Center and the

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1 new part of the Center.

2 MR. HEAPES: I'll answer that in two
3 parts. The need on movies is an interesting question,
4 because basically, as I come to understand it, the
5 movie industry, like a lot of things, organizes
6 themselves around certain amount of product, meaning
7 films. And there is a certain amount of product being
8 produced by the major studios, and in fact the major
9 motion picture operators, AMC, Sony, you know the
10 names, organize their 24 complex around the ability to
11 get all of that product. They basically decided awhile
12 ago that splitting 24 films up between three
13 eight-plexes and fighting with one another over who
14 gets Batman and who gets Harry Potter didn't make
15 sense, so they went to the larger theater so that they
16 could get all the film product of what they call the

17 zone.

18 The independent arts, which is what we
19 are talking about here, independent studios arts films,
20 and I think Mr. Wilkins amply described this, also
21 comes out with a certain amount of product over the
22 course of a year, and at any one time, depending what's
23 on the market, there is a need of a certain number of
24 households to go see that product. To be competitive
25 and in the film business, there is one really important

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1 thing you should know about the movie business, they
2 make zero dollars on the movie. The film operator
3 makes all of his money on popcorn in the case of AMC
4 and lattes in the case of independent films, to be kind
5 of crass, so it's the number of seats versus how much
6 product there is, versus the volume that it takes to
7 manage the theater. They don't make any money on the
8 product.

9 They believe, and I believe it's true,
10 that essentially Hartford is a one arts screen complex
11 marketplace. It's not a two marketplace, like New York
12 or whatever. I take their word for it because they are
13 in that business of acquiring their product and
14 managing it. So what you are asking, as I understand
15 it, with four screens, is to have the same amount of
16 concession, same amount of manager. I have the same
17 manager, and you may not know this, but the job of the
18 manager in a movie theater is actually to run the

19 films. He runs around between all the movies, and he
20 starts the films, because they can't even have an
21 employee to do that. The margins are very, very thin.
22 So when he says I can't operate the quality of facility
23 I can without X number of seats, knowing that the
24 product is there, knowing that the market is there, I
25 have to take his word at it. It is his business.

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1 Our interest in this, and this is very
2 important, is to get quality people who have experience
3 running this product, who have lots of money, who are
4 well-capitalized businesses, who can ride out dips in
5 the film, dips in the market. It's very easy to go
6 sign, quote, a mom and pop operator and one little blip
7 and they are gone. We have the advantage of speaking
8 with two that do this regionally and nationwide who
9 know this business, one of those invented this product,
10 and they are well-capitalized, and this is really our
11 primary concern, to get a really strong merchant there.

12 Let me speak just a minute about the
13 power of the theater relative to affecting the Center,
14 both sides. First and foremost, it will give something
15 to do in the Center other than food from 5:00, 6:00,
16 7:00. I think I described to you before some of the
17 merchants' reactions to staying open later, et cetera.
18 We would expect this theater to generate -- typically
19 speaking, one out of four theater trips involves a meal
20 before or after, dinner and a movie, about 25 percent.

21 If we were to use really broad numbers, that could
22 translate to 100,000 meals in the Center over the
23 course of a year. Just want to divide that by 20
24 restaurants, that's what? 5,000 meals a year. That's
25 a significant number of new trips on both sides of the

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1 aisle at a time of day when we have the parking, we
2 have the traffic capacity, that there is as much
3 interest in going to Bricco's as there would be any
4 other place. We put it in the center of the project,
5 in the Board of Ed building so it would specifically
6 have that function.

7 I really am concerned if we lose these
8 destination users that we slip into the new old
9 phenomenon, which I don't want to do. That's the
10 reason we've burdened the theater. It's a burden and
11 it's causing me heartburn in my discussions now, to
12 have two entrances, one on Main Street and one on Blue
13 Back Square closer to the parking. We will get that
14 done, but I just think it's so critical to extending
15 the stay, extending the experience, and this is
16 probably the one user that would help the merchants the
17 most in the Center, and if it was retail, compete the
18 most with the merchants in the Center because of the
19 types of stores, and I don't know if that answers your
20 question.

21 Whether the market is there or not, we
22 are talking with well-capitalized, real pros at this

23 business, and this is not something we are trying to
24 invent, even though it's somewhat new in the country.

25 MR. CONNORS: That does answer my

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1 question, and that was a good answer, and I think there
2 is just a few of us, I won't speak for myself only,
3 that just feel that it is too large, but I appreciate
4 what you've testified.

5 MR. HEAPES: Let me give you a point of
6 reference, the old central theater, which obviously I
7 never went there, perhaps you did, was 550 seats, so
8 this is less than twice the size of the central
9 theater. A 24 plex, just for comparison, is 4,000
10 seats.

11 MR. CONNORS: Okay. I'm going to move
12 on to some other questions. Just to get back to
13 Mr. Kraus on a couple of traffic things, the pedestrian
14 crossings on South Main Street being all stop
15 crossings, particularly the one in front of the
16 library, and we went over this a little bit, but I'd
17 just like you to reconfirm this for me. This would
18 appear to me that with the effort to try to move
19 traffic smoothly on the arterials to sway them from
20 using the neighborhood streets, if these crossing
21 crosswalks or these walk lights are, they are going to
22 work based on people pushing the button rather than in
23 a cycle, you are going to have off-cycle stopping, and
24 on a busy day, you would expect that to happen quite a

25 bit, and I would think then it would create queuing

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1 back to another walk light and so on and so on.

2 And if they weren't able to change on a
3 fairly regular basis with people pushing the button,
4 people might not be able to get across the way they
5 like to and they would jaywalk, or it would serve to be
6 a disconnect between the two, you know, the newer part
7 of the Center and the existing Center, so I wonder if
8 you could just give me kind of a feel for that and how
9 you think it would work.

10 MR. KRAUS: Dave Kraus, and you are
11 absolutely right. The pedestrian actuations of signals
12 tends to deteriorate the traffic progression of queues
13 as it goes through multiple signals. This has been
14 taken into account in this model, and it does
15 deteriorate the efficiency, but that has been
16 incorporated into the model and the figures that we've
17 been talking about. We don't assume that every traffic
18 cycle has pedestrians on it all day long. That's too
19 conservative.

20 The pedestrian-only signal in front of
21 the library is, I think, more of a safety issue. Yes,
22 we are sacrificing traffic flow for additional
23 pedestrian safety. The effort of trying to make this
24 one Center and having a Main Street go through the
25 middle of it, the challenge is to have easy access for

1 pedestrians to cross the street. I think it's very
2 necessary. I think we have an awful lot of jaywalking
3 that goes on along Main Street today, and I would hope
4 that people would cease some of that behavior and tend
5 to use the very safe and identifiable crosswalks that
6 are going to be constructed as part of this project.

7 MR. CONNORS: So at the busiest time of
8 the day, I think between say 4:30 and 5:30, I would
9 imagine that's the rush-hour time for vehicles
10 traveling through West Hartford Center on Main Street.
11 I also think it would be a busy time for pedestrian
12 traffic with the addition of new office buildings and
13 people leaving their office to do some other activity
14 in the Center. You don't think that at that part of
15 the day when traffic flow would be the most important,
16 it might reduce the ability for traffic to move
17 smoothly and people, after awhile, would find other
18 routes to get around the Center or Main Street and the
19 Center to avoid stopping, queuing and so on?

20 MR. KRAUS: If congestion on Main Street
21 gets to that level, I would suspect that many of the
22 through-traffic will move over to Trout Brook Drive
23 where it will tend to stay less congested, and we may
24 see some migration of that. Again, the model that has
25 been shown to us does not produce queuing at

1 intersections. For example, at Memorial Road going
2 southbound, that would stack cars all the way up to the
3 pedestrian signal, we don't anticipate that happening.
4 If it did, however, we would have to try to make
5 adjustments to accommodate that, and that's one of the
6 things that that post-development study would tend to
7 look at.

8 MR. CONNORS: Okay. I'm going to just
9 ask one more traffic question just for clarification.
10 Did you say that people cut up to Raymond Road from
11 Boulevard or Farmington Avenue to avoid the
12 intersection traveling south on Trout Brook Drive to
13 get to the entrance of I-84?

14 MR. KRAUS: That's correct.

15 MR. CONNORS: So what are we -- just
16 looking at the intersection elevation, what are we
17 doing to change that, just a signal? The signal
18 changes? Because it didn't look like the roadway
19 changed much for the southbound turning onto Park Road.

20 MR. KRAUS: I'm sorry, for the --

21 MR. CONNORS: People traveling
22 southbound on Trout Brook Drive taking the right turn
23 onto Park Road to access the entrance ramp.

24 MR. KRAUS: You are correct, there is
25 still a single right turn there, but the amount of

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1 green time that now can be devoted to that can increase
2 significantly. There are projections of the amount of
3 cars that back up. That will be, I can't remember the
4 exact number, but it's at least in half of what we are
5 seeing today, that backup going southbound on Trout
6 Brook Drive that's trying to turn right onto Park Road.
7 That's a very significant improvement, and it's not the
8 result of an additional lane. It's the result of being
9 able to give that movement much more green time.

10 MR. CONNORS: Thank you. I have a
11 separate question, and I don't know, this may fall into
12 later when we are talking about the financing, having
13 to do with making sure that the condominiums are built.
14 Would I wait for that until the financing piece?

15 MS. MECK: You can ask that question
16 now, Mr. Connors.

17 MR. CONNORS: I'm sorry?

18 MS. MECK: You can ask that question
19 now.

20 MR. CONNORS: All right. There is
21 concern. I have concern that there was some testimony
22 that if the market doesn't, at some point the market
23 appears not to be there for the condominiums that the
24 condominiums cannot be built. Can I just have a
25 clarification on that?

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1 MR. FELDMAN: Madam Chair, let us wait
2 until Pat Alair rejoins us, and we can come back to

3 that, Mr. Connors. Okay?

4 MR. CONNORS: That's it, thank you.

5 MS. MECK: Thank you, Mr. Connors.

6 Mr. Slifka.

7 MR. SLIFKA: Thank you, Madam Chair.

8 Mr. Heapes, I have some questions of my own, but before
9 I do that, I've been trying to spend the last day going
10 through the many pieces of correspondence and some of
11 the things you gave us regarding citizen questions, and
12 we had stated very early on in the process that we
13 wanted to serve as a vessel for some of those
14 questions, if possible, and I noticed a few that we may
15 not have touched on, so I'm just going to ask those
16 first.

17 The first one we just got today,
18 Mr. Tieger, who I know you know very well, gave us a
19 letter which we received in our packet this afternoon,
20 and he asked us, and I'm quoting his letter, he asked
21 us to pose this question, and I think it's in light of
22 your presentation last night about the potential Target
23 development if this did not go through.

24 The question was: If BBS does not get
25 approved, will you build a project similar to the box

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1 store and parking garage you showed us last night?

2 Could you address that for us? I know
3 you did in some detail last night, but it seemed that
4 Mr. Tieger had some lingering questions.

5 MR. HEAPES: I will put it this way, we
6 have control of the property. It is our intention to
7 develop the property, whether it's through this process
8 or as of right. The intention of my example last night
9 was to suggest what I thought the true as-of-right
10 probability of a square footage was based on the fact
11 that, because the Center is very valuable, this land is
12 very valuable, I thought that the Town Planner's notion
13 that you would surface park a development on property
14 that is this expensive, where the land is more
15 expensive than structure parking, didn't really
16 represent the true likely as-of-right scenario. So it
17 is our intention to develop the property either way.

18 I will be very honest with you, and I
19 don't expect you to believe me, but that's okay. We
20 have never run an alternative strategy. We've never
21 looked at an exit strategy. I don't know if it would
22 be a Target or if it would be office space. I just
23 really wanted to get on the record what the real
24 comparison was, but it is our intention to develop this
25 property.

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1 MR. SLIFKA: Thank you. Another
2 resident question we got this afternoon, and this might
3 be for probably addressed to me, but I believe for Mr.
4 Plante, was from Sue Gradante, and it was an awfully
5 technical question that I don't even feel qualified to
6 ask, but I think you've seen the correspondence, and it

7 dealt with State of Connecticut DEP general permit for
8 the discharge of storm water, and it goes on from
9 there.

10 I was wondering if you might be able to
11 address the concerns raised by Ms. Gradante.

12 MR. PLANTE: I did see that. John
13 Plante from Langan Engineering. What I can say to that
14 is, we will comply to the general permit for
15 construction activities that the DEP will issue. You
16 don't apply for that permit until you have a project
17 approved and prior to construction. We haven't applied
18 for that as was noted, but we will comply to the
19 standards and the requirements of those permits.

20 MR. SLIFKA: So in short, her concerns
21 would be addressed?

22 MR. PLANTE: That's correct.

23 MR. SLIFKA: Thank you.

24 One of the interesting things you did
25 present us with, Mr. Heapes, pursuant to requests by

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1 the Council, was to give us, transmit to us the notes,
2 the Post-It note comments that you received in the very
3 early public meetings, and I withheld asking questions
4 from there because I think almost all of them were
5 addressed in some form or another, either through your
6 presentation to the Town or through councilor
7 questions, there was one that more or less touched on
8 that I found unique because it seemed to keep popping

9 up a bit, and it had to do with architecture.

10 I know you addressed this a little bit
11 the other night in response to the gentleman from Avon
12 who commented on the architecture, and the question
13 that seemed to be posed was, people would like a New
14 England architectural feel, and I don't know if I heard
15 you address the architecture in quite that manner in
16 describing what you came up with. I wondered if you
17 could do that now.

18 MR. HEAPES: I will try. I'm not sure
19 that I can entirely identify that specifically. Let me
20 break it into categories. There is New England
21 residential architecture in the form of homes
22 obviously, and I wouldn't say New England, I'm going to
23 call it Connecticut region, because that's different
24 than Vermont or Maine or even Rhode Island and Boston.
25 But there are different scales of architecture. There

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1 is civic architecture, which you have some spectacular
2 examples of here. You have residential architecture,
3 which you have, and then there is commercial
4 architecture of various sizes, small scale commercial,
5 which is pretty much in all of America, is very
6 eclectic by its very nature, and there is larger scale
7 commercial, which frankly in West Hartford you don't
8 really have any. There is in Hartford larger
9 commercial buildings.

10 Let me answer it this way and summarize

11 the strategies that we used with a Connecticut twist.
12 First and foremost, I find Connecticut architecture to
13 be pretty straightforward, and it kind of expresses its
14 function in a no nonsense way. A church looks like a
15 church; a store looks like a store; a house looks like
16 a house. It's a lot different than Los Angeles or
17 south Florida or in other places where you would have
18 to guess what is in that building. So we have a
19 strategy that said the building ought to look like what
20 it is in a straightforward manner. You ought to say,
21 ah, that's a library, that's where people work, that's
22 where people live.

23 Secondly, although our buildings are
24 somewhat large in their size, we have tried to break
25 them down through their expression so that they appear

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1 as if they were maybe two buildings built over time.
2 Like in the Center today, most of the buildings touch
3 each other, and so even though one might be one
4 building, it might actually look like three buildings.
5 I'm just going to call it smaller, smaller massing,
6 more of a village scale, than, for example, in a city,
7 where you might actually try to make a building look
8 bigger than it is because you want to get -- you put a
9 big tower on it, you want to get a high profile and
10 address. We try to take our bigger buildings and make
11 them look as if they were a series of smaller
12 buildings.

15 facades along the street, where the word facade came
16 from, would be fancier than the backs of the buildings.
17 These are village buildings, these aren't suburban
18 flash cubes, I call them, sitting out in the woods.
19 You'd expect the fronts to be fancier, you'd expect the
20 entrance to be fancier. You would expect the colors to
21 be kind of warm, not cool, concrete colors or dark
22 gray, that they would be kind of warm colors, and
23 secondly, you would -- finally, you would expect them
24 to be humane, their entrances would be simple. You
25 could tell where the entrance of a building was because

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1 it's kinds of in the middle of the building, and that
2 the details would be straightforward, but well-crafted.
3 The handrails would be made out of wrought iron, not
4 anything else, frankly. Those were all the principles
5 that we kind of drove from being here, a
6 straightforwardness, a simplicity, a regional
7 character, collected in a way that doesn't emphasize
8 the buildings. The only buildings that really ought to
9 stand out in a Town Center are the civic buildings, the
10 church, the Town Hall, the library.

11 And so in a certain way, we've done a
12 very unarchitect-like thing, which is ask the builder
13 to just kind of sit back, make beautiful streets, frame
14 beautiful sidewalks, and be good citizens in the
15 creation of a walkable district. This is something
16 I've advocated for 20 years. I often have trouble

17 finding architects to work with me because they want to
18 kind of step out a little bit. Probably a lot of our
19 conversation with DRAC was, couldn't the library
20 addition be a little more out there, so to speak? And
21 I didn't ask the Town. My opinion was maybe, but the
22 library is already out there. It's a beautiful
23 building. It has a beautiful front door.

24 So that was our attitude. That was our
25 approach. I've had to rail back the architects to just

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1 be good background buildings that highlight the civic
2 green and the church and whatever, that don't compete
3 with it. I don't know if that answers your question.

4 MR. SLIFKA: It does. Thank you. One
5 area where I have trouble with conceptualizing things
6 is I have an inability to translate square footage into
7 anything that I can conceptualize. It helps me to get
8 an actual comparable that I know and I can identify. I
9 was wondering if you could do for me, to the extent
10 possible, give a comparable that we would all know for
11 the highest, tallest structure, I should say, that will
12 exist in Blue Back, and if you could give comparables,
13 again, to the extent possible, for both of the garages
14 that are expected to be constructed.

15 MR. HEAPES: Okay. Let me think for a
16 minute. The best way to understand how tall the
17 buildings are when you stand out at Raymond Road and
18 Isham -- excuse me, Memorial and Isham, if you just

19 like standing in the Center of the universe right
20 there, the height of our tallest building would be
21 about the same height as this building is. So as you
22 stand out there and you look around, you'll go, oh, I
23 see, and if you look at the Town Center office
24 building, the top of that building and the top of this
25 building are pretty similar, and you can see this on a

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1 model if you get down a level. So whether the building
2 is five stories, four stories, residential or retail,
3 the size of it would be -- the height of it, excuse me,
4 would be kind of in that sight range.

5 To help you understand the size of our
6 biggest building, Building C -- I'm sorry to use those
7 numbers -- Hartford Hospital, Hartford Hospital is
8 about 100,000 square feet. The Town Center office
9 building is 185,000 square feet, so it's a little bit
10 bigger than half the Town Center office building.

