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SB1196

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**JOINT
STANDING
COMMITTEE
HEARINGS**

**GOVERNMENT
ADMINISTRATION
AND ELECTIONS
PART 6
1595 – 1919**

2011

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are you? Okay. I see Martin Mador has come in, has arrived, so Martin, if you'd like to, we'll get you in right now. Good morning.

MARTIN MADOR: Good morning, Members of the Committee. My apologies. It's turning into a much busier day than I hoped it would. I'm Martin Mador. I'm the Legislative Chair for the Connecticut Sierra Club.

SB 1196

I'm here talking mainly on 6600. We strongly endorse the campaign to reduce paperwork in state government. Obviously, there's significant environmental benefits to this reduction. For most of us, direct and pain-free access to online documents satisfies our needs.

However, it's very important that paper records remain available to those of the public who do not have this online capability. Good government requires ready public access to information. As an advocacy organization, the Sierra Club advises that access is important to our mission, and that's why I'm here talking today.

So we have two suggestions to improve 6600. One is the issue of funding for preparation of public hearing transcripts. We understand that there's a question about whether the funding is going to be restored for preparation of these transcripts or whether somebody requesting a transcript is going to have to pay for the cost of doing this.

We strongly advise that preparation of these transcripts are paid for so that they're readily available to the public. And we are delighted to join in the recommendations made by CBIA to the Task Force to Study Converting

Legislative Documents. You'll find that in a letter from CBIA dated November 18th, and it's part of their report.

The second suggestion is this. We have had trouble locating state agency regulations in the past, and we'd like you folks to make sure that the regulations of all state agencies are readily available online. Some of them are now. I don't believe all of them are.

While the legislative record establishes intent, it's the language of the agency regulations themselves which actually have the most direct bearing on the activities in question.

So we'd like to make sure that state agency regulations that are developed pursuant to legislation are available online as well. This is extremely important to us, and we're hoping you'll address that.

Finally, very quickly on the land transfer bill, 1196, on the Haddam land swap, I'm not going to speak to the merits of whether the swap is a good idea, but let me just quickly say to do the swap diminishes trust significantly on behalf of a donor that their land is actually going to be used for the purposes to the donation --

SENATOR SLOSSBERG: Martin, I'm going to cut you off. We've got a rule that we're really trying to stay to the topic of the particular bill in front of us, and we've got a long number of people who are here to testify on the conveyance act later in this hearing.

I appreciate your intent to try to get, be efficient and have it all up here at once, but

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we're going to try to keep everybody to that rule.

MARTIN MADOR: Okay. Well, fortunate or not, I've said what I wanted to on that, so I'm done.

SENATOR SLOSSBERG: Better to say you're sorry than to seek permission. We know that well. Okay.

MARTIN MADOR: I apologize for asserting the rules.

SENATOR SLOSSBERG: In any case, okay. Well, it's Monday morning. It's good to have a laugh. Are there any questions for Martin? No. Seeing none, thank you for your suggestion.

MARTIN MADOR: Thanks very much.

SENATOR SLOSSBERG: And we'll look forward to seeing you on the conveyance act.

MARTIN MADOR: Okay.

SENATOR SLOSSBERG: Our next speaker is Brooks Campion followed by Mike Johnson. Okay. Good morning.

BROOKS CAMPION: Good morning. Senator Slossberg, Representative Morin, and other Distinguished Members of the GAE Committee, my name is Brooks Campion. I'm the President of the Association of Connecticut Lobbyists. I'm also a lobbyist with Robinson and Cole, but I'm here on behalf of the Association.

I come before you today just to respectfully offer a brief history as background on House Bill 6600 about the recommendations of the Task Force to study the conversion of legislative documents from paper to electronic form.

And in the letter, they say that we're going to make sure that these lawyers who, you know, who advise hearing officers are going to be kept completely separate so they won't have any involvement.

I mean, they, you know, meant that at the time, but no bill has passed, and now they've even eliminated that sort of, what do you call it, a fig leaf to suggest that, oh, we're not doing something inappropriate. And I think that really the only way to solve it is to remove it from the entire structure. Thank you.

SENATOR SLOSSBERG: Okay. Thank you very much. Okay. With that, we're going to be, that takes care of our testimony on Senate Bill 1188. The next bill for which we have speakers signed up for is Senate Bill Number 1196, which is our annual conveyance bill.

Okay. This would be about when I think all of you would cheer. So our first speaker on this particular bill is Sharon Botelle, followed by Melissa Schlag.

SHARON BOTELLE: Good afternoon, Madame Chair and Members of the Committee. My name is Sharon Botelle, and I am opposing Section 14 of this House Bill. Let me preface this testimony by saying that one of the developers has referred to my tireless zeal as having these 17 acres literally in her backyard.

That is so, but that doesn't change the facts, and I would be against this swap whether I lived there or not. I think it is outrageous that open space land, paid for with my tax dollars, can be traded to private developers

for their own personal gain.

Trading land set aside for conservation to developers no matter what their good intentions are sets a dangerous precedent and makes all state of Connecticut owned open space vulnerable to developers. The DEP's mission is conserving, protecting, and improving the natural resources and environment of the state.

It should not be asked to promote economic development. This is the third year that this land swap has been introduced. In 2009, the conveyance bill containing the land swap was vetoed by Governor Rell, and the Legislature chose not to override that veto.

In 2010, it was decided to have public comment on this land swap before this Committee. After such, the land swap was removed from the conveyance bill. That is where it should have ended. So here we are to debate it once again.

There are certain inequities that need to be addressed. Fact, Connecticut taxpayers paid \$1,350,000 for these 17 acres overlooking the Connecticut River. The developers paid 428,000 for their 87 acres, a difference of \$922,000, a great deal for the developers, not so for us taxpayers.

Fact, an addition of 87 acres to the State Forest, which already has 16,000 acres, represents a half a percent gain to the State Forest. Trading away these 17 acres is a 100 percent loss within the Connecticut River Gateway.

According to the DEP, these 17 acres are part

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of the Clark Creek Wildlife Management Area which abuts Eagle Landing State Park. It is a perfect complement to the large parking lot that makes up Eagle Landing State Park. These 17 acres offer a great deal of biodiversity that Eagle Landing State Park does not have.

The developers have often referred to it as a sandpit. This conjures up a picture of a big empty pit full of sand. It is not. Most of the Tylerville area is made up of Connecticut river bottom from millions of years ago. Our soil is sandy.

The lower portion of the swap area is made up of primarily shrubs, grasses, and wildflowers. The upper portion consists of a meadow and a large stand of mature maple trees. It has also been suggested by the developers that these 17 acres include invasive species.

That may be so, but if that were the criteria for land not to be valuable for conservation, then most of the Connecticut River shoreline would be eligible for trade. The developers are currently proposing to build a hotel or inn. This keeps changing.

In the past, we've heard plans for a train station, a theater, and numerous retail shops. And I suppose if the land is exchanged, the developers can do whatever they want once they are the owners, perhaps even to sell it to someone else and make a nice profit for themselves.

I am not against development per se, but this property was purchased with the intent to preserve it as open space. I'd hope you'd do the right thing and remove it, Section 14, from this House bill.

I'd also like to submit some pictures and the deed to the 17 acres showing that the intent of the buyer and the seller was to, that these 17 acres should remain open space.

SENATOR SLOSSBERG: Okay. Thank you very much, Sharon, and if you would just give, if you have documents or whatnot, over to the Clerk, that would be terrific.

SHARON BOTELLE: Yes, I have some other documents and press releases and pictures.

SENATOR SLOSSBERG: I just, I wanted to ask the Clerk. I don't see, okay, actually, we're okay with that. No, we're all set.

SHARON BOTELLE: Over here?

SENATOR SLOSSBERG: Yeah, right over there to Kate, who is our Clerk. Did anybody have any questions? Our next speaker is Melissa Schlag followed by Trevor Furrer.

MELISSA SCHLAG: Senator Slossberg and the GAE Committee, thank you for your time. I am Melissa Schlag Proulx, that's P-r-o-u-l-x. It's my official name. I'm opposed to Section 14 of House Bill 1196.

The Office of Responsible Growth within the Office of Policy and Management has the job to coordinate, and I quote, to coordinate state initiatives to control rampant, ill-conceived development that threatens Connecticut's special character, end quote. I see no better special character of Connecticut than the Connecticut River.

Therefore, I see no better ill-conceived

development that threatens Connecticut's special character than the land swap proposal currently being forced upon the citizens of the state by Eileen Daily.

I cannot understand how a single Senator has such power as to go against so many directives that have been researched and studied at length and enacted to protect all citizens and state lands. And to make matters worse, this is the third time this land swap has been brought to the House. I find this an insulting waste of my taxpayer's money and the Committee's time.

According to the DEP's Green Plan, the goal is to acquire or otherwise permanently protect land to meet the diverse needs expressed in Connecticut General Statutes and in various plans regarding open space protection prepared by the State of Connecticut and our open space partners at a rate consistent with achieving the overall statutory goal of protecting 21 percent of Connecticut's land by 2023.

Through this directive, the DEP, as stewards of our land, has the task of negotiating and closing of transactions to ensure that the long-term protection goals are met before desirable properties are converted to other uses. The State has been committed to preserving open space for over a century, and it has taken it seriously using the very example of the land in question.

The 17-acre parcel in Haddam was purchased by the state in 2003 for \$1.3 million to be kept as conservation land as stated in the deed with Charlie Robinson, the original owner, under the assumption that his land would remain preserved.

The Green Plan further states, quote, it will take time and adequate funding to meet the statutorily-required land acquisition and protection goals. The DEP is committed to a long-term effort to reach the goals.

With this long-term effort to reach these goals, the State has provided the adequate funding, in this case, over a million dollars worth, to acquire land that they found important and significant just eight years ago.

Furthermore, the Green Plan states, and I quote, the individual landowners interested in protecting their land are perhaps the most critical partners in this effort. Often these individuals have demonstrated a concern for the Connecticut landscape or are otherwise interested in transferring their property for protection purposes.

Without them, the Department would be unable to meet the land protection goals set by the Legislature. Therefore, should this land swap be approved, it would jeopardize all future land acquisitions, transfers, and purchases for the foreseeable future, contradicting the DEP's very own goals and directives.

This would be a detrimental step backwards and reverse all of the work and policies that many departments have put their time, money, and energy into creating. I have one more sentence.

The swap would have resonating effects on the conservation of land and cause the DEP and citizens of Connecticut to lose so much in principal. I will state the specific goal of

the DEP's own Green Plan directive. This is my last quote.

In general, land or interests in land under the custody and control of the Department have been obtained to permanently protect such property for its conservation, recreation, natural resource or other value.

In addition, such land or interests in land has been obtained for the benefit of the public, including future generations. Accordingly, such land or interests in land shall not be exchanged, except in extenuating circumstances. Thank you.

SENATOR SLOSSBERG: Thank you for your testimony. Oop, hang on. I don't know if there's any questions. I don't, are, do, are there any questions? Okay. There are no questions. Thank you for your testimony.

The next speaker is Trevor Furrer followed by Jim Bucko. And I do apologize. I will be, I have to leave the room, and Chairman Morin's going to be taking over for your testimony.

TREVOR FURRER: Good afternoon, Senator Slossberg, Representative Morin, and Members of the Committee. My name is Trevor Furrer, and I am one of the partners of the Riverhouse in Haddam. I'm here to offer testimony in support of Bill 1196, Section 14.

The Town of Haddam, from the First Selectman to the Chair of Planning and Zoning to the Chair of the Wetlands Commission has welcomed and is embracing a revised proposal for this exchange of properties. You will be hearing from each either in person or in written testimony as to why they are now in support of

this legislature approving the bill.

The history of this proposed land exchange dates back to 2005 when then DEP Deputy Commissioner David Leff first proposed the idea of trading other land for the 17 acres surrounding the Riverhouse.

Mr. Leff explained to us that DEP really had no plans or budget for this land, but it was part of the 16 riverfront acres which they wanted for a state park. He told the Riverhouse partners that if land was identified that was more useful to DEP and the citizens of Connecticut, they would like to do an exchange.

Please note that DEP had acquired this lot listing two years prior to offering it up for a trade, underscoring their lack of interest in it. In June of 2007, after we finished construction of the Riverhouse, then DEP Commissioner Gina McCarthy visited our site and suggested the same thing saying she did not believe in land-banking for its own sake but preferred that the state have parks people could use.

At this point, the Riverhouse partners began looking for property which would be attractive to DEP, and in 2009, we purchased a tract of land which could extend the Cockaponset State Forest to Route 81 in Higganum. We proposed exchanging this land with DEP as well as riverfront land in East Haddam offered by the Goodspeed Opera House.

DEP staff walked the property, ordered appraisals, and Commissioner McCarthy approved the proposal as an in-house administrative action. Unfortunately, Commissioner McCarthy

left DEP for the Obama Administration, and the transaction was put into the 2009 conveyance bill.

Governor Rell vetoed the entire conveyance bill citing reasons unrelated to us. In 2010, the proposal was deleted from the conveyance bill primarily at the request of the Connecticut River Gateway Commission who requested time to work with us and the Town of Haddam on the zoning regulations.

This proposal represents smart growth because the 87 acres has been previously approved for a 33-home subdivision which would tax the local school system and town services. Instead, it could be preserved for the enjoyment of all the residents of Connecticut. The 17 acres, oh, if I could just, okay, one of the --

REP. MORIN: Wrap up, please.

TREVOR FURRER: One of the complaints has been, you know, what do they plan on doing with the land, and I think it's only fair to show some examples. We have talked about lots of different options. And an inn is certainly one of them.

The Goodspeed Opera House, they've talked about coming over and building a new theater there. But they have left the proposal, and we would like to mention that it's, language referencing the Goodspeed is still in the conveyance bill, and that probably should be removed.

So we're talking about jobs, we're talking about tax revenues to the state and local community, we're talking about shops and

retail, possibly an inn, an anchor tenant, some entertainment venue, this in exchange for locking up 87 acres of forest, which gives access to Cockaponset State Forest. I thank you for your time. I'd be happy to answer any questions.

REP. MORIN: Are there any questions from any Committee Members? Representative Lesser.

REP. LESSER: Thank you, Mr. Chairman. I just hoped you could comment a little bit on some testimony we received about unresolved groundwater contamination and unresolved zoning issues that were suggested should be taken care of before any conveyance.

TREVOR FURRER: I'd be happy to. I can't think of a better catalyst to solving the groundwater issues than a project of this size. We estimate if an inn was built, if a new anchor tenant was brought in with shops and retail, we're probably talking about \$60 million construction.

And that would be a great catalyst, together with the town, to bring the line of, the water line up from Chester and solve the groundwater issues from that area for once and for all.

REP. LESSER: And zoning?

TREVOR FURRER: Yeah, the zoning. The Gateway Commission, who you'll hear from today, one of their big contentions is we should deal with the zoning regulations first. The land is currently zoned industrial. Obviously, it would need to be changed to commercial.

And Haddam, the Town of Haddam's been working on that, and you'll hear comment on that

today. But the Town's Planning and Zoning Commissioner has said that really there's no reason that we can't proceed with the transfer now and address the zoning changes later.

Our facility, which I'm sure many of the members have been to the Riverhouse where we do weddings and conferences and all, is situated just above the land in question. So the last thing we're going to do is jeopardize our project that, you know, we've put our lives into by doing some sort of industrial zoning.

We simply wouldn't do anything until all the regulations are changed. And at that point, then, committees like the Gateway could have their say in how we build and planning and development.

REP. LESSER: And lastly, and thank you for testimony, I was hoping you could comment a little bit on the merits of I guess some concerns that we've received about the value of trading land worth \$1.3 million for property worth less than half a million.

TREVOR FURRER: Yeah, I think that's a little disingenuous. Part of the process would always include appraisals. In fact, appraisals were done on the Riverhouse. The 87 acres and the 17 acres was appraised by state independent appraisers.

Our land was found to be worth 200,000 more than their land. So taking a snapshot in time of a purchase back then and comparing it with a foreclosure purchase that we made for pennies on the dollar I think is not a fair comparison.

Appraisals would be made today, and obviously the state has to get either equal or greater value. That's part of the trade clause. It might be also fair to note that the land that the state paid \$1.3 million for was purchased for significantly less only a few years earlier.

REP. LESSER: So that's not encouraging to suggest that maybe we got a bad deal, but thank you very much, and I appreciate your testimony.

TREVOR FURRER: Thank you very much. There's a nice article in the Middletown Press which is fair and balanced about the whole process. Thank you.

REP. MORIN: Is there, Senator McLachlan. Please, have a seat.

TREVOR FURRER: Sorry.

REP. MORIN: It's all right, Trevor.

SENATOR MCLACHLAN: Thank you, Mr. Chairman. Thank you for your testimony today. There is a proposal, perhaps more than one proposal, elsewhere in the Legislature this year calling for a new process of disposing of surplus property for the state of Connecticut whereby first it is declared surplus, and then it goes to an open auction process.

How do you think if this were delayed now and you were in this new process, that it's not yet in place, it's only being considered, where would you be in that picture in an open auction process?

TREVOR FURRER: I probably couldn't answer that until current appraisals were done, because

the original appraisals date back to well before the economic turmoil we faced.

So I am sure that our land is worth significantly more than the 17 acres, but, you know, it sounds like I'd be guessing, so I don't like to do that. I mean, we, go ahead, sorry.

SENATOR MCLACHLAN: No, actually, I'm not asking you to predict what the number would be but just ask would you be a player in an open auction process should that be the way in which you --

TREVOR FURRER: We would be happy to.

SENATOR MCLACHLAN: Okay. Thank you.

REP. MORIN: Thank you, Senator. Anyone else? Thank you very much for your testimony.

TREVOR FURRER: Thank you.

REP. MORIN: Jim Bucko followed by Matt Rutty.

JIM BUCKO: Good afternoon, Representative Morin and Members of the Committee. My name is Jim Bucko. I'm the Managing Partner of Riverhouse Properties and a resident of Haddam. I'm here to offer testimony in support of Bill 1196, Section 14.

Starting in 2005, my three partners and I developed three acres on Bridge Road into The Riverhouse at Goodspeed Station, which is one of the highest regarded banquet facilities in the state of Connecticut. We employed over a dozen construction design companies and hundreds of construction workers.

The majority were Connecticut companies. We opened our business in June 2007, and at the present time, we employ over 150 employees in our company and are the second largest taxpayer in the town of Haddam.

In addition to our company's employees, we also do business with a number of companies in the state, such as Sysco Food Service, Fresh Point Produce, Apparels Plus Linen, Connecticut Distributors, Barton and Brescome, Statewide Meats, Gary's East Coast Equipment, Gardner Electric, and several other food and beverage suppliers as well as local trades.

The ripple effect that the Riverhouse sees or that sends out to DJs, florists, photographers, local shops, local restaurants in both Haddam and East Haddam as well as hotels such as The Inn at Middletown and Sabrook Point Inn is an example of what our business does now and has the opportunity to do in the future.

We are active, highly regarded members of the largest chamber of commerce in the state, the Middlesex Chamber, as well as a strategic partner for the Metro Hartford Alliance.

We have and will continue to support organizations such as the Connecticut State Troopers, Haddam, Deep River, and Essex Fire Departments, local schools from the preschool to the high school level, American Red Cross, which we have hosted blood drives for the past three years, the American Cancer Society, as well as local breast cancer groups, to name a few.

I provide you with all this information so you can understand that we not only support our

state and community but are regarded as true professionals in our business. Not only is our company philosophy healthy for our business, it is healthy for our town and the state of Connecticut.

We provide the highest level of service, product, and ambiance to our customers. Our customers are largely from Connecticut, but we also track groups and companies who do events from our neighboring states such as Rhode Island, Massachusetts, and New York, as well as national companies bringing their events to Connecticut.

If the land exchange was to happen, it will provide us the foundation to start the exploration of developing 17 acres into a well thought out attractive business community that complies with the town's specifications through Haddam's planning and zoning.

If fully developed with an anchor tenant such as an entertainment venue, shops, hotel or inn, train station, and the like, the project could provide as many as 300 construction jobs as well as, may I continue --

REP. MORIN: Please.

JIM BUCKO: -- 400 permanent jobs.

REP. MORIN: Just wrap up, though. Thank you.

JIM BUCKO: Okay. With a rough calculation of estimated potential revenue, the state could realize well over \$2 million in state tax and the town over \$100,000 in tax revenue.

We see this project as a conduit to build a connected business community tying together

Haddam and East Haddam communities which would create one destination for both towns similar to how Mystic is a destination made up of Groton and Stonington.

I have mentioned all the development side of the project, but what also needs to be mentioned is the environmental side. I'm a member of Ducks Unlimited, the National Wild Turkey Federation, Delta Water Fowl, to name a few, as I consider myself an environmentalist.

When was the last time the state was presented with an opportunity to grow tax revenues, provide brand new jobs that never existed before, and preserve five times the amount of open space for local communities and the residents of Connecticut to enjoy?

I've provided you my testimony today to help the Committee and everyone concerned with this exchange to understand this is a rare opportunity for the state economically and environmentally. Thank you for your time. And any questions that you have for me?

REP. MORIN: Are there any questions from Committee Members? Representative Lesser.

REP. LESSER: Thank you, Mr. Chairman. I'm going to ask the same question I guess I asked your predecessor up there. Could you please get into the relative value of the two parcels of the property?

JIM BUCKO: Well, as Mr. Furrer explained, they were appraised 2009, and, you know, I think there is some focusing on that we bought the property for \$428,000, which, again, was in a foreclosure sale, that what we bought it for doesn't necessarily represent what it's worth.

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As Mr. Furrer also stated, you know, it wouldn't be fair to say that the property, the 17 acres is worth \$1.3 million depending on what its value is, and, again, as the former owner I believe bought it for \$180,000. You sell things and you buy things for what they're worth.

REP. LESSER: So just for the record, you believe what they're worth is the 2009 appraisal? What is the value in your estimation of those two properties?

JIM BUCKO: I believe that the value of the 87 acres is a greater value than the 17 acres from a couple of different standpoints. From a development standpoint and from an environmental standpoint, any time you can add five times the amount of land to the state for parks and open space, I think there is a value put to that for the environmental side not focusing on the economic side.

REP. LESSER: You don't have a dollar figure for this Committee?

JIM BUCKO: I don't, not with me, no.

REP. LESSER: Thank you very much.

REP. MORIN: Any other questions or comments?
Thank you very much.

JIM BUCKO: Thank you.

REP. MORIN: Matt Ruddy followed by Sean Zier.

MATTHEW RUTTY: Good afternoon. Good afternoon, Senator Slossberg, Representative Morin, and Distinguished Members of the Committee. My

name is Matthew Ruddy. I am currently the banquet manager at The Riverhouse at Goodspeed Station, a resident of the town of Haddam, and an advocate for Bill 1196, Section 14.

I was first introduced to this ownership group almost five years ago to the day, then a sophomore in college looking for a simple summer job. I spent months as a laborer hammering nails, hauling drywall. I was given the opportunity to interview with the banquet manager at the time a few weeks before the Riverhouse's grand opening.

They brought me in and gave me a position as a banquet server. After two and a half years in that position, with great support and continuous emphasis on the importance of my development from the managing partner, Jim Bucko, I was given the opportunity to accept the lead banquet captain position.

After serving and learning in that position for 14 months, I was shown another opportunity for personal and professional growth. At 25, I accepted my first ever management position as the banquet manager of The Riverhouse at Goodspeed Station. This ownership's commitment to their employees, to their management, and to their families is second to none.

It is a rare thing these days to be able to say that I have a personal and professional relationship with every partner and their families. I am proud to be a member of the Riverhouse, and I am proud to be a member of the town of Haddam.

I firmly believe that this land swap, excuse me, will not only create jobs and revenue for

this community but will also give the 22-year-old young woman or young man a bright future and the same opportunities that I was presented. This is what this ownership group has consistently done for me, and for that, I am forever grateful.

I understand the priority of the partnership to secure this land to not only ensure the land around their business is in their control for development but to further grow their business and continue to provide jobs, careers, and revenue for the town.

I urge the Committee to approve this land exchange. I thank you for your time, and I would be happy to answer any questions.

REP. MORIN: Thank you, Matthew. Are there any questions? I appreciate you coming and testifying.

MATTHEW RUTTY: Thank you.

REP. MORIN: Sean Zier followed by Mark Poole.

SEAN ZIER: Good afternoon. My name is Sean Zier, and I am the General Manager of The Society Room of Hartford. I am here to offer testimony in support of Bill 1196, Section 14. I have had the privilege of being the first General Manager hired by our company early in 2009.

I have witnessed firsthand the potential growth of the company from its early beginnings and have seen many of the goals set forth by the partners come to fruition. I could not think of a better company to be at the helm of a project like this in an effort to create more jobs and more overall growth

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within the community.

I have been the general manager of both The Riverhouse at Goodspeed Station as well as The Society Room of Hartford and have seen both venues go from relative obscurity to leaders in the private event and hospitality industry. I often tell my clients that our company is offering things that other colleagues in the business are not.

We are setting the standard for excellence in our niche of the business world. From weddings to corporate events, we continually exceed the expectations for our clients and their guests. I have no doubt that given the opportunity to expand our talents into the arena of hotel management and the like, we would offer nothing less than perfection.

The future for The Riverhouse Incorporated is limitless, and the notion of encompassing new venues and business opportunities has certainly been part of the larger picture from inception of the company.

The ambition and potential to take the ideals and principles that have made our current company such a success and focus that on a new venture seems to be an idea that has all the makings of a winning concept. As a leader in our company, I will certainly benefit with the possibility of becoming a junior partner in many of our future endeavors.

Being one of the cornerstones in the early stages of a business is both challenging and fulfilling and offers the excitement of achieving personal goals and laying out a template for future success.

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I am honored to be part of such a company and very much look forward to the challenges ahead. Thank you very much for your time, and I'd be happy to answer any questions.

REP. MORIN: Thank you very much. Any questions from Members of the Committee? Thank you very much for your testimony.

SEAN ZIER: My pleasure, thank you.

REP. MORIN: Next up would be Mark Poole.

MARK POOLE: Good afternoon, Senator Slossberg, Representative Morin, and Members of the Committee. My name is Mark Poole. I am a partner of The Riverhouse at Goodspeed Station. I'm here to offer support and testimony for Bill Number 1196, Section 14.

I'm here to give you a little background about our team and the understanding of how our group of experienced individuals is well-suited to undertake a project of this nature once the land exchange becomes, has a positive outcome.

We currently have a team of four partners. Trevor Furrer and myself are majority partners. Jim Bucko and Steve Rocco are in the minority position. I come from a background of 20 years of hotel and restaurant management working for multiple hotel companies prior to starting the development of the Riverhouse project in Haddam.

Trevor comes from a banking and finance background having an integral role in arranging and managing the financing of our projects. Trevor and I also own a property management company, contracting company owning

and managing residential as well as office and retail space.

Jim Bucko brings 20 years of hotel and foodservice management and currently actively manages the Riverhouse in Haddam. And Steve Rocco brings experience as a licensed architect and a local developer in Haddam. Two of our four partners, Jim Bucko and Steve Rocco, are local residents to Haddam and have a vested interest in their community.

This team of experts has experience in developing large scale projects, having successfully designed and built the award winning Riverhouse at Goodspeed Station five years ago. Two years later we took over and repositioned The Society Room of Hartford on Pratt Street into the top event venue in the city of Hartford.

Our latest project getting underway is taking over Avon Old Farms Inn in Avon to rehabilitate, reposition, and reestablish this historic location back to its 252-year history of success and quality in the community.

All of these projects were challenging and required the combined talents of a team to execute and maintain the high levels of success year after year.

We have received multiple awards for our product quality and service. Our group is best positioned to undertake the responsibility of a project like this based on our experience in executing high-quality, large-scale projects like the Riverhouse in Haddam's Tylerville section.

We worked well with community leaders in

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developing the Riverhouse and would do the same with a new project if the land exchange is accepted. We look forward to working through the local Planning and Zoning on a new project as we have in the past.

I think it's a testament to the communities experience with the Riverhouse project that we are supported so strongly with this new potential project affecting Haddam and East Haddam. We are also extremely concerned about what and how a project like this is designed and constructed since we have one of our major businesses overlooking this site.

The first step to unlock the potential of this project is to exchange these parcel of land, locking up the 87 acres of forest land and bringing the 17 acres located in the main economic area of Haddam's Tylerville section back to its rightful role, which is to bring the much needed economic development this town needs, this region needs, and this state needs in its battle to shore up the short falls that we are experiencing now and for years to come.

It doesn't seem to be a better time to undertake this type of project right now. I urge the Committee to approve this land exchange. I appreciate your time, and I'll take any questions.

REP. MORIN: Thank you, Mark. I appreciate you coming in to testify. You know, I'm listening very guardedly to both sides on this matter. It's very intriguing to me. One question I have is, you know, it's, we're trying to place a value, and I'll never, we're all talking dollars right now, because frankly that's what we do.

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But if we step back from, pardon me, from that and look at the intrinsic value to the environment, 87 acres of upland, I'm sure very nice property, versus the 17 acres that's right on the banks of the river. Am I correct?

MARK POOLE: It's not on the banks of the river. It's set back 700 feet behind the railroad tracks.

REP. MORIN: Okay, 700 feet, okay, so 700 feet but close proximity to the river. What kind of permitting would need to be done? Just, because there have to be tremendous amounts of discharge, correct, that you would have to --

MARK POOLE: Discharge from?

REP. MORIN: From whatever you've developed, some type of property there whether it's surface water, you know, runoff from whatever.

MARK POOLE: Sure. Yeah, we went through all of that when we built the Riverhouse.

REP. MORIN: So when you were to do something like that, do you have to go in front of OLISP or different programming besides locals?

MARK POOLE: I'm not aware of other special permitting that we would need to go through outside of the local Planning and Zoning, but as in, with the Riverhouse, when we put our plan in front of them, there were different aspects like the, you know, the commercial, the septic, and we had to go outside the local community to further levels with the larger scope.

REP. MORIN: Would you be within the stream channel

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encroachment lines or no?

MARK POOLE: I'm not aware of that.

REP. MORIN: Okay.

MARK POOLE: We're not at that point in the planning process.

REP. MORIN: Okay.

MARK POOLE: As far as the, as far as you had asked about the land value, I'm not sure if that question's still on the table. I reckon, I'm sure it is.

REP. MORIN: It's always on the table.

MARK POOLE: It's always on the table. From my recollection, the 2009 appraisals that were done when we were working with DEP on that last go around, the 17-acre parcel was appraised at 1.1 million, and the 87 acres were appraised at 1.3 million.

The difference was \$200,000, which is why the DEP, you know, said that that exchange could work. Because we selected the land, it had to work. Now, of course, you know, the economic, you know, impact of the last couple of years and the real estate collapse will affect those, but I imagine it will be fairly similar on both sides.

Again, we're not, you know, we're exchanging land. It's not, I mean, the value needs to be there, but there's no money involved, so empty 87 acres versus the 17 acres. And we have this quite a bit of, you know, hurdles to still go over there.

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REP. MORIN: Thank you. Are there any questions from Members of the Committee? Thanks for testifying.

MARK POOLE: Thank you.

REP. MORIN: Clark Gardner followed by Liz West.

CLARK GARDNER: Ladies and gentlemen, thank you for the time. I'm not a public speaker, so let me apologize ahead of time for what mistakes surely I'll make.

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To get started, to the best of my ability, there was an application, and the application was granted for them to get tax abatements, in other words, the Goodspeed Landing for seven years. I believe the first year of that seven was fairly low, and they would reach 100 percent taxation at seven years.

There's a lot of talk about their income to the town and the state, but I'm sure they'll reapply for this. And if it's granted, then that income that they're saying the town and state will get will be dramatically less. That needs to be inserted.

No one's brought it up, but I see that the partners are bringing that up that it wouldn't bring you a lot of income. Also, my family's been in that town since 1908. We have 16 acres that we gave to land trust, Haddam Land Trust, just gave it to them.

The land is on Route 81, and their 87 is behind it. If I understand it correctly, if that land was sold by the Haddam Land Trust, and a developer was brought in, I'd be quite upset. I also don't buy those numbers.

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I just don't. Seventeen acres on the Connecticut River versus 87 that the former developer, Mr. Ming, was only able to site 18 to 20 houses. That's not a lot. I don't understand how the 87 could be worth over a million. I'm not a surveyor or a land trust person, so I don't know.

I would definitely ask the Board to seriously consider this, and I oppose it. I don't think it's a fair swap, and that 17 acres is for the enjoyment of all 169 towns, not just the people that go up and down on speedboats. It's a nice piece of land.

Seven hundred feet from the coast is I would say not on the banks but pretty close to it. Everything goes up from there, and the Gateway Commission I think sees that that's a pretty valuable piece of land. Again, if that 16 acres that we gave to Haddam Land Trust was developed, I'd be very upset.

I don't know who gave the 17 acres. DEP paid a lot of money for it. The economy's on its way back. It'll be worth a lot more money in a few years, and I think if they want to use the 17 acres, then they should write a check to DEP for the difference. I don't think it's a fair exchange at all. Okay. Well, thanks a lot.

