

ORIGINAL

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VERBATIM PROCEEDINGS

WEST HARTFORD TOWN COUNCIL

RE: BLUE BACK SQUARE

WEST HARTFORD TOWN HALL
50 SOUTH MAIN STREET
WEST HARTFORD, CONNECTICUT 06107
APRIL 13, 2005
7:34 P.M.

POST REPORTING SERVICE
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HEARING RE: BLUE BACK SQUARE
APRIL 13, 2005

1 . . .Verbatim Proceedings of a hearing
2 before the West Hartford Town Council in the matter of
3 Blue Back Square held on April 13, 2005 at 7:34 p.m. at
4 the West Hartford Town Hall, 50 South Main Street, West
5 Hartford, Connecticut at which time the parties were
6 represented as hereinbefore set forth. . .

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8
9
10 (Whereupon, roll call was taken.)

11 MAYOR SCOTT SLIFKA: Mr. Spada, could you,
12 please, read the agenda item.

13 MR. ART SPADA: I can, Mr. Mayor. Good
14 evening. Resolution authorizing the amendment of a
15 previously approved master agreement between the Town of
16 West Hartford and Blue Back Square, LLC which provides
17 for the conveyance of real estate by the Town of West
18 Hartford to Blue Back Square, LLC, a portion of 20-28
19 South Main Street, and a portion of 50 South Main
20 Street/103 Raymond Road. It provides for the conveyance
21 of real estate by Blue Back Square, LLC to the Town of
22 West Hartford a portion of 33 Raymond Road. And provides
23 for the execution of certain easements, licenses and
24 leases between Blue Back Square, LLC and the Town of West

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1 Hartford to allow for the efficient operation of their
2 respected real estate uses.

3 MAYOR SLIFKA: Thank you, Mr. Spada. I
4 want to have everybody understand this is a, for lack of
5 a better term, like a regular Council meeting with the
6 exception that it has just one agenda item. So we follow
7 the normal Council rules and -- but it's just the one
8 agenda item. So according to those rules, we begin, as we
9 always do, with the public forum. I know there is a sign
10 up sheet. Let me just read this first so everybody is
11 aware of the rules.

12 "Public forum section of the Town Council
13 meeting provides you, our citizens, with the opportunity
14 to address items on the Town Council agenda. Those items
15 that we will act upon at tonight's meeting. To insure
16 that everybody has an opportunity to be heard and that
17 the Council can efficiently administer its business
18 certain rules have been traditionally followed by
19 Councils over the years. They are fairly simple. If you
20 are to speak at the public forum, please, first state
21 your name and address for the record.

22 In the event that you are not from West
23 Hartford, if you are not a taxpayer or a resident, just
24 tell us and we will entertain a motion to suspend the

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1 rules to allow you to speak. You will have up to three
2 minutes to speak and you are allowed to speak to any item
3 that is on the agenda which is not the subject of a
4 public hearing." And, obviously, beaus we just have the
5 one agenda item today it -- your comments are limited to
6 that topic.

7 So, Mr. O'Brien, do we have a sign up
8 sheet?

9 MR. JOSEPH O'BRIEN: We do.

10 MAYOR SLIFKA: The first speaker is
11 Michael O'Connell. Mr. O'Connell, I've been asked to tell
12 you and the others to, please, spell your names as well
13 for the record.

14 MR. MICHAEL O'CONNELL: Yes, for the
15 record, I'm Michael O'Connell, last name is O'-C-O-N-N-E-
16 L-L. I'm an attorney with the firm of O'Connell,
17 Flaherty and Attmore. And I'm here tonight representing
18 several residents of Burr Street. Because I am not a
19 resident or taxpayer I would ask the indulgence of the
20 Council to waive the rules to allow me to speak.

21 MAYOR SLIFKA: Can I entertain a motion to
22 suspend the rules to allow Mr. O'Connell to speak?

23 MR. SPADA: So moved.

24 MR. CHUCK COURSEY: Second.

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1 MAYOR SLIFKA: Motion made and seconded.