11 If you look at the Town Center office
12 building, it's really two buildings joined by its
13 atrium lobby, so if you take the Town Center office
14 building to the lobby, so to speak, standing on Main
15 Street, it's about that big. Ours is a little taller
16 because our first floor is taller than their first
17 floor because we have a swimming pool, and we have a
18 taller floor to floor. So if you stand on the corner
19 and look at half the Town Center office building to the
20 lobby, that's how big our office building is, a hair

21 taller. It won't be taller in the skyline because it
22 sits lower in the Town.

23 If you look at the two parking garages,
24 I haven't done this, I'm guessing on this, if you look
25 at the Town Center parking garage, I believe from Main

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1 Street you will see six levels of parking, either six
2 or seven. I think it's six. From the south side of
3 the South Garage, our parking garage is two stories
4 tall, so it would be one third the height of that
5 garage. You'd see two levels, from the south. That's
6 at the lowest amount. That's kind of like the parking
7 garage at the mall where you park on the top of it, and
8 it's two levels, kind of.

9 The North Garage would be two-thirds of
10 the way up. They are six, we are at four, generally
11 speaking, so if you stand and look at that office
12 building garage, one of ours is two up, three on the
13 other side and four, that would be the best way I know
14 that you could kind of stand there and look at it. Our
15 garages are the same width as that garage, so -- excuse
16 me, the North Garage is, so look at that building and
17 say, we are the same width daylight from both sides.
18 One of our heights is two, going to three on the south
19 side. Our other one is four stories where the Legion
20 is, which is two-thirds, I believe, of those six
21 levels. I don't know if that helps you. It probably
22 would when you were out there.

23 MR. SLIFKA: Someone mathematically
24 challenged like me in that respect, geometrically
25 challenged I guess, I appreciate that.

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1 If I could ask you to extend the analogy
2 just one more time for me, I know you are familiar with
3 the Adriaen's Landing project in downtown Hartford, and
4 I've watched, it's right outside my office window, so
5 I've watched it under construction for a couple of
6 years now, and I think they are nearing completion of
7 the garage that is attached to the convention Center.
8 I know this is asking you to go a bit far, but do you
9 have any idea how tall that is and how that compares to
10 what we have?

11 MR. HEAPES: That's gigantic. It's nine
12 stories. So it's gigantic. It's nine stories, so it's
13 four -- three times the size of what we are proposing.

14 MR. SLIFKA: Thank you. That helps.

15 Following up on, in some way on the
16 questions that Mr. Connors was asking regarding the
17 movie theater, I'll get back to this in a second, but I
18 had a question, I remember sometime early in your
19 presentation or at some point that we've heard you, you
20 discussed part of what attracted you to West Hartford
21 Center, and you explained sort of the concept of how
22 the Center just works right now both from a parking
23 standpoint and from a pedestrian standpoint, and I
24 believe what you explained is that there is a built-in

25 circulator approach, that people tend to park in one of

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1 several surface lots, and then they walk around kind of
2 in a circle or a square, do their business and then
3 come back to where their car was, and that you were
4 attempting, by this plan, to extend that. But it seems
5 to me that we are adding into the mix several new uses
6 to the Center, and we are, I guess enhancing some more,
7 in the sense of making it more available. There would
8 be more restaurants, but there are some brand new uses
9 in the sense that we'd have more national retail, the
10 movie theater, and anything else that I might be
11 missing.

12 Since you were able to conceptualize for
13 us what the typical visit to the Center might be, if
14 there is a typical visit as it exists today, do you
15 have in your mind what the typical visit to the Center
16 would be tomorrow, you know, if this were to be
17 constructed?

18 And before I ask you to answer that, the
19 reason I ask that is, I think we would want to make
20 sure that the whole mix is working and that you don't
21 end up with two distinctly different visits, where you
22 visit Blue Back Square for one reason, you use it one
23 way, and then you've got to visit the second Center and
24 use it another way.

25 MR. HEAPES: Right. I would say that

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1 the primary difference between the east side and the
2 west side is the existence of Isham Road. That's the
3 kind of road that we don't have on the west side. On
4 the west side, you have very big blocks and the inside
5 of the block is usually surface parking, so you have
6 primary streets, Farmington, LaSalle. We have the same
7 thing, Raymond, Memorial. We have this little road in
8 the middle where normally there would be parking, and
9 I'll talk about that. Let's not talk about if you are
10 a resident of Blue Back Square. Your experience will
11 be the same as the residents that live on Burr or Brace
12 or adjacent. You are going to come home at peak-hour
13 traffic. You are going to scratch your head and wonder
14 why the hell you decided to move here. You are going
15 to go home and then remember why when you walk to the
16 Center and have dinner and say this is really great.
17 Our residences will be, you know, faced with the same
18 lifestyle choice of living in a commercial place.

19 I think our office workers will have a
20 very similar experience. They know where they are
21 going. They are not, you know, cruising around looking
22 for a parking space. They are late and they are going
23 to come in the morning and go to their place to park
24 and go and work just like the office workers today in
25 the Center. So I think it really drives to the

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1 consumer trip.

2 I'll be very honest, I hear two stories
3 about how the Center works today, and I have my
4 version. One story is that people actually come and
5 try to park in front of the store. They are successful
6 at that, and then they get back in their car, and they
7 drive to some other part of the Center for the rest of
8 their trip. Maybe I'm just not lucky at finding the
9 space on the day. I feel when I get the space, it's
10 like gold and I wouldn't risk giving it up until I was
11 done, but it's a little different.

12 I think what's driving that is there are
13 two kinds of trips to the Center. There are a lot of
14 service businesses in the Center from the nails place
15 to a financial place, to a bank, that those are not
16 shopping trips. They are destination trips. Many of
17 those merchants have long-time customers. It doesn't
18 mean they are not retailers, but you may have come here
19 specifically to go to Lux Bond and Green, not to go
20 jewelry shopping. So there are a lot of those trips in
21 the Center because half the retail is service-oriented
22 retail. I'm not expecting that trip on the west -- on
23 the east side because we are not expecting to have
24 those kinds of service businesses where you just come
25 into Blue Back, you'll want to park in front of the

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1 financial office, and then leave.
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2 Then there is the other trip where you
3 are coming for, I would call it, a shopping or a more
4 social experience, I largely right now driven by dining.
5 You come in to eat. I'm guessing that now, my
6 experience is a little different, that you are coming
7 to a specific restaurant in mind right now. I'm not
8 sure about that. Saturday night, I put a reservation
9 in Max's, and I didn't want to wait, but I left it and
10 I went to the Elbow Room. That is what you would tend
11 would start to think to happen with a certain critical
12 mass of any kind of shopping, be it jewelry stores, be
13 it restaurants, is that you'd say, geez, we are going
14 to go get our engagement ring. We are going to go to
15 the Center. We are going to park, and we are going to
16 go to La Perla and Lux Bond, and we are going to go see
17 all the jewelers. We are going to go eat. What do you
18 feel like? It doesn't matter.

19 In places like Bethesda, what usually
20 happens, this is why driving is so important, is you
21 come to the Center, and then you drive the street to
22 see what is going on. Who is busy; is there a line;
23 should we risk Max's or should we go down to Azul's?
24 Or whatever. You are going to come for that
25 experience. I think that's going to be more the new

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1 experience than currently where you are going to come
2 and say, we are going to go to a movie, let's do the
3 loop and see where we want to eat, see what is

4 happening, either east or west side. We will park
5 there, and then we will go over to the movies, or we
6 will park at Blue Back to the movie, and then we will
7 walk to see where we want to eat after the movie.

8 That's the change from a purely local
9 trip down the block to go to a bank to a more regional
10 driven trip. You are coming here for an experience.
11 That experience usually involves doing more than one
12 thing, go to the movie, go to the health club, go to
13 the grocery store and go eat and go shop, et cetera.

14 One of the great things about the movie
15 theater is in order to get your ticket, you come early,
16 and then you have a little time. There is a lot of
17 tenants that count on you spending your time
18 accidentally buying something, even though it wasn't
19 your plan. So the new trip there will be different.
20 This, I'm sorry to harp on this issue, this would
21 really be so significantly better if you could drive on
22 Memorial and make that loop and take the left and
23 return back on Raymond. I know I sound like a broken
24 record on this issue, but that really would make this
25 kind of regional take-the-loop, check-it-out,

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1 what's-going-on trip, and then park someplace and walk
2 so much more effective, and we are committed no matter
3 what to not stop saying that and do everything we can
4 to help make that happen whether it's walking or
5 driving, but that's the main difference. I don't know

6 if that explains it, where you come, you park, and you
7 do two or three different things.

8 Right now there is two things to do in
9 that scenario, shop and eat. We'd like to add shop, go
10 to the movies and eat. There is go to the library.
11 There is the other thing that's part of the regular
12 day. I don't know if that answers your question, but
13 that's why our parking garages are in the middle of the
14 project area, not on the edge.

15 MR. SLIFKA: Thank you. I was wondering
16 if I could probe that a little bit more. It occurred
17 to me while you were answering that I had another
18 question and that maybe this leads into it. I'm
19 wondering if there is a -- is there a typical consumer
20 in the Center right now in your mind, and would you be
21 able to identify the typical consumer after Blue Back
22 would be completed, or would we -- my follow-up
23 question was going to be, that there seemed to be some
24 concern in the public comments, and I think maybe
25 shared by those of us at the table, that the West

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1 Hartford Center economy could use some diversification
2 and do you think that, under that presumption that
3 means we do have a typical consumer, and a typical
4 consumer apart from maybe using a restaurant is
5 somebody who is coming to use the specialty store, and
6 maybe not everybody in the Center, although they use
7 the Center a lot, maybe they don't actually shop there.

8 Do you think now that -- would you agree
9 with that, first of all? And second, do you think that
10 the addition of Blue Back diversifies the Center
11 economy, or does it actually strengthen, in a way, its
12 hold on that one type of consumer to the detriment of
13 others?

14 MR. HEAPES: You have multiple
15 consumers. You have residents of West Hartford using
16 the civic facilities from seniors dancing in here, to
17 contractors getting build permits, to worshippers going
18 to church. That is your underlying user of the Center
19 West Hartford residents. You have that same consumer
20 using the service businesses, the banks, the office
21 space, the law offices, the insurance agents, the nail
22 places, the hair places. That underwrites a healthy
23 part. Then you have your regional customer that you
24 already have here coming for the atmosphere and
25 experience of the Center.

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1 The east side is adding new consumers.
2 Whole Foods will add a new customer trip that right now
3 is largely local. You don't have to make regional
4 trips for groceries, but it's currently going someplace
5 else, much of it probably to Wild Oats. That will be a
6 new consumer to the Center on the east side. We are
7 adding -- and I don't think it's a new consumer
8 profile. One of the reasons we are so adamant about
9 the art screen is we think it matches the profile so

10 ideally with who is already here that we have
11 confidence in it.

12 Most of our retailers are trying to
13 match the customer that's already here, so relative to
14 the issue of diversification of visitors here, I think
15 what you are doing is expanding. The best example I
16 have was the cows, and think about who was on the
17 sidewalks during the cow parade. There was a lot more
18 people on the sidewalks. You can draw your own
19 conclusions. They looked pretty familiar and
20 comfortable to the West Hartford marketplace. To me
21 maybe a little more family, maybe a little more
22 diversity in age. I don't know, I wasn't here enough
23 to really conclude that, but the sidewalks were a lot
24 busier. There was a lot more interesting things going
25 on and they came, I think, to have the West Hartford

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1 experience with something a little new added to it.

2 I think that's where we are at. We are
3 not trying to invent a new market for the Center. We
4 are trying to address the market that's here, tweak it
5 a little, get more things to do and diversify it
6 slightly, but I don't know if that answers your
7 question really. We think the consumer here is both
8 local and regional, and that's kind of the way we look
9 at it.

10 MS. MECK: I'll ask everybody to pause
11 with their questions for a moment. We've got to change

14 see the movie, and that they are going to have to pay
15 for parking.

16 MR. HEAPES: Correct.

17 MR. SLIFKA: Are you confident that
18 people are going to choose to come to a place to see a
19 movie where they have to pay for parking, whereas they
20 can go someplace else in the market place and cannot or
21 do not have to pay for parking?

22 MR. HEAPES: I'm confident of it because
23 they come and do that today in the Center, that's the
24 experience that you expect in the Center. We would not
25 expect this film product to be offered in a lot of

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1 other places in this region. Yes. In fact, in other
2 theaters offering similar product, they would not be
3 offering the same film typically, and so -- and the
4 best example, without being harsh, is look at what
5 people are willing to do to see this product today.
6 With all due respect to Cinema City, it is an out of
7 date facility, it's next to a sewer plant, and
8 relatively unsafe experience, and yet they do well, and
9 people go there, so I am very confident that they will,
10 yes. They do in Bethesda, to see this kind of product.
11 There is no free parking in Bethesda, so they do in --
12 most of this product is shown in theaters in urban
13 areas where pay for parking is an expectation.

14 MR. SLIFKA: There was an article that
15 we were referred to at some point during these

16 proceedings where I think you discussed the boom and
17 bust situation of mixed-use developments, and I think
18 if I can try to summarize what I read in the article
19 was that some of the -- this was in reference to the
20 south Florida market, where Boca was, and it seemed
21 that the exception to -- I guess back to the article
22 that the concern was over what was going to happen in
23 the winter of, I think, it was 2002. The economy
24 wasn't red hot, and there was a concern about the
25 Christmas season being less than successful, and all of

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1 the big retailers were worried, and the theme that I
2 got from the article was the one exception to that
3 ended up being Mizner Park, and it was because it was a
4 mixed-use development.

5 One, is my reading of that accurate?
6 And two, could you address how you feel the mixed use
7 would affect the boom and bust cycles in the center?

8 MR. HEAPES: I appreciate you bringing
9 that up, because when we talk about consumers, I worry
10 that we constantly frame this as a retail project, it
11 is not. It is a project where people live and work.
12 That's two-thirds of the project. The project isn't
13 relying on cyclical retail strategies for its long-term
14 health and stability. Mizner Park is a particularly
15 interesting example because of how seasonal their
16 marketplace is, being a resort.

17 So you ask yourself, how do the

18 restaurants do in August, when it's really hot outside,
19 and there is nobody traveling there as a resort
20 occasion? They do very well because there is 250 units
21 living there, which provide each one of them with 20
22 meals a night, and I guess the best kind of
23 illustration. So mixed use is a great hedge against
24 the boom and bust of the real estate cycles. That's
25 why we like it.

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1 MR. SLIFKA: I just have two more
2 questions. I think they are fairly brief. One is on a
3 personal note, I guess this goes more to the concept of
4 conditions that we will get to eventually. I don't
5 have a proposed condition or anything, but I would just
6 urge you on the issue of the wheelchair access that was
7 brought up several times, I have -- I'm sympathetic to
8 the difficulties you face in putting that into the
9 project, I guess along the Webster Walk. I know, I
10 have a younger brother who is in a wheelchair, so I am
11 personally very concerned about having handicapped
12 access. On the other hand, I know that in some places
13 where you attempt to retrofit those kind of ramps, I'm
14 thinking Constitution Plaza for one, that I think
15 Mr. Coursey brought up, is a disaster. They tried to
16 fit it in, and it's both architecturally and from a
17 physical standpoint for those in wheelchairs not a good
18 thing.

19 MR. HEAPES: Right.

20 MR. SLIFKA: So it was a good intention
21 but went awry.

22 MR. HEAPES: Right.

23 MR. SLIFKA: I know you don't have a
24 solution as we sit here today necessarily, I know you
25 talked about an elevator, but I would just urge you to

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1 try to find something so that folks who don't have that
2 kind of access otherwise would be able to experience
3 Webster Walk as best as possible.

4 MR. HEAPES: Absolutely.

5 MR. SLIFKA: The last question is, I
6 think I saw this -- I took this somewhat out of the
7 notes, the Post-It notes from the early meetings, and
8 the question is: Who will we be when this is done? I
9 think we as a community know who West Hartford is
10 today. It seems that through this debate, in light of
11 maybe highlighted by Mr. Cook's article that was in the
12 Courant the other day, there might be a bit of an
13 identity crisis, but I think everybody at least has an
14 opinion on what they think West Hartford Center's
15 identity is, and if this were to be approved, what do
16 you think our identity would be at the end of it?

17 MR. HEAPES: To be real honest, I'm not
18 sure that's appropriate for me to answer that question.
19 That really is the answer that faces you. I think you
20 will be different than you are today because the east
21 side will be different. It's property that will be

22 developed in some manner. I think you have an
23 opportunity to be something which is one cohesive great
24 Town Center or one wonderful historic Town Center and a
25 service-oriented east side, meaning two different kinds

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1 of Town Center. I know that's the opportunity that we
2 hope this discussion launches.

3 We have done everything possible, every
4 minute I can imagine, thinking how to make this fit
5 hand in glove with the existing community, be it in the
6 library, be it in the tenants, be it in the uses. I
7 could just tell you that's our agenda, but I guess at
8 the end of the day, I'll give you a really simple
9 example. We built a fantastic public space in Boca
10 Raton. That was purely a living room for the Town to
11 either decide whether they wanted to use or not use. I
12 can't make the parade go there. I can't make the mayor
13 make his announcement there.

14 I think we are creating the opportunity
15 through the park, through the library, through the open
16 space, for the Town to be more of what I think it has
17 been and wants to be. But at the end of the day, this
18 is a living room, and how the citizens react and
19 respond and occupy that living room will really
20 determine that. I have all the faith in the world that
21 we are creating a great living room for the citizens to
22 continue to use the Center as they do today, to be with
23 their neighbors and friends, meet each other

24 comfortably, and act as a community. That's my hope
25 anyways.

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1 MR. SLIFKA: Thank you. Thank you for
2 your candor, Mr. Heapes. I have nothing else,
3 Ms. Meck.

4 MS. MECK: Thank you, Mr. Slifka.
5 Seeing as we had a follow-up question from Mr. Connors,
6 but Mr. Alair is not here, we are going to move on and
7 get back to that question, Mr. O'Connors. We will go
8 to Mrs. Carpenter.

9 MS. CARPENTER: Thank you. I have a
10 question. Like you, Scott, I spent quite a bit of my
11 day going through the e-mails and pulling out questions
12 that people had and what their real concerns were, and
13 I'm going to ask a question that has been very much on
14 the hearts and minds of the people living in West
15 Hartford. It is a question and a concern that has been
16 brought up by people who are both opposed to this
17 project and people who are in favor of this project,
18 and what it has to do with is the selling of the Board
19 of Education building and the surrounding land. That's
20 been something that has come up quite a bit. People
21 are very cautious about selling of public property.
22 They are concerned about, what will we have to sell;
23 what are we leaving our children with; what will they
24 have when we are gone?