REP. MORIN: Thank you very much for taking the time.

CLARK GARDNER: Thank you.

REP. MORIN: Are there any questions? Appreciate it. Liz West followed by Mike Fortuna.

LIZ WEST: Good afternoon. My name is Liz West

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Glidden. I'm the Town Planner for Haddam. Thank you very much for your time this afternoon. Paul DeStefano, our First Selectman, can't be here today but wanted to send along his regrets.

He has submitted a letter to you in favor of this Bill, 1196, Section 14, that is in your documentation. As I had mentioned earlier, I'm in favor of this bill. For all the same reasons that it is good for the town of Haddam, it is good for the state.

It will expand the tax base. It will create jobs. It creates redevelopment opportunities, and it will enhance cultural tourism in the area, which will benefit the state in general. Specifically, this proposal would be in harmony with the State Plan of Conservation Development and the Town's Plan of Conservation Development.

The property is zoned industrial and has been since 1958. It embraces smart growth principles, as it would direct new development and redevelopment to an area within a village district therefore preventing, you know, sprawl or redevelopment in an area that is not appropriately zoned.

This project would support cultural tourism for those who come by steam train, by cruise line, by motorboat, car. I suppose you could even throw in the East Haddam Airport. That is going to expand tourism, because you, these people are all coming from someplace, so the steam train's going to leave from Essex.

The motorboats are going to leave from down on the shore to the north and come south. There's a marina across the street. It is our

goal someday to have a walking bridge across the swing bridge from Haddam to East Haddam to further foster economic vitality and cultural tourism.

You're going to hear from many people today who are opposed to this bill based on the fact that we don't have concrete design plans in front of us. I think that the decision for all of you is not whether or not it should be clapboard or brick or whether or not there should be restaurants and shops or whether or not it's a theater or a retail center.

I think the issue before you is whether or not this land should be exchanged, this transfer of land between DEP and a private partner. It's fairly well accepted that there is, could I just finish my thought here? It is fairly well accepted that there is contamination on this site.

I would ask all of you whether or not the DEP is prepared to abate and remediate this contamination. It's fact that there is groundwater contamination in Tylerville that has affected several of the wells in the area.

We have been granted a STEEP grant and also a DPH loan to work to extend the Tyler, the water main from Tylerville into this area to provide clean water for residents. But as you consider the value of the land, one of the things that I think needs to be considered is the cost of this abatement and remediation.

And lastly, I just wanted to say, you know, to have some faith in us planners. You have several, the state has several agencies set up to review this. Obviously, this is something the DOT would be involved in with regard to

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traffic patterns, as it's on a state road. Your Department of Public Health will be reviewing this.

OPM, the Connecticut Historical Trust, I'm sure will be involved as it would be looking at the Goodspeed Opera House. And obviously there's a number of regulations within the town that would be, come into play if this transfer were to occur and there was a development to go there.

REP. MORIN: Liz, did you provide written testimony for us?

LIZ WEST: I did not.

REP. MORIN: Okay. Well, if you would like to, certainly it's always helpful for us to have it as we further on down the line review.

LIZ WEST: Okay. I can do that.

REP. MORIN: Representative Abercrombie, then Senator McLachlan.

REP. ABERCROMBIE: Thank you, Mr. Chair. Just a quick question. The gentleman before you spoke about the 16 acres that his family had donated. Is that in these plans or in any future plans to be used?

LIZ WEST: It is not. That 16 acres is in Higganum, and it is deed restricted. It's now, I believe it's owned by the Land Trust, the Middlesex Land Trust.

REP. ABERCROMBIE: Thank you, Mr. Chair. Thank you.

LIZ WEST: Haddam Land Trust, excuse me.

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REP. MORIN: Thank you, Representative. Senator McLachlan.

SENATOR MCLACHLAN: Thank you, Mr. Chairman, and thank you for your testimony today. I wonder if you could give me some perhaps technical answers about the neighborhood. The environmental challenges on the property, what was the source of that problem?

LIZ WEST: It's believed, I don't have a, I don't know that there's any reports. I know that there are some drums on the property that are believed to have had, you know, oil-type products and things like that in them.

This land abuts the DOT garage, and I suspect that the contaminants in the soil, although I have not done testing, would be things like volatile organic substances, things you find in gasoline, oil, work from diesel engines, things like that.

There could also, the area has quite a bit of TCE, so this may encumber, the properties nearby that do have wells do have TCE contamination in their groundwater supply. Does that answer your question?

SENATOR MCLACHLAN: So you mentioned it's industrial land. This property was used as industrial use in the past, I'm assuming.

LIZ WEST: It was used as a sand and gravel mine as recently as, I'm going to say seven or eight years ago. Prior to that, I do not know what the historic uses were for this property.

SENATOR MCLACHLAN: (Inaudible). I'm sorry. What is the Clark Creek Wildlife Management Area?

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LIZ WEST: I'm actually not that familiar with it, but there is an area on that along the riverfront that includes an eagle viewing shed. It's actually across the street.

I would say that that area's, just going off the top of my head, at least 5 or 600 feet away from this proposed site. To answer your question directly, I don't know. I assume that it's a private conservation organization.

SENATOR MCLACHLAN: Okay. And last question, if I may, the process, you say it's within the state and the town's plan of conservation and development. Is there a significant change in zoning compliance by a proposal of this nature that will be needed?

LIZ WEST: Yes and no. Right now, the town is undertaking a basic review of its zoning regulations. If this transfer of, land exchange were to happen today, there are, and the property is zoned industrial. There's actually not a lot of uses that could be done with the property except for things like warehousing, your typical industrial uses.

What the plans would be subject to are things like the 35-foot height limitation, which is throughout the town, which I don't expect to change, and things like density calculations, mass and scale, which we have within our regulations.

The town is doing a comprehensive change of the zoning regulations really just to update them at what I would call this as a quick and dirty update just to get rid of some of the typos, some of the terms are very antiquated, and to allow some additional uses in the

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various zones. And that would include the industrial zone.

The Tylerville Village area, there is a committee set up that is reviewing regulations to put in place to bring redevelopment to that area, and that would probably, I'm going to sneeze, that would include this particular parcel as well.

Those have not been, they're in draft format, and they're being circulated by a subcommittee, but they are not ready to go to the Planning and Zoning Commission yet.

SENATOR MCLACHLAN: Thank you. Thank you for your answers. Thank you, Mr. Chairman.

REP. MORIN: You're welcome, Senator. Anyone else? Thanks so much for your testimony, Liz.

LIZ WEST: Thank you.

REP. MORIN: Mike Fortuna followed by Jeff Pugliese.

MIKE FORTUNA: Hello. My name is Mike Fortuna. I am the Chairman of the Economic Development Commission in Haddam. And I'm here to express the support of the entire Commission for the proposed property exchange of land in Higganum adjacent to the State Forest and Land Trust in exchange for the land in Tylerville adjacent to the Riverhouse property.

Several years ago when the state DEP obtained the parcel of land, the consensus of EDC was that a key parcel of the redevelopment of Tylerville was suddenly taken off the tax rolls and that the economic development opportunities in that section of town were

adversely affected.

While it was clearly understood that DEP's intent was to secure riverfront property, the loss was significant. With the proposed property exchange, the town would be able to return the less environmentally sensitive portion of that site back to productive use while ensuring the riverfront parcel remains protected.

Equally significant is the removal of forest land from the likely fate of residential development, which would result in a net loss of tax revenue to the town due to the services required to support it as well as the significant environmental impact.

If the transfer is denied, we can envision the future of both parcels, and the outlook seems bleak. State budgets will not support the cleanup or productive use of the Tylerville parcel. On the other hand, the 87 acres of forest would likely fall victim to clearing for subdivisions and roadways and the inherent environmental impact of that development.

Haddam's rich history is centered around its two villages and its place in the Connecticut River Valley. We have before us an opportunity to positively affect the next chapter in this rich history.

A future with sustainable and livable town villages coupled with protected natural lands is far brighter than the other likely scenario. There is no more environmentally sensitive method of development than to concentrate that development in thriving centers and avoid sprawling.

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In conclusion, the state's express desire to support economic development, job growth, tourism, regionalism, and environmental protection is embodied in every aspect of this proposed transfer. Thank you.

REP. MORIN: Thank you, Mike. Any questions from Committee Members? Thank you, sir.

MIKE FORTUNA: Thank you.

REP. MORIN: Jeff Pugliese followed by Mark Walter.

JEFF PUGLIESE: Good afternoon, Representative Morin, Members of the Committee. Excuse me. My name is Jeff Pugliese, and I am the Director of Legislative Affairs at the Middlesex County Chamber of Commerce. And I am here today to offer the Chamber's strong support for Senate Bill 1196, AN ACT CONCERNING THE CONVEYANCE OF CERTAIN PARCELS OF STATE LAND.

The Chamber's particular interest in this bill lies in the section dealing with the proposed land swap in the Town of Haddam. Under this plan, the state would exchange land, which is essentially a former sand pit, full of shrubs, so it could be redeveloped as a tourism destination and a job creator for the local economy.

The Riverhouse at Goodspeed Station, a banquet and conference center in Haddam and very strong corporate citizen, would receive the state-owned land abutting the facility and would develop it in both an economically and environmentally responsible way.

The Riverhouse is offering to exchange a large tract of forest land that would connect

Cockaponset State Forest to Route 81 in the Higganum section of Haddam. This proposal would allow DEP and residents of the local community better access to this pristine area of forest in Connecticut's River Valley.

Our Chamber believes that the state has the chance to develop a 17-acres sand pit in a way that will create hundreds of jobs, will serve as a continuing source of tax revenue, and will also provide the opportunity to preserve 87 acres of beautiful virgin forest land.

In our view, this is a situation where everyone wins. It is clear to everyone that Connecticut needs economic development projects that will create jobs. This proposal accomplishes just that while simultaneously being conscious of the environment.

This is precisely the type of quality project that will help us improve our economy both in Middlesex County and in the State of Connecticut while employing true smart growth initiatives that are environmentally responsible. Thank you for the opportunity to testify this afternoon.

REP. MORIN: Thank you, Jeff. Are there any questions? Appreciate you taking the time.

JEFF PUGLIESE: Thank you.

REP. MORIN: Mark Walter followed by Tom Marsh.

MARK WALTER: Representative Morin, Representative and Senators, thank you. As the First Selectman of East Haddam representing the citizens of East Haddam, I share the concerns of many citizens regarding the conveyance of the 17-acre parcel adjacent to Eagle Landing

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State Park in Haddam.

I expect the legislation to carefully weigh the concerns of everyone involved. That said, I'm mindful of the importance and value of developing resources that encourage regional tourism. Our own Economic Development Commission has been working on plans to develop a similar area on our side of the river with our Village Revitalization Committee.

The possibility of a small boutique hotel along with other types of retail in this area has potential benefits for many of our town businesses, most especially the iconic Goodspeed Opera House. As I have said in the past, I have known the Riverhouse partners to be good employers and civic partners.

They have recently endeavored to be open with us about their plans and process and stated a willingness to work with us to bring retail traffic to our side of the bridge. They are not outsiders to the community but local residents who share our concerns about protecting our resources.

The First Selectman and every major Board in Haddam has their support, and I see their effort as a key component to the redevelopment of the Tylerville area. I believe a prosperous future requires that we all work together. We cannot build East Haddam as an exclusive island.

A regional effort is a must to create a critical mass of tourists and visitors needed to produce a steady supply of customers to one of the prettiest river regions in the country. Thank you.

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REP. MORIN: Thank you. Are there any questions?
And I appreciate you taking the time.

MARK WALTER: Appreciate your time.

REP. MORIN: Tom Marsh followed by Jane Boston.

TOM MARSH: Good afternoon, Representative Morin
and Members of the Committee. My name is Tom
Marsh. I'm the First Selectman of Chester.
I'm here to testify in support of Senate Bill
1196, specifically Section 14.

The natural beauty of the lower Connecticut
River offers a treasure not only to
Connecticut but to the country. There are,
however, many pretty places. What makes our
end of the state truly special is the quality
of life our communities offer, a quality that
is the result of our ability to balance
recreation, economic, and conservation efforts
in our overall stewardship of our environment.

It's not surprising that five of Connecticut's
top nine small towns, as ranked by Connecticut
Magazine, are found along the shores of the
lower Connecticut River. As we continue to
navigate some of the most difficult economic
times in state history, our political leaders
talk of improving the state business climate
and of making tourism a top priority.

This proposal is an opportunity to put words
into action. The two Goodspeed theatres, the
Connecticut River Museum, recreational
boating, the Chester Hadlyme Ferry, and most
recently, The Riverhouse at Goodspeed Station,
have brought visitors to our area.

And those visitors shop in our stores, eat in

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our restaurants, and they recently even attracted the attention of an aerospace manufacturer who I'm pleased to say relocated their business to Chester and brought 65 jobs along with them.

And that was because of the quality of life our area offered. The proposed land transfer and associated development will only add to our quality of life. We know agencies are in place that will protect and provide the required oversight.

As municipalities, we have demonstrated the ability to balance the need for environmental protection and the desire to live, work, and recreate in such a special place. The parcels in question will allow an expansion of access for both recreation and economic development.

The 80-plus acres overlooking the river will be enjoyed by those who visit our state forests. And the possibility of an appropriately scaled development will provide synergistic benefits to the business and residential communities of all the surrounding towns.

And for these reasons, as First Selectman of Chester, Haddam's neighbor to the south, I strongly support the proposed transfer. Thank you very much. Questions?

REP. MORIN: Thank you, Tom. You know, I, and I want to comment for you and the previous speaker both, I believe, First Selectman, coming from the municipal side, being a mayor of a town, we always have to balance the financial aspects of what we do, and our mill rates and how that affects our citizenry as well as the quality of life of what people

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view from an aesthetic view, so it's, this is very interesting to listen to both sides.

It's going to require a lot more work. But I appreciate you and frankly everyone that's coming and sharing your points of view on this. Senator, anybody?

TOM MARSH: I think, too, just from our municipal leadership point of view, it's important to understand that any single project, whatever the scale this is, probably isn't enough to really change a property taxpayer's mill rate.

The value comes from our stewardship of our communities and the quality of life we offer that raises, you know, raising time to sell boats. Towns of our size really can't bring an entity to town that's going to lower anybody's mill rate on its own. It's got to come from the synergies that we see by managing all aspects appropriately.

REP. MORIN: And I guess that's kind of where I was going, although you said it much better. I will say it always is the balance, and I, you listen to both sides, some people that live in a town such as Chester or East Haddam are there strictly because they enjoy the peacefulness, and they don't want development, and they don't want what this type of project would bring.

I'm not saying one way or the other where I am, but that's something that elected officials in those municipalities often have to balance.

TOM MARSH: Well, come down and see the site and then have dinner in Chester, spend a little money.

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REP. MORIN: I believe Senator McLachlan may have had a question.

SENATOR MCLACHLAN: Thank you, Mr. Chairman. Thank you, First Selectman Marsh, for your testimony. I'm, I guess I'm intrigued by the uniform agreement of the local elected officials on this, both neighboring towns that are in agreement on this. And I'm wondering is, what is the proximity of this site to Chester?

TOM MARSH: Probably, it'd be a mile and a half maybe from our town lines, but it's not so much the distance, it's the matter of all of us are small towns, and we all have things to offer that help others.

Like the Goodspeed Opera House is located across the river, but there's not enough restaurants just in East Haddam or Haddam to accommodate those visitors, so we benefit greatly. We also benefit from the Goodspeed right in Chester.

When Essex has their Thomas the Train event or their Eagle Watch Festival, we, just because again the size of our towns, we see the economic benefit coming this way.

Conversely, if any one of us really kind of went off the reservation and didn't manage our little end of the world in an appropriate way, you would see detriment that would ripple throughout.

That was something when we talked about the Essex steam train and possibilities of some changes coming to the way that service would be provided, and it would cut through all of

our communities. We, again, had a pretty unified front on how we wanted to see the stewardship of that asset taken care of.

So part of it is we're all 6-, 8,000-person towns, but we all are joined by the river. And, I mean, you can kind of look with half of a grin at the Connecticut Magazine's ranking of towns. But I'm proud to say Chester was the best small town in Connecticut.

Deep River was the third best small town. Lyme was the best really, really small town. Essex and Old Lyme were ranked second and third. And it's not because we're all geniuses down that way, although I think you would all hear us argue that we are, but it really has more to do with the natural assets we've been given to work with and on how well we've managed them.

And I can say having the Riverhouse up in Tylerville, the things that you may not, people who come to visit it to take a look at whether or not they want to have their wedding there, they stop in, and they shop in Chester.

And, conversely, if they didn't do a proper job with that original development, people coming in to look at the river from the boats or bring their boats in the marinas along the way, if they saw that it was kind of going the wrong direction, that the development wasn't appropriate to the community, we'd hear it, and we'd see it.

And I can say in my community, I haven't heard a concern. And I also have to say we have been the recipient of a lot of the oversight that is required to do anything within any proximity of the river.

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And there are some very strong opinions, and I kind of say, you can have extremes on both sides that give you to, you know, a middle that makes sense. But you can look at hundreds of years of development in our area, and you can see that it's been done well.

SENATOR MCLACHLAN: Thank you, Mr. Marsh. Thank you, Mr. Chairman.

TOM MARSH: Thank you.

REP. MORIN: Thanks. Jane Boston followed by Gail Reynolds. Did Jane hit the, there you go.

JANE BOSTON: See, I'm new at that. I'm a resident, and I brought my BlackBerry today. And if I had to go through a 15-page or a 100-page bill, I would need hand surgery. But good afternoon, Representative Morin and GAE Committee Members.

I am opposed to the land conveyances proposed in Section 14 of S.B. 1196, which would take 17.4 acres of prime riverfront area open-spaced land and trade it for land in the Higganum section of Haddam.

I am a resident of Marlborough, and we and many residents from all points in Connecticut and beyond visit the Eagles Landing State Park, which appears to border the parcel of land in question.

This transaction would set precedence in taking land that was donated with the clear intention of open space for the public to enjoy and place it in the hands of private developers for their own personal financial gain. Future access will be restricted to

those who can financially afford it.

This goes against the wishes and generosity of the original donor whose intention was that this amazing land with stunning views of the Connecticut River be forever available to the people of Connecticut in perpetuity.

It calls into question the many and ever increasing donations of open space made across the state that provide residents with access to acres of pristine land for passive recreation, nature trails, scenic vistas, and more. There is no clear development plan in place.

You have no reassurance that the development envisioned won't have a negative impact on the Connecticut River, Eagles Landing State Park, and the general river valley which many preservation groups have worked so long and hard to preserve and protect.

Please ask yourselves, would you donate land to the State of Connecticut knowing that in the future they could convey, trade, or sell it to the highest bidder?

Think of all the future land donations that you're impacting today as people realize that there's no guarantee their generous bequest won't live on as the public oasis they intended. And I would like to thank the gentleman whose family donated 16 acres (inaudible).

A VOICE: It wasn't donated.

JANE BOSTON: It wasn't donated?

A VOICE: Bargain sale.

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JANE BOSTON: Oh, bargain sale. Thank you.

REP. MORIN: Are there any questions? Jane, thanks very much for taking the time. Gail Reynolds followed by Harvey Clew.

GAIL REYNOLDS: Hi. I'm --

A VOICE: (Inaudible).

GAIL REYNOLDS: Oops. I'm the, I'm Gail Reynolds, the Chair of the Haddam Conservation Commission. I'm also Vice President of the Land Trust, although I'm not speaking on behalf of the Land Trust, so that's why I know that that was not a donation, it was a bargain sale, the 15 acres in Higganum.

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Anyhow, the Haddam Conservation Commission wishes that both the 17 acres in Tylerville and the 87 acres in Higganum could remain undeveloped. It doesn't seem that way, so we are per Chapter 97, Section 7-131a of the Connecticut Statutes are weighing on utilization and possible utilization of land areas of the municipality of Haddam in this case.

Natural resources do not adhere to artificial boundaries set by humans. Similarly, monetary values designated by humans do not often incorporate intangible values associated with public good, community character, public health, future and/or avoidance costs for public water and sewer systems and pollution management.

Therefore, the Conversation Commission doesn't advocate a dollar for dollar approach to evaluation of the proposed land swap but

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rather what makes sense for the long-term benefit of both citizens and natural resources of Haddam. The 2007 update of the Haddam Plan of Conservation and Development guides Haddam land use.

The overall message of the Plan of Conservation and Development document promotes development in mixed-use village centers and highly discourages residential sprawl as our planner told you. My testimony has specifics. I'm going to skip that.

The Haddam Conservation Commission supports the land swap as long as the bill language for the swap and subsequent actions by all parties satisfies the following conditions. The entire 87 acres of privately owned land off High Street in Higganum become part of Cockaponset State Forest.

In addition to fee ownership by the State of Connecticut Department of Environmental Protection, a conservation easement on the 87 acres to a conservation organization such as Haddam Land Trust of Connecticut Forest and Park Association reinforces the 87 acres will remain as conservation land in perpetuity and not developed.

To guarantee permanent conservation, both fee ownership with deed restrictions and a conservation easement are recommended by conservation experts. And I think that if the deeding in intents of what had happened before was more specific that this wouldn't, we might not be here today.

There are no residual provisions for residential development of the 87 acres in Higganum as part of the swap agreement. Any

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subsequent development of the Tylerville parcel will follow Haddam Zoning Regulations and Gateway Zone Regulations and if existing, Tylerville Village Zoning Regulations.

Although the development process must follow the appropriate regulations and processes, reinforcement in the property deed may also be necessary. Haddam Conservation Commission, can I just --

REP. MORIN: You can wrap up, sure.

GAIL REYNOLDS: We feel strongly that this unique opportunity to form a conservation corridor or greenway with the nearby state forest should be realized in Higganum, because the Cedar Hill Preserve that Clark Gardner's first cousin, Linda May Peck, we had a, Land Trust had a bargain sale with her.

That front's on 154, and this 87 acres is the gap between that and Cockaponset Forest, so you'd have a greenway there all the way through, down as far as the forest extends, which is quite extensive. Land will be available for wildlife habitat hunting, passive recreation.

Development brings fragmentation of the forest, impervious surfaces, Mike Fortuna said all this. Avoidance of these changes will promote groundwater recharge for Higganum Center, the other designated center for development in Haddam. And you can read everything else I have. Any questions?

REP. MORIN: Well, first of all, thank you very much for your testimony. It's very well done and will certainly be helpful as we move along.

GAIL REYNOLDS: Yeah, sorry. When I testified last year, I had maps showing this, but I wanted to keep it to two pages this year, so I didn't put any maps in.

REP. MORIN: We appreciate that. And it's very helpful for me, because I wasn't here last year. Are there any questions? Senator McLachlan.

SENATOR MCLACHLAN: Thank you, Mr. Chairman, and thank you for your testimony again on this topic. You did say something, though, about a land use restriction.

GAIL REYNOLDS: Right.

SENATOR MCLACHLAN: The 87 acres, once conveyed to the state, which will become part of the state forest, should and I think you said must --

GAIL REYNOLDS: Yes.

SENATOR MCLACHLAN: -- or you're highly encouraged that a private entity hold a conservation easement.

GAIL REYNOLDS: Right.

SENATOR MCLACHLAN: This is state land. Why would we want to do that?

GAIL REYNOLDS: Well, I don't know that state land is necessarily protected in perpetuity, just as it is. I mean, I think that everybody assumes it is, and it's, the state forest is managed as it is, but I don't know that it truly is.

And in all my work in land conservation, the

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current theory or the, you know, mode of operation is to have a, you know, a conservation like owned by the state or by a land trust or some other group and then also have an easement on it and both have restrictions so that it really will be conserved in perpetuity.

SENATOR MCLACHLAN: And you may know that when the state acquires land in open space grant process, in the closing, there is a restriction placed on the property, is my understanding. So you're saying that the state deed restriction at time of acquisition is not adequate enough to protect the land?

GAIL REYNOLDS: No, I mean, just looking, some people have, who have testified today have said that, you know, the 17 acres, you know, is like should be preserved in perpetuity, but the deed says should not must or will, shall.

And I think that that, and, again, I'm not a lawyer, but I think that that one word there really doesn't protect it in perpetuity, because if it truly was protected in perpetuity, then the Conservation Commission would never support a swap.

SENATOR MCLACHLAN: Thank you for your opinion on that.

GAIL REYNOLDS: Sure.

SENATOR MCLACHLAN: And then one last point.

GAIL REYNOLDS: Sure.

SENATOR MCLACHLAN: I'm assuming that the Conservation Commission and the Land Trust for whom you're not speaking on behalf of today

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participate in the zoning regulation change process, you've chimed in on those kinds of things in your community?

GAIL REYNOLDS: Yes, yes, and we also review development proposals.

SENATOR MCLACHLAN: Thank you. Thank you, Mr. Chairman.

REP. MORIN: You're welcome, Senator. Thank you for your testimony.

GAIL REYNOLDS: Thank you.

REP. MORIN: Harvey Clew followed by Representative Akert.

HARVEY CLEW: I'm sort of stiff.

REP. MORIN: Those seats will do it to you.

HARVEY CLEW: We're on here? Okay. Can you hear me everybody?

REP. MORIN: Absolutely.

HARVEY CLEW: My name is Harvey Clew, C-l-e-w, from Haddam, a former politician. I was over 15 years in politics. I was elected to the Board of Selectmen, the Board of Education, and named to a number of other committees, the most relevant being the Mid-State Regional Planning Agency and the Connecticut River Gateway Commission.

I may be one of the few locals involved in this on both sides. I must say some of the strongest opposition and the hardest workers are not originally locals, but they've done a great job on this.

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I would, I've noted numerous claims and misinformation on this proposal over the past three years, and I would strongly encourage the Committee and its staff to scrutinize claims very closely. For example, Gail Reynolds, are you still there, Gail, should have said that her Conservation Commission has not voted on a position for this.

I trust her when she says, oh, well, we all agree on it, and, you know, we sit around and talk about it. But that's not the same as going on the record. And she should also have said that she lives fairly close to or maybe even adjacent to this 87 acres, so on that alone she should have secluded herself from this.

So enough of that personal stuff. I didn't want to do that. Well, I have to add that other Haddam officials who have endorsed this, allegedly endorsed it in some cases, I don't have first information, are speaking for themselves.

The First Selectman speaks for himself, not for the Board of Selectman, and I'm told the head of Planning and Zoning has endorsed this already. Obviously, they haven't voted on it. So I'll sum up first, because I'll probably go over, run out of time.

This proposal sabotages the state's open space program, and I have to say, Senator Daily is irresponsible and outrageous really in proposing this three times in a row. I endorsed Eileen originally way back and worked for her, but I can't after this. Is that it?

REP. MORIN: I'd like you to wrap up. Do you have

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a few more words you'd like to say?

HARVEY CLEW: Well --

REP. MORIN: If you can wrap up.

HARVEY CLEW: -- I didn't even get anything else,
but --

REP. MORIN: Did you submit testimony to us,
Harvey?

HARVEY CLEW: No. Did you say it can be submitted
later?

REP. MORIN: Yeah, if you would get it to our
Clerk, Kate Chase, she's over there, you get
it to her, and we'd, I'd love to have it in
the record.

HARVEY CLEW: Could I do it in a few days?

REP. MORIN: Yeah. Just get it to her, and we'll,
because that will be helpful to us as we
deliberate.

HARVEY CLEW: The Committee staff, right?

REP. MORIN: Yes.

HARVEY CLEW: Okay. Well, I had a summary. Can I
just give that? That sabotages the open space
program. It'll damage, approving this would
damage the Legislature's standing, and, I was
in politics 15 years, and a better alternative
is to buy the 87 acres. Thank you.

REP. MORIN: Thank you, sir. I appreciate you
coming. I believe Representative Akert
followed by Steve Werbner. Welcome,
Representative.

REP. AKERT: Thank you, Chairman Morin, I appreciate the opportunity to speak, and Members of the Government Administration and Elections Committee. For the record, I'm Representative Tim Akert. I'm here to testify in support of Section 9 of Senate Bill 1196.

Section 9 would allow the Coventry Historical Society to sell property located at 2187 South Street in Coventry, it's called the old Sprague House built in about the late 1700's, in order to use these proceeds of the sale to assist with maintenance at two other properties for the Coventry Historical Society, the Strong Porter House, which is located right across the street from the Nathan Hale Homestead and hosts many educational tours for historians and school children.

And the Brick School House also located in Coventry actually holds classes for local school children to see how education was delivered in the 19th century and even as late as 1950. Essentially, and you've got my testimony, so I'll make it very simple, the home has a stipulation on it that it can only be used, the Sprague House, that is, for a museum.

And it was turned over in 1963 to the Coventry Historical Society for, they bought it for a dollar actually. In that time, over about the last four years, they've been trying to sell the property.

And once the buyer's attorney found that in the title that it could not be sold for the residents, they turned to myself and to, now I'm turning to you for your support of turning

this, allowing them and change this, in the notes, you know, so that they can sell it and take the proceeds to work on the two facilities that are in need of desperate repair.

It's a win/win on all properties, because the Sprague Home would then be rebuilt and be used for private sector, you know, allowing a little bit of the, the character of the, to bring back the character of that community.

And also the Sprague Home, which needs a new roof, what they want to do is take the funds from the sale and leverage that with matching monies from the Connecticut Historical Foundation and repair roofs, rebuild the barn, and I'll close on that.

And if you have any questions, I'd be more than happy to answer. It's a lengthy testimony, and you have that, and, but if you have any questions, I would be more than happy to take them.

REP. MORIN: Well, we do have it, and we appreciate it and certainly appreciate you. I know you're busy bouncing around like the rest of us.

REP. AKERT: Yeah, that's right, yup.

REP. MORIN: So we do appreciate you coming in. Any questions? Your testimony will help us, and I look forward to working with you. If I have any questions, I'll contact you.

REP. AKERT: Thank you so much, Chairman. I appreciate that. Appreciate your time.

REP. MORIN: My pleasure. Likewise. Steve

Werbner, are you here, followed by
Representative Miller. Really, Joe Miller?

STEVE WERBNER: Thank you, Chairman Morin and
Members of the Committee. My name is Steve
Werbner. I'm the Town Manager of the Town of
Tolland. SB1196

On behalf of the Town Council of Tolland, the
Planning and Zoning Commission, and the
Economic Development Commission, I urge that
you support passage of this bill as it relates
to Sections 6 and 11.

The Town of Tolland is asking that an open
space deed restriction on a nine-acre parcel
of land deeded to the Town from the State some
nine years ago be removed and replaced with an
economic development use.

The Act allowing the original transfer was
Special Act 03-19, approved July 2nd, 2003.
This parcel of land is located in the proposed
Tolland Village area with some 75 acres of
developable land surrounding it on two sides
of the road just off interstate I-84.

The Town, working through its Planning and
Zoning Commission, has for the last several
years been working with landowners, residents,
town officials, and consultants to develop a
concept plan for possible development of this
Village area that would apply the principles
associated with a transit-oriented
development.

This parcel has been identified as a key
component of the overall development based on
its relationship to other parcels in the area.
The piece is landlocked and not suitable for
use as open space by the Town.

The Town has, over the last ten years, purchased and preserved some 1,000 acres of open space in other areas of the town, and overall 20 percent of Tolland's land mass is classified as open space property.

The Town has limited opportunities for mixed developments and is excited about the potential this concept plan brings to the community for creating much needed housing, services, and job potential.

It is our goal to have regulations prepared for this zone by June 1st, which will allow developers time to begin assessing how the best private market, how the private market can incorporate our concepts into their development scenarios.

In addition, the Town is also desirous of working with the Department of Transportation to move an existing commuter lot which is in close proximity to the subject parcel to a similar size piece of property across the street.

Preliminary discussions with the department officials concerning this matter have been encouraging, and the department has suggested that we seek legislative approval to allow for this to happen in a timely fashion.

It is anticipated that there would be no cost to the State for this action. By relocating the commuter lot, we will provide a means for cost-effective access into the nine-acre parcel.

Overall, the conveyances requested will be of extreme benefit to the Town and its ability to

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put forth a development concept that meets the best planning practices in terms of sustainability, transit oriented development, protection of the environment, and the creation of housing and job opportunities. The Town of Tolland urges that the Committee take favorable action on this bill.

REP. MORIN: Thank you, Steve. Did you provide testimony for us, written testimony?

STEVE WERBNER: Yes.

REP. MORIN: Maybe I'm just getting old, and I can't see. I'm looking on.

A VOICE: You are 50.

REP. MORIN: Yeah, I know. I'm looking, I appreciate that, and I know Representative Hurlburt's been involved, and if we have any questions, we'll be glad to work with you to get that (inaudible).

STEVE WERBNER: Appreciate it.

REP. MORIN: Do you have any questions? Thanks so much for your comments and staying.

STEVE WERBNER: Thank you very much.

REP. MORIN: Is Representative Miller hanging around? There we go. Welcome. Followed by Michael Labriola.

