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VIA HAND DELIVERY

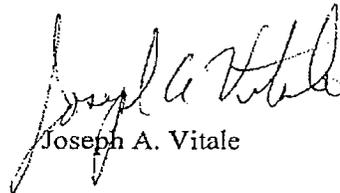
Hon. Gayle Slossberg
Co-Chair
Government Administration and Elections Committee
Legislative Office Building Room 2204
Hartford, Connecticut 06106

RE: Raised Bill No. 203

Dear Senator Slossberg:

I enclose herewith 40 copies of my testimony on Raised Bill No. 203. Regrettably, I cannot attend the hearing on Wednesday, the 20th. Please have my testimony read into the record. Thank you for your consideration.

Very truly yours,



Joseph A. Vitale

Cc: Mark Steiner

**TESTIMONY OF JOSEPH A. VITALE ON RAISED BILL NO. 203 BEFORE THE
COMMITTEE ON GOVERNMENT ADMINISTRATION AND ELECTIONS
FEBRUARY 20, 2008**

My name is Joseph A. Vitale. I am an attorney, and represent Seaside in Waterford, LLC, the State-designated preferred developer of the former Seaside Regional Center in Waterford, Connecticut. As such, I have become well acquainted with the process the State uses for the disposition of property set forth in Section 4b-21 of the Connecticut General Statutes. While my client's recent experiences dictate that some of the changes proposed in raised Bill No. 203 may be warranted, some are not, and my comments will address those changes I do not find warranted.

Raised Bill No.203 would require that any requests for proposal issued pursuant to subsection (c) thereof indicate the zoning changes that the state deems acceptable for such land. While it may be appropriate that the State deem a particular use acceptable for such land, it is wholly inappropriate that the State involve itself in matters of zoning, which are strictly a matter reserved for municipalities. In the course of obtaining a local zoning regulation in the Seaside matter, the State assiduously avoided any comment whatsoever, cognizant that zoning matters were not within its purview. In fact, my client was told by a representative of OPM that, on the advice of the Attorney General, the state would have no involvement in, or seek in any way to benefit by any local zoning. I know of no other circumstances where the State intrudes itself in local zoning matters and I do not believe it is appropriate in the case of a disposition of State property.

Subparagraph (d) of Raised Bill No.203 requires that an environmental impact statement (an "EIE") be completed prior to the request of an approval of an action by the committees of cognizance. Currently, the Connecticut Environmental Protection Act ("CEPA") places an obligation on State agencies to conduct an EIE when they are recommending or initiating an action that may significantly affect the environment. The Attorney General has opined that CEPA applies to the State's sale of property for particular use. Thus, the disposition of such property by the State is already subject to the preparation of an EIE. The outcome of the EIE is currently a matter for review and the exercise of discretion with respect to the finding of any environmental impact by environmental professionals and certain state agencies, all as set forth in CEPA.

The Attorney General has also opined that the EIE must be completed prior to the sale of the property. However, these particular amendments proposed in Raised Bill No.203 unnecessarily require the State to incur the significant cost of an EIE (which is performed by environmental contractors) prior to the approval of the purchase contract by the committees of cognizance. In those situations where the committees of cognizance do not grant approval of the transaction in question the agencies will have needlessly incurred an expense. More importantly, these amendments presumably place the committees of cognizance in the position of second-guessing those environmental and other professionals who, in accordance with CEPA, are the only parties authorized to pass judgment on the EIE.

Subparagraph (d) of Raised Bill No.203 also requires that “the Commissioner of Public Works shall provide each committee with a statement indicating whether:(1) An evaluation of archaeological resources on such land has been conducted, (2) such proposed sale is consistent with the state plan of conservation and development and any revisions thereto as described in chapter 297, and 930 for any improvements on such land, a review of the architectural significance of such improvements has been conducted.” Each of these statements are required to be in an EIE either explicitly by law (as in the case of (1) above), explicitly required by regulation (as in the case of (2) above) or implicitly by regulation and as a matter of policy (as in the case of 3 above). There is no need for any such amendment.

Lastly subparagraph (d) of Raised Bill No.203 allows for each committee to conditionally approve a proposed disposition. The proposed amendment makes no mention of what sort of condition might be imposed, the basis for such an imposition nor how any such condition might be deemed satisfied. Such an amendment is completely unworkable. With such an amendment the Attorney General’s office will never be satisfied that it can approve a contract and eventual transfer. Further, any buyer or lender to such buyer will never be willing to risk its funds in a transfer that may or may not have been appropriately consummated.