25 And this is a question that I don't
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1 know who to pose to, but I guess in the development of
2 this project is, what were you thinking or what was
3 your concern that we began the process of selling
4 property, what will the benefit be, but what is
5 something that would not be a benefit to this? And I
6 don't know who can answer that question.

7 MS. MECK: Mrs. Carpenter, I think if we
8 can refer to that Mr. Feldman first, and then if there
9 is follow-up, we can do that.

10 MR. FELDMAN: Madam Chair,
11 Mrs. Carpenter, I'll try to be responsive to your
12 question, but maybe if you can just help me again and
13 just repeat the question itself so I can --

14 MS. CARPENTER: The real question is
15 people are really concerned about the sale of the Board
16 of Education building and the surrounding property as
17 part of the project. They are afraid of history, once
18 they give up the property, we don't have it. It's a
19 part of our history as a community. The other concern
20 is that it was once a Town Hall. It presently houses
21 the Board of Education, and that now we are talking
22 about turning it into a cinema, and I think there is
23 some real heartfelt feelings for that building, and
24 people want to be real sure that we are making the
25 correct decision and selling this property and this

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1 I and that we are really giving up, and it's a very
2 difficult, it's a very difficult piece of this project.
3 You can't put numbers on it, but it is a part of this
4 project that people are very concerned about.

5 MR. FELDMAN: Madam Chair,
6 Mrs. Carpenter, thank you. I think I understand the
7 question a little bit better. And I understand why
8 residents feel that way. It's integral to the Center.
9 It's an important building, so we don't come to the
10 decision lightly. Maybe I can just share with you some
11 of our thinking why ultimately we thought in the long
12 run it's an acceptable decision to make to sell that
13 particular property, and it's driven by several
14 different reasons. Perhaps first and foremost is the
15 reality that as organizations, we are shrinking. As
16 public agencies, we are shrinking, and I know this is
17 not a budget session, so I won't go through the
18 numbers, but just as an organization, we are several
19 hundred fewer employees, and while this building that
20 we sit in serves a valuable purpose of having a number
21 of public meeting rooms, we do have office space in
22 this building that is now vacant because of just fewer
23 employees.

24 I reference back the long-term goal that
25 this Council and prior Councils for many decades have

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1 had about merging, consolidating into one building the
2 Board of Education and the Town administration, which I
3 think is a very important goal, something that I hope
4 will ultimately be implemented through this process.

5 So when we look at those kinds of issues
6 and you look at the third criteria that deals with what
7 could the Board of Education building be used for,
8 because some people still have a notion that, gee,
9 maybe we could use it as a school building, the reality
10 is that you can't use that office building, Town Hall,
11 now Board of Education, as a school building, that
12 there is no play fields, bus pickup, drop-offs, safety,
13 any variety of reasons why.

14 Plus it's a building that was built for
15 a very particular reason. It's a depression era
16 building, 1937, built to a standard and a day that's
17 long gone. Wide hallways, inefficient office layout.
18 I'm not quite sure, maybe there is somebody out there,
19 but I'm not quite sure if there would be an office user
20 that would like to buy it. I think the cost of
21 renovating it into modern-day offices would be
22 extremely expensive.

23 The reality again is, what do we use the
24 building for? If we can find space in this building,
25 or maybe with this building and a small addition, and

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1 we finally achieve the important goal of consolidation,

2 and we have a building next door that's empty, you
3 can't use the building for a school, we don't need it
4 for a school administration building, we don't have the
5 money or the resources to open up a community center,
6 as some have said to me, gee, why don't you open up a
7 community center, we just don't have that ability to
8 fund and support a community center, regardless of what
9 goes on within the four walls. So what might we use
10 the building for?

11 It does become surplus, and I would just
12 remind you that we have had a long, and I think a
13 fairly successful record, of selling property at times
14 that are surplus. Now, some I know would argue. I
15 know right away many people would immediately point to
16 some examples where they believe bad decisions were
17 made. That's opinion, and that's fine, but there has
18 also been some good examples of where we've had public
19 property reused for a private purpose, and I think it's
20 been very positive, and I think over the long run, it's
21 brought value to the community, and I believe the Board
22 of Education building, if you should choose to make the
23 decision, might be in that column where a good public
24 decision to reuse a public building to help essentially
25 long-term Town goals would be the right thing to do.

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1 So you have to say to yourself, what do
2 we use the building for? Is there a purpose? Is there
3 a public purpose for the building? And if you look at

4 that question and realize at least from when we looked
5 at that question and asked ourselves, what is the
6 public purpose of the building, we came to the
7 realization that we may not have a public purpose for
8 that building any longer, notwithstanding some of the
9 emotional attachments, and I worked there. I mean, I
10 actually had my office in there when I first started my
11 tenure, so I know the building, know it well, and have
12 a certain amount of affinity, but I don't believe we
13 have a need for that building any longer.

14 MS. CARPENTER: Thank you. I think we
15 really do have to appreciate the emotional attachments
16 that people do have to that building, and we really
17 have to be careful in divesting ourselves of land and
18 the Board of Education building. I know that in
19 Mr. Heapes' comments he even did call the Board of Ed
20 building the heart of West Hartford Center, and it's a
21 question, I think, that people rightly are asking.

22 I do have another question. It has to
23 do with the private-public partnership that we have
24 created with our work with Street-Works. I don't
25 believe we've ever had such a private-public

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1 relationship with a developer at this level. Am I
2 correct?

3 MR. FELDMAN: Madam Chair, that's
4 correct.

5 MS. CARPENTER: And I tried somewhat to

6 go through the Master Agreement, which was somewhat --
7 which was difficult, but my question is about on page
8 16, I was just trying to look at, again, there have
9 been some comments by people who looked at the Master
10 Agreements and through my e-mails, that they believe
11 the Master Agreement perhaps benefits the developer
12 more than the Town, and I cannot comment on that
13 because I really don't understand the agreement to that
14 depth.

15 Could you comment on that?

16 MR. FELDMAN: Madam Chair,
17 Mrs. Carpenter, unless there is a specific that
18 somebody is telling you, in our opinion, coupled with
19 the fact of others who have helped look over our
20 shoulder, this is an arrangement that I think benefits
21 all parties. It benefits the private investors. It
22 benefits, I believe, the Town. So I'm not quite sure
23 what that item might be that somebody is saying to you
24 that the investors get something that they shouldn't be
25 getting, so without speculating any further.

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1 MS. CARPENTER: I guess the only
2 specific question I had would be on page 16, which
3 comments on the soft costs incurred with the project.
4 I'm just wondering what could some of these soft costs
5 be and at what cost would it be to the Town?

6 MR. FELDMAN: If you are referring to
7 soft costs, the usual definition of soft costs might be

8 some things as engineering expenses, architectural
9 expenses, professional expenses that go along with
10 constructing a building or a road.

11 MS. CARPENTER: You don't know -- there
12 is no way to anticipate the cost of the project in soft
13 costs?

14 MR. FELDMAN: No, on the contrary.
15 Those costs can be identified.

16 MS. CARPENTER: It would be at the end
17 of the development, post, the costs that are incurred
18 throughout the development, is that referring to on
19 page 16? Public improvement projects.

20 MR. FELDMAN: Let's turn to page 16 and
21 we will try to respond more specifically.

22 I assume you are talking, it's a
23 definition section that you are talking about.

24 MS. CARPENTER: Right.

25 MR. FELDMAN: And whoever is telling you

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1 somehow that the Town is being somehow unfairly treated
2 is because of a definition of soft cost, is that what
3 you believe the question is?

4 MS. CARPENTER: No, that was not related
5 to that question. My question, it's a question about
6 the developer and the soft costs and just the costs
7 that could be incurred on this project.

8 MR. FELDMAN: Those costs are included
9 in the overall budget. We know what the soft costs

10 are, and it's part of the overall budget, project
11 budget. The section that you are referring to, I
12 believe, is the definition section.

13 MR. ALAIR: Actually our wonderful sound
14 man finally violated the most fundamental rule of sound
15 engineering on the last night of the hearing, never
16 give a lawyer a microphone. There is actually a
17 definition of developer soft cost, and I think
18 everybody has been stumbling because they have been
19 looking for a definition of soft cost. It's actually
20 developer soft cost on page 7, and it's a very long
21 definition, but it's very complete, so that should give
22 you an idea of what is incorporated into developer soft
23 costs.

24 There is, as the Town Manager indicated,
25 a budget item or series of items which combined

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1 constitute the development or developer soft costs
2 rather, and they are fixed.

3 MS. CARPENTER: Thank you. My next
4 question, again, is in response to questions that were
5 brought up at the public hearing as well as e-mails,
6 and it had to do with whether or not there is any
7 possibility for increasing green space or making Blue
8 Back Square more child friendly?

9 MR. HEAPES: I think there is two
10 answers there. What drives the green space is the
11 footprint of the buildings, of course, and the

12 footprint of the surface parking. I would remind you
13 that the amount of green space along South Main Street,
14 including the Goodman Green, in front of the library,
15 Town Hall, et cetera, even with a full build-out of a
16 Board of Ed addition is equal to what it is today. If
17 you decide not to add the Board of Ed, then the green
18 space in front of Town Hall will be significantly more
19 than it is today.

20 In addition to that, the new park that's
21 being proposed is almost one-and-a-half times the size
22 of the current green space in the parking lot. So an
23 existing flag pole entry feature is also larger, so at
24 the end of the day, there is more green space after
25 Blue Back Square than there is before Blue Back Square.

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1 So from my perspective and as you recall, there are 175
2 more trees after Blue Back Square than there are today
3 of similar calipers.

4 Regarding the child friendliness of
5 Isham -- excuse me, of Blue Back Square at the foot of
6 the library, in fact, we have tried to make it
7 extremely child friendly. There is no traffic in the
8 square. One of the few places that you can actually
9 let kids run without fear of being run down with
10 commuter traffic. We didn't get into a lot of the
11 details of some of the fun things we want to do at the
12 Webster House, crossword puzzle; there is a
13 child-oriented fountain there; there is access to the

14 library; there are shade trees. It is to be a great
15 public kind of living room where you can let your child
16 run free.

17 So I'm not really sure how to respond to
18 that other than to say that was our value, and it was
19 important because it was at the library that we thought
20 that way. I don't know if that answers your question.

21 MS. CARPENTER: Thank you. I'm just
22 responding to when children look at the project, we had
23 some responding and some of the grandparents and other
24 people respond to it, I understand the open space and
25 it being safe, but actually it's more of an attraction

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1 where children would be able to go to, and I think
2 that's where the question came from.

3 MR. HEAPES: I also hope that as we work
4 together on managing these public spaces, that's really
5 a space that a lot of things could happen, and you name
6 it. Clowns, concerts, anything could happen at any
7 time to be really attractive and meaningful for
8 families associated with the library or anybody else.

9 MS. CARPENTER: Thank you very much.
10 And my last question is for Mr. Van Winkle, and I'm
11 asking this in response to, again, people who had asked
12 this to be asked again, it was about the previous
13 proposals by the 30 developers, just so that it's clear
14 that there were other proposals, and perhaps, you know,
15 what they were, and so we know that there was not just

16 one proposal made and accepted.

17 MR. VAN WINKLE: Through you, Mr. Mayor,
18 Ron Van Winkle. This process started before Blue Back
19 Square got involved in this process. We were doing an
20 analysis of the neighborhood and trying to figure out
21 what we could do about the declining state of the two
22 car dealerships. We began to -- we hired an architect
23 Tai Soo Kim to help us do some modeling to think about
24 how those sites might work. He, in fact, did some
25 connections to Main Street through the Board of Ed

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1 property, and we used those to stimulate thinking of
2 developers in the area, to talk to them about, look,
3 there is this property here. What do you think we
4 could be doing down here? We had already talked to the
5 two property owners, and they both said, we would be
6 interested in finishing our business here because both
7 of them were in their last moments of their business.

8 We didn't control the property. And all
9 we did was a discussion to try to get people
10 interested, which is a lot of what we do when we talk
11 to people who are interested in coming to West
12 Hartford. We don't own it. We don't sell it. We talk
13 about what the opportunities might be and help them
14 think about that. So we used those models to help
15 developers think about it and we walked through a lot
16 of local developers. I think if you name a developer
17 that you know in the state of Connecticut, we probably

18 met with them and showed them those sorts of things.

19 The other day the Town Manager was asked
20 the question about, well, how do we do an RFP on that,
21 why didn't we do an RFP on that property? And he said,
22 well, he couldn't think of a way. Well, there actually
23 is a way, and it's used by cities, and it's used by
24 probably most cities in the state of Connecticut, and
25 that is that they condemn the property. It's done

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1 through the Redevelopment Act. The Redevelopment Act
2 allows you as a Town to declare the property slums and
3 blight. To say this property is blighted and we are
4 going to take it to redevelop it, that would mean we
5 would go down there and take the property from the
6 property owners that are there, assemble those
7 properties, the American Legion, the condominiums, and
8 Grody, tell those property owners we will pay you what
9 it's worth, the market value, not what they received in
10 payment from Blue Back Square. We would then take that
11 property and put it into a proposal for developers to
12 come and make an offer. It might include the Town
13 property, it might not include, but again, that is the
14 process by which you do RFPs in urban communities to
15 assemble and to eliminate slums and blight.

16 In New London, I believe they are taking
17 that to the U.S. Supreme Court, over whether they can
18 really do that. They were taking homes for the purpose
19 of Pfizer. That's not something we've ever done, and

20 it's not something I think we are ready to do in this
21 community. We haven't condemned a property in a long
22 time, probably back to the seventies where we did it
23 for some sewer kind of work.

24 So we ended up talking to a lot of
25 people and promoting this idea through just marketing,

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1 and the property owner, Mrs. Grody in this case, also
2 did the same thing. We met with her. She hired an
3 attorney who helped her market the property, and they
4 marketed it to national development firms, Donald
5 Trump, names like that, that you would also recognize.
6 We had development firms come in and do designs for us.
7 Design Group One brought in a design and said, we'd
8 like to do this. All of them said, you need to condemn
9 the property; you need to take the property to make it
10 work. We didn't want to do that. We didn't think that
11 you would want to get into throwing people out of their
12 homes or taking their homes.

13 When Blue Back Square came in, they
14 controlled the property. They had control of
15 Mrs. Grody's property, and I don't think there is
16 anyone who would tell you that planned development is a
17 bad thing. Rather than do it property by property, to
18 do it as a planned area, it turns out substantially
19 better. We locate the parking garage in the right
20 spot, not on everybody's property.

21 So plan development really works and

22 when they came in, they talked not about developing
23 Mrs. Grody's site, they talked about developing the
24 neighborhood, creating a place, and so we had
25 discussions about tax abatement and said, we don't do

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1 that. We had discussions about eminent domain, taking
2 people's property. We said, we don't do that. They
3 went out and acquired all the lands, rights to all the
4 lands. They told us they needed to connect the main
5 street to make this neighborhood work.

6 Once they started, once Blue Back Square
7 controlled the property, we stopped talking to others.
8 We never had a developer or a company that had a
9 realistic plan that was willing to put money on the
10 line that was not standing there with their hand out
11 going, you do all of this and then we will perhaps do
12 something like this. So until Blue Back Square came
13 along, no one bit onto the hook that we were sticking
14 out there saying, this should be a great opportunity
15 for somebody.

16 In our plan, too, what we talked about
17 was connecting it to the Center, not creating a place
18 just on that block, but connecting it to the Center
19 some way. So, you know, I mean the Konovers, every one
20 of the ones that you know of in Hartford that are there
21 came through, individual small developers came through
22 and talked to us about various kinds of things, so we
23 talked to a lot. We did not tell people, here is what

24 we do, here is how you can make this project work.
25 What we did is said, we think there is a real value in

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1 this property down here and in redevelopment, it can
2 bring a good return, and we'd like to see someone do
3 that, and the property owner would also like to see
4 someone do it. That's as far as we went, and until
5 that developer came with a good plan, we could not do
6 anymore.

7 MS. CARPENTER: Thank you. At this
8 time, I'd like to recognize Mr. Heapes for --
9 recognizing you as being very well-respected nationally
10 for your work in mixed-use development. I've come to
11 appreciate that in the last couple of weeks, and I did
12 want to acknowledge you and recognize you in your
13 field.

14 MR. HEAPES: Thank you.

15 MS. MECK: Thank you, Mrs. Carpenter.
16 Before we go onto the next set of questions or to the
17 next questioner, Mr. Connors had posed a question, Mr.
18 Alair when you were away from your seat, how dare you,
19 that had to do with the residential component of the
20 project, and I believe it's a question that was asked
21 before.

22 Mr. Connors, I'm going to ask you to ask
23 it again because although we all agree there was some
24 discussion, there was not an agreement on what that
25 answer actually was.

1 Mr. Connors.

2 MR. CONNORS: Thank you. Mr. Alair,
3 there was the discussion of the market not -- if the
4 market is not right to build the residential
5 condominiums, there is a chance that the developer
6 would not have to build them, and as we've heard from
7 the developer, the theater is an important piece of the
8 development being mixed use, and, you know, I'm sure he
9 feels the same way about the residential piece of the
10 project as well. It's mixed use so everything is a
11 component to make it work, but if there is the
12 opportunity that parts of it won't be built because of
13 changes in the market, I'd like to really understand
14 that now, because to me that could be a problem, and if
15 there is a way to condition that in, I think I'd have
16 an interest in hearing about that.

17 MR. ALAIR: Certainly, but just before I
18 answer, I want to double check on one thing that I want
19 to make sure about.

20 MS. MECK: Mr. Alair, do you want to
21 take a few minutes and we go on to the next question
22 or --

23 MR. ALAIR: No, no, I actually found it.
24 Okay. The thing I wanted to double check on is the
25 conditions precedent to the Town closing, because I

1 think that in order to understand the answer to the
2 question, you have to understand a couple of principles
3 that we came to the project with, and I think you've
4 heard Ron explain this in response to the previous
5 question about other developers coming to the Town and
6 wanting us to use our power of condemnation and
7 redevelopment authority, that sort of thing, and our
8 answer was and is consistently no. This is West
9 Hartford. We don't do that here. We don't do that
10 kind of thing.

11 We are an extremely difficult
12 organization to deal with at times. We are rather
13 annoying in our habit of insisting on perfection. We
14 want people to provide parking, but not too much
15 parking, but just enough parking, not too little
16 parking. I think at times we probably drove the
17 developer crazy, insisting on having exact, to the most
18 exact possible, the traffic counts for this project so
19 that we could determine exactly what we felt was the
20 appropriate level of parking without going too high or
21 too low.