REP. MILLER: Yes. Good afternoon, Representative Morin and Distinguished Members. And I just want to say this on the side. I did know that you were a mayor, because eight or nine years ago, I studied your town, Wethersfield, and it's very good school system so that we, down

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in Essex, could ultimately steal one of your best principals to run our elementary school. And it worked out great, so thanks.

REP. MORIN: So remember that, sir.

REP. MILLER: Yes. Dr. Joanne Beekley, who does a great job. Yup. I come to you today, and I've submitted my testimony as a four-term First Selectman and previously Land Use Commissioner and a long time Land Trust volunteer in Essex. And I have experience in open space acquisition around the lower Connecticut River, an area which I now represent, including Haddam.

We know the value of open space. I've worked on all sorts of land donations which utilize charitable giving benefits, sales of development rights, and even retail sales of land designated for preservation and/or passive recreation and with rightful future expectation and promise clearly stated, understood, and honored in perpetuity.

The proposed land exchange in the Tylerville section of Haddam is proximal to the Goodspeed Bridge, one of the prime public contacts, along with the Chester Ferry to Gilette's Castle route, with the public trust, the Connecticut River itself, championed by the honorable Gateway Commission and most positively upheld by me and my service.

This conveyance before you caused me to be very confused initially, and there is a strong misrepresentation of this, and it's now caught up in a lot of slick marketing and a full court press by proponents who seek to base their private development on first having to procure, through the Legislature, public land

conveyed to the State and paid for with \$1.3 million by the citizens of Connecticut, for a larger property worth less than half a million dollars.

And while the State property is undeveloped and at present available only as marginal overflow parking to Eagle Landing, it is clearly been shown to be land intended by the seller to be conservation land in perpetuity.

That the Legislature would consider this exchange sends a very troubling message to those who would donate such land for this purpose, that, yes, you can be generous, whether by donation or fuller sale value, and the State or other receiving entity may exchange this land at some point in the future depending on if there is the temptation of profiteering at play.

Meanwhile, while the idea of Tylerville lodging definitely has merit, there is still unresolved groundwater contamination with Trichlorethylene and unresolved zoning uses which need attention. There are street-front parcels available in this region for potential lodging and maybe even a new splendid Goodspeed Opera House some day.

There are hundreds of Haddam citizens dismayed and feeling slightly disenfranchised because this has not been publicly discussed and only made to look like the work of Senator Daily. More importantly, I don't want to pass this because it's bad policy, and I look at this body as the fair-minded arbiters of preserving conservation designation and intent. Thank you very much.

REP. MORIN: Thank you, Representative. I

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appreciate your comments. You know, one of the things that keeps coming back to me is we hear compared values of the properties, and I've heard a few different numbers.

And, you know, that is part of it, and there's also a large part just, I think both sides have made some very valid points on the benefits of this project or not doing the project. So we appreciate you coming. Any questions? And we'll look forward. If I have any questions, I'll gladly sit down with you.

REP. MILLER: Thank you very much.

REP. MORIN: I appreciate your time.

REP. MILLER: Thank you.

REP. MORIN: Michael Labriola followed by J. Melvin Woody. Is Michael here? How about Mr. Woody?

MELVIN WOODY: (Inaudible).

REP. MORIN: Are you, you are Mr. Woody?

MELVIN WOODY: Yes.

REP. MORIN: Well, you can bring Torrance up with you, sure. He's a former DEP guy, so I'll let him speak.

MELVIN WOODY: My name is Melvin Woody. I am the Chairman of the Connecticut River Gateway Commission, which administers the Gateway Conservation Zone established in 1973 by the vote of this Legislature and the vote of town meetings in the eight towns in the lower Connecticut River estuary.

I am here to testify against the inclusion of

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Section 14 in Senate Bill 1196, since exactly the same proposal as you see before you was removed from the bill last year in response to objections by the DEP, the Gateway Commission, and others.

Everything I said last year still applies, so I will include last year's objections in my written testimony. I would just like to stress three points now about that statement. First, that testimony reviews why the Legislature and towns established the Conservation Zone.

I was on the committee that designed the Zone in 1973 and have served on the Gateway Commission ever since. The Zone was not created in order to oppose development but to guide it for fear that haphazard, piecemeal development might spoil one of the state's most valuable resources, the only unspoiled major river estuary on the Eastern seaboard, which The Nature Conservancy calls one of the last great places on earth.

Second, as I said last year, we oppose Section 14 as it stands. As in 2010, we have been told about ambitious plans for the site. But no such plans are spelled out in this bill. As it stands, the bill is a blank check. It conveys into private ownership a parcel purchased by the state for the explicit purpose of conservation as open space.

And no wonder. The parcel is one of the most important to the public in the entire Conservation Zone. The Legislature did not establish the Conservation Zone just for the sake of the eight towns that collaborate in maintaining it.

It proclaimed that the lower Connecticut Valley is a precious resource for the entire state and the nation. There are only five or six places where the non-boating public can enjoy the beauty of the valley. The view from the Goodspeed Opera House and the swinging bridge next door is one of those spots.

And the site in question is what you see from the Opera House and its picnic grounds from the Gelston House and as you cross the bridge. It is one of the prime tourist views in the state and therefore especially important to preserve.

Third, and nevertheless, within a month of the removal of this proposal from last year's conveyance bill, we began negotiating with the parties interested in this proposal in search of a comprehensive solution that might satisfy the most salient interests of the Conservation Zone, the DEP, the towns of Haddam and East Haddam, and the partnership that proposed this transfer.

Those discussions have issued in a long overdue planning effort to design a new village zone for the Tylerville district of Haddam, which is now zoned industrial. I have asked our staff planner, Torrance Downes, to describe those negotiations.

Until they issue in a more definite plan, the Gateway Commission must oppose this transfer on behalf of its member towns and the public at large. A comprehensive solution must, excuse me, must include a conservation easement that will adequately protect the viewscape from the river, the bridge and East Haddam.

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Thank you for your attention, and I will postpone asking questions until Torrance has testified.

REP. MORIN: Fair enough. Hi, Torrance. How are you?

TORRANCE DOWNES: Okay. Chairman Morin and the other Representatives present, I'm J.H. Torrance Downes. I'm the Senior Planner at the Connecticut River Estuary Regional Planning Agency and primary staff for the Gateway Commission.

Under normal circumstances, the Gateway Commission would categorically oppose the conveyance of conservation land that's been characterized the way you've heard today, but because the Gateway Commission is a collaborative partnership regional organization, they work with eight of their member towns of which Haddam is one.

And as Dr. Woody said, when at the end of the session last year First Selectman Paul DeStefano asked the Gateway Commission very strongly to participate in meetings to try to find a comprehensive solution to this situation. The Gateway Commission, understand, is very concerned about the possible conveyance of conservation land to private hands.

So on a number of occasions, four to five members of the Gateway Commission and myself, and those members are Haddam residents, have participated in meetings with First Selectman DeStefano, Town Planner Glidden, and Riverhouse partner Steve Rocco to try to find a solution to see if there could be some development that could exist here that could

be established while at the same time being protective of the visual viewscape of the Connecticut River, the natural and traditional riverway scene.

The Gateway Commission has participated in these meetings, and because of the complicating circumstances, it has taken a while and the partners, Riverhouse partners, obviously would like to see this move along faster. The main objection and the opposition the Gateway Commission has is that, number one, the plans that have been talked about are conceptual in nature.

There have been some marketing drawings shown, and marketing is a wonderful thing but not to base conveyance of conservation land on. The second question that you've heard raised again and again is this question of the appraised values of these properties.

What the Gateway Commission is saying basically is because of this local process that is ongoing, these negotiations and discussions, because of the questions that still remain to be answered, that the conveyance of this property at this time is far too premature.

Basically, what the Legislature is being asked is to allow this local process to work its way through for all these questions to be vetted and properly answered and resolved and that if all these issues can be resolved by the next legislative session, then the Gateway Commission may be, may stand aside and not oppose this conveyance.

Now one thing I want to make sure is that Gateway Commission will never support the

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conveyance of conservation land into private hands, because they are a conservation organization. But if all this work can be done so safeguards can exist, then the Gateway Commission may not oppose this bill.

So this is a question of premature timing of the sequence of events. The work needs to be done before the conveyance, not the conveyance and then all the work. This is like the proverbial cart before the horse.

REP. MORIN: Thank you, Torrance. Representative Lesser.

REP. LESSER: Thank you, Mr. Chairman, and thank you for your testimony. I'm looking here at the conveyance bill, and I see in other sections of the bill there are caveats.

I represent a neighboring community, the City of Middletown, and for open space land that we are looking to convey to the city, it says this land shall be used for open space purposes, and if the following terms are not met, that the land shall revert to the ownership of the state.

Is that, you know, you have expressed concerns about lack of safeguards. We haven't seen final plans. Is there language that you would suggest that might satisfy your concerns that the land may not be used appropriately?

TORRANCE DOWNES: Well, what I would say about that, Representative Lesser, is on February 28th, Senator Daily finally, and it has been since 2009 since she really communicated on this, appeared before the Gateway Commission in a special meeting and presented the language that's in this bill as a place keeper

and has been testified to.

The language really doesn't apply this year, because Goodspeed is not involved anymore for financial reasons. So Senator Daily did say, well, this is your opportunity to propose modified language, and that was as of February 28th.

And the Gateway Commission seriously discussed that after she and Representative Miller left that meeting and determined that there really wasn't enough time to develop the proper protective language.

And based on the concern of this conveyance happening before all the work, the Gateway Commission found that the only thing that they could do to safeguard their mission to protect the lower river for present and future citizens of the state of Connecticut, Section 25-102a, was to oppose the inclusion of Section 14 at this time.

So the answer to your question was it's a complicated situation given all the factors. And the Gateway Commission did not feel that they had the time nor expertise to develop modified language at this time, and they would rather wait until the next session to work all these details through, so that would be the answer to that question.

MELVIN WOODY: We had asked her to supply alternative language and asked to meet with her long before. And she just couldn't get around to it. I mean, she's got a major responsibility. She couldn't get around to it in time, and I think we would have had to be able to find a lawyer experienced in drafting legislation within a week.

So we just, there didn't seem to be any way that we could do it, and we had hoped that we could extend the negotiations we had with the town and with Mr. Rocco to negotiations with Senator Daily. That just didn't seem to happen.

REP. LESSER: Thank you for your answers, and thank you, Mr. Chairman. I can't speak to Senator Daily, but I do, you know, I guess the question is, I'm hearing two things. One is we don't have enough time this year to work out this compromised language.

And then the other is that we don't have the expertise period. If we delayed this a year, would you have that expertise then, or how do we get, you know, if the concern is there are not enough safeguards, how do we proceed?

MELVIN WOODY: Well, I think the answer is the one that Torrance already gave. Let the process at the local level go through. That is, we've been involved, and we were delighted, because we, it was through our, through this whole thing occurring that they decided they really ought to develop a village district for Tylerville comparable to the one that we had negotiated with East Haddam years ago.

And here was a zone, which is a prime zone, that was still zoned industrial because there'd been kind of a printing plant there. So that's where a lot of the pollution apparently came from. And so that process got underway.

We're pleased, and I have, this all began with my talking to Mr. Rocco and saying, well, what kind of an easement might you be willing to

give to. I mean, I tried to keep this from becoming an adversarial matter. We have a strong interest in the fact that that site is now protected.

But there may be a way in which every, all the major interests could be accommodated. We were as much as anything trying to mediate between the Town, not Mr. Rocco, because, you know, we represent the Town, and the DEP, which had opposed it for strong reasons.

We thought we might be able to convince the DEP. We went up and talked to Commissioner Morella. She was very guarded. She said, get this further along, and I may not be here, but then get everybody involved into one meeting, and we'll consider it.

REP. LESSER: Thank you very much.

REP. MORIN: Thank you, gentlemen. Any other questions? Appreciate your time, both of you. Is Margaret Miner here? You're up, and then you'll be followed by Matt Hallisey.

MARGARET MINER: Hello, Chairman Morin, Representative Hwang, and Representative Lesser. I'm Margaret Miner with Rivers Alliance of Connecticut. We do oppose Section 14 of the conveyance bill.

We oppose it because we feel the transfer should not be treated in this bill. If it's going to be contemplated by the State, we feel it should go through the Connecticut Environmental Policy Act.

It should be posted as a proposed land transfer on the environmental monitor, and it should go through the normal reviews that

would accompany that kind of land transfer which are designed to deal with all the issues that are before you here whereas the conveyance bill, it chiefly works best with things that are really decided.

There's a lot of consensus, and there's an urgent need to do it quickly. So we feel this bill is in the wrong place, and I would like to point out also that in the process, there are three points that would call for higher scrutiny or four. One is the conservation understanding being broken.

The second is that it is going into private hands with very little assurance of what should be done at that point. The third is the contamination that's being discussed, I think there's a better, I think it should be cleaned up before the land is transferred, or there has to be a clear understanding.

I'm not sure that just piping in fresh water is the appropriate reaction to that situation. And then the DEP needs to review its findings that this is a valuable, ecologically valuable piece of land. They may not have been that convinced of it, but those findings need to be explained.

So we would urge, we would like to take this out of, off your plate. We don't think it belongs. If you really want it, we'd be happy to work with you on whatever contributions we could make, but we feel it should go through a CEPA review and through the, all the safeguards that are in a CEPA review, and that should be the state involvement in contemplating this transfer.

REP. MORIN: Well, thank you.

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AND ELECTIONS COMMITTEE

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MARGARET MINER: By the way, I think it's Section 4b-47, the CEPA statute.

REP. MORIN: Well, thank you very much. It's a different testimony than I've heard, so I appreciate it. Any questions? Thanks so much for coming.

MARGARET MINER: Okay. Thank you.

REP. MORIN: Matt Hallisey and Marty Mador, and that --

MATTHEW HALLISEY: Good afternoon, Representative Morin and Members of the Government Administration and Elections Committee. My name is Matthew Hallisey. I'm Director of Government Relations and Legislative Council for Connecticut Construction Industries Association in Wethersfield.

I'm a Past President of the Association of Connecticut Lobbyists and a current member of that organization. I'm here to testify on my own behalf on House Bill 6600, AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE LEGISLATIVE PAPERLESS TASK FORCE AND THE TASK FORCE'S STUDY, THE REDUCTION OF STATE AGENCY PAPER AND DUPLICATIVE PROCEDURES.

I've submitted written remarks to the Committee as well. And you've previously heard from several distinguished members of ACL, so I will try not to repeat their comments.

While I'm generally supportive of many of the Task Force recommendations and much of House Bill 6600, I respectfully request that Members of the Committee carefully monitor its

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action. Thank you for the opportunity to testify, and I would be happy to answer any questions you might have.

REP. MORIN: Thank you, Matt. I think we heard an awful lot of testimony earlier, and while I applaud the work and the spirit of which the work of the study was put in place, we've heard some very good arguments that will help us probably craft it a little better, but thank you very much for your time. Any questions? Thanks.

MATTHEW HALLISEY: Thank you.

REP. MORIN: Marty Mador.

MARTIN MADOR: Good afternoon. I'm still Martin Mador, the Legislative Chair for the Sierra Club, and I'll be very brief. This is on the land transfer Bill 1196.

The Sierra Club has not looked into the merits of the swap of the land, so I'm not going to talk about the merits or whether one piece of land is the same value however you do the valuations. The other, we are extremely concerned about the chilling effect that this is going to have on donations of open space.

We have a state goal of preserving 21 percent of our state land as open space. We're not there yet. Right now, we're very short of money to do this. There's no money in the budget this year for the open space acquisition program.

We need to do everything we can to make sure that we can acquire open space when we can. If this land transfer takes place as I understand it, it's going to have a chilling

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effect on donors not having the assurance that the land which was donated for open space purposes is going to remain as such. And that's our strong concern with the bill.
Thank you.

REP. MORIN: Thank you, Martin. And, you know, I guess the one question, I understand that the property obviously was donated, about 17 acres was donated for a purpose.

MARTIN MADOR: Well, my understand is it was not a donation --

REP. MORIN: Bought, it was purchased.

MARTIN MADOR: -- it was a discounted price.

REP. MORIN: It was a purchase. Okay. So it was bought for that. There was a price. But now a lot of the testimony has made it almost sound like it was, you know, it was just going to be, you know, sold to a developer so they could do kind of what they want.

There is a transfer, right, and do you think the people that sold the property initially would have such an issue if they realized that another piece of property was coming, you know, for the same type of value or no?

MARTIN MADOR: I wish we could, there was a way of finding out about whether they would be satisfied with the swap of the land saying, yes, at least my land went to acquire some other piece of open space.

I don't know if that's the case, but our advice to you is to tread very, very carefully here because of the potential for a chilling effect on future donations of land. We need

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to be very careful.

And we ran a, I asked for a bill to be run I believe in the 2004 session, which made it explicit that conservation easements applied to municipal properties as well as private properties.

And that bill passed, and the statute was amended. I'm not exactly sure what the status is of conservation easements on state property. So we need to be concerned.

REP. MORIN: Fair enough. Any questions? Thank you, again, for coming back.

MARTIN MADOR: Thanks.

REP. MORIN: Everyone that has signed up to speak has spoken. Is there anyone that hasn't signed up that would like to speak at this time? Going once, and twice, all right. Thank you very much, and I declare the public hearing closed. To staff, thank you very much.

Re. Raised Senate Bill 1196

Dear Senator Slossberg, Representative Morin, and esteemed members of the Government Administration and Elections Committee:

I am writing in opposition to Section 14 of Raised Bill 1196, An Act Concerning the Conveyance of Certain Parcels of State Land, Section 14 addresses a trade of lands in Haddam, one parcel of which is owned by the Department of Environmental Protection

I am privileged to be a member of the Connecticut River Gateway Commission and defer to its Chairman, Melvin Woody, and staff, J.H. Torrance Downes, the task of offering testimony on behalf of the Commission. What I offer here are my own thoughts as to why the "land swap" described in Section 14 should not be approved by your Committee for consideration by the full Legislature.

First, there is the precedent such a swap would set for taking land out of conservation. It could have a chilling effect on not only donations of land to the DEP and conservation agencies, such as local land trusts, but also on the willingness of property owners to sell land at a reduced price for conservation purposes. It is well understood that it is the expectation that land placed under protection will be so protected in perpetuity. What property owner would donate or accept a reduced price for land if that certainty of protection were no longer there?

Second, there is the matter of the unequal values of the two parcels involved, both in dollars and in conservation value. Although appraisals would be conducted on both parcels, it is doubtful it would find the dollar values to be comparable allowing for the parcels to be judged as apples to apples, not as conservation land vs. developable land. The 87 acres were purchased just before the market slumped (2009) for less than \$500,000. The 17 acres were purchased by the State several years earlier, as land values were climbing, for approximately \$1,300,000.

Putting the dollar value of the parcels aside, one must also consider the conservation value of each parcel. The 87 acres would be added to a large section of the Cockaponset State Forest which is almost 16,000 acres in size. In other words, although the 87 acres might be home to wildlife and provide passive recreation opportunities, its conservation would not appreciably affect habitat and hiking opportunities. In contrast, the 17 acres overlooking the Connecticut River makes up a significant portion of the 43 acres of the three adjacent parcels owned by DEP. Its loss would have a significant impact. Furthermore, development on much of that 17 acres would be highly visible from the picturesque Connecticut River.

Third, the cart is before the horse. The Gateway Commission has been working for the past year with the Town of Haddam and the developer to develop a plan which would work for all parties involved, potentially protecting much of the 17 acres while providing for development on some of the parcel. I, as a resident in the Gateway Conservation Zone, recognize the need for economic development, and under the right circumstances would be in favor of a plan which balances economic needs and conservation. However, trading these lands now is premature, before such a compromise is outlined. This land swap is all about a developer's needs and ignores the fact the Connecticut River is a state treasure, indeed a national treasure.

There are other considerations, of course. I have been advised that Goodspeed is no longer a party to the swap. There is the fact that if the land were taken out of protection before Haddam has developed an appropriate plan for the area (its Town Plan of Conservation and Development calls for a Village District), a private developer could put up an industrial building as the land is currently zoned industrial. There is the fact most of the comments posted on-line to the various news articles regarding this swap have been by individuals opposed to it.

These are difficult economic times, indeed, but I ask that you not forget that once land is developed, it is developed forever. Conservation land lost is lost for all. Let us go forward but proceed deliberatively, not with haste.

I thank you for your consideration

Nancy Fischbach
401 River Road
Deep River

HB1196 – Sec 14**Haddam Land Swap – the Saga Continues**

Let me preface this testimony by saying that one of the developers has referred to my "tireless zeal" as having these 17 acres "literally in her back yard." That is so, but does not change the facts, and I would be against this swap whether I lived there or not.

I am outraged that open space land, paid for with my tax dollars can be traded to private developers for their own personal gain. This sets a dangerous precedent and makes all State of CT owned open space vulnerable to developers. The DEP's mission is "conserving, protecting and improving the natural resources and environment of the state." It should not be asked to promote economic development.

This is the third year that this land swap has been introduced.

In 2009, the conveyance bill containing the land swap was vetoed by Gov Rell and the legislature chose not to override that veto.

In 2010, it was decided to have public comment on the land swap. After such, the land swap was removed from the conveyance bill. That is where it should have ended.

So here we are to debate it once again.

There are certain inequities that need to be addressed:

FACT: CT taxpayers paid \$1,350,000 for these 17 acres overlooking the CT River.

The developers paid \$428,000 for their 87 acres (a difference of \$922,000. A great deal for the developers!

FACT: An addition of 87 acres to the State Forest (which already has 16,000 acres) represents a .5% gain to the state forest.

Trading away these 17 acres represents a 100% loss within the CT River Gateway.

The 17 acres were purchased by the State of CT with the intention that it remain open space. The deed reads in part, "hereinafter described premises, being located on the Connecticut River, a prime natural feature of the Connecticut landscape, has high priority recreation, fishery, and conservation value, and is consistent with the state comprehensive plan for outdoor recreation and the

state plan of conservation and development **and should be retained in its natural scenic or open condition as park or public open space.**" The finding was made 8 years ago under the Recreation and Natural Heritage Trust Program. We should be able to count on land acquired as open space remaining in that state, it is our land.

I would also add that these 17 acres are part of the Clark Creek Wildlife Management Area which abuts Eagle Landing State Park. It is a perfect compliment to the large parking lot that makes up Eagle Landing State Park. These 17 acres offer a great deal of biodiversity that Eagle Landing State Park does not have. The developers have often referred to it as a "sandpit". This conjures up a picture of a big empty pit full of sand. It is not. Most of the Tylerville area is made of Connecticut River bottom from millions of years ago – our soil is sandy. The lower portion of the swap area is made up of primarily shrubs, grasses and wildflowers. The upper portion consists of a meadow and a large stand of mature maple trees. It has also been suggested by the developers that these 17 acres include invasive species – that may be so but if that were the criteria for land not to be valuable for conservation, then most of the Ct River shoreline would be eligible for trade.

The developers are currently proposing to build a hotel or inn – this keeps changing (in the past we have heard plans for a train station, a theater and numerous retail shops) and I suppose if the land is exchanged, the developers can do whatever they want once they are the owners – perhaps even to sell it to someone else and make a nice profit for themselves. I am not against development per se, but this property was purchased with the intent to preserve it as open space. How sad to think that land that is sold to the DEP for preservation may not remain so.

Do we really need more development along the river? I will never understand why humans have this need to develop every square inch of this planet. We need to leave this land for future generations. Once it is gone it is gone forever. I would hope you will do the right thing and remove section 14 from HB1196

Sharon Botelle
Haddam, Ct
860-345-2118

March 14, 2011

Senator Gayle S. Slossberg
Representative Russell A. Morin
Government, Administration and Elections Committee
Room 2200, Legislative Office Building
Hartford, CT 06106gaemail@cga.ct.gov
re: Proposed Bill 1196

Dear Senator Slossburg, Representative Morin,

Please accept this letter as an endorsement for Section 14 of the above proposed legislation.

As I understand the proposal we, the citizens of Connecticut, are being asked to trade a piece of industrially zoned land abutting, to the west, a restaurant/conference center and the DPW garage and storage yard and on the east side by an active railroad leasing property owned by the Connecticut DEP for an amount of forest land to be attached to an existing state forest which would provide an additional point of contact for the public where the property connects to an existing improved public road.

Nowhere in the proposal does the state "give away", at any price, land along the Connecticut River.

This can only be seen as a positive action likely to create community investment; an expansion of the local tax base; an expansion, with private money, of our tourism industry; an improved access to existing woodland park areas. Development of this type can only improve the ability of residents and visitors to access the Connecticut River and its' immediate surroundings. Where's the beef?

I hope the proposal gets some airing in public with people in addition to those owning property along the DEP holdings. Any objective observer would approve this in a heartbeat.

In addition, please ask questions regarding the amount of money paid to a private party who was the prior owner of the parcel in question. I understand there is a recent evaluation of the land which is nearly 90% less than the amount paid. At any rate, it appears that the slick handling of the land deal was perpetrated by the DEP and the former owner of the land, not by those presently involved in trying to develop it.

I am very sorry that illness prevents me from reading this letter into the record. The words, herein, should make clear my opinion. I am not speaking on behalf of any committee or company or organization (see list below).

Very truly

W. Lee Osborne

W. Lee Osborne
172 Washington Street
Middletown, CT

Secretary, Midstate Regional Planning Authority
Former Chairman, Middletown P & Z,
Former Vice Chair, Essex Planning Commission,
Former Chairman, Killingworth Planning Zoning Commission
Board Member I-91 TIA, CT State Transportation Strategy Board
Board of Directors, Valley Railroad, Essex Steam Train & Riverboat
2010 "Citizen of the Year, Middlesex County Chamber of Commerce
Vice Chairman, Rockfall Foundation

Testimony of Nanci Planeta, submitted electronically, to the Connecticut Government Administration and Elections Committee, March 21, 2011.

Re: SB 1196 Land Conveyance Bill section 14

My name is Nanci Planeta and below are my concerns regarding Senate Bill 1196, and specifically Section 14 of that Bill.

This is a bad idea which was proposed and not approved by this committee last year, vetoed by Governor Rell the year before due to economic reasons which are even more dire this year, and rejected by the former Commissioner of the DEP, Amy Marrella, and I quote, "Release of these open space properties for development purposes would be taking a step backwards in our statutory mandate to acquire and preserve open space lands."

I will first address the parcel along the Connecticut River. This parcel was acquired by the Department of Environmental Protection because of its important qualities. The Connecticut River has been given a national scenic rivers designation, and land along this portion of the River is included in the Silvio O. Conte National Fish and Wildlife Refuge. We as residents of the State have a duty to retain

and maintain as much of the endangered land along the River as possible for future generations. The area on which the possible future hotel would be located has been used for generations for manufacturing, and I am certain that there will need to be remediation on a large scale before this property can be used for development. Public sewers and water would also have to be brought to this location, at considerable expense. To portray this as anything but a long-term expense is misleading and contrary to the evidence.

Regarding the Riverhouse Property. As a neighbor to this property, I can tell you that it is important in its entirety. The owner of the Riverhouse has consistently stated that he is only interested in swapping a portion of the acres, and developing the remaining acreage, but the proposed legislation does not make this distinction at all. This leads me to question whether the State and the property owner even agree as to the terms of what is to be transferred. To split this property into pieces may sound like a victory but it would destroy the continuity of the space. The omitted acreage is actually the prime portion of the Riverhouse Property. Presently, the acreage connects the Cockaponsett State Forest to the town-owned firehouse property and Route 154. This property, if owned entirely by the State,

would provide both town and state residents more convenient access to the forest from a State Highway. It would also create a walking access from the center of the municipality, which is a rare thing. Additionally, the fragmentation created by omitting a portion of the acreage from the portion to be owned by the State would break up important habitats, and place houses directly in the middle of forested area. While this may be attractive from a homeowner's standpoint, it is a mistake from an environmental protection standpoint. The property owner has claimed that the acreage contains important hardwood trees but this is another case of the State not knowing what it is acquiring. Those trees were logged a decade ago and there are no hardwoods remaining on that portion of the site.

This land swap idea has been poorly thought out. The values of the respective parcels may or may not be equivalent. That it could be "all or a portion of" just gives me pause, and should give this Committee pause as well.

I would urge this Committee to remove Section 14 from Senate Bill 51196. I am unclear who this is supposed to benefit, but it does not

benefit the residents of the Town of Haddam or State of Connecticut
as a whole.

Thank you for your time.

Nanci Planeta

I am opposed to the proposed land transfer (HB 1196 - Section 14) because I believe this land should be used for the purpose we taxpayers paid \$1,350,000 to purchase it in 2003 – open space.

If it is determined that the land will nonetheless be developed, the process needs to be carried out in a sophisticated and above-board manner. This would involve all interested developers having an opportunity to submit proposals for the land and make competitive bids.

As you are undoubtedly aware, there have been many charges of improper influence and 'back room' deals that have tainted this process so far. Why should some well-connected local group get an inside deal on 'our' land?

Given the ugly reputation that surrounds this proposed land swap the state should take the high road and appoint a special commission (one shielded from political influence) to insure that the state obtains the highest price for the property and that it is developed responsibly in terms of protecting the environment, stimulating job development, and providing access to the public for enjoyment. Due consideration should also be given to the nightmarish traffic problems on Bridge Road in warm weather when the swing bridge periodically opens for boat traffic.

In conclusion, if the development process proceeds, it must move forward in a more coherent and openly honest manner than it has so far. The interests of the people of Connecticut must be protected.

Myra Aronow
Haddam, CT

Testimony opposing Section 14 of
HB 1196, An Act Concerning the Conveyance of Certain Parcels of State Land

Dear Chairpersons Slossberg and Morin:

The Branford Land Trust opposes the conveyance of any portion of the 17.4 acre State-owned open space property in Haddam to private owners for development. Our opposition is based on two considerations.

The first is the location of the property on the banks of the Connecticut River. The environmental importance of the lower Connecticut River is indicated by its recognition by several conservation organizations. It is listed as a wetland of international importance under the Ramsar Convention, The Nature Conservancy has designated it as one of only forty "Last Great Places" in the Western Hemisphere, and the entire Connecticut River is one of only fourteen American Heritage Rivers. Seventeen acres of undeveloped land with river frontage has a high value for the biological community that requires both a large contiguous area and direct access to the river. The bill's stipulation that the conveyed property "shall not include any land with frontage along the Connecticut River" does not provide adequate protection of the many features of the Connecticut River that are recognized by the designations noted above.

Second, when the State acquires land specifically to be held as open space, people in the local community, the region and throughout the state must be able to rely on the State to protect the property for the future. Conveying the property to a private developer, even in exchange for other undeveloped land, violates the trust that the public and conservation organizations like local land trusts have placed in the State as a partner in protecting the community's critical natural resources. In developing their Plans of Conservation & Development, communities assume that protection of land as open space by the State means that they can depend on that protection continuing into the future. This proposed conveyance destroys that partnership and those assumptions.

Respectfully submitted,

The Board of Directors
Branford Land Trust
Branford, Connecticut

HB1196 Sec 14

I am writing today to oppose Sec 14 of HB1196.

This section provides for the exchange of 17.4 acres of land from the Clark Creek Wildlife Management Area in Haddam, Ct, with lands from the Goodspeed Opera House Foundation, Inc, or Riverhouse Properties, LLC of which the exchange is supposed to be of equal value. These 17 acres are adjacent to Eagle Landing State Park, and the Valley Railroad State Park.

The state purchased these 17 acres in June, 2003 for \$1,350,000. The town of Haddam appraised these 17 acres for \$1,550,000 in October, 2005.

There is a deed restriction as follows: "should be retained in its natural scenic or open condition as park or public open space" referring to the intent of the seller.

The land being offered by the Goodspeed, in exchange, was obtained from the State of Connecticut, Public Act 226, for \$1.00. The land being offered (87 acres), by the Riverhouse Properties, was purchased in May, 2009 for \$428,000. There is nothing of equal value in this exchange.

This proposal was part of HB5520 in 2010. After hearing testimony, it was removed from the conveyance bill. Nothing has changed to make the transaction any more acceptable.

I believe the residents of Haddam have made their position very clear. In addition, I believe the transaction as presented would result in an environmental and monetary loss to the State of Connecticut and such a transfer is not in the best interest of the taxpayers.

For the above reasons, I urge the Committee not to approve this land transfer proposal.

**Very truly yours,
Joseph T. Rossi, Jr
72 Maple Avenue
Higganum, Town of Haddam, CT 06441
Tel: 860-632-3505 Ext.215**

HB1196 Sec 14

I was a State Conservation Officer for the DEP for many years. In that capacity I patrolled not only the Connecticut River but some of that land around it. For the life of me I cannot understand why this bill has gone this far. Apparently a worm has been inserted into the State Legislature. This a beautiful piece of land that should remain public.

Bob Aborn,
Ellington, CT

Why I am against HB 1196 Sec 14.

