

Record-Journal (Meriden, CT)

March 11, 2007

Town planners and developers: How close is too close?

*Tiffany Aron
Record-Journal staff*

CHESHIRE - Can a town official who serves on boards and commissions that seem to favor developers and commercial development remain objective when it comes to hearing a proposal to build a large-scale retail center?

That's the question being posed by a group of homeowners from Simsbury regarding some of the professional affiliations and memberships of Simsbury's former director of planning and community development, and Cheshire's current town planner, William Voelker.

Like Cheshire, Simsbury is in the middle of considering whether to rewrite parts of its Plan of Conservation and Development to allow for the construction of a 1 million-squarefoot residential and retail center called River Oaks, proposed by the Konover Development Corp. of Farmington.

If built, the approximately 500,000 square feet of retail and 500,000 square feet of residential or light office space would make the \$180 million River Oaks the seventh largest development in the state, according to the Hartford Business Journal.

A group of Simsbury residents called Simsbury Homeowners Advocating Responsible Expansion (SHARE) has been opposed to River Oaks since reports of the project surfaced in August 2005. Some members of SHARE started gathering information to learn more about the nature of River Oaks, and through their research discovered that four members of the town's Zoning Commission had some connection to Konover or the development project.

The former chairman of Simsbury's Zoning Commission, Michael Bradley, is a licensed real estate broker who has a brokerage agreement with Konover.

Commissioner Patricia Askham's husband, Peter, is a CPA at the accounting firm Kostin, Ruffkiss & Co. LLC, which has done work for Konover. In his biography on the firm's Web site, Peter Askham lists his 26 years of experience working with construction companies first.

Commissioner Louis Donofrio is an attorney at Reid and Riege, a law firm that has also done work for Konover. Donofrio is also a member of the Connecticut Partnership for Balanced Growth Inc., established in 2002. The president of that organization's board of directors is Konover President and CEO Michael Goman.

Since these affiliations were uncovered, Bradley has resigned from Simsbury's Zoning Commission, and Donofrio and Askham have recused themselves. A fourth Commissioner, Joe Grace, has since disclosed a conflict of interest with the project, though he hasn't specified what that conflict is.

Voelker's memberships

What any of this has to do with Cheshire is that Voelker, too, has professional connections to Goman and currently sits on some professional boards that describe supporting development as their mission.

He is a member of the American Planning Association and the American Institute of Certified Planners, but Voelker is also a 10-year member of the International Council of Shopping Centers and last year was named co-chairman of the shopping center council's Eastern Division Alliance.

In addition, Voelker is a member of the Connecticut Developers Council and sits on the advisory board of the Connecticut Partnership for Balanced Growth, with Goman as the board president. Out of the 12 people on that organization's board of directors and advisory board, many of whom are attorneys and executives from private companies, Voelker appears to be the only public official.

In 2002, he was awarded the Connecticut Dream Award from the Homebuilder's Association of Connecticut, given to public servants for professional contributions to the home building industry.

David Cadden, a management professor at the School of Business at Quinnipiac University, believes that, for a town planner or any public official, it is always better to err on the side of caution with respect to affiliations and memberships. "You always have to be concerned, when you're in a public role, at the appearance of impropriety," he said. Voelker refused to comment on any of his memberships and affiliations and instead directed those with questions to a letter he wrote to Cheshire Town Manager Michael Milone, which explains his relationship with the shopping center council. The council is a nonprofit professional trade association with 65,000 members worldwide, he wrote. Of those, 4,000 are from the public sector and include planners, town managers and economic development officials.

S. R. Weiner and Associates Inc., the developer trying to build a retail and residential "lifestyle center" in Cheshire, is also a member of the shopping center council, as is Goman, who is the council's Government Relations Committee chairman.

The Cheshire Planning and Zoning Commission is scheduled to meet Monday at Town Hall to consider an amendment to its Plan of Conservation and Development that would allow for the largely retail-based "lifestyle center.

"A benefit to the town"

In his letter, Voelker writes that the shopping center's Alliance Program was established to "explore ways to encourage public officials to become familiar with the intricacies of the shopping center industry and to initiate dialogue and develop working relationships between developers, retailers, brokers, lenders and local government officials." Voelker further writes that his membership on the council has been "very beneficial to my professional development" and has given him "a body of knowledge and expertise that could not be obtained anywhere else."

He concludes by stating that the PZC in Cheshire, which regulates Cheshire's tax-paying and job-creating commercial base, will continue to have "full benefit" of his knowledge and expertise gained from the shopping center council.

A representative from the council's Information Center said that alliance chairs such as Voelker might join the organization to help market their own cities and towns. They also help provide information on local rules and regulations to developers and "anything that has to do with getting an OK" for a development to be built.

Voelker sent his letter of explanation to Milone after Milone asked him to explain more about the shopping center council and the role of the organization's public-sector members. Milone forwarded Voelker's explanation to members of Cheshire's Town Council and PZC to "dispel any rumors, misunderstandings or misrepresentation of the facts." Following his receipt of the letter, Town Councilor David Schrumm, a Republican, said that "the role of a planner is to balance all the needs of a community and not favor one group over another," though he added that whether favoritism exists is "in the eye of the beholder." He said that the town is just going to have to see how the whole process plays out in order to make sure there is balance with respect to this new development.

Democratic Town Councilor Diane Visconti said that raising the question of balance was fine, so long as it was done "out in the open" and in a manner that protects people's reputations. She had confidence that Milone had "completely vetted" Voelker when he hired him.

Milone, in fact, states in a letter that Voelker listed his participation in the shopping center council and other professional organizations when he applied for the planning position in Cheshire. Milone concludes, "I do not believe Bill's membership in the (International Council of Shopping Centers) represents a conflict, nor does it compromise the Town's Planning and Zoning process. In fact, Bill's involvement in this organization provides a benefit to the Town.

Is the playing field level?

John Lucker, a member of SHARE, disagrees.

"Is the town (Cheshire) endorsing the development of shopping centers to the point where it wants its town planner sitting on retail boards and commissions and listing these

affiliations as his credentials?" he said.

What Lucker said SHARE is trying to do in Simsbury is remove even the slightest appearance of conflicts of interest to create "a level playing field" so development can proceed in a "transparent, open and honest" manner. He doesn't believe that exists at the moment in Simsbury and would encourage people in Cheshire to look into whether things are level for everyone before they proceed with any development.

Cadden, the management professor from Quinnipiac, said that it may be a common practice to have town officials on such development-friendly boards and commissions if the town in question is pro-development. Also a 15-year resident of Cheshire, he guessed that the town is likely looking for a "significant addition to the tax base" to offset such unintended expenses as the municipal pool. "You want somebody with the connections that might be able to see this through and manage it so it doesn't raise the hackles of those who are concerned about over-development," he said.

taron@record-journal.com (203) 317-2214

Copyright, © All Rights Reserved.