

**Government Administration and Elections Committee**  
**JOINT FAVORABLE REPORT**

**Bill No.:** SB-502

AN ACT CONCERNING THE CONVEYANCE OF CERTAIN PARCELS OF

**Title:** STATE LAND.

**Vote Date:** 3/28/2018

**Vote Action:** Joint Favorable Substitute

**PH Date:** 3/19/2018

**File No.:** 488

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**SPONSORS OF BILL:**

Government Administration and Elections Committee

Sen. Paul R. Doyle, 9th Dist.

Rep. Antonio Guerrero, 29th Dist.

Rep. Gary Byron, 27th Dist.

Rep. Joseph P. Gresko, 121st Dist.

Rep. Ben McGorty, 122nd Dist.

**REASONS FOR BILL:**

To convey various parcels of state land and to release certain restrictions concerning previously conveyed state land. This bill does the following:

Town of Newington –

1. Newington - Commissioner of the Department of Mental Health and Addiction Services shall convey to the Town of Newington two parcels of land located in the town of Newington. The two parcels of land, about 28.8 acres for administrative costs for passive recreation is part of larger parcel containing former Cedarcrest Hospital.
2. Town of Stratford - Property owned by the Town of Stratford conveyed for school purposes, they want to take out restriction from a Quit Claim Deed from the State of Connecticut so that it can be used for parking.
3. Town of Groton – Commissioner of Education shall grant to the town of Groton an easement of land located in the town of Groton. The easement next to Ella Grasso Tech for no cost (driveway), to be used for vehicular and utilities access to a middle school being built.

4. Town of Portland - Commissioner of Transportation shall convey to the town of Portland a parcel of land in Portland at the Airline Trail area, 7.29 acres for no cost, for recreational and tourism purposes.
5. Town of Stratford – Commissioner of Developmental Services shall convey to the town of Stratford a parcel of land that contains former Ella T. Grasso Center for fair market value.
6. Town of South Windsor - Amending 2001 conveyance to allow town to keep money if they sell it, instead of money going to Special Transportation Fund.
7. Town of Cheshire - The town of Cheshire shall use three parcels of land and improvements for economic development and municipal purposes. Three parcels for administrative costs, total area of 48.07 acres for economic development and municipal purposes. Located on I-691/Rte. 10 interchange.
8. Town of New Milford - Releasing a restriction in 2000 conveyance of parcel to New Milford Affordable Housing, Inc. prohibiting sale of parcel, parcel has already been sold. Keeps affordable housing restriction.
9. City of New Haven - The Commissioner of Transportation shall convey to the New Haven Port Authority a parcel of land .55 acre 135 Fulton Terrace, for FMV.
10. City of New Haven - The Commissioner of Transportation shall convey to the New Haven Port Authority a parcel of land .14 acre 54 Edgemere Rd, for Fair Market value.

**Substitute language:** Section 1, references to DMHAS was changed to DAS for accuracy and Sections 9 and 10 were combined into one section.

#### **RESPONSE FROM ADMINISTRATION/AGENCY:**

##### **Miriam E. Delphin-Rittmon, Ph.D., Commissioner, Department of Mental Health and Addiction Services (DMHAS)**

Commissioner Delphin-Rittmon writes in support of the section on the Newington property – she notes that the Cedarcrest Hospital Property was transferred to the custody and control of the Department of Public Works in May of 2010. DMHAS is no longer involved in this piece of property and states that it would be inappropriate for the agency to have responsibility