

Legislative History for Connecticut Act

**SA 14-23**

HB5550

House	6182-6187	6
Senate	3462, 3476, 3480-3481	4
Gov. Admin. & Elections	1296-1298, 1339-1342, 1393-1403, 1410-1412, <u>1415-1446, 1550-1603</u>	107

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**CONNECTICUT  
GENERAL ASSEMBLY  
HOUSE**

**PROCEEDINGS  
2014**

**VOL.57  
PART 18  
5882 – 6232**

gdm/cah/cd/gbr  
HOUSE OF REPRESENTATIVES

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May 6, 2014

report of the Joint Standing Committee on Government  
Administration and Elections, Substitute House Bill  
5550, AN ACT CONCERNING THE CONVEYANCE OF CERTAIN  
PARCELS OF STATE LAND.

DEPUTY SPEAKER RITTER:

Representative Fritz.

REP. FRITZ (90th):

Good afternoon, Madam Speaker.

DEPUTY SPEAKER RITTER:

Good afternoon.

REP. FRITZ (90th):

I move acceptance of the Joint Committee's  
favorable report and passage of the bill.

DEPUTY SPEAKER RITTER:

The question is on acceptance of the Joint  
Committee's favorable report and passage of the  
bill.

Representative Fritz, you have the floor,  
ma'am.

REP. FRITZ (90th):

Thank you, Madam Speaker.

The Clerk has an amendment, LCO 5557. If he  
would call it, please, and I be allowed to  
summarize.

DEPUTY SPEAKER RITTER:

Will the Clerk please call LCO 5557, which will  
be designated House Amendment Schedule "A."

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THE CLERK:

LCO 5557, House "A" as introduced by  
Representative Fritz, et al.

DEPUTY SPEAKER RITTER:

The Representative seeks leave of the Chamber  
to summarize the amendment.

Is there objection to summarization? Is there  
objection?

Hearing none, Representative Fritz, you may  
proceed with summarization.

REP. FRITZ (90th):

Thank you, Madam Speaker.

For the benefit of the Chamber, you should know  
that this is the smallest and shortest conveyance  
bill since I've been doing the conveyance bill,  
which is probably close to 20 years.

We have properties that go from Morris to  
Windham and places in-between. We have two prison  
land conveyances: One for agriculture, and one for  
a food pantry, two New Haven pieces, both have been  
for economic development, and both are parcels from  
DOT.

There's one Hartford piece that changes the tax  
from -- a change of tax set up, an assessment from a  
nonprofit to a residential property.

Morris is -- that piece is strictly --  
straightens out a boarder of a prior conveyance from

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DEEP.

Barkhamsted is also DEEP, and it's an expansion of the senior center there.

DOT, in Colchester, just deals with the pump station.

In Windham, we have the Department of Administrative Services and the Department of Education which does an easement to relocate a water main at Windham Technical School.

Hartford, also, was involved with DAS, as recently as yesterday, when property is being sent to the Capital Region Development Authority for housing and economic development. It's merely a parcel of land.

I move adoption.

DEPUTY SPEAKER RITTER:

The question before the Chamber is adoption of House Amendment Schedule "A."

Will you remark on the amendment? Will you remark on the amendment?

Representative Hwang, you have the floor, sir.

REP. HWANG (134th):

Good afternoon, Madam Speaker. How are you?

DEPUTY SPEAKER RITTER:

Quite well so far, sir. Please proceed.

REP. HWANG (134th):

Well, we'll make this very quick.

I want to thank the great work of Representative Fritz for her efforts. The experience and the insight that she brings to this discussion is invaluable. And I want to also acknowledge all the legislators that worked on behalf of their community to get this conveyance for their community. I also want to acknowledge all the state agencies that cooperated in making this jigsaw puzzle work so well.

I urge passage of this bill. It's a good bill and ought to pass.

Through you, Madam Speaker.

DEPUTY SPEAKER RITTER:

Thank you, Representative.

Will you remark further on the amendment before us? Will you remark further?

If not, let me try your minds.

All those in favor of the amendment, please signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER RITTER:

All those opposed, nay.

The amendment is adopted.

Will you remark further on the bill as amended?  
Will you remark further on the bill as amended?

Representative Sawyer, please proceed.

REP. SAWYER (55th):

Thank you, Madam Speaker.

I would just like to say a very special congratulations. I don't think enough people understand the amount of work that goes into it, whether it's a long bill or whether it's a short bill. Representative Fritz is one of the most thorough purveyors of any piece of legislation. She contacts all the members. She contacts all the people that help us on the fifth floor.

And I would just like to say a very special personal thank you because we have had many interesting discussions over the last 22 years, and she is one of the hardest working members that we have.

This is a very important piece, as it affects our municipalities, it affects individuals as well as the State of Connecticut.

Thank you, ma'am.

DEPUTY SPEAKER RITTER:

Thank you, Representative.

Will you remark further on the bill as amended?

Will you remark further?

If not, will staff and guests please come to the Well of the House. Will members please take their seats. The machine will be open.

THE CLERK:

The House of Representatives is voting by roll.

Members to the Chamber please. The House of Representatives is voting by roll. Members to the Chamber please.

DEPUTY SPEAKER RITTER:

Have all the members voted? Have all the members voted? Have all the members voted?

Will the members please check the board to determine if their vote has been properly cast.

If all the members have voted, the machine will be locked, and the Clerk will take a tally.

The Clerk will please announce the tally.

THE CLERK:

Madam Speaker, House Bill 5550 as amended by House "A,"

Total Number Voting	148
Necessary for Passage	75
Those Voting Yea	148
Those Voting Nay	0
Those Absent and Not Voting	3

DEPUTY SPEAKER RITTER:

The bill, as amended, is passed.

Representative Noujaim, for what purpose do you rise, sir?

REP. NOUJAIM (74th):

Thank you, Madam Speaker, for a purpose of an introduction.

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GENERAL ASSEMBLY  
SENATE**

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**VETO  
SESSION**

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580, House Bill 5310, move to place on the Consent Calendar.

THE CHAIR:

So ordered, sir.

SENATOR LOONEY:

Second, Calendar 584, House Bill 5334, move to place on the Consent Calendar.

THE CHAIR:

So ordered, sir.

SENATOR LOONEY:

And Calendar 585, House Bill 5586 move to place on the Consent Calendar.

THE CHAIR:

So ordered, sir.

SENATOR LOONEY:

And the fourth item on Calendar Page 28, Calendar 583, House Bill 5289, move to place on the Consent Calendar.

THE CHAIR:

So ordered, sir.

SENATOR LOONEY:

Thank you, Madam President. Moving to Calendar Page 29 where there are three items. The first, Calendar 589, House Bill 5550, move to place on the Consent Calendar.

THE CHAIR:

So ordered, sir.

SENATOR LOONEY:

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On Page 27, Calendar 574, House Bill 5564.

House Bill 578, House Bill 5220.

On Page 28, Calendar 580, House Bill 5310.

Calendar 584, House Bill 5334.

Calendar 585, House Bill 5586.

Calendar 583, House Bill 5289.

On Page 29, Calendar 586, House Bill 5402.

Calendar 589, House Bill 5550.

Calendar 590, House Bill 5262.

Calendar 587, House Bill 5377.

On Page 30, Calendar 593, House Bill 5526.

Calendar 592, House Bill 5476.

On Page 33, Calendar 215, Senate Bill 243.

On Page 39, Calendar 387, Senate Bill 432.

On Page 40, Calendar 475, House Joint Resolution  
Number 20.

Calendar 476, House Joint Resolution Number 26.

Calendar 532, House Joint Resolution Number 42.

THE CHAIR:

Mr. Clerk, can you please check on Consent Calendar  
House Bill 5593. I don't see if you called that, on  
the top.

THE CLERK:

That's on the previously adopted Senate Agenda House  
Bill 5593.

THE CHAIR:

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SENATOR LOONEY:

If we might pause for just a moment to verify a couple of additional items.

Madam President, to verify an additional item, I believe it was placed on the Consent Calendar and Calendar Page 30, on Calendar Page 30, Calendar 592, Substitute for House Bill 5476.

THE CHAIR:

It is, sir.

SENATOR LOONEY:

It is on? Okay. Thank you. Thank you, Madam President. If the Clerk would now, finally, Agenda Number 4, Madam President, Agenda Number 4 one additional item ask for suspension to place up on Agenda Number 4 and that is, ask for suspension to place on the Consent Calendar an item from Agenda Number 4.

THE CHAIR:

Seeing no objection, so ordered, sir.

SENATOR LOONEY:

Thank you, Madam President, and that item is Substitute House Bill Number 5566 from Senate Agenda Number 4.

Thank you, Madam President. If the Clerk would now, if we might call for a vote on the Consent Calendar.

THE CHAIR:

Mr. Clerk. Will you please call for a Roll Call Vote on the Consent Calendar. The machine will be opened.

THE CLERK:

An immediate Roll Call has been ordered in the Senate.

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An immediate Roll Call on Consent Calendar Number 2 has been ordered in the Senate.

THE CHAIR:

If all members have voted, all members have voted, the machine will be closed. Mr. Clerk will you please call the tally.

THE CLERK:

Consent Calendar Number 2.

Total number voting	36
Necessary for adoption	19
Those voting Yea	36
Those voting Nay	0
Those absent and not voting	0

THE CHAIR:

The Consent Calendar passes. Senator Looney.

SENATOR LOONEY:

Thank you, Madam President. Two additional items to take up before the, our final vote on the implementer. If we might stand for just, for just a moment.

The first item to mark Go is, Calendar, to remove from the Consent Calendar, Calendar Page 22, Calendar 536, House Bill 5546. If that item might be marked Go.

And one additional item, Madam President, and that was from Calendar, or rather from Agenda Number 4, ask for suspension to take it up for purposes of marking it Go, that is House Bill, Substitute for House Bill 5417. Thank you, Madam President.

THE CHAIR:

Seeing no objection, so ordered, sir.

SENATOR LOONEY:

**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

**GOVERNMENT  
ADMINISTRATION  
AND ELECTIONS  
PART 4  
1265 – 1638**

**2014**

Our next speak will be Don Stein, First Selectman of Barkhamsted and he will be followed by Michael Brandi of the State Elections Enforcement Commission.

DONALD STEIN: Sorry about that.

Good afternoon again. My name is Don Stein and I'm the first selectman of Barkhamsted. I'd like to thank you for the opportunity to testify in support of House Bill 5550. Section 7 of this bill conveys to the Town of Barkhamsted a parcel of land that includes our senior and community center. This property and the original building were first leased to the town by the state of Connecticut Department of Environmental Protection in February 1987, 27 years ago. In the next few years after the original lease, the town received two small city block grants from the federal grant. The first was used to improve the original structure, which was an old house that the DEP adopted and the second they added a large community meeting room and a kitchen to the facility.

The facility also includes two apartments on the second floor, one of which is a residence for our caretaker and an emergency shelter for folks in town who might need temporary housing. In the time since we received the lease, we have paid for all the maintenance, infrastructure upgrades, snowplowing, other routine upkeep, utilities and all other costs associated with the senior center. It's staffed by volunteers who serve lunch on Tuesdays and breakfast on Thursdays to our seniors and many seniors from the surrounding communities. These meals typically serve 50 to 90 participants. The center is also used for

community programs focused on seniors, other members of the community, typically groups like our historical society and other town organizations will use the facility.

We recently put a new roof on the building at the town's expense and we were able to put an emergency generator in place using a Connecticut STEEP grant. Our lease expired in February 2012 and based on the history of the building and our support it, it seemed logical that that town should own the property due the amount of financial support and sweat equity we have invested into it. This is not an expansion of the use of the property and there is no change to what the current practice is. It's simply requesting the conveyance bill for a 2.6 acre parcel, which is in the very southeast corner of American Legion State Forest and it's also adjacent to a DEP office, which is used for office and other maintenance purposes.

The parcel size is based on the town's zoning regulations. We have 2-acre lot size minimum and the need to allow for improved parking resulting from the volume of usage by the residence. The size of the parcel also allows to avoid any conflict with wetlands regulations and to comply with the recommendations of DEEP and the Bureau of National Resources regarding species that live in that area. Our preservation and use of this property and the facility that we've developed in partnership with the state and federal government have well served our community's residents and all of the other folks who use it. We will continue to operate this center consistent with its historical use. Thank you for your time and consideration. I would be glad to answer any questions you may have.

REP. JUTILA: Thank you.

Any questions for the first selectman?

Senator Musto

SENATOR MUSTO: Thank you, First Selectman.

It's good to see you here. We usually don't get a lot of feedback on the -- on the conveyance of parcels unless there is a problem with it so it's to hear that -- you know, we're sorry to drag you all the way up here just to hear that you're in favor of it. But I do thank you for coming and we appreciate the input. And we'll certainly, you know, make sure that we take it into account.

DONALD STEIN: Thank you for your consideration.

SENATOR MUSTO: Sure.

Any other questions or comments?

No? Thank you very much.

DONALD STEIN: Thank you.

SENATOR MUSTO: Michael Brandi, State Elections Enforcement Commission and if he's close to 15 minutes, Melissa Russell might be next from ROVAC or State Representative Ziobron depending on how long Mike takes.

Welcome.

MICHAEL BRANDI: Thank you very much. I'll try to brief today. Good afternoon, Chairman Musto and Chairman Jutila, Ranking Member Senator McLachlan and Representative Hwang and

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Legislatures, 21 states currently have poll books in their statutes. So certainly would like to see Connecticut join those states.

We've been working with the Secretary of the State's office on implementing language that we can both work with and attached to my testimony you'll see that substitute language for your review and I thank you for raising this bill and I would be happy to answer questions you might have.

SENATOR MUSTO: Thank you. Are there any questions from questions from members of the committee?

You must have done a good job. Thank you.

MELISSA RUSSELL: Thank you. Short and sweet.

SENATOR MUSTO: Short and sweet.

Representative Ziobron followed by Luther Weeks and Senator Kane.

REP. ZIOBRON: Good afternoon. Dear Senator Musto, Representative Jutila, Senator McLachlan, Representative Hwang, and esteemed members of the committee, I'm here to testify in support of House Bill 5550, AN ACT CONCERNING CONVEYANCE OF CERTAIN PARCELS OF STATE LAND. The first section bill that I'm going to speaking to is a very unique situation in the town of East Haddam an I'm not here lightly as my town was directly across the river from the now infamous Haddam land swamp. I'm here today to speak on behalf of this conveyance from DEEP because it's very important to the agriculture and open space of my community.

The town applied for and was granted a large STEEP grant to develop a first-of-its-kind

agricenter in the state of Connecticut. It was modeled after volunteer commission members attended site visits to a similar project in Vermont. The STEEP award developed an agricultural business incubator and community farm. The Center for Community Agriculture as Harris Farm will serve as an agricultural business and (inaudible) for new farmers, a technical resource for new and existing agricultural businesses and a community farm for area residents. The town will engage the Middlesex County Farm Bureau, UCONN Ag Extension Service, the 4H program and the VoAg program at Nathan Hale High School for technical resources and education.

They estimate that the community farm will support 20 full and part-time jobs. The property to be conveyed is a very small strip of land that runs parallel to Mt. Parnassus Road and adjacent to the future agribusiness. Currently, it is an abandoned rest area that was given to the state to pay homage to an important local citizen, Captain George Colmer. In fact, I can tell you growing up I often wondered what this little strip of land was. We couldn't understand what it was just as regular citizens. And just last year, a local business organization wanted to adopt it and we didn't even know who owned it until we went back and researched the records. Like I said, unfortunately, it has not been properly maintained by DEEP and the town would be in a much better position to care for it.

Near the present site of the monument, the conservation and agricultural commission would like to rededicate the memorial with new picnic tables and create a new entrance into the center. In doing so, it would become a focal point once again and bring attention to the

Colmer family legacy. I have spoken to his great grandson Thomas Colmer who still lives in the area and it is at his request that I submit the modification in bill language today. I won't read through that, but I did include that as part of my testimony and I will just note that in Section 8 of the bill that I'm referring to in Part B, we're actually asking for a few things: one, we're asking for the deed restriction to be maintained and we're also for a couple of uses to be pulled from the language and instead it only talk about open space and passive recreation.

And again, I included the language in testimony for Section 8.

The second parcel to be conveyed that I'd like to speak about today is in Section 10 of the bill which pertains to the Town of Colchester which is also in my district. I have worked closely with the first selectman to make sure that that correct language and mapping was complete and there are no modification requests to the language at this time. This parcel hosts a municipal sewage pump station that also serves the brand new DOT facility on the adjoining site to other public and private customers. And if you're familiar with the area, this is right across the street from the new Tractor Supply Store, as well. It may also in the future serve additional public safety needs.

The town has worked very closely with DOT for several years as plans were made for the new facility and Colchester shouldered much of the expense of the design of the plant. In return, the DOT has been a great partner, by providing much of the mapping that is contained with the application and is supportive of the transfer.

Thank you very much for including these two very important conveyances in Bill 5550. They are both critical in the future planning of two very worth projects in my community and I'm happy to answer any questions you may have.

SENATOR MUSTO: All right. Thank you very much and I'm sure your communities will be happy with your advocacy on their behalf.

Are there any questions from members of the committee?

None? Thank you very much, Representative.

Luther Weeks followed by Senator Kane.

And Madam Clerk, if Senator Kane is not in the room, could you please let me know that he's up next and if he could come down at his convenience and he'll be followed by Dave Roach assuming -- we'll just see where he is. Thank you.

Luther, go ahead.

LUTHER WEEKS: Chairs and members of the committee, my name is Luther Weeks, executive director of the Connecticut Voters Count, a software technologist and a veteran. I oppose S.B. 441. I support the concept of electronic check-in. Unfortunately, this bill does not impose an requirements or standards with regard to the capabilities, reliability and integrity of electronic check-in systems nor for associated manual processes. It has other serious flaws that would reduce check-in integrity, reduce transparency and extend waiting lines. I'm referring to the bill that's posted on the site. I have not reviewed in detail any other proposed alternatives.

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that's a good thing. So if the -- if there is a threshold, just like in voting equipment, there is a threshold and that you meet that threshold as long as it has those checks and balances in place, then I think that's a good thing.

REP. JUTILA: Okay. Thank you.

MATTHEW LILLY: All right. Thank you.

REP. JUTILA: The next speaker is Chris Canna followed by Rebecca Bombero.

CHRISTOPHER CANNA: Good afternoon. My name is Christopher Canna. I'm an economic development officer for the City of New Haven's Office of Economic Development. I want to thank you for the opportunity to testify here today on behalf of House Bill 5550, AN ACT CONCERNING THE CONVEYANCE OF CERTAIN PARCELS OF STATE LAND. In particular, I'm here to give my support to Section 4 of the bill, which would convey to the City of New Haven, a title to a portion of the land along North Frontage Road in New Haven between Orange Street and State Street. This is land that is adjacent to the former New Haven Coliseum site and for the past three years, the City of New Haven has been working with the develops Live, Work, Learn and Play to develop a plan for that site. In December, we passed an agreement with that develop through the local Board of Alderman to transform the site from a service parking into a mixed-used destination that includes 700-plus mixed-income housing units, 200,000 square feet of office, an active public plaza and laneway and a four and a half star hotel.

This projects fits in with Phase II of our downtown crossing project, which will remove

Route 34 and will replace it with a pair of boulevards. Phase I of that project is currently under construction today along with 100 College Street, which will be the future headquarters of Alexion Pharmaceuticals. So the conveyance of this land is essential to both downtown crossing and the coliseum site redevelopment because it allows the city and developers to establish a new urban intersection where Orange Street will cross the current Route 34 corridor as a regular city intersection. It also expands the site -- sufficiently to make it -- to make sure that there is enough room for a public plaza and retail laneway, which are critical to the developers for attracting the right tenants, hoteliers and businesses to the development.

As with downtown crossing, this project represents the intersection of public transportation infrastructure and private investment. The developers are investing \$365 million of private money in this development and it's projects like these and 100 College Street that will help drive economic growth in our city and state. And you have my public testimony and I'll take any questions.

REP. JUTILA: We do have your testimony. Thank you.

Any questions from members of the committee?  
Any questions?

Thank you.

Hang on.

Representative Hwang.

REP. HWANG: Thank you, Mr. Chair.

Now, if this conveyance doesn't go through would the pharmaceutical company pick a different location or will they exit from that space? Through you, Mr. Chair.

CHRISTOPHER CANNA: That is related to Phase I at 100 College Street. This is Phase II so it's the other end of the Route 34 corridor. This development with Live, Work, Learn and Play, for residential and a hotel in a first phase so it's not related to that.

REP. HWANG: Okay. Thank you for that clarification.

Thank you, Mr. Chair.

REP. JUTILA: Any other questions?

No, thank you again for your testimony.

CHRISTOPHER CANNA: Thank you.

REP. JUTILA: Rebecca Bombero followed by Amy Patterson.

REBECCA BOMBERO: Good afternoon. My name is Rebecca Bombero and I'm the legislative director for the City of New Haven. I am also here to speak on behalf of H.B. 5550, AN ACT CONCERNING THE CONVEYANCE OF CERTAIN PARCELS OF STATE LAND. I'm here to specifically speak about Section 3. Section 3 of the bill would convey to the city the former CT Transit site located at 470 James Street. The city is currently faced with a deteriorating public works building and an outdated and overcrowded police headquarters. Both departments are currently reviewing their facilities for upgrades or potential relocation and the James Street site would provide a unique opportunity

to move both operations into the same facility and all operations could be located internally to the building, which is great for use.

And the city and its economic development corporation are conducting a study to determine both the feasibility of this plan and the potential alternate uses of the sites -- of the existing police department and DPW facilities. CT Transit is bounded by train tracks, the highway and industrial and commercial uses. A recent RFQ by DECD generated no interest for the site. Conversely, the New Haven Police Department is located the street from Union State and is proximate to both the medical and downtown districts so it would likely generate a significant amount of development interest so if we can move the police station to the alternate site, then it would unlock that desirable development parcel downtown. So it's very interesting to us.

The studies are expected to be completed mid-spring before you guys would vote on this bill so urge you to consider this parcel in the conveyance to allow us to continue this process. And I'm happy to answer any questions you may have.