2 Any discussion? All those in favor?

3 ALL VOICES: Aye.

4 MAYOR SLIFKA: Those opposed? Please,
5 proceed.

6 MR. O'CONNELL: Mr. Mayor and members of
7 the Council, thank you for the opportunity to address you
8 tonight. As I mentioned, I am here and have in the past,
9 as you know, represented Save the Center. I'm here
10 tonight particularly on behalf of those of my clients who
11 reside on Burr Street. And I am, obviously, here to
12 comment on the proposed resolution suggesting amendments
13 to the master agreement involving the Blue Back Square
14 development.

15 My clients have taken statutory appeals of
16 the various Planning and Zoning approvals that are
17 related to this project. And I want to make two very
18 general observations. Obviously with the limited time we
19 can't address all the elements of the proposed amendment.

20 But the first thing I wanted to touch upon is t he
21 suggestion that has been made in a number of corners that
22 there is some impropriety or something out of the
23 ordinary that my clients have taken these zoning appeals.
24 These people are affected in a way different from

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1 everybody else in this town. They wake up today and they
2 look out on this park like municipal campus. If this
3 project goes forward they wake up every day and look out
4 on a mall. That is a clear personal impact on these
5 people's lives.

6 And to suggest that they should not
7 exercise their statutory right to file appeals and to
8 have a court determine the propriety of this proposal, I
9 think is wrong. These people are affected and they have
10 a right to have their legal rights determined.

11 The second general observation that I
12 would like to make goes to the substance of the proposed
13 amendments and, again, we're not in a position to debate
14 these individually. But two things jumped out at me.
15 Coincidentally, I had written a letter to the Mayor and
16 to the Council earlier today before I realized that this
17 special session was going to occur. And I stand on the
18 comments in that correspondence.

19 But, again, two quick observations on the
20 substance. First of all, I think that the proposals are
21 unnecessary. It's clear that one of the fundamental
22 objectives of the amendments is to short cut the process.

23 A well planned, well funded development, particularly
24 one of this scale and this controversy should contemplate

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1 that there is a long approval process including
2 appropriate judicial review. And the fact that all of a
3 sudden in the midst of this there is a suggestion that we
4 short cut the process suggests to me not a confidence in
5 the project, but it's tenuousness that those who are
6 pulling the financial strings do not have sufficient
7 confidence in this proposal that they are willing to stay
8 the course, so to speak. So that's one general
9 observation.

10 The other one that I realized as I looked
11 at these proposals today is that there is a recognition
12 in the amendment that there may be circumstances in which
13 this proposal may stall or may not be fully constructed
14 for a whole host of reasons. And for the first time there
15 is a suggestion, at least as I read it, that --

16 MAYOR SLIFKA: -- Mr. O'Connell, you're at
17 the three minutes, if you could wrap it up, please.

18 MR. O'CONNELL: Yes, I'll accelerate it.
19 That instead of just relying on the strength of the
20 project, an LLC, a limited liability company is going to
21 step up and supposedly cover the shortfall, the economic
22 shortfall that the town may experience. And now this
23 instead of being a well funded, well thought out plan
24 contemplates that there may be shortfall and an LLC is

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1 going to step up and make up the difference. And we don't
2 know whether -- the capacity of that entity to do that.

3 So I would just simply urge, on behalf of
4 my clients, that the Council not adopt these proposals.
5 Thank you.

6 MAYOR SLIFKA: Thank you, Mr. O'Connell.
7 Next is Elizabeth Spinella.

8 MS. ELIZABETH SPINELLA: Thank you, Scott.
9 Good evening. I'm Elizabeth Brassell Spinella from
10 Castlewood Road in West Hartford. I'm a leader of a
11 newly formed West Hartford initiative to save historic
12 properties. This week we filed an application with the
13 State Historical Commission to list the Board of
14 Education building, the Town Hall and the library on the
15 federal historic registers. We're working with Dr. Robert
16 Grant Irving of Avon, an outstanding architectural
17 historian, who has a long history in caring deeply about
18 these buildings.

