

STATE PROPERTIES REVIEW BOARD

Minutes of Meeting Held On November 7, 2016 State Office Building, Hartford, Connecticut

The State Properties Review Board held its regular meeting on November 7, 2016 in the State Office Building.

Members Present: Bruce Josephy, Vice Chairman
John P. Valengavich, Secretary
Pasquale A. Pepe

Members Absent: Edwin S. Greenberg, Chairman

Staff Present: Brian A. Dillon, Director
Mary Goodhouse, Real Estate Examiner

Vice Chairman Josephy called the meeting to order.

Mr. Valengavich moved and Mr. Pepe seconded a motion to enter into Open Session. The motion passed unanimously.

OPEN SESSION

ACCEPTANCE OF MINUTES OF October 31, 2016. Mr. Valengavich moved and Mr. Pepe seconded a motion to accept the minutes of October 31, 2016. The motion passed unanimously.

REAL ESTATE- UNFINISHED BUSINESS

REAL ESTATE – NEW BUSINESS

PRB # 16-253 **Transaction/Contract Type:** RE / Conveyance
Origin/Client: DOA/DDS
Grantee: Southbury Land Trust, Inc.
Property: Farmland at Southbury Training School, Southbury and Roxbury
Project Purpose: Grant of Agricultural Conservation Easement, pursuant to Public Act 13-90
Item Purpose: Quitclaim Deed conveying a perpetual agricultural conservation easement in and to 944.725 acres of land in Southbury and Roxbury, reserving the use and occupancy to the Department of Developmental Services of the developed infrastructure extant on the Farm in 3 areas totaling 24.078 acres.

At 9:40 a.m., Cameron Weimar of the Dept. of Agriculture joined the meeting to discuss the grant to Southbury Land Trust, Inc. of an agricultural conservation easement affecting 944.725 acres at the Southbury Training School. The entire holding at STS is 1,413± acres, located in Southbury & Roxbury. An A-2 survey has identified 944.725± acres of farmland with associated forest, streams and wetlands to be permanently protected for agricultural use under the custody and control of the DoAG. This area includes approximately 500 acres that have in the past been used for hay, silage corn, pasture, orchard and vineyard. The USDA-NRCS mapped 547 total acres of prime and important farmland.

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Up until 1992, state employees operated a dairy facility at STS, milking 100 cows and maintaining the land and farm buildings. In 1992 state budget cuts eliminated the state farm employee positions, and DoAG began assisting DDS with agricultural agreements for the use of STS farmland. In 2008, DDS removed the dairy facility and related structures from the lease agreement.

In 2009 DoAG introduced what became Special Act 09-8, requiring the Farmland Preservation Advisory Board within the DoAG to make recommendations for the preservation of State-owned agricultural land through the possible transfer of a permanent conservation easement to a qualified conservation organization. Subsequently, the Advisory Board formed a subcommittee consisting of the private land trusts, a farming coalition known as the Working Lands Alliance, and USDA-NRCS to make recommendations identifying State farmland meriting permanent protection. The farmland at STS was the premier property recommended for protection.

In 2013, as part of the Governor's legislative proposals, the Environment Committee raised a bill which became Public Act 13-90, An Act Concerning the Preservation of Farmland at Southbury Training School. The bill was supported by DDS, and municipal governments in Southbury and Roxbury. The bill required that the State convey an agricultural conservation easement to permanently protect for farm use the Farm at Southbury Training School; said conveyance to go to a qualified 501(c)(3) nonprofit organization whose mission included farm and open space preservation.

Staff recommended Board approval of the Conveyance of Agricultural Conservation Easement Deed granted to the Southbury Land Trust Inc., for the permanent protection of 944.725± acres, known as the Farm at the Southbury Training School for the following reasons:

1. The Easement satisfies the requirements of P. A. 13-90. The Southbury Land Trust will hold and enforce a perpetual easement for the protection of agricultural soils, agricultural viability, and the general agricultural productivity of the Farm.
2. The Easement language is similar to that used when the State purchases development rights to farmland. The State retains all the responsibilities of ownership subject to use restrictions; the State retains the right to issue leases, permits, licenses for farm use. Any residential use is restricted to persons directly incidental to the farm operation, office space for agriculture-related business and organizations, agricultural education centers, buildings for animals, controlled environment (such as greenhouse) agriculture, roadside stands and farm markets. The Easement specifies that DoAG can also manage the land for hunting and fishing, manage wildlife, and manage forests including timber harvesting.
3. The Easement shall be enforceable by the Grantee as a conservation restriction, consistent with CGS §47-42c, which permits the Attorney General to bring enforcement action in Superior Court to enforce public interest in conservation and preservation restrictions. Southbury Land Trust has the right to inspect the premises at all reasonable times with 48 hours advance notice, excluding the areas reserved for the use of DDS.