3/16/11

Gene Bartholomew
Chester, CT

"Not numbered in order of importance"

1 – There has never been a "conveyance" like this that I am aware of, "State Park to a developer". I have searched for one and asked Daily to provide proof, especially since she has been quoted several times stating "The state frequently undertakes such land swaps". This is not true. When the State undertakes such "swaps" they have stipulations such as, "X shall use said parcel of land for open space purposes. If X: (1) Does not use said parcel for said purposes; (2) Does not retain ownership of all of said parcel; or (3) Leases all or any portion of said parcel, the parcel shall revert to the state of Connecticut. This conveyance does not contain this cautionary and protectionist language, leaving the State (taxpayers) subject to fraud and loss. Question: Has the State ever bought land with conservation money and then "conveyed" it to a developer???

2- It will be argued that this is not a State Park. This is another discrepancy in their arguments. It was to be part of Eagle Landing and is now for some reason considered part of Clark Creek Wildlife Management Area by the DEP. The land was purchased with conservation money, and that money has stipulations as to what it is spent on, specifically land that is to be conserved for future generations. The State would be committing an illegal act by "conveying" it to a developer.

3- The developers have stated, "they're considering building a hotel on the site, if the state agrees to the swap". That's pretty vague, I would hope you want something more concrete. The land the developers want to trade they bought for \$428,000.00 (sometimes referred to as \$450,000.00. The State bought this land for \$1.3 million. The land the developers have is probably not very developable, mostly rock and ledge, the State's land has probably gone up in value. Curiously last year in a Middletown Press article dated 4/28/10 entitled "Haddam investors hope to revive planned land swap" they stated: Independent land appraisals were done showing the value of the forest property to be \$1.4 million and the 17 acres in question to be \$1.2 million. How could that be?? When now suddenly they are back to stating it is \$450,000.00. Too many discrepancies for them to be considered "credible" to me.

4- Senator Daily claimed " the 17-acre parcel is contaminated, has no direct water access and was forced on the state when it purchased another parcel of riverfront land nearby. That latter property, she said, was developed into an attractive marina, with docks, parking and a gazebo, right on the river bank". Well I see no evidence of contamination in the deed, and the State did not make any improvements other than mowing the lawn, the docks were there, formerly the Camelot Cruises, they did however clean up the area. I see no evidence of it being forced on the State either. This is evidence of her "discrepancies".

5- Mr. Rocco of Riverhouse Properties, purchased an 87 acre property on High St in Haddam for \$428,000 in May, 2009. On May 4, 2009, Mr. Rocco stated to Haddam Planning and Zoning Commission that his plan was to convey 54 of those acres (about 2/3 of the total) as permanent open space to a third party organization (DEP) and the remaining 33 acres would be for residential development - 10 units. Plans change huh?

6- There are many "discrepancies" regarding the taxes on the lands involved, I have seen statements made such as: "critics are questioning why the local assessment for the land dropped by about \$900,000 in the town's latest assessment figures. The property in 2009 was assessed at about \$1 million. In the 2010 assessment, the most recent available, the land was assessed at just \$120,000, and "The town now has the 17.7-acre parcel of State owned land (Map 49- Lot 22-2) appraised at \$171,780. The Assessor's card shows 2-acres at 122,500 and 15.4-acres valued at 49,280. The market value in 2009 Grand list was \$1,555,000. This represents a reduction of \$1,178,220 in market value since the State purchased it in 2003 for \$1,350,000. The Riverhouse land (all four lots) totaling 87.7-acres are appraised at a market value of \$324,143. The market value in the 2009 Grand list was \$501,280. This may warrant an investigation, at least a hearing to get the facts straight.

7- With all due respect to the people of Haddam, this is a State Park and owned by the people of the State of Connecticut, whether it is regarded as being attached to Eagle Landing or Clark Creek Wildlife Management Area or neither, it was purchased with conservation money, key word: conservation. All people in the State should be allowed to know about this and weigh in, not just the residents and developers of Haddam.

8- I feel this would set a very dangerous legal precedent because this has not been done before and I challenge Senator Daily and the developers to prove otherwise. Once done no other corporation or developer who wanted to develop on a State Park could be denied his request or he would sue. Therefore I have to, regrettably, consider organizing a class action lawsuit against the State should you allow this "conveyance" to occur.

This is all unnecessary. Let's sit back, take a breath, and move forward in a logical manner, if the developers want the land then let the land be appraised by three independent appraisers, let the developers pay the difference in value, let the developers sign agreements that they will do what they say or the land reverts back to the people.

Yes it would a great business coupe' to get the land and then do what you want, but what about us? What do we get?, Where's my State land? Convey some to me, I'll make money off it too. See, it's not fair. This is America where we should all stand up on our two feet without the help of a Senator, without getting free land. Get a loan, it's what I and everyone I know has to do and we contribute to the economy and it shouldn't matter by how much.

This is just wrong, for all the right reasons.

Sincerely,

Gene Bartholomew

Chester, CT

HB1196 – Sec 14

Dear Committee Members,

I am writing to express my hopes that the governor and legislature will **NOT** approve the Land Swap in the Town of Haddam that is being proposed by Eileen Daily

The arrangement on the surface sounds like a Win-Win situation whereby a developer will get 17 Acres of developable land in a prime location in exchange for 87 Acres of land in a much less prime location, but which would extend the large forest block of Cockaponsett State Forest. The developer could make a lot of money and the conservationists would see a much larger piece of land preserved.

However, actually doing this would be totally unacceptable. The 17 Acres was purchased as Open Space by the DEP IN 2003 and is owned by the State. According to the deed, the property was to remain "in its scenic or its open condition as a park or public open space." This agreement should be honored. If it is NOT I believe a terrible precedent might be established, and other open space parcels and parks would be vulnerable to development. The 17 Acres is officially preserved Park/Open Space, and it should remain so.

Please make sure that legislation allowing this outrageous land swap is defeated. It should be.

Thank You,

Ellen Lukens
Member of the Middletown Conservation Commission
46 Pine St.
Middletown,
Ct 06457

3/18/2011

George Schaedler
4 Captains Walk
Clinton, CT 06413

Regarding HB 1196 Sec 14

I recently read the pro's and con's that are surfacing regarding the potential of a land swap of the 17 acre state owned parcel of land that runs along the Connecticut River for a parcel of 84 acres of privately owned land as in a nearby area. From what I have read the land was definitely sold to the state with intent to keep the land as open space to be enjoyed for years to come as a place for people to come and enjoy as open space. Some articles even stated the land was deeded to remain as open space. To me intent if known and honoring that is still a pretty good reason not to sell or trade the land off but if it is deeded to be open space then to sell it, trade it or otherwise change the intent of that deed is I thought unlawful and certainly unethical.

As I understand it the developer has 84 acres already that they can develop on and that is close to the 17 acres on the river. Seems like that is still good real estate, to have a location so near for recreation, site seeing, where Eagles come to winter, etc. Why run the risk of causing damage to such an ecologically advantageous area. The state should hold on to this site forever for all to enjoy as it was intended. I won't even mention the fact that from the cost perspective the land cost for the 17 acres was around triple that of the 84 acres that the developers intend to trade according to one of the articles I saw.

Anyway that is my opinion - the 17 acres should remain as open space as it was intended when the state purchased the property

Sincerely,

George Schaedler

This is to inform you that we are against the Haddam Land Swap. It is an unfair deal to swap 17 acres of land valued at \$1.7 million for land in Higganum worth approximately \$450,000.00.

Audrey and Fred Riedinger
Haddam, CT

I oppose the land swap in Haddam which is contained in House Bill No. 1196.

My name is Margaret Wilson, and I have been one of the representatives from Chester on the Connecticut River Gateway Commission for 13 years as well as a member of the Chester Land Trust for 20 years and the Nature Conservancy for longer than that.

The preservation of open space is important because once it is developed, it is gone forever, and these particular 17 acres were bought by the state of Connecticut in order to keep them undeveloped. This is proven in the deed for the land. The Connecticut River is an important resource for Connecticut, attracting tourists and others who come to admire the lack of development along a good part of its banks. These particular 17 acres can be seen from the Goodspeed Opera House across the river and hence enhance the attraction of that site.

Finally, it would set an unfortunate precedent for the state of Connecticut to turn over a piece of land which it purchased for conservation purposes to those who want to develop it. In the future land owners who might want to sell or donate open space land to the state would be reluctant to do so because they would know that the state can not be trusted to maintain it as open space. It is a fact that over time, a huge majority of people does not regret the preservation of open space, eg. Central Park, the Grand Canyon and more.

I hope that the state legislature takes these and other objections to the swap into consideration. Once open space has been developed, it is forever gone as open space.

Margaret Wilson
250 W. Main St.
Chester, Ct. 06412

I read the latest on this subject in the Friday, March 18 *Hartford Courant* and cannot attend the Monday hearing. I would like to express my strong feeling that this land swap should NOT take place. Despite Eileen Daily's relentless push to see this exchange happen, it does not make any sense to give up prime riverfront acreage that was purchased with taxpayers' dollars for conservation purposes. How empty of meaning is the designation "state conservation land" if these 17 acres can be relinquished to a restaurant and banquet facility for yet another superfluous small hotel or inn that will no doubt include paved parking and restricted access and views.

I have no idea what agenda Sen. Eileen Daily is following, but obviously it is not what her constituents want or need. The Connecticut River Gateway Commission is against the proposed swap as is our newly elected state Rep. Phil Miller. Trading public land for private development is the antithesis of all the conservation efforts, both private and state, to preserve open land, especially along the river, and not see it developed for the exclusive use, and profit, of a privileged few. Please do not let this swap happen and set a most unfortunate precedent.

Thank you for your consideration.

Nina Pae
43 North Main Street
P.O. Box 421
Chester, CT 06412-0421

03/19/11
Haddam Land Swap

Dear Committee members,

I am the current owner of 106 High St., Higganum. My property is a split from the 87 acres that is part of the proposed land swap. My driveway is part of the 87 acres that I have a deeded right of way to use. I had purchased the property from Steve Rocco and partner in December of 1998. My dealings with the purchase and land rights associated with it were not always as transparent as a transaction should be. At one point, I needed to involve an attorney to help protect my rights.

There is a clause in my sales agreement (also recorded in the Haddam land records 12/98) that states that I should be given the right of first refusal on 2 adjoining acres in the event the acreage is sold. This did not happen on the first sale of the property and I was told that it was the project that was sold (meaning the approved subdivision). Since that time, Steve Rocco and partners have now repurchased the property and are now involved in a swap deal. There has been no contact with me about honoring his contract from 1998. I believe this may put a cloud on the 87 acres.

For myself, I would much prefer a state forest as my neighbor to Steve Rocco and partners, but I do worry about the bigger consequences of a deal that trades land thought to be open space with other land. How protected is all other public land if this is allowed to occur. The players in this deal have not given me confidence that they would do the right thing for the people of Connecticut.

David Carini
106 High St.
Higganum, CT., 06441

This land swap deal is not in the best interest of the people in Ct.... Not just the people directly affected but all of the people in Ct. In Cromwell all the developers eaten up all the land they can acquire .. They build houses and sell them to people with at least two to four children at the cost of about \$ 11,000 per child per year.. This not good for the economy and the places for animals and birds will be devastated ... We are much apposed to this land swap deal... We need more transparency concerning this matter Carol Thompson ,,, Ed. Wasicki

Re: HB 1196 Sec. 14

3/19/11

The Cornwall Conservation Trust, a land trust in northwest Connecticut, **STRONGLY OPPOSES** the proposed swap of public for private land in Haddam.

We are not neighbors, but our concerns are:

1. The Connecticut River needs all the protection it can get. It is the state's prime waterway. It is an invaluable resource and should not be subject to undue development by private parties.
2. In the recent past the state DEP has come out against this proposal. The state presumably acquired the land because it is special, irreplaceable and of environmental significance. There should be no change in such logic just because private parties want to develop it.
3. Such a swap would establish a horrible precedent for the future. It might subject ALL state-owned properties -- including the very large amount of state forest in our town -- to swapping with private parties. This would undermine our land trust's mission and would bring great harm to our town.
4. Principle should trump expediency.

Hector Prud'homme, President, Cornwall Conservation Trust

Dear Committee:

I support the swap of 87 acres in Higganum of near-pristine old pasture, dense forest, extensive watercourses and exciting geological features for 17 acres in Tylerville of mostly old sand pit on the "other side of the tracks". I hope the DEP agrees with me that the environmental value of the Higganum tract far outweighs the Tylerville piece

I have lived in Higganum for 32 years and been on the Haddam Wetlands Commission since 1992 which has afforded me the chance to visit both properties. It is my personal opinion that not only is the environmental value of the Higganum property so much higher, but that the Tylerville property is much better suited to commercial use as it is already such a disturbed piece of property and has very little environmental value.

If it is true that this type of swap has never been done before, then let it be a good example of how DEP can protect a better piece of property and allow for a lesser piece to be used in a more appropriate manner.

Thank you,
Mark Stephens
33 Maple Ave.
Higganum, CT 06441
860-345-8435

March 21, 2010

Mr. Chairmen/Madame Chair and Members of the Committee:

My name is Roberta Wilmot; I am here to speak on S.B. No. 1196 (RAISED) AN ACT CONCERNING THE CONVEYANCE OF CERTAIN PARCELS OF STATE LAND– Section 9 – the removal of the deed restrictions from Coventry Historical Society property at 2187 South Street, Coventry, Connecticut

The parcel of land I am speaking on is the Sprague House South St. Coventry, Ct owned by the Coventry Historical Society. The Society is looking to divest itself of this property really in order to save it. Sprague House was the headquarters of the Society until we obtained the Strong-Porter House also located on South St. Public safety issues were of a concern also when using this facility for public meetings...lack of off street parking, grade level for entrance into the house and building capacity.

The Society at this time owns three properties: Strong-Porter Museum...headquarters & archives; one room brick Schoolhouse and Sprague. On the grounds of Strong-Porter Museum, also requiring constant maintenance, are a three-bay carriage shed, a barn with a lean-to, a three-hole plaster walled outhouse and a blacksmith shop. Thanks to matching grants, fundraisers, and donations by businesses in town the Society has managed to keep our buildings in fairly good repair but times have changed...the economy has changed.

With the removal of the present deed restrictions, the ability to sell this property with the caveats being placed on the sale, we feel the house would be able to be stabilized and continue on as an historic house into the future. The Society would also gain funds that are sorely needed for maintenance on our other properties, educational programming for the community and investing for the future of the Society.

The Society was very thankful to have obtained the Sprague House when they had no place to call home. We were even more grateful when we were able to acquire the Strong-Porter property from the State. Both of these properties surround our state hero's home, Nathan Hale. We value both of these houses and want to see them "live" into the future.

Respectfully,
Roberta E. Wilmot
Past President, Coventry Historical Society
Coventry Planning & Zoning Commission - Member
Coventry Economic Development Commission - Member
317 Woodbridge Rd
Coventry, CT 06238

Senator Slossberg, Representative Morrin and members of the committee,

My name is Judson A. Howes I am a resident of the Town of Haddam. I am writing to offer testimony in support of Raised Bill # 1196 Section 14. For the past few years, I have heard the arguments, both for and against the proposed land swap. It is only after listening and considering these differing views that I have decided to offer my support for this section 14 of raised bill #1196.

First, the benefits to the Town of Haddam. The current seventeen acre lot would be developed into a tourist destination. An increase in tourism equals an increase in business and tax revenue for not only Haddam, but East Haddam. Not only from the business (Goodspeed Opera House Foundation and Riverhouse Properties, LLC), but also from the persons employed by such businesses. This increased revenue would not be off set by an increased number of students in the school system as this property would not be a residential development. Furthermore, neither the Town or the State would be responsible for maintenance or improvements as this would now be privately owned business property. As a taxpayer in Haddam, I can only see this as a benefit to help relieve some of the strain put on the taxpayer in the currently economic climate.

Second, the benefits to the State of Connecticut. On its face, the proposed swap is a benefit to the State in that the State would be receiving eighty seven acres of forested property in exchange for seventeen acres of former sand pit property. The seventeen acre parcel, currently owned by the State, is much more in the public eye and currently much more unsightly than the eighty seven acre piece of privately owned property which is offered up for exchange. The pressure and need to upkeep and maintain a property, which directly adjacent to Eagle Landing State Park is far greater than the need to maintain the completely forested eighty seven acre, parcel of property offered in exchange. Furthermore, improvements to the seventeen acre property, at the expense of private businesses, would only help to draw people to use and enjoy the adjacent State property at Eagle Landing. Furthermore, for the State to acquire the eighty seven acre property in Higganum Center, would open up access from Route 81 to parts of Cockaponset State Forest.

Third, the benefits to the environment. The seventeen acre parcel is a former sand pit. There is no real vegetation and wildlife concerns that I am aware of. The properties around this parcel are already zoned commercial and there is, in fact, a vast Department of Transportation facility nearby. The land, in its current state, is unsightly and a total waste. In contrast, the eighty seven acre parcel is beautiful forested area near Higganum Center with access to Route 81 and Cockaponset. Furthermore, it is in close proximity to the Haddam Reservoir. I would

think that it would be a greater benefit to the environment to preserve this parcel in it's natural state than the seventeen acre parcel in it's current state. Again, at no cost to the taxpayer.

Lastly, the benefits to a local businesses. It is my belief that the State should be pursuing avenues to assist business owners in achieving their goals by creating a more "business friendly" atmosphere within the State. This is an opportunity for our elected officials show their support for private business and at no cost to the taxpayer. Support, not only for those directly involved, but for the businesses that are already in existence in the area. They too would benefit for the increase in tourism to the town.

In conclusion, with respect to those of differing opinion, I can see no reason that this bill should not be passed. It would only benefit all those involved in the greater good for the Town, State, environment and local businesses.

Respectfully,

Judson A. Howes

Haddam Resident and taxpayer

Regarding HB1196 Sec 14

My name is Cheryl Baxley and I am a resident of Higganum. In fact, one of Mr. Rocco's properties borders us on two sides. As lovely as it would be to have state land for our neighbor instead of a potential development, I think this swap is a bad idea for my town and for the entire state. If we swap state land to a private developer it will set a legal precedent that could affect all state land. So far, all state land swaps that I have found were for the public gain (ie: schools, ball fields, etc), not for a for-profit private developer. No matter how wonderful Mr. Rocco's plans may be and no matter how much our town could use the tax revenue, it is not worth it to set this legal precedent. The entire state should be concerned about this.

I believe the majority of Haddam residents aware of this issue are against it. I base this opinion on listening to the people that come through my coffee shop. This land swap is a very hot topic of conversation. If all the senators and representatives of this state really want to serve the majority of their constituents and not just the few that are pushing for this swap, they should find out what their people think about swapping state land to a for-profit developer. I would also encourage all the state senators and representatives to review the DEP's Green Plan concerning land swaps. I would also encourage you to refer to the CT Office of Responsible Growth.

Please do not set this precedent. Please do not vote for this land swap or allow it to be shuffled out of the legislative process and into administrative process. Please check with the constituents of the entire state, as this affects them all. I personally stand to profit if this swap goes through, but I am against it.

Sincerely,
Cheryl Baxley
Higganum, CT

Senator Gayle S. Slossberg
Representative Russell A. Morin
Government, Administration and Elections Committee
Room 2200, Legislative Office Building
Hartford, CT 06106
gaemail@cga.ct.gov

re: Proposed Bill 1196
"AN ACT CONCERNING THE CONVEYANCE OF CERTAIN PARCELS OF STATE
LAND."

Dear Senator Slossberg and Representative Morin,

I have been following the "Haddam Land Swap" issue with great interest. I am a resident of Middle Haddam, however, I believe this proposal will be of benefit to the entire region and our state.

From what I know of the situation (and what I have read) from following it very closely, there have been many misstatements concerning the technicalities of the deal itself, along with several misunderstandings concerning which position is the proper one to support.

As a person concerned with the environment, I fully support this proposal. Having the opportunity to preserve 87 acres of pristine forest land with its associated brooks and habitats in exchange for 17 acres of previously developed and underused industrial land is reason enough to support this proposal. With the added (and at this time especially crucial) benefit of creating hundreds of additional permanent jobs, along with increasing tourism through expanded access to the culture of the Opera House, Valley Railroad and the Riverboats for state residents as well as out-of-state visitors, the tax revenue alone stands to increase by millions of dollars. This is a proposal that has the potential to satisfy both environmental as well as economic concerns.

It is for these reasons that I urge you to support and pass this proposed bill for the benefit of our state. Saving 87 acres of pristine forest AND creating permanent jobs for Connecticut is a win-win proposition, politically, environmentally, and economically.

Very Sincerely,

Rev. Charles C. Harmon
32 Middle Haddam Rd.
Middle Haddam, CT 06456
860.267.7748

I live in Higganum, CT at 28 Olson Place. I do not approve of the land swap on the CT riverfront. I do not want my state representatives approving such a deal or associating himself/herself with pushing it through. It is not in the best interest of state or Haddam residents.

**Thank you,
Michael Fago
28 Olson Place
Higganum, CT 06441
860-345-7677**

Dear Co-Chairs and Members of the Committee--

With regard to Section 14, S.B. No. 1196, which deals with the Haddam land conveyance:

I urge you very strongly to reject the proposed land conveyance/swap in Haddam. As a landowner, I think it would set a dangerous precedent to exchange land that, according to the deed, "should be retained in its natural scenic or open condition as park or public open space." If this conveyance were to take place, it would forever stop people from donating land for conservation or open space. The State of Connecticut has an obligation to its taxpayers to honor its commitments, and when the commitments are on a deed, there is no question.

Aside from this most important reason, there are multiple other reasons why this conveyance should be rejected. To name a few:

1. Once land is developed, it is developed land forever and gone from public access.

2. The disparity between the valuation of the two pieces of land in

the conveyance raises huge questions, none of which have been answered.

3. Haddam is in the process of discussing zoning in the Tylerville area, and absolutely nothing should be done until Haddam has had a chance to put a plan together. I have lived in Haddam for more than 30 years, and I would like to see some economic development in Haddam, but not at the expense of breaching the public trust.

4. There are wells in the Tylerville area that are polluted, and there is no way that any development should take place in the area until the water problem is resolved.

Other issues and questions exist, but the bottom line is that this bill should not be approved. There is no reason to change what the committee decided last year.

Thank you for your time and interest.

Sincerely,
Heather Zavod



**MICHAEL G. WILMES, L.S.
DEBRA F. WILMES
1752 SAYBROOK ROAD
P.O. BOX 14
HADDAM, CT 06438-0014
860-345-2713**

March 19, 2011

Senator Gail Slossberg, Chair
Government Administration and Elections Committee
Legislative Office Building
Room 2202
Hartford, CT 06106-1591

**Re: Riverhouse Properties/CT State DEP
Proposed Land Exchange
Haddam, Connecticut**

Dear Senator Slossberg:

We live in Haddam at 1752 Saybrook Road, a little south of the 17 acre sand pit that the Connecticut State DEP purchased when they acquired the property to the east between the railroad tracks and the river. We have lived at this location for 30 years and are very familiar with the sand pit, the waterfront parcel and the adjoining Riverhouse facility. I understand that the Connecticut State DEP acquired the sand pit as part of a deal to purchase the riverfront property. These were both commercial properties along with the recent purchase of a resort on the Salmon River in East Haddam. We are at a loss to understand why the Connecticut State DEP is purchasing commercial land instead of forest lands that we would all like to see preserved.

It is our understanding that a proposed property exchange of the 17 acre sand pit parcel and 87 acres of forest in the Higganum section of the Town of Haddam has again been raised. We feel that this would be a very good deal for both the Connecticut State DEP and the Town of Haddam. The Riverhouse facility has been a big boost to the Tylerville section of Haddam and this will allow for more improvements to the area while reclaiming the former sand pit at the same time preserving 87 additional acres of existing forest. I understand that the Connecticut State DEP purchased this property and that it was not a donation to the state so there should be no reason that it could not be exchanged for a property that better served the mission of the Connecticut State DEP.

Riverhouse Properties/CT State DEP
Proposed Land Exchange
Haddam, Connecticut
March 19, 2011
Page 2

The reasons are to many to list as to why we support this proposed land swap.

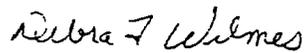
Thank you for your time and please call us if you have any questions.

Sincerely,

Michael G. Wilmes, L.S.



Debra F. Wilmes



RE: House Bill #

Good morning committee chairmen and members. My name is Trevor Furrer and I am one of the partners of The Riverhouse at Goodspeed Station in Haddam.

I am here to offer testimony in support of Bill #___.

The history of this proposed land exchange dates back to 2006 when then DEP Deputy Commissioner David Leff first proposed the idea of trading other land for the 17 acre parcel surrounding The Riverhouse. Mr. Leff explained to us that DEP really had not wanted to acquire this land, but it was part of the purchase of the 16 riverfront acres which they did want. He told the Riverhouse partners that DEP had no plans for this Industrial land, which surrounds the Riverhouse on 3 sides, had no budget for it, and if land was identified that was more useful to DEP, they would like to do an exchange.

In June 2007, after construction of the Riverhouse was completed, then DEP Commissioner Gina McCarthy visited our site and suggested the same thing, saying she did not believe in "land-banking" for its own sake, but preferred that the State have parks people could use.

At this point the Riverhouse partners began looking for property which would be attractive to DEP, and in 2009 entered into a contract to purchase a tract of land which would extend the Cockaponset State forest to Route 81 in Higganum. We proposed exchanging this land with DEP, as well as riverfront land in East Haddam offered by the Goodspeed Opera House. DEP staff walked the property and approved the proposal, as did Commissioner McCarthy. INSERT HOW WE WENT DOWN BOTH TIMES- GINA LEFT JODI VETOED This proposal represents "Smart Growth" because the 87 acre tract of land has been previously approved for a 33 home subdivision which would tax the school system and town services. Instead it would be preserved for the enjoyment of all the residents of Connecticut.

The 17 acres offers development potential that could add over one hundred thousand dollars in local property tax and potentially millions in State business, income and sales taxes. Hundreds of construction and permanent jobs would be created. Existing businesses in Haddam, East Haddam and other towns would receive a much needed boost with the increase in tourism and recreational spending, including by area residents. This proposal is highly advantageous for both economic as well as environmental reasons. The original proposed exchange for the 17 acres around the Riverhouse was for 54 acres of the Higganum forest land + 27 acres of land owned by the Goodspeed Opera House. The language in the current bill references the Goodspeed as a part of this exchange and we

would ask the committee to remove that language as the Goodspeed no longer has any involvement in this exchange.

The opposition to this exchange in past years has mostly been about the process and factual misconceptions. Examples include: The exchange gave Riverhouse riverfront property (it doesn't and never has), It was a "backroom deal" (we originally followed the process as laid out to us by DEP. Certainly by now, 3 years later, the entire process is transparent). The exchange is not an equal trade (State hired independent appraisals of both tracts of land showed the Riverhouse piece as being worth \$200k more than the DEP piece). Of course new appraisals would have to be undertaken and we all recognize that the citizens of the state must get equal or greater value in any exchange. Prior to the State's purchase of the land, the Haddam Economic Development Commission specifically identified this part of town (known as Tylerville) as best suited for economic development- given its easy access to Route 9, high traffic volume, nearby businesses and attractions (Goodspeed Opera House, Devil's Hopyard State Park, Gillette Castle to name a few). But this exchange is not just about the economic benefits but also the environmental benefits to all CT residents. One of the reasons we have the broad support of the environmental community (Haddam Conservation Commission, Haddam Wetlands Commission, CT State Forester) is because of the changes made this time around to the exchange. The Goodspeed Opera House is no longer involved so their riverfront property is off the table. As a result, we are offering our entire 87 acres in exchange for the 17 acres. The 87 acre tract of virgin forest would be preserved rather than developed into 33 or more homes (a previously approved sub-division) and the associated municipal costs (schools, town services, road maintenance, etc.) The parcel will create a greenway connecting the Haddam Land Trust Cedar Hill Preserve in Higganum through Cockaponset State Forest. Preserving the forest canopy will help protect groundwater, and give DEP and the community access to the State Forest from Rt. 81. Following Commissioner McCarthy's stated intentions; the State would then have land much more usable for ALL citizens of Connecticut.

I strongly urge the committee to approve this land exchange and I appreciate the opportunity to testify.

Good Morning Senator Slossberg, Representative Morrin and members of the committee. My name is Jim Bucko I am the managing partner Riverhouse Properties and a resident of Haddam. I am here to offer testimony in support of Raised Bill # 1196 Section 14. Starting in 2005, my 3 partners and I developed 3 acres on Bridge Road into The

Riverhouse at Goodspeed Station which is one of the highest regarded banquet facilities in the state of Connecticut. We employed over a dozen construction/design companies and hundreds of construction workers, the majority were Connecticut companies. We opened our business in June of 2007 and at the present time we employ over 150 in our company and are the second largest tax payer in the town of Haddam. In addition to our company's employees we also employ several companies in the State such as Sysco food service, Fresh point produce, Apparel Plus linens, Connecticut Distributors Inc, Barton Brescome, Statewide meat and poultry, Gary's East Coast equipment, Gardner Electric and several other food and beverage suppliers as well as local trades.

We are active, highly regarded members of the largest chamber of commerce in the State, The Middlesex Chamber as well as a Strategic Partner for The Metro Hartford Alliance. We support organizations such as The CT State Troopers, Haddam, Deep River and Essex Fire Departments, local schools from the preschool to the high school level, American Red Cross which we have hosted blood drives for the past 3 years, The American Cancer Society as well as local breast cancer groups to name a few.

I provide you with this information so you can understand that we not only support our state and community but are regarded as true professionals in our business. Not only is our company philosophy healthy for our business it is healthy for our town and the State of CT. We provide the highest level of service, product and ambiance to our customers. Our customers are largely from CT but we also attract a large amount of our business from our neighboring States, Rhode Island, Massachusetts and New York.

If the land exchange was to happen it will provide us the foundation to start the exploration of developing the 17 acres into a well thought out, attractive business community that complies with the town's specification through Haddam's planning and zoning. If fully developed with an anchor tenant such as an entertainment venue, shops, hotel/inn, train station, etc the project could provide as many as 300 construction jobs as well as 400 permanent jobs. With a rough calculation of estimated potential revenue the State of CT could realize well over two million dollars in sales tax and the town over one

hundred thousand dollars in tax revenue. We see this project as the conduit between Haddam and East Haddam communities which would create one destination for both towns, comparing it to how Mystic is a destination made up of Groton and Stonington. I have mentioned all of the "development" side of the project but what also needs to be mentioned is the environmental side of the proposal. When was the last time the State was presented with an opportunity to grow tax revenues, provide brand new jobs that never existed before and preserve 5 times the amount of open space for the local communities and the residents of CT to enjoy?

I have provided you my testimony today to help the committee and everyone concerned with this exchange to understand this is a rare opportunity for the State economically and environmentally.

Thank you for your time and for the opportunity to speak to you today.

Sincerely,



Jim Bucko
Partner
Riverhouse Properties

Good morning committee chairpersons and members. My name is Matthew Ruty and I am the Banquet manager at The Riverhouse at Goodspeed Station and a resident of Haddam. I was first introduced to this ownership group almost 5 years ago to the day. Then I was a sophomore in college looking for a great summer job. I spent months as a laborer, simply hammering nails and hauling drywall. I was given the opportunity to interview with the banquet manager a few weeks before their grand opening. They brought me in and gave me a position as a banquet server. After two and a half years in this position, with great support and continuous emphasis on the importance of my development from the managing partner Jim Bucko, I was given the opportunity to accept the lead banquet captain position. After serving and learning in this position for 14 months I was shown another opportunity for personal growth and growth in the company. At 25 I accepted my first ever management position as the Banquet Manager of the Riverhouse. This ownership's commitment to their employees, their management and to their families is second to none. It's a rare thing these days to be able to say that I have a personal relationship with every partner and their families. I am proud to be a member of the Riverhouse family and I am proud to be a member of the town of Haddam. I firmly believe that this land swap will not only create jobs and revenue for this community, but it will also give the 22 year old woman or man a bright future. This is what this ownership has consistently done for me and for that I am forever grateful. I understand the priority of the partnership to secure this land to not only to ensure the land around their business is in their control for development but to further grow their business and to continue to provide jobs and careers, just like they did for me.

Good morning committee chairpersons and members. My name is Sean Zier and I am the general manager of The Society Room of Hartford

I am here to offer testimony in support of Bill # 1196.

I have the privilege of being the first general manager hired by our company in early 2009.

I have witnessed first hand the potential growth of the company from it's early beginnings and have seen many of the goals set forth by the partners come to fruition. I could not think of a better company to be at the helm of a project like this in an effort to create more jobs and more overall growth within the community.

I have been the general manager of both the Riverhouse at Goodspeed Station as well as The Society Room of Hartford and have seen both venues go from relative obscurity to leaders in the private event and hospitality industry. I often tell my clients that our company is offering things that other colleagues in the business are not. We are setting the standard for excellence in our niche of the business world. From weddings to corporate events we continually exceed the expectations for our clients and their guests. I have no doubt that given the opportunity to expand our talents into the arena of hotel management we would offer nothing less than perfection.

The future for The Riverhouse Inc. is limitless and the notion of encompassing new venues and business opportunities has certainly been part of the larger picture from inception of the company. The ambition and potential to take the ideals and principles that have made our current company such a success, and focus that on a new venture, seem to be an idea that has all the makings of a winning concept.