19 We first got this idea from the West
20 Hartford District Commission in their testimony last
21 summer in this very room. Like everything else, the
22 question was lost in the blur of an expedited, fast track
23 process. After seeing little progress on the project
24 site, a bunch of us decided to revisit some of the

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1 meeting minutes.

2 We've chosen to now pose a question, a
3 question first posed in this very room, to state and
4 federal officials. These questions should be asked in a
5 sensitive, meaningful and transparent process. We're not
6 against progress or reuse of these buildings as long as
7 they are preserved in a historic setting. We should try
8 to study these topics in a spirit articulated in this
9 Sunday's Hartford Courant article on preservation. We
10 hope to protect the facades of these structures and our
11 beautiful civic campus.

12 And on the master agreement, if you alter
13 this document it is no longer the document on which a
14 referendum was held. To proceed with the altered
15 document, it's dishonest. I repeat, if you alter this
16 document it is no longer the document on which your
17 referendum was held. To proceed with the altered
18 document, it's dishonest.

19 Thank you.

20 MAYOR SLIFKA: The next speaker is Jason
21 Sadler.

22 MR. JASON SADLER: Good evening. My name
23 is Jason Sadler. I reside at 29 Burr Street. Residents of
24 West Hartford, Mr. Mayor, Town Council members, Mr.

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1 Feldman, as many of you know our Burr Street neighbors,
2 my wife and myself have brought legal actions, taken by
3 our Town Manager and Town Council, regarding this Blue
4 Back Square proposal. And I want to first of all thank
5 the many, many, many of you who have offered words of
6 encouragement and support regarding these actions.
7 They're truly appreciated.

8 And I want to assure all of you, and
9 especially the Town Council, that the actions you take
10 tonight will not discourage us in any way. In fact, I'd
11 like to highlight the fact that it makes these legal
12 actions all the more important because tonight marks a
13 new low that our Town Council and Town Manager will stoop
14 to in order to kowtow to a private out of town and
15 foreign investors.

16 Many of you have believed this for over a
17 year now, but tonight underscores where their alliances
18 lie. I ask all of the voters of West Hartford as you
19 watch the folks up here tonight cast their vote, agree to
20 strip away all of the safeguards and protections and
21 agreements set up to protect you, the voters, the voters
22 of West Hartford, as they strip all of those away --
23 despite what they're going to tell you tonight that's
24 what they're doing, they're stripping away the safeguards

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1 that were there to protect us -- as you watch that, I
2 want you to think about whose best interests they're
3 really looking out for. And I want you to think very
4 long and hard are these the kind of men and women that
5 you want to represent you.

6 Thank you.

7 MAYOR SLIFKA: Thank you, Mr. Sadler. Next
8 speaker is Rick Liftig.

9 MR. RICK LIFTIG: Good evening. Rick
10 Liftig, 75 Fox Ridge Road, L-I-F-T-I-G.

11 Regardless of how you voted last
12 September, you should be upset. A corporation based in
13 Michigan is attempting to steal the referendum. The
14 Taubman Company is thumbing their nose at our town and
15 essentially saying, we have bigger lawyers and deeper
16 pockets than you do. And we will beat you.

17 Well, corporations may be big and they may
18 have legal teams but they can't vote. The bottom line is
19 that last year the people of our town decided to move on
20 with this project. And regardless of how you feel this is
21 costing a heck of a lot of money to fight. And a heck of
22 lot of old wounds are being reopened for the sake of
23 delaying tactics. Taubman Company would like nothing more
24 than to pit neighbor against neighbor while they watch

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1 from afar.

2 No one can deny that this was an open
3 process. Everyone in this room and watching this on
4 Channel 5 spent countless hours watching the hearings,
5 discussing the matter, and taking the time to testify and
6 pour through the massive agreement. Now, the Taubman
7 Company is trying to make all of our efforts mute. This
8 is a corporation, not a citizen. They're only interested
9 in the bottom line and regardless of how Taubman portrays
10 themselves, you won't see that corporation at a soccer
11 game, at a school musical, or in church.