PRB #	16-254	Transaction/Contract Type:	RE / Land Use Permit
Origin/Client:	DoAG/DOC		
Permittee:	Joseph E. Smith, d/b/a Smith Acres		
Property:	One 10 ± acre parcel of land at Gates Correctional Institution, Niantic		
Project Purpose:	Permit Extension of an Agricultural Land Use Permit for State Land		
Item Purpose:	One year permit extension for the continued use of approximately 10-acres of		

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land located along the east side of North Bridebrook Road, Niantic under an Agricultural Land Use Permit pursuant to CGS 22-6e for the agricultural use of vacant public land.

This item was previously approved by the Board on June 16, 2016, but was not approved by the Attorney General, who asked that the terms regarding non-discrimination be updated. SPRB Staff is once again recommending approval of the permit for the use of 10± acres through 10/31/2016, \$500 annual fee. CGS §22-6e authorizes the commissioner of agriculture to issue permits for the agricultural use of vacant public land. The statute allows for extensions/renewals of the subject permit. The statute allows the termination of the agreement, without cause, upon written notice to the permittee. Although the use of the property expired 10/31/2016, executing the corrected permit will protect the State from any liability resulting from the permittee's use of the property, and will put in place requirements that the permittee retain records 3 years after the expiration of the permit. The rental rate for this property is \$50/acre.

PRB # 16-263 **Transaction/Contract Type:** RE / Easement
Origin/Client: DAS/DCS
Project Number: BI-CTC-488
Grantee: Yankee Gas Transmission Company, d/b/a Eversource Energy
Property: Asnuntuck Community College, Enfield
Project Purpose: New Manufacturing Center Building Project
Item Purpose: Grant of Permanent Gas Distribution Easement in support of the New Manufacturing Center comprising an area of 11,178± SF and extending southerly through campus from Route 220, Elm Street, Enfield.

Staff recommended Board approval for the granting of a permanent gas utility easement to the Yankee Gas Company d/b/a Eversource Energy, Inc. pursuant to Pursuant to CGS 4b-22a.

The conveyance is consistent with CGS 4b-22a, which allows the Commissioner of DAS to grant easements on state property for the purposes of installing, maintaining and operating public utilities. The new easement area comprises approximately 11,178 SF and is for natural gas service to the building. The easement agreement is consistent with a survey dated August 8, 2016 prepared by Fuss & O'Neill, Inc. as well as the legal description provided with the submittal.

This natural gas easement is being provided for the purposes of extending gas service to the recently constructed Asnuntuck Community College New Manufacturing Center.

PRB # 16-267 **Transaction/Contract Type:** RE / Sale
Origin/Client: DOT / DOT
Project Number: 75-000-66B
Grantee: William B. Nicholls
Property: Southerly side of Boston Post Road, Madison
Project Purpose: Sale of Excess Property to Sole Abutter
Item Purpose: Release of 7,196 SF ± of vacant residential land adjacent to 952 & 954 Boston Post Road, Madison.

Board approval is recommended. This item was previously approved as PRB #16-174 by the Board at its July 18, 2016 meeting. DOT has resubmitted the Quitclaim Deed for approval because one of the Grantees (Karen M. Nicholls) is deceased.

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The release parcel of 7,196 SF is a triangular shaped parcel with 190 feet of frontage on the southwesterly side of U. S. Route 1, Boston Post Road, Madison. The parcel does not conform to the requirements of the residential zone. The abutting owner petitioned DOT requesting the release, which DOT agreed to complete through the sole abutter bid process. The sale price is \$25,500.

PRB #	16-268	Transaction/Contract Type:	RE / Sale
Origin/Client:	DOT / DOT		
Project Number:	044-089-006A		
Grantee:	Gary L. Hefner		
Property:	Land at Intersection of Pennsylvania Ave. & East Pattagansett Rd., East Lyme		
Project Purpose:	Sale of Excess Property to Sole Abutter		
Item Purpose:	Release of 9,167 SF ± of vacant residential land located adjacent to 113 East Pattagansett Road, East Lyme.		