REP. JUTILA: Thank you. Thank you. It sounds like you have some good things going on down there.

Questions from members of the committee? Any questions?

Thank you for your testimony.

REBECCA BOMBERO: Thank you.

REP. JUTILA: Next up is Amy Patterson followed by Sandy Breslin.

AMY PATTERSON: Thank you, Representative Jutila, and members of the committee, Representative Miller, thank you. For the record, Amy Patterson and I am the executive --

REP. JUTILA: I just want to let you know that we do have Representative Molgano over there, too. He hides in the corner over there.

AMY PATTERSON: I'm sorry. And good afternoon to you, too.

Thank you for having me. And for the record, Amy Patterson and I am the executive director of the Connecticut Land Conservation Council. Thank you very much for having me here today so that I may provide testimony on behalf of CLCC with respect to Raised House Bill 5550, AN ACT CONCERNING THE CONVEYANCE OF CERTAIN PARCELS OF STATE LAND. CLCC works with land trusts now numbering over 137 and other conservation partners to increase the quality and scale and permanency of conserved lands in the state while assuring the perpetual high-quality stewardship of such lands.

Each year, CLCC prepares a conservation agenda and high at the top of that agenda each year in particular this year is to ensure that there is a process to fully inform the public and provide an opportunity for public input before state conservation lands are exchanged, sold or otherwise conveyed pursuant to the conveyance act. To that end, we specifically urge the committee to consider the following changes and other comments that we have with respect to the current bill. Mostly in general, but there are some in particular.

First -- and I have four of them here -- first, that before the lands that are in custody of DEEP or the Department of Agriculture are conveyed pursuant to the act, that there be a public hearing before the environment committee. As the committee of cognizance for these or over these agencies, the Environment Committee is in the best position to ask for information and receive public input with respect to the natural resources on the subject properties, water, wildlife, prime and important soils and other values, and how the proposed impact by -- how the proposed transfer may impact those values. We contend that this information should be provided for before the conveyance is approved as opposed to looking at those resources after the fact and trying to assess the impacts.

The act itself should also include a more detailed level of information including a description of the natural resources on the lands and more specificity about the proposed use of the property. We're looking at the current act now. When I was looking at it, I asked myself well what does it mean by economic development or what are municipal purposes and that -- the lack of information with respect to the end use becomes that much more important to know when you also do not know what the natural resources are on those properties so in order to really assess what the impacts of the use -- of the use, you need to know what's the use and what are the resources and so those two sections together would really go a long way to helping us to assessing those impacts and really gauging whether or not we should -- we should be in favor or not of these proposed transfers.

If I may, I have two more very quickly. If the proposed use of the property is for conservation purposes, an express requirement that the deed of transfer contain a conservation restriction expressly providing for that purpose or that a conservation be granted to a third party. And accordingly, we are very supportive of Section 11 of this particular act, which provides that a conservation easement be granted to a nonprofit organization for the purpose of conserving the reservoirs and watershed on the land located at the Connecticut Valley Hospital. And lastly, we are concerned about the practice that is enabled by the act of cancelling, modifying, nullifying or otherwise disregarding deed restrictions. We are very concerned about a breach of -- of (inaudible) of the original landowner when something like that is done. It's just not good public policy and we're concerned about the repercussions of that and so I was very -- very happy to hear when Representative Ziobron testified today that they were going to maintain the deed restriction. This is in Section 8(b). That she was looking to maintain that restriction and not have it removed, which had been originally proposed by the language.

So those four items we feel will -- in addressing them would really go a long way in providing some transparency and an opportunity for the public to participate in this process. Thank you.

REP. JUTILA: Thank you. Did you have written testimony that lays out those four points?

AMY PATTERSON: Yes, I tend to go off script a bit and I did submit that for the record.

REP. JUTILA: Okay. I wasn't seeing it in my packet here, but I'm sure it is there somewhere.

AMY PATTERSON: Yes, thank you.

REP. JUTILA: Okay. Thank you.

Questions from members of the committee?

No questions. Thank you for your testimony.

AMY PATTERSON: Thank you. And I apologize, Representative, I didn't see you there. Thank you.

REP. JUTILA: All right. Next speaker is Sandy Breslin followed by John Champagne.

SANDY BRESLIN: Good afternoon, Representative Jutila, Representative Molgano, members of the committee. I appreciate the opportunity to speak before you today regarding House Bill 5550, AN ACT CONCERNING THE CONVEYANCE OF CERTAIN PARCELS OF LAND. My name is Sandy Breslin and I am the director of governmental affairs for Audubon Connecticut, which is the state office of the National Audubon Society. I noticed on the sign-up sheet, it might look like I'm a German engineer and I'm neither confirming or denying that I may have driven above the posted speed limit in my efforts to get here. So...

But we actually a conservation organization. Our mission is to protect birds, other wildlife and their habitats. We have a network of nature education centers, protected wildlife sanctuaries and a wonderful group of local volunteer chapters that all work to connect people with nature and inspire the next generation of conservationists so it will come

as no surprise to you that I would like very much to associate myself with my remarks just made by Amy Patterson, the executive director of the Connecticut Land Conservation Council. I agree both in -- in principal -- or in theory and in the specifics of what she said. One of the things that we, as advocates, for protecting the state's land resources struggle with every year is how do we assess the conveyances that are proposed via this annual piece of legislation.

And without knowing what the resources are on the property without fully understanding what the end use is going to be and having some assurance that strong legal protections are in place to ensure that the intent of the donor is carried out in the future, it's hard for us to gauge where to come to down. And I was thinking about this on my way here as I was neither confirming or denying the speed at which I might have been driving, I serve locally as a wetlands commissioner and one of the things that we really struggle with is making sure that the public, who comes to our meetings is very engaged in the disposition of property at the local level understand what is at stake and what the resources are and how we make our decision. I think there is somewhat of an analogy here for all of you and it would really be helpful and could be something that would be maybe the responsibility of the proponent of the conveyance so that the committee and their staff was not responsible for providing that -- that information to the public. I would also say that with regard to Section 11, as Ms. Patterson said --

If I may, Mr. Chairman, just a moment.

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It is an extremely valuable piece of land ecologically. The parcel provides incredible habitat for thousands of birds that travel up a migratory pathways that flows along the Connecticut river and all the way up into Canada. It also connects that area of the state with the -- the (inaudible) triangle, which is down along Long Island Sound and then to the state forest and Bolton Range Corridor to the north. So it is a very valuable parcel and we're very pleased to see that the committee is proposing to protect it via a third-party easement, which is the strongest level of conservation protection we have.

So thank you very much.

REP. JUTILA: Thank you.

Questions from members of the committee?

I know you mentioned that -- that it's difficult under the -- the current process to analyze these properties that are -- are up conveyance. What kind of steps do you take to try to learn as much as you can and understand, you know, what's being conveyed right now?

SANDY BRESLIN: We reach out often to local contacts to see what they know about the property. I confer with the people within my organization to see if there -- do they know of a particular unique habitat type that's in the area. Is it adjacent perhaps to a -- an important habitat that might be impacted? One of the things we struggle within the environmental -- that we have to consider in the environmental community is both the short-term impacts of a particular action, but then cumulative impact. So you really need to know, okay, what's the bigger context to this. It might be a little piece of

land here that's shaved off, but it might be important drainage that feeds into a trout stream or it -- you know, it's just you need to have kind of the bigger picture. So that's how we do it and oftentimes, we can't especially when the conveyances come out, as I've heard they sometimes do, in the last few days of the session. It's really challenging.

REP. JUTILA: We do strongly encourage the members to get their requests for conveyances in early so we get them into the bill and they can be heard at least in this committee. We do our best. It doesn't always work exactly that way.

SANDY BRESLIN: No, I mean, I certainly was not directing that at the committee, Representative.

REP. JUTILA: Thank you.

Any other questions? Any other questions?

Okay. I guess that's it and on your way home, try to keep it under 100 kilometers per hour.

SANDY BRESLIN: I will try. Thank you.

REP. JUTILA: Okay. I understand that John Champagne had to leave. If that's the case, we're going to go to Kennard Ray followed by Kirk Springstead. I'm sorry. I'm assuming that's Ray Kennard.

KENNARD RAY: Nope.

REP. JUTILA: It is Kennard Ray.

KENNARD RAY: Kennard Ray.

REP. JUTILA: All right. Thank you.

Thank you, Mr. Chair.

REP. JUTILA: Thank you.

Other questions? Any other questions?

Thank you again for your testimony.

KIRK SPRINGSTEAD: Thank you.

REP. JUTILA: The next speaker is Eric Hammerling followed by Kevin Cwikla.

ERIC HAMMERLING: Good afternoon, Chairman Jutila and members of the GAE committee. I thank you for a long hearing today to give me some extra time to work on my march madness bracket so thank you for that.

REP. JUTILA: I have to find some time to work on mine.

ERIC HAMMERLING: My name is Eric Hammerling and I'm the executive director of the Connecticut Forest and Park Association and I'm here to talk about Raised Bill 5550, AN ACT CONCERNING THE CONVEYANCE OF CERTAIN PARCELS OF STATE LAND. As you know, the authority to trade, sell or give away states lands is a very powerful authority. And with great power, comes great responsibility. Because this bill has at times been controversial, I put forward four recommendations to make this and future conveyance bills less so, I certainly hope. You know, the saying goes if the only tool you have is a hammer, then every problem looks like a nail, we hope that the conveyance act as a hammer would be wielded carefully and used only as a last resort in many situations.

So the four recommendations follow and these are somewhat similar to those put forward by CLCC earlier so I'm going to go through them quickly. Number one, ensure that when lands under the custody and control of the Department of Energy and Environmental Protection or the Department of Agriculture are being considered for conveyance, sale or trade, there is a public hearing before the Environment Committee. The Environment Committee is the committee of cognizance and should be given the explicit jurisdiction or at least the courtesy to receive public input when state parks, state forests, wildlife management areas, prime agricultural lands and other DEEP and DOAG lands with significant conservation values are being proposed for conveyance.

Number two, avoid actions that would expand, narrow or remove the language of an existing deed restriction on the land. If deed restrictions are not treated as permanent by the General Assembly the private citizens will not trust the state for long-term stewardship. And by the way, I should add that I was very pleased to hear what Representative Ziobron suggested earlier in terms of replacement language for Section 8(b). It's a dramatic improvement over the language that was in the current bill. Number three, avoid getting in the middle of a dispute between the state as a lessor and a town or another entity as a lessee. In Section 7 of this bill, giving a piece of the state forest property to a town rather than encouraging the state to conduct a timely negotiation of a lease is bad public policy.

Why would the state want to lease any property for any community uses if that community at some point in the future is going to use the

conveyance act to simply take the land? And lastly, use the conservation easement conveyed to a third party as is proposed in Section 11 of the bill as the strongest mechanism to preserve the natural resources of the land even when the landownership changes. Thank you for the opportunity to testify and I'm glad to respond to any questions that you may have.

REP. JUTILA: Thank you.

Are there any questions from members of the committee? Any questions?

Thank you for your testimony.

ERIC HAMMERLING: Thank you.

REP. JUTILA: Our next speaker is Kevin Cwikla followed by Jennifer Hubbard.

KEVIN CWIKLA: Good afternoon. Thank you, Mr. Chairman, and distinguished members of the committee on Government Administrations and Elections. For the record, my name is Kevin Cwikla. I'm the business manager for the heat (inaudible) here in Connecticut. I have a (inaudible) relationship between my members and my contractors and I stand in favor of the bill raised -- Bill 454. I am what is affectionately called in the building and construction trades, a sub of a sub. Representative Sear and Representative Hwang had some legit questions.

In the bidding process that goes on daily, I see it. I live it when contractors go through it. Construction is very, very difficult, but really what it comes right down to, what's the price of construction. That in itself we can get more transparency. As a sub to a sub, as

That goes back to the GC or the construction manager, who in turn would put a percentage on it. You're taking out a piece of that so you would actually be saving money.

REP. SEAR: So it would be more lateral.

KEVIN CWIKLA: Absolutely.

REP. SEAR: Instead of going up the chain?

KEVIN CWIKLA: Yes.

REP. SEAR: Thank you.

REP. JUTILA: Other questions from members of the committee?

If not, thank you again for your testimony.

KEVIN CWIKLA: Thank you very much.

REP. JUTILA: Our next speaker is Jennifer Hubbard followed by Robert Sibley.

Welcome.

JENNIFER HUBBARD: Thank you. Representative Jutila, distinguished members of the Government Administration and Elections Committee, thank you for the opportunity to appear before you this afternoon and comment on Section 6 of House Bill 5550, AN ACT CONCERNING THE CONVEYANCE OF CERTAIN PARCELS OF STATE LAND. My name is Jenny Hubbard and I'm here to testify in strong support of Section 6 of House Bill 5550.

To my husband, Matt and me, this is more than a land conveyance, this is about our daughter's legacy. Our daughter was Catherine. She loved

animals and she would find them in our backyard and tell them to tell their friends that she was kind. She did it in hopes that they would come back because they knew that they would be safe. She told us one day that she care for animals. She even made business cards and titled herself as, of course, caretaker. Animals were simply her passion. On December 14, 2012, Catherine was among those who were killed. So much was lost that day. We lost our six-year-old daughter, but the world lost a piece of its innocence. In the time since, we have found a new purpose. We will build the Catherine Violet Hubbard Animal Sanctuary. It will be a place where Catherine's kindness is not only felt by every creature, but by every person and community that it touches. This will be Catherine's legacy.

A yes vote to Section 6 of House Bill 5550 allows us to take the first step in creating a center of compassion and healing. We are well aware of the financial obligations and are committed to covering all associated costs. We've established an infrastructure and ensured the sanctuary long-term stability by vetting through both nonprofit and corporate advisors. Our programming will focus on animal rescue and refuge. In addition, we'll over nature-based programs including allocating a space for a community garden. We'll work to provide opportunities for the community to come together.

Since announcing our plans, the outpouring of support has been astonishing. Children have given up birthday presents in lieu of receiving them for themselves and asking their friends to send them to us. National and local corporations this past holiday gave us donations on behalf of their members and family

foundations have communicated that they plan on giving us for long term. In November, we accepted on behalf of Catherine the Tommy P. Monahan Kid of the Year Award. The ASPCA recognized us for our mission. We've explored various sites for sanctuary and found that our plans perfectly fit within this parcel existing elements. By using this site, we're able to preserve the tree line, the meadows and the forest and we'll complement them by adding gardens and reestablishing trails.

The property is optimal because it would cause minimal disruption. Building this sanctuary is not only about honoring Catherine's life, but creating a place where a community can heal. It will be a place based on compassion and acceptance because we believe if children and adults alike are able to interact with animals, experience the tranquility of this site and are provided an opportunity to learn about how they can interact with their environment, they can work through the complex issues that may confront them. In closing, I respectfully urge the committee to support Section 6 of House Bill 5550 on behalf of my family. Thank you for this opportunity. We look forward to the day that we are able to share this very special place with you.

At this time, I'm prepared to take any questions you may have.

REP. JUTILA: It sounds like what will be wonderful and very special place and I think you know that all of Connecticut continues to be in solidarity and one with Newtown and particularly the families.

JENNIFER HUBBARD: thank you.

REP. JUTILA: So thank you, you know, so much for coming up and telling us about it.

Are there questions from members of the committee?

Okay. Representative Hwang.

REP. HWANG: Thank you, Mr. Chair.

Jenny, thank you so much for coming and in reading your proposal, it's extremely well-prepared, but talk to me a little about the location. You've spent the whole year looking at the location now. It's in the center of town and does that serve the purpose?

JENNIFER HUBBARD: It does. For us, when we looked at different sites, we looked at state owned. We looked at private venues. We felt that our first responsibility was to do minimal damage to whatever site we landed on and this site in particular lent itself to the different programming that we wanted to establish and it is central in Newtown. It is in the center Newtown. It provides easy access from 84 and it's nestled in an area that's a soft use of the Fairfield Hills Complex. We're behind the Governor's house guard. There is a new animal control facility. There is the FBI training. It seemed like it was a natural fit for us to be able to put an animal sanctuary in this general vicinity.

REP. HWANG: And you obviously have the support. Your first selectwoman was unable to attend today, but she did submit testimony.

JENNIFER HUBBARD: Yes.

REP. HWANG: And obviously, your entire state delegation has supportive of this.

The fundraising, it's a daunting task, but you said something that really kind of touched me that you actually had children giving up their birthday presents.

JENNIFER HUBBARD: Yeah.

REP. HWANG: And just people giving and supporting and sharing that kindness and moving that forward. How important is that in future endeavors as part of your sustainability plan?

JENNIFER HUBBARD: It becomes critical because this is -- as much as this for Matt and I and for our son is about honoring Catherine and building her legacy, it's about being a part of the community. This is going to be a site that the community is invited and welcomed at all times. So the fundraising and the organic growth that we've experienced becomes critical for us. And we'll continue to cultivate that.

REP. HWANG: Are there any other projects coming up that you could share and elaborate and maybe we can get the news out and have people be engaged in this? Because we all want to help. Truly, we all truly want to help.

JENNIFER HUBBARD: Absolutely. The foundation, we've established three fundraising endeavors that people not surprisingly, we believe Catherine's hand is in this, so not surprisingly people have come forward so we're going to be doing a family friendly fundraiser in June at a horse farm. In October, we're going to be doing a gala. We've got a golf tournament that one of the people -- one of our supports has graciously offered to host for us.

So those are the three from the foundation where we're going.

REP. HWANG: Well, thank you, Mr. Chair, and I just simply want to leave in reading through your testimony, your description of your daughter's love of butterflies is -- is touching and truly, truly special. So thank you for being here.

JENNIFER HUBBARD: Thank you.

REP. HWANG: Thank you, Mr. Chair.

REP. JUTILA: Representative Lesser.

REP. LESSER: Thank you, Mr. Chairman.

Thank you, Ms. Hubbard, for your work, for your testimony. And this seems like an exceptionally tasteful and well thought out mission and I applaud you for everything that you've done. I just wanted to let you know -- I don't know a whole lot about this -- but we've gotten a few comments from Newtown residents that are concerned about impacting the stream that runs through the property and I was wondering if you had response. Have you heard those concerns and if you had, did you have any responses to concerns that might impact water quality or trout in the area. So they were suggesting that we find alternative site and I didn't know if you had a response to that.

JENNIFER HUBBARD: I just heard of this today. Our plans are to do minimal damage to the property. We want to preserve the natural environment. It's beautiful, the site is beautiful and the infrastructure that build will be minimal and not invasive to the trout area that they're

speaking of. I haven't seen their concerns so I'm not able to comment on them, but I do know that -- that any infrastructure that we're building is -- is well above the brook area.

REP. LESSER: Well, thank you very much for that answer. I will certainly be looking for information from them about what those concerns are and to see if there is a way we can do both to protect the stream and also honor your daughter's legacy and support what sound like the wonderful goals of this organization. So I hope, as a committee, we'll be able to do both.

JENNIFER HUBBARD: Okay. Great. Thank you.

REP. JUTILA: Other questions? Any other questions?

Well, thank you again and we obviously wish you well with this and with everything else.

JENNIFER HUBBARD: Great. Thank you.

REP. JUTILA: Thank you.

Next speaker is Robert Sibley followed by Linda Bowers.

Welcome.

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ROBERT SIBLEY: Thank you, Chairman. Chairman Musto, Jutila, and ranking members and committee members, thank you very much for the opportunity to speak at this time. I'm -- I know that you have the testimony -- the written testimony from the first selectwoman. I wanted to make sure that you had that in your possession and I appreciate you receiving that. I won't read it verbatim, but I can speak to anything in it that you wish. And I have also added my written testimony, but I'd like to

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read it into the record for you and for your edification.

Thank you so much for the time to consider my testimony in favor of Section 6 of House Bill 5550, AN ACT CONCERNING THE CONVEYANCE OF CERTAIN PARCELS OF STATE LAND. My name is Rob Sibley and I'm the deputy director of planning and land use for the town of Newtown. I strongly support the conveyance of this parcel, 34.44 acres, to the Catherine Violent Hubbard Foundation and encourage the committee to act favorably. The Hubbard Foundation will use this land as a sanctuary for animals and nature preserve purposes. Incentives and initiatives that we find consistent with our goals of the property and generally related to the current uses of adjacent parcels.

The use of this land is consistent with the updated 2014 plan of conservation development for the town of Newtown. As a responsible agent for conservation and planning of the town's natural resources, I endorse this sanctuary's embodiment of learning, reflection, preservation and enjoyment of the natural world through the work as a community sanctuary. In working with the Hubbard family to identify a place in the town which held the spirit of their foundation's work and Catherine's love of nature, this parcel was singularly suitable. And I again ask the committee to act favorably on Section 6 of this House Bill 5550. And thank you. And I avail myself for any of your questions and considerations.

REP. JUTILA: Thank you.

Questions from members of the committee?

Representative Hwang.

REP. HWANG: Thank you, Mr. Chair.

Thank you, Mr. Sibley, for coming down. Now, share with me the -- you shared the updated town's planning and conservation. Now, one of the things that I know about Newtown is that there is a tremendous balance between quality of life, expansion with consideration for the land. Now, you've given a lot of thought that you have evaluated the land, what makes you think that this is indeed the best use of this land in the community. You've shared that. I'd like that you be able to share that with the committee and anybody who may have questions about it. Through you, Mr. Chair.

ROBERT SIBLEY: Thank you.

I think really what this comes down to is as that the town has progressed from the Fairfield Hills use of the property, which was during that time's use an agricultural parcel, the hospital self as a standalone institution, which grew their own food, had their own livestock, and this portion of the property was suitable for both the livestock that existed there and for the growing of food. In the years past in the decades since the institution has closed, the plan of conservation development has not only noted the -- the Fairfield Hills campus and the greater campus as something that should be preserved and cared for by the town and watched over. They specifically endorsed and purchased, obviously, the main campus, and endorsed different outside uses associated with it.

The agricultural purposes were always a mission associated with VOCD that we have echoed year after year after year. You may know that in

the nineties Newtown was one of the fastest growing towns residentially in the state and the town we hope saw what quick impact a development can have and as the agent responsible for the wetlands regulations and flood control and so on and so forth, the protection of this land through the sanctuary, I believe, was one of the hallmarks of what I believe this property could support. We currently have a very vibrant open space system that we proctor and take care of at a local level that works with the state -- state lands. This is something I believe can be carried out on private lands level also. Our land trust, you know, sort of embody that sort of process, the preservation of the Newtown forest association of 1,000 acres, through their process.