22 The same kind of insistence applies in
23 the residential piece of this. We have believed, I
24 think as a group, the administration has believed,
25 since day one, that what makes this project attractive

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1 to the administration and in all probability to you,
2 though we certainly don't speak for you, we only
3 surmise as to what you think, that what makes this
4 project attractive is the mixed-use concept, is the
5 residential component, that it integrates with the rest
6 of the project to make it a vital, vibrant kind of
7 place, and we wanted to ensure, to the extent humanly
8 possible, that that component would be built as part of
9 this project. And the developer's response to us was,
10 it's on the plans, you are approving the plans. Under
11 the Special Development District process, we can't
12 build anything, but what's on the approved plan. What
13 more do you want? We said, well, that's not good
14 enough. We want assurances that it will be built. And
15 they said, well, we are building it, it's on the plans,
16 you know. And we had this conversation several times,
17 and finally, after several meetings, they threw up
18 their hands, and we said, all right, we will go
19 further.

20 But the flip side of that is that they
21 can't assure anybody that they can build something
22 until they get financing for it. There has to be a
23 financing marketplace, if you will, for this product in
24 order for them to build it, and you heard Mr. Heapes
25 explain that last night. I'm not sure if it was with

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1 respect to the residential or some other component, but
2 it's a refrain that's applicable equally to any of

3 these components. There has to be a financing
4 mechanism, and particularly when you are selling or
5 building commercial, for example, you have to have
6 presale requirements for commercial tenants and that
7 sort of thing. But the flip side is until they get
8 their approval, they can't market the condos.

9 So they are in something of a catch 22
10 of coming for approval for an untested product in the
11 marketplace that we all, they and we, agree, we firmly
12 believe there is a marketplace for, but until we
13 approve this, we can't prove the marketplace. We can't
14 establish it.

15 So how do you get a commitment to the
16 extent humanly possible without going to the level of
17 insisting that something be built that there in some
18 conceivable fashion may not be a market for? We don't
19 want them to build something that's going to sit there
20 vacant. That's what we have today, and that's what we
21 are trying to get rid of. We don't want them to build
22 a condo building with 70 units in it or two condo
23 buildings with 70 units in them and have them sit empty
24 if there is no marketplace. None of us believes that
25 that is the case, but we don't know.

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1 So the compromise, the approach taken
2 was a combination of two things: First is the zoning
3 piece. As I indicated, once the SDD process is
4 completed, if it's approved, they can't build anything

5 but what is approved without coming back to you. So if
6 the marketplace proves to be inadequate or if they were
7 pulling a fast one on us and said, ha, got you, we are
8 going to put office space in there instead. No, can't
9 do that without coming back to the Council, and the
10 Council can say no.

11 The second phase of that is timing, lest
12 what will be built then when it will be built. And
13 again, the marketplace is a driver. There is no
14 question that there may be timing issues here. It
15 might prove more profitable for the developer to build
16 the commercial real estate out before building the
17 residential out. But we want the residential, and we
18 want it sooner rather than later.

19 So what we built into the Master
20 Agreement were a number of, shall we call them,
21 incentives, encouragement devices, behavioral
22 modification devices, if you will, to encourage the
23 development of the site early, and they go through a
24 series starting with month 30, which if you followed
25 the construction schedule, is 30 months after the

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1 initial Town property closing date, in essence the
2 beginning of the project.

3 At that point, if all the residential
4 has not been built, then the Special Services District
5 Levy, which would be payable on that 160,000 square
6 feet, in other words, a dollar a foot, 160,000

7 square -- 160,000 dollars a year, if any portion of
8 that is not built, that amount, that deficit, if you
9 will, gets added to the levy on the commercial side.
10 So it gets distributed amongst the owners' other
11 property, the commercial property as an incentive to
12 nudge them in the right direction.

13 Eighteen months later, at month 48, the
14 tax-fixing agreement comes into play. So four years
15 after the initial property closing date, if Building D,
16 the building on the south side of Memorial Road, is not
17 built, the commitment on the developer's part is that
18 in that year, whether it's built or not, they will
19 start paying taxes as if it was built. In the first
20 year, they would pay taxes based on 25 percent of the
21 value of an 18 million dollar building. In the second
22 year, in other words, the fifth year from the initial
23 closing date, it would be 50 percent, and then 75
24 percent and 100 percent for that four-year period. So
25 there is a four-year ramp up to paying taxes on an 18

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1 million dollar building whether it exists or not.

2 Also at the same time, if you follow
3 that out, that goes from month 48 to 84, at the same
4 time, in month 74, so while the tax-fixing agreement is
5 still in play, if they fail to commence construction of
6 Building D by month 74, then the ultimate behavioral
7 modification device kicks in. That property, that
8 Building D site, returns to the Town at no cost. We

9 get it back. They've paid for it up-front, we get it
10 back. If they start construction by month 74 but don't
11 complete construction by month 94, so they have 20
12 months from start to finish to construct, again, we get
13 it back at no cost.

14 So there is a steady ramp up in terms of
15 insistence upon getting that residential building
16 complete, and that's Building D. Building B is another
17 story, and that's simply because we can't have a right
18 to reenter to take back property which we don't own.
19 We don't own that site today, so we don't have that
20 ability to go back in. If Building B is not built,
21 they are bound by the Special Development District that
22 says you can't build anything else without getting our
23 approval, Town Council. And they are bound by that
24 obligation to pay or to carry over to the commercial
25 side the levy on that building going forward, whether

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1 it's built or not, if they -- excuse me, if it's not
2 built, and applying that residential side of the levy
3 to the commercial so that we are not out any portion of
4 the SSD revenues which we have been relying on in our
5 estimates.

6 MR. CONNORS: Okay. Thank you. Could
7 you do me a favor? You know, the thought of some of
8 those scenarios coming to roost just shows big dollar
9 signs in front of my eyes and what we would be spending
10 in legal costs to try to, you know, get what we deserve

11 in terms of tax money for buildings that aren't built,
12 and so on and so on, what is quickly the schedule for
13 building these buildings? It would seem to me that
14 right from the get-go once the approval is given, they
15 would be able to start testing the market for the
16 condominiums?

17 MR. ALAIR: Correct.

18 MR. CONNORS: So it would be a known, I
19 think, quantity that they would be able to get the
20 financing for those buildings. Before shovels are put
21 in the ground on other buildings, wouldn't we assume
22 that the residential component would already be in the
23 works as well?

24 MR. ALAIR: In the first place, let me
25 go back and say, I assume that it is correct. I don't

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1 know if there are any unique rules applicable to your
2 condominium marketing that I'm unfamiliar with which
3 might preclude them from marketing them until some
4 other later date. I don't know of any off the top of
5 my head, but that's not an area of expertise of mine.
6 But barring that, if your question is, would they be
7 expected to be marketing the condominiums within the
8 same time frame and at the same speed as the
9 commercial, I believe the answer is yes. That's
10 certainly our understanding.

11 MR. CONNORS: The condominium buildings,
12 both of them are to be built at a different time than

13 the office buildings? They are being built, you said
14 in what month? The beginning of construction is
15 planned for the condominium buildings in what month?
16 It's different than the office buildings and the
17 retail? If we can just get -- I don't know how
18 difficult it would be to just run that out for us.

19 I guess what I'm trying to say is we are
20 sitting here to pass -- to vote and approve something
21 and, you know, in months out, market conditions could
22 change, and we may end up with something completely
23 different than what we are approving in the end, and
24 that's the type of thing that we need to guarantee to
25 the residents of this Town that's not going to happen.

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1 I mean, we don't want the retail portion built and then
2 not the rest of it, or Hartford Hospital built, and
3 they say they won't even, wouldn't want to be here if,
4 Mr. Heapes testimony is, if the rest of it wasn't going
5 to be built. So I understand it's not as simple as
6 saying, we are guaranteeing we are going to build
7 everything and it's done, but having penalties which go
8 out, you know, five, six, seven, eight years sounds
9 okay, but then enforcing those penalties and collecting
10 that money is a whole different story.

11 So I mean, if you could just, if there
12 is a way of getting at this differently.

13 MR. HEAPES: I don't know if I can help
14 but Exhibit N-1 addresses that, that the marketing

15 construction, et cetera, ought to happen concurrent
16 with the following exclusion, the ability to meet the
17 lender's preleasing requirements, which are true for
18 all the buildings and preleasing requirements. So the
19 intention is, and this is documented in the agreement,
20 that these would be happening essentially
21 simultaneously, you know, within a matter of a few
22 months, so that they all open at the same time.

23 MR. CONNORS: How soon would you know if
24 the market conditions change and you wouldn't be able
25 to build these buildings, the residential condominiums,

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1 these are the only ones that are kind of exposed to
2 this change?

3 MR. HEAPES: It's actually not a notion
4 that the market -- there is a change in the market from
5 today, it's demonstrating the market through the
6 reality of preleasing. All the buildings have that
7 hurdle relative to getting construction financing. I
8 think I explained before, Hartford Hartford lease,
9 retail leases, et cetera, that was a Town requirement
10 as well, to make sure we are not building something
11 that isn't going to deliver the parking.

12 So the residential market, I think as I
13 mentioned, has a different phenomenon to its preleasing
14 in the form of presales, so it's not a long process.
15 We anticipate, as it says in the document, constructing
16 this concurrently so that it opens essentially

17 concurrently.

18 But as Pat mentioned, I can't go speak
19 like I can with Hartford Hospital and essentially put a
20 deal together pending the application like you can with
21 condominium owners. That's really the only difference
22 here, so we are a little bit behind the curve, and they
23 come in smaller chunks, so to get the amount of
24 preleasing on the residential means a lot of individual
25 deals. I don't have like a master deal like I do with

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1 Hartford Hospital that I could take off ten units. I
2 don't know if that answers the question, but it's just
3 a little bit different dynamic, and it will start
4 immediately upon approval.

5 MR. CONNORS: So I would imagine you
6 would know fairly soon if the market exists and if
7 you'd be able to obtain the financing for those
8 buildings?

9 MR. HEAPES: Yes.

10 MR. CONNORS: So there would be a way of
11 us controlling the project early on, in terms of what
12 can be built at all, if that -- if the market proves
13 that the condominiums are not viable? You would know
14 that soon into this process after our approval.

15 MR. HEAPES: I think it's important to
16 note, we will have the financing in place for the
17 residential before we start anything. That was a Town
18 requirement.

19 MR. CONNORS: You will.
20 MR. HEAPES: Yes, for Building D.
21 MR. ALAIR: I may have been
22 misunderstanding your question. I thought I answered
23 it in the first part of my answer, that one of the
24 preconditions to the Town closing, and maybe I didn't.
25 It was what I was checking at the beginning, and I had

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1 it in my mind, but I never said it, I don't think. One
2 of the preconditions to the deal closing is that all
3 financing is in place.

4 MR. CONNORS: The financing would only
5 be in place for the condominiums, for example, if there
6 was a market for it?

7 MR. ALAIR: Correct.

8 MR. CONNORS: So it would just seem to
9 me that if there is a market for it, and the financing
10 is in place, why would there be this trepidation that
11 they would not be built? Why would all these extra
12 conditions be put on these pieces if it would be clear
13 that they would be built because the financing would be
14 there? Because if the financing wasn't there, you are
15 not going to close and nothing happens.

16 MR. ALAIR: As Ron just muttered at me,
17 it's because of the reason that I first gave you, which
18 is because we are very difficult to deal with. The
19 simple answer is, we not only want it, we want it
20 sooner rather than later. The additional elements or

21 conditions don't go to whether it's built, they go to
22 when it's built, that we wanted it built, we wanted
23 assurance that it's built sooner rather than later.

24 The ability to build it, in other words,
25 to obtain financing to build it, is a precondition to

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1 anything going forward, the financial ability to build
2 it. The question then becomes, okay, we have the
3 financial ability, but we are going to drag our feet
4 for some reason, and we said, no, that's not good
5 enough for us, and it's probably not going to be good
6 enough for the Town Council. We want something in the
7 Master Agreement that tells us that you will build it,
8 and you will build it sooner rather than later, and
9 provides assurances to that effect. And what we kept
10 getting was, but that's our plan, we intend to do that.
11 And we said, well, that's not good enough. We want
12 something in there that motivates you, and I think
13 Mr. Hidalgo may have something to add to that.

14 MR. HIDALGO: Hi. David Hidalgo. In
15 point of fact, we already have the equity raised for
16 the entire project, and that's the 40 million dollars,
17 so that component is in place. It's only until we have
18 approvals that we can go out and produce the
19 construction financing, and as Pat has pointed out, a
20 precondition to closing on the Town land is that all of
21 the construction financing be in place, so almost --
22 you can almost say that with the equity in place, and

23 in fact the percentage of equity relative to the total
24 cost, construction financing becomes axiomatic. It
25 really is the first -- the safest position, if you

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1 will, in the capital structure. It's the equity that
2 is at risk. Moreover, we are paying for the land
3 up-front. We have every incentive to get under way and
4 get it built and sold as quickly as possible, so there
5 are a number of incentives.

6 What Pat has described as the measures
7 taken by the Town as disincentives are really what we
8 perceive as a worst-case scenario. We are building
9 something that is unusual to the marketplace. We do
10 have to go out once we are approved and are able to
11 market, take the time during the initial, during the
12 first few months, if you will, of the time that we are
13 under control of the property to market it, and our
14 expectation is that we would begin Building D in
15 approximately month 15.

16 MR. CONNORS: Month 15?

17 MR. HIDALGO: Fifteen

18 MR. CONNORS: Maybe I'm reading this
19 timeline wrong. It looks like the construction for the
20 building would be, the residential for Building D would
21 be month six. Am I looking at this wrong?

22 MR. ALAIR: Are you looking at the
23 timeline for construction?

24 MR. CONNORS: Yes.

25 MR. ALAIR: I believe that the timeline
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1 for construction shows, and if you look at Exhibit N-1
2 in the Master Agreement, I think it would pretty much
3 track with that, the construction process includes what
4 I see as, between the fifth and twelfth month following
5 Town property closing date complete construction
6 drawings for interior fit-up, 12 months after Town
7 property closing date, file for remaining portions of
8 building permit, so you have that fifth through twelfth
9 or roughly fifteenth month is the design process
10 leading to the actual physical putting the shovel in
11 the dirt.

12 David, is that correct?

13 MR. HIDALGO: yes.

14 MR. CONNORS: So this timeline for
15 construction doesn't necessarily mean construction
16 starts on that -- it's showing retail at month four,
17 with the long-range parking in month one, but it really
18 doesn't start then. The design phase starts in month
19 one?

20 MR. ALAIR: I think some of the work
21 that is contemplated to be started in month one has
22 already been designed, so that -- and certainly the
23 developer can speak to this in more detail, but I think
24 their notion is in order to hit the ground running on
25 day one, they want to have certain projects or

1 components of the project in place ready to roll, be
2 ready for the pulling of building permits, that sort of
3 thing. But other portions of it, simply because of the
4 complexities of the site, would be designed and started
5 later in the process.

6 MR. HEAPES: Without having a document
7 in front of me, although it's built in essentially one
8 phase, obviously we don't do all the foundations, then
9 all the buildings. We have a Board of Ed to move out,
10 et cetera. Probably our primary issue is to get the
11 garage built for construction workers, and Hartford
12 Hospital has the most immediate time frame, and there
13 is nothing on that site, so the model was built around
14 those two things, and then we move around the site to
15 minimize the impact. I don't have that in front of me,
16 but the notion is really to minimize impact on the Town
17 for permitting, all the things we've been talking about
18 is to manage this process. One of the reasons we delay
19 a little bit on the housing is it's one of the quickest
20 things to build. But the intention is, with the
21 exception of Building B, that it will all open,
22 particularly the retail and the street and what you
23 would think of as Blue Back Square, at one time.

24 MR. CONNORS: Thanks. I ask the
25 question because it is a very big concern for myself

1 and I know a lot of folks, and I'm sure everyone at
2 this table, so I want to think about it a little bit
3 more, and if there is a way -- I'm not sure we need to
4 condition anything different, maybe just have it stated
5 some way differently somewhere as we go through our
6 conditions, I'm not sure yet, but I will follow back up
7 with you. Thank you.

8 MS. MECK: Thank you, Mr. Connors.
9 Mrs. McClay.

10 MS. McCLAY: Thank you, Madam Chair. I
11 have just a couple of questions that I promise will be
12 short. I have to revisit a couple of topics, though.
13 One is architecture. I appreciate your point,
14 Mr. Heapes, that the streetscapes and the pedestrian
15 walkways are going to be the central focus, and I agree
16 they should be, and the buildings are the background,
17 but that points out to me just the importance of the
18 architecture because they are the backdrop to the
19 pedestrian scene. The buildings themselves may be
20 around for hundreds of years, and they are going to
21 reflect our Town's character. So I appreciate the
22 different refinements and the different facades, I think
23 that would make it look good.

24 My concern is I think what you referred
25 to as the front and the back, I'm assuming the front of

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1 the buildings are facing the square. So that means the
2 back of the buildings are going to be facing Memorial
3 Road as well as the condominiums and the -- I'm talking
4 about the ones that are on that side of the square that
5 are on Memorial Road. Would the front be considered
6 facing into Blue Back Square?

7 MR. HEAPES: The front is what faces the
8 street, in my mind.

9 MS. McCLAY: So then the back is what is
10 facing Blue Back Square?

11 MR. HEAPES: We do have some buildings
12 that don't have a back built. What we call Building A
13 has a facade on South Main Street, has a facade on
14 Memorial, has a facade on Isham and Blue Back Square.
15 There is no back to that building.

16 MS. McCLAY: That's what I want more
17 description of. What's going to be on Memorial Road?
18 What does it look like?

19 MR. HEAPES: Actually, to be quite
20 honest, we don't really have any backs. We don't for
21 Building D because it faces the Town Hall. We do, I
22 guess, somewhat on Hartford Hospital, I would view that
23 facing Raymond Road and Memorial as more prominent than
24 that facing the police facility, and that's not to say
25 that the backs of the buildings are degraded in any

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1 fashion. It's to say where do you put the entrances?
2 Where do you do the special canopy that you get credit

3 for so that people know the address, know the front of
4 the building? As opposed to a suburban office building
5 that we would take one kind of architecture and stretch
6 it all around all four sides; you wouldn't know the
7 difference; you wouldn't know the front from the back,
8 and I would offer you any suburban office building
9 anywhere in America. A lot of the zoning codes require
10 what I would call four-sided buildings. We have unique
11 sided buildings where each side faces a different
12 street and performs a different function, so if I
13 misled you, that was really the intention, and you put
14 the front on the street. You don't put the front on
15 the back facing the garage, for example.

16 MS. McCLAY: So the buildings that are
17 on Memorial Road on the side that are on also Blue Back
18 Square, one side of them are going to be kind of into
19 Blue Back Square and one side will be on the street?

20 MR. HEAPES: Right.

21 MS. McCLAY: Are they going to have
22 entrances on perhaps both sides of those retail
23 establishments or offices? I know actually one part of
24 it is going to be a loading dock, I believe. I think
25 you had a picture of that there.