Board approval is recommended. This item was previously approved as PRB #16-126 by the Board at its June 2, 2016 meeting. DOT has resubmitted the Quitclaim Deed for approval because one of the Grantees (Judith E. Hefner) is deceased.

The release parcel is a portion of land originally purchased in 1966, presumably for the relocation of Pennsylvania Avenue, Route 161, East Lyme. The 9,167 SF (0.21 acre) parcel is generally rectangular in shape, with 138 feet of frontage on the southerly side of Route 161, with a depth of about 68 feet. Indicated on the release survey is an adjacent strip of land, measuring about 20 feet by 138 feet, which was the former Route 161. The sale price is \$11,500.

ARCHITECT-ENGINEER - UNFINISHED BUSINESS

ARCHITECT-ENGINEER – NEW BUSINESS

PRB#	16-251	Transaction/Contract Type:	AE / Task Letter
Project Number:	BI-T-609	Origin/Client:	DCS/DEEP
Contract:	OC-DCS-ARC-0049	Task Letter #6	
Consultant:	TLB Architecture, LLC		
Property:	Rocky Neck State Park, East Lyme		
Project Purpose:	Ellie Mitchell Pavilion Renovations		
Item Purpose:	Task Letter #6 to compensate the consultant for the completion of a pre- design study, standard design services and construction administration in connection with structural steel improvements, drainage repairs exterior & interior renovations to the historic stone and wood structure.		

This project involves the design and construction administration for the upgrade and renovation of the historic Ellie Mitchell Pavilion at Rocky Neck State Park. The pavilion is a 350 Ft. X 80 Ft. stone and wooden structure built in 1934 as a Work Progress Administration Project. The structure is now on the National and State Register of Historic Places. The overall project scope will consist of drainage improvements within the stone plaza, steel beam reinforcement, rotted/damaged wood repair, chimney leak repairs, toilet room upgrades, roof repairs as well as ADA accessibility improvements. The initial scope of the project will also include a pre-design study to allow for adequate investigation and coordination with the State Historic Preservation Office (“SHPO”).

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In November 2014, SPRB approved TLB Architecture, LLC (“TLB”) as one of eight firms under the latest On-Call Architectural Support Services consultant contracts. These contracts have a maximum contract fee of \$1,000,000 with a common expiration date January 15, 2017.

Task Letter #6 is a new task letter and subject to SPRB approval because the value of the task letter for this project exceeds \$100,000. The Construction Budget and total Project Budget have been established at \$1,058,000 and \$1,753,000 respectively. As detailed in the scope letter from TLB to DCS dated May 24, 2016 the \$162,000 is intended to compensate the Architect for the following project scope: completion of pre-design study inclusive of site investigations and SHPO coordination; completion of schematic through construction document phase plans; associated code reviews, SHPO approvals and ADA checklists to confirm design plans; completion of required technical speculations and a new probable cost estimate; and limited construction administration services. Staff recommended that the Board approve Task Letter #6 for TLB Architecture, LLC to provide consulting design and construction administration services on this project.

OTHER BUSINESS

The Board took the following votes in Open Session:

PRB FILE #16-251 – Mr. Pepe moved and Mr. Valengavich seconded a motion to approve PRB File #16-251. The motion passed unanimously.

PRB FILE #16-253 – Mr. Valengavich moved and Mr. Pepe seconded a motion to approve PRB File #16-253. The motion passed unanimously.

PRB FILE #16-254 – Mr. Pepe moved and Mr. Valengavich seconded a motion to approve PRB File #16-254. The motion passed unanimously.

PRB FILE #16-263 – Mr. Valengavich moved and Mr. Pepe seconded a motion to approve PRB File #16-263. The motion passed unanimously.

PRB FILE #16-267 – Mr. Pepe moved and Mr. Valengavich seconded a motion to approve PRB File #16-267. The motion passed unanimously.

PRB FILE #16-268 – Mr. Valengavich moved and Mr. Pepe seconded a motion to approve PRB File #16-268. The motion passed unanimously.

The meeting adjourned.

APPROVED: _____ **Date:** _____

John P. Valengavich, Secretary