The Hubbard sanctuary I believe is the continued embodiment of that community service private foundation and support for what we have in our plan in our protection of our natural resources.

REP. HWANG: The Fairfield Hills Development Project, it's one of the most interesting, you know, municipal development projects, but one of the missions that I've always understand it to be is the priority of that project is to avail itself of public access. And having that strategic sanctuary right next to it consistent with the past use of that land fits, does it not? It fits like a glove.

ROBERT SIBLEY: It does.

REP. HWANG: Doesn't it?

ROBERT SIBLEY: I think one of the things that continually surprises me is -- is people's --

people's want and need to be involved with nature always surprises. What was about a week and a half ago we had 50 degree weather and the campus itself is one of the few areas that you can walk without sinking up to your kneecaps in mud so what happened is as people came to the campus and started walking -- and it was really shoulder to shoulder kind of walking and you saw your neighbors that hadn't got out for months in the cold weather, they began to expand on that. They moved out from just the centralized campus and began to explore the different areas, the different fields, the different meadows. And I believe one of the places that was talked about earlier with the facility -- the facility, right next to it, is our town's park and bark, which will have its ribbon cutting and all of its things that will happen, you know, literally two steps from where this property exists.

And the connection of the main campus, the activities at the municipal center, the schools and this property all coincide with what we believe is proper development.

REP. HWANG: Because one of the challenges of Newtown is the land mass are so vast that it's hard and it's hard for any sense community. What you're trying to do with that campus setting is have it to truly be the center of town, not only a geographical sense, but truly what you mention, people can get there, meet each other, interact and really feel a sense of community.

ROBERT SIBLEY: Well, whether the designers had that in mind or not, that campus geographically sits at the center of town, but it's also the center of a major watershed area along the (inaudible) town brook and that area also is centrally

located through our stratified glacial aquifer. So this aquifer system, this area that is -- these natural resources is the center of town, also is our population point of center now. The hospital has begun -- or the new communities that have begun to come out of there from the town purchasing the property have now refocused from that -- where we were is just the tiny villages in the town because we have 60 squares miles to a little bit more centralized, well here is a place where everyone can gather and everyone can enjoy those precious natural resources that we have in the town.

And Deep Brook, which runs to the south of this property, just to the south of it, is one of those beautiful natural resources.

REP. HWANG: You raise a good point that I would like to get your professional perspective on is what Representative Lesser brought up with regard to some of the concerns about the waterways, but the fact of the matter is, that land use has traditionally be agricultural, livestock, animals and that this is simply a continuation of that, no more, no less. Is that -- would that be a proper statement?

ROBERT SIBLEY: Well, obviously, you're going to have to have the support facilities for -- for the building. The agricultural portion of it I think is a wonderful marriage between what the vision of the sanctuary held and what the land can support. I think the Hubbard's vision marries to the land very well. Ultimately, that property has -- the neighboring properties had some potential for some strong development in the past decade and there was constant pushback to the sensitivity of the area to understand what is plausible. The plan of

conservation development for the town now echoes low impact development. It echoes to make sure that runoff and water quality are sufficient for the site so those will be all be characteristics that will be consistent with this site if it is developed.

REP. HWANG: Thank you very much. Thank you very much for that clarification.

REP. JUTILA: Are there any other questions from members of the committee?

If not, thank you for your testimony?

ROBERT SIBLEY: Thank you very much.

REP. JUTILA: Our next speaker is Linda Bowers followed by Ellen Lukens.

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LINDA BOWERS: Good afternoon. I'm Linda Bowers from Middletown and I'm here to speak in favor of Section 11 of the land conveyance bill, particularly concerning the protection of the Connecticut Valley Hospital reservoirs and watersheds. You have my written testimony. I don't know about you, but I'm tired. I will skip to my second paragraph and just briefly state that we are very concerned about the future of the six reservoirs and 500 acres of the watershed for the CVH hospital. As you know, the state has given away land in the past, Norwich Hospital, we've been working -- we've been concerned for about a decade about DMHAS deciding to no longer use the reservoirs as drinking water supply so we ask that a conservation easement be placed over the property to permanently protect these lands.

And that's the key phrase to permanently protect them. I know that there are other

means that could be suggested that would be less than permanent and I would strongly urge you to consider something permanent. We would like any easement language to preserve the land in perpetuity predominately in its natural scenic and open condition for the protection of natural resources and public water supplies while allowing for recreation consistent with such protection. Thank you.

Ellen Lukens wanted to speak in favor.

REP. JUTILA: Ellen is here.

LINDA BOWERS: Oh, okay.

REP. JUTILA: Does Ellen want to come right up or we -- well, no, we may have a question for you, but you both could come up together. I guess we should have offered that opportunity.

LINDA BOWERS: I'm not the only person here from Middletown.

REP. JUTILA: Okay.

A VOICE: (Inaudible.)

LINDA BOWERS: We're way past that.

REP. JUTILA: Representative Lesser, do you want to hold your question until --

REP. LESSER: I'm happy to hold my question.

REP. JUTILA: Okay. That's fine so please proceed. Welcome.

ELLEN LUKENS: Thank you. I'm Ellen Lukens and I'm from Middletown, Connecticut, and I'm very concerned again about the preservation of the

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lands in Middletown and specifically the Connecticut Valley Hospital watershed lands. I am therefore very enthusiastic about the passage of Raised Bill 5550; however, there is one section that I hope you will be willing to amend. The end of the first sentence of the bill, quote, prior to applying for a permit to abandon the water on said parcels, unquote, should be omitted. I don't understand the purpose of waiting. Why not grant conservation easements to a nonprofit right now? The last sentence of the bill says, quote, no provision of such easement shall be prevent the Department of Mental Health and Addiction Services or its successors from using said parcels for any activity related to the water supply of the Connecticut Valley Hospital in the City of Middletown or from taking steps as the department deems necessary to limit access in order to protect the integrity of the water supply. The above quote should (inaudible) DMHAS concern. To me, that this that DMHAS will not lose control over its water supply or (inaudible) of it.

So why not grant the easements now to a nonprofit organization that will guarantee the preservation as of 2014 rather than the possibility of -- rather than possibly at a later date. Your committee would make possible the immediate very appropriate transfer of watershed lands with the guarantee that the reservoirs will continue to be a water resource for DMHAS besides permanently protecting approximately 500 -- 500 acres of land in the watershed. Again, please omit in quotation marks, "prior to applying for a permit to abandon the reservoirs on said properties." Thank you. If you have any questions, I'll take them.

REP. JUTILA: Thank you.

I believe Representative Lesser may have a question.

REP. LESSER: You believed correctly, Mr. Chairman, and thank you -- thank you, Ellen and Linda, for your testimony. I had a few questions, one of them, just to be clear, you -- it sounded like Ellen, from your testimony, that you were supporting efforts you know to make clear in the language that should this proposal move forward that you would allow DMHAS to continue use of the facility -- of the land in perpetuity. Is that right? For water purposes.

ELLEN LUKENS: Yes, Yes.

REP. LESSER: Okay. And another question, it's my understanding that there is a precedent for similar language with the Southbury Training School lands preserved for an agricultural easement from last year. Is that your understanding as well?

ELLEN LUKENS: I understand what you're saying, but to be honest, I didn't know about it.

REP. LESSER: Okay. We've heard some concerns, though, from the agency and from other stakeholders who have had some concerns that if we move forward that they would -- that we, as a state, as a Legislature would be losing control over that land and I was wondering if you could maybe elaborate and with the chair's discretion, if Linda if you want to pipe in as well, that would be helpful, the -- maybe getting into the difference between a conversation easement versus potentially other steps that we could take to protect lands of

particular conservation value, if you wanted to get into that and also discuss your openness to other steps that may not involve an easement, but might try to get at that the same end by identifying lands of critical conservation value.

LINDA BOWERS: That's a big question. So you've heard testimony today from our conservation friends sitting behind us about the permanence of conservation easements. They're the highest legal obligation that you can put on the land to protect it in perpetuity. Anything else is less than permanent so you're asking if we would be open to something less than protecting it in perpetuity. My first answer is no, because that would then obligate the citizenry to be vigilant forever to see when there might be another legislature incursion to the use of that property for something other than conservation purposes.

REP. LESSER: Well, I guess my question is -- you know, right now, there are many state parks, for instance, and there is no conservation easement protecting those state parks. I could go to this committee next year and submit a request to turn all of the state parks over to an agency for development. I suspect that there might be some opposition to that proposal. But --

LINDA BOWERS: That -- that points out my feeling that the citizenry has to remain vigilant forever against those kinds of things; whereas, you could place and protect that property in perpetuity with a conservation easement.

REP. LESSER: So I've heard the -- I've heard the advantage for conservation easement, I guess maybe I'm not being clear, would you see an

advantage as well to kind of lesser protection or really think that that gold standard is really what would satisfy residents or there any way else we could get this same goal and that's what I'm trying to figure out.

LINDA BOWERS: I don't know -- I don't know that I can answer that question. You can ask the others in the field. I'm speaking passionately as a person who has tried to protect this property for decades.

REP. LESSER: Well, thank you so much for your answers, for waiting for so many hours to testify. I'm encouraged by the department's testimony in which they say they share the goal of protecting the conservation value of this land. It's a beautiful part of Middletown and it is something that I hope this committee and the Legislature takes very seriously as we look to address important issues of conservation. So I thank you so much for both coming up and I'm encouraged. Thank you.

LINDA BOWERS: Thank you.

REP. JUTILA: Any other questions from members of the committee?

Well, thank you both for your testimony.

LINDA BOWERS: Thank you.

REP. JUTILA: Our next speaker is John LeShane followed by Stephen Zakur.

JOHN LESHANE: Good afternoon. I did not submit any written testimony so I'm just going to be kind of talking off the top of my head, which is always dangerous for me. I'm speaking on House Bill 5550 also and the -- in particular the

Connecticut Valley Hospital watershed. I'm from Portland and I've had the limited experience of dealing with the firing range that had been suggested for the state forest just last year and it was defeated, but it was defeated by a number of Glastonbury citizens and representatives that came out to fight it. And as Linda pointed out, if it wasn't for their diligence, we would end up a firing range on a piece of beautiful state forest. And of course, that state forest, as you know, is the oldest state forest in New England.

I believe that CVH watershed area by itself speaks for itself as far as its value environmentally. The presence of six reservoirs, 500 acres of deep forest and with the New England National Scenic Trail that runs right through the property, these are all very good reasons by that should be preserved in perpetuity and so therefore it's unfortunate that we would need to tune to a conservation easement to protect the land. As you know from earlier testimony that the (inaudible), which is a 3,000 acre area, right directly and adjacent to this property is under development pressure and I'm not proud to say that the local town officials are -- seem to be more interested in economic growth in that area, which should be preserved either as (inaudible) property or wildlife refuge or just for its environmental value as a large, unbroken forest.

So I feel like it's absolutely necessary to have a conservation easement placed on this property because I do fear that the environment will be affected negatively by whatever -- whatever the powers to be would decide is better for that property. That's my off the

top of my head stuff. So if you have any questions, I would be happy to answer them.

REP. JUTILA: Very good. Thank you.

Questions from members of the committee? Any questions?

Well, thank you.

JOHN LESHANE: Thanks.

REP. JUTILA: Next is Stephen Zakur followed Joseph Hovious.

STEPHEN ZAKUR: Good evening, Mr. Chairman, members of the committee. Thank you for allowing me time to speak today on House Bill 5550, AN ACT CONCERNING THE CONVEYANCE OF CERTAIN PARCELS OF STATE LAND. I'll abbreviate my statements to keep within the time limits. My name is Steve Zakur. I'm a resident of Sandy Hook Connecticut and president of the Candlewood Valley Chapter of Chart Unlimited. I am here today to offer recommendations for improvements to the bill. Chart Unlimited is a national cold water conservation organization with over 140,000 members working to protect, reconnect and restore habitat for cold water fish species including trout and salmon.

The Candlewood Valley Chapter is based in Danbury with members from across the greater Danbury region has been educating children about restoring the habitat and providing angling opportunities for sports men and women for over two decades. As part of our conservation mission, during the past 10 years, we have been working in and with the Town of Newtown to improve cold water habitat in Deep Brook. Deep Brook designated a Class I wild

trout management area by the State Department of Energy and Environmental Protection is on one of nine streams in the state with this top designation. During the past decade, the Candlewood Valley Chapter through federal grants and local donations has directed over 250,000 dollars of work on the stream and thousands of hours of volunteer in preserving Deep Brook's habitat and that is why I am speaking to you today.

We are concerned that the transfer of property of Section 6 of House Bill Number 5550 would put in jeopardy years of conservation work. This section transfer to the Catherine Violet Hubbard Foundation a parcel of land that includes approximately 2500 feet of frontage on the brook. The Hubbard Foundation proposes to develop the land by constructing a large facility. It would likely require the clearing of forestlands, construction of new roads, along with more traffic, and would bring significant activity to the banks of the brook. While we would like to believe that any development could be done in a manner which is low impact to the resource, recent history instructs us otherwise.

During the past decade, both the state and town have been responsible for oil spills into the brook and last summer there was another spill. This resulted in the killing of all fish in a quarter mile of the stream. We are concerned that a private foundation located directly on the stream would lack sufficient resources to avoid additional negative impact. We support the Catherine Violet Hubbard Foundation's effort establish an animal sanctuary in Newtown. We want to help them do that quickly and in a manner which is consistent with our mission and I hope you can help us do that.

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In our opinion, the property in the bill has significant shortcomings. In addition to the adjacency to Deep Brook, there is not modern access to the property. The property is hidden from view and most of the parcel is steeply sloped towards the brook. We believe there are alternative nearby properties owned by the state and by the town that are readily available to meet both the Hubbard Foundation's goals as well to protect the Deep Brook resource. I've provided a map attached to this. I won't go through those details, but it gives you some sense of the geography as well as the abundant state and town lands nearby.

It is our recommendation that one of these more appropriate locations be substituted for the Deep Brook property identified in this bill. The Hubbard Foundation animal sanctuary is a wonderful idea and a worthy mission, but this is not the right location. Thank you for the opportunity to speak with you today and I'll address any questions that you may have.

REP. JUTILA: Thank you, Mr. Zakur.

When Ms. Hubbard testified, she was very clear in indicating to the committee that their plans did not include any kind of significant development that would -- would cause harm to the natural state of the -- the property and the property is, I believe, in the bill it describes it as 34 acres.

STEPHEN ZAKUR: Correct.

REP. JUTILA: So it's hard for me to imagine -- and she also testified that their intent to keep it primarily in its natural state as animal preserve. So I'm having trouble understanding

what your concerns really are. It would seem to me to be to a great way to ensure that the property is preserved in its natural state.

STEPHEN ZAKUR: Certainly having a good steward of a property is important and it certainly sounds like the Hubbard Foundation will be that good steward. My concern is that with the reality. Right? There are no restrictions. As some of the other folks said earlier today, right, there are no restrictions, the language in this law is very vague so they could use this property despite their intentions at this point, those intentions could change over time, right. And also despite the best intentions, we know that accidents happen and for whatever reason, this area seems to be prone to accidents. In the past decade, we've had three oil -- two oil spills and a fish kill last year. And again, the town agencies and the state agencies, I'm sure have equally as great a concern for being good stewards of this property, but it just so happens if you put development here, it's difficult to honor those commitments in the long run.

REP. JUTILA: Are there other questions?

Representative Hwang.

REP. HWANG: Thank you.

Thank you for coming in. And obviously I respect Trout's Unlimited for its mission because you love the land and recognize its resources, but one of the things that struck me as Mr. Sibley, who is the deputy director, who is vested with that responsibility in making sure the balance of that, and one of the interesting points that he made was the fact that that land previous -- in its previous

state served as livestock, farming and this is a little continuation with some alterations to the land.

STEPHEN ZAKUR: Right.

REP. HWANG: How does that -- how is that inconsistent with regards to your concerns? I mean, I think you know as you look at the history of Fairfield Hills and it is a unique structure, but -- but if you're using that land consistent with what it has always been and obviously when you share that concern about best of intentions and best of vision, you're looking at a collaborative relationship with the town and it is adjacent to a town center facility and also what you have always seen and part of it you would understand is the mission of the town in regards to that balance between expansion and natural resources protection.

STEPHEN ZAKUR: Yeah. So I --

REP. HWANG: All the history backs up to say this is not going to be a rampant development against the intention of the wishes. I mean, I think one of the things you said about Mr. Sibley pointed out was the fact there has been initiatives to development and they've really refrained from that. So you know, the mission of the town governing bodies and leaders has truly been to keep that balance. I think you have to if nothing else, you know, I think you raise the point of we may never know the future, but a really strong basis could be the current practice and the past practice of town governance in protecting and balancing that resource, which you care so much about.

STEPHEN ZAKUR: Well, we've been good partners with Mr. Sibley for the past decade and beyond that

right, so we have worked with Rob for a long time. Up until -- and let's address the history of the land, right, so that land of the 34 acre parcel, about 10 acres at the top of the hill is field, so not livestock in the past use, but actually agricultural use for farming, as well as the rest of it is also forest. That land has three times been conveyed to the Town of Newtown as open space over the past decade. Now, there is a change to change it to the purposes of this development. So the town is consistently been concerned about the quality of this land over time. And again, we have as well and we've been good partners in those efforts.

Our concern is by switching to development, shifting modalities from a conservation one to a development modality, not only gives us concern about this space, but there are adjacent spaces that have already been identified for economic development, which could also accelerate that development. So again, we're taking -- I mean, we're not against this for the purposes of being against it. We're against this for the purposes of the long-term trend which this starts, which development along this brook. And again, despite the best intentions, the town has struggled to be a good champion and good warden of the resource.

REP. HWANG: I see you use the word "development." I mean, the real intent -- and have you read the presentation of the foundation?

STEPHEN ZAKUR: I've read several documents. I'm not sure if it's the specific document.

REP. HWANG: I would encourage you to take a look at that and I think one of the commitments to that

is its passive use and as an environmentalist, you recognize that there is a significant difference with passive use development versus the conjecture of development and so --

STEPHEN ZAKUR: And I would strongly support passive use as a criteria, if it were in fact a criteria, but it's not. Right? Again, let's recall -- the wording of the act that we're talking about conveys it for three purposes, an animal sanctuary -- it provides no criteria by which to assess what that actually means and in news articles, they've talked about retail space being in this welcome center. So again, it's just -- if there -- I've got to tell you, if we have had this discussion over the past three months, had worked together to really understand what it was and had embedded in this law something that really got specific about what it is that we're talking about it, I'm not sure that I would be sitting at this table, but unfortunately, what we have is what we have.

We have this vaguely worded transfer of the property.

REP. HWANG: Well, okay. Thank you, Mr. Chair.

REP. JUTILA: Representative Sear.

REP. SEAR: Thank you, Mr. Chair.

Is the concern access of the property or the use of the property just so I'm clear on this?

STEPHEN ZAKUR: It's primarily use of the property, right, that's where you get into trouble when you put facilities on these properties. I'll give you an example. Reed Elementary School, which is if you look at the map, just on the other side of the brook, probably about equal

distance from the brook as this facility will be, a modern facility and through whatever errors over a holiday weekend in December of 2004, an oil leak was caused in the heating plant, a containment structure to keep that oil in the facility failed and the oil then followed the sewer line under the brook and of course when it got to the brook followed the water table to the water surface. Okay. That poisoned the brook in December of 2004.

So use even at a distance from the brook carries with it certain inherent risks and that's our primary concern is putting any facility this close to the brook carries with some inherent problems. Access, though, of course, as I said earlier, it opens up all of these properties on that side of the brook to potential development. Once you have modern road to put in there, you know, you begin to -- to expand the possibilities.

REP. SEAR: Just so I understand and it's been a busy day, we have covered all of this discussion. So are we talking about purely the quality of the water or the vulnerability -- the potential vulnerability of the quality as opposed to people going and fishing and being there fishing?

STEPHEN ZAKUR: I would love people fishing there. You know, it really --

REP. SEAR: So people fish there now.

STEPHEN ZAKUR: Yeah.

REP. SEAR: And they hope that they can go and fish. This isn't a question of them being able to access the brook.

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1:00 p.m.

STEPHEN ZAKUR: No. No.

REP. SEAR: This is a question of the use of the land -- I'm not saying there is or not. I'm just saying what's being discussed here is it's a question of the vulnerability of the water quality --

STEPHEN ZAKUR: That's correct.

REP. SEAR: -- of an external influence on that water, concern based on this --

STEPHEN ZAKUR: Yeah, and --

REP. SEAR: -- potential conveyance before us.

STEPHEN ZAKUR: That's correct. And it really is all about the water. It really is about the water quality not only from pollutants, but stream water runoff, sand and what not getting into the water. And it's important to note that as Rob pointed out, that this water resource sits on top of the aquifer where 99 percent of Newtown's public drinking water comes from. Right? So this is not only about -- about, you know, cold clean water for trout. It's also about making sure that those waters stay healthy so as that water goes down to the aquifer and gets taken up by Newtown's wells, that our public water supply remains safe as well.

REP. SEAR: Okay. Thank you.

STEPHEN ZAKUR: Thank you.

REP. JUTILA: Any other questions from members of the committee?

Thank you for your testimony.

STEPHEN ZAKUR: Thank you very much.

REP. JUTILA: Our next speaker is Joseph Hovious followed by Matt Wagner.

HB 5550

JOSEPH HOVIOUS: Good afternoon. I'm here to testify on again, Section 6, of the Act 5550 and you should have written testimony. My name is Joseph Hovious. I am also a resident of Sandy Hook. I live at 3 Leopard Drive. I'm an environmental engineer by both training and profession. I've been doing it for somewhere around the neighbor of 45 years. I won't talk about the details on that. I've been retired for a number of years and have working with a number of organizations doing conservation work.