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1 MR. HEAPES: Correct.

2 MS. McCLAY: Which is going to be
3 covered up, I understand that.

4 MR. HEAPES: Right.

5 MS. McCLAY: But I'm just trying to get
6 more of a feel of what it's going to look like on
7 Memorial Road.

8 MR. HEAPES: It's going to be
9 spectacular.

10 MS. McCLAY: So it's just as spectacular
11 as facing Blue Back Square?

12 MR. HEAPES: No, more so. Memorial Road
13 is more important to us than Blue Back Square, quite
14 honestly, that is as important as Farmington or
15 LaSalle.

16 MS. McCLAY: That's good. We had a
17 comment from a resident. I've been thinking about it
18 myself anyways, but they had seen a project, I think,
19 in, now I can't even remember where it was, San Antonio
20 or something, and they said it was just a cement block
21 around and everything faced inside, looking into a
22 square, and the outside was just cement.

23 MR. HEAPES: That sounds horrible.

24 MS. McCLAY: Yes, well, but they thought
25 it was by you, not you personally but Street-Works.

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1 MR. HEAPES: They may have been
2 referring to one of our buildings in Bethesda which
3 abuts a parking garage, and it's actually my favorite
4 building I've ever done. We based it on kind of the
5 Soho buildings that had very fancy facades, and we did
6 the side like in an urban place. This is not West

7 Hartford we are talking about. They have very simple
8 side party walls because we have future phases that
9 will eventually come and touch those, and we actually
10 thought it was indicative of how you used to build
11 urban buildings in the old days with simple brick walls
12 and extremely fancy facades. I love that building, but
13 it's completely inappropriate for here and would not be
14 our approach at all.

15 MS. McCLAY: Okay. Thank you. I have
16 one other issue I'd like to revisit, and that's the
17 storm drainage management program. I understand that
18 you will get permits from the state as Mr. Slifka
19 talked to you about earlier; however, referring back to
20 Ms. Gradante's rather long e-mail on that subject,
21 there is the possibility that what is required from the
22 state, it may be just the bare minimum of maintenance,
23 and what Ms. Gradante brought up, I think was a very
24 good point, because of the significant proposed
25 construction, it would be the proper time or the

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1 appropriate time to put in a more comprehensive system.
2 One of the things she says is if you put in a
3 comprehensive system to improve the water quality for
4 the present and future citizens of West Hartford, she
5 urges us to require that you comply with requirements
6 of the general permit and treat all storm water that
7 exits the site to improve the water quality. There are
8 many new and effective technologies available such as

9 catch basin storm water inserts that the DEP's Water
10 Bureau would be available to discuss.

11 So what she is saying is that up-front
12 as the construction is being done, we should probably
13 initiate or expect that you comply with that even if
14 it's not required by the state permits, because this is
15 the time to do it. Is that possible?

16 MR. PLANTE: John Plante. I think
17 if you also read further on in that letter, she
18 recognized that -- that letter recognizes that there
19 have been significant water quality treatments provided
20 in the plan, and I went through those the other night,
21 but we have the Town Hall municipal campus that
22 currently has no treatment whatsoever. We are going to
23 be treating all of that water.

24 MS. McCLAY: As well as the car
25 dealerships.

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1 MR. PLANTE: Two of those state-of-the
2 art units. The buildings currently today, the site is
3 all parking lots essentially, not treated, both on the
4 Town property and the private property.

5 With the design that we have here, the
6 property is going to be primarily buildings, certainly
7 the private property. That is water that doesn't get
8 exposed to oils, and et cetera, you know, because of
9 vehicles and parking lots, et cetera, so that's clean
10 water. So there have been significant improvements to

11 water quality from this whole site going out to Trout
12 Brook.

13 MS. McCLAY: I knew that. I knew you
14 were going to do a much better job of what's happening
15 now from the car dealership. I think she is referring
16 to even the normal rainwater off roofs that would not
17 necessarily be considered as dirty as the car
18 dealership water.

19 MR. PLANTE: Standard practice in this
20 DEP permit wouldn't require treatment of roof water.

21 MS. McCLAY: But would it be a better
22 deal in the long run for the residents of West Hartford
23 to have all the water treated? That's what I'm trying
24 to get at.

25 MR. PLANTE: The roof water doesn't need

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1 treating.

2 MS. McCLAY: Okay. Thank you. Those
3 are my two questions.

4 MS. MECK: Thank you, Mrs. McClay.
5 Mr. Verrengia.

6 MR. VERRENGIA: Good evening. I have a
7 few questions concerning the garage and the operation
8 of the garage. My first question would be, and I'm not
9 sure where it goes, but my concern would be twofold,
10 and that is the safety of the garage users and because
11 of the repayment of the bonds that are tied to the
12 revenue, I would think that we'd want to insure that

13 these garages are the safest garages around, so my
14 question is: What safety initiatives are in place
15 to -- what safety initiatives are in place to insure
16 the safety of the garage users? And I'm familiar with
17 the physical layout of the garage, so without getting
18 into the physical layout, the lighting of the garage,
19 I'm just curious what initiatives are in place.

20 MR. HEAPES: I'll ask Mr. Desman to
21 answer that, please.

22 MR. GOLDMAN: Got me again, Norm
23 Goldman. There are several kinds of safety or security
24 devices that are built into parking structures. Some
25 of them are passive and some of them are active. the

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1 passive security areas, we have visibility, and that
2 means that anyone that's in the garage can be seen from
3 any side or part of the garage, and this also has to do
4 with the exterior treatment in that it remain open
5 enough so that you can see into the garage and people
6 in the garage can see outside. So that's one,
7 visibility. That also occurs in stair towers where we
8 want to put glass in the stair towers when they are on
9 the exterior of the garage. We want to put glass in
10 the back of the elevator, if that's on the exterior of
11 the garage. So that anyone that uses this structure,
12 can feel comfortable that they are not in an isolated
13 area.

14 Another feature of security is providing

15 adequate space in front of the elevator so that you can
16 stand there with your family waiting for the elevator
17 or with a baby carriage and not feel that you are
18 pushed out into the drive aisle and close to cars as
19 they come by you.

20 Another feature of that then becomes one
21 of the entrance to the garage is not like a little hole
22 in the wall. It creates a lobby for you to go into.
23 Similarly, on the roof of the garage, if you happen to
24 park on the roof, there is an overhang and enclosure
25 around the elevators so that you don't stand out in the

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1 rain and in the inclement weather while you are waiting
2 for the elevator. All of those kinds of amenities are
3 designed into these facilities and into the garages
4 that we do as a normal process.

5 Then you go to other passive security
6 things like lighting, adequate lighting levels, making
7 sure the fixtures are in the proper location so that
8 there are no dark spots, making sure that there is
9 lighting at the elevator and stair towers so that as
10 you drive through the garage you orient yourself to
11 where those elevator and stair towers are. So that
12 again becomes a security issue.

13 Blue light call systems for assistance
14 are located throughout some of the floors of the garage
15 in conspicuous places, and it's the push to talk, and
16 that push to talk, and we haven't gotten into some of

17 the detailing of all of these systems yet, but I'm just
18 describing to you what can be put into a parking
19 facility in terms of added security.

20 There can be a CCTV located in the areas
21 of concentration in the garage. That's in the lobbies
22 and at the entrance and exits. You don't want to
23 overburden that. You don't want to put in too many
24 cameras so that people need to watch too many monitors,
25 and it has to go someplace. You can't create a feeling

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1 of security for people and not have it manned. So you
2 need to marry that with your operating costs, and
3 that's judiciously done in the budget.

4 The equipment when you enter will have
5 intercoms in it in case you have an issue with your
6 entry point. You'll be able to push a button on the
7 the ticket issue machine, and you will be connected to
8 someone who is at a sound monitor, and they will talk
9 to you. All of those kinds of issues and features are
10 considered being designed into these garages for both
11 passive and active security. And of course, the best
12 active security is someone on a Cushman scooter without
13 a muffler and a red light going through the garage on,
14 you know, irregular times, so that you can't time when
15 they come through. Have I answered?

16 MR. VERRENGIA: Yes. And you said those
17 are budgeted items, so they are not going to be
18 additional items, although all the details haven't been

19 worked out, as far as systems. If I'm understanding
20 you correct, those are not going to be additional items
21 that the Town would incur?

22 MR. GOLDMAN: The budget eventually will
23 be worked out by the Town administration, okay. What
24 we are saying is in the budgets that we have employed
25 to date, there is consideration for some or all of

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1 those items, the final say will be the Town.

2 MR. VERRENGIA: Okay, thank you. It's
3 Mr. Goldman; right? I always want to thank Mr. Desman.

4 MR. GOLDMAN: That's okay, go ahead.

5 MS. MECK: That's because of what
6 Mr. Slifka called him.

7 MR. GOLDMAN: Everybody is calling me
8 that anyway.

9 MR. VERRENGIA: I hesitate to admit this
10 in fear of being in Mr. Slifka's category of reading or
11 asking the most boring questions, but believe it or
12 not, I did a little research with respect to parking
13 garages really out of concern because of the revenue
14 that's generated from those are going to pay off the
15 bond, so really that's where I'm coming from as a
16 concern, and in doing so, I talked to some parking
17 professionals and read some interesting articles with
18 respect to some new technology that's out there, and in
19 speaking to some professionals, they went as far as
20 describing the equipment, the metered equipment, and to

21 some extent, the operation of the garage as antiquated
22 and may even be obsolete by the year 2006 comes around,
23 and I was introduced to some technology, and I'm sure
24 the experts know, of the use of pay stations, and they
25 are not popular around this area, but apparently that's

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1 the national trend, and the pay station would basically
2 eliminate the use of meters. It would allow an
3 individual rather than putting money in a meter to go
4 to one central location where a number of people can
5 have the advantage of paying by cash, debit. There is
6 just a lot of pros with respect to that. It will
7 eliminate the use of meters which sometimes create the
8 barriers between the sidewalk and the pedestrians. It
9 would enhance the maximum parking revenue, control the
10 employee parking, and ensure the accounting practices
11 of the revenue, which seem to be pretty significant.

12 So I guess my question is: Have we
13 looked at this technology with respect to the
14 operations of the garage and the metered areas?

15 MR. GOLDMAN: We've had some preliminary
16 discussions with Town staff, and we actually have two
17 different parking strategies that you are discussing.
18 The meters relate to the on-street portion of the
19 parking supply. There is a completely different set of
20 systems that are employed within the parking garage,
21 the garages I should say, that operate on a different
22 system which enable you to do the kinds of validations

23 we are talking about with the library people, and to
24 have merchants involved with possibly discounting or
25 incentivizing people to come to their shops, and those

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1 systems carry with it a read-write capability that
2 occurs on the parking ticket that you get issued.

3 The meters, and we do not have that
4 many, what are there, 111 meters or so, in the Blue
5 Back system, and there is a question about whether or
6 not they become individual meters, as you said, or
7 whether they become the meters that would come in
8 boxes, and you go to that box and pay for that parking.
9 We've had experience with all of those kinds of
10 operations, and sometimes in the winter, and
11 particularly if you have an aging population, it's
12 difficult for people to park their car at a parking
13 space and then walk a block to go to a pay station, put
14 their money in, and then move on to where they want to
15 go.

16 So you need to understand the strategic
17 issues of distance, the relationship of your user
18 public, and how that works within the system, and
19 again, we have had some preliminary discussions with
20 the Town staff, but we haven't -- there certainly
21 hasn't been a discarding of any technology. We are
22 still in the issue of -- at the point of talking about
23 maybe there is an automatic vehicle identification
24 system which we employ down at the Morgan Street Garage

25 for 2500 cars, or maybe there is a proximity device

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1 that's used or maybe the same badge that identifies you
2 as an employee of Town Hall, it has an active dot put
3 on it, and it becomes a proximity device. You know,
4 there are a lot of things that we need to do to both
5 control the points of access and egress and to insure
6 that the revenue that's generated by the paying public
7 gets paid and is audited appropriately.

8 MR. VERRENGIA: Right. And I can
9 appreciate your response and the obstacles that it may
10 cause for a few, but one thing that did catch my
11 attention was that the projected increase in revenue by
12 going to a system, like a pay station, is approximately
13 anywhere from 25 to 30 percent of increased revenue,
14 which on a 3 million dollar projection that the Town
15 has, that comes out to anywhere from a half a million
16 to 800,000 dollars, and it seems to be significant
17 consideration.

18 MR. HEAPES: I think there is two really
19 important points. What's designed in the application
20 is the worst-case space thing, so we can accommodate
21 any system, including manned booths. So if we've
22 accomplished that, and remember, this system needs to
23 be designed with some relationship to the existing
24 Town-owned parking system and the interface with how
25 cash is dealt with, et cetera, which will be the case

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1 in our conversation with the Town, but we can now
2 accomplish any of those systems, and I think that's
3 what's most important. We are not talking about
4 retrofitting here to do that.

5 MR. VERRENGIA: Just a few quick
6 questions for the Town. Right now the hours of
7 operation of those garages are set forth in the
8 application, I believe, but as a general question, the
9 hours of operation for the parking garages, are they
10 determined by regulation or administration, or are they
11 determined by the Council?

12 MR. FELDMAN: Madam Chair and
13 Mr. Verrengia, it's ultimately by the Town Council.
14 Council sets policy, parking policy, whether it deals
15 with revenue or hours of operation.

16 MR. VERRENGIA: Again, the interest of
17 the question is, now that the revenue streams from the
18 garages are paying towards a bond and the cost of this
19 project, I would feel much better knowing that it's
20 through the Town Council specifically and/or if that's
21 something we will stipulate towards the end. You said
22 generally, I'm not sure what that means.

23 MR. FELDMAN: Say that last part again,
24 I'm sorry.

25 MR. VERRENGIA: I might have

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1 misunderstood you, you said generally they would.

2 MR. FELDMAN: Well, if I said generally
3 I shouldn't have used it. You do it, the Council does
4 it, you have sole discretion.

5 MR. VERRENGIA: Another quick question
6 would be probably for Mr. Alair, I guess, would be, in
7 the Master Agreement, is it stipulated that these
8 parking garages will not be subject to privatization,
9 and again at least without the wish, the Council's
10 consent?

11 MR. ALAIR: Through you, Mr. Mayor, I
12 guess I'd have to ask you what you mean. The answer is
13 no, but I want to give you a complete answer, and what
14 do you mean perhaps by "privatization?"

15 MR. VERRENGIA: That the Town will
16 control the parking lots, and it's not something that's
17 going to be out to a private contractor. It's very
18 important to me that the Town, in reviewing this
19 application, that the Town controls these parking
20 garages and metered spaces.

21 MR. ALAIR: And I guess we are going to
22 prove our track record for being difficult, and let me
23 just give you a broad answer and see if it answers your
24 question. The Town will own the parking garages. The
25 district will run, the Special Services District will

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1 have a license to run the parking garages.

2 As I said before, the district is you,
3 the board of commissioners of the district is 11
4 members, 9 of whom are the Town Council. So the Town
5 Council will control the district. Under the agreement
6 between the district and the Town, the district is
7 required to use Town staff to operate. It does not
8 prohibit the district and or the Town from using third
9 parties, in essence subcontractors, for anything, but
10 they would be subcontractors to us and/or the district,
11 to the Town and/or the district.

12 If your question is at some point can
13 the developer control the parking garages --

14 MR. VERRENGIA: No, no. Let me clarify
15 it. The question is: Does the Town, the
16 administration, have, for the lack of a better word,
17 the power to at some point down the road, to privatize
18 the operations of the garages?

19 MR. ALAIR: No, not without the approval
20 of either the Town Council or the Town Council sitting
21 as the board of commissioners, because for a very
22 practical reason, that would have to be bid, if you
23 will.

24 MR. VERRENGIA: Okay. Thank you. And
25 then just one last question is: With respect -- and

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1 please give me some flexibility if this is a financial
2 question, but we are talking about parking garages --
3 with respect to the revenue that's generated from the

4 garage, I believe I saw something in the Master
5 Agreement that stipulates that the revenue streams will
6 go into the general fund. Is that correct?

7 MR. FELDMAN: Is there something
8 specific in the Master Agreement, Mr. Verrengia, that
9 you might point to, so we can read it together.

10 MR. VERRENGIA: I did have it out. It's
11 article, it looks like it's Article 4, Section D, page
12 28. "Revenue shall be paid into the general fund of
13 the Town into separate accounts which shall be
14 maintained by the Town to account for the payment of
15 the Blue Back Square SSD to the Town under the SSD
16 parking facilities license service contract."

17 MR. ALAIR: Okay, I think we can answer
18 the question. The answer is yes, the funds would get
19 paid into the general fund, but into a segregated
20 subaccount within that fund for the benefit of the SSD,
21 for the Special Services District.

22 MR. VERRENGIA: We have a similar fund,
23 parking fund now, right, is that correct?

24 MR. FELDMAN: (Nodding in the
25 affirmative.)

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1 MR. VERRENGIA: And are there times that
2 funds are taken from the parking revenue funds and put
3 into other funds, are put into other areas of the
4 budget?

5 MR. FELDMAN: Yes.
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6 MR. VERRENGIA: And the other concern is
7 that it seems like during tough budget sessions, there
8 seems or there is times that there are political
9 gimmicks, either one side or the other, to come up with
10 ways to reduce a tax increase, and I wouldn't want this
11 in future Councils to be one of them. So I guess my
12 question is: How would we protect that fund so that
13 money cannot be taken to cover other areas of the
14 budget and/or to be used maybe for political purposes?
15 Again, with the thought behind is that this money is
16 going to be used to pay off these bonds, and the last
17 thing that I want to have happen for this Council or
18 future Councils is to go to the taxpayer and have them
19 pay a tax increase to pay any portion of this regional
20 initiative.

21 MR. FELDMAN: Madam Chair, we agree, so
22 there is certainly no issue there, that the first
23 priority is to pay the bonds. But what you need to
24 think about as policy maker though is that at some
25 point the bond is paid off, and those parking garages

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1 are ours free and clear and that income, as it
2 currently does right now, that parking income comes
3 into the Town's general fund.

4 So just keep in mind, you don't want to
5 constrain it that much. The obligation is certainly to
6 pay the bonds off, and there may be, we believe, and
7 hopefully we can all see this occur, at some point

8 during the life of the bonds, we may actually realize
9 more revenue than expenses, and you then want to have
10 the flexibility, as elected officials, to use that
11 surplus as we do right now, to help defray the cost of
12 other activities in Town government.