As a leader in our company, I will certainly benefit with the possibility of becoming a junior partner in many of our future endeavors.

Being one of the cornerstones in the early stages of a business is both challenging and fulfilling, and offers the excitement of achieving personal goals and laying out a template for future success. I am honored to be part of such a company and very much look forward to the challenges ahead.

Sincerely,

Sean Zier

Good Morning Senator Slossberg, Representative Morrin and members of the committee.

My name is Mark Poole and I am a partner of The Riverhouse at Goodspeed Station.

I am here to offer testimony in support of Bill # 1196 sec #14.

I would like to give you some background about our team and an understanding of how this group of experienced individuals is well suited to undertake a project of this nature once the land exchange comes to a positive outcome.

I come from a background of 20 years of hotel/ restaurant management working for multiple hotel management companies prior to starting the development of the Riverhouse project in Haddam. Trevor Furrer comes from a banking and finance background having an integral role in arranging and managing the financing for our projects. Trevor and I also own a property management and contracting company owning and managing residential as well as office/ retail space. Jim Bucko brings 20 years of hotel/ foodservice management and actively manages the Riverhouse in Haddam, and Steve Rocco brings his experience as a licensed Architect and local developer in Haddam. Two of our partners are local residents of Haddam with a vested interest in their community.

This team of experts has experience in developing larger scale projects, having successfully designed and built the award winning Riverhouse at Goodspeed Station 5 years ago. Two years later we took over and repositioned The Society Room of Hartford on Pratt Street into the top event venue in the city of Hartford. Our latest project getting underway is to take over the Avon Old Farms Inn in Avon to rehabilitate, reposition and reestablish this historic location back to its 252 year history of success and quality in the community. All of these projects were challenging and required the combined talents of the team to execute and maintain the high levels of success year after year. We have received multiple awards for our product quality and service.

Our group is best positioned to undertake the responsibility of a project like this based on our experience in executing high quality large scale projects like the Riverhouse in the town of Haddam Tylerville section. We worked well with community leaders in developing the Riverhouse and would do the same with a new project if this land exchange is accepted. We look forward to working through the local planning and zoning on a new project as we have in the past. I think it is a testament to the communities experience on the past project that they are supporting us so strongly with this new potential project in Haddam. We are also extremely concerned about what and how a project like this is designed and constructed since we have one of our major businesses overlooking the site.

The first step to unlock the potential of this project is to exchange these parcels of land, locking up the 87 acres of forest land and bringing the 17 acres located in the main economic area of

Haddams Tylerville section back to its rightful role to bring the much needed economic development this town needs, this region needs and this state needs in its battle to shore up the short falls that we are experiencing now and for years to come. There doesn't seem to be a better time to undertake this type of project then right now.

I urge this committee to approve this land exchange. Thank you.

P 6
L 13**HB1196 – Sec 14**

My name is Clark Gardner and I live on 37 Maple Ave, Higganum, CT. I am opposed to the proposed land swap by Steven Rocco. I was present at a Planning and Zoning meeting at least 18 months ago, Mr. Rocco was extremely evasive and outright stealth like when pressed about the state and federal groups he was attempting to not name in his proposal to the P and Z ; his words exactly were " unnamed entities" and at one point looked at Mr. Ed Swing (editor of Haddam Bulletin) and said " I don't suppose it would be too much to ask to have the bulletin refrain in printing anything about this proposal , would it? " I also firmly believe it is not in the best interests of the state of Connecticut residents to have state open land on the banks of the Connecticut river, to be exact it is not on the banks but rather several yards from it , I don't know the exact distance , nonetheless it is 17 acres of very scenic land under the auspices of the DEP and swap this for 84 acres of forest bordered by High St. and Route 154 in Higganum center. The 17 acres in question have a high commercial potential and Mr. Rocco is a part owner in the adjacent Riverhouse, a commercial event center available for rental. There is a rumor that the Goodspeed opera house is hoping to build a hotel there and the site is to be fully developed commercially. What alarms me and is of concern is the manner and tone Mr. Rocco has carried out his plan for this land swap in 2009 it was , I am not exaggerating, a last minute addition as an amendment to a bill at several minutes before midnight at the last day to accomplish this of that legislative year. To the best of my knowledge he has had the full cooperation of Ms. Eileen Daily and if not for the efforts of then Congressman James Spallone it might have gone through without any public input what so ever. In 2010 the bill did not move forward as well and Steven Rocco is attempting to do a similar push, under the radar. I only heard about this yesterday the 17th of March. Again I fully oppose such a consideration without a well-informed public meeting in all the towns that have a vested interest in the outcome of such a land swap. After all, it is the public's land (17 acres) and for it to be switched for a somewhat remote 84 acre parcel without adequate citizen involvement does not seem like a transparent effort involving the parties and the tax-paying citizens of the State of Connecticut. Please feel free to contact me with any concerns, Clark Gardner (860) 345-4769



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March 21, 2011

Government Administrations and Elections Committee
Room 2200, Legislative Office Building
Hartford, CT 06106

**TESTIMONY OF JEFF PUGLIESE
MIDDLESEX COUNTY CHAMBER OF COMMERCE**

SB 1196-An Act Concerning the Conveyance of Certain Parcels of State Land

My name is Jeff Pugliese and I am the Director of Legislative Affairs at the Middlesex County Chamber of Commerce. I am here today to offer the Chamber's strong support for SB 1196, An Act Concerning the Conveyance of Certain Parcels of State Land. The Chamber's particular interest in this bill lies in the section dealing with the proposed land swap in the Town of Haddam. Under this plan, the state would exchange an unused former sand pit, full of shrub, so it could be redeveloped as a tourism destination and a job creator for the local economy. The Riverhouse at Goodspeed Station, a banquet and conference center in Haddam and strong corporate citizen, would receive the state owned land abutting the facility and would develop it in both an economically and environmentally responsible way.

The Riverhouse is offering to exchange a large tract of forest land that would connect Cockaponset State Forest to Route 81 in the Higganum section of Haddam. This proposal would allow DEP and residents of the local community better access to this pristine area of forest in Connecticut's River Valley. Our Chamber believes that the state has the chance to develop a 17-acre sand pit in a way that will create hundreds of jobs, will serve as a continuing source of tax revenue, and will also provide the opportunity to preserve 87 acres of beautiful virgin forest land.

In our view, this is a situation where everyone wins. It is clear to everyone that Connecticut needs economic development projects that will create jobs. This proposal accomplishes just that while simultaneously being conscious of the environment. This is precisely the type of quality project that will help us improve our economy both in Middlesex County and in the State of Connecticut while employing true smart growth initiatives that are environmentally responsible. Thank you for the opportunity to testify this morning.

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<http://www.middlesexchamber.com> • Email: info@middlesexchamber.com

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001877
L 14

Mark B. Walter
First Selectman

Emmett J. Lyman
Peter T. Govert
Selectmen

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Selectmen's Office
TOWN OFFICE BUILDING
EAST HADDAM
CONNECTICUT
06423



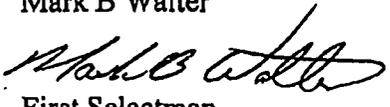
Judiciary Committee: Reference SB 1196

As First Selectman and representative of the citizens of East Haddam, I share the concerns of many citizens regarding the conveyance of the seventeen acre parcel adjacent to Eagle Landing State Park in Haddam. I expect the legislature to carefully weigh the concerns of everyone involved.

That said, I am also mindful of the importance and value of developing resources that encourage regional tourism. Our own Economic Development Commission has been working on plans to develop a similar area on our side of the river with our Village Revitalization Committee. The possibility of a small boutique hotel (along with other types of retail) in this area has potential benefits for many of our town businesses, most especially our iconic Goodspeed Opera House.

As I have said in the past, I have known The Riverhouse partners to be good employers and civic partners. They have recently endeavored to be open with us about their plans and process, and stated a willingness to work with us to bring retail traffic to our side of the bridge. They are not outsiders to the community, but local residents who share our concerns about protecting our resources. The First Selectman and every major Board in Haddam has their support, and see their effort as a key component to the redevelopment of the Tylerville area. I believe a prosperous future requires that we all work together.

We can not build East Haddam as an exclusive island. A regional effort is a must to create the critical mass of tourist and visitors needed to produce a steady supply of customers to one of the prettiest river regions in the country!

Mark B Walter

First Selectman
East Haddam CT

Equal Opportunity Employer



Town of Chester
203 Middlesex Avenue
Chester, CT 06412



telephone: 860-526-0013
facsimile: 860-526-0004
www.chesterct.org

BILL: SB 1196 Sec 14

TITLE: AN ACT CONCERNING THE CONVEYANCE OF CERTAIN PARCELS OF STATE LAND

POSITION: Support

The natural beauty the Lower Connecticut River Valley offers is a treasure not only for the state but for the country. There are however, many pretty places. What makes our end of the state truly special is the quality of life our communities offer; a quality that is a result of our ability to balance recreational, economic, and conservation efforts in overall stewardship of our environment. It is not surprising that 5 of Connecticut's top 9 small towns, as ranked by Connecticut Magazine, can be found along the shores of the lower Connecticut River

As we continue to navigate some of the most difficult economic times in the state's history, our political leaders talk of improving the state's business climate, and of making tourism a top priority. This proposal is an opportunity to put words into action. The two Goodspeed theatres, the Connecticut River Museum, recreational boating, the Chester Hadlyme Ferry, and most recently, a well received banquet facility have brought visitors to our area. Those visitors shop in our stores, eat in our restaurants, and recently attracted the attention of an aerospace manufacturer who relocated their business and 65 jobs to Chester because of the quality of life the area offered.

The proposed land transfer and associated development will only add to our quality of life. We know agencies are in place that will provide the required oversight. As municipalities we have demonstrated the ability to balance the need for environmental protection and the desire to live, work and recreate in such a special place. The parcels in question will allow an expansion of access for both recreation and economic development. The 80+ acres overlooking the river will be enjoyed by who visit our state forests. The possibility of appropriately scaled development will provide synergistic benefit to the business and residential community of all the surrounding towns.

For these reasons, as First Selectman of Chester, Haddam's neighbor to the south, I strongly support the proposed transfer.

Thomas E. Marsh

First Selectman, Chester

Dear Chairman, Vice Chairman and Government Administration and Elections Committee members: please have this testimony entered into the official public hearing record of S.B. 1196 Section 14 concerning the Haddam, CT Land Conveyance. I request that it be read aloud during the hearing.

I am opposed to the land conveyance as proposed which would take 17.40 acres of prime river front area open space land and trade it for land in the Higganum section of Haddam. I am a resident of Marlborough, CT and we and many residents from all points in Connecticut and beyond visit the Eagles Landing State Park which appears to border the parcel of land in question. This transaction would set precedence in taking land that was donated with the clear intention of open space for the public to enjoy and place it in the hands of private developers for their own personal financial gain. Future access will be restricted to those who can financially afford it. This goes against the wishes and generosity of the original donor whose intention was that this amazing land, with stunning views of the Connecticut River, be forever available to the people of Connecticut in perpetuity. It calls into question the many and ever increasing donations of open space made across the state that provide residents with access to acres of pristine land for passive recreation, nature trails, scenic vistas and more.

There is no clear development plan in place. You have no reassurance that the development envisioned won't have a negative impact on the Connecticut River, Eagles Landing State Park and the general river valley which many preservation groups have worked so long and hard to preserve and protect.

Please ask yourselves - would you donate land to the State of Connecticut

knowing that in the future they could convey, trade or sell it to the highest bidder? Think of all the future land donations that you're impacting today as people realize that there's no guarantee their generous bequest won't live on as the public oasis they intended.

Thank you for your consideration.

Best regards,

Jane Boston
jbboston01@sbcglobal.net
(860) 214-2105
64 Pettengill Road
Marlborough, CT 06447

Proud member of the Marlborough Lake Advisory Commission, Marlborough Economic Development Commission, The Nature Conservancy, The Rails-to-Trails Conservancy and the Trustees of Reservation, Massachusetts

March 21, 2011

Testimony Regarding Submitted Bill 1196, Section 14

The Haddam Conservation Commission wishes that both the 17 acres in Tylerville and the 87 acres in Higganum remain undeveloped. However, per Chapter 97, Section 7-131a of the Connecticut General Statutes, one of the duties that a conservation commission must perform is to "conduct research into the utilization and possible utilization of land areas of the municipality." Therefore, the Haddam Conservation Commission opinion and rationale on the proposed land swap follows.

Natural resources do not adhere to artificial boundaries set by humans. Similarly, monetary values designated by humans do not often incorporate intangible values associated with the public good, community character, public health, future and/or avoidance costs for potential public water and sewer systems, and pollution management.

Therefore, the Haddam Conservation Commission does not advocate a "dollar for dollar" approach to evaluation of the proposed land swap but rather what makes sense for the long-term benefit of both the citizens and natural resources of Haddam.

The 2007 update of the Haddam Plan of Conservation and Development guides Haddam land use. The overall message of the Plan of Conservation and Development document promotes development in mixed-use village centers and highly discourages residential sprawl.

Relevant are the following Goals from the Plan of Conservation and Development:

- Maintain Woodland and Rural Character of Haddam's Natural Landscape (p. 15)
- Protect Prime Features of Haddam's Natural Landscape (p. 16)
- Enhance Visual Appearance and Vitality of Haddam's Multiple Villages (p. 17)
- Capitalize on Tylerville's Existing Commercial Nature and Close Proximity to Cultural Attractions (p. 46)

The Haddam Conservation Commission supports the land swap as long as the bill language for the swap and subsequent actions by all parties satisfies the following conditions:

- The entire 87 acres of privately owned land off High Street in Higganum become part of Cockaponsett State Forest.
- In addition to fee ownership by the State of Connecticut Department of Environmental Protection, a conservation easement on the 87 acres to a

conservation organization such as the Haddam Land Trust or Connecticut Forest and Park Association reinforces that the 87 acres will remain as conservation land in perpetuity and not developed. To guarantee permanent conservation, both fee ownership with deed restrictions and a conservation easement are recommended by conservation experts.

- There are no residual provisions for residential development of any of the 87 acres in Higganum as part of the swap agreement.
- Any subsequent development of the Tylerville parcel will follow Haddam Zoning Regulations and Gateway Zone Regulations and, if extant, Tylerville Village Zoning Regulations. Although the development process must follow the appropriate regulations and processes, reinforcement in the property deed may also be necessary.

The Haddam Conservation Commission feels strongly that this unique opportunity to form a conservation corridor or "greenway" with the nearby State Forest should be realized. Trails can lead from Higganum Center through Cockaponsett Forest. The land will be available for wildlife habitat, hunting, and passive recreation. Development brings fragmentation of the forest and introduction of impervious surfaces and lawn. Avoidance of these changes will promote groundwater recharge for Higganum Center, the other designated center for development in Haddam. The view of the ridge line will remain unbroken forest and not be dotted with homes. Haddam has enough residential dwellings and does not need (relatively) pristine land to become homes that specifically benefit the developer and not necessarily the greater good of the citizens of Haddam.

Haddam Conservation Commission

Gail Kalison Reynolds, Chair
Walter Bragoni
Mardi Hanson-d' Alessandro
Deborah Umba
Thomas Worthley

RAISED SENATE BILL NO. 1196

GOVERNMENT ADMINISTRATION AND ELECTIONS COMMITTEE

AN ACT CONCERNING THE CONVEYANCE OF CERTAIN PARCELS OF STATE LAND

Testimony Submitted by Dr. Melvin Woody, Chairman, Connecticut River Gateway Commission

March 21, 2011

My name is Melvin Woody. I am the chairman of the Gateway Commission, which administers the Gateway Conservation Zone established in 1973 by the vote of this legislature and the vote of town meetings in the eight towns in the lower Connecticut River estuary. I am here to testify against the inclusion of section 14 in S.B. 1196.

This is the third time that the transfer described in Section 14 has come before this committee. In 2009, Governor Rell refused to sign the whole bill. In 2010, exactly the same proposal as you see before you was removed from the bill in response to objections by the DEP, the Gateway Commission and others. Because the proposal has not changed, despite the Gateway Commission's efforts, everything I said in objection last year still applies, so I will include last year's objections in my written testimony. I would like to stress three points about that statement.

That testimony reviews the reasons the legislature and towns established the Conservation Zone. I was on the committee that designed the Zone in 1973 and have served on the Gateway Commission ever since. I want to stress that the the Zone was not created in order to oppose development, but to guide it – lest hap-hazard, piecemeal development spoil one of the state's most valuable resources, the only unspoiled major river estuary on the Eastern seaboard. which The Nature Conservancy calls one of the last great places on earth.

Second, we oppose section 14 as it stands as of today. As in 2010, we have been told about ambitious plans for the site. *But no such plans are spelled out in the bill!* As

it stands, the bill is a blank check. It conveys into private ownership a parcel purchased by the state for the explicit purpose of conservation as open space. And no wonder so! This parcel is one of the most important to the public in the entire Conservation Zone. The legislature did not establish the Conservation Zone merely for the sake of the eight towns that collaborate in maintaining it. It proclaimed that the lower Connecticut valley is a precious resource for the entire state and the nation. There are only a five or six places where the non-boating public can enjoy the beauty of the valley. The view from the Goodspeed Opera House and the swinging bridge between East Haddam and Haddam is one of those spots – and the site in question is what you see from the opera house and its picnic grounds, from the Gelston House and as you head west on the bridge. It is one of the prime tourist sites in the state and therefore especially important to preserve.

Third, and nevertheless, within a month of the removal of this proposal from last year's conveyance bill, we began negotiating with the parties interested in this proposal in search of a comprehensive solution that might satisfy the most salient interests of the Conservation Zone, the DEP, the towns of Haddam and East Haddam, which has a major interest in what happens to that site and, last, the partnership that has proposed this transfer. Those discussions have issued in a long overdue planning effort to design a new village zone for the Tylerville district of Haddam, which is now zoned industrial. I have asked J. H. Torrance Downes, our staff planner, to describe those negotiations because until they issue in a more definite plan, the Gateway Commission must oppose this transfer on behalf of its member towns and the public at large. A comprehensive solution will have to include a conservation easement that will adequately protect the viewscape from the river, the bridge and East Haddam.

Any proposal that does not do so risks the setting a precedent that will endanger all efforts of the state, The Nature Conservancy and local land trusts to acquire conservation land and scenic easements. That was one of the DEP's chief objections to this transfer last year. If people cannot trust the state to honor its contracts and obligations, they are not likely to entrust their property to the state's open space program. We recognize that Section 14 proposes to trade the land by the river for an even larger, 87 acre tract of highlands adjacent to Cockaponsett State Park. At 16,000 acres Cockaponsett Park is already the second largest of Connecticut's state parks. Land along its borders isn't nearly as scarce or precious as riverside lands available to the public. (Although Section 14 does also include a riverside parcel of 2.7 acres at the end of the Goodspeed Parking Lot, so far as we can discover, that passage is obsolete and that parcel is no longer included in the trade.) For reasons stated above, the Gateway Commission is convinced that because of its peculiarly strategic location, the land overlooking the river is of far greater value to the public than the larger parcel offered in exchange.

However, sensible of the interests of its member towns, the Gateway Commission has spent recent months exploring the possibility of a solution that would satisfy the primary interests of both the Conservation Zone and the towns of Haddam and East Haddam and that might also be acceptable to the DEP. Not all of the land in question is visible from the river. It may be possible to satisfy the conservation purposes of the Gateway Conservation Zone by a scenic easement and still have room for some commercial development consistent with "the traditional riverway scene." That is the solution we have been exploring with the town and the Riverhouse Partnership. We ask

that you not prejudice those negotiations prematurely by approving this transfer while so many pertinent questions remain unsettled.

With that, I conclude my 2011 explanation of the Connecticut River Gateway's opposition to the inclusion of Section 14 in this year's conveyance bill. My 2010 testimony follows. As I said to begin with, since Section 14 is exactly the same as Section 19 of last year's conveyance bill, last year's comments still applies and I hope you will regard them as an integral part of this year's testimony on behalf of the Gateway Commission.

Thank you for your attention. Mr. Downes and I will be glad to answer any questions you may have after his testimony.



Rivers Alliance

OF CONNECTICUT

TO: The Government Administration & Elections Committee
RE: Bill 1196, AAC THE CONVEYANCE OF CERTAIN PARCELS OF STATE LAND

DATE: March 21, 2011

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Tony Mitchell

Dear Sen. Slossberg, Rep. Moran, and Members of the Committee

Rivers Alliance is the statewide, non-profit coalition of river organizations, individuals, and businesses formed to protect and enhance Connecticut's waters by promoting sound water policies, uniting and strengthening the state's many river groups, and educating the public about the importance of water stewardship.

Rivers Alliance urges the Committee to delete Section 14, popularly known as the "Haddam Land Swap." In 2002, Rivers Alliance was among the dozen environmental groups that worked for statutory revisions to provide for more transparency and an environmental impact analysis when state lands are to be transferred. The coalition was called the CEPA Work Group (for the Connecticut Environmental Policy Act). The need for transparency is especially important when the transfer is to be into private hands.

The history of the proposed Haddam land swap has been troubled. There appears to be no reason sweep these troubles under the rug in order to expedite the transfer. We recommend following the more deliberative process proposed by the Gateway Commission. The process should include an analysis of the environmental and monetary value of the parcels in question, study of the plans proposed for use of the conveyed land, assessment of their performance capabilities, review by the local land-use commissions, and so forth.

In this time of limited state resources, it is essential that we do not rush into a potentially unfavorable real estate transaction involving a highly visible and environmentally valuable parcel of land.

Thanks for your attention.

Margaret Miner, Executive Director

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State of Connecticut

**HOUSE OF REPRESENTATIVES
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**REPRESENTATIVE TIM ACKERT
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**MEMBER
EDUCATION COMMITTEE
FINANCE, REVENUE AND BONDING COMMITTEE
PUBLIC HEALTH COMMITTEE**

To: Chairman Slossberg, Chairman Morin, Ranking Member McLachlan, Ranking Member Hwang and members of the Government Administration and Elections Committee

From: Rep. Tim Ackert, 8th Assembly District

Date: March 21, 2011

Re: Raised SB No 1196 *AAC The Conveyance Of Certain Parcels Of State Land (Sec 9)*.

For the record I am Representative Tim Ackert and here to testify in support of Section 9 of SB 1196. Section 9 would allow the Coventry Historical Society (CHS) to sell property located at 2187 South Street (Sprague House) in order to use proceeds of the sale to assist with maintenance at two other properties CHS owns. The Strong Porter House is located across the street from the Nathan Hale Homestead and hosts many educational tours for historians and school children. The Brick School House also located in Coventry actually holds classes for local school children to see how education was delivered in the nineteenth century and even as late as 1950.

The sale of the Sprague house will also help to preserve this early 1800's home. Since the Coventry Historical Society has limited funds the focus of repairs has been to the Strong Porter House and accessory structures, leaving limited resources for the Sprague house. New owners will revive this home located next to the Nathan Hale Homestead and preserve the historic character of the neighborhood.

I have seen the dedication the Coventry Historical Society members have for these historic properties. The fundraising events, tag sales, home tours, early American dinners, and hours of caring for these homes are a testament to their desire of preserving history. Some of the money will be used to replace roofs, rebuild a large barn and replace an outhouse destroyed by a fallen tree. This money will also be used to leverage matching money from the Connecticut Trust for Historic Preservation.

Two Special Acts of the legislature (63-365; 1965) conveyed this state property to the CHS and included language in the deed that allows the Sprague House only to be used as a meeting house and museum.

The proposed language in SB 1196, Section 9 allows CHS to sell the property and use all proceeds for other properties owned by CHS.

I respectfully ask the Committee to keep this section in any final conveyance bill that reaches the full legislature for consideration. I appreciate your time and attention to this important issue.



TOWN of TOLLAND / 21 tolland green, tolland, connecticut 06084

Steven R. Werbner
Town Manager
(860) 871-3600
swerbner@tolland.org

March 21, 2011

Members of the Government and Administration and Elections Committee

RE: S.B. No. 1196 – An Act Concerning the Conveyance of Certain Parcels of State Land

Dear Committee Members:

On behalf of the Town Council of Tolland, the Planning and Zoning Commission and the Economic Development Commission, I urge that you support passage of this bill. The Town of Tolland is asking that an open space deed restriction on a nine acre parcel of land deeded to the Town from the State some nine years ago be removed. The Act allowing the original transfer was Special Act 03-19 approved July 2, 2003. This parcel of land is located in the proposed Tolland Village Area with some 475 acres of developable land surrounding it on two sides of the road just off interstate I-84. The Town, working through its Planning and Zoning Commission has for the last several years been working with landowners, residents, Town Officials and Consultants to develop a concept plan for possible development of this Village Area that would apply the principals associated with a transit oriented development. This parcel has been identified as a key component of the overall development based on its relationship to other parcels in the area. The piece is landlocked and not suitable for use as open space by the Town. The Town has over the last ten years purchased and preserved some 1,000 acres of open space in other areas of Town and overall some 20% of Tolland's land mass is classified as open space property.

The Town has limited opportunities for mixed developments and is excited about the potential this concept plan brings to the Community for creating much needed housing, services and job potential. It is our goal to have regulations prepared for this zone by June 1st which will allow developers time to begin assessing how best the private market can incorporate our concepts into their development scenarios.

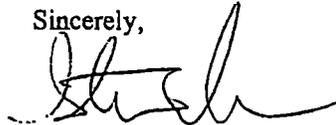
In addition, the Town is also desirous of working with the Department of Transportation to move an existing commuter lot which is in close proximity to the subject parcel to a similar size piece of property across the street. Preliminary discussions with Department Officials

Members of the Government and Administration and Elections Committee
Page Two
March 21, 2011

concerning this matter have been encouraging and the Department has suggested we seek legislative approval to allow for this to happen in a timely fashion. It is anticipated that there would be no cost to the State for this action. By relocating the commuter lot we will provide a means for cost effective access into the nine acre parcel.

Overall the conveyances requested will be of extreme benefit to the Town and its ability to put forth a development concept that meets best planning practices in terms of sustainability, transit oriented development, protection of the environment and the creation of housing and job opportunities. The Town of Tolland urges that the Committee take favorable action on this bill.

Sincerely,



Steven R. Werbner
Town Manager, Town of Tolland

SRW/ltb



State of Connecticut
 HOUSE OF REPRESENTATIVES
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 HARTFORD, CONNECTICUT 06106-1591

PS
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REPRESENTATIVE PHILIP MILLER
 THIRTY SIXTH ASSEMBLY DISTRICT

LEGISLATIVE OFFICE BUILDING, ROOM 4037
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MEMBER
 ENVIRONMENT COMMITTEE
 HUMAN SERVICES COMMITTEE
 PUBLIC HEALTH COMMITTEE

I'm a four term First Selectman and previously a landuse commissioner and Land Trust volunteer in Essex. I have experience in open space acquisition around the lower Connecticut River, an area which I now represent, including Haddam.

We know the value of open space to our air and water quality, keeping traffic patterns manageable and conserving viewsheds. I have worked on land donations, which utilize charitable giving benefits, sales of development rights, and even retail sales of land designated for preservation and passive recreation and with rightful future expectation and promise clearly understood and honored in perpetuity.

The proposed land exchange in the Tylerville section of Haddam is proximal to the Goodspeed Bridge, one of the prime public contacts, along with the Chester Ferry to Gillette's Castle route, with the public trust, the Connecticut River itself, championed by the honorable Gateway Commission and positively upheld by me.

This conveyance before you caused me to be initially confused, and there is a strong misrepresentation of this, caught up in slick marketing and a fullcourt press by proponents who seek to base their private development on first having to procure, through you, public land, conveyed to the State and paid for with 1.3 million, by the citizens of Connecticut, for a larger property worth less than half a million.

And while the State property is undeveloped and at present available only as overflow parking to Eagle Landing, where Riverquest operates natural history tours of the lower river, it is clearly been shown to be land intended by the seller to be conservation land in perpetuity.

That the legislature would consider this exchange sends a troubling message to those who would donate such land for this purpose, that yes, you can be generous, whether by donation or fuller value, and the State or other receiving entity may exchange this land at some point in the future depending on if there is the temptation of promoted profiteering enterprises at play.

Meanwhile, while the idea of Tylerville lodging may have merit, there is still unresolved groundwater contamination there, and unresolved zoning issues which need attention. There are street front parcels available for potential lodging and maybe even a splendid new Goodspeed Opera House some day. There are hundreds of Haddam citizens dismayed and feeling slightly disenfranchised because this has not been publicly discussed and only made to look like the work of Senator Daily.

Most importantly, I look at this body as the fair-minded arbiters of preserving conservation designation and intent. Thank you.

Phillip Miller, 36th District State Representative

March 20, 2011

Government Administration and Elections Committee
Room 2200, Legislative Office Building
Hartford, Ct. 06106-1591

Dear Committee Members:

The proposed trade of 17 acres in Haddam of prime, strategic, open space public land for nearly worthless private land is a very ill conceived idea. We ask that every public official, elected or appointed, take action to defeat Bill Number 1196. This land swap proposal is detrimental for many reasons as follows:

1. It does nothing to protect the ecological and scenic assets of the Lower Connecticut River Valley.
2. It is contrary to the long established and much invested strategy of the State of Connecticut and area towns to preserve and protect the Lower Connecticut River Valley. Please review the history of the Connecticut River Gateway Commission and the Department of Environmental Protection's Open Space Acquisition Program.
3. It is unethical. The State of Connecticut acquired the 17 acres at a fair market price for the right reasons. However, the proposed replacement land is not developable and therefore of little value. Furthermore, the proposed replacement land is not even in or near the Lower Connecticut River Valley.
4. It does not benefit the citizens of the Lower Connecticut River Valley and the State of Connecticut. It does benefit a single company owned by several partners who are looking to increase their profits. Witness this quote from Jon Crane, spokesman for the partners proposing the trade - "They just want to make money. It is the American way".
5. It will have a very negative effect on the Lower Connecticut River Valley. This negative effect will further fragment the wildlife habitat, will generate more light pollution, will generate more traffic, etc. It will make the Lower Connecticut River Valley less attractive for tourists, for native wildlife, and the people who live and recreate in the Lower Connecticut River Valley. Please review the Eagle Watch Program.
6. It will certainly discourage donations. Much of the open space in the Lower Connecticut River Valley that has been protected through acquisition by the State of Connecticut has been by way of outright donation or bargain sale. If potential donors learn that their donated land can later be given to private developers, we are sure all further donations will cease.

If this proposed Bill is allowed to proceed to a full vote of the Legislature, it will put both the State of Connecticut and the elected officials who support it on a very slippery slope. We ask your Committee to soundly reject this dangerous Bill.

Sincerely,

Todd and Charlotte Gelston
50 Bogel Road
East Haddam, Ct. 06423

HB1196 section 14

John and Patricia Schlag

Ellington CT

We are opposed to the land swap currently in this bill.

First, the language is not correct. The Goodspeed is not part of this deal at present.

This proves negligence and bad form to include a section into a bill that is outdated and it should have been revised in the first place.

And the value of the lands are far from equal.

More than half of the 17 acres in Haddam has a view of the river, Opera house and antique swing bridge, adding significant value and desirability to the property.

They are worth much more than the appraisal value of the 87 acres (much of which is undevelopable).

We do not support the state giving away prime, riverview property, purchased for its conservation value and then swapped because a developer and "wants it."

This is not what I entrust my state legislature to do for its citizens.

The state puts all other properties they own (without conservation rights) out for bid.

What makes this swap special?

If a swap were indeed to commence, why not put it out for a "swap auction" and see what the state could potentially get in return.

Possibly 200 acres, including a lake?

A 100 acre marsh that might have rare species of fish or frogs?

I know many people who have better land than this 87 acres on a steep hill sprawling with rocks and ledge.

If the developer says it is so developable, why has it not been done in all these years.

Thank you for your time.

Please remove section 14 from HB1196.

Sincerely,

John and Patricia Schlag

Ellington CT

HB 1196

OPPOSITION TO PROPOSED BILL 1196 Section 14

Daria Thompson
Haddam CT

I am opposed to the proposed HB1196 section 14 for so many reasons.

I am opposed to the 'fuzzy math' and 'suspect appraisals' that have accompanied this land swap.

The incredible drop in appraisal value of land has come into question which casts doubt on the honesty and integrity of the potential swap.

APPRAISAL

87 acres 2009: \$501,300

87 acres 2010: \$324,150

17 acres 2009: \$1,555,000

17 acres 2010: \$171,780

The subjectivity has been questioned and frankly, every appraisal in this town should now be called into question.

Thank you.

Daria G Thompson
84 Meeting House Road
Haddam CT 06438

(Mr. Chairman/Madam Chairman) and members of the Committee

My name is Patricia Natusch, past president of the Coventry Historical Society in Coventry, CT. I am here to give testimony in support of S.B. No 1196 (Raised) AN ACT CONCERNING THE CONVEYANCE OF CERTAIN PARCELS OF STATE LAND - Section 9 - the removal of deed restrictions from property owned by the Coventry Historical Society at 2187 South Street, Coventry, Connecticut.