I want to be very clear that I am a member of the Newtown Conservation Commission and I've been actively volunteering expertise in that area, but I am not speaking as a representative of that commission. I also do conservational work for the Candlewood Valley Chapter of Trout Unlimited and the (inaudible) Watershed Association where are looking at water quality throughout the town of Newtown, not only Deep Brook, but a number of other streams as well.

I might be here representing some of those organizations, either the conservation commission or the Watershed Association had there been opportunity to understand what this project really is about. We really have had no information. We only learned on Wednesday of this week through the good works of another conservation organization that this hearing was going to be going on and that this particular property was going to be included. I think

it's important that you know what the issues are around this particular piece of property.

Much of my work in the past nine years has been looking at the water quality in Deep Brook and addressing threats that that watershed. Steven and Rob both mentioned a development project. That was a very major development project on the parcel located immediately next door to this and that was conveyed to the town in 2003 for open space and recreational use. That was then modified to -- there as an intent to build development project immediately north on the map as shown by Mr. Zakur. And that was a very contentious development kind of process. The state had conveyed a piece of open space to the town. The town had purchased a piece of economic development property. There was a desire join those two pieces of property together. The protections were not well done and it was a very contentious activity.

Currently, the parcel slated for economic development is on hold awaiting some kind of new permit from the core of engineers wetlands areas while the property in Section 6 actually is still awaiting transfer to the town of Newtown as open space and passive recreation area. So we're sort of changing that.

REP. JUTILA: Excuse me, sir, can you kind of summarize.

JOSEPH HOVIOUS: I can do that, yes.

REP. JUTILA: Okay. Thank you.

JOSEPH HOVIOUS: Events of 12/14 were very devastating to all of us and I am resident. I know that. I'm sympathetic this mission of the Hubbard family personally and I think many in

the town are, but the level of development that we have seen in looking at the website, it talks about three or four buildings, an amphitheater, trails, tree houses, a whole variety of things, it's very difficult to tell what kind of an impact that is going to have on the property and the stream that runs right beside it and that stream is right on the edge because of development of having problems of runoff, temperature and chemical analysis.

So what I would like to really request is that the parcel that is included in Section 6 of the bill be removed until a full study of alternative properties and impacts can be done. It's a wonderful dream. It may not be a dream for this location and it's really not ready to be understood as to whether it is yet. Thank you.

REP. JUTILA: Thank you.

Questions from members of the committee? Any questions?

SENATOR MUSTO: Good evening. You're suggesting a study of the property and the development potential.

JOSEPH HOVIOUS: I think some definition of what is to be done on the property that is vetted with various stakeholders is reasonably the next step that needs to be done on this.

SENATOR MUSTO: What do you anticipate would be the cost such an investigation?

JOSEPH HOVIOUS: I would say start by talking.

SENATOR MUSTO: Okay. All right. Thank you.

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JOSEPH HOVIOUS: Uh-huh.

SENATOR MUSTO: Any other questions?

Thank you very much.

JOSEPH HOVIOUS: Thank you.

SENATOR MUSTO: Matt Wagner.

Good evening.

MATTHEW WAGNER: Hello. Senator Musto, Representatives Jutila, Hwang and Sear, I thank you for staying with us so long tonight. My name is Matt Wagner. I'm a registrar from Fairfield and I currently serve as the chair of the Registrars' Technology Committee here in Connecticut. I would like to speak on two of the bills being considered today. S.B. 441, I had a few comments on this that were technical. Those are my written testimony and as I understand there is a new bill that's being considered and it's been submitted to you for your consideration. I'll leave some of those details aside.

SJ24

I guess I would like to speak to more about sort of the philosophical issue of the electronic poll books and just to say that technology in this kind of context is not value neutral. The concept of using these network systems at our polling places offer a lot of interesting potentials such as much efficient centralized management, nondisenfranchising voter ID policies, eliminating unofficial checkers, and future regionalization efforts; however, I think that this bill is premature as there are a number of prerequisites that haven't been defined and I guess you could see these as sort of the plumbing for the bill. I

Mark B. Walter  
First Selectman

Emmett J. Lyman  
Ernest P. Malavasi  
Selectmen

Office: 860-873-5021  
Fax: 860-873-5025  
Email: admin@easthaddam.org

## Board of Selectmen

TOWN OFFICE BUILDING  
EAST HADDAM  
CONNECTICUT  
06423



March 13, 2014

State Rep. Melissa Ziobron  
Room 4200  
Legislative Office Building  
Hartford, CT 06106

RE: Town of East Haddam Land Transfers/ Raised Bill 5550

Dear Melissa,

Thank you for your support in this important transfer of these three parcels of land to the town of East Haddam. The first parcel identified as lot 59 was conveyed to the State to create a small road side park to honor ship captain and explorer Captain George Comer. Unfortunately the State has neglected this park and the thin parcel blocks the view of the recently purchased 135 acre Harris Farm.

These three state owned parcels total 2.44 acres and are approximately 1335 feet long and 125 feet wide at the widest point. The town of East Haddam could use these parcels to improve the look of the gateway to our open space property. The park could be maintained for residents to park and visit our open space and restore the old classic picnic sites.

We hope the Town's willingness to care for these small parcels would lessen the State's burden of maintaining small out of the way properties.

Sincerely,

Mark B. Walter  
First Selectman  
Town of East Haddam

Cc: Jim Ventres - Land Use Administrator  
Will Brady - Chairman - East Haddam Open Space Committee  
Robert Smith - Chairman - East Haddam Conservation Commission  
Scot Mackinnon - Chairman - East Haddam Agriculture Commission

**HB No. 5550**

I am writing in support of the passage of Sec. 11 of HB No. 5550. These lands need permanent conservation protection. Please help ensure that the peace and tranquility surrounding the Connecticut Valley Hospital's watershed are preserved for future generations by passing Sec. 11 and its conservation easements. The citizens of Connecticut will all benefit when these lands are open and preserved for passive recreation and possible water supply.

Thank you.  
Barrett S. Robbins-Pianka  
1866 Saybrook Road  
Middletown, CT

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IMG\_4412.JPG



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**STATE OF CONNECTICUT**  
*DEPARTMENT OF MENTAL HEALTH AND ADDICTION SERVICES*  
*A Healthcare Service Agency*

Dannel P. Malloy  
Governor

Patricia A. Rehmer, MSN  
Commissioner

**Memorandum:**

TO: Government Administration and Elections Committee  
FROM: Commissioner Patricia Rehmer, DMHAS  
DATE: March 17, 2014  
SUBJECT: Written Testimony on House Bill 5550

Good Morning Senator Musto, Representative Jutilla and distinguished members of the Government Administration and Elections Committee. I am Commissioner Patricia Rehmer of the Department of Mental Health and Addiction Services, I am writing today to raise concerns regarding HB 5550 An Act Concerning Conveyance of Certain Parcels of State Land.

Section 11 of the bill before you would give to a 3<sup>rd</sup> party, a conservation easement over the reservoir property at Connecticut Valley Hospital. This land surrounds our reservoirs which supply water to our CVH campus as well as the other state properties in that area. We take the preservation of that land very seriously because of the critical role these reservoirs play in the operation of our hospital.

While we certainly want to protect these lands and have a solid record of doing so, we do not support the concept of giving a conservation easement to a third party. We are currently researching the issue of providing additional protections for the land surrounding the reservoirs and believe there may be other avenues available to provide these additional protections without giving the land away.

Thank you for your time and attention to this matter.

**Raised Bill No. 5550 Land Conveyance Bill 2014**

To Whom It May Concern,

I am strongly in favor of this bill to permanently protect and preserve the reservoirs and their watersheds in the Maromas section of Middletown. As a long time hiker, I have enjoyed the recreational, spiritual, and physical health values of the Trail and forest found in this natural area and firmly believe in the need to preserve more and more of these special landscapes as the population of the state increases.

Sincerely,

John LeShane, Portland



*The Jonah Center for Earth and Art*

*P O Box 854  
Middletown CT 06457  
(860) 398-3771  
[www.thejonahcenter.org](http://www.thejonahcenter.org)  
email [Hall.john.c@sbcglobal.net](mailto:Hall.john.c@sbcglobal.net)*

TESTIMONY

To the Government Administrations and Elections Committee  
In Support of Raised Bill 5550, Sec. 11

By John C. Hall

Executive Director, The Jonah Center for Earth and Art  
March 13, 2014

I am writing in support of Raised Bill 5550, Sec. 11, to preserve in perpetuity the lands surrounding the water reservoirs that currently serve Connecticut Valley Hospital in Middletown.

The watershed around these six reservoirs comprises approximately 500 acres of scenic wilderness area filled with rock ledges, abundant mountain laurel, and laced with important hiking trails in the Maromas section of Middletown. I share the concern of many residents of Middletown that these lands might be sold for private residential development if CVH should stop using the reservoirs for water supply. I know that there has already been some discussion of CVH buying water from the City of Middletown rather than continue to operate the hospital's water treatment plant.

The Maromas section of Middletown is under constant threat of development. Most recently, the large electric generating plant known as the Kleen Energy plant, was built on the hillside of Maromas overlooking the Connecticut River. If the CVH reservoirs were sold by the Department of Mental Health and Addiction Services to a private developer, this beautiful unspoiled forest area could be lost to future generations of hikers and nature lovers, and the heart of Maromas would be gutted. The State of Connecticut needs to take action to preserve this precious resource not only to preserve the area, but also to encourage "smart growth" by increasing residential urban density and avoiding more even more suburban sprawl.

Thank you for your consideration of this legislation to preserve this critical, recreational woodland and wildlife habitat.

Sincerely,  
John C. Hall, Executive Director

*Our mission to foster sustainable relationships among people, other creatures, energy resources, and the environment and to promote interdisciplinary community partnerships in scientific, artistic, and other cultural endeavors*

Line Number 23  
Page Number 13  
Speaker # 17-Public

To: Honorable Committee Members

From: Linda Bowers, Middletown

Re: Raised Bill No. 5550 Land Conveyance Bill 2014 Sec. 11

Protection of the CT Valley Hospital Reservoirs and Watersheds

We in Middletown who consider ourselves conservationists are very pleased that Rep. Lesser has included in the land conveyance bill a section that is very important to us; Sec. 11 CVH Reservoir protection. The six reservoirs and the nearly 500 acres of watershed which comprise this system are located in the Maromas section of the city and currently serve as drinking water supply for the CT Valley Hospital. Maromas, which is between Route 9 and the CT River in the southern part of the City, is a beloved part of town for its rural and wild character. It is crisscrossed by the Blue Blazed Trail (now part of the New England Trail) of the CT Forest and Park Association and is used by nature enthusiasts, hikers and bikers. Protection of the CVH Reservoirs is consistent with the State Plan of Conservation and Development and with the plans of the City because these lands are adjacent to parts of Cockaponset Forest, and part of a larger forest comprised of CL&P and The Nature Conservancy properties.

We are very concerned about the future of these reservoirs should the Dept of Mental Health and Addiction Services decide to no longer use them as drinking water supply, however the ultimate language protecting these lands should allow for DMHAS improvements and maintenance necessary for the protection and provision of safe and adequate potable water. Easement language should preserve the land in perpetuity, predominately in its natural scenic and open condition for the protection of natural resources and public water supplies while allowing for recreation consistent with such protection. We believe that intense development of this reservoir area would be harmful, including golf courses, driving ranges, tennis courts, ballfields, swimming pools and uses by motorized vehicles other than vehicles needed to carry out water company purposes, except for pedestrian and non-motorized bike trails.

We welcome further protection of these lands of statewide significance.

Line Number 24  
Page Number 13  
Speaker # 18 - Public

TESTIMONY REGARDING RAISED BILL NO. 5550  
LAND CONVEYANCE BILL 2014 Sec. 11  
March 17, 2014

I'm Ellen Lukens of 46 Pine St., Middletown, Ct. and am very concerned about the preservation of Maromas lands in Middletown and specifically the Connecticut Valley Hospital watershed lands. I am, therefore, very enthusiastic about the passage of Raised Bill 5550.

However, there is one section that I hope that you will be willing to amend. The end of the first sentence of the bill, "PRIOR TO APPLYING FOR A PERMIT TO ABANDON THE RESERVOIRS ON SAID PARCELS." should be omitted.

I don't understand the purpose of waiting. Why not grant conservation easements to a non-profit now?

The last sentence of the bill says "NO PROVISION OF SUCH EASEMENTS SHALL PREVENT THE DEPARTMENT OF MENTAL HEALTH AND ADDICTION SERVICES OR ITS SUCCESSORS FROM USING SAID PARCELS FOR ANY ACTIVITY RELATED TO THE WATER SUPPLY OF THE CONNECTICUT VALLEY HOSPITAL IN THE CITY OF MIDDLETOWN OR FROM TAKING STEPS AS THE DEPARTMENT DEEMS NECESSARY TO LIMIT ACCESS IN ORDER TO PROTECT THE INTEGRITY OF THE WATER SUPPLY".

The above should allay DMHAS's concerns. To me this means that DMHAS will not lose control over its water supply and the integrity of it.

So why not grant easements NOW to a non-profit organization that will guarantee the preservation as of 2014 rather than possibly at a later date? Your committee would make possible the immediate, very appropriate transfer of watershed lands, with the guarantee that the reservoirs will continue to be a water resource for DMHAS, besides permanently protecting approximately 500 acres of land in Maromas forever.

Again, please omit the line "PRIOR TO APPLYING FOR A PERMIT TO ABANDON THE RESERVOIRS ON SAID PARCELS".

Thank you,

Ellen Lukens  
46 Pine St  
Middletown  
Ct. 06457



Candlewood Valley Chapter  
Trout Unlimited  
P.O. Box 3795  
Danbury, CT 06811

Line Number 14  
Page Number 14  
Speaker # 20-Public

March 17, 2014

Officers  
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Bill Bennett  
Bill Dunn  
Joe Hovious  
Tony Mortimer  
Doug Peterson  
Jerry Rekart  
Chuck Rich

Comments to the Government Administration & Elections Committee  
Re: House Bill No. 5550

Mr. Chairman, members of the committee, thank you for allowing me the time to speak today on House Bill No. 5550 AN ACT CONCERNING THE CONVEYANCE OF CERTAIN PARCELS OF STATE LAND.

My name is Stephen Zakur, I am a resident of Sandy Hook, Connecticut and President of the Candlewood Valley chapter of Trout Unlimited. I am here today to offer recommendations for improvement to the bill.

Trout Unlimited is a national coldwater conservation organization founded in 1959 by anglers interested in improving habitat for trout. Today over 140,000 members work to protect, reconnect and restore habitat for coldwater fish species including trout and salmon.

The Candlewood Valley chapter, based in Danbury, with members from across the greater Danbury region, has been educating children, restoring habitat and providing angling opportunities for sports men and women for over two decades.

As part of our conservation mission, during the past ten years, we have been working in and with the Town of Newtown to improve coldwater habitat. One of the hallmark restoration efforts that we've driven is improving habitat along Deep Brook.

Deep Brook, designated a Class 1 Wild Trout Management Area by the State Department of Energy and Environmental Protection, is one of nine streams in the State with that top designation. It is not stocked by the state and is home to a self-sustaining population of wild trout. Wild trout only exist where water quality is high. It is a rare resource in the middle of a large town.

During the past decade, the Candlewood Valley chapter, through federal grants and local donations, has directed over \$250,000 of work on the stream and thousands of hours of volunteer service improving Deep Brook's habitat. The chapter has also worked with town, state, federal and private agencies to restore and protect the habitat along the banks of Deep Brook. That is why I am speaking with you today.

We are concerned that the transfer of the property in section six of House Bill No. 5550 would put in jeopardy years of conservation work. This section transfers to the Catherine Violet Hubbard Foundation a parcel of land that includes approximately 2,500 feet of frontage on the brook. This parcel was previously transferred to the



Candlewood Valley Chapter  
Trout Unlimited  
P.O. Box 3795  
Danbury, CT 06811

Town of Newtown by Special Act 03-19. That act restricted the land's use to open space and recreation. This act again transfers the land, this time to the Hubbard Foundation, and has no restrictions on use.

The Hubbard Foundation proposes to develop the land by constructing a large facility. This facility would include a welcome center with retail, office and meeting space, barns, multiple out buildings as well as additional facilities for farm animals and native wildlife. While specific plans have not been shared with the public this facility would be large, it would require clearing of forested lands, construction of new roads along with its commensurate traffic and would bring significant activity to the banks of the brook.

In 2011, the Town of Newtown Economic Development Commission proposed to develop a "tech park" on an adjacent piece of property. This property was further back from the brook than the property proposed for the Hubbard Foundation. That project was rejected during the permitting process by the U.S. Army Corps of Engineers because of adverse impact to the resource.

While we would like to believe that any development could be done in a manner which is of low impact to the resource, recent history instructs us otherwise. During the past decade both the state and town have been responsible for oil spills into the brook and last summer some individual or organization, likely in the Fairfield Hills complex, discharged a poisonous substance into stormwater drains leading to Deep Brook. This resulted in the killing of all fish in a quarter mile of stream. We are concerned that a private foundation, located directly on the stream, would lack sufficient resource to avoid additional negative impact.

We support the Catherine Violet Hubbard Foundation's efforts to establish an animal sanctuary in Newtown. We want to help them do that quickly and in a manner which is consistent with our mission. I hope you can help us do that.

In our opinion, the property in the bill has significant shortcomings. In addition to the adjacency to Deep Brook, there is no modern access to the property, the property is hidden from public view, and most of the parcel is steeply sloped towards the brook.

We believe there are alternate, nearby properties owned by the state that are readily available to meet both the Hubbard Foundation's goals as well as to protect the Deep Brook resource.

For example, immediately west (see "C" on the attached map) there is town and state land near Queen Street. That property is level, visible and, most importantly, in the heart of our community. The state and town maintains access to that property from Queen Street and it is close to existing utilities.



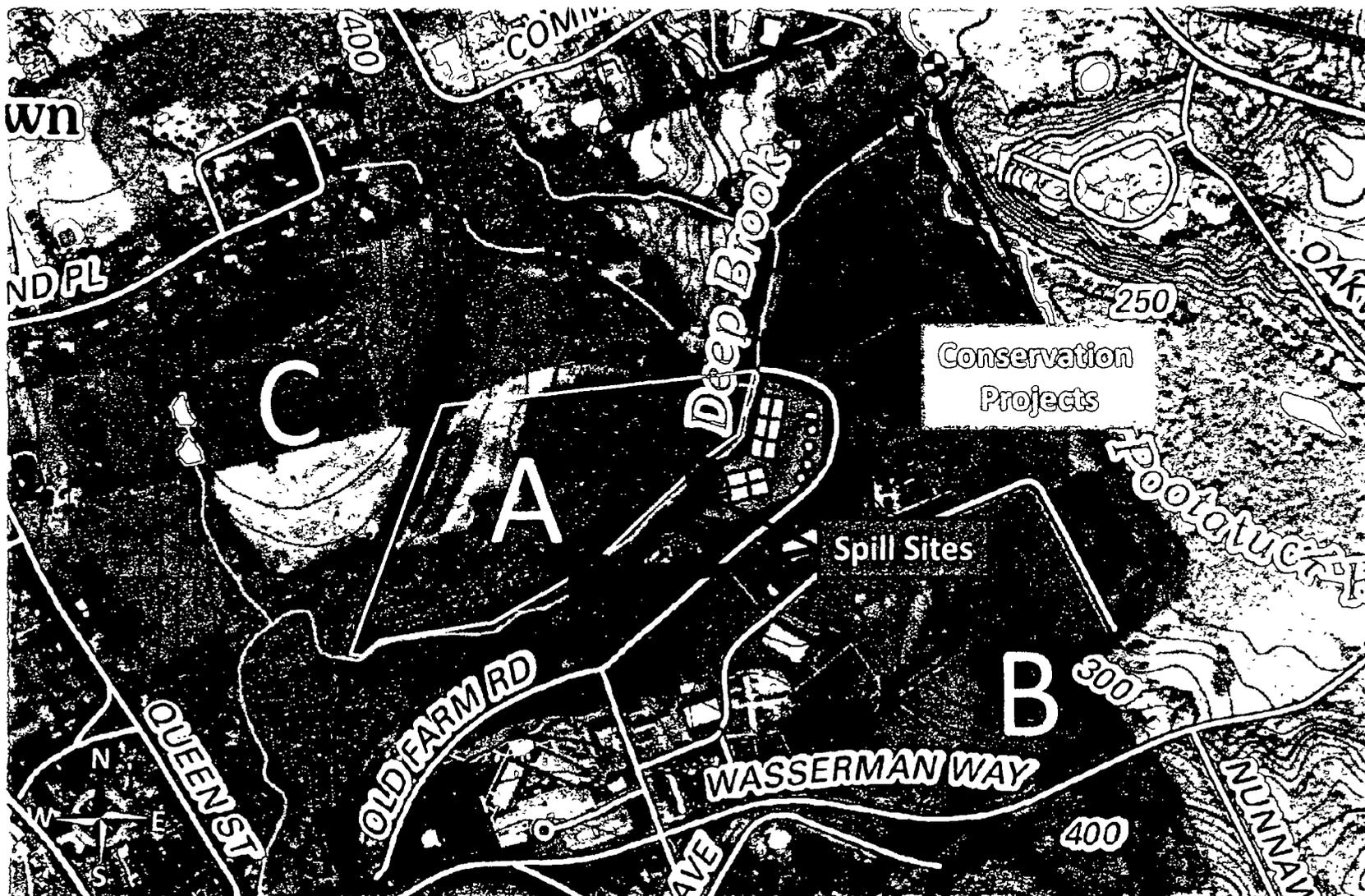
Candlewood Valley Chapter  
Trout Unlimited  
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Danbury, CT 06811

Further, to the south, on Wasserman Way (see "B" on the attached map), a major thoroughfare in Newtown, there are state and town properties on and adjacent to the Horse Guard property that could satisfy the requirements for the Hubbard Foundation facility. In addition, those lands are already being used for activities that are consistent with those proposed by the Hubbard Foundation. They also have easy access and are close to existing utilities.

It is our recommendation that one of these more appropriate locations be substituted for the Deep Brook property identified in this bill. The Hubbard Foundation animal sanctuary is a wonderful idea and a worthy mission but this is not the right location.

Thank you for the opportunity to speak with you today.