13 MR. VERRENGIA: Thank you.

14 MS. MECK: Thank you, Mr. Verrengia.
15 Mr. Slifka.

16 MR. SLIFKA: Thanks. I just had one
17 follow-up, it seemed appropriate to bring up now.
18 Mr. Alair and I had talked about this yesterday. In
19 light of Mr. Verrengia's questioning, it seemed like
20 good timing.

21 The portion of the Master Agreement
22 which I think is Exhibit T, it's a form of SSD
23 ordinance. Pat, am I looking in the right place?

24 MR. ALAIR: You are.

25 MR. SLIFKA: The last section which is

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1 161-31, property of the district states "All interest
2 in real property held and all personal property owned
3 by the district shall not be subject to any property
4 tax levied by the Town."

5 Now, the working understanding, I think
6 all of us have had about this development, proposed
7 development, is that those retailers, residences, et
8 cetera, that would be within the Blue Back Square
9 district are not only paying their property tax

10 pursuant -- just like every other taxpayer does, but in
11 addition to that, they are taxing themselves through
12 the SSD ordinance to pay for the various bond
13 provisions, and that is correct, is it not?

14 MR. ALAIR: That's absolutely correct.
15 Let me just add to that. I hate giving long answers
16 because you hate me giving long answers, but let me --

17 MR. SLIFKA: We are all so used to it.

18 MR. ALAIR: Let me give you a bit of
19 legislative history, so that five years from now when
20 everybody is asking this question, we will have an
21 answer on the record that everybody was on board with.
22 The district is, under an earlier provision in the
23 ordinance -- let me just flip to the section. Section
24 161-24, the very first sentence, "The district shall
25 constitute a body, politic and corporate. The district

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1 is itself a legal entity."

2 Again, you are the board of
3 commissioners of that district, but it is a legal
4 entity. It is the property owned by that district as
5 an entity which is the subject of that last section.
6 It is not the property located within the district,
7 which is the subject of that last section.

8 MR. SLIFKA: And you've gone where I was
9 going, and it helped that we had that conversation
10 before, but I had been concerned in my quick reading of
11 it, and perhaps despite being trained in the law, that

12 it still was unclear to me, so I wanted again to make
13 it very clear for the record that the case is that
14 those who are within the Blue Back Square development
15 are being taxed at, by a normal property tax in
16 addition to whatever levy is imposed by the SSD
17 ordinance?

18 MR. ALAIR: Absolutely.

19 MR. SLIFKA: And that we don't expect
20 the district, as defined in this provision, would be an
21 owner of any property, thus there would really be no
22 need to tax them?

23 MR. ALAIR: With the possible exception
24 of some personal property, equipment in the garages,
25 which might have been acquired by the district, no.

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1 MR. SLIFKA: Thank you.

2 MS. MECK: Thank you, Mr. Slifka. Mr.
3 Coursey, thank you for your patience.

4 MR. COURSEY: Thank you, Madam Chair. I
5 just have 14 questions. I want to make sure you are
6 all paying attention. No, just a couple.

7 Mr. Goldman, you described garage utopia
8 sort of. I was wondering if you could tell us if there
9 is any examples nearby that folks, if they had some
10 interest, could see some of the features that you were
11 talking about.

12 MR. GOLDMAN: We recently completed one
13 at Central Connecticut State University on Wells

14 Street. That is a great example of a parking garage
15 that has an open landscape to it, is very visible in
16 the pedestrian routes, et cetera. That would be a good
17 one to look at. We recently completed one down at
18 Southern Connecticut State University, that's a good
19 one. I think Morgan Street, in terms of the pedestrian
20 experience in Morgan Street, with the big open lobbies
21 and glass-enclosed elevator lobbies, adequate lighting
22 levels, and those kinds of things, and that's a
23 completely automated system, where you don't even
24 experience a cashier when you are in your car.

25 MR. COURSEY: Could you compare Morgan

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1 Street, just size wide?

2 MR. GOLDMAN: Morgan Street is 2200
3 cars. It spans that street in the middle. It is seven
4 bays across, and it is like seven, seven levels high.
5 Compared to these garages, each footprint is under
6 about 40,000, 35 to 40,000 square feet. The Morgan
7 Street Garage has a footprint of 78,000 square feet.
8 It's twice the size in terms of footprint, and it's
9 probably three times as high.

10 MR. COURSEY: Great, thank you. I just
11 want to follow up on what Mr. Connors was talking
12 about, and I think Kevin brought up a very good point.
13 This question is actually for Mr. Alair. In the
14 development process, take this, this is a very unique
15 example because we are talking about multiple uses, but

16 any applicant that comes before this body or any other
17 municipality, there is a process. First you do
18 permitting, then you do financing, then closing, then
19 construction. If you don't have your financing in
20 place, you can't do your closing and construction.
21 Correct?

22 MR. ALAIR: Correct. That is typically
23 the process, yes. Certainly with a commercial --
24 actually with any.

25 MR. COURSEY: So it would be safer for

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1 the public to assume that if the developer in this case
2 does not have their financing in place for any part of
3 the project there would not be a closing and there
4 would not be construction?

5 MR. ALAIR: That's correct.

6 MR. COURSEY: Thank you. My last
7 question has to deal with Webster Walk, and I wanted to
8 thank Mr. Heapes, who brought that up as a concern in
9 an earlier session, and last night you talked about
10 your willingness to take a look at making that more of
11 a better pedestrian experience for folks pushing a
12 stroller, for those that may be in a wheelchair. I was
13 wondering if you could just take a little bit more time
14 and talk about how you envision that. I know that you
15 don't have a definite plan right now, but one -- you
16 also talked tonight about redoing the entrance of the
17 theaters there.

18 MR. HEAPES: Currently what you have is
19 the library with its new expansion on the north side of
20 what we call Webster Walk. Along Webster Walk, you
21 have a number of flat areas with three or four steps
22 down, three or four steps down. We are hoping to use
23 that as part of this whole description of Noah
24 Webster's life, et cetera, hence Webster Walk. You
25 finally land at Blue Back Square, over a series of

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1 steps that you would sit on.

2 On the existing Board of Education site,
3 we had in the current special permit plan an entrance
4 at that corner to the theaters, where you come down the
5 corridor, and you actually come down some escalators to
6 a lobby for the theaters. The problem with that is
7 that it's essentially controlled and managed through
8 the operating hours of the theater. So, you know, I
9 don't know whether the theaters would want you coming
10 in there or not. It doesn't really matter. It doesn't
11 make it really publicly accessible. So what I have in
12 mind is still allowing access to the theaters from that
13 point, because that's a very important point that Chan
14 Kreiger brought up. It let's people come from that
15 side of the Center, but perhaps making that experience
16 public, as part of common area, not part of the theater
17 itself, so you would walk -- go in there, you would
18 have access then to an elevator, so if you were a
19 theater goer, you would do the same thing. You would

20 go down the elevator and get your ticket and go up into
21 the theaters.

22 What is on the SUP now are the
23 escalators for the theaters there, so I need to get
24 those out of there. It's not going to help a
25 handi capped and disabled patron or theater goer. Get

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1 them into theater proper, make them more common. The
2 question in my mind is, should that be an outdoor space
3 as part of the Webster Walk, pulling our building back.
4 You could advocate that that truly makes it public.
5 It's open 24 hours a day. It doesn't need a lot of
6 signs saying "Elevator This Way," or should that be an
7 enclosed space where you could advocate, jeez, it's not
8 going to need snow removal; it will never be slick; it
9 really addresses the environmental needs of those
10 patrons. Those are kind of the two balancing features,
11 and yet does it seem a little less public.

12 What I would like to propose to do, I
13 worked on this a little bit today in my hotel room, and
14 kept my mind off of architectural grades and things
15 like that. I would really like to advocate that we
16 engage perhaps the citizens that spoke to you directly,
17 get their feedback on this and let them be part of the
18 process to consider should it be outdoor, should it be
19 indoors, should it be outdoor but covered, as if they
20 were clients on this issue and really engage what the
21 right thing to do is. We have the space to do any of

22 those things. We are committed to paying for and
23 operating the elevator. You know outdoor elevators are
24 a real maintenance problem, so right now my gut kind of
25 says, let's find a way to do it interior, but extremely

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1 public, so that it's always safe, it operates at all
2 times.

3 MR. COURSEY: So you are suggesting that
4 we wouldn't have -- we wouldn't have a definite plan
5 probably by the time we'd have to vote on this
6 application, but you would be willing to make it a
7 condition of approval.

8 MR. HEAPES: I would like you to make it
9 a condition of approval, working with whatever group
10 you so desire, and I won't have a plan by tomorrow or
11 by the end of this hearing. I do have some grid paper
12 here.

13 MR. COURSEY: That's all right. There
14 will be no grades either so.

15 MR. HEAPES: Thank you.

16 MR. COURSEY: Thank you, Madam Chair.

17 MR. HEAPES: I do want to make it clear
18 whether you condition it or not, it's the right thing
19 to do, and we are going to propose it.

20 MR. COURSEY: Thank you. Appreciate it.

21 MS. MECK: Thank you, Mr. Coursey.

22 At this point, I know that we have two
23 questions from Town Plan and Zoning commissioners that

24 need to get asked before we close our public hearings,
25 and I would like to do that now before turning it back

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1 over to Council questions. I know, Mr. Brown, you had
2 a question you'd like to ask.

3 MR. BROWN: Thank you, Madam Chair. I
4 just wanted to follow up on Barbara Carpenter's
5 question regarding sale of Town property, and
6 Mr. Feldman gave a very good answer regarding the Board
7 of Education building. I wondered if you could explain
8 what the rationale is behind selling the property that
9 is -- in which the zone is going to be changed and
10 which currently has no improvements on it other than
11 parking.

12 MR. FELDMAN: Madam Chair and Mr. Brown,
13 similar kinds of thought went into that, too. I must
14 say that the plan has changed. It's become very
15 iterative over time. And initially when we first met
16 with the Street-Works, JDA team, the south side of
17 Memorial Road was not part of the discussion. I think
18 the more that we discussed and understood this new
19 neighborhood that was beginning to take shape, the
20 reality occurred to us that in order for the
21 neighborhood to be fully, I guess, matured, there need
22 to be housing as well as essentially additional
23 south-side improvements or investments, that I think
24 also was coterminous with another event, which was the
25 Hartford Hospital folks making contact with

1 Street-Works and JDA.

2 Hartford Hospital prior had been talking
3 to another developer-investor team. Apparently those
4 negotiations didn't work out. They then approached
5 Street-Works, JDA, now Blue Back Square, LLC, and asked
6 if they can be a part of the development.

7 So as we began to realize the importance
8 of essentially a street that had essentially two faces
9 to it, a north face, south face, the importance of
10 housing and all of a sudden the entry of Hartford
11 Hospital, the property that's on the south side of
12 Memorial Road became more important to the overall
13 success, and we realized that together. I think both
14 the Town administration and the investors looked at one
15 another and realized that for this to be truly a very
16 successful, mature, well-functioning neighborhood, the
17 south side of Memorial Road had to be included, and it
18 wasn't something that we felt strongly opposed to. The
19 more we understood this new investment, the more we
20 realized for it to be successful, that's the way it had
21 to be developed.

22 MR. BROWN: The success you speak of, is
23 this the mixed-use, sort of the wholeness of the mixed
24 use or financial success?

25 MR. FELDMAN: Madam Chair, all of the

1 above. Particularly it's the wholeness. This is such
2 a remarkably complex investment that as you've heard
3 Mr. Heapes say, I think a number of times, very, very
4 thoughtfully and very articulately that this, some of
5 its parts is far greater than the whole, and if you
6 take any one of those parts out of the mix, it doesn't
7 work.

8 MR. BROWN: Did this move -- in my
9 observations of the Town plan of development, it hasn't
10 really dealt with the aspect of selling Town property.
11 Maybe it did in the past with respect to the schools
12 that were sold over the years. Did this seem like a
13 significant divergence from what the Town has been
14 practicing or considering for that property?

15 MR. FELDMAN: That's a good question.
16 Madam Chair, that's a very good question. The plan of
17 development, unless Ron remembers differently, I don't
18 believe the plan of development really looked at the
19 south side of Memorial Road. Even though the plan of
20 development had notionally a concept as to what can be
21 built as far as intensity, it never got to a level of
22 specificity like the Blue Back Square proposal. So the
23 plan of development wouldn't necessarily say on the
24 south side of Memorial Road that we wanted to have a
25 certain type of construction or development.

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1 It wasn't until we met and began to
2 negotiate with the investors that we realized the
3 importance of the south side of Memorial Road, and
4 again, they brought it to our attention as to how this
5 whole thing functions as a whole, as an integrated
6 whole. And once you begin to understand the philosophy
7 behind it, the rest kind of just fell into place
8 recognizing the importance of the southern part or of
9 the south part of Memorial Road.

10 MR. BROWN: Thanks very much.

11 MS. MECK: Thank you, Mr. Brown.

12 Mr. Daniels.

13 MR. DANIELS: Thank you. I have
14 actually still two questions. I wanted to finish some
15 of the commentary started by Mrs. McClay. I don't
16 think either of us are quite satisfied yet, so at the
17 risk of beating a storm drain horse to death, I've got
18 a couple of more questions relative to the storm water
19 treatment.

20 A question to the applicant, just so I
21 understand it from the e-mail we got from a resident
22 and an expert in this area, the proposal does not
23 intend to treat all of the storm water coming off of
24 the site; is that not true?

25 MR. PLANTE: There --

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1 MR. DANIELS: Just yes or no, please.

2 MR. PLANTE: That's yes.

3 MR. DANIELS: So you are not going to
4 treat all the storm water?

5 MR. PLANTE: There are public roadways
6 as part of the project that as within --

7 MR. DANIELS: I don't want to dance with
8 you. Forget the public roadways. In terms of the
9 private development areas, are you treating or are you
10 not treating all of the storm water drain runoff?

11 MR. PLANTE: Not treating all of the
12 storm water drains. There are some small areas.

13 MR. DANIELS: Thank you. The DEP has a
14 document called General Permit For Discharge of Storm
15 Water and Dewatering Wastewaters, and Section 6 of that
16 document, on general permitting, deals with
17 post-construction storm water management, and in that
18 section, it refers to a goal of 80 percent of the
19 removal of total sediment shall be treated in the
20 discharge, and I'm wondering what percentage of the
21 discharge you are intending to treat.

22 MR. PLANTE: It's not a simple answer to
23 a number. All the parking --

24 MR. DANIELS: Seems simple enough.
25 Either you are meeting 80 percent or you are not.

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1 MR. PLANTE: We will obtain and meet all
2 the requirements of that permit as part of this
3 project, yes.

4 MR. DANIELS: So you would have no
5 problem with a condition that stated that the private
6 portions of the facility will meet the goal of the 80
7 percent removal of all the sediments?

8 MR. PLANTE: No, we wouldn't have a
9 problem with that, no.

10 MR. DANIELS: Does that satisfy you,
11 Maureen? So if we were to place a condition in that,
12 that would not be a difficulty for you?

13 MR. PLANTE: That's correct.

14 MR. DANIELS: Thank you. One other
15 area.

16 At last night's discussion, there was
17 some conversation about housing and what were described
18 as affordable housing, and I think those issues have to
19 do with the concerns about the mix. They also had to
20 do with the issues of smart growth and in terms of the
21 employability of people who were working in the site
22 and their potential ability to actually have housing
23 there.

24 I think I wanted to enter into the
25 record two documents that maybe have some value to us

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1 when we later have deliberations, in addition to the
2 proffer by the applicant to provide us with some
3 language relative to your offering on affordable
4 housing. The two documents, quite briefly, one is a
5 document from The Partnership For Strong Communities

6 that provides some texture to what is meant by
7 affordable housing, and essentially, it's only two
8 pages, and we will have it made and copied. It
9 essentially depicts and describes the median income in
10 West Hartford and relative to that, the kinds of folks
11 that might be reachable in the context of affordable
12 housing, like elementary school teachers, preschool,
13 EMT, registered nurses, and gives you a sense of the
14 income levels of what you would call Joe and Jane's six
15 pack in terms of their ability to obtain housing, and
16 the second document is some descriptions of what are
17 described as inclusionary zoning provisions that are
18 common in trying to reach affordable housing. I think
19 they may be valuable to both panels as we start to do
20 that, so I'd like to enter both of those documents into
21 the record.

22 MS. MECK: Yes, thank you, Mr. Daniels.
23 Mr. Harris.

24 MAYOR HARRIS: Thank you, Madam Chair,
25 through you, just one clarification, because it

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1 involved TP&Z questioning, before you close your
2 hearing. Mr. Brown asked a good question about the
3 plan of development with respect to the Memorial Road
4 property, and Mr. Feldman, then the follow-up piece to
5 it, I think was, if it wasn't part of the plan, then
6 why are we doing it? And I believe, a little bit tired
7 here, Mr. Feldman, your response, basically because an

8 opportunity came along. Is that essentially what you
9 stated?

10 MR. FELDMAN: Mr. Mayor, I think there
11 was a convergence of different issues including the
12 recognition that to in essence make this neighborhood
13 really work, you needed both sides of Memorial Road.
14 You couldn't have north side and then a blank south
15 side, and that began to I think dawn on all of us,
16 coupled with the fact that we were very interested in
17 having Hartford Hospital join us. That was another
18 part that kind of came together. So there was a
19 certain amount of opportunities. There was kind of a
20 melding of different influences that brought us to the
21 realization that the south side of Memorial Road was
22 perhaps as important as the north side of Memorial
23 Road.

24 MAYOR HARRIS: Thank you, Mr. Feldman.
25 And I guess inherent with that analysis of the south

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1 side of Memorial Road was just how that contributed as
2 you are saying to the overall project and the overall
3 proposal, and so I guess, and this is ultimately for
4 us, both bodies to weigh, a piece of that might be the
5 tax impact, you know, other parts, the economic
6 positive or impact on the existing Center that would
7 play into that opportunity that you are talking about.

8 MR. FELDMAN: It's all of that coupled
9 with the fact that you want it to be successful. We

10 want to make sure that we ensure the success, if you
11 should approve it, that this is very successful, not
12 only for its sake, but for the Center's sake.

13 MAYOR HARRIS: And I'm not trying to
14 advance at this point whether it's beneficial or not.
15 I just wanted to make it clear before the bodies
16 separate that that's kind of the benefits that you are
17 talking about that led you to do something that was
18 outside of the plan of development. Does that clarify
19 a little bit more, Mr. Brown?

20 MR. BROWN: Yes, yes.

21 MR. HEAPES: I don't know if you want me
22 to add one more small thing, Mr. Mayor, but it was
23 apparent to us, when we initially looked at how you
24 would do residential, that the ability to have
25 essentially a stand-alone residential without an

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1 existing market, call that Building D, was going to
2 make it much more likely that we could finance and pull
3 that off. We were concerned about residential,
4 primarily all in the mixed use of the block, that it
5 would be too complicated, we'd never get anybody to
6 finance it, so our residential experts said if you
7 could separate that out so it's a stand alone, clearly
8 identifiable piece, the likelihood of that success
9 would be increased, and that was one of the factors
10 that led to that.