The Coventry Historical Society has owned this property since 1965. It was purchased from the State of Connecticut with the intention of using the property as a home for the society's museum and meetings. However, over the past 40 years the society has outgrown this building (known as the Sprague House) and moved its activities to its larger property the Strong Porter Museum further down South Street. The Sprague house not only became too small for society meetings, but a safety issue arose with a lack of parking and no way to build a bigger parking lot. Members were forced to park on a heavily traveled back road to attend meetings.

The Coventry Historical Society presently owns three properties - the Strong Porter House, which has the main house which houses our museum and archives, a carriage shed, a barn, and a blacksmith shop and an antique three-hole outhouse; the Sprague House, and the one-room Brick School House.

Both the Strong Porter House and the Sprague house are located within sight of the Nathan Hale Homestead, an area of historic value to the Town of Coventry.

Society members are constantly fundraising so that all these properties can be properly maintained. Matching Grants and donations have just kept us above water. With the removal of the deed restrictions the society would have the opportunity to sell the Sprague House. The society would better able to maintain its properties and save the Sprague House. As with all our properties, constant maintenance has kept our buildings in good shape and as much as it would be a blow to lose the Sprague House, we feel the only way to save this historic home built sometime between 1790 and 1820 would be to sell it to someone who would restore it, and certain caveats would be placed on the sale of the home with this intent in mind. The money used from the sale would go toward the upkeep of our other properties, future growth of our historic programs and displays of town history.

Thank you for this opportunity to speak.

Patricia Natusch
Past President, Coventry Historical Society
218 Riley Mountain Road
Coventry, CT 06238

HB1196 Section 14

Wayne Lepard

Higganum CT

The proposed land swap between Mr Rocco and the State of Conn, (17 acres across from goodspeed for 87 acres of forest in Higganum) was discussed at at least three P&Z meetings with Dr Gorin asking the zoning board members to endorse the concept of the land swap as other entities within Haddam- including the first selectman had already done so. We voted not to endorse this or any other concept as this was not our purpose as elected board members.

Wayne LePard

HB 1196

OPPOSITION TO PROPOSED BILL 1196 Section 14

Melissa Schlag Proulx
Haddam CT

A 2006 Executive order created an Office of Responsible Growth within the Office of Policy and Management whose job it would be "to coordinate state initiatives to control rampant, ill-conceived development that threatens Connecticut's special character."

The Executive Order also required that the "Green Plan" for Connecticut be updated "to better identify sensitive ecological areas and unique features, guide acquisition and preservation efforts..."

I see no better "special character" of Connecticut than the Connecticut River; therefore, I see no better "ill-conceived development that threatens Connecticut's special character" than the land swap proposal currently being forced upon the citizens of the state by Eileen Daily.

I cannot understand how a single Senator has such power as to go against so many directives that have been researched and studied at length and enacted to protect all citizens and state lands.

And to make matters worse, this is the third time this land swap has been brought to the house.

I find this an insulting waste of my tax payer money and the Committee's time.

According to the Department of Environmental Protection's (DEP) *The Green Plan: Guiding Land Acquisition and Protection in Connecticut (GP)*, the DEP's goal is "to acquire or otherwise permanently protect land to meet the diverse needs expressed in Connecticut General Statutes (CGS) section 23-8(b) and in various plans regarding open space protection prepared by the State of Connecticut and our open space partners at a rate consistent with achieving the overall statutory goal of protecting 21% of Connecticut's land area by 2023."

Through this directive the DEP, as stewards of our land, has the task of "negotiating and closing of transactions to ensure that the long-term protection goals are met before desirable properties are converted to other uses." (GP)

The State has been committed to preserving open space for over a century, since 1901. And it has taken it seriously using the very example of the land in question: the seventeen acre parcel in the Tylerville section of Haddam was purchased by the state in 2003 for \$1.3M, to be kept as conservation land as stated in the deed.

The GP further states, "It will take time and adequate funding to meet the statutorily-required land acquisition and protection goals. The DEP is committed to a long-term effort to reach the goals..."

With this "long-term effort" to reach their goals, the State has provided the adequate funding in this case, over a million dollars worth, to acquire land that they found important and significant just eight

years ago. It was purchased as its own parcel and has its own deed, separate from all other parcels that are adjacent to it.

Furthermore the GP states that "The individual landowners interested in protecting their land are perhaps the most critical partners in this effort. Often these individuals have demonstrated a concern for the Connecticut landscape or are otherwise interested in transferring their property for protection purposes. Without them, the Department would be unable to meet the land protection goals set by the legislature."

Therefore, should this land swap be approved, it would jeopardize all future land acquisitions, transfers and purchases for the foreseeable future, contradicting the DEP's very own goal and directive.

This would be a detrimental step backwards and would reverse all of the work and policies that the many departments have put their time, money and energy into creating.

While it remains true that the State would be swapping 17 acres of land for 87 acres, thereby receiving an additional 70 acres that would be added to the thousands of acres of Cockaponset forest, it is my belief that the acquisition of these additional 70 acres would have resonating effects on the conservation of land and cause the DEP and the citizens of Connecticut to lose so much more in principal.

In conclusion, I will state the specific goal of the DEP's own GP directive, "In general, land or interests in land under the custody and control of the Department has been obtained to permanently protect such property for its conservation, recreation, natural resource or other value. In addition, such land or interests in land has been obtained for the benefit of the public, including future generations. Accordingly, such land or interests in land shall not be exchanged, except in extenuating circumstances."

I oppose the transfer of my land to private developers.

Thank you for your time.

Melissa Schlag Proulx

33 Little Fawn Trail

Higganum CT 06441

March 21, 2011

Karrie-Ann Morris
83 Tater Hill Road
East Haddam, CT

State of Connecticut
Connecticut General Assembly
Government & Elections Committee

RE: HB 1196 Sec.14 Opposed

The Connecticut River is where people from all over come to play and visit and hike and fish and live! This is EVERY ONES land. Why have we come against the contents of this bill once again? This is public trust land – on a purposive state park/or active rail line? Once It is gone to development (which we still have NO IDEA of any real FINAL plan) – it is lost forever.

This particular conveyance of state land involves a land swap that is specifically trading public property for private property. If these properties were of equal value perhaps the trade could very well make some economic sense to the Haddam Selectman and Its Planning and Zoning Commission, and those in favor of economic development without full thought given to careful and responsible planning. The Haddam town assessor's office says they are not of equal value. Therefore, there is no economic sense to be made here – period.

Year after year, Senator Daily refuses to listen to her constituents who have become self-educated of this bill. But there are many more townsfolk people today do not even know the scattered details of this plan due to the lack of transparency on this highly debated issue. The clock is ticking while state and local officials want to have this transaction move along as quickly and as quietly as possible – AS TO NOT LET ANY LOCAL OPPOSITION GET IN THE WAY OF THE PLANS OF THE DEVELOPER AND THE SENATOR WHO ENDORSES HIM.

For this chosen developer to take hold of the immediate wealth of the waterfront property – along with the Valley Railroad, and the Goodspeed – seems just a bit insulting to ALL taxpayers of Connecticut. It's no secret that more and more people are cynical of

government, and cynical of elected officials. Why? *BECAUSE IT'S CLEAR HERE AGAIN:*

IT IS ALL IN WHO YOU KNOW, AND HOW DEEP ORGANIZED POCKETS WANT TO BE. IF YOUR ORGANIZATION CAN AFFORD TO HAVE LAND TO SWAP, AND IF YOUR ORGANIZATION CAN AFFORD TO BE A DEVELOPMENT FIRM, AND IF YOU CAN AFFORD TO HIRE PR, AND IF YOU CAN AFFORD THE RIGHT LAW FIRM – THEN YOU TOO MIGHT ACQUIRE A LAND SWAP ALONG THE CONNECTICUT RIVER TO BUILD A HOTEL/THEATER WITH A TRAIN STATION AND A DOCK, PARKING LOT READY TO BE UTILIZED – DON'T FORGET THE THEATER (NON-PROFIT = TAX BREAKS). What a great deal FOR JUST THE RIVERHOUSE - all courtesy of Senator Eileen Daily should HB1196 pass.

I recently wrote to a former state official seeking support in opposition to this HB1196 Issue. To my complete disbelief they very sternly warned me not to speak out on this issue. I was told to steer clear of this issue in case I needed a favor from Senator Daily in the future. In addition, now that State Representative Phil Miller had replaced former Rep. Spallone, perhaps I could call on a favor from him now as well.

Forget my previous testimony. Is this the way you folks do things in Hartford? I know of an economic development site with great land swap potential in Essex. A potential train yard - adjacent to state park land - heck, you name the uses for it! How much did a land swap like this one in Haddam cost Mr. Rocco through legislation? Please ask Madam Senator Daily to let me know on that. Perhaps this may be an opportune time to ask to be included in next years land conveyance bill?

Respectfully,
Mrs. Gregory Turner Morris

H – 1120

**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2011**

**VOL.54
PART 29
9635 – 9973**

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Senate Bill Number 1162, as amended by Senate
"A", in concurrence with the Senate.

Total Number voting	148
Necessary for passage	75
Those voting Yea	148
Those voting Nay	0
Those absent and not voting	3

SPEAKER DONOVAN:

The bill as amended is passed. Representative --
Representative Sharkey.

REP. SHARKEY (88th):

Thank you, Mr. Speaker. Mr. Speaker, I move for
the suspension of our rules for the immediate
consideration of Calendar 638.

SPEAKER DONOVAN:

Question is for immediate suspension -- for
suspension from the rules for immediate consideration
of House Calendar 638. Any objection? Any objection?
Hearing none, the rules are suspended for that purpose
and will the Clerk please call House Calendar 638.

THE CLERK:

Calendar 638, substitute for Senate Bill Number
1196, AN ACT CONCERNING THE CONVEYANCE OF CERTAIN
PARCELS OF STATE LAND. Favorable report of the

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Committee on Finance, Revenue and Bonding.

SPEAKER DONOVAN:

Representative Mary Fritz.

REP. FRITZ (90th):

Thank you, Mr. Speaker. Will the Clerk please call Calendar -- call LCO Number 8697 and I be allowed to summarize.

SPEAKER DONOVAN:

Will the Clerk please call LCO 8697, and the Representative seeks leave of the Chamber to summarize.

THE CLERK:

LCO Number 8697, Senate "A", offered by Senator Slossberg, Representatives Morin, Fritz and Hwang.

SPEAKER DONOVAN:

Representative seeks leave of the Chamber to summarize. Any objection? Hearing none, Representative Fritz, you may proceed with summarization.

REP. FRITZ (90th):

Thank you, Mr. Speaker. This is a strike-all amendment. It was previously designated Senate "A". And this is the annual conveyance bill which many of you are very familiar with. This is a bill that helps

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the members of the General Assembly help their towns and their cities. This bill covers Farmington to Fairfield, Wethersfield to Wallingford. It has 15 sections, two land swaps, three pieces of land at fair market value, and three repealers. Mr. Speaker, I move adoption.

SPEAKER DONOVAN:

The question is on adoption. Remark further?

REP. FRITZ (90th):

Thank you, Mr. Speaker. I believe that this bill has come a long way since its inception in January. I know there's been -- a lot of controversy around it, but I also know that in -- the final days of this session that many changes have taken place within the bill and I do believe that this bill helps many towns and cities in our state. And Mr. Speaker, I move passage.

SPEAKER DONOVAN:

Question is on adoption. Remark further?

Representative Wood.

REP. WOOD (141st):

Thank you, Mr. Speaker. As -- as Representative Fritz has mentioned, there has been tremendous

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controversy on this and I just wanted to explain why I would be a no vote on this conveyance.

It regards Section 10, the Haddam land swap. A colleague from the Senate referred this to a multi-layer drama cake which I thought seemed to summarize it pretty well. There are two issues with this land swap -- and I should also mention that I'm the current board chair of the Trust for Public Land and I was the past president of the Darien Land Trust for four and a half years so I have significant background in land preservation and land conservation.

The basic premise of this land swap is when you donate land to either a land trust or sell it or donate land to a land trust or the DEP you are preserving that land in perpetuity. That is a basic trust. When that trust is violated or overridden it becomes much more difficult to convince donors in the future to give their land to open space.

Two, my second big concern, is that the DEP has a policy on land exchanges. It's a written policy, it was dated June 10, 2008, and my understanding is -- it's right here -- my understanding is all six pieces of this have not been met.

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So I just think this -- this is a real concern. This bill will likely pass tonight; I understand that. The next step will be this issue will definitely go into litigation. It's going to cost the tax payers money and I just think we have a responsibility to have a thorough vetting of this land swap. I'm not for or against it, I'm just for a very thorough -- a much more thorough vetting of this land swap. Not doing so undermines the State's credibility as a steward of open space and of land.

So to close, I'm voting no on this conveyance. I hope you will join me on this. Thank you very much, Mr. Speaker.

SPEAKER DONOVAN:

Thank you, Representative.

Representative Phil Miller.

REP. MILLER (36th):

Thank you, Mr. Speaker, and good evening.

SPEAKER DONOVAN:

Good evening, sir.

REP. MILLER (36th):

I would like to join Representative Wood in voicing a vote against this conveyance, particularly the Haddam land swap. It's clear that every year this

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body conveys surplus State lands to municipalities to make good opportunities happen. However, this land in Haddam, the 17 acres, is not surplus land. It is clearly conservation land. In fact, the 2003 deed which you and I, all of us, bought this land back in 2003 specifically for conservation land and I quote, not withstanding certain restrictions contained in a warranty deed from Eagle Land Corporation to the State of Connecticut Department of Environmental Protection recorded in Volume 263 at page 319 of the Haddam land records that such land shall be retained in its natural scenic or open condition as park or public open space; said parcel may be used -- so that's basically right in the deed and we've been told that this is an old, played-out sand pit which is polluted with dumped trash.

Some of you may know that professionally I'm a naturalist and I want to give you a different look at this and I want to quote one of my colleagues that this 17 acres is on a former sand quarry, but this is sand barren habitat designated as critical habitat in Connecticut because it's so rare in this state. Some of you know in New Jersey and the eastern end of Long Island we have sand barrens or pine barrens. It's a

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critical habitat in Connecticut. This is one of the few places and it has an impressive plant survey and other things in it and it is a great piece of land.

I think the -- what's been portrayed is an either/or, we can either have 17 acres or 87, that is a disingenuous argument because it presupposes that what would have to take place first is that this Legislature would convey this piece of land to a private developer. The 87 acres may have some merit on its own and should be judged as a -- a separate issue, and that would be entirely appropriate. But as far as conveying this land -- I recognize that the other conveyances are legitimate conveyances of what is indeed surplus land, things such as old discontinued DOT right-of-ways, but this Haddam land swap is based on 17 acres that is definitely conservation land.

There's been a lot of slick market -- marketing pieces and other things a lot of you have been subjected to things. My -- I just want to state that this is terrible public policy and I agree with Representative Wood. Many of you know that throughout several hundred years we have a conservation platform here in this state that's been built on very generous

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people who have donated acreage for all of us to be kept as conservation land in perpetuity and this goes against that, and I've had many people who are generous donors tell me that they will never donate another acre ever again should this land swap go through. Thank you for your time. Thank you, Mr. Speaker.

SPEAKER DONOVAN:

Thank you, Representative.

Representative Moukawsher.

REP. MOUKAWSHER (40th):

Thank you, Mr. Speaker. I rise in support of the bill obviously, and I also would like to just make a couple of remarks with regard to the property in Haddam that is proposed to be swapped.

First of all, with respect to any kind of legal issues involved in this from the litigation, there's a statute that specifically empowers the Legislature to make transfers of land, land swaps, I mean there's no question about our authority to do this. And in the language in the deed, if you look at the statute that is referenced in the deed it -- it gives a -- the language in the deed is explaining under a grant that

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the property was purchased for that it meets the criteria of the grant.

Now, I think as a -- a cautious or an excess of caution the -- the bill that is before us says notwithstanding any restrictions. But if you'll note in the -- in the particular bill that we have before us, in Section 14, I -- I made this point in e-mails before, there is reference to specific deed restrictions where it says notwithstanding certain restrictions contained in a quit claim deed from the State of Connecticut DOT to the Town of Tolland that said parcel be used for open space purposes and not be sold or leased; said parcel may be used for economic development.

To me that's -- there's a much more explicit restriction on a transfer. This property was given to Tolland and it was given with these restrictions in it and it could be sold or leased and now we're allowing it to be used for economic development. I don't understand the consistency of these arguments. I don't understand why the environmental community has made such an issue out of this.

I'd like to just remark on what Senator Williams said when this bill was before the Senate earlier. He

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said I was -- I was told it was riverfront land; it was not. I was told it was pristine; it is not. I was told the environmental -- it was the environmental community's top priority and I've asked why, and to date, I've still not gotten a satisfactory answer. Then I was told that, well, it's not the merits of the swap but it's the process.

And so his conclusion was, well, then apparently this is a good transfer of property on the merits. And I've heard -- many different remarks about the process. I've seen an alert from the League of Conservation Voters that said that this swap was not vetted by anyone in government and -- and I've read articles that said there was no public hearing. Well the GAE Committee had a full public hearing, and if you want to the -- our Website and you looked you'd see a great deal of written testimony. The transcript has a great deal of oral testimony. This has been thoroughly vetted and it's been vetted by the government, it's been vetted by the Legislature. So I -- I find a lot of the arguments disingenuous, but I'd like to just remark on the positives about this.

And again, I'd like to quote Senator Williams. Environmentally this makes a tremendous amount of

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sense. Rather than leave that as a partial wasteland in the midst of these industrial and commercial sites next to the railroad tracks, why not have that serve the community in its highest and best use? Why not transform that so it can be used by folks in a way that is complementary?

There's no question that this property was a sand pit at one time. It's not a sand barren. It had the top soil removed. It was a sand pit. It was used to -- for sand and gravel. There's already been a Phase I environmental assessment of it. Phase I is to determine if there's contamination. They're now going to have to do a Phase II because they have found contamination. This is not a pristine property by any means, and -- and it's -- thank God that, you know, common sense is carrying the day in this -- in this case.

And I'd just like to point out that the Town of Haddam has had many presentations on this. Their Conservation Commission chairman sent an e-mail to all of us saying how beneficial she feels it is to the environment in their area. And with respect to the parcel that is being transferred, she -- in the e-mail she said the 87 acres in Higganum that is being

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offered to the State by River House Properties will create a greenway connecting the -- Haddam Land Trust Cedar Hill Preserve on Route 154 in Higganum through Cockaponset State Forest south to the town of -- Killingworth. Along with State protections, River House supports a conservation easement as well for this land held by a land trust or other interested third party.

So she sees the benefits of this swap, 87 acres of pristine forest land. I think common sense has finally prevailed in this matter and -- I'm happy that we're finally resolving it. Thank you.

SPEAKER DONOVAN:

Thank you.

Representative Morin.

REP. MORIN (28th):

Thank you, Mr. Speaker, and I'll be very brief. I did -- I did hear a few comments from previous speakers and I just want to assure this General Assembly that the Government Administration and Elections Committee vetted this process, we had a public hearing, we listened to all sides of this matter on all the items that are on the conveyance bill, and -- so I just want you to be assured that we

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did listen and the decision that's going to be made is -- in my opinion is a solid one.

I support the land swap in Haddam as well as the others and the only other thing -- in previous discussions I heard words about donated land and people won't donate. Just be clear, this was not -- I just want to make sure that people understand, this was not a parcel that was donated to the State of Connecticut. It was purchased and the overall benefit, if we're going to talk about environmental benefits, the overall benefit of 87 acres -- contiguous to an existing State forest is -- is well worth it and I urge my colleagues to support this bill. Thank you, Mr. Speaker.

SPEAKER DONOVAN:

Thank you, Representative Morin.

Representative Mushinsky.

REP. MUSHINSKY (85th):

Thank you, Mr. Speaker. I don't have an opinion one way or the other on the proposal, on the use of the land, on which land is better for the environment. But the point is that this land was purchased with Recreation and Natural Heritage Trust Fund, and as the head of the Friends of Connecticut State Parks has

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said, just because a town wants to use a piece of open space land as a piggy bank and do something -- economic development for the town, doesn't make it right.

The land is purchased with State open space money to be State open space. There are covenants on the land that ensures its use for that purpose and I disagree with my friend from Wethersfield, if a land -- if a donor wishes to give land in perpetuity to the State and they know about this case, they will think twice about -- turning land over to the State when a developer may come, dangle a project in front of a municipality and get that land overturned.

I think it's a terrible precedent for the General Assembly. I hope we will -- no disrespect to any of the other transfers in the bill -- but I hope we will reject because of this one section, Section 8 in the bill, which transfers land from open space to development which was not the intention of the purchase and I hope we will reject it.

SPEAKER DONOVAN:

Thank you.

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Care to remark further on Senate "A"? Further on Senate "A"? If not, let me try your minds, all those in favor of the amendment, signify by saying Aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER ALTOBELLO:

Opposed, Nay?

REPRESENTATIVES:

No.

SPEAKER DONOVAN:

The Ayes have it. The amendment is adopted.
Remark further on the bill as amended? Remark further on the bill as amended? If not, staff and guests please come to the Well of the House, members take your seats, the machine will be open.

THE CLERK:

The House of Representatives is voting by roll call. Members to the Chamber. The House is voting by roll call. Members to the Chamber, please.

SPEAKER DONOVAN:

Have all the members voted? If all the members have voted, please check the roll call board to ensure your vote has been properly cast. If all members have

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voted, the machine will be locked, the Clerk will
please take a tally. '

THE CLERK:

Total Number Voting	148
Necessary for Passage	75
Those voting Yea	90
Those voting Nay	58
Those absent and not voting	3

SPEAKER DONOVAN:

The bill as amended is passed.

Will the Clerk please call Calendar Number 614.

THE CLERK:

On page 31, Calendar 614, Senate Bill Number 954,

AN ACT CONCERNING THE ELECTRONIC RECORDING OF
CUSTODIAL INTERROGATIONS, Senate "A" has been called.

SPEAKER DONOVAN:

Representative Holder-Winfield. Hold on,
Representative.

We're on the board now so Representative Holder-
Winfield.

REP. HOLDER-WINFIELD (94th):

Thank you, Mr. Speaker. I move acceptance of the
Joint Committee's Favorable Report and passage of the

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**CONNECTICUT
GENERAL ASSEMBLY
SENATE**

**PROCEEDINGS
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please.

THE CLERK:

Calendar page 32, Calendar Number 371, File
Number 609 and 841, Substitute for Senate Bill 1196,
AN ACT CONCERNING THE CONVEYANCE OF CERTAIN PARTIALS
OF STATELAND, favorable report of the Committee on
Government, Administration and Elections, and Finance,
Revenue and Bonding.

Clerk is in possession of amendments.

THE CHAIR:

Senator Slossberg.

SENATOR SLOSSBERG:

Thank you, Madam President.

I move the Joint Committee's favorable report and
passage of the bill.

THE CHAIR:

Approval on passage of the bill.

Will you remark?

SENATOR SLOSSBERG:

Yes, Madam President.

The Clerk has LCO Number 8697. I would ask that
it be called, and I seek leave to summarize it as a
strike-all amendment.

THE CHAIR:

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Mr. -- Mr. Clerk.

THE CLERK:

LCO 8697 which will be designated Senate
Amendment Schedule "A" is offered by Senator Slossberg
of the 14th District.

THE CHAIR:

Senator Slossberg.

SENATOR SLOSSBERG:

Yes, thank you, Madam President.

This is our annual land conveyance bill --

THE CHAIR:

Ma'am, would you like to move for --

SENATOR SLOSSBERG:

-- I move adoption.

THE CHAIR:

The question is on adoption.

Will you remark further, Senator?

SENATOR SLOSSBERG:

Yes, ma'am.

This bill is our annual land conveyance bill. It authorizes conveyances of state property in Cheshire, Wethersfield, Fairfield, Farmington, Bristol, East Hartford, Norwalk and Bridgeport. It authorizes land exchanges in Tolland and Haddam. It releases a deed

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restriction on property in Coventry. It requires a job development of a plan for granting easements in Hamden. It amends a prior conveyance in Tolland and repeals prior conveyances in Wallingford, New Haven and Trumbull.

Additionally it requires the State Traffic Commission to remove signs prohibiting a right turn on red at a specified intersection in Rocky Hill.

If I may -- if I may for a moment address one of the sections in this bill, which I believe has gotten a lot of attention, and that would be -- be -- in regard to the -- the land swap in Haddam. I want to be made -- make it very clear to the Chamber and to the public on two -- on two pieces here. First, procedurally, this proposal was brought to the Government Administration Elections Committee in 2009. It was brought again in 2010 and in 2011. In 2010 and 2011, it received two public hearings with a great deal of testimony. I also wanted to share -- I know that there's some discussion with regard to some environmental procedures under Connecticut General Statutes 4b-47 and an internal directive related to that from the Department of Environmental Protection. And I wanted to be very clear that neither of those

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items, neither of those laws -- neither the directive nor the specific statute -- applies to this particular conveyance. It is specifically exempt from conveyances affected by the General Assembly.

As to the merits of this proposal, this is a land swap for economic development purposes which is similar to many of the other items in this bill. The land was sold to the State. There was no conservation easement in the deal. This was part of a larger deal, as well, that included riverfront property. The riverfront parcel remains as it is in State -- in State ownership. The -- the parcel that is sought to be -- to be swapped is the back parcel which has significant environmental issues associated with it. It is not riverfront. It has currently been used for dumping. It is surrounded by commercial and industrial properties and it is zoned industrial.

In exchange for these 17 acres, the State of Connecticut will receive 87 acres of pristine forest land. This swap is supported by the local Haddam Conservation Commission and they asked for certain specific requirements to be in the bill which are in the bill in front of us, and I've asked for the Chamber's support.

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THE CHAIR:

Will you remark? Will you remark?

If not, I tried.

Senator Daily.

SENATOR DAILY:

We were asking for a roll call on the bill.

THE CHAIR:

Roll call will -- roll call will be ordered.

Senator Kelly.

SENATOR KELLY:

Thank you, Madam President.

Through you to the proponent of the -- the bill.

THE CHAIR:

Please proceed, sir.

SENATOR KELLY:

As I understand it, this is a strike-all amendment that will remove all the language from the initial Senate Bill 1196.

THE CHAIR:

Senator Slossberg.

SENATOR SLOSSBERG:

Yes, through you, Madam President.

This is a strike-all amendment that becomes the bill.

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THE CHAIR:

Senator Kelly.

SENATOR KELLY:

In Senate Bill 1196, there was included a parcel in the Town of Monroe wherein the Department of Transportation was going to convey a half -- half acre of property to Monroe. Is that in the current amendment?

THE CHAIR:

Senator Slossberg.

SENATOR SLOSSBERG:

Through you, Madam President.

No, it is not.

THE CHAIR:

Senator Kelly.

SENATOR KELLY:

Could you give me an explanation as to why it has not been included?

THE CHAIR:

Senator -- Senator Slossberg. Sorry.

SENATOR SLOSSBERG:

Yes, thank you, Madam President.

Section 9, the parcel you're talking about that was in the original bill was asked to not be included

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by the Department of Transportation in that they conveyance would have landlocked the abutting property owner.

THE CHAIR:

Senator Kelly.

SENATOR KELLY:

Okay.

With regards to the Haddam property, could you explain a little more fully exactly where this parcel is located in Haddam and -- and what its characteristics are?

Through you, Madam President.

THE CHAIR:

Senator Slossberg.

SENATOR SLOSSBERG:

Yes, thank you, Madam President. This is close to the river. The piece of property is 17 acres in industrial -- it is zoned industrial. It is not on the riverfront.

THE CHAIR:

Senator Kelly.

SENATOR KELLY:

How long has it been zoned industrial?

THE CHAIR:

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Senator Slossberg.

SENATOR SLOSSBERG:

Thank you, Madam President.

I don't know.

THE CHAIR:

Senator Kelly.

SENATOR KELLY:

With the industrial zone has there been any tests done on the property as to whether it's environmentally contaminated?

Through you, Madam President.

THE CHAIR:

Senator Slossberg.

SENATOR SLOSSBERG:

Thank you, Madam President.

It is my understanding that a Phase I has been done and a Phase II is underway.

THE CHAIR:

Senator Kelly.

SENATOR KELLY:

What were the results of the Phase I environmental?

THE CHAIR:

Senator Slossberg.

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SENATOR SLOSSBERG:

Thank you, Madam President. I haven't seen the results of them but it is my understanding that they showed some -- some environmental concerns.

THE CHAIR:

Senator Kelly.

SENATOR KELLY:

Now you indicate that we're going to get -- the State would obtain an 87-acre parcel of forest land, where is that located? Through you, Madam President.

THE CHAIR:

Senator Slossberg.

SENATOR SLOSSBERG:

Thank you, Madam President.

It is also in Haddam.

THE CHAIR:

Senator Kelly.

SENATOR KELLY:

And what is the zone for that parcel?

Through you, Madam President.

THE CHAIR:

Senator Slossberg.

Thank you, Madam President.

To the best of my knowledge that is zoned

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residential. However, under this proposal it will become part of Cockaponset State Park -- State Forest.

THE CHAIR:

Senator Kelly.

SENATOR KELLY:

Would there be a deed restriction on the 87 acres coming to the State of Connecticut?

Through you, Madam President.

THE CHAIR:

Senator Slossberg.

SENATOR SLOSSBERG:

Yes, Madam President.

Yes, there would.

THE CHAIR:

Senator Kelly.

SENATOR KELLY:

Are you familiar with -- let me retract that.

Under the Haddam zoning regulations, what type of use would an industrial zone allow in the property we currently own?

Through you, Madam President.

THE CHAIR:

Senator Slossberg.

SENATOR SLOSSBERG:

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Through you, Madam President.

The best of my knowledge an industrial use.

THE CHAIR:

Senator -- Senator Kelly.

SENATOR KELLY:

Would commercial use be allowed in an industrial zone?

Through you, Madam President.

THE CHAIR:

Senator Slossberg.

SENATOR SLOSSBERG:

Thank you, Madam President.

I don't -- I don't know.

THE CHAIR:

Senator Kelly.

SENATOR KELLY:

Would residential use be allowed in an industrial zone?

THE CHAIR:

Senator Slossberg.

SENATOR SLOSSBERG:

Madam President, I don't know.

THE CHAIR:

Senator Kelly.

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SENATOR KELLY:

How would you define industrial use?

Through you, Madam President.

THE CHAIR:

Senator Slossberg.

SENATOR SLOSSBERG:

Through you, Madam President.

I believe that the words speak for themselves.

Industrial use -- for the use of industry.

THE CHAIR:

Senator Kelly.

SENATOR KELLY:

So would it be fair to say that the only use on
this parcel then would be industrial?

Through you, Madam President.

THE CHAIR:

Senator Slossberg.

SENATOR SLOSSBERG:

Madam President, through you to Senator Kelly.

Since I am not on the Planning and Zoning Board
in Haddam, I couldn't speak to what the actual
regulations or restrictions are specifically.

THE CHAIR:

Senator Kelly.

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SENATOR KELLY:

Now you mentioned that there was a Phase I undertaken on the property. I thought I heard that you said that there may a Phase II necessary; is that correct?

Through you, Madam President.

THE CHAIR:

Senator Slossberg.

SENATOR SLOSSBERG:

Thank you, Madam President. That is my understanding.

THE CHAIR:

Senator Kelly.

SENATOR KELLY:

Why would we need a Phase II? And what is the Phase II going to undertake?

Through you, Madam President.

THE CHAIR:

Senator Slossberg.

SENATOR SLOSSBERG:

Thank you, Madam President.

Through you, my understanding is that a Phase I was completed and that a Phase II will be moving further and they will undertake a Phase II as well. I

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couldn't tell you anything more about it.

THE CHAIR:

Senator Kelly.

SENATOR KELLY:

Okay. Would you be able to explain to us what a Phase I does?

Through you, Madam President.

THE CHAIR:

Senator Slossberg.

SENATOR SLOSSBERG:

Through you, Madam President, no.

THE CHAIR:

Senator Kelly.

SENATOR KELLY:

Would you be able to explain to us what a Phase II would do?

Through you, Madam President.

THE CHAIR:

Senator Slossberg.

SENATOR SLOSSBERG:

Thank you, Madam President.

My understanding is a Phase II -- both a Phase I and a Phase II are in regard to environmental assessment.

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THE CHAIR:

Senator Kelly.

SENATOR KELLY:

The -- a Phase I and a Phase II is an
environmental assessment of what?

Through you, Madam President.

THE CHAIR:

Senator Slossberg.

SENATOR SLOSSBERG:

Thank you, Madam President, of the property.

THE CHAIR:

Senator Kelly.

SENATOR KELLY:

Then exactly an assessment of the property to do
what?

Through you, Madam President.

THE CHAIR:

Senator Slossberg.

SENATOR SLOSSBERG:

Thank you, Madam President.

It's like a tennis match -- to look at the
environmental aspects of the property.

THE CHAIR:

Senator Kelly.

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SENATOR KELLY:

And would they be positive aspects?