Stephen Zakur  
President  
[steve.zakur@cvtu.org](mailto:steve.zakur@cvtu.org)



A: HB 5550, Section 6 Property    B & C: Proposed Alternate Locations

— = 500 ft

Dear legislators:

Thank you for the opportunity to present this testimony and information on the property referenced in Sec. 8 of this year's Conveyance Bill. I am writing to say that Sec. 8 of the 2014 Conveyance Bill (5550) **should be approved**. This conveyance will benefit the town, properly pay homage to Captain George Comer who deeded the land to the State and remove a maintenance burden of the overtaxed state park system.

The property in question is situated between State Rt. 434 (Mt. Parnassus Road) and the old Mt. Parnassus Road. The road was realigned in the 30's, with the old section being transferred to the town. The center parcel was the location of the Mt. Parnassus fire tower until it was removed in the seventies. The property was also used as a picnic area and/or roadside rest as is indicated by the rustic stone fireplaces still in place. The center parcel also has a concrete "plaque" to Capt. George Comer, which is cemented to a very large boulder. Capt. Comer deeded the property to the state in the 30's. The property is shaped such that it cannot be developed in any way, limiting its use to open space or an access to the adjacent 130 acres of East Haddam open space and municipal property, known as the Harris property.

This is a legitimate use of the conveyance bill. As stated previously, the property will ONLY be used to provide an improved access driveway (better sight lines) to the Harris Property to the south. Besides the open space portion of the property (purchased with a DEEP Open Space grant), the municipal portion is being managed for agriculture. The town has received three State grants to (1) reclaim the former fields from their "grown-up" condition (completed), (2) fence the fields to exclude deer (completed) and (3) erect a barn-type building to educate new and old farmers about good food preservation practices - such as canning and freezing - and modern organic farming methods, for example. The property in question will be better maintained by East Haddam as open space than is currently being done by State Park staff. The local DEEP manager of the property has expressed no objections. Currently, he has very limited staff to take care of his many, many state properties and this would be another burden off his back. With this property under town stewardship, Capt. George Comer, famous Arctic and Hudson Bay explorer, whaler, cartographer, author and East Haddam resident (his home is across the street) will finally get some additional recognition through informational signage, educating all about this remarkable man.

East Haddam Land Use Administrator Jim Ventres and I have worked with the great-grandson of Capt. Comer to address the family concerns regarding the original language of Sec. 8. Those issues were discussed with Representative Ziobron who agreed to amend the language. There was never any intent NOR is there any need to modify the deed restrictions in the deed from Comer to the State of Connecticut.

Sincerely,

Rob Smith  
119 Boardman Rd.  
East Haddam, CT 06423  
(860) 873-2189

President - East Haddam Land Trust  
Chairman - East Haddam Conservation Commission  
Member - East Haddam Open Space Committee  
Retired - Assistant Director - State Parks Division



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*Testimony of Eric Hammerling, Executive Director, Connecticut Forest & Park Association*

Public Hearing Subject Matter	Position
<u>RAISED H.B. 5550</u> : AN ACT CONCERNING THE CONVEYANCE OF CERTAIN PARCELS OF STATE LAND.	Undecided

Co-Chairs Jutila, Musto and Members of the Government Administration and Elections Committee:

The Connecticut Forest & Park Association (CFPA) is the first conservation organization established in Connecticut (1895). CFPA has offered testimony before the Legislature on issues such as sustainable forestry, state parks and forests, trail recreation, natural resource protection, and land conservation for over 115 years.

On HB 5550, I describe CFPA's position as "undecided" because this bill has, at times, become an end-of-the-session vehicle for trading, selling, or giving away state lands without adequate protections in place to protect the conservation values of these lands. As the saying goes, "if the only tool you have is a hammer, then every problem looks like a nail." The Conveyance Act is a hammer and it should be wielded carefully and used only as a last resort. Following are four recommendations on how to make this and future Conveyance Acts less controversial to the many people who are concerned about the impermanence of state conservation lands:

- 1) Ensure that when lands under the custody and control of the Department of Energy & Environmental Protection or Department of Agriculture are being considered for conveyance, sale, or trade, there is a public hearing before the Environment Committee. The Environment Committee is the committee of cognizance over these agencies, and should be given the explicit jurisdiction or at least the courtesy to receive public input when State Parks, State Forests, Wildlife Management Areas, prime agricultural lands, and other DEEP or DoAg lands with significant conservation values are being proposed for a conveyance.
- 2) Avoid actions that would expand, narrow, or remove the language of an existing deed restriction on the land. If deed restrictions are not treated as permanent by the General Assembly, then private citizens will not trust the State for long-term stewardship. Meddling with a deed so that the land use could include "municipal purposes" in Section 8 of the bill is asking for future mischief.
- 3) Avoid getting in the middle of a dispute between the State as a Lessor and a town or other entity as a Lessee. In Section 7 of this bill, giving a piece of State Forest property to a town rather than encouraging the State to conduct a timely negotiation of a lease is bad public policy. Why would the State want to lease any property for any community uses if that community at some point in the future is going to use the Conveyance Act to simply take the land?
- 4) Use a conservation easement conveyed to a third party, as is proposed in Section 11 of this bill, as the strongest mechanism to preserve the natural resources of the land even when the land ownership changes.

Thank you for the opportunity to testify. I would be glad to respond to any questions you may have.

**H.B. #5550**

I favor passage of H.B. #5550, AN ACT CONCERNING THE CONVEYANCE OF CERTAIN PARCELS OF STATE LAND (GAE), because of the importance of such natural areas to the health and wellbeing of the people of Middletown. I have enjoyed walking on the Blue Blazed Trail. I know the experience was good for me both physically and psychologically, and studies have shown the benefits of children's spending time in nature. It is essential that we have uncrowded natural places in our community, and this bill is an opportunity to insure that this important piece of land, with its woods, hills, and reservoirs, remains available for citizens to use and enjoy.

Patricia B. Long  
89 Bretton Road  
Middletown, CT 06457  
860 344-0724

**Faticoni, Kaitlin**

---

**From:** BETSY GLASSMAN <wordpix@optonline.net>  
**Sent:** Monday, March 17, 2014 8:09 PM  
**To:** GAETestimony  
**Subject:** Bill 5550, Conveyance of Certain Parcels of State Land DRAFT  
**Attachments:** 13.10.15SignaturesBOS.BOFLetterLOWRES pdf, 13.10.31Letter2StateValidatingAct.docx

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear CT General Assembly:

I realize that this comment is several hours late; however, I have a life threatening illness, so the deadline slipped by me. Further, I learned of Bill 5550 late last week since you posted a notice only on 3/11, and your public comment period is less than one week long. Thus, I hope you will extend the comment period and accept this into the record, or at least consider the content.

I am writing as the secretary of Citizens Concerned about Rt. 202 (CAR), based in Litchfield, concerning Bill 5550. Last fall, our executive committee obtained the signatures of 169 Litchfield residents of voting age (attached) opposed to a town land conveyance that most residents knew nothing about, due to the Board of Selectmen's failure to notify the town as per CGS 7-163. The conveyance took place in 2008 but most of the public did not learn about it until Dec. 2013, when a housing development was proposed on the former town land.

In July 2013, the governor signed Validation Act 13-23, which includes Sec. 10 relating to Litchfield's '08 conveyance. Section 10 was apparently written and inserted by Rep. Craig Miner at the request of First Selectman Léo Paul, the man responsible for the illegal '08 notification. A "notwithstanding" clause in Sec. 10 includes two state statutes this section overrides, thus absolving Mr. Paul of responsibility for his illegal action. In the fall, he and his lawyers used Sec. 10 to further override a clause approved in the land transfer that could allow title to revert to the town.

The Litchfield public was never informed about said Validation Act until fall 2013, so the public was denied its right to make comment, likewise denying our constitutional right to free speech, petition and due process.

The state should never have passed this Validation Act without public comment, and when CAR wrote to the state legislators and executives responsible about this situation (see email below) , we got **not one** response.

CAR is opposed to any and all legislation containing "notwithstanding" clauses that nullify previous legislation. Further, CAR is opposed to any Conveyance Act, including this one, that denies citizens the right to make comment re: conveyances and contains notwithstanding clauses that may impact us detrimentally.

Currently, we see a dysfunctional system that keeps citizens in the dark regarding public land conveyances. The fact that you are giving the public less than one week for Bill 5550's public comment period is a case in point. I am including my previous email to the state regarding the conveyance issue in Litchfield, along with two related documents. We at CAR hope you will end these "notwithstanding" clauses and start notifying the affected communities immediately. Otherwise, there may be serious consequences due to denial of citizens' constitutional rights and potential adverse environmental impacts.

Sincerely,

Betsy Glassman  
Secretary, CAR  
Litchfield, CT 06759

----- Begin forwarded message -----

Subject: Validation Act 13-23 Sec. 10 repeal, investigation needed

Date: 10/31/13 05:22:02 PM

From: "BETSY GLASSMAN" <wordpix@optonline.net>

To: attorney.general@ct.gov, lead@ct.gov, "susan peterson" <susan.peterson@ct.gov>, DECD@ct.gov, "Santoro, Michael C" <Michael.Santoro@ct.gov>, decd@ct.gov, Brendan.Sharkey@cga.ct.gov, Joe.Aresimowicz@cga.ct.gov, looney@senatedems.ct.gov, Ed.Jutila@cga.ct.gov, anthony.musto@cga.ct.gov, donald.williams@cga.ct.gov, don.williams@cga.ct.gov, BJ.Pakulis@ct.gov, denise.merrill@ct.gov, Steve.Jensen@ct.gov

Cc: cynthe.aeon@yahoo.com, "Roger Reynolds" <rreynolds@ctenvironment.org>, "Lauren Savidge" <lsavidge@ctenvironment.org>, rivers@riversalliance.org

Dear State Officials:

Attached please find a letter dated today 10/31/13, concerning the subject Validation Act 13-23 Section 10 and need to repeal it, and Litchfield officials who got this act passed in order to validate a municipal land transfer involving apparent illegal public notification, lack of due process and disenfranchisement of voters. Our group, Citizens Concerned about Rt. 202 (CAR), believes it sets a bad example for the State of CT to validate a controversial municipal action that denied the public's right to be notified according to CGS 7-163, resulting in disenfranchisement. Further, we were not informed about the Validation Act, there was no hearing in Litchfield and the public could make no comment without knowing about the VA Section 10. Thus, we further ask the state to investigate questions of legality, constitutionality and due process as outlined in the letter.

In addition, attached is our earlier letter to the Litchfield Boards of Selectmen and Finance (BOS/BOF) dated 9/24/13, along with the signature pages containing names of 169 Litchfield signatories of voting age. This letter gives information about the 2008 land transfer and notification statute that was not followed by First Selectman Leo Paul or the BOS.

Thank you for your consideration.

Sincerely,

Betsy Glassman  
Secretary, CAR  
38 Tapping Reeve Dr.  
Litchfield, CT 06759  
860-689-4868

We the undersigned are signatories of the letter dated September 24, 2013 to the Litchfield Boards of Selectmen and Finance concerning former town-owned open space on Torrington Road. We call on the boards to immediately return ownership of the property from Litchfield Housing Trust to the Town of Litchfield. We further state that we did not see a sign on the subject property in 2008 publicizing a town hearing about the land transfer, as required by state law.

Print Name	Signature	Address
Betsy Glassman		38 Tapping Reeve, Litchfield
Lynn M. Crowley		464 Torrington Rd Litchfield
Peter F. Crowley		464 TORRINGTON Rd Litchfield CT
ALBERT SAUNDERS		477 TORRINGTON Rd Litchfield CT
Dianne Saunders		477 Torrington rd Litchfield CT
Kerryanne Mathews		222 Wheeler Rd Litchfield, CT
Gary Mathews		222 Wheeler Rd Litchfield, CT
DAVID SAMAL		29 TOWN FARM RD. LITCHFIELD, CT. 06759
SERGE W SAMAL		43 TOWN FARM RD LITCHFIELD, CT
Ralph Cimino		209 Town Farm Rd Litchfield CT
Joanne Cimino		209 TOWN FARM RD Litchfield CT
William H. Moorhead		486 Torrington Rd, Litchfield, CT
Susanna J. Moorhead		486 Torrington Rd, Litchfield
John Enelicut		156 Milton Rd Litchfield CT
Robert A. Franculli		426 Torrington Rd. Litchfield
Cheryl Wilson		458 Torrington Rd, Litchfield
Matthew Saccoman		60 Wilson Rd. Litchfield

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Print Name	Signature	Address
Keely Reed	Keely Reed	546 Torrington Rd Litchfield, CT 06759
Meghan E. Secor	Meghan E. Secor	562 Torrington Road Litchfield, CT 06759
Brady McDonald	Brady McDonald	556 Torrington Rd Litchfield, CT 06759
Michelle Garnish	Michelle Garnish	526 Torrington Rd Litchfield, CT 06759
Lauren Koonz	Lauren Koonz	526 Torrington Rd Litchfield, CT 06759
David Garnish	David Garnish	526 Torrington Rd Litchfield, CT 06759
Kenneth Beale	Kenneth Beale	522 Torrington Road Litchfield, CT 06759
Linda Beale	Linda Beale	522 Torrington Road Litchfield, CT 06759
Craig Zordan	Craig Zordan	62 Wilson Rd Litchfield CT 06759
DIANE KILZER	Diane Kilzer	124 OLD FORGE HOLLOW RD. BANTAM, CT 06750
ROBERT KILZER	Robert Kilzer	124 OLD FORGE HOLLOW RD. BANTAM, CT 06750
R. J. Jovan	R. J. Jovan	66 354 Torrington Rd Litchfield, CT 06759
Kathy Falkner	Kathy Falkner	371 Torrington Rd Litchfield
Peter Quintard	Peter Quintard	362 Torrington Rd Litchfield, CT 06759
KATHRYN Quintard	Kathryn Quintard	362 Torrington Rd Litchfield, CT 06759
Patrick McElhone	Pat McElhone	353 Torrington Rd Litchfield
Jessie Bullard	Jessie Bullard	353 Torrington Rd Litchfield CT 06759
Cheryl Koser Lapointe	Cheryl Koser Lapointe	367 Torrington Rd Litchfield, CT 06759
Kim DePiano	Kim DePiano	530 Torrington Rd Litchfield, CT 06759

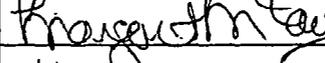
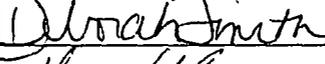
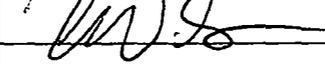
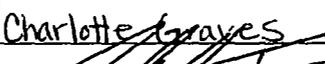
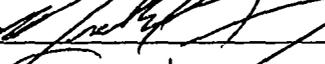
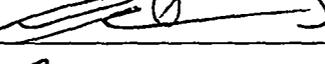
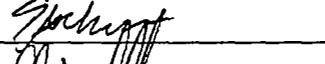
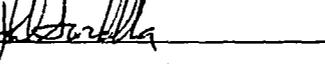
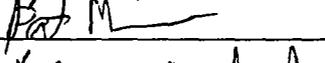
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Print Name	Signature	Address
Matthew Magaldi	Matthew Magaldi	160 Fern Ave. Litchfield, CT
Charles Ketz	Charles Ketz	293 Torrington Rd, Litchfield, CT
Pete J. Ottosen	Peter J. Ottosen	337 Torrington Rd. " "
Pamela R. Siddall	Pamela R. Siddall	337 Torrington Rd Litch. CT
Alina Pecora	Alina Pecora	571 Torrington Rd Litch. CT
Eugene Pfister	Eugene Pfister	96 Hart Dr
Walter J. Hermann	Walter J. Hermann	101 Hart Dr. Litchfield, CT
THOMAS DENNIS WILLIAMS	Thomas Dennis Williams	56 BRUSH HILL ROAD, LITCHFIELD
<del>Bartolucci Bertoli</del>	<del>Bartolucci Bertoli</del>	<del>15</del>
WESLEY T. SMALL	Wesley T. Small	16 Bertoli Dr. Litchfield
Janet Small	Janet Small	16 Bertoli Dr. Litchfield
Severo J Sileno	Severo J. Sileno	12 Bertoli Drive Litchfield CT
Vivian M. Sileno	Vivian M. Sileno	12 Bertoli Drive Litch. CT
Shirley Gros	Shirley A. Gros	555 Torrington Rd.
NOE Artache	Noe Artache	20 Wilson rd.
Ashtley Smith	Ashtley Smith	22A Wilson Rd
Paige James	Paige James	22 Wilson Rd

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Print Name	Signature	Address
Yu-Chen Lai	Yu-Chen Lai	516 Torrington Rd. Litchfield CT 06759
Ernest Betters	Ernest Betters	510 Torrington Rd Litchfield 06759
Claudia Betters	Claudia Betters	510 Torrington Rd Litchfield, CT 06759
Allen Gillette	Allen Gillette	502 Torrington Rd. Litchfield, CT 06759
Patricia Andersen	Patricia Andersen	502 Torrington Rd Litchfield
Judith Ehrman-Shapiro	Judith Ehrman-Shapiro	478B Torrington Rd. Litchfield
Barbara Stillman	Barbara Stillman	478A Torrington Rd. Litchfield
Jeffrey M. Summa	Jeffrey M. Summa	48 Meadow St. Litchfield, CT
Beth Bickford	Beth Bickford	236 Fern Ave. Litchfield
ROSS B. ADKINS	ROSS B. ADKINS	231 FERN AVE LITCHFIELD
Susan M. Adkins	Susan M. Adkins	231 Fern Ave, Litchfield
Vivian C Adkins	Vivian C Adkins	237 Fern Ave Litchfield
Raymond H Adkins	Raymond H Adkins	237 Fern Ave Litchfield
Barbara Lanthier	Barbara Lanthier	420 Torrington Rd Litch
Edward Duane	Edward Duane	366 Torrington Road 06759
Jon Marie Andersen	Jon Marie Andersen	376 Torrington Road
JOHN ANDERSON	John Anderson	376 TORRINGTON ROAD
Heidi Allison	Heidi Allison	375 Torrington rd 06759
James Fischer	James Fischer	72 Whitehall Rd., Litchfield

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Print Name	Signature	Address
Domenico De Rosa		530 Torrington Rd Litchfield, CT
Michael Pava		40 Wilson Rd
Margaret M. Gay		40 Wilson Rd
Gwen Burgess		48 Wilson Rd
Deborah Smith		56 Wilson Rd
Megan Eckes		
Andrew Graves		58 Wilson Rd.
Charlotte Graves		58 Wilson Rd.
Michael Trusz		64 Wilson Rd.
Sondra Trusz		64 Wilson Rd.
Janie Arber		501 Torrington Rd
Emily Arber		501 Torrington Rd
John Guardella		535 Torrington Rd
Norothy Wilusz		11 Toll Gate Rd
Jim Moore		17 Toll Gate Rd.
Patricia Moore		17 Toll Gate Rd.
Ryan Odden		334 Torrington Rd

We the undersigned are signatories of the letter dated September 24, 2013 to the Litchfield Boards of Selectmen and Finance concerning former town-owned open space on Torrington Road. We call on the boards to immediately return ownership of the property from Litchfield Housing Trust to the Town of Litchfield. We further state that we did not see a sign on the subject property in 2008 publicizing a town hearing about the land transfer, as required by state law.

Print Name	Signature	Address
Joe Gustafson	Joseph Gustafson	30 Ethan Allen DR
Richard Carbaron	Richard Carbaron	26 Sally Burr Rd
FRANK RANDAZZO	Frank Randazzo	30 Sally Burr Rd
Jean Randazzo	Jean Randazzo	30 Sally Burr Rd.
NANCY LEE	Nancy Lee	31 Sally Burr Rd.
Brian Wasik	Brian Wasik	7 Sally Burr Rd
Heather Varda	Heather Varda	7 Sally Burr Rd
STEVEN O'NEILL	Steven O'Neill	6 Ethan Allen Drive
Patti O'Neill	Patti O'Neill	6 Ethan Allen Drive
Carie Gustas	Carie Gustas	13 Ethan Allen Dr.
BRYAN S. GUSTAS	Bryan S. Gustas	13 Ethan Allen Dr.
DAVE LAPORTE	Dave Laporte	367 Torrington Rd.
Ken Carbo	Ken Carbo	223 Fern Ave.
Byron Amos	Byron Amos	243 Fern Ave.
GERTRUDE O'SULLIVAN	Gertrude O'Sullivan	412 Torrington Rd.
Angela Morzella	Angela Morzella	443 Torrington Rd
JoAnn Garcello	JoAnn Garcello	535 Torrington Rd.

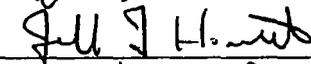
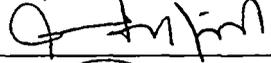
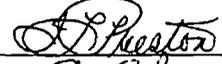
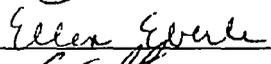
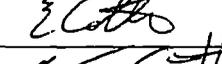
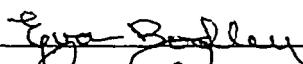
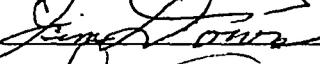
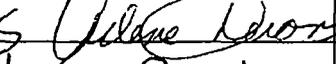
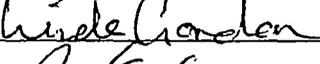
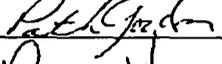
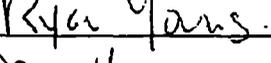
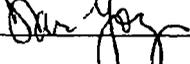
We the undersigned are signatories of the letter dated September 24, 2013 to the Litchfield Boards of Selectmen and Finance concerning former town-owned open space on Torrington Road. We call on the boards to immediately return ownership of the property from Litchfield Housing Trust to the Town of Litchfield. We further state that we did not see a sign on the subject property in 2008 publicizing a town hearing about the land transfer, as required by state law.