11 MS. MECK: Mr. Harris.

12 MAYOR HARRIS: Mr. Feldman, if I can
13 direct your attention to, I think it's the briefing
14 book, at page 8.

15 MR. FELDMAN: You are really challenging
16 my filing system, hold on. That was the first night.

17 MAYOR HARRIS: I can actually kind of
18 read this. There are some bullet points about the
19 process of the plan of development, public involvement
20 through the decades to bring us to this point, and
21 there is the third bullet point on the page from 1998
22 through 2001, via the office of Town Manager, a number
23 of planning goals were established. These included
24 maximizing pedestrian improvement, expanding on-street
25 parking where possible, encouraging investment on the

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1 east side of West Hartford Center.

2 Is this the goal that basically sort of,
3 for lack of a better term, kind of altered what had
4 been done in the previous plan of development?

5 MR. FELDMAN: Absolutely correct, yes.

6 MAYOR HARRIS: So when these developers
7 came to you or when previous ones came to you that
8 weren't successful, that was what you were looking at
9 and considering with the south side?

10 MR. FELDMAN: Yes.

11 MAYOR HARRIS: Thank you.

12 MS. MECK: Thank you, Mr. Harris.

13 At this point, we need to change tapes,

14 so we will take a second, and we will go ahead and do
15 that now, and then we will conclude Town Plan and
16 Zoning's portion of the hearing.

17 (Pause.)

18 MS. MECK: If everybody could please
19 return to their seats.

20 I believe we have one more follow-up
21 question on this same subject, and then, Mr. Hammer, I
22 know you have some final comments for Town Planning and
23 Zoning before we close our hearing, so we will do that
24 now. Mr. Harris.

25 MAYOR HARRIS: Thank you, Madam Chair,

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1 through you, Mr. Feldman, I'm sorry to be doing this in
2 a piecemeal fashion, but I guess my --

3 MR. FELDMAN: This is death by a
4 thousand cuts.

5 MAYOR HARRIS: My brain is running
6 slowly at this point.

7 MR. FELDMAN: Hey, it's not just yours.

8 MAYOR HARRIS: Going back to the
9 question about the Memorial Road property, the Town
10 property that would be sold if this application is
11 approved, when we spoke to you and asked you the
12 question about the Board of Ed building, you gave a
13 detailed analysis of why that building basically wasn't
14 needed now, the costs going forward weren't worth it.
15 This was the highest and best use for it in the context

16 of the opportunities of this project.

17 Can you kind of give a little bit more
18 of a detailed explanation on the Memorial end as to why
19 we won't need it in the future and why it's beneficial
20 in this context to sell it?

21 MR. FELDMAN: Mr. Mayor, I'll try to be
22 specific. There is no plan, be it long-range,
23 mid-range or short-range that has any public building,
24 any specific use identified. We have absolutely no
25 plans to build on it. There is absolutely no intention

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1 of using that land for public purpose.

2 So it just made eminent sense to us to
3 make this kind of complete, to fill the picture, both
4 north and south side, that since it was surplus land,
5 we had no need for the property, that it made eminent
6 sense to us to sell that property.

7 MAYOR HARRIS: Thank you, Mr. Feldman.

8 MS. MECK: Mr. Hammer.

9 MR. HAMMER: Thank you. I think
10 Mr. Heapes may.

11 MR. HEAPES: If I can just take a couple
12 of minutes, and then I promise you personally, Joe
13 Hammer will take just a couple of minutes. I wanted to
14 make it clear our notion on the affordable housing last
15 night, that we have not anticipated, nor do we
16 anticipate as part of this application including
17 affordable housing in our proposal. What we did say is

18 that we would, at your direction, offer our expertise,
19 advice, full energy and passion towards figuring out
20 and assisting in a affordable housing group that you
21 may so desire, that would be at your direction. We
22 would be happy to do that, and through the output of
23 that, be willing to discuss its implications, but I did
24 not mean in any way to suggest that that is in our
25 application or is intended.

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1 I think Mr. Hammer has a few concluding
2 technical items that he would like to get on the
3 record. Thank you very much.

4 MR. HAMMER: Thank you. Just very
5 briefly, a couple of clarifications. Earlier in the
6 hearings there was some discussion about parking spaces
7 in the North Parking Garage that were going to be
8 provided to the American Legion. I just wanted to
9 clarify those spaces in the North Garage are not going
10 to be dedicated to or exclusive to the Legion. The
11 arrangement that was referenced is simply a funding
12 arrangement or payment arrangement having to do with
13 payment for a certain number of spaces that may be
14 utilized from time to time as needed by the Legion, but
15 they will also be available for general public use.

16 Secondly, yesterday I think it was,
17 there was some discussion about the condominiums and
18 the percentage of owner-occupied units. I just wanted
19 to clarify, I know Richard had talked about that a

20 little bit, explained that the Fannie Mae requirements
21 allow 40 percent nonowner occupied, that the
22 expectation here is probably 15 to 20 percent nonowner
23 occupied, but what I wanted to clarify is, we would ask
24 you not to impose as a condition of approval any such
25 20 percent nonowner-occupied threshold. The reason for

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1 that is briefly that we think it would be very
2 difficult, as a practical matter, to enforce going down
3 the road; and secondly, we think that it's really a
4 self-protecting matter in the sense that based on the
5 anticipated sales prices, the unit owners would
6 certainly have a vested interest to protect their
7 investment and also the Condominium Association will be
8 able to manage the issue of rentals through their
9 rules, through their documents, and actually enforce
10 against any tenants who do not obey those rules, so we
11 think that that really should not be an issue.

12 Also, I just wanted to reiterate that we
13 are asking you not to impose restrictions on hours of
14 operation for any of the proposed uses, except as
15 otherwise provided by applicable municipal ordinance or
16 state law. And finally, there was some discussion last
17 night regarding tractor trailers and whether that was
18 something that we would accept prohibition on. We've
19 had a chance to discuss it a little bit more since last
20 night. We would request that you not prohibit tractor
21 trailers from visiting the various uses at the site,

22 although at the same time, I think we would work with
23 you in terms of timing and that type of thing with
24 those, but that was really what I wanted to cover.

25 Richard, do you have anything else?

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1 MR. HEAPES: No.

2 MR. HAMMER: Thank you very much.

3 MS. MECK: Thank you. At this point, I
4 need to do some technical items and some announcements
5 as Town Plan and Zoning wraps up our process. This is
6 effectively, it is the end of the joint public hearing
7 process, as Town Plan and Zoning will then debate
8 separately tomorrow night, as I announced at the
9 beginning of this portion of the public hearing. And
10 being it our last night together, I just wanted to
11 thank you, Mr. Mayor, for helping to facilitate this
12 joint public hearing process. It took a lot of work
13 getting us all together and working everything out, and
14 I appreciate your work on that.

15 I also wanted to say that I've been very
16 pleased and comfortable with both the quantity and
17 quality of questions that TP&Z commissioners were able
18 to pose during this joint public hearing process. I
19 also feel that we were fortunate to have the input and
20 listening to the Councilors' questions and offer
21 follow-up questions on theirs, so I wanted to thank
22 them for that opportunity as well.

23 These have been a couple of long weeks

24 and a couple of long nights, but I do believe that one
25 of the goods things, and I can speak personally for

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1 myself, is getting to know our Town Councilors so well,
2 and having witnessed their conduct and their questions
3 over the last couple of weeks and knowing what I do
4 about the Town Plan and Zoning members that I serve
5 with, I can say that whether this project is ultimately
6 approved or not, I am personally very comfortable
7 believing that this project will have been thoroughly
8 researched, discussed, debated, and in spite of my
9 poking fun at Mr. Slifka from occasion to occasion,
10 that it has been taken extremely seriously throughout
11 this process, and I just wanted to say that for the
12 record.

13 Also lastly, for the record, I wanted to
14 thank the Town staff that really we've said this many
15 times, but you all have gone far above and beyond in
16 terms of work and hours, and I know I speak for TP&Z
17 and for Council, which will probably reiterate this at
18 some point when they close their hearings, that we
19 really appreciate all the hard work that you put in
20 every day, but specifically on this application, and
21 West Hartford is indeed lucky to have such a dedicated
22 professional and distinguished staff as we do, and I
23 wanted to thank you for your work on this process.

24 And with that, just a couple of
25 announcements before I close our particular hearings.

1 One is that, again, we will be meeting tomorrow night,
2 July 1st, 6:15, same place, here in Town Hall
3 auditorium to discuss and make some decisions on some
4 particular items, and I'm going to tell you what those
5 are for the record.

6 At this time I would also like to
7 announce that Mr. Daniels will be seated for
8 Mr. DeVaughn tomorrow night when we do our discussions
9 and our voting. Tomorrow night the four items on our
10 agenda will be our recommendation to the Town Council
11 on the Master Agreement as it relates to the sale of
12 land, sale of any real estate. We will also make a
13 recommendation on the Special Development District
14 approvals. We will discuss and vote on the inland
15 wetlands application, and we will discuss and vote on
16 the seven-lot subdivision application. Those are the
17 four things that we will discuss tomorrow night.

18 We also have some outstanding Special
19 Use Permits that we will not be discussing on and
20 voting on tomorrow night. I will close in a minute
21 those public hearings, but we will not be talking about
22 Special Use Permits tomorrow night because we have to
23 wait for action by the Town Council on the SDD before
24 we do that. So again, it's an interrelated process,
25 and we will have four items on our agenda tomorrow

1 ni ght.

2 With that, I want to go through each of
3 the public hearings that I'm going to close. Remember
4 that we heard them all together as one big public
5 hearing essentially, but they are distinct applications
6 that we will consider and discuss separately, and I'm
7 going to close each one of them right now.

8 First, the application requesting the
9 approval of an Inland Wetlands and Watercourse Permit
10 for 72 and 90 Raymond Road, I declare this public
11 hearing closed.

12 The application requesting approval for
13 a seven-lot subdivision, I declare this public hearing
14 closed.

15 Application requesting a Special Use
16 Permit approval for the construction and operation of
17 municipal government facilities including the existing
18 Town Hall building, the existing West Hartford Police
19 Department and new public parking garage structure and
20 a new park area, I declare this public hearing closed.

21 Application requesting a Special Use
22 Permit approval for the construction and operation of
23 municipal government facilities including the existing
24 Noah Webster Library building, the new public space to
25 be known as Blue Back Square, Webster Walk, and new

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1 public parking garage structure on a portion of 33
2 Raymond Road, I declare this public hearing closed.

3 Application requesting a Special Use
4 Permit approval for the construction, operation of a
5 theater on a portion of the property known as 20, 28
6 South Main Street, I declare this public hearing
7 closed.

8 Application requesting a Special Use
9 Permit approval for the construction and operation of a
10 private nonprofit membership club, the American Legion,
11 I declare this public hearing closed.

12 And with that, Mr. Harris.

13 MAYOR HARRIS: Point of personal
14 privilege, Madam Chair.

15 MS. MECK: It's getting late,
16 Mr. Harris.

17 MAYOR HARRIS: Yes. I just want to
18 thank you, first of all, Madam Chair, for all of your
19 hard work. We did this together and true to the letter
20 of the joint hearing ordinance and the spirit, both
21 bodies worked exceptionally well together. I think all
22 of us on the Council side, speaking for my fellow
23 councilors were helped, were enlightened, were prodded
24 by the analysis of the commissioners. I think this was
25 two equal bodies meeting, doing their work on a very

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1 important issue, and it's hard to even say this, but
2 approaching hour 50, but it also was enjoyable, too, to

3 be with our colleagues on the TP&Z. So thank you very
4 much.

5 MS. MECK: Thank you, Mr. Harris, and
6 with that, I will turn the gavel over to you.

7 MAYOR HARRIS: Thank you, Madam Chair.
8 We will take a five-minute recess to allow TP&Z to pack
9 up, and then we will come back for probably, I would
10 think, we will be out by midnight. I want to make that
11 prediction, at worst, because we have some mop-up
12 questions I know to do. Thank you.

13 (Recess taken from 11:13 p.m. to 11:24 p.m. -
14 Continuing in the absence of the Town Plan & Zoning
15 Committee.)

16 MAYOR HARRIS: Are we ready to go back
17 on the record? A slight change in plan, we are going
18 to try to be out more quickly tonight, and then we are
19 going to reconvene tomorrow at 5:00 to finish up the
20 public hearing because of the late hour before TP&Z
21 addresses their applications.

22 First, there was kind of a follow-up
23 question that Mr. Brennan has.

24 MR. BRENNAN: Thank you, Mr. Mayor.

25 Mr. Heapes, following on a question I

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1 had to you regarding termination provisions in your
2 commercial tenant leases, did you have an answer to
3 that question?

4 MR. HEAPES: Yes. We don't propose that
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5 in the Master Agreement. Often referred to as
6 co-tenancy requirements, we would expect, particularly
7 with some of the tenants, perhaps restaurants, an
8 example, that some of them will request that. It's a
9 tenant by tenant deal. We are not proposing it, we are
10 not encouraging it, but we would expect it, and certain
11 negotiations with certain tenants and would only grant
12 it under duress of losing the deal.

13 MR. BRENNAN: As I understand it, these
14 termination provisions would operate such that, say,
15 tenant A might be tied to tenant B, who is an anchor or
16 anchor-type tenant, and if tenant B leaves, then tenant
17 A or any other tenant who has that termination
18 provision could then leave as well.

19 MR. HEAPES: That's correct, and that
20 would be typical of some of the national tenants. They
21 may be tied to the cinema; they may be tied to a larger
22 anchor store; they may be tied between two stores that
23 are used to participating in the same market.

24 MR. BRENNAN: And there is nothing in
25 the Master Agreement, I guess this is a question for

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1 Mr. Alair, is there anything in the Master Agreement
2 prohibiting lease termination provisions, as we've been
3 discussing?

4 MR. ALAIR: I can't think of anything
5 that would prohibit them, no.

6 MR. BRENNAN: I note that there is, in
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7 Section 16.3, as far as tenant leases, a covenant as to
8 parking and to require that employees of commercial
9 tenants park on -- not park on the streets.

10 MR. ALAIR: Correct.

11 MR. BRENNAN: Mr. Heapes, would you be
12 adverse to requiring as a condition prohibition against
13 termination provisions?

14 MR. HEAPES: Yes. I think you are
15 asking us to do two things. You are asking us to
16 fulfill rather stringent prelease requirements with
17 credit tenants, not local tenants, to assure that the
18 project will be constructed, et cetera, while at the
19 same time limiting us with the typical tenant that you
20 would expect to have termination clauses, which would
21 be national, creditworthy tenants. So we would request
22 that you would not make that a requirement.

23 MR. BRENNAN: We don't have that as a
24 requirement, correct me if I'm wrong, but if each
25 tenant, each commercial tenant had such a termination

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1 provision, the entire commercial area with each tenant
2 could dry up, if again under my hypothetical tenant B
3 were to leave each could terminate, and that would
4 obviously among other things decrease parking revenue?

5 MR. HEAPES: I don't think we have
6 the -- this normally comes into play in a mall
7 condition relative to anchors and the small shop
8 tenants traditionally. I don't believe that we are

9 proposing the kinds of tenants that would trigger those
10 termination issues in the first place, but I want to
11 provide the most unique and have the most flexibility
12 in the marketplace to get the best tenants in here. We
13 are not targeting national tenants, so it's not
14 specifically a generic issue, but I just want to have
15 the most flexibility to get the best tenants in here.

16 MR. BRENNAN: Okay. Following on that
17 issue, back to the Town, Mr. Alair, there were some
18 issues raised by, in the public comment, as to the
19 potential insolvency or bankruptcy or otherwise, you
20 know, inability of Blue Back Square, LLP to, sorry, LLC
21 to act as a going concern. Could you address that as
22 to what would happen under the Master Agreement should
23 that occur?

24 MR. ALAIR: Well, I'm certainly not a
25 bankruptcy expert, and I don't pretend to be. The

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1 Master Agreement contemplates a couple of different
2 scenarios. I guess I would respond to, first of all,
3 the financial obligations of the developer are in
4 essence secured by the Special Services District Levy
5 in terms of that additional Levy.

6 As a tax, that SSD Levy gets priority
7 over any other secured creditors, even in a bankruptcy
8 situation, so generally our experience with tax debt in
9 bankruptcy situations is extremely favorable.

10 The other component of it, I suppose, is
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11 in the event of a tax or levy arrearage, there are
12 options in the event of a foreclosure or a bankruptcy,
13 rather, to seek a termination of the automatic stay in
14 a bankruptcy, to pursue the foreclosure. So again, I
15 would see the opportunity for, in essence, a bypass of
16 the foreclosure proceedings, or the bankruptcy
17 proceedings rather, in order to pursue our remedies
18 under foreclosure law.

19 The third piece that I think needs to be
20 addressed is the notion that is in the Master Agreement
21 of the Tri-Party Agreement, which does provide that the
22 lender -- or actually will provide, it doesn't yet,
23 because we don't have a lender in the Tri-Party
24 Agreement. It's between the Town, the developer and
25 the developer's ultimate lender, which would provide

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1 the lender with cure rights, what are known as cure
2 rights in the event of a default by the developer, and
3 one example of such a default might be the developer's
4 decision, obligation, in some cases, to go into
5 bankruptcy, and at that point, the mortgagee, the
6 financing lender would have a right to step in and
7 complete the developer's obligations within limited,
8 some limited time frame, which in a situation like
9 this, depending on when the bankruptcy were to occur,
10 would be a likely scenario. A developer who has got
11 the buildings two-thirds of the way up using lender's
12 money, in all probability, that lender will exercise

13 their cure rights and step in to complete without us
14 having to foreclose, without us having to execute our
15 right of reentry with respect to Building A, C or D,
16 without us having to do any of those other more onerous
17 conditions, and presumably that lender would then also
18 complete the project.

19 MR. BRENNAN: Thank you. Absent an
20 actual bankruptcy, but let's just say there is a
21 default, that the developer is not operating as a going
22 concern, there would be default under the Master
23 Agreement; correct?

24 MR. ALAIR: Correct.

25 MR. BRENNAN: So then you'd have a

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1 remedy against the developer. What would that remedy
2 be?

3 MR. ALAIR: There are a number of
4 remedies dictated in part by the nature of the default
5 and in part by the timing of the default. Taking
6 Building C, for example, the Hartford Hospital
7 building, while that building is being built, before it
8 is substantially complete, before it's received a
9 certificate of substantial completion, our right to
10 reenter that property is in existence. In the event of
11 a default, certain types of default of a particularly
12 serious nature, we would have the right to walk back in
13 and take the property.