Through you, Madam President.

THE CHAIR:

Senator Slossberg.

SENATOR SLOSSBERG:

Madam President, I believe the answer to that question is it depends upon what the Phase I and Phase II shows.

THE CHAIR:

Senator Kelly.

SENATOR KELLY:

So then the results of this Phase I report could demonstrate that it's an extremely environmentally valuable piece of property and, therefore, of high importance to the State.

Through you, Madam President.

THE CHAIR:

Senator Slossberg.

SENATOR SLOSSBERG:

Thank you, Madam President.

It's my understanding that the Phase I has already come back and shown that it is not a highly positive response.

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THE CHAIR:

Senator Kelly.

SENATOR KELLY:

Okay. Getting back to one of my prior questions, then if it came back indicating that it wasn't a highly valuable piece of property, could you explain to us in what context or in what -- in what ways this property is not environmentally valuable?

Through you, Madam President.

THE CHAIR:

Senator Slossberg.

SENATOR SLOSSBERG:

Thank you, Madam President.

As I stated before, since I have not seen the Phase I, it has been reported to me that it came back negative in -- where there were some environmental concerns. That is the -- that is the information I have.

THE CHAIR:

Senator Kelly.

SENATOR KELLY:

Are the environmental concerns the subject of this Phase I significant or limited?

Through you, Madam President.

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THE CHAIR:

Senator Slossberg.

SENATOR SLOSSBERG:

Thank you, Madam President.

I don't know.

THE CHAIR:

Senator Kelly.

SENATOR KELLY:

Is the negative component run throughout the property or is it limited to a certain location on the property?

Through you, Madam President.

THE CHAIR:

Senator Slossberg.

SENATOR SLOSSBERG:

Thank you, Madam President.

Again, as I have not seen the results of the Phase I, I cannot answer that question.

THE CHAIR:

Senator Kelly.

SENATOR KELLY:

Could you explain how the State obtained this property?

Through you, Madam President.

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THE CHAIR:

Senator Slossberg.

SENATOR SLOSSBERG:

Yes, Madam President.

It is my understanding that this property was
sold to the State.

THE CHAIR:

Senator Kelly.

SENATOR KELLY:

Do you have an idea as to when the property was
sold to the State?

Through you, Madam President.

THE CHAIR:

Senator Slossberg.

SENATOR SLOSSBERG:

Thank you, Madam President.

In 2003, is my understanding.

THE CHAIR:

Senator Kelly.

SENATOR KELLY:

And upon sale of the property to the State of
Connecticut, were there any conditions placed on the
sale?

Through you, Madam President.

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THE CHAIR:

Senator Slossberg.

SENATOR SLOSSBERG:

Through you, Madam President.

It is my understanding there was nothing -- no, there were no covenants or restrictions.

THE CHAIR:

Senator Kelly.

SENATOR KELLY:

And why did the State of Connecticut purchase this property?

Through you, Madam President.

THE CHAIR:

Senator Slossberg.

SENATOR SLOSSBERG:

Through you, Madam President.

It is my understanding that the State was interesting in acquiring the riverfront parcel of this -- of this property and that both parcels together, which is separated by a railroad track, were the -- was the agreement with the landowner.

THE CHAIR:

Senator Kelly.

SENATOR KELLY:

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Was the Phase I environmental study done prior to purchase or subsequent to purchase?

THE CHAIR:

Senator Slossberg.

SENATOR SLOSSBERG:

Thank you, Madam President, after.

THE CHAIR:

Senator Kelly.

SENATOR KELLY:

When did the contamination occur on the property?

THE CHAIR:

Senator Slossberg.

SENATOR SLOSSBERG:

Thank you, Madam President.

I don't know.

THE CHAIR:

Senator Kelly.

SENATOR KELLY:

So is it uncertain as to whether or not it was done by prior property owners or the State of Connecticut?

Through you, Madam President.

THE CHAIR:

Senator Slossberg.

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SENATOR SLOSSBERG:

Thank you, Madam President.

I don't have the answer to that.

THE CHAIR:

Senator Kelly.

SENATOR KELLY:

When the State purchased this property, did it
come in one parcel or several parcels?

Through you, Madam President.

THE CHAIR:

Senator Slossberg.

SENATOR SLOSSBERG:

Thank you, Madam President.

It's my understanding that it was as one parcel.

THE CHAIR:

Senator Kelly.

SENATOR SLOSSBERG:

-- with --

THE CHAIR:

I'm sorry, Senator.

SENATOR SLOSSBERG:

-- if I may, Madam President. I apologize. With
a railroad track, of course, cutting down the middle.

THE CHAIR:

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Senator Kelly.

SENATOR KELLY:

So in the current proposal, are we conveying out one piece of property? The -- excuse me. As I understand it, we purchased one piece with a railroad track running through the parcel. Is the conveyance now going to be that entire parcel with the railroad running through it or is it something less than that?

Through you, Madam President.

THE CHAIR:

Senator Slossberg.

SENATOR SLOSSBERG:

Thank you, Madam President.

No, the State will retain the riverfront property. It is the back portion which has been identified as -- as having issues with regard to the Phase I assessment that is to be swapped for the pristine 87 acres.

THE CHAIR:

Senator Kelly.

SENATOR KELLY:

Just to -- to sidetrack for a second, you mentioned that the 87 acres are pristine. Did we yet conduct a Phase I on that piece of property?

Through you, Madam President.

THE CHAIR:

Senator Slossberg.

SENATOR SLOSSBERG:

Through you, Madam President.

Since we do not own that property, my understanding is no, not at this time.

THE CHAIR:

Senator Kelly.

SENATOR KELLY:

Well, it's apparent that when we purchased the current part of property that we owned we didn't undertake the Phase I and we have now learned in the context of the sale when we did a Phase I that the property is purportedly contaminated. Wouldn't due diligence compel us to not get trapped in that situation again so that as a condition of land exchange we would at least engage in a Phase I environmental of the property that we're looking to obtain otherwise it's hard to say it's pristine?

Through you, Madam President.

THE CHAIR:

Senator Slossberg.

SENATOR SLOSSBERG:

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Thank you, Madam President.

Pristine is my language and it relates to the fact that it's undeveloped.

THE CHAIR:

Senator Kelly.

SENATOR KELLY:

Is there a development on the current parcel we own?

Through you, Madam President.

THE CHAIR:

Senator Slossberg.

SENATOR SLOSSBERG:

The -- the parcel that we are speaking about right now, through you, Madam President, is -- was previously at some point a sand pit. It's undeveloped in -- in the fact that there are no buildings on it to the best of my knowledge right now.

THE CHAIR:

Senator Kelly.

SENATOR KELLY:

Could you explain a little more fully what a sand pit is and how that would not be -- or how that would be different than a sort of -- or synonymous with a site that's been developed?

Through you, Madam President.

THE CHAIR:

Senator Slossberg.

SENATOR SLOSSBERG:

Through you, Madam President.

I -- I don't have any other way to describe a sand pit other than a place where there is a lot of sand.

THE CHAIR:

Senator Kelly.

SENATOR KELLY:

Okay. Through you, Madam President.

The point I'm trying to raise here is that you assume that because there's been no development on the 87 acres there is no environmental. On the present property, as I've gleaned, there hasn't been any development either but you say it's a sand pit. I guess my question is how is sand environmentally hazardous?

Through you, Madam President.

THE CHAIR:

Senator Slossberg.

SENATOR SLOSSBERG:

Thank you. Through you, Madam President.

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I think the issue is that a Phase I has been done and they've determined that there are some concerns with regard to -- with regard to the actual property there. And we have not -- since we don't own the property the other piece of property, we don't -- we don't regularly go around performing Phase I's on pieces of property we don't own as a state.

THE CHAIR:

Senator Kelly.

SENATOR KELLY:

Thank you, Madam President.

I -- the -- I guess the point that -- you know, I don't want to make it seem like I'm trying to beat a dead horse, but I don't also at the same time feel like I'm getting my -- my questions answered.

When we purchased the Haddam property, there was no development. It happens to be a sand pit. And sometimes subsequent to the purchase we've conducted as a -- as a State, the environmental Phase I that came back and demonstrated that there's some form of environmental concern.

Now we're being told that the 87-acre parcel is pristine, yet, it's pristine because it's never been developed just like the parcel we own has never been

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developed and we haven't done a Phase I.

Now it would -- from my perspective in just dealing with the transaction in front of us and not looking beyond it, that if we've been burned once we've bought a piece of property that had no development, now has been deemed to have environmental concern on it that before we rush in to get the new 87 acres that we exercise a modicum of due diligence so that we don't end up in the same box again and do the Phase I first. Through you, Madam President.

THE CHAIR:

Senator Slossberg.

SENATOR SLOSSBERG:

Thank you, Madam President.

Well, it is my understanding that once we have affected this conveyance the Department of Environmental Protection will be charged with negotiating this agreement and doing their due diligence, as well, this going to the State Properties Review Board.

THE CHAIR:

Senator Kelly.

SENATOR KELLY:

Through you, Madam President.

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Who owns the 87 acres -- right now, today?

THE CHAIR:

Senator Slossberg.

SENATOR SLOSSBERG:

My understanding it's owned by a -- Riverhouse Properties.

THE CHAIR:

Senator Kelly.

SENATOR KELLY:

Now it's not like we're selling the state parcel to a third party -- or let me back up. Who are we swapping the State property that we have with?

Through you, Madam President.

THE CHAIR:

Senator Slossberg.

SENATOR SLOSSBERG:

Through you, Madam Chair. We are entering into an agreement with Riverhouse Properties, LLC.

THE CHAIR:

Senator Kelly.

SENATOR KELLY:

And Riverhouse Properties, LLC, wants the current property that the State owns. Correct?

Through you, Madam.

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THE CHAIR:

Senator Slossberg.

SENATOR SLOSSBERG:

Yes, they'd like to swap the property that they own with the property that the State owns.

THE CHAIR:

Senator Kelly.

SENATOR KELLY:

Okay. So we have a situation where the State owns -- I'm going to call it Parcel A just so that we're clear -- and that is the property with the train track that runs through it or adjacent to it, I guess, because we've done some sort of -- I won't get sidetracked -- with Parcel B which is the 87-acre forest land. And that the State is going to swap it with the current owner of the 87-acre parcel.

Now I believe it would -- logic would dictate that if the current owner of the 87 parcel, this Riverside, LLC, wants the State to engage in this transaction, wouldn't they also allow us to do our due diligence prior to accepting that parcel and conduct the Phase I?

Through you, Madam President.

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Senator Slossberg.

SENATOR SLOSSBERG:

Thank you, Madam President.

I don't believe that that has been the discussion
as of this time.

THE CHAIR:

Senator Kelly.

SENATOR KELLY:

Isn't it true -- through you, Madam President,
isn't it true under environmental law that if you have
environmental contamination and you get into the chain
of title that all -- all individuals in the chain of
title would then become -- excuse me -- responsible
for the environmental cleanup?

Through you, Madam President.

THE CHAIR:

Senator Slossberg.

SENATOR SLOSSBERG:

Through you, Madam President.

I am not in the position to render a legal
opinion as to that but I believe that there are some
restrictions when it is a State conveyance as well as
State property that is being exchanged.

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Senator Kelly.

SENATOR KELLY:

Well, it would seem to me that if we're moving forward to obtain a piece of property that is similarly situated -- at least from the discussion we've had -- that they were both undeveloped our experience with this property is that it became contaminated at some point. We have a Phase I to prove that. We have an owner of 87 acres that before we do engage in the transaction with them that as an inducement for the -- for the State to enter into that agreement that they would give us the ability to test the property to make sure that the State of Connecticut and its taxpayers don't end up on an environmental hook and that our due diligence demands that we do something like that.

Through you, Madam President.

THE CHAIR:

Senator Slossberg.

SENATOR SLOSSBERG:

Thank you. Through you, Madam President.

Well, I would -- I guess I would take issue with the concept of this being similarly situated. You're talking about 17 acres that the State owns currently

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that we know has environmental contamination that is next to the DOT garage and stockpiling, that is in an industrial and commercialized zone versus an area of forest where there are trees and there are no similar type of industrial and commercial activities going on. Whereas if you look at the piece of property, the 17 acres we're talking about, it is clearly an area where there's been significant dumping and garbage that has been left there. I don't think that we're talking about two parcels of land that are similarly situated.

THE CHAIR:

Senator Kelly.

SENATOR KELLY:

The reason for my comment on treating the properties as similarly situated stemmed from our discussion in that it was related to me that the parcel of 87 acres was pristine because it had never been developed. I'd also asked about Parcel A and whether that was ever developed and I received the same answer, no, it hasn't it was just a sand pit.

Now what I've heard further is that we had a sand pit but now it's a sand pit that's has people dumping on it which leads me to my next question is, how did people get out there to dump on it and who -- who --

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THE CHAIR:

Senator Slossberg.

SENATOR SLOSSBERG:

Thank you, Madam President.

I couldn't tell you how people get there to dump on it just how -- you know, unfortunately that's been the problem. That's been a problem with this piece of property. The State owns it. It's been uncared for. It's been not well maintained and it's been obviously easy for people to drive right on there and dump all sorts of things.

THE CHAIR:

Senator Kelly.

SENATOR KELLY:

Okay. Then if we can't take care of 17 acres next door to a DOT garage, how are we going to take care of 87 acres somewhere else?

Through you, Madam President.

THE CHAIR:

Senator Slossberg.

SENATOR SLOSSBERG:

Thank you. Through you, Madam President.

Well, that's a good question and that's why in this particular conveyance, we have the piece of

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property becoming part of the State forest as well as a conservation easement where the Department will make a permanent conservation easement to a land trust or nonprofit conservation organization selected by the department to ensure that the -- that the parcel remains undeveloped. So we're going to put it back in the hands of the people who are most able to care for it just as the local Haddam Conservation Commission asked us to.

THE CHAIR:

Senator Kelly.

SENATOR KELLY:

Well, what's the difference? I mean the State of Connecticut currently owns the parcel. And is it not next to a State park?

Through you, Madam President.

THE CHAIR:

Senator Slossberg.

SENATOR SLOSSBERG:

Yes, through you, Madam President. It's next to what's called Eagle Landing State Park, but it's not what you and I -- what you may be thinking of as a State park in terms of, you know, large parcels of greenery and trails and whatnot. It's actually got

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some significant parking area for people to access the waterfront.

THE CHAIR:

Senator Kelly.

SENATOR KELLY:

Well, what I heard a moment ago was that the 87 acres gives us a greater opportunity to protect the property because it's adjacent to a State park and will have a conservation easement on it. Now using that logic this parcel sits next to a State park, all we need to do is put a conservation easement on it and that would clean up the dumping, I guess. We'd be able to do the same thing.

Through you, Madam President.

THE CHAIR:

Senator Slossberg.

SENATOR SLOSSBERG:

Thank you.

Through you, Madam President.

But I think that misses the point. We've got 17 acres of land that we have not taken care of, that we know has some sort of whether it's contamination or environmental significance that we now have an opportunity to swap for 87 acres where we know that it

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is adjacent to forest land and in the process, also, you know, have some -- some proper economic development going along with this. So ultimately you're talking about a swap of land of 17 acres for 87 acres.

THE CHAIR:

Senator Kelly.

SENATOR KELLY:

Well, I understand what you're saying with regards to a number of 17 versus 87 and obviously 87 is more than 17. However, when we got this parcel, initially, we purchased without a Phase I, which subsequent to the sale, as we've learned, renders it environmentally contaminated. Why would we want to do that -- that exact same mistake again in not undertaking a Phase I prior to getting the 87 acres parcel? The people who own the parcel want the deal to go through, yet, we don't know whether there is environmental hazard there or not so why don't we get that Phase I first?

Through you, Madam President.

THE CHAIR:

Senator Slossberg.

SENATOR SLOSSBERG:

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Madam President, I would ask just that the Chamber would stand at ease for a moment?

THE CHAIR:

The Chamber will stand at ease.

(Chamber at ease.)

THE CHAIR:

Senator Slossberg.

SENATOR SLOSSBERG:

Thank you, Madam President.

THE CHAIR:

Senators shall come back -- Senators shall come back in again.

SENATOR SLOSSBERG:

If I -- if I have the question correct and that is why wouldn't we do a Phase I on the 87 acres? That we don't normally do a Phase I unless there's been evidence of some sort of contamination. We don't have any evidence of that whatsoever. The issue with the parcel that we have in front of us is that the entire area has unfortunately been contaminated and so that -- that's what leaves us in the position we're in right now.

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THE CHAIR:

Thank you, Senator Kelly.

SENATOR KELLY:

Well, thank you --

THE CHAIR:

Senator Slossberg.

Senator Kelly, please proceed.

SENATOR KELLY:

Sorry about that. So, through you, Madam President, when we obtained the parcel we now own you indicated it was not only Parcel A but it was also the other side of the tracks, if you will. When did the State subdivide that parcel?

THE CHAIR:

Senator Slossberg.

SENATOR SLOSSBERG:

Thank you, Madam President.

To the best of my knowledge, this parcel is not actually subdivided.

THE CHAIR:

Senator Kelly.

SENATOR KELLY:

So if it hasn't been subdivided, did we get more than one parcel in the initial purchase?

Through you, Madam President.

THE CHAIR:

Senator -- Senator Slossberg.

SENATOR SLOSSBERG:

Thank you, Madam President.

No, no. I believe that I stated that this is one parcel that the State purchased, that the State was particularly interested in the waterfront property and it is divided by railroad tracks and the back portion of this particular single parcel, original parcel, is what we're talking about.

SENATOR KELLY:

Okay. The Phase I that we discuss does that also include the side or the parcel on the other side of the tracks?

Through you --

THE CHAIR:

Senator Slossberg.

SENATOR SLOSSBERG:

Thank you, Madam Chair.

I believe for a little more information on the particulars of the Phase I study, I'd like to yield to Senator Daily. I believe she has some more significant information.

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THE CHAIR:

Senator Daily, will you accept the yield?

Senator Daily, please.

SENATOR DAILY:

Thank you, Madam President.

I do accept the yield.

I've been working on this project for a while and it's in my district so I might have some more light to shed. We bought three parcels. This is only one of the three parcels. The other two parcels are waterfront. This was used in the past. It was -- sand was taken from it, that's where the sand pit is. It's surrounded by industrial property, as well as being zoned industrial itself and DOT property.

There's been evidence of contamination for some time. People that live in the adjacent area have been on treated water for 20 years. There was a manufacturing company there that's closed. There was a gas station in that whole general area.

We don't do Phase I's unless there's strong evidence of contamination. There a pretty expensive thing to do. If we find what's the sort of ground level of contamination, then we do a Phase II. A Phase II is underway -- is in the planning stages now

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for that particular parcel.

The pristine 87 acres would never be the subject of a Phase I because it's pristine and it's -- there is some residential -- some homes on one side and the Haddam Land Trust and Cockaponset Forest and the Haddam Land Trust. So there's no evidence of anything to pollute that area.

THE CHAIR:

Senator Kelly.

SENATOR KELLY:

Thank you very much, Senator Daily.

So when we're talking about the Phase I, we're talking about the Phase I on that piece of property of the three parcels that we're looking to convey out in the swap for the 87 and not the other two. Correct?

SENATOR DAILY:

Phase I has not been done on the waterfront part. That was not -- that was not subjected to this contamination. The Phase I that's been done is on the entire area including this parcel.

THE CHAIR:

Senator Kelly.

SENATOR KELLY:

So was it -- it wasn't done on the waterfront

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property but this and maybe the second parcel that were subject on the initial three-parcel conveyance.

SENATOR DAILY:

My aide will show you the map and this will do a lot to help clarify it. It's --

SENATOR KELLY:

Thank you.

THE CHAIR:

The Senate will stand at ease.

(Senate at ease.)

SENATOR KELLY:

Thank you, Madam President.

THE CHAIR:

The Senate will come back to order.

Senator Kelly.

SENATOR KELLY:

Thank you, Madam President.

And I thank Senator Daily for her answers. I have no further questions.

THE CHAIR:

Thank you.

SENATOR KELLY:

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Thank you.

THE CHAIR:

Will you remark further? Will you remark further?

Senator Suzio.

SENATOR SUZIO:

Good evening -- it's not quite evening. Good afternoon, still, Madam President.

If you may -- will I have just a few questions for the proponent.

THE CHAIR:

Senator Slossberg, prepare yourself.

Senator Suzio, proceed.

SENATOR SUZIO:

Okay. First of all, in Section 8 of the proposed bill which deals with the land transfer we're discussing. If I read in Section (a)1 it says notwithstanding certain restrictions contained in a warranty deed from Eagle Land Corp. to the State of Connecticut Department of Environmental Protection, recorded in line 263 on page 319 in the Haddam land records that such land be retained in its natural scenic or open condition. Would you please clarify that I -- I received -- or had conflicting impressions

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about whether there was a deed restriction or not on the property so through you, Madam President, could the proponent clarify is there a deed restriction and if so, you know, confirm what it is and how we can circumvent or why we would circumvent the deed restriction?

THE CHAIR:

Senator Slossberg.

Okay, Senator Slossberg, would you yield to Senator --

SENATOR SLOSSBERG:

Yes, thank you, Madam President. I yield to Senator Daily for this question.

THE CHAIR:

Senator Daily, will you accept the yield?

SENATOR DAILY:

Yes, Madam President, I accept the yield.

Senator Suzio, it is not -- it's not unheard of that the Legislature will change something that's a warranty deed. That's not a deed in perpetuity. And it contained language about it being a fishing area when there's no water and so when the property is exchanged we'll make very sure that the deed and ownership and use and restrictions of the 87 acres is

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very clear and very tight.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

Excuse me. Thank you.

And through you, Madam President.

If I continue in Section 8 it just says said parcel may be used for economic development purposes and restrictions are released or relinquished. So how -- again, I'm not a lawyer -- how are we able to unilaterally change the deed restrictions in a -- in a -- pertained to land?

Through you, Madam President.

THE CHAIR:

Senator Daily.

SENATOR DAILY:

Thank you very much. The answer I think is the fact that we're the General Assembly and we put these measures in place and we can change them.

THE CHAIR:

Senator Suzio -- so sorry.

SENATOR SUZIO:

That's all right. Thank you.

And through you, Madam President.

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Further on in Section 8 it says the exchange will be subject to approval of the State Properties Review Board. I'm not familiar with that. Could you just explain to me who and what the State Properties Review Board is and what their function is?

THE CHAIR:

Senator Daily.

SENATOR DAILY:

Thank you very much, Madam President.

The State Properties Review Board is set up in statute to do this particular thing, review sales and exchanges of State properties.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

Thank you.

And through you, Madam President.

What are the standards or the parameters under which the State Properties Review Board will make a decision about whether to approve or disapprove of the proposed transaction?

Through you, Madam President.

THE CHAIR:

Senator Daily.

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SENATOR DAILY:

Thank you, Madam President.

I don't have the answer. I don't have their charge or mission.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

Thank you.

Thank you, Madam President.

The -- the riverfront property itself which is not subject to the transaction -- I've seen the -- the documents that have been put out by the developer -- so it's not part of the transaction but it's adjacent to, immediately contiguous with the land that will be transferred in the proposed transaction.

Through you, Madam President.

THE CHAIR:

Senator Daily.

SENATOR DAILY:

Thank you very much, Madam President.

No, it's not exactly. DEP owns the railroad tracks. It's a separate parcel that's above those railroad tracks. It doesn't abut Eagle Landing. It's -- it's certainly close.

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THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

Thank you.

And Madam President, through you, again.

I've looked at the -- the documents again put out by the developer and it looks to me like the property that would be involved in the transaction is elevated above the riverfront property which would not be in the transaction. Is that an accurate observation or could that --

THE CHAIR:

Senator Daily.

SENATOR DAILY:

Thank you very much, Madam President, yes.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

Thank you, Madam President.

In terms of using -- so basically anything that transpires on the property that's going to be transferred is above grade, above the Eagle Landing's property so any contamination that's been on the Eagle Landing property very likely might have migrated down

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to the riverfront property?

Through you, Madam President.

THE CHAIR:

Senator Daily.

SENATOR DAILY:

Thank you, Madam President.

And through you, Madam President.

To the best of my knowledge we have no reason to think that that has happened.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

Thank you, Madam President.

And in terms of the riverfront property which is not going to be included in this but which is intended to be maintained as open space, accessible to the public, would this transaction affect the accessibility of that property for public use and enjoyment?

Through you, Madam President.

THE CHAIR:

Senator Daily.

SENATOR DAILY:

Thank you, Madam President.

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And through you, Madam President.

Eagle Landing State Park has its own access.

THE CHAIR:

Senator Suzio --

SENATOR DAILY:

-- it's on their property. It wouldn't be affected by this in any way.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

Thank you, Madam President.

And finally, if I may -- this would be my last question -- is obviously the people who are going to be most affected other than the people immediately involved in the transaction are the people that live right in the area. What has been the feedback of the local residents and -- and townfolk?

Through you, Madam President.

THE CHAIR:

Senator Daily.

SENATOR DAILY:

Senator Suzio, through our President.

I can tell you that the feelings have been mixed. And I will back up a little bit.

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As we talk about the contamination that's in the area, people and businesses in the area have had wells with special treatment for 20 years. So there is contamination that would be cleaned up by this development. So any opposition by a property owner that will get their water cleaned up is very perplexing to me, but as I said the -- the opposition and the support are both there.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

Thank you, Madam President.

I have no further questions, and I will listen with great interest to the rest of the debate.

Thank you.

THE CHAIR:

Thank you.

Will you remark?

Senator Roraback.

SENATOR RORABACK:

Thank you, Madam President.

I rise, first of all, to commend Senator Daily for the way she represents her district.

Madam President, I don't think there's a person

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amongst us who if our local chamber of commerce got behind an initiative, as an economic development initiative, as a smart growth initiative, as something that would bring jobs and life to our economy wouldn't take a sincere interest in trying to get that done.

Madam President, the president of the Middlesex Chamber of Commerce is Larry McHugh, the chairman of UConn Board of Trustees. He's emailing, I think, every member of the General Assembly telling us why this proposal makes sense.

So while I stand to credit Senator Daily and to welcome the input from the Middlesex Chamber of Commerce and its president, Madam President, I'm left wanting because we have a Governor who's silent but, more distressing, we have a commissioner of the Department of Environmental Protection who is silent.

Madam President, this Governor has not been shy to inject himself into matters large and small coming before the General Assembly this session. This Governor has visited the Senate Democratic Caucus room -- if you believe what the papers report -- to urge Senators to support or oppose a particular bill. Madam President, the Governor's silence on this issue is deafening and given his pronouncements in support

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of Connecticut being open for business, jobs being his number one priority, one wonders why this hasn't gleaned his attention.

But Madam President, the Governor is a busy guy and no one likes to go in harm's way. I get that. But this is going to come to the Governor. If this bill passes he's going to have to confront its contents sooner or -- sooner or later. So I give the Governor some room; he's got a lot going on.

I hold our DEP commissioner in the highest regard. I joined with all who care about Connecticut's environment in heralding his appointment. Madam President, I -- I place his opinion in such high regard that I wrote him and asked him what do you think we should do about this? And the reply that I got, Madam President, was incomplete because the reply that I got from him said that evaluation of these issues would require a detailed investigation and analysis of a number of competing factors as there are compelling arguments to be made on both sides. Boy, that sounds like a letter any one of us could write when a constituent came to us with a controversial issue but -- but our DEP commissioner's job is to protect, preserve, defend, advance

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Connecticut's environment. And how can I know what the right thing to do is if I can't get a clear answer from our commissioner.

Madam President, my understanding is that this proposal was brought to the DEP -- I can't remember all the years and I'll probably get my fact wrong a little bit but maybe in 2009. The DEP has a process. There's a directive, it's online. The DEP has a process for evaluating proposed land swaps. It's in writing.

My understanding is that this proposal was brought to the DEP to be evaluated under their process and for whatever reasons the process did not come to fruition. I'm not sure that there was ever a definitive answer that was issued. So it's hard for me to imagine that within the agency, within the DEP, someone there doesn't know a thing or two about this proposed transaction.

And so I would understand if -- if we went to the DEP with something that dropped out of the sky and said give us an answer yesterday, that wouldn't be fair, Madam President. But when we go to the DEP with an issue that's been on their radar screen, a big blip, not way out on the edge but a big blip in the

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middle of their radar screen for many, many years and we can't get some guidance. And I -- I wouldn't -- if the DEP said, you know, what? on balance this is a good thing for the State of Connecticut. I wouldn't find fault with that at all. I would vote for this bill in a heartbeat. And I think there might be many reasons that they would reach that conclusion.

But, Madam President, I'm left a little bit at a loss about how any of us can know what the right thing is in the face of the Governor's silence and in face of the silence from the DEP. I -- I honestly think if this proposal didn't meet with the DEP's approval because this process didn't allow it to go forward, then maybe the right thing to do would be to revisit the terms of this policy because it may well be that the terms of this policy are not well suited to the year 2011 and the situation that comes before us.

But, Madam President, to me, there's something about the rule of law that has an appeal to me. And I've always thought that the rule of law suggests that if you don't like the law, you petition your government and you change it. And I certainly stand willing to change this DEP directive if it -- if it reaches the wrong outcome. And I think we should

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focus our energies on doing that, Madam President. So sadly under these circumstances, I can't support the bill.

Thank you, Madam President.

THE CHAIR:

Thank you.

Will you remark further? Will you remark further?

Senator Frantz.

SENATOR FRANTZ:

Hi, Madam President. Thank you very much.

The concern of mine is that we are looking at a piece of land here which was purportedly sold to the State with the intent of it being open land and remaining for public use. Without going through the details of that particular transaction, I think it was -- it was a slightly reduced price as opposed to something that resembles a gift to the State of Connecticut or a \$1 sale kind of situation. So it's not like someone donated the land to the State of Connecticut and we're looking at something that is irreplaceable and was clearly intended for selfless reasons to go into the public trust for the use of the general public here. And so it makes it a little more

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complicated.

I think all of us would agree that if land was purely given to the State or to a municipality for the purpose of public use and to be preserved in trust forever, I think that is an argument we should all -- or that's a reason we should all stand behind 110 percent to make sure that that particular piece of land is preserved that way as intended by the original owner before he or she gave it to the State of Connecticut.

In the case of this piece of land here, it's -- the water is a little bit muddy. And while I'm a big proponent of the activities of the land trust and what the DEP ordinarily does with pieces of land like this -- and I, too, share my concern with Senator Roraback why are we not getting any feedback from the DEP. It sure would be nice to get their opinion on this because it helps us legislators know what direction to go on a land swap like this one here that's -- that's being proposed.

But it's -- it's a different situation here because you've got -- you've got a roadway, you've got Route 82 running around it, you've got a bridge right next to it, again, it's Route 82, you've got a --

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you've got a railroad track that goes right through the middle of this parcel and you even have an airport there right across the river, but it's only about 800 feet away. And I just wonder is that really the kind of pristine land that, in fact, we had in mind when we set out to preserve -- when we started to set out to preserve pieces of land like this in the State of Connecticut for the benefit of future generations as well as -- as well as ourselves.

So I don't have any questions but I do question this whole transaction here why we shouldn't do it because in some cases especially you're not dealing with the most perfect piece of land with respect to wildlife, recreational use and people that just want to go see a really nice piece of land. I -- I assume the other piece of land is -- is much nicer. I know it's -- it's bigger and I don't know what the value comparison is but I certainly think this. I think that if we don't consider this, we may not be doing the right thing with respect to overall net effect to land that goes into land trust and in this case the State's, quote/unquote, land trust.

So I will be voting in favor of this but I am also a person who's very, very concerned about --

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about preserving the pristine nature of any of these open pieces of land in the State of Connecticut. We do a lot of that, Mr. President, down in our neck of the woods and that's something I support wholeheartedly. And with that, Mr. President, thank you very much.

(Senator Duff of the 25th in the Chair.)

THE CHAIR:

Thank you, Senator.

Senator Fasano.

SENATOR FASANO:

Thank you, Mr. President.

Mr. President, I rise to talk about the amendment and the underlying transaction with respect to Haddam. Mr. President, I would echo some of the issues raised by Senator Roraback and Senator Frantz in this regard. This is not something that is new. Facts have indicated that this has been around since 2005.

When I'm not a legislator, I do a lot of zoning and I do a lot of land use and I actually develop. So I understand what it is when you trying to put a project together. And in this case what happened

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seems to be relatively simple transactions. There was a purchase of three pieces of property for which all three had to go. In other words, you could not separate one and say I'm not taking that one. So when this deal developed the person who owned the property sold all three. He sold some really good land along the water and perhaps some land that was less of a grade of quality.

We now know that because there's a Phase I and Phase II. Well, what does that tell you? Phase I tells you you do a Phase I review to determine if there's some contamination on the property, such that it rises to a level under our law, to look at a Phase II. That tells you the property is not clean and that's the property we're talking about. We're talking about the 17 acres that have some pollution on it.

So when that happened -- when the developers approached DEP said, look, I like this property, you own it, what can I do? And in 2005, there was a discussion of get a valuable piece of property and we'll swap with you. That's the discussion.