Print Name	Signature	Address
Terra Gardella (17 yr old)	Terra Gardella	535 Torrington Rd
Adam Swendsen	Adam Swendsen	339 Torrington Rd Fl 2
Jim Nivolo	James J. Nivolo	74 Wilson Rd, Litchfield Ct.
Geraldine Nivolo	Geraldine Nivolo	74 Wilson Rd Litchfield Ct.
Jesse A Nivolo	<del>Jesse A Nivolo</del>	74 Wilson Rd Litchfield Ct
Joe Avallone	Joe Avallone	296 Torrington Rd
John Tomick	John Tomick	319 Torrington Rd
Leonard C. Deason	Leonard C. Deason	323 Torrington Rd
Lois Peters	Lois Peters	313 Torrington Rd.
Danna M Battisti	Danna M Battisti	11 Battisti Dr.
John A Battisti	John A Battisti	11 Battisti Dr.
Barbara Battisti	Barbara Battisti	16 Battisti Dr.
Vinnie Battisti	Vinnie Battisti	16 Battisti Dr.
Theodore Brouillard	THEODORE BROUILLARD	513 TORRINGTON RD
Marie Duwan	Marie Duwan	11 Tollgate Road
Stephen Wilusz	Steph Wilusz	11 Tollgate Rd
Keith Berti	Keith Berti	492 Torrington Rd.
Bissy Fischer	Bissy Fischer	33 Woodruff Lane
Maureen Callahan	Maureen Callahan	209 Norfolk Rd

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Print Name	Signature	Address
Joseph Oskunarek	<i>Joseph Oskunarek</i>	578 Torrington Rd Litchfield CT
Julia Oskunarek	<i>Julia Oskunarek</i>	578 Torrington Rd Litchfield CT
Jordan Redente	<i>Jordan Redente</i>	628 Torrington Road, Litchfield, CT
James Montefeltri	<i>James Montefeltri</i>	97 Hart Dr, Litchfield CT
Carlos Gutierrez	<i>Carlos Gutierrez</i>	33 Woodruff Ct Apt.#8 Litchfield CT
Sarai Gutierrez	<i>Sarai Gutierrez</i>	33 Woodruff Ct Apt.#8 Litchfield CT
Mike Down	<i>Mike Down</i>	87 Hart Dr, Litchfield, CT
Carly Kennedy	<i>Carly Kennedy</i>	94 McBride Rd. Litchfield, CT
SANTO VIGNAZZI	<i>Santo Vignazzi</i>	85 1/2 Hart Dr Litchfield
DAVID HILL	<i>David Hill</i>	80 Hart Dr, Litchfield, CT
Susan Hill	<i>Susan Hill</i>	80 Hart Dr, Litchfield, CT
GEORGE THIBOUT	<i>George Thibout</i>	79 HART DR. LITCHFIELD CT
Dence Longley	<i>Dence Longley</i>	73 Hart Dr - Litchfield, CT
Russ Longley	<i>Russ Longley</i>	" " " "
Paul Brown Jr	<i>Paul Brown Jr</i>	69 Hart Dr. Litchfield CT
Dawn Braum	<i>Dawn Braum</i>	69 Hart Dr. Litchfield CT
DAVID B. BODLEY	<i>David Bodley</i>	70 HART DR, LITCHFIELD CT

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Print Name	Signature	Address
RICHARD TELMAN		406 Torrington Rd
JEFF J HORVATH		31 WEST LANE
Martha Fish		599 Milton Rd
Faye Preston		114 North Street
Beth Adelr		45 Weldon St
PAUL THOMSON		WASHINGTON, CT
Lewis Koaman		Litchfield, CT
Ellen Eberle		406 Torrington Rd. Litchfield, CT
Ed Cotler		Goshen, CT
Tara Smith		30 Wilson Rd. Litchfield
Eva Badley		70 Hart Drive, Litchfield, Ct.
Jim Downs		78 HART DR. LITCHFIELD CT
Arlene Downs		78 Hart Dr. Litchfield, Ct
LINDA GORDON		82 Hart Dr Litchfield
PATRICK GORDON		82 HART DR. LITCHFIELD, CT
Ryan Yang		88 Hart Dr. Litchfield
Diane Nygoy		88 Hart Dr. Litchfield

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Print Name	Signature	Address
Michael Smith	Michael Smith	39 Hubbard Pines Litchfield
ANDREW DOBELL	Andrew Dobell	4 Rouseau Rd Litchfield
Shelley King	Shelley King	1505 Bantam Road
Adrian U Killis Jr	ADRIAN U KILLIS JR	1160 BANTAM RD BANTAM CT
<del>David Vincenzi</del>	<del>David Vincenzi</del>	
David Vincenzi	David Vincenzi	37 SPENCER ST Litchfield
Dawn McCarthy	Dawn McCarthy	91 Prospect Mt Rd
Charles McCarthy	Charles McCarthy	91 Prospect Mt Rd
Corey Saunders	Corey Saunders	477 Torrington Rd Litchfield CT
Susan Jordan	Susan Jordan	54 Norfolk Road, Litchfield, CT
Luann Mulken	Luann Muller	262 MILTON RD Litchfield CT
Deborah Schaeff	Deborah Schaeff	9 Hurley St Litchfield
LEO SASS	L. C. Sass	44 SPENCER ST. LITCHFIELD
K Horgan	Karen Horgan	68 Prospect Mt Rd Bantam
Michael Horgan	Michael Horgan	68 Prospect Mt Rd Bantam
Jane Smith-Vaniz	Jane Smith-Vaniz	7 Gallows Ln, Litchfield CT

Connecticut Attorney General George Jepsen  
[Attorney.general@ct.gov](mailto:Attorney.general@ct.gov)  
Governor Dannel Malloy - [lead@ct.gov](mailto:lead@ct.gov)  
Secretary of State Denise Merrill - [denise.merrill@ct.gov](mailto:denise.merrill@ct.gov)  
Lt. Governor Nancy Wyman  
State Legislators  
DECD  
DEEP

10/31/13

Re: Substitute for Raised H.B. No. 6672, Special Act 13-23 (Validation Act), Litchfield Section 10

Dear Attorney General Jepsen, Governor Malloy and State Officials:

On 10/18/13 and earlier this year, I was in contact with the AG's office and others re: apparent violations of CGS 7-163e by Litchfield First Selectman Leo Paul and the 2008 Board of Selectmen (BOS). The violations concerned inadequate notification of a 2008 public hearing to transfer town open space to the Litchfield Housing Trust (LHT). The poorly attended hearing that resulted on 4/15/08 occurred without most of the Litchfield public knowing for nearly five years. Valuable town land of high biodiversity significance, harboring a state-listed rare species, was given away for one dollar for development. Our Litchfield-based group, Citizens Concerned about Rt. 202 (CAR), has provided information to the public and your offices since early January when we first learned details.

**State of CT Validation Act 13-23, 2013, Sec. 10**

Recently, we learned of Validation Act (VA) 13-23. We believe that our State Representative Craig Miner (R), probably working with First Selectman Paul (R), the individual most responsible for the 2008 violations, had Sec. 10 inserted in the VA, which was signed by the governor on 7/12/13. Text here:

**Sec. 10. (Effective from passage) Notwithstanding the provisions of sections 2-14 and 7-163e of the general statutes, the vote of the town of Litchfield board of selectmen [BOS] at the meeting held on January 15, 2008, approving the transfer of 12.66 acres on Torrington Road to the Litchfield Housing Trust, Inc., otherwise valid except for the failure of said board of selectmen to conduct a public hearing on such transfer and to publish and post notice of the public hearing, is validated. All acts, votes and proceedings of the officers of the town of Litchfield pertaining to or taken in reliance on said transfer are validated and effective as of the date taken.**

I put the "notwithstanding" and "except" clauses in bold. CAR opposes "notwithstanding" two state statutes---we believe these statutes should not have been overridden just because Rep. Miner and First Selectman Paul wanted to. The Town of Litchfield was not notified, not informed, there was no hearing, we had no opportunity to comment, and we knew nothing about VA's Sec. 10 until one week ago on 10/21/13, when Mr. Paul mentioned the VA at a Board of Finance (BOF) meeting. Further, validation acts have been subject to questions of constitutionality. The 1998 CT Law Revision Commission did an analysis of some state constitutional provisions under which a validating act such as Litchfield's might be deemed unconstitutional. See: <http://www.cga.ct.gov/lrc/ValidatingActs/CondensedRpt.htm>

In addition, Sec. 10 states the land transfer is valid except for the "failure" of the BOS concerning the notice and public hearing. Said "failure" involved illegal public notification resulting in the transfer of town land at a hearing that few attended except for 28 supporters of the transfer, who somehow knew what the rest of the public didn't, i.e. the hearing date and the reason for it. First Selectman Paul made an end run around CGS 7-163e and now has moved to the state level, apparently via Rep. Miner, to get this statute overridden and ensure that the improperly notified land transfer is validated. We believe it sets a bad precedent for the State of Connecticut to validate an illegally notified, controversial municipal decision that denied the public both due process and the right to vote.

Further, Sec. 10 states the BOS failed to conduct a public hearing on the transfer. This is incorrect. A hearing was conducted in 2008 but only 32 people showed up; the scant number was due to the violations of CGS 7-163e and dearth of public information about the transfer prior to the hearing.

#### **Public Disenfranchisement and Lack of Due Process = Unconstitutional**

Of 32 Litchfield residents who attended the 2008 land transfer hearing, 28 voted for the transfer and 4 voted against. We wonder how this vote was so skewed in favor of the transfer when the public was so little informed. We surmise that Mr. Paul and/or LHT's attorney, Mike Rybak, who is also the town attorney, informed LHT about the hearing privately. CAR believes the general public was treated unfairly and unequally, denied due process, and disenfranchised from discussion, debate and voting on this matter. We further believe that, in giving away valuable town open space while providing inadequate public notification, Leo Paul and the '08 BOS conducted a hearing and vote that were unconstitutional.

#### **Leo Paul Uses Validation Act to Ignore CAR's Complaints**

At a 10/21/13 Litchfield BOF meeting, Mr. Paul used the VA to proclaim the land transfer is validated by the state so CAR's complaints are not worth discussing. He did not mention the "except for the failure" or "notwithstanding" clauses; however, we believe the "failure," including the fact CGS 7-163e was not followed, is serious enough to nullify the 2008 land transfer.

Attached is our letter to the BOF and BOS dated 9/24/13 giving details of events and the record, with 169 signatures from Litchfield residents of voting age also attached. CAR obtained these signatures in just ten days. We could get more, but hopefully you get the picture that the Litchfield public is very interested in this matter, as well as good governance and protecting open space, surface water quality and current well water supplies on Torrington Rd. This particular open space has been managed by the Town of Litchfield for several decades as a natural area and again, is of high biodiversity significance. Residents of Torrington are also interested since the subject property is located near the Torrington town line.

Due to issues of constitutionality, due process, BOS violations of CGS 7-163e, "notwithstanding" clauses overriding state laws, incorrect information contained in Sec. 10 and other issues contained herein, we request that the legislature repeal Sec. 10. We further ask that Attorney General Jepsen investigate the 2008 Litchfield hearing and notification violations, and provide a ruling on the "notwithstanding" and "failure of BOS" statements specifically and Sec. 10 generally. We also ask you to consider the

unconstitutionality of VA's in CT since they allow just a few people to override acts of the legislature and deny due process because the public is not notified and cannot make comment.

We ask DEEP to look into the high probability that rare species will be wiped out on the subject property due to its development. We ask DECD to hold or refuse all funding for a housing development on this open space unless/until these matters are settled.

Finally, on Nov. 5 the BOS has a meeting scheduled during which they plan to have an attorney present to discuss CAR's letter to the BOS and the land transfer. We expect the attorney will confirm the transfer due to the VA's Sec. 10. CAR requests that your offices contact the BOS stating Sec. 10 is being examined for possible repeal and that investigation is commencing into the matters outlined herein. The first selectman's email is [paul@townoflitchfield.org](mailto:paul@townoflitchfield.org) and phone is 860-567-7550; fax is 860-567-7552.

Thank you for your prompt attention.

Sincerely,

Betsy Glassman  
Litchfield, CT  
Secretary  
Citizens Concerned about Rt. 202 (CAR)

Ph: 860-689-4868



## Town of Colchester, Connecticut

127 Norwich Avenue, Colchester, Connecticut 06415

Gregg Schuster, First Selectman

March 17, 2014

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

Co-Chairman Jutila, Co-Chairman Musto, and members of the committee:

I write to you in support of HB 5550 which contains a proposed conveyance of land from the State of Connecticut Department of Transportation (DOT) to the Town of Colchester. The land is located at the northwest corner of New London Road (Conn RT 85) and Lake Hayward Road (State Road 637). The Town and the DOT have had a long understanding that this parcel would be given to the Town for public infrastructure and public safety operations.

The parcel is a portion of land that had been declared excess from the RT 11 and RT 2 Highway construction taking that occurred in the 1960's. It is directly adjacent to the DOT newly constructed maintenance facility. The property requested will be utilized to operate a sewage pump station that serves the State of Connecticut DOT maintenance facility and the town's public water distribution and sewer collection systems that also serves public and private properties within the area. The area is also proposed to be utilized for municipal operations in the future.

This conveyance is in concert with the municipality's plans and the plans of the DOT. The town consulted with the DOT in regards to this conveyance. The request has been supported to the extent that the DOT has prepared all mapping and surveying for the conveyance to occur (since 2008), and through inter-governmental cooperation, worked in conjunction with the Town to coordinate the improvements that have been constructed upon the premises through the State of Connecticut project 28-183.

If I can be of further assistance or your require additional information please let me know.

Sincerely,

Gregg Schuster  
First Selectman

Line Number 7Page Number 15Speaker # 21 - public

Joseph Hovious  
3 Leopard Drive  
Sandy Hook, CT 06482

**March 17, 2014 Testimony to the Government Administration and Elections Committee  
on House Bill No. 5550, An Act Concerning Certain Parcels of State Land**

My name is Joseph Hovious. I am a resident of 3 Leopard Drive in Sandy Hook, CT. I am an Environmental Engineer by training and profession, having practiced for over 45 years and have been registered as a Professional Engineer for most of that time. While I am a current member of the Newtown Conservation Commission and have been actively volunteering my expertise in conservation issues for that Commission, the Pootatuck Watershed Association, and Candlewood Valley chapter of Trout Unlimited, I am here today representing only myself.

Much of my work over the past 9 years has been on the water quality of Deep Brook and addressing threats to that watershed. A significant project involved development of the parcel represented by section six of House Bill 5550 and the neighboring property to the north which was sold to the Town of Newtown for economic development purposes in 2004. Historically, the property represented in section six was conveyed to the Town of Newtown in 2003 for open space and recreational purposes, but the transfer was never completed. The level of development and protection of the Brook has been controversial since that time as various development options have been proposed and discussed. Currently, the parcel slated for economic development is on hold, awaiting Corps of Engineers wetland permits while the property in section six awaits transfer to the Town.

The events of 12/14 were devastating to all of us in Sandy Hook, Newtown, and throughout the world. I am sympathetic and support the efforts of the Hubbard Foundation to create a memorial wildlife sanctuary dedicated to their daughter. However, the suggested level of development in this location is well beyond that imagined in a typical sanctuary and creates several problems as detailed by Mr. Zakur. For example, the level of development is not defined. Entry roads are primitive with limited crossing over Deep Brook and will require major development. Buffer zones are undefined. While the proposed sanctuary may be a great dream, this is not a great location for that dream.

I request that the parcel in section six of the bill be removed from consideration at this time until a full study of alternatives and the impacts of development on Deep Brook can be completed

Thanks you for your time. I am available for any questions.

3 Primrose Street  
Newtown, CT 06470  
203-270-4351  
Fax: 203-270-4278  
rob.sibley@newtown-ct.gov



## TOWN OF NEWTOWN

*Robert Sibley*  
*Deputy Director*  
*Planning and Land Use*

Line Number 11  
Page Number 13  
Speaker #16 - PUBLIC

Government Administration and Elections Committee  
State of Connecticut

March 17, 2014

Chairmen Musto and Jutila, Ranking Members Hwang and McLachlan, and committee members.

Thank you for taking the time to consider my testimony in favor of Section 6 of House Bill 5550, An Act Concerning the Conveyance of Certain Parcels of State Land. My name is Rob Sibley. I am the Deputy Director of Planning and Land Use for the Town of Newtown.

I strongly support the conveyance of this parcel of 34.44 acres to the Catherine Violet Hubbard Foundation and encourage the Committee to act favorably. The Hubbard Foundation will use this land as a sanctuary for animals and for nature preservation purposes, initiatives we find consistent with our goals for the property and generally related to current uses in adjacent parcels. The use of this land is consistent with the updated 2014 Town of Newtown, Plan of Conservation and Development.

As the responsible town agent for the conservation and planning of the town's natural resources, I endorse this sanctuaries embodiment of learning, reflection, preservation and enjoyment of the natural world through its work of a community sanctuary. In working with the Hubbard family to identify a place in the town which held the spirit of their foundation's work and Catherine's love of nature, this parcel was singularly suitable.

Again, I respectfully ask that the Committee act favorably on Section 6 of House Bill 5550. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Rob Sibley", is written over a horizontal line.

Robert Sibley  
Deputy Director of Planning and Land Use



Connecticut Department of  
**ENERGY &  
ENVIRONMENTAL  
PROTECTION**

**STATE OF CONNECTICUT  
DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION**

Public Hearing – March 17, 2014  
Government Administration and Elections Committee

Testimony Submitted by Commissioner Robert J. Klee

**House Bill No. 5550 Raised – AAC THE CONVEYANCE OF CERTAIN PARCELS OF STATE LAND**

Thank you for the opportunity to present testimony regarding House Bill No. 5550 – AAC THE CONVEYANCE OF CERTAIN PARCELS OF STATE LAND. The Department of Energy and Environmental Protection (DEEP) welcomes the opportunity to offer the following testimony.

DEEP has serious concerns about Section 8 of the proposal and we welcome the opportunity to offer the following testimony.

Section 8 of the bill reads in pertinent part:

Sec. 8. (Effective from passage) (a) Notwithstanding any provision of the general statutes, the Commissioner of Energy and Environmental Protection *shall* convey to the town of East Haddam three parcels of land located in the town of East Haddam, at a cost equal to the administrative costs of making such conveyance. The first parcel of land is identified as lot 59 on the town of East Haddam Tax Assessor's Map 39, conveyed to the state of Connecticut by George Comer in a deed recorded in the town of East Haddam land records at volume 51, page 413, and has an area of approximately .35 acre. The second parcel is identified as lot 60 on the town of East Haddam Tax Assessor's Map 39, and has an area of approximately .89 acre. The third parcel is identified as lot 58 on the town of East Haddam Tax Assessor's Map 39 and has an area of approximately 1.2 acres. The second and third parcel were conveyed to the state of Connecticut by George Comer in a deed recorded in the town of East Haddam land records at volume 51, page 509. The conveyance shall be subject to the approval of the State Properties Review Board.

(b) Notwithstanding a certain restriction contained in the deed from George Comer to the state of Connecticut, dated July 10, 1935, and recorded on October 17, 1935, in the town of East Haddam Land Records in volume 51, page 509, that the two parcels conveyed in said deed constituting the second and third parcels described in subsection (a) of this section were conveyed for recreational and demonstration purposes, *the Commissioner of Energy and Environmental Protection may convey said*

*parcels to the town of East Haddam free of said restriction, provided, if said parcels are so conveyed, the town of Haddam may only use said parcels for open space, recreational, agricultural and municipal purposes.*" (Emphasis added.)

This section of the raised bill proposes to convey three parcels totaling approximately 2.44 acres from DEEP to the town of East Haddam for open space, recreational, agricultural, and municipal purposes. The land in question was deeded to the State of Connecticut in 1933 and 1935 by George Comer and the deed that conveyed two of the parcels in 1935 contains a deed restriction that states that the land "shall be maintained by the Forest Fire Service of the State of Connecticut for recreation and demonstration purposes." The restricted uses of these two parcels could not be interpreted to include the extremely broad "municipal purposes" that is contemplated in this proposal.

The bill mandates that DEEP to convey the land to the town of East Haddam. Then, the bill authorizes DEEP to convey such land free of said restriction. ("*. . . may convey said parcels to the town of East Haddam free of said restriction, provided, if said parcels are so conveyed, the town of Haddam may only use said parcels for open space, recreational, agricultural and municipal purposes.*" Emphasis added.)

This proposal raises serious legal questions about the authority of state government to effectively cancel a private deed restriction. For the record, DEEP does NOT intend to convey these parcels "free of said restriction" as it would have a chilling effect on land conservation in Connecticut and would undermine our shared conservation history.

Thank you for the opportunity to present testimony on this proposal. If you should require any additional information, please contact Robert LaFrance, DEEP's Director of Governmental Affairs, at 860.424.3401 or [Robert.LaFrance@ct.gov](mailto:Robert.LaFrance@ct.gov) (or, Elizabeth McAuliffe, DEEP Legislative Liaison, at 860.424.3458 or [Elizabeth.McAuliffe@ct.gov](mailto:Elizabeth.McAuliffe@ct.gov) ).

Line Number 18Page Number 12Speaker # 15-Public

Catherine  
Violet  
Hubbard  
ANIMAL SANCTUARY

Catherine Violet Hubbard  
Animal Sanctuary  
PO Box 3571  
Newtown, CT 06470

Testimony of  
Jennifer Hubbard  
Catherine Violet Hubbard Foundation, Inc.

In SUPPORT

Section 6 of House Bill 5550  
An Act Concerning the Conveyance of Certain Parcels of State Land

Government Administration and Elections Committee  
March 17, 2014

Senator Musto, Representative Jutila, and distinguished members of the Government Administration and Elections Committee, thank you for the opportunity to appear before the Committee to comment on Section 6 of House Bill 5550, An Act Concerning the Conveyance of Certain Parcels of State Land.

My name is Jenny Hubbard and I am here to testify in strong support of Section 6 of House Bill 5550. My husband Matt and I are the parents of Catherine Hubbard, one of the 20 young children along with 6 courageous educators who were killed on December 14, 2012 when Adam Lanza shot his way into Sandy Hook Elementary school. Section 6 of House Bill 5550 means more than the State just conveying a parcel of land. This is about creating a legacy for our daughter Catherine. In creating her legacy we are creating a place where a community can heal.

Catherine loved to help animals. She would find creatures in our yard and tell them to tell their friends she was kind. She did it in hopes that they would come back to her because they knew she could be trusted and they would be safe. She told us one day she would care for the animals, even making business cards for "Catherine's Animal Shelter." She, of course, was self-titled "Care Taker." It was easy to see her love for all animals: feather, furry, scaly and slimy; they were her passion.

It was butterflies, though, that mesmerized her most. If she were fortunate enough to catch one, we would see her whispering into its wings as she gently nudged it to fly away.

On December 14<sup>th</sup> Catherine's whisper was silenced. So much was lost that day. We lost our daughter, the animals lost a dedicated Care Taker and the world lost a piece of its innocence.

In the time since, we have found many things: love, support, hope, kindness and community. We have found a new purpose: to create the Catherine Violet Hubbard Animal Sanctuary-- a safe haven for animals as well as a place where children and adults will feel love, compassion and respect—helping the community become a safer, kinder place.

Catherine can no longer spread her message of kindness but we can. We are her voice and her hopes and her dreams. We can create a place where kindness will be felt not only by all creatures, but also by every person and community it touches. This will be Catherine's legacy.

Section 6 of House Bill 5550 is about taking the first step in realizing her dream. Your yes vote will create a home for the Catherine Violet Hubbard Animal Sanctuary, a center for compassion for both humans and animals.

Over the past fourteen months we have focused our energy on establishing an infrastructure that ensures the long-term sustainability of the sanctuary while staying true to the values that best define Catherine.

The Catherine Violet Hubbard Animal Sanctuary will enrich the lives of all living beings by promoting compassion, acceptance, and determination.

Programs will focus on:

- Cat and dog rescue and adoption
- Farm animal refuge
- Native wildlife rehabilitation
- Agricultural preserve
- Humane education and nature based workshops

All workshops and offerings at the sanctuary will promote acceptance and compassion. We will bring the community together in celebration of nature's graces. Offerings such as a community garden, plow to table instruction, Junior Master Gardening Workshops, and programming supported by Jane Goodall's "Roots and Shoots" will position the Catherine Violet Hubbard Animal Sanctuary as a destination, drawing visitors from not only surrounding communities but surrounding states.

Since announcing our plans the outpouring of support has been astonishing. Children have manned lemonade stands or have asked friends to make donations to the sanctuary in lieu of birthday presents. Family foundations have committed to long-term giving plans while national and local organizations have made holiday donations on behalf of their members. In November, the ASPCA recognized our mission by awarding Catherine the "Tommy P. Monahan Kid of the Year Award®".

We are well aware of the financial obligation we assume in building the sanctuary

and are committed to covering all associated costs. We have established and vetted a five-year financial plan through both non-profit and corporate advisors. We have demonstrated our long-term sustainability and are prepared to tap all resources, from those who have committed their support and seeking funding from diverse sources. For example, FreeKibble has committed to feed our dogs in perpetuity and are waiting to make introductions to their corporate sponsors in hopes of soliciting additional support. PJH Architects, Tracy Locke, as well as local landscapers, contractors, and veterinarians have committed their services and supplies as long as they are needed. Upon securing an actual location, we are prepared to approach Connecticut based corporations with sponsorship opportunities.

Over the past year we have explored various sites for the Catherine Violet Hubbard Animal Sanctuary. For the following reasons we have found the parcel identified in Section 6 of House Bill 5550 as being the most suitable location:

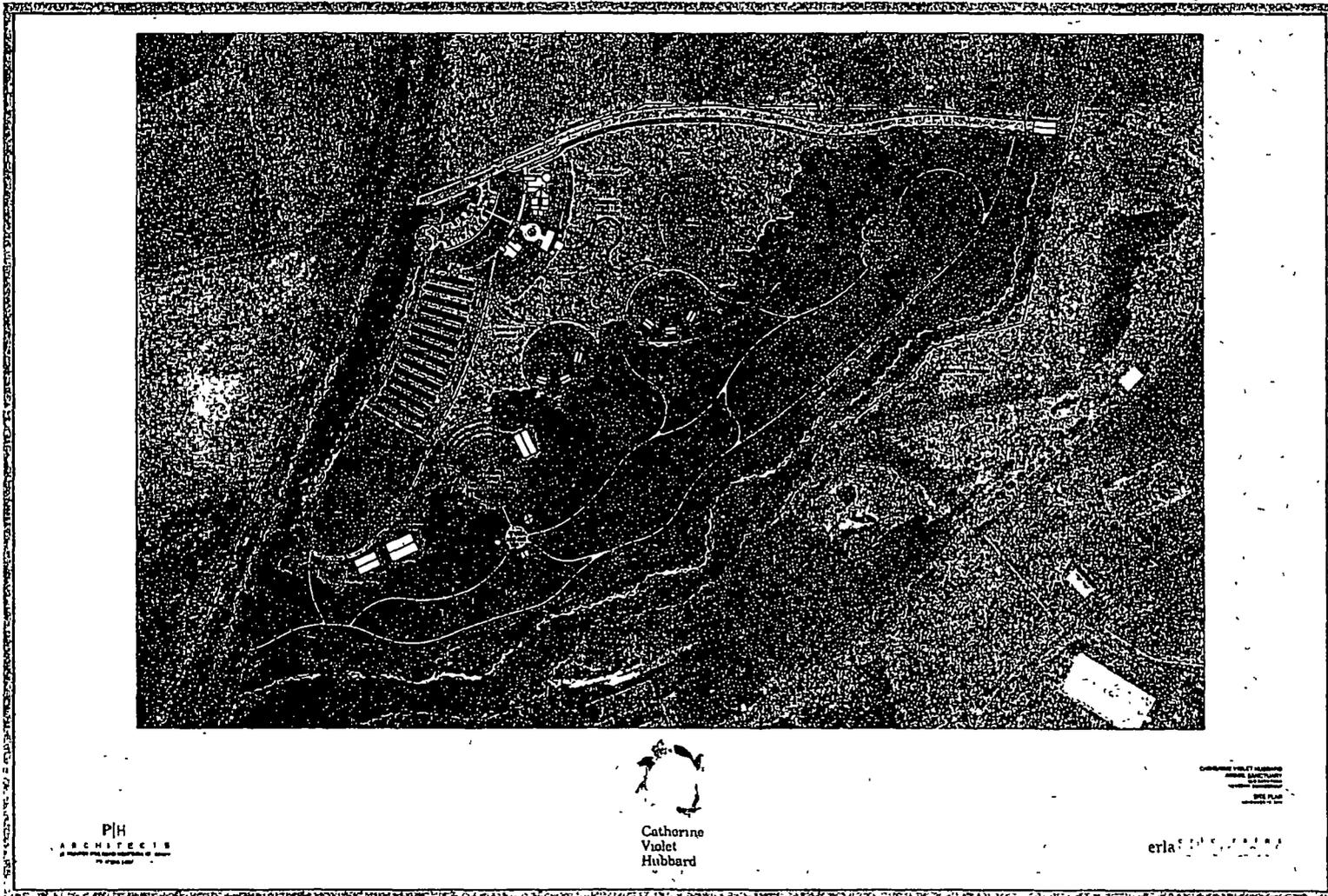
- 1) By using this site we create minimal disruption to the existing environment. Our plans work within the existing balance of meadows, treeline and forests. We will compliment existing landscape by introducing new gardens and reestablishing nature trails. Attached for your reference is our proposed site plan.
- 2) Nestled in the center of Newtown, this parcel is easily accessible to residents and surrounding communities.

All visitors will be welcomed and encouraged to explore the natural beauty of this parcel. Our hope is the sanctuary will be a respite for both animals and the people who visit.

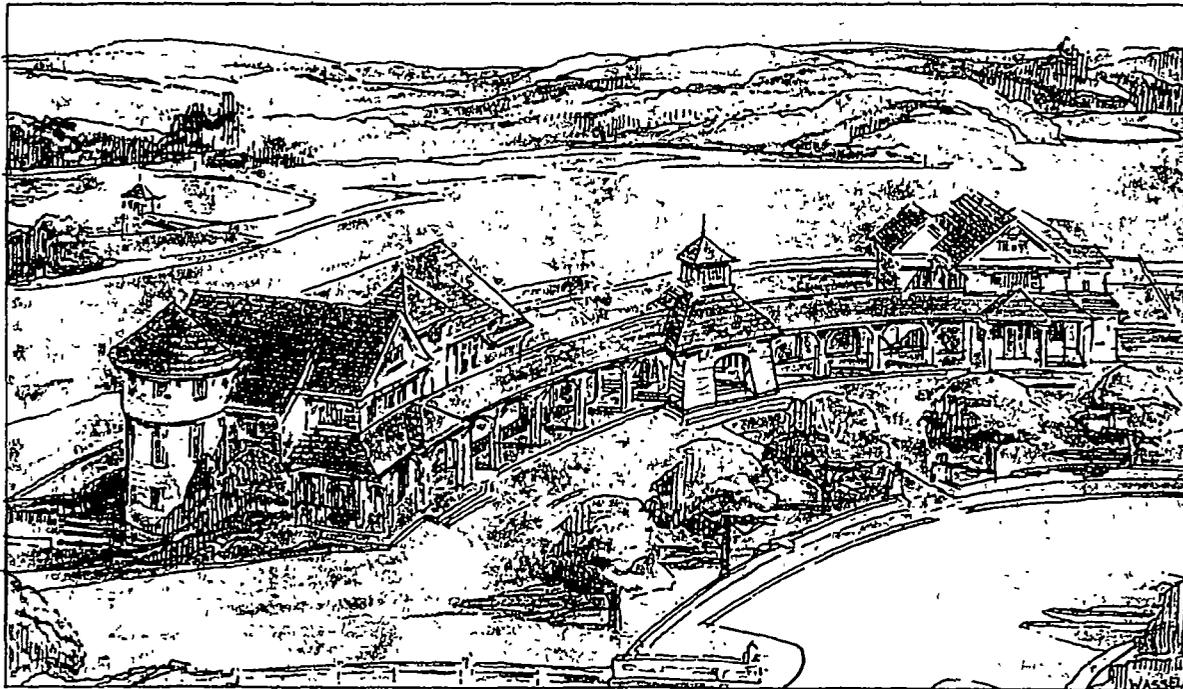
Building the Catherine Violet Hubbard Animal Sanctuary is not only about honoring Catherine's life. It is about being our daughter's voice and fulfilling her hopes and dreams. In creating this center for compassion, we believe that children and adults alike, by interacting with animals, experiencing the tranquility of this setting and given the opportunity to learn about their environment, can work through the many complex issues that confront them. Maybe a resource like this can prevent the world from having to experience the tragedy of another Adam Lanza.

In closing, I respectfully urge the Committee to support Section 6 of House Bill 5550. On behalf of my family, especially Catherine, thank you for allowing me this opportunity. I appreciate your attention and would be pleased to answer any questions that you may have.

Site Plan: Catherine Violet Hubbard Animal Sanctuary



Catherine Violet Hubbard Animal Sanctuary



**PIH**  
ARCHITECTS  
33 FAIRVIEW HILL ROAD BETHLEHEM CT 06024  
767-47-8510



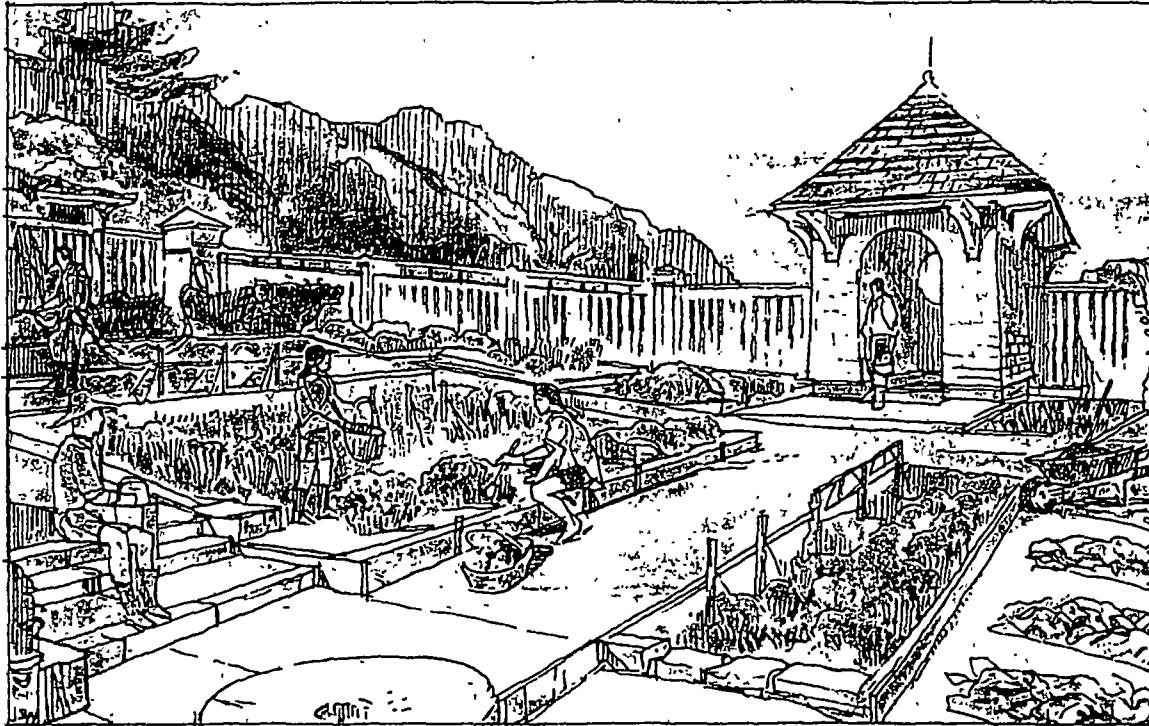
Catherine  
Violet  
Hubbard

CATHERINE VIOLET HUBBARD  
ANIMAL SANCTUARY  
661 FAIRVIEW HILL ROAD  
BETHLEHEM, CT 06024

SANCTUARY PERSPECTIVE  
MAY 2013

**DOCK MADUP**  
ARCHITECTS  
1000 WASHINGTON STREET  
BETHLEHEM, CT 06024  
767-47-8510

Catherine Violet Hubbard Animal Sanctuary: Community Gardens



**PIH**  
 ARCHITECTS  
15 HIGHLAND HILL ROAD, NEWTON, MA 02459  
 PH: 617.552.1877



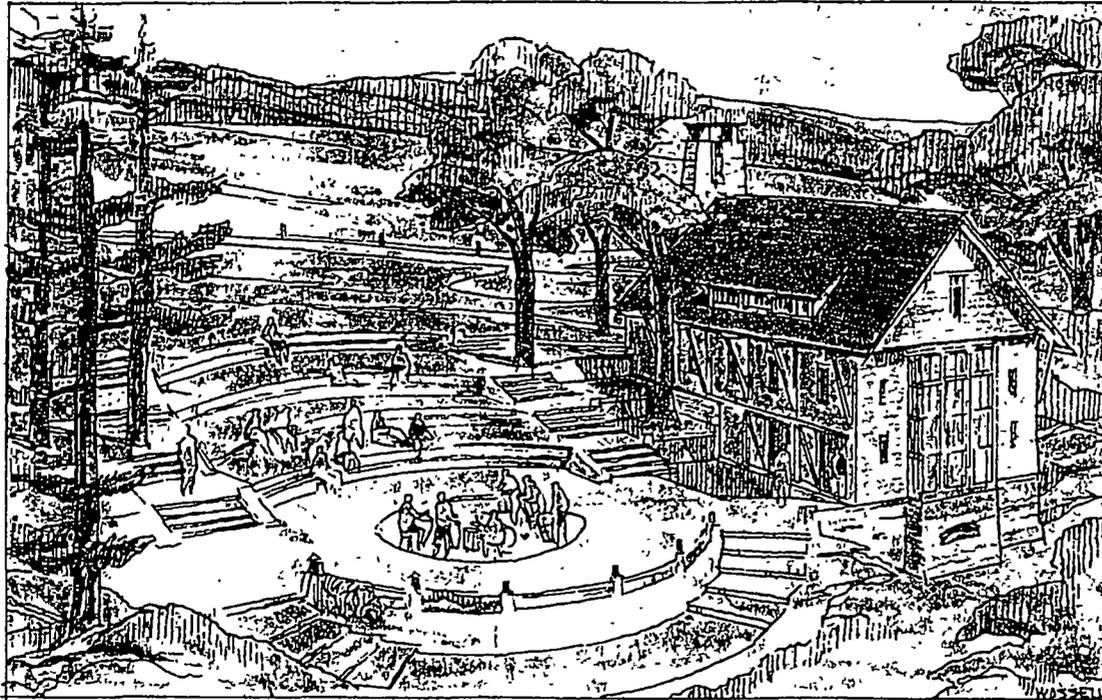
Catherine  
 Violet  
 Hubbard

CATHERINE VIOLET HUBBARD  
 ANIMAL SANCTUARY  
150 WOOD ROAD  
 NEWTON, MASSACHUSETTS 02459

COMMUNITY PERSPECTIVE  
NOVEMBER 12, 2013

**DOCK MADIE**  
ARCHITECTS

Catherine Violet Hubbard Animal Sanctuary: Education Center



PIH  
ARCHITECTS  
10 JEFFERSON HILL DRIVE, HENRIETTA, NY 14456  
PH: 716.635.1100



Catherine  
Violet  
Hubbard

CATHERINE VIOLET HUBBARD  
ANIMAL SANCTUARY  
10 JEFFERSON HILL  
HENRIETTA, NY 14456

EDUCATION PERSPECTIVE  
HENRIETTA, NY 14456

DOCK MADIE  
HENRIETTA, NY 14456

RIVERS ALLIANCE OF CONNECTICUT  
7 West Street/ POB 1797/ Litchfield CT 06759  
[rivers@riversalliance.org](mailto:rivers@riversalliance.org)/ 860-3619349



HB5550

TO: Sen. Anthony Musto and Rep. Ed Jutila, Chairmen,  
and Members of the Committee on Government Administration and Elections  
RE: AAC The Conveyance of Certain Parcels of State Land  
DATE: March 17, 2014

*Rivers Alliance of Connecticut 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.*

Dear Chairmen Musto and Jutila, and Honorable Members of the GAE Committee:

Thank you for the opportunity to comment on the 2014 Conveyance Act. I may not be able to attend in person, so I will begin with the two sections that I would draw to your attention if testifying in person.

Section 11 is of special interest to Rivers Alliance because it concerns public water supply reservoirs on the campus of Connecticut Valley Hospital in Middletown. These reservoirs and their surrounding Class I and Class II lands could be lost as a public benefit. It is quite likely that the Department of Mental Health or a future property owner may seek to abandon these reservoirs in favor of an alternate source of supply. We believe that in the interest of the residents of the state, and given the regional problems with public water supply, these reservoirs should be maintained in the public trust as viable water sources. They could perhaps be maintained only as backup reservoirs, but we hope that the Department of Public Health will not approve abandonment.

This hope, however, might not be fulfilled. Therefore, in order to preserve these reservoirs and the watershed lands around them, we support the proposal in Section 11 to grant a conservation easement to a non-profit organization. There has been considerable debate recently over whether the legislature has the authority to require the state to grant a conservation easement and even over whether the state has the authority to put an easement on the lands it has purchased. We hope you will find that an easement is legally possible.

An attorney contacted our office about the propriety of conveying an interest in state property to an unnamed organization. I replied that I have seen this before, but our strong preference would be that the grantee be named or at least be defined by mission. The easement could be in favor of a non-profit organization having the mission of land conservation for the benefit of the public.

RIVERS ALLIANCE OF CONNECTICUT  
7 West Street/ POB 1797/ Litchfield CT 06759  
[rivers@riversalliance.org](mailto:rivers@riversalliance.org)/ 860-3619349

**Section 8** concerns the conveyance of three small park parcels in East Haddam from the state to the town. The proposed project is, to our understanding, a good idea. But we oppose the language that in effect nullifies part of the deed. It reads:

“(b) Notwithstanding a certain restriction contained in the deed from George Comer to the state of Connecticut, dated July 10, 1935, and recorded on October 17, 1935, in the town of East Haddam Land Records in volume 51, page 509, that the two parcels conveyed in said deed constituting the second and third parcels described in subsection (a) of this section were conveyed for recreational and demonstration purposes, the Commissioner of Energy and Environmental Protection may convey said parcels to the town of East Haddam free of said restriction, provided, if said parcels are so conveyed, the town of Haddam may only use said parcels for open space, recreational, agricultural and municipal purposes. ...”

This kind of language is not unprecedented in the Conveyance Act, however, I do not know if such a conveyance has actually been accomplished. **We oppose using the Conveyance Act to override, alter, or nullify language in a deed governing the acquisition of property by the state.** Legislative alteration of a deed may be blocked under the Contracts Clause of the US Constitution (the crux may be whether a deed is a contract under Connecticut law) or under other law. We hope the Committee will look into this matter in the future. **Meanwhile, it does not appear that deed alteration is needed to accomplish the proposed project!** So we recommend deleting this language.

**Section 1** is an amendment of an amendment of special act 07-11. This underscores the frequent difficulty of understanding the import of sections of the Conveyance Act. The property is a quite large piece: 20 acres. It is to move from the Department of Corrections to East Lyme, and the new language permits the town to lease that land for agricultural purposes. **We request that in cases in which the state is conveying land or an interest in land for agricultural purposes that some provision be made in the transfer to require a management plan or other instrument to protect water or other valuable natural resources on the property.** These agricultural conveyances provide an excellent opportunity to promote environment-friendly farming. We would also ask that the potential lessee be identified in some manner, perhaps with a preference for an educational institution or land conservation organization.

**Section 2 ff.** It would be extremely helpful if conveyance proposals would indicate if the property includes or abuts any significant natural resource, such as headwaters.

**Section 5** is an amendment of an earlier act. It is a small land swap involving an individual property owner. **We ask that land-swap language indicate whether or not the swap meets the DEEP criteria for a swap or at least state the purpose of the swap.** As far as I know, this swap is fine on its merits. It has to do with either a driveway or a septic system (or something else).

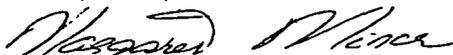
RIVERS ALLIANCE OF CONNECTICUT  
7 West Street/ POB 1797/ Litchfield CT 06759  
[rivers@riversalliance.org](mailto:rivers@riversalliance.org)/ 860-3619349

**Section 6** is vague on the characteristics of the property being conveyed (as is usually the case) and also vague on the purposes. It is to be used "for an animal sanctuary, wildlife preserve or other nature preservation purpose." **As with proposals for agricultural use, we ask that this conveyance include as appropriate stipulations for the protection of any important natural resources on the property, such as prime farmland or cold water streams.** We recommend that the purpose be more precisely defined.

**Sec. 7 is very confusing.** It concerns the conveyance of a 2.6 acre piece of the American Legion and Peoples State Forest in Barkhamsted. The Act reads, "The town of Barkhamsted shall use said parcel of land and improvement for a senior and community center and related purposes." One of our members, who is familiar with the charitable intent of the creation of this park, was distressed. The land was not meant to be used for this purpose, he said. However, it seems that the senior center is already in place; the parcel has been leased to Barkhamsted for considerable time; the lease has expired; and DEEP has been slow to renew the lease. **We sympathize with town's impatience, but ask that the possibility of an acceptable lease-renewal be explored, and, also, whether the problem is dealt with by lease or conveyance, that protections be put in place to limit disturbance of the original gift.**

Two comments in closing: It is difficult to figure out what the state's policy is for leases and in many cases the transaction is kept secret for a considerable time (under an FOIA exemption). Second, the 2014 Act is somewhat unusual and simpler in that no pieces are being sold for anything more than a dollar or administration costs.

Thank you for your attention.



Margaret Miner, Executive Director

[rivers@riversalliance.org](mailto:rivers@riversalliance.org) 203-788-5161 (mobile)

Litchfield CT 06759

Newtown Municipal Center  
3 Primrose Street  
Newtown, Connecticut 06470  
Tel. (203) 270-4201  
Fax (203) 270-4205  
[first.selectman@newtown-ct.gov](mailto:first.selectman@newtown-ct.gov)  
[www.newtown-ct.gov](http://www.newtown-ct.gov)



E. Patricia Llodra  
First Selectman

**TOWN OF NEWTOWN**  
**OFFICE OF THE FIRST SELECTMAN**

Government Administration and Elections Committee  
State of Connecticut

March 17, 2014

Chairmen Musto and Jutila, Ranking Members Hwang and McLachlan, and committee members:

Thank you for taking the time to consider my testimony in favor of Section 6 of House Bill 5550, An Act Concerning the Conveyance of Certain Parcels of State Land. My name is Patricia Llodra. I am the First Selectman of the Town of Newtown. The land under consideration lies within our borders.

I strongly support the conveyance of this parcel of 34.44 acres to the Catherine Violet Hubbard Foundation and encourage the Committee to act favorably. The Foundation will use this land as a sanctuary for animals and for nature preservation purposes, initiatives we find consistent with our goals for the property and generally related to current uses in adjacent parcels.

The Catherine Violet Hubbard Foundation has been created to honor 6 year-old Catherine Hubbard, a first-grader killed in the Sandy Hook shooting of December 14, 2012. Young Catherine's love of animals and delight in the natural world provided the springboard for parents, Jenny and Matt, to work these past months to create the infrastructure necessary for successful completion of a project that rightly honors their lost daughter. A critical piece of their effort is to secure a location for the sanctuary. We feel that the parcel under consideration is an ideal spot.

I am confident that I speak for the Town of Newtown in encouraging support for this conveyance. Again, I respectfully ask that the Committee act favorably on Section 6 of House Bill 5550. Thank you for your consideration.

E. Patricia Llodra  
First Selectman, Town of Newtown



Connecting people to the land since 1895

Line Number 6

Page Number 12

Speaker # 13 - Public

16 Meriden Road  
Rockfall  
Connecticut 06481-2961  
Tele 860-346-TREL  
www.ctwoodlands.org

*Testimony of Eric Hammerling, Executive Director, Connecticut Forest & Park Association*

Public Hearing Subject Matter	Position
<u>RAISED H.B. 5550</u> : AN ACT CONCERNING THE CONVEYANCE OF CERTAIN PARCELS OF STATE LAND.	Undecided

Co-Chairs Jutila, Musto and Members of the Government Administration and Elections Committee:

The Connecticut Forest & Park Association (CFPA) is the first conservation organization established in Connecticut (1895). CFPA has offered testimony before the Legislature on issues such as sustainable forestry, state parks and forests, trail recreation, natural resource protection, and land conservation for over 115 years.

On HB 5550, I describe CFPA's position as "undecided" because this bill has, at times, become an end-of-the-session vehicle for trading, selling, or giving away state lands without adequate protections in place to protect the conservation values of these lands. As the saying goes, "if the only tool you have is a hammer, then every problem looks like a nail." The Conveyance Act is a hammer and it should be wielded carefully and used only as a last resort. Following are four recommendations on how to make this and future Conveyance Acts less controversial to the many people who are concerned about the impermanence of state conservation lands:

- 1) Ensure that when lands under the custody and control of the Department of Energy & Environmental Protection or Department of Agriculture are being considered for conveyance, sale, or trade, there is a public hearing before the Environment Committee. The Environment Committee is the committee of cognizance over these agencies, and should be given the explicit jurisdiction or at least the courtesy to receive public input when State Parks, State Forests, Wildlife Management Areas, prime agricultural lands, and other DEEP or DoAg lands with significant conservation values are being proposed for a conveyance.
- 2) Avoid actions that would expand, narrow, or remove the language of an existing deed restriction on the land. If deed restrictions are not treated as permanent by the General Assembly, then private citizens will not trust the State for long-term stewardship. Meddling with a deed so that the land use could include "municipal purposes" in Section 8 of the bill is asking for future mischief.
- 3) Avoid getting in the middle of a dispute between the State as a Lessor and a town or other entity as a Lessee. In Section 7 of this bill, giving a piece of State Forest property to a town rather than encouraging the State to conduct a timely negotiation of a lease is bad public policy. Why would the State want to lease any property for any community uses if that community at some point in the future is going to use the Conveyance Act to simply take the land?
- 4) Use a conservation easement conveyed to a third party, as is proposed in Section 11 of this bill, as the strongest mechanism to preserve the natural resources of the land even when the land ownership changes.

Thank you for the opportunity to testify. I would be glad to respond to any questions you may have.



Toni N. Harp  
Mayor

**CITY OF NEW HAVEN  
OFFICE OF THE MAYOR**

165 Church Street, New Haven, CT 06510  
Phone (203)-946-8200, Fax (203)-946-7683

Line Number 18

Page Number 10

Speaker # 8 - Public

*Testimony in Support of*

**HB 5550 AN ACT CONCERNING THE CONVEYANCE OF  
CERTAIN PARCELS OF STATE LAND**

**Section 4**

*Submitted by*

**Chris Canna, Economic Development Officer**

March 17, 2014

Senator Musto, Rep. Jutila, and members of the Governmental Affairs & Elections Committee,

Thank you for the opportunity to testify on behalf of HB 5550 An Act Concerning the Conveyance of Certain Parcels of State Land.

Section 4 of the bill would convey to the City of New Haven fee-simple title to the land belonging to the State of Connecticut along North Frontage Road between Orange Street and State Street adjacent to the site of the former New Haven Coliseum. After three years of planning, the City of New Haven and the developer LiveWorkLearnPlay are ready to transform the site from a surface parking lot into a mixed-use destination, including a 4.5 star hotel, 700 mixed-income housing units, 200,000 square feet of office and an activated public plaza and laneway. The \$365M development will generate approximately 4,700 jobs during construction and 2,800 jobs at stabilization.

The conveyance of the land enables the developer to build a new 4.5 star hotel at corner of Orange Street and Martin Luther King Boulevard, thereby establishing a new gateway into New Haven and integrating the project into Downtown Crossing Phase 2, which connects Orange Street across the discontinued Route 34 corridor. It also allows the developer to create a new activated public plaza and retail laneway at the center of the development. This would otherwise be physically impossible, but is crucial to attracting the best hoteliers, office tenants and retail businesses to the development.

As with Downtown Crossing Phase 1 and 100 College Street, which is the future home of Alexion pharmaceuticals made possible by a 2009 conveyance, large scale developments help to catalyze economic growth and job creation in our state. In fact, this project would not have been possible without 100 College Street, and we expect that the successful redevelopment of the former Coliseum site will spur further investment and economic growth in New Haven and Connecticut.

I urge your passage of this bill.



**Toni N. Harp**  
Mayor

**CITY OF NEW HAVEN**  
**OFFICE OF THE MAYOR**  
165 Church Street, New Haven, CT 06510  
Phone (203)-946-8200, Fax (203)-946-7683

Line Number 24  
Page Number 10  
Speaker # 9-Public

*Testimony in Support of*

**HB 5550 AN ACT CONCERNING THE CONVEYANCE OF**  
**CERTAIN PARCELS OF STATE LAND**  
**Section 3**

*Submitted by*  
**Rebecca Bombero, Legislative Director**  
March 17, 2014

Senator Musto, Rep. Jutila, and members of the Governmental Affairs & Elections Committee,

Thank you for the opportunity to testify on behalf of HB 5550 An Act Concerning the Conveyance of Certain Parcels of State Land, specifically Section 3.

Section 3 of the bill would convey to the City the former CT Transit site located at 470 James Street. The City is currently faced with a deteriorating Public Works building and an outdated and over crowded Police Headquarters. Both departments have been reviewing current facility upgrades or alternate spaces. The James Street site would provide the unique opportunity to move both operations into the same facility where all operations could be internal to the building and the adjacent lots could accommodate parking for all employees, but would not include the parking of equipment. The City and the New Haven Economic Development Corporation are currently conducting a study to determine both the feasibility of this plan and the potential alternate uses of the site and the potential uses for the sites currently used by both the Public Works and Police Departments.

The CT Transit is bounded by train tracks, the highway and industrial/commercial uses. A recent RFQ by DECD generated no interest for the site. Conversely, the Police Department due to its location across the street from Union Station and proximate to both the medical and downtown districts would likely generate significant interest for development.

The economic development studies are expected to be completed this spring and will guide the City's planning. The next step will be to gauge local interest and support through community meetings. We urge your inclusion of Section 3 to enable the City to continue this process.

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 Speaker # 10 - Public

CONNECTICUT  
 Land Conservation Council

Testimony regarding  
Raised HB 5550  
 To the Government Administration and Elections Committee  
 Submitted by: Amy Blaymore Paterson, Esq., Executive Director  
 March 17, 2014

STEERING COMMITTEE

Tim Abbott, Chairman  
*Litchfield Hills Greenprint*

Alicia Sullivan, Vice-Chair  
*Trust for Public Land*

David Bingham  
*Salem Land Trust*

Hunter Brawley  
*Brawley Consulting Group*

Sandy Breslin  
*Audubon Connecticut*

Margot Burns  
*Lower Connecticut River Valley  
 Council of Governments*

Kevin Case  
*Land Trust Alliance*

Stephanie Clark  
*Joshua's Tract Conservation  
 and Historic Trust*

Jim Gooch  
*Connecticut Farmland Trust*

Ginny Gwynn  
*Greenwich Land Trust*

Eric Hammerling  
*Connecticut Forest & Park  
 Association*

Mary-Michelle Hirschhoff  
*The Garden Club of New Haven*

Elaine Labela  
*Housatonic Valley Association*

Connie Manes  
*Kent Land Trust*

Tom ODell  
*CT Association of Conservation  
 and Inland Wetland  
 Commissions*

David Sutherland  
*The Nature Conservancy*

Humphrey Tyler  
*Lyme Land Conservation Trust*

STAFF

Amy B. Paterson, Esq.  
 Executive Director

Co-Chairs Musto, Jutila and Members of the Government Administration and Elections Committee: Please accept this testimony on behalf of the Connecticut Land Conservation Council (CLCC) regarding Raised HB 5550, An Act Concerning the Conveyance of Certain Parcels of State Land.

CLCC works with land trusts (now numbering over 137), other conservation and advocacy organizations, government entities and landowners to increase the pace, quality, scale and permanency of land conservation in Connecticut while assuring the perpetual, high quality stewardship of conserved lands in the state. Consistent with our mission, a priority of CLCC's 2014 Agenda is working to ensure that there is a process to fully inform the public and provide an opportunity for public input before state conservation lands are exchanged, sold or otherwise conveyed pursuant to The Conveyance Act (the Act). To that end, we respectfully urge the Committee to consider the following changes and other comments with respect to the Conveyance Act process in general and Raised Bill 5550 in particular.

1. Lands under the custody and control of the Department of Energy and Environmental Protection or the Department of Agriculture should not be conveyed pursuant to the Act unless first heard in a public hearing before the Environment Committee. As the committee of cognizance over these agencies, the Environment Committee is in the best position to ask for information and receive public input with respect to the natural resources on the subject properties, including water, wildlife, prime and important soils, and other values, and how the proposed transfer may impact those values. We contend that this information should be provided before the lands are transferred.
2. The Act itself should include a more detailed level of information, including a description of the natural resources on the lands and more specificity about the proposed use of the property (e.g. a definition of what is meant by "economic development" or "municipal purposes").
3. If the proposed use of the property is for conservation or preservation purposes, an express requirement that the deed of transfer contain a conservation restriction expressly providing for that purpose or that a conservation easement be granted to a third party. Accordingly, CLCC is supportive of Section 11 of the Act which provides that a conservation easement be granted to a nonprofit organization for the purpose of preserving for conservation the reservoirs and their watersheds located on the land.
4. CLCC is very concerned about the practice enabled by the Act of cancelling, modifying or otherwise disregarding restrictions set forth in the deed of the land subject to conveyance, as provided for in Section 8(b). The state's failure to abide by terms and purposes of the deed may constitute a violation of the public trust and a serious breach of faith with the original landowner.

Thank you for your consideration and for this opportunity to provide our comments





**State of Connecticut**

**HOUSE OF REPRESENTATIVES  
STATE CAPITOL**

Line Number 24

Page Number 6

Speaker # 4-Officials

**REPRESENTATIVE MELISSA ZIOBRON  
THIRTY-FOURTH ASSEMBLY DISTRICT**

LEGISLATIVE OFFICE BUILDING, ROOM 4200  
300 CAPITOL AVENUE  
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Melissa Ziobron@housegop ct gov

**MEMBER  
APPROPRIATIONS COMMITTEE  
ENVIRONMENT COMMITTEE  
PUBLIC HEALTH COMMITTEE**

Government Administration and Elections Committee  
Public Testimony  
Monday, March 17, 2014

**TESTIMONY IN SUPPORT OF HOUSE BILL 5550 AN ACT CONCERNING THE CONVEYANCE OF CERTAIN PARCELS OF STATE LAND**

Dear Senator Musto, Representative Jutila, Senator McLachlan, Representative Hwang and esteemed members of the Committee,

Thank you for the opportunity to testify before you today regarding two different conveyances that will benefit two separate towns that I am honored to represent in the 34<sup>th</sup> District.

The first is a unique situation in East Haddam. The town applied for and was granted a large STEAP grant to develop the first of its kind agri-center in the State of Connecticut. It was modeled after volunteer commission members attended site visits to a similar project in Vermont. The STEAP award will develop an agricultural business incubator and community farm. The Center for Community Agriculture at Harris Farm will serve as an agricultural business incubator for new farmers, a technical resource for new and existing agricultural businesses, and a community farm for area residents. The town will engage the Middlesex County Farm Bureau, UConn Agricultural Extension Service, the 4-H Program, and the Vo-Ag program at Nathan Hale-Ray High School for technical resources and education. They estimate the community farm will support 20 full and part-time jobs. The property to be conveyed is a small strip of land that runs parallel to Mt. Parnassus Road and adjacent to the future agri-business. Currently it is an abandoned rest area that was given to the State to pay homage to an important local citizen, Captain George Comer. Unfortunately, it has not been properly maintained by DEEP and the town would be in a much better position to care for it. Near the present site of the monument, the Conservation and Agricultural Commission would like to re-dedicate the memorial with new picnic tables and create a new entrance into the agri-center. In doing so, it would become a focal point once again and bring attention to the Comer family legacy. I have spoken to his great grandson Thomas Comer and it is at his request that I submit the modification in bill language, today. Attached to my testimony is also a reprint of an article detailing the agri-center project.

Sec. 8. (*Effective from passage*) (a) Notwithstanding any provision of the general statutes, the Commissioner of Energy and Environmental Protection shall convey to the town of East Haddam three parcels of land located in the town of East Haddam, at a cost equal to the administrative costs of making such conveyance. The first parcel of land is identified as lot 59 on the town of East Haddam Tax Assessor's Map 39, conveyed to the state of Connecticut by Captain George Comer in a deed recorded in the town of East Haddam land records at volume 51, page 413, and has an area of approximately .35 acre. The second parcel is identified as lot 60 on the town of East Haddam Tax Assessor's Map 39, and has an area of approximately .89 acre. The third parcel is identified as lot 58 on the town of East Haddam Tax Assessor's Map 39 and has an area of approximately 1.2 acres. The second and third parcels were conveyed to the state of Connecticut by Captain George Comer in a deed recorded in the town of East Haddam land records at volume 51, page 509. The conveyance shall be subject to the approval of the State Properties Review Board.

(b) ~~Notwithstanding a~~ A certain restriction contained in the deed from Captain George Comer to the state of Connecticut, dated July 10, 1935, and recorded on October 17, 1935, in the town of East Haddam Land Records in volume 51, page 509, that the two parcels conveyed in said deed constituting the second and third parcels described in subsection (a) of this section were conveyed for recreational and demonstration purposes, shall be maintained. ~~the~~ The Commissioner of Energy and Environmental Protection may convey said parcels to the town of East Haddam ~~free of said restriction~~, provided, if said parcels are so conveyed, the town of East Haddam may only use said parcels for open space; ~~recreational, agricultural and municipal and passive recreation purposes.~~ The town shall maintain the Comer monument in its current location and may construct a driveway at the Comer monument to access the town's open space and municipal property, which is adjacent to and south of these parcels. The town shall also use the first parcel of land for said purposes. If the town of East Haddam:

- (1) Does not use said parcels for said purposes;
- (2) Does not retain ownership of all of said parcels; or
- (3) Leases all or any portion of said parcels,

the parcel shall revert to the state of Connecticut. Nothing in this section shall terminate any reversionary interest in the second and third parcels described in subsection (a) of this section that may exist in the successors and heirs of Captain George Comer.

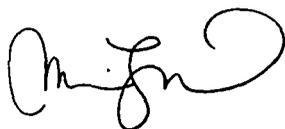
(c) The State Properties Review Board shall complete its review of the conveyance of said parcel of land not later than thirty days after it receives a proposed agreement from the Department of Energy and Environmental Protection. The land shall remain under the care and control of said department until a conveyance is made in accordance with the provisions of this section. The State Treasurer shall execute and deliver any deed or instrument necessary for a conveyance under this section, which deed or instrument shall include provisions to carry out the purposes of subsection (b) of this section. The Commissioner of Energy and Environmental Protection shall have the sole responsibility for all other incidents of such conveyance.

The second parcel to be conveyed is contained within Section 10 of the bill, pertaining to the Town of Colchester. I have worked closely with the First Selectman to make sure that the correct language and mapping was complete and there are no modifications to the language, at this time. This parcel hosts a

Municipal Sewage Pump Station that also serves the brand new DOT facility on the adjoining site in addition to other public and private customers. It may serve additional public safety needs for Colchester in the future. The town has been working closely with DOT for several years as plans were made for the new facility and Colchester shouldered much of the expense for the design of the plant. In return, the DOT has been a great partner by providing much of the mapping that is contained with this application and is supportive of the transfer.

Thank you so much for including these two very important conveyances in Bill 5550. They are both critical in the future planning of two very worthy projects in my community.

Best Regards,

A handwritten signature in black ink, appearing to read 'Melissa Ziobron', with a large, stylized flourish at the end.

Melissa Ziobron  
State Representative  
34<sup>th</sup> District

**Town of Barkhamsted  
Incorporated 1779**

Line Number 13  
Page Number 2  
Speaker # 2-officials

Public Hearing – March 17, 2014 – Government Administration and Elections Committee

Testimony Submitted by Donald Stein, First Selectman, Town of Barkhamsted

Regarding HB 5550: The Conveyance of Certain Parcels of State Land

Good afternoon Chairman Musto, Senator McLachlan, Representative Jutila, and Representative Hwang and members of the Government Administration and Elections Committee. My name is Don Stein and I'm the First Selectman of Barkhamsted.

I first wish to thank you for the opportunity to testify in support of House Bill 5550, Section 7 of which, will convey to the town of Barkhamsted a parcel of land that includes our Senior and Community Center. This property and the original building it contains was first leased to the Town by the State of Connecticut in February 1987, 27 years ago. At approximately the same time, the Town received two Small Cities Block grants. The first was used to improve the original structure and the second added a large community meeting room and kitchen to the facility. The facility includes two apartments on the second floor, one of which is a residence. The other is an emergency shelter.

Since that time, the Town has paid for the maintenance and infrastructure upgrades, routine upkeep, utilities, and all other costs associated with the Senior Center. It is staffed by volunteers who serve lunch on Tuesdays and breakfast on Thursdays to our seniors and those of the surrounding communities. Those meals typically serve 50 to 90 participants. The Center is also used for programs focused on the seniors and other members of the community, including our Historical Society and other service groups. Most recently, we put a new roof on the building at Town expense and added an emergency generator under a STEAP grant.

Our lease expired in February 2012. Based on this history, it seemed logical that the Town should own the property due to the amount of financial support and sweat equity invested in it by the community. This is not an expansion of the use of the property.

The request in the conveyance bill is for a 2.6 acre parcel in the southeast corner of American Legion State Forest adjacent to a DEEP office. The parcel size is based on the town's zoning regulations (2 acre lot size minimum) and the need to allow for expanded parking resulting from the high volume of center usage. The size of the parcel also allows the Town to avoid any conflict with Wetlands regulations and to comply with the recommendations of DEEP's Bureau of Natural Resources regarding species in the area

Barkhamsted's preservation and use of this property, and the facilities we have developed in partnership with the State and the Federal government, have well-served our community's residents, and the wide range of folks who use it.

**Town of Barkhamsted  
Incorporated 1779**

Thank you for your time and your consideration and the opportunity to meet with you.