12 I find it interesting that among the eight
13 members of Taubman's Board of Directors is Mr. Peter
14 Carmonos. Carmonos was the fellow that promised the State
15 of Connecticut, the City of Hartford and countless fans
16 that he would keep their hockey team, the Hartford
17 Whalers, in Hartford. When he didn't get his way, he
18 pulled the plug and moved the franchise to Raleigh, North
19 Carolina. For Carmonos it was just another business
20 decision. I trust Taubman's intentions just as much as I
21 trusted Carmonos.

22 I am sorry that the antidote to this
23 chicanery may have to be another referendum. But so be
24 it. No corporation is going to subvert my rights as a

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1 voting resident of this town.

2 Thank you.

3 MAYOR SLIFKA: Thank you, Dr. Liftig. The
4 next speaker is Richard Garrison.

5 MR. RICHARD GARRISON: My name is Richard
6 Garrison. I live at 57 Garfield Road, that's G-A-R-R-I-S-
7 O-N. I've lived in this town for over a third of a
8 century. And I would like to comment, if you hear a lot
9 of negatives tonight it may be because I understand there
10 was a calling campaign to make sure they all got brought
11 out. So they're an awful lot of citizens like me who are
12 in favor of this who may not be here and I hope you
13 remember that.

14 When you modified the agreement, which I'm
15 sure there are clauses in there that allowed you to
16 modify the agreement. I've never seen a real estate
17 agreement that didn't have that. So that means modifying
18 it is within the terms of the agreement. I hope you're
19 sure that you're ready for every kind of lawsuit that can
20 come down the pike because they're probably going to sue
21 over this meeting. They're probably going to sue over
22 the results of this meeting. If you modify the agreement
23 they're probably going to sue over that. Then they're
24 going to appeal the result of that, I would imagine. If

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1 you go for approval with some other agency they're going
2 to appeal those, you know that I think.

3 Taubman is, I believe, behind most of
4 this. Now, that might not be for everybody but for an
5 awful lot of people most lawsuits are very expensive to
6 bring and maintain. And I consider it mugging by lawyer.

7 They're trying to delay and delay and delay. They've
8 done it before in other parts of the country and they've
9 done it in Connecticut. I'm just hoping that the Town of
10 West Hartford and the developer in this case have the
11 guts and the brains to withstand that and go ahead and do
12 the deal anyway. Don't let them delay you to death.

13 Thank you.

14 MAYOR SLIFKA: Thank you, Mr. Garrison.

15 Next is Judy Aron.

16 MS. JUDY ARON: Good evening. My name is
17 Judy Aron, A-R-O-N. I reside at 40 North Quaker Lane.
18 I'm here tonight to oppose this resolution. The town made
19 an agreement with -- which was voted on by the citizenry.
20 You cannot in good faith change the rules. Members of
21 the Town Council, how would you like it if your bank
22 decided to change your mortgage? You made an agreement
23 with the bank. You signed the papers. This is the same
24 thing that we facing as citizens.

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1 Unless you're going to send this back as -- if you change
2 this master agreement and you're going to have intentions
3 of sending it as another referendum for the town to vote
4 on, well, then that may be a different story. But, you
5 know, it would seem me to me that if here you are
6 changing the master agreement, one which was worked on
7 very, very diligently by our Mr. O'Brien, our Mr. Alair.
8 It seems like you don't have a heck of lot of confidence
9 in their legal abilities if you're going through and now
10 changing something which they helped craft. I have
11 trouble with that as well.

12 So I'm just here to say that as a citizen
13 I hope that you will not proceed with passing this
14 resolution. I think it's unfair to the citizenry and it
15 shortcuts due process. Thank you.

16 MAYOR SLIFKA: Thank you, Ms. Aron. The
17 next -- thank you. The next speaker is Peggy Koury.

18 MS. PEGGY KOURY: Hello. My name is Peggy
19 Koury. I live at 43 Westminster Drive and it's K-O-U-R-Y.

20 I've lived in town here more than 26 years
21 and I am very much in favor of Blue Back Square and I
22 encourage you to pass the amendment. I have -- I -- my
23 business is I'm involved in -- I'm a corporate bond
24 analyst. I have done municipal finance, municipal bond