Well, anybody who's a developer knows you don't sit back and say I'll wait for DEP to come to me and

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tell me what property I would like -- you would like and sit back. You're proactive. You go and try to find property, try to identify those properties that make this deal work.

In this instance, 87 acres of very unique, prime property that was slated for development -- 33 homes as I understand it -- was picked.

When you look at the regulations for what lands DEP wants to take over there are a number of criteria, water resources, the ability that it connects State property to State property, natural resources -- because DEP's goal is to preserve those natural resources. On the 87 acres, there's an abundant of natural resources. There's a waterfall, there's a tree line, there's wildlife -- a unique piece of property.

So the developer said, okay, DEP, I've got this piece of property. The property I want, the 17 acres, is unique because of the way it folds around my property so you know I want it. It's not pure, it's not clean. And I'll give you a piece of property that's very advantageous.

Six years -- nothing. So you're supposed to sit and wait for DEP to decide to make a decision at

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various levels. This is good. This is bad. I like it. I don't like it. If it was my district and I had a person who had a piece of property that was held by the State that was slightly contaminated that can be later made a better piece and put on the tax rolls and I was giving the State 87 acres of prime, pure property with natural resources, I would advocate for it, too, and I would be frustrated with it, too, if DEP wasn't getting back to me.

And I would be frustrated with the lack of response from DEP and I would figure out another way to achieve a goal that result in a tax base to my constituency and a preservation of the environmental concerns that we want to protect here in this Legislature. I would look for that vehicle and that method to achieve that end. This is one of them.

Now people can second guess and I get that. And there are certain groups out there saying, hey, whatever, what about, what about, what about, what about. Well, the State at any time knew about this. The State at any time could have weighed in. The State at any time could say, Hold up, we're here, this is what we think. In fact, Senator Roraback and others asked the State to step up and they didn't.

Well, I don't think these people have to wait for the State to decide when they get around to that file they're going to look into it.

I don't see the downside. Now if there's some fact that I don't know about. I've read what I've read. I've looked at the articles. I've gone online. I've read the various documents that we all are probably accustomed to. I can't see a reason why it just doesn't happen. I don't see the downside and maybe I'm missing it.

But you taking a contaminated piece -- now some people argue, well, it may put a chilling effect upon those people that leave property to the State that it may be sold. I understand that. But I would suggest that this is more unique. This piece, I believe, was sold for 1.4 million. It wasn't I would like to give this to the State of Connecticut in perpetuity because of the waterfall, the trees, whatever. That isn't what this was about.

One, because it was already stripped of its topsoil. Those of us who do development knows when you strip the topsoil, you have made that piece of property less valuable by virtue of stripping the topsoil. I don't know if there are sewers or septic

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in this area but you can't put septic on a nonvirgin piece of property for which the topsoil was stripped. We know something went on because there was a Phase II required which means that there was some contamination yet to be unknown on this piece of property. This is not a virgin site. We talk about reuse, we talk about brownfields, we talk about redactive use of property. That's what this falls under. And the State got 87 acres.

It's easy to second guess but this has been five years. We know in this Chamber at least three years this had kicked around in one method or another. And if DEP is not going to act, I think we have the right to do so so I support the amendment.

Thank you, Mr. President.

THE CHAIR:

Thank you, Senator.

Will you remark further?

Senator McKinney.

SENATOR MCKINNEY:

Thank you, Mr. President.

You know I think you can sense by the debate -- at least I've sensed -- some frustration. And I'm -- I'm -- I'll pick my words right -- this is the first

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time I've stood up and said I can't believe we're being asked to vote on this without information.

Senator Fasano mentioned -- and he's right -- if any one of us had an issue in our district where we could not get a response from the State agency responsible for three or four or five or six years, we would do anything and everything we could. That's being a good legislator.

The Department of Environmental Protection owns 17 acres of land. We are being asked to exchange that land for 87 acres of land.

I have no idea whose phone is going off right now.

THE CHAIR:

I do.

SENATOR MCKINNEY:

I have no idea. I just thought I'd inject a little humor --

THE CHAIR:

Let's stick to six minutes.

SENATOR MCKINNEY:

I have no idea what the value of these two properties are other than some appraisals that have been reported in -- in workbooks. I've been to the

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Goodspeed Opera House. It's a wonderful place. I've shared with Senator Daily how -- other than my district -- I think her district is one of the most scenic and beautiful places in all of Connecticut.

How can the DEP say we don't take a position? Man, that is so irresponsible. And I liked Dan Esty. I think Dan Esty was an extraordinary choice. I think he was a unique choice, beyond traditional choice, to think beyond just our normal environmental protection issues, to combine energy and environmental protection and move in a new direction. But his unwillingness to take a position on whether or not trading a piece of land that his department owns is unacceptable.

I'm being asked to tell which piece of -- if this is a good trade. I'm not a real estate broker; I'm not a real estate appraiser. I have tremendous respect for Senator Daily and actually trust her judgment on what's right for her district as I think she would for all of us.

But I don't know the history of this. I'm being told that there were three pieces that we bought as a State. That we wanted one and the owner said if you want one you've got to take all three. I don't know if that's true or not because nobody at DEP will tell

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me if that's true or not. I'm being told that there were protections on the waterfront property that were not put in the deed for this property. If that's true that would imply to me that maybe there -- there was some protection by the State to never get rid of the waterfront property but maybe not so much on this property. I don't know if that's true or not because DEP won't tell me.

Senator Roraback referenced the Governor's unwillingness to weigh on this. I don't know if Governor Malloy should have a position as to whether or not this is good or not but he should have a position that the DEP should. Why do we have commissioners? No Governor could handle all of the issues that we have before us. You have a commissioner so you could trust someone to implement environmental policy. You have a commissioner to trust someone to implement transportation policy. And this Governor should say to this commissioner I need an answer. Look into it. It's been around for years. Call Gina McCarthy; we know where to get her. Talk to Amy Marella. Where does she work? I believe she's still with DEP. Correct? Or maybe she's moved on, I don't know. There's a lot I don't know. She's still

in the State of Connecticut -- that was a little humorous.

Senator Fasano said what's the downside. The downside is that in -- in the world we live in too many times whether you like it or not, perception becomes reality. The perception that's out there and the controversy around this land swap is that on some -- and I do not say this is reality because I don't know -- the perception by some is that this was land the State bought to preserve. And if we, through legislative enactment, can get rid of that land, how would others be able to trust the State? Now let me state for the record that I don't know that that's true and it certainly wouldn't take this deal for people to not trust the State of Connecticut. There's plenty of things that have happened before. But -- but that's part of what we're dealing with here.

So if we're going to buy land and put it into the Department of Environmental Protection for them to manage and in their trust, they need to tell us whether or not it's okay to get rid of it. And they won't do that.

That leads to the other downside of this. I -- I find it's going to take a lot for the department and

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its commissioner to rehabilitate themselves and himself with this Senator because when he wants to weigh in on controversial issues, I'm going to say to him, well, well, well, where were you. It's okay for DEP to do this but you didn't want to talk about that. I can respect a commissioner who investigates a matter and reaches a different conclusion. I cannot respect one who is not going to take a position on property that his department owns. And I -- I'm frustrated that I'm standing in a Circle saying that I can't respect a man who I do like, who I did have respect for, who I want to respect. But it's maddening that he would be asked by a State Senator to weigh in on this issue, a issue which has been with his agency for years and years and years and he takes a position I can't do anything and now I'm asked to vote whether this land swap is a good deal or not and I have no idea.

Thank you.

THE CHAIR:

Thank you, Senator.

Senator Williams.

SENATOR WILLIAMS:

Thank you, Mr. President.

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I rise to support the amendment that's before us that becomes the bill and this is a comprehensive amendment that includes everything that will be in the conveyance bill.

But the discussion before us in this Circle has centered primarily on the Haddam land exchange, and I completely agree with my colleague, Senator McKinney, when he said that perception, for better or worse, becomes reality. And it was represented to me and many other folks that the 17 acres at issue here, not the 87 acres of forestland that the State will receive, but the 17 acres that could possibly be developed here that these were pristine acres, that this was riverfront -- and that was the word that was used when it was described by one of the advocates to me -- riverfront property -- pristine -- it should be preserved for the public. And then I saw a photograph, an aerial photograph of this 17-acre parcel and I realized that it's not riverfront property. I also realized that it's -- it's not pristine by any stretch of the imagination. It's bordered by a railroad track, by Department of Transportation facilities, by industrial land, by commercial land, by an existing banquet facility.

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That's what it is smack dab in the middle of all that.

On the other side of the railroad tracks you do find State land that extends to the river. That State land is currently a large concrete parking lot that serves three commercial docks -- not pristine, not riverfront -- in need of help. This 17-acre parcel in the -- in the middle of this commercial/industrial land with the Department of Transportation complexes and the railroad track right next door is in need of some help not of -- of preservation in its current state.

So I would ask my friends in the environmental community -- and I was chair of the Environment Committee for four years and I loved those four years and I loved working with the environmental advocates -- I would ask them why is this -- and some have said this -- that this is their number one priority this session.

I remember when our number one priority was removing sulfur dioxide from power plant emissions. I remember when our number one priority was reducing mercury in our water and air that hurts children and our families. I remember when one of our top priorities was promoting renewable energy and solar

power, when our top priority was getting recycling going in every town in this State and expanding on that, one of our -- one of our top priorities was to reduce greenhouse gases in this State and to join with other states and to create a compact with New England states and Canada to do that. And there are many other top priorities, number one concerns and accomplishments that we have been able to achieve in this Legislature working closely with our friends, the advocates in the environmental community.

So why is it that those in the environmental community represented that this was pristine, riverfront property and that this should be their top priority of this session? I have not received an acceptable answer to that question.

Then when I took a look at the parcel that the State will receive, 87 acres, that's adjacent -- actually it abuts a State forest, Haddam open space and land trust land and would help prevent additional residential development that would encroach upon all three of those resources that we want to preserve, I thought environmentally this makes a tremendous amount of sense. And rather than leave that 17-acre parcel that the State will transfer -- rather than leave that

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as a partial wasteland in the midst of these industrial and commercial sites next to the railroad tracks, why not have that serve the community in its highest and best use? Why not transform that so that it can be used by folks in a way that's complimentary with the other uses on every border of the current property? Why not -- as some have proposed -- take advantage of its proximity to the rail line and put in a small rail station that could serve tourists? Why not have mixed use on that facility that would open up more access to the State park landing that is now currently a large concrete parking lot? Why not help in that transformation?

Then I heard, well, it's not really the merits of the land swap -- this is what another environmental advocate told me -- not really objecting to the merits, it's the process. So before we talk about the process let's stop and think about that. So it's not the merits. Sounds like some would be willing to concede that this makes a whole lot of sense but it's the process.

This has been an issue for three years. I won't repeat what Senator Fasano said. He's done even more research than I've had the time to do on this issue

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and he acknowledged that this goes back, I believe, about six years or thereabouts. I won't repeat that but it's been an issue here at the State Capitol for three years. It's had two public hearings. This isn't something that has come out of right field.

Mr. President, this looks, to me, like most other issues in a conveyance bill, a local issue, a transfer of State land to a different instrumentality to serve a different and better local purpose. That's what we accomplish in a conveyance bill when we convey tracts of State land. This fits perfectly into that process.

So Mr. President, I support this aircraft carrier amendment, which becomes the bill. I will vote against any amendments if they are called that would take this Haddam piece out, and I would ask my friends in the environmental community to look inward and ask why is this a number one priority? Please answer that question when we have so many other much more important truly environmental priorities that need to be advanced at this time.

Thank you, Mr. President.

THE CHAIR:

Thank you, Senator.

Will you remark further? Will you remark

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further?

If not, Mr. Clerk, please announce the pendency of a roll call.

THE CLERK:

An immediate roll call vote has been ordered in the Senate. Will all Senators please return to the Chamber? An immediate roll call vote has been ordered in the Senate. Will all Senators please return to the Chamber?

THE CHAIR:

Have all members voted? Have all members voted?

Senator Kelly?

Have all members voted? The machine will be locked and the Clerk will announce the tally.

THE CLERK:

The motion is on adoption of Senate Amendment "A," LCO 8697.

Total Number Voting	36
Those voting Yea	29
Those voting Nay	7
Those absent and not voting	0

THE CHAIR:

The amendment passes.

Would you remark further on the bill as amended?

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Senator Markley.

SENATOR MARKLEY:

Mr. President, the Clerk is in possession of an amendment, LCO Number 8706.

THE CHAIR:

Mr. Clerk.

THE CLERK:

Mr. President, the Clerk is in -- is in possession of LCO Number 8706 which shall be designated Senate Amendment Schedule "B," offered by Senator Markley, copies of which have been distributed.

THE CHAIR:

Senator Markley.

SENATOR MARKLEY:

Thank you, Mr. President.

I would move adoption of the amendment, waive the reading and ask leave to comment on it.

THE CHAIR:

Please proceed, sir.

SENATOR MARKLEY:

Thank you very much, Mr. President.

I've had a checkered political career, but I have the pleasure of saying the one thing I've never done

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is served on a zoning board. And I feel for the first time that I'm in that position making this decision about land use.

I had a good friend who for many years was the chairman of the Zoning Board of Appeals and I often took rides with him when we wanted a chance to talk to look at different properties to see where -- whether there was room to put a garage by the property line or put a pool up behind someone's house. And I have a great deal of respect for the thankless job of making decisions about land use on the local level.

It comes around to what Senator McKinney was saying. There is a world of things that I don't know about this particular proposal. I don't really know anything to speak of about the environmental status of any of this land. I've never walked it. I haven't read reports on it. I haven't really had time to investigate it. In fact, until yesterday, I had not focused very seriously on it. I don't know much about the economic impact that's involved in this development, a very complicated question.

And let's say I believe in a part of the State where one might say the economy is as delicate as the ecology. We have small towns dependent on tourism,

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small businesses all of it dependent on -- on scenery, on the appeal that it has for the eye and the mix of -- of businesses that have grown up there over hundreds of years. An opera house that's been existing there for -- I don't know how long but I would imagine over a hundred years. I don't know too much about the local attitude towards this transfer that we're considering before us.

I know this, I perhaps received more email on it than any other issue certainly than any issue that I've heard about outside of my own district and from my own constituents. These are things that, as a senator, I'm simply not in a position to judge. And I don't think, as a Chamber, we're in a position to pass judgment on either.

Senator Williams spoke very passionately about the advantages of this transfer. And they're -- Senator Fasano also talked his perspective on the situation and why he would support it. I don't doubt that their reasons are good as far as they go, but I think both men would admit that their judgment in this case is limited by their exposure to the particular situation. And that's why we have local organizations to make decisions. And it's also why we have a

Department of Environmental Protection with a procedure to make these decisions.

What I do know about it is that we're talking about -- what I was told as a college student -- is the oldest river in America, something that the Indians call it a long tidal river where our State draws its names from, a river so old that it's silted up to the point that it flows both ways, a heritage which was given to us here in Connecticut and to us beneath this dome to preserve.

I know that there is a iconic view at that spot as much a view to express what the State of Connecticut is as anything that we can find in anyplace in this State. And I know that there are small towns there that have made a success for years, that have managed to hold on in a way that so many of them have not and prospering.

We have a property that we're talking about, this 17 acres, that certainly was considered a valuable property when it was sold to us. I don't think anyone at the time of the purchase was talking about how it was a contaminated sand pit bordered by a parking lot and a railroad track. I imagine if we looked at the record it got a better press than that. And I would

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have to say it's a property that may be more valuable to somebody else than it seems to be to us or we wouldn't have such a issue in answering the demand for it.

I also know how important it is for us to maintain the integrity of donations to the State. Now we've been told that this was not an outright donation. But I think -- I think according to my understanding and, again, there is nothing more limited than my understanding on this issue -- but according to my understanding, it was sold to the State at a reduced price for the purpose of its preservation.

Obviously the man who owned it could have retained it and gotten the full price for it. Instead, now we're in a position where it would be the State making the profit on it. If it had just been a matter of selling it to the developer, I think he would have put the money in his own pocket instead of in the State's pocket.

I do feel that it could have a chilling effect on future contributions to the State. It's funny what I -- I know more about contributions in the art world than I do in the -- in the world of property

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transfers. But I know how important museums have found it over the years to respect the integrity of the terms of donations for fear that the donations will thereafter drive up -- dry up. And we certainly have heard from people that this could have a chilling effect on such contributions.

I know, too, that there is an established procedure for the review of such transfers by the Department of Environmental Protection. As Senator Roraback said if they have failed to move on that established procedure, it does not seem to me that it is a reason for us to do away with that procedure or to go around that procedure. We should address whatever the problems are that are keeping the department from making a proper judgment, or as my amendment suggests, we should put a deadline on the Department for the making of that judgment to come back to us with a report on what ought to be done with this land. And that would also give more opportunity to solicit the opinion of residents, which at the very least has to be mixed, because I think I can provide a hundred names of people that live in Haddam that don't want this deal to go through.

And if this deal is for economic growth, there's

a whole bunch of things we have to think about or let's say that we shouldn't be the ones to have to think about but the proper people to make judgments about economic growth in that area ought to think about.

There's a question of the impact on the towns and the community. As I said there's an opera house there that is also a gem, also an iconic object in the State of Connecticut. There are questions about what the intentions are for this very land with respect to that opera house whether or not the long-term hope is that the function of the opera house would be switched to that land at which point the opera house might well be abandoned and might be lost to us, might well be lost to us as a working venue.

I would say I know that there is no shortage of theatrical venues in the State of Connecticut. We rather have a glut of them and I don't think that starting a new development with a -- with a theater of an -- as an anchor makes sense. But, again, I don't think it's up to me to make that judgment. I think there are bodies in the towns and there's bodies in the states which are -- which exist for that purpose.

I also would ask about what the greatest monetary

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value to the State of this property might be. We have 17 acres; we have 87 acres. We all know that in real estate it's a matter of location. The fact that one land -- one piece of land is larger than another doesn't mean that the value is greater or even that it's equal. Rather than simply move forward with what would effectively be a swap, why can't this land be put on the open market if it is going to be developed under the -- under the direction of the local property boards?

And last I would say I do know what impression this process gives to the people of the State of Connecticut. For us to be talking about this here in the Senate within six hours of the close of the session. For us, as a body, to take up something that neither the department which has authority over it has been willing to take up nor have the local agencies been able to take up. For it to revert to us as a Legislature and be made by people -- a decision to be made by people who are largely in the dark.

For reasons which I think many of us do not fully understand, strikes me as a tremendous mistake and the sort of thing, again, that causes us to lose the faith and support of the people of Connecticut who we are

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here to serve.

The amendment I offer would require that this issue be addressed by the Department of Environmental Protection and that they report back by February 1st.

I think that it is a reasonable answer to this situation and I would urge the Chamber to accept it.

Thank you very much.

THE CHAIR:

Thank you, Senator.

Senator Meyer.

SENATOR MEYER:

Thank you, Madam -- Mr. President -- Mr. President.

I think it's been very, very rare in my seven years here that I have gotten up to support an amendment of the Grand Old Party. And I'm going to do that here because I think that Senator Markley's amendment is consistent with the structure of -- of our legal system and environmental system in Connecticut.

Let me explain. There is a very aggressive real estate developer here called Riverhouse Properties. It's been seeking to develop this property for about three years. And let's be sure we understand exactly

the events in chronological order of what's happened here. In 2003, DEP acquired these 17 acres for \$1.4 million, and it paid for -- it paid for these acres from the Natural Heritage Trust Fund. And the deed said that the land would be preserved in its -- I'm quoting -- in its natural -- natural, scenic and open condition. Okay? So that was the -- that was the genesis of our acquisition, our public acquisition of this property which, of course, is now public.

In 2009, some six years after we acquired this property, Riverhouse Properties, the developer, acquired some woodlands, interior woodlands, for which it paid 450,000. Enormous difference between that 450,000 paid just less than two years ago and the 1.4 million that -- that we, the State, paid for the -- the other property.

Senator Slossberg's amendment goes to that issue fortunately. Her amendment provides that any exchange of property here will have to have equal value through new appraisals and that's important. And that's one reason I voted for her -- her amendment.

Then, in 2008, DEP came up with a set of standards to determine whether or not to exchange or transfer its open space land. And that -- those

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standards were very much in the tradition of what DEP has had for years just changed the standards a bit. And it put them out in a very formal directive which says, in essence, that -- that land or interests in land shall not be exchanged except in extenuating circumstances and only when all of the following criteria are met. And then it goes on to cite some six criteria to determine. There are the criteria we should be looking at when we get rid of -- of open space land that's been set aside for as a natural resource. The terms by which they -- they will consider this and Senator Markley's amendment goes right to this.

His amendment says the DEP shall come back with a report before February 1 of next year and analyze and study in accordance with this directive. And his amendment cites these terms very clearly and expressly. And when you look at -- I'm not going to take you through all the six items -- but there exactly the types of things that DEP should be interested in and what we should be interested in. They include, for example, that the exchange is not contrary to the terms under which the property was acquired. I suggest to you it's -- that this is very

inconsistent with the terms when -- when the deed says preserved in its scenic and natural condition, an open space condition.

It provides that -- that the land has been evaluated by the Department and determined not to be integral or significant to the Resource Management Program of the Department. This particular piece of property, these 17 acres, were put into the resource area of -- of DEP.

And then it goes on and says that the land to be received by the Department provides substantially greater utility to the Resource Management Program of the Department and the land being conveyed by the Department.

And it -- and it goes on and cites some other environmental factors.

That -- this amendment goes right to that existing structure we created for the determination of whether or not to convey land.

Commissioner Marella, last year -- I won't quote her at great length but -- Commissioner Marella, last year, urged us not to do this. And she -- she referred to the fact that -- that she strongly opposed the land swap that was proposed last year. She said

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the release of open space properties for development purposes would be taking a step backwards in our statutory -- statutory mandate to acquire and preserve open space land. She was a leader in recognizing that tradition that we've had -- that we've had in Connecticut.

And, obviously, I'm speaking to you in my capacity as Senate chair of the Environment Committee. DEP -- I pulled the exchanges -- the land exchanges that DEP has been involved with since 1988 and DEP since 1988 up to the end of last year, has received 149 applications -- 149 applications -- for land to be exchanged. It has approved 11 out of the 149, and of those 11 not one is for commercial development. Every one of them is to improve the land for recreational or natural -- natural purposes.

What we're doing today with this bill is extremely historic and extremely inconsistent with the directives that I've read you, with what DEP has done in the past. And I -- I really urge the Circle to consider that.

I guess what concerns me and many of the environmental organizations the most is the effect on prospective donors. We have -- we have received many,

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many emails in the last several days including -- including this morning, expressing outright rage about the fact that people will no longer want to be giving money to the State of Connecticut when they're going to convert it into -- into commercial -- commercial property.

I was very upset to read that the Gateway Commission here in Connecticut was about to give us 36 wonderful acres and it has now changed its mind because of this bill before us. The deterrent effect of taking scenic, open space land that's been given to the State and converting into commercial development is a horrible deterrent across the State. That's what my phone is saying, that's what my emails, that's what the Gateway Commission is saying.

When we look at this bill, as a whole, it has 10 different land exchanges. Every one of them except -- except the Haddam exchange does not involve scenic land; it does not involve open space. It involves property that's held by one of the agency of the State, generally DOT. And DOT has a totally different mission than DEP. And those lands are being conveyed as surplus lands not within any environmental program but surplus lands by the other agencies in the rest of

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this bill, primarily, as I said by DOT.

Now, you know, that -- that's why the Hartford Courant today editorialized as it did. It urges us today -- its editorial -- not to do what we're doing in this bill. It urges us to follow the structure of our laws and send this to DEP for a review and a report.

I think that Dan Esty has been -- has been mischaracterized here, by the way, in that regard. I read his letter back to Senator Roraback yesterday. And what he says in the letter -- at the end of the letter -- is that he will analyze, he will study this. And he said it's a complicated study with -- his words are -- competing factors. But he said he can't do it in 24 hours before the General Assembly adjourns at midnight tonight. And Senator Markley's amendment says that DEP will report back before February 1 of next year, a reasonable time.

So I -- I just say to you in conclusion that -- that I compliment -- I compliment our Senator on her being a bulldog. I'm a bulldog, too. She's going after this as a great economic opportunity, but I want -- I hope the Circle will look at the bigger picture here, honor the bigger picture, keep to the law that

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we've set up here and we'll get a result from that law that may well lead to this development but we'll -- we'll have done it in a proper way, an appropriate way honoring the environment and honoring our economy, both.

Thank you.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

Thank you, Mr. President.

I rise in support of the amendment. I do so because of the -- the unique history and the issues that have been raised by this particularly proposed transaction.

In his response to the Senator Roraback's request for information and an opinion about this transaction the Commissioner declined to do so, not because it wasn't proper or the right thing to do, but because he didn't have the time to do it properly. So notice he didn't decline because he didn't think it was proper or correct, he declined because of the lack of time. Well, I say that this is an important enough transaction to give him the time. The developer has waited six years patiently to do this. Delaying this

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another six months won't likely jeopardize the transaction.

I do think as an issue that was raised earlier by one of our -- my colleagues that I do think process is important. It's important not only to do the right thing it is important to do it the right way. And you can't do the right thing and you can't do it the right way without the right information. Having all the information you need to make an intelligent decision and the correct decision is the right thing to do. And taking the time to do it is the right way to do it.

So I will vote for this amendment because I think it is the right thing and the right way to do this transaction.

Thank you very much.

THE CHAIR:

Thank you, Senator.

Will you remark further?

Senator Roraback.

SENATOR RORABACK:

Thank you, Madam President.

I think the reason we may be here today is because the DEP has not made a decision over six

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years. I don't think they need seven months plus to make a decision. I might support this amendment if it gave them 30 days. This is not the most complicated policy in the world. It's a one-page policy, and I think the frustration that's felt in this Chamber from people on both sides of this question is how long it can take to get a straight answer from DEP. So reluctantly I oppose the amendment. I don't think it should take another eight months to get an answer that's been hanging fire for many, many years.

Thank you, Mr. President.

THE CHAIR:

Thank you, Senator.

Senator Fasano.

SENATOR FASANO:

Thank you, Mr. President.

Just a comment on something Senator Meyer had said which is the Commissioner, Dan Esty, had asked for time. You know the suggestion to that is every application that's submitted before Dan Esty becomes the commissioner of DEP should be put on hold until the DEP Commissioner has time to get into his seat, look at all the files. That's why he has staff. The staff has seen this for six years. This is a file

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that's been sitting in the office for six years. He gets together with his people. We've know about this bill for at least two weeks now, at least. He gets together with his people, they fill him in, all the other experts in his office and say, Here's the good, here's the bad. This -- you make a decision. Because to say in 24 hours he's to make a decision is simply a fallacy and simply a shield to hide. The real truth is he needs to make a decision. He's had the file. His people have the workup. All they have to do is review it. He's been in that chair -- what, since January or February? Something like that? March, maybe? His staff is there, sit with them.

Otherwise, the ludicrousness of the argument is when we change commissioners no DEP applications should go out until the commissioner has had the opportunity to get in the chair, break it in, get to know every single file and then we can start to do permits. That isn't what happens. Permits go out every day and they're reviewed every day. That's -- the commissioner's job is to be the top dog, to organize, have competent staff. Close calls, he gets called. Policy issues, he gets called but he has the information. He's ducking the issue.

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That's what's wrong and that's why I think it is not wrong when you have to come to this body and the body downstairs to get relief when our agency is simply not doing the job appropriately.

Thank you.

THE CHAIR:

Thank you.

Will you remark?

Senator Slossberg.

SENATOR SLOSSBERG:

Thank you, Mr. President.

I -- I rise to oppose the amendment before us. And I've listened very carefully to the discussion about our laws and rule of law and to follow the structure of our laws and that we should keep to the laws.

And what I find frustrating about this discussion is this directive that everyone is waving around. On the last line of this scope says all exchanges of land or interest in land covered by this directives are subject to the requirements of Connecticut General Statutes 4b-47, unless exempted by that statute. The directive itself says 4b-47, unless directed -- exempted by that statute. Well, 4b-47 under Section

c(3) specifically exempts acts of the General Assembly.

This is exempt from this structure of our law. The law we passed in 2007 that enabled this directive exempts convey -- the Conveyance Act. And the reason we exempt that -- the Conveyance Act and acts of the General Assembly is because we have another tradition in this General Assembly. And that is local control. And it's about listening to the people on the ground who know this property the best, who know this area the best, who have been advocating for this. And yes, there are mixed reviews on this. However, at the end of the day, I know who I listen to in my community. I listen to my conservation commission; I listen to my environmental concerns coalition. And here we have the Haddam Conservation Commission supporting this swap.

And so for that reason I would urge rejection of this amendment. We've followed the law, the law that we all passed.

Thank you.

THE CHAIR:

Thank you.

Will you remark further? Will you remark

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further?

If not, I'll try your minds. All those in favor
please signify by saying aye.

SENATORS:

Aye.

THE CHAIR:

Opposed, nay.

SENATORS:

No.

THE CHAIR:

The Chair is in doubt. The machine will be
opened.

Mr. Clerk, please announce the pendency of a roll
call vote.

THE CLERK:

An immediate roll call vote has been ordered in
the Senate. Will all Senators please return to the
Chamber? An immediate roll call vote has been ordered
in the Senate. Will all Senators please return to the
Chamber?

THE CHAIR:

Have all members voted? Have all members voted?
The machine will be locked. The Clerk will announce
the tally.

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THE CLERK:

The motion is on adoption of Senate Amendment
"B," LCO Number 8706.

Total Number Voting	36
Those voting Yea	11
Those voting Nay	25
Those absent and not voting	0

THE CHAIR:

The amendment fails.

Will you remark further on the bill as amended?

Will you remark further on the bill as amended?

Senator McKinney.

SENATOR MCKINNEY:

Thank you, Mr. President.

Much of our debate has been on one section of the
bill and my frustration was aimed at that section.

There are many other good parts of this bill,
however. And for those good pieces I want to thank
the chairwoman of the GAE Committee, Senator
Slossberg, and the ranking member Senator McLachlan,
for their hard work on the Conveyance Bill.

Thank you.

THE CHAIR:

Thank you, Senator.

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Senator Williams.

SENATOR WILLIAMS:

Thank you, Mr. President.

I, too, would like to thank Senator Slossberg for her work on this bill. It obviously has not been easy to corral all the moving parts and pieces of this.

And as to the Haddam piece which remains in this bill, I did want to say on that last amendment but since it's still part of the bill it's appropriate -- that as to Senator Markley's good concerns that we trust local agencies in this process, as Senator Slossberg said, some of those local agencies have weighed in. And the chairman of the Haddam Wetlands Commission has said and I quote, "In my personal opinion the State should be aggressively pursuing the exchange." The chairman of the Haddam Conservation Commission says this can be a win/win for everyone. The chairman of the Haddam Planning and Zoning Commission says I would like to urge the State of Connecticut to approve the land swap and trust the Haddam Planning and Zoning to do its job. And, finally, the chairman of the Haddam Economic Development Commission said that if the transfer is denied we can envision the future of both parcels and

the outlook seems bleak.

State budgets will not support the productive use of the Tylerville parcel. On the other end the 87 acres of forest would likely fall victim to clearing for subdivisions and roadways and the inherent environmental impact of that development.

Mr. President, by leaving the Haddam piece in the bill, which is part of the entire Conveyance Act, we have done the right environmental thing.

Thank you, Mr. President.

THE CHAIR:

Thank you, Senator.

Will you remark further? Will you remark further?

If not, Mr. Clerk, please announce the pendency of a roll call vote.

THE CLERK:

An immediate roll call vote has been ordered in the Senate. Will all Senators please return to the Chamber. An immediate roll call vote has been ordered in the Senate. Will all Senators please return to the Chamber.

THE CHAIR:

Have all members voted? Have all members voted?

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If all members have voted, the machine will be locked.
The Clerk will announce the tally.

THE CLERK:

The motion is on passage of Senate Bill Number
1196.

Total Number Voting	36
Those voting Yea	31
Those voting Nay	5
Those absent and not voting	0

THE CHAIR:

The bill as amended passes.

Switching over.

(The President in the Chair.)

THE CHAIR:

Mr. Clerk?

You know what? The Senate will stand at ease.

(Senate at ease.)

THE CHAIR:

You know while we're standing at ease, why don't
we take points of personal privilege or announcements.

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And we are still at ease.

Unless there's other points of personal
privileges or privilege or announcements.

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, first of all on the item just
previously voted, Calendar page 32, Calendar 371,
Senate Bill 1196, would move that that item be
immediately transmitted to the House of
Representatives.

THE CHAIR:

Seeing no objection, so ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, the next item to call is from
Calendar page 9, Calendar 467, Senate Bill 1162.

THE CHAIR:

Mr. Clerk.

THE CLERK:

Madam President, calling from Calendar page 9,
Calendar 467, Substitute for Senate Bill Number 1162,
AN ACT CONCERNING THE FILLING DEADLINE FOR CERTAIN
PROPERTY TAX EXEMPTIONS, favorable report of the