14 Once the building is complete, that

15 right ends with respect to that building, but it
16 remains with respect to Building D or with respect to
17 Building A until those buildings are complete. So
18 those remedies exist.

19 In other cases, there are lesser
20 remedies called for as in any commercial contract,
21 where you would -- your remedy in some cases might be
22 the obligation to sue, to recover damages.

23 MR. BRENNAN: Thank you. So again,
24 thinking about a remedy potentially, it would be
25 against the developer, which is Blue Back Square, LLC;

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1 right?

2 MR. ALAIR: Yes, correct.

3 MR. BRENNAN: So it's a limited
4 liability company. Could you tell us who comprises
5 Blue Back Square, LLC?

6 MR. ALAIR: The developer is defined as
7 Blue Back Square, LLC, a Georgia limited -- an LLC, its
8 successors and permitted assigns, so there could be
9 scenarios where they are assigned. As of the date
10 hereof, the members -- and remember this is as of the
11 date that the Master Agreement is executed, which it
12 hasn't been yet -- the members of the developer include
13 Ronus, BBS Development, LLC, and I think during his
14 presentation Mr. Heapes listed a couple of, perhaps a
15 couple of other entities which are a part of BBS.

16 MR. BRENNAN: Thanks. In sort of
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17 layman's terms, can you describe in what sense our
18 liability is limited here as a limited liability
19 company?

20 MR. ALAIR: Again, I am not an expert on
21 LLCs, but it's my understanding that an LLC has -- the
22 members of an LLC generally have limited liability and
23 that there is a general member, if you will, who
24 retains the primary liability in the event of a
25 default, and I do not know who the limited liability or

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1 the general member is. Perhaps the developer could
2 answer that.

3 MR. HIDALGO: Yes, if we can speak to
4 that. First of all, as it relates to bankruptcy and
5 default issues, the construction lender will require
6 that we provide a completion guarantee. That
7 effectively means that there are adequate funds to
8 complete the project in the event that there is a cost
9 overrun. That guarantee is being provided by the
10 members of Blue Back Square Development, LLC, and the
11 net worth, if you will, of that entity is well into the
12 nine figures, in addition to the 40 million dollars
13 that is being invested up-front prior to funding the
14 construction loan.

15 MR. BRENNAN: So if I understand that
16 correctly then, whoever wants to answer this, please go
17 ahead, but should there ever need to be a remedy, it
18 would be against essentially an entity that is in nine

19 figures?

20 MR. HIDALGO: Yes.

21 MR. BRENNAN: Is there any requirement
22 that that entity maintain that net worth?

23 MR. HIDALGO: Yes. There are liquidity
24 covenants and net worth covenants, in fact, that the
25 construction lender will require of the owner.

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1 MR. BRENNAN: Those covenants are in the
2 Master Agreement?

3 MR. HIDALGO: No, those covenants would
4 be in the construction loan, construction loan
5 agreement, very typical of every construction loan
6 that's put together?

7 MR. BRENNAN: Mr. Alair, is there any
8 tie-in to those financial covenants, whether to the
9 construction loan or directly as to the LLC?

10 MR. ALAIR: The only tie-in is the
11 existence of the Tri-Party Agreement, which has yet to
12 be worked out because there is no finance -- no lender
13 in place.

14 MR. BRENNAN: So we don't yet have
15 the -- I'm confused, I'm sorry -- there is a tie-in,
16 but we don't have the terms of that agreement yet?

17 MR. ALAIR: No. The only tie-in, the
18 only connection between the Town and the developer and
19 the financing component is through the Tri-Party
20 Agreement, which it hasn't been written yet because we

21 don't have a lender to negotiate it with.

22 MR. BRENNAN: So is the Town expecting
23 to include in their financial covenants such as, as was
24 just described, including net worth or other financial
25 covenants?

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1 MR. ALAIR: It's certainly something we
2 could include.

3 MR. BRENNAN: Okay. Thanks.

4 MR. HIDALGO: Excuse me, and it would
5 effectively be done through the construction lender who
6 would require the liquidity covenants, network
7 covenants and the amount of equity that's going into
8 the deal, and again, having that construction loan in
9 place is a condition of the closing on the Town
10 property.

11 MR. BRENNAN: And I understand that, but
12 that would be beneficial to the lender, correct, not to
13 the Town?

14 MR. HIDALGO: In the sense that it's
15 beneficial to the lender, it's beneficial to the Town
16 inasmuch as it assures, effectively assures completion
17 of the project.

18 MR. BRENNAN: Right, I understand. So I
19 think that's sort of an indirect benefit, but correct
20 me if I'm wrong, Mr. Alair, the Town would have no
21 direct remedy under the construction loans?

22 MR. ALAIR: Well, the Town has no direct
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23 remedy under the construction loans, but if the
24 construction lender is requiring that the developer
25 maintain a certain adequacy of capital, the capital

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1 would be there to respond to any claims for damages or
2 any judgments. So it's an indirect benefit, but it is
3 a clear benefit. There is a great deal throughout this
4 project, there is a great deal of identity of interest
5 between the Town and the lender in the sense that it is
6 to both of our advantages to make sure that the
7 developer has adequate capital, that the developer has
8 adequate financing in place, that the developer is
9 meeting its schedules, that it's marketing. All of
10 those things, there is a tremendous degree of community
11 of interest there, and that Tri-Party Agreement, which
12 will be ultimately negotiated when a final lender is on
13 board with this project will wrap that into a nice tidy
14 little package.

15 MR. BRENNAN: Understood. I guess the
16 point I'm making is that the Town is not actually a
17 party to those construction loans, but I understand you
18 are saying that the Town would indirectly benefit given
19 that the construction loans are required?

20 MR. ALAIR: Correct. The Town is not a
21 party, but they are a precondition under the Master
22 Agreement.

23 MR. BRENNAN: A question to the
24 developer then. Is the developer adverse to including

25 in the tripartite -- I'm sorry, Tri-Party Agreement

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1 identical financial covenants as contained in the
2 construction loans?

3 MR. HIDALGO: Yes.

4 MR. BRENNAN: You are adverse to that?

5 MR. HIDALGO: I'm sorry, we are not
6 adverse to that.

7 MR. BRENNAN: You are not adverse to
8 that. Thank you.

9 Thank you, Mr. Mayor.

10 MAYOR HARRIS: Thank you, Mr. Brennan.
11 I have -- does anyone have any nonfinancial mop-up
12 questions? Mr. Verrengia.

13 MR. VERRENGIA: Just two quick ones.
14 One of the speakers, and I can't find it in my notes,
15 spoke about a library, state of Connecticut library
16 parking formula, and I was just wondering if anyone has
17 any information on that?

18 MR. VAN WINKLE: I couldn't find it, in
19 the web site of the state library. I wouldn't be
20 surprised of a number of 100 for a library as a rule of
21 thumb. The difference, again, we have a parking garage
22 which we can put 100 in, if that's a problem -- not a
23 problem, but if you are a building a library in a rural
24 area, most people end up driving to the library parking
25 and using the library. In this case, I go to the

1 library very often, and I don't drive over to the
2 library, I walk over to the library, use it, take books
3 out every week nearly. There are plenty -- this is
4 again a mixed-use neighborhood, and so there will be
5 many visitors from the area of many visitors who
6 already come to the Center, drop off books, pick up
7 books, and then go shop in the Center, have lunch in
8 the Center. So that mixed use offsets, I think, some
9 of the parking demand that we would normally see.

10 The state numbers, in my experience,
11 with the school system, tend to be very high. They are
12 trying to cover the entire state from a small town to a
13 city, and when they write those sorts of things for our
14 schools, we often look at parking numbers that are
15 higher than we would achieve because we perhaps bus
16 more students or walk more students, I guess, in our
17 more urban neighborhoods.

18 So the 100 is probably something they
19 have. Again, we developed our number by looking at our
20 actual counts and actual visits and trying to estimate
21 what was going on there, and we have additional
22 parking, free parking for the public library should
23 there be a need for 100.

24 MR. VERRENGIA: Thank you. Just one
25 last question for Mr. Heapes. I also have looked into

1 your background and have a tremendous amount of respect
2 for the quality of work, your expertise, and some
3 people have even described you as a genius in what you
4 do, but I for one have a tremendous amount of respect
5 for you.

6 MR. HEAPES: Thank you very much.

7 MR. VERRENGIA: Just one last question.
8 When we talked about identities, whether it was the old
9 Center, new Center or Blue Back Square, what it was
10 going to be called, you had stated that it's important
11 that it have some identity, just like if you were to
12 ask someone to meet you on the Goodman Green, you would
13 know where to go.

14 MR. HEAPES: Right.

15 MR. VERRENGIA: It was interesting
16 because I thought about that, and I thought, I would
17 never ask anyone to meet me on the Goodman Green,
18 because it just is not a natural meeting place, with
19 all due respect to the Goodman Green.

20 But my question is: It seems like the
21 Goodman Green is truly the diamond in the rough here
22 with respect to connecting Blue Back Square and the
23 Center, and to really -- I mean, I understand the
24 historic value to the Goodman Green, and it would
25 enhance the historical value also as a meeting place, a

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1 place to go, a place to meet someone, make that
2 connecti on.

3 So my question is, and I realize it's a
4 third party involved here, have you looked into or have
5 there been any discussions with the owners, either
6 through the Town or Goodman Green, or any connection,
7 any type of effort to truly enhance that historical
8 value and make it a meeting place and tie that
9 connection in?

10 MR. HEAPES: With the green itself?

11 MR. VERRENGIA: Yes.

12 MR. HEAPES: Boy, that's a really tough
13 question, depending on who you speak to. It's not
14 quite big enough to really be a public space. It's
15 interesting watching the cows when they were -- when
16 some of them were in the green. I think there was a
17 lot of uncertainty relative to safety of the children,
18 et cetera, because it really is kind of a wide median,
19 and that's not to be disparaging to it, because you
20 have a lot of traffic around it. I know there have
21 been proposals in the past to make the green, possibly
22 close one side of Main Street, whatever.

23 I think this really brings up the
24 question of identity. As you know, the green out in
25 front of Town Hall has a name, Town Hall Common. It

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1 isn't really a very effective name. I don't know that
2 a lot of people would know where to meet you if you

3 said, meet me in the Town Hall Common. I don't really
4 know the answer to that. I kind of answer the question
5 the other way. If you don't name it, to say it's not
6 going to have a name, it will have a name. Public
7 spaces have names, that's their characteristic. Just
8 like if you didn't name a street, it would acquire its
9 own name. I think we can be proactive here. I don't
10 have a very good answer for you on the Goodman Green
11 question, I'm sorry to say.

12 MR. VERRENGIA: Okay. So there really
13 was no effort on whether it was a Town developer, the
14 owner of Goodman Green, to try to come up with a vision
15 or to, again, in line with the historical value as a
16 meeting place which it once was, there was no effort,
17 would that be a safe assumption or any negotiations or
18 talks?

19 MR. HEAPES: I'm afraid I really don't
20 understand the question well enough to answer it. We
21 haven't done anything to propose new uses or new ideas
22 for Goodman Green. To be quite honest, I viewed it as
23 a pretty reverent place, controlled, as you know, by
24 the church, so it wasn't something that I would
25 naturally gravitate towards having ideas about. So if

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1 that's really the question, we haven't proposed
2 anything to Goodman Green. I really just kind of view
3 it as a sacred place owned by the church. It's
4 beautiful, it seems to be doing its role as a civic

5 gateway to Town, an identity to the Town.

6 I will tell you when you hit Goodman
7 Green from a traffic point of view you go, ah, I'm in
8 West Hartford. So we've tried to extend that
9 experience so the "ah" comes earlier on your passageway
10 in, and that's been about the bulk of it.

11 MR. VERRENGIA: Okay. Thank you.

12 MAYOR HARRIS: Thank you, Mr. Verrengia.
13 Anyone else? Okay. I have a couple I think very quick
14 mop-ups. A letter received today, and I'm going to
15 actually put additional correspondence on the record
16 for everybody, and every other councilor, I think, will
17 do the same. It was talking about the median, the
18 island on the Boulevard in the Historic District, and
19 the writer speaks in terms of that there was not going
20 to be any traffic-calming measures that would implicate
21 the median or the nature of the Historic District, and
22 there is a quote here, "The plans we have seen recently
23 seem to indicate that the Center median on Boulevard
24 between South Main Street and Raymond Road would be
25 narrowed to allow for three lanes of traffic on the

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1 west side of Boulevard at South Main Street and two
2 lanes on the east side of Boulevard at Raymond Road."

3 I'm missing that, I didn't think that
4 that was the case. Is it?

5 MR. KRAUS: No, that is not the case.
6 There will be no narrowing of the green in this

7 proposal .

8 MAYOR HARRIS: Thank you. Next mop-up.
9 There was some testimony, in talking about other
10 changes in the Center, and this is kind of a point of
11 clarification, that people were not opposed, and they
12 said the Town Center, but I think they were talking
13 also about some other zoning issues in the Center.
14 It's my understanding or my recollection that there was
15 opposition, say, to outdoor dining, that actually that
16 was not something that this community embraced right
17 away. Is that the case?

18 MR. VAN WINKLE: Through you, Mr. Mayor,
19 Ron Van Winkle. Yes, that was the case. We kind of
20 struggled to get outdoor dining for a while.

21 MAYOR HARRIS: And similarly, with the
22 Town Center building and we have the tearing down of
23 the Finast, the First National that was there, and some
24 of those issues, there was also opposition, it wasn't
25 all of a sudden that the community embraced these

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1 changes; is that correct?

2 MR. VAN WINKLE: Yes, Mr. Mayor, that
3 also was a difficult building, and people didn't find
4 it as an attractive change to the Center when it
5 happened.

6 MAYOR HARRIS: Thank you. Library
7 expansion. It was -- there was testimony from the
8 public that, or a question posed, what if we need more

9 library expansion? I thought that there was some way
10 to build up, that we heard through your testimony, I
11 believe, Mr. Van Winkle, that I wanted to clarify or
12 really ask whether in the future if we needed more
13 library expansion and this development was passed and
14 built, would there be a way to expand the library?

15 MR. VAN WINKLE: Mr. Mayor, Ron Van
16 Winkle, yes, there is a way to expand the library.
17 There is a building, a pad building on the Isham Road
18 side of the library. We are able to build on top of
19 that building. The developer is putting the steel into
20 that building that will support another story, so that
21 in the future, at some point in time, we will be
22 allowed to, if we choose and have the funding, to build
23 onto the main floor of the library additional space
24 that would go out over that building.

25 MAYOR HARRIS: Thank you,

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1 Mr. Van Winkle.

2 Finally, first I'll direct this question
3 to the applicant. Actually I take that back. I don't
4 mean to make the cameraman turn around again, but
5 Mr. Schatz, you are going to get dizzy, I'll actually
6 go to the Town first.

7 The equity investor. Did the Town
8 undertake any due diligence to uncover, you know,
9 relevant facts about the equity investor?

10 MR. FELDMAN: Let me share with you

11 information that we have. The equity investor is, as
12 you've heard, a gentleman by the name of Ronald Dewald.
13 Mr. Dewald is a 52-year-old citizen of Belgium. He
14 currently serves as the vice chairman of the Saks Fifth
15 Avenue Company. He is the chairman of an international
16 company headquartered out of the Netherlands, which
17 operates 340 stores in Holland and Belgium, Luxembourg,
18 Germany, France, Switzerland, known as We
19 International, W-e International. He is an extremely
20 wealthy man that apparently in this country has a
21 business or a company called Ronus Properties
22 headquartered out of Atlanta, Georgia. Ronus
23 Properties, again, a wholly-owned company by
24 Mr. Dewald, is essentially a real estate company that
25 deals with property management, leasing, marketing,

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1 construction management. They currently have a
2 portfolio of over 5 million square feet of retail space
3 and a quarter million square feet of double A office
4 space, so they have significant real estate holdings.

5 MAYOR HARRIS: Thank you, Mr. Feldman.
6 And it's my understanding that you and other members of
7 the Town staff did meet the equity investor personally?

8 MR. FELDMAN: I did.

9 MAYOR HARRIS: Thank you.

10 MR. FELDMAN: If you are interested, he
11 is a very pleasant gentleman, low key, very elegant,
12 very direct. He is somebody that you'd probably like

13 to have a cup of coffee with because he is remarkably
14 well-traveled. Certainly an interesting person to
15 listen to, anyway, so those are some casual, you know,
16 comments just from my meeting of him.

17 MAYOR HARRIS: Of course, Mr. Feldman,
18 under your ethical standards, if you did have coffee
19 from him, you would have paid for it; right?

20 I guess a follow-up now, you can do
21 the -- I don't want to get the cameraman dizzy, but the
22 final question, similar question to the applicant
23 really in a transaction such as this, which this is
24 your equity investor, really that's the side that I
25 would expect to have the experience or undertake the

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1 due diligence, could you describe for the record your
2 take on the equity investor and the due diligence that
3 you performed.

4 MR. HIDALGO: Yes. I've known the
5 investors for over ten years. I have done other
6 transactions with them and have reviewed their
7 financial statements in great detail, and they have,
8 together with us, at this point, contributed 7 million
9 dollars to the project to date, perhaps even more at
10 this point, and the commitment is there for an
11 additional approximately 33 million dollars.

12 So that, in addition to speaking to a
13 number of banks that they have done business with, so
14 looking at their financials, knowing them for ten

15 years, having done other transactions with them,
16 speaking to banks that have done business with them, in
17 fact, we're in the enviable position of being courted
18 as we speak by quite a number of banks for financing
19 this particular project.

20 MAYOR HARRIS: Thank you, Mr. Hidalgo.
21 That's all from my nonfinancial mop-up. If there are
22 no other questions from Councilors, I will just again
23 announce that we will be reconvening tomorrow night at
24 5:00 here at the Town Hall auditorium.

25 I want to thank Channel 5 again for

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1 their coverage, and I expect that they will be here
2 when the gavel is banged tomorrow at 5:00. We
3 anticipate that it will take an hour plus time, and
4 then it will go right into the Town Planning and Zoning
5 consideration of the applications.

6 With that, we will close the public
7 hearing for this evening.

8 (Hearing adjourned at 11:56 p.m.)

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CERTIFICATE

I hereby certify that the foregoing 198 pages are a complete and accurate computer-aided transcription of my original stenotype notes taken of the Joint Hearing between West Hartford Town Council and West Hartford Town Plan and Zoning Commission, which was held at West Hartford Town Hall Auditorium, 50 South Main Street, West Hartford, Connecticut, on June 30, 2004.

Sandra V. Semevolos RMR, CRR
LSR # 00074
Certified Court Reporter

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