



Rivers Alliance of Connecticut

BOARD

OFFICERS

Eileen Fielding
President

James Creighton
Vice President

James McInerney
Treasurer

David Bingham
Secretary

DIRECTORS

William Anthony

Martin Mador

Sarah Martin

Dwight Merriam

David Radka

Jacqueline Talbot

Marc Taylor

Lynn Werner

Richard Windels

EXECUTIVE DIRECTOR

Margaret Miner

DEVELOPMENT DIRECTOR

Rose Guimaraes

WEBSITE COORDINATOR

Tony Mitchell

A tax-exempt
organization under
501 (c) (3) of the
Internal Revenue
Code

TO: Chairmen, Sen. Gayle S. Slossberg and Rep. Russell A. Morin
And the Members of the Government Administration & Elections Committee
DATE: March 21, 2012

RE: Public Hearing on H.B. No. 5519 AAC THE CONVEYANCE OF CERTAIN
PARCELS OF STATE LAND.

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. Our 500 members include almost all of the state's river and watershed conservation groups, representing many thousand Connecticut residents.

Thank you for the opportunity to remark on this bill. It is the one opportunity that the public will have to comment on the conveyances proposed. But the bill as written is difficult to interpret. I believe that in the affected towns many people, including public officials, do not know and cannot readily figure out what exactly this bill does and what changes it may bring.

In the past, there usually has been time and opportunity to discuss the conveyance act with the agencies and people involved to understand what might be good or bad from the perspective of saving and restoring water resources. (My experience goes back about ten years.) But this bill is more than ordinarily opaque.

Sections 1 and 2 refer to fragments of land (.38 acre and .44 acre) owned by the DOT. They are being conveyed free to East Hartford. It would be helpful to have a neighborhood or street identified, and the applicable zoning. These plots are to be used for "municipal purposes," which could mean just about anything from a pocket park to a target-practice range for the police.

Section 3 refers to a DOT half-acre going to the town of East Haven for economic development purposes. This suggests that the plot may have an important location, but, on the other hand, the fact that there will be only a minor cost (to cover administrative costs) suggests that it is not particularly valuable. And what would count as an economic

development purpose? Would this be a public or private venture? How long can the town hold the property without taking action toward economic development? One condition (common to all similar conveyances) is that the town must retain ownership of the entire property, and cannot lease any of it. So how is the town going to use this property for economic development? I am sure someone has a plan or at least an idea, but what is it?

Section 4 refers to a good-size plot (8.46 acres) in Farmington owned by DEEP. I believe this is in a part of town where there have been certain land-use difficulties. The plot is to go to the town of Farmington "for municipal purposes and for use by a nonprofit entity." So evidently the bill requires two uses on the property: a use for and by the town and a use by an unidentified, undefined nonprofit. I have heard that one contemplated use is for a cemetery. But, as the bill written, anything could go in there. This land is going to the town for only a token price (to cover administrative costs). Is the public getting its money's worth?

Section 5 refers to almost an acre in Windsor owned by Developmental Services. This is to be sold to Windsor at fair market value (FMV). Why does Windsor have to pay full value? It is because no stated purposes are stated as a condition? Does Windsor have a plan? Do people like it? Has been to the local Planning Commission, for instance?

Section 6 conveys to Bloomfield at a token price (administrative costs) 36 acres (!) owned by DEEP. This is apparently in the neighborhood of Bloomfield Reservoir #3, which has been described by the town as:

Reservoir No. 3: (Tynxis Avenue) fishing, pond, gardens/flowers, hiking trails, passive recreation, picnic area, three tennis courts, and community gardens.

The 36 acres is to be used for "golf course purposes." Again, it is not clear that the public is getting its money's worth. What did the state pay for this in the first place? People may be losing open space and diverse recreational opportunities in exchange for a golf course that fewer can enjoy. However, if it is to be a golf course, perhaps the town could commit to environment-friendly practices. Many golf course managers have vigorously protested almost all recent regulations and bills relating to water protection and even health protections (for example, with respect to pesticide exposures).

Section 7 conveys 2.8 acres in Wilton (costly real estate) for "storage purposes." What is going to be stored? What waters (if any) will be affected?

Section 8 is notable because subsection (b) voids a provision in a deed that requires that this property be used for low and moderate income housing only. We have been given legal advice that under the U.S. Constitution's contracts clause, a state legislature cannot void a contract or a deed.

Section 9 is a real mystery. It's hard to figure out even where this property is, especially since there are many Shiloh Baptist Churches. But the property (size not stated) is owned by the Commission of Children and Families, so presumably was

acquired for some charitable purpose. This section transfers the property to the Church for \$1, and within five years the property is to be given to a non-profit for public low and moderate income housing, recreation, or other community needs. How does the public benefit by having the church as a middle man?

Section 10 gives about a half-acre of DOT land to the Greenwich Historical Society for municipal purposes. (Is the Society part of the town government?) It appears that the purpose may be parking.

Section 11 conveys land again for the vague "economic development purposes.

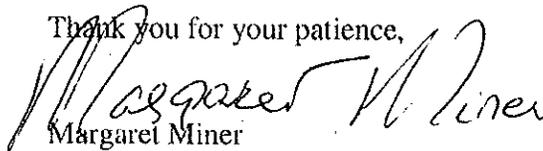
Sections 12-15 sell DOT land in Andover to four private parties. It would help to know the character of such land. For example, does it provide valuable access of any sort?

Section 16 gives away about 3 acres in Tolland for economic development purposes. Rivers Alliance took considerable heat last year for not challenging the Tolland conveyance. So we would like to check this out but there is not time.

Section 17 repeals three conveyances from earlier acts. Does that mean that no conveyance ever happened? Or it happened but the purposes were not met? Is the land now in as good shape as when it was conveyed? (In line 430, if you would change section 7 to section 8, we'd be very grateful.)

The Conveyance Act is best used, we believe, for trivial or universally approved conveyances. Some transactions in this year's act look to be of that type. But some appear to be rather substantial deals that should be more transparent and subject to more scrutiny. In particular Rivers Alliance has a responsibility to review conveyances for impacts on water resources, but that is just about impossible to do with so little information.

Thank you for your patience,



Margaret Miner
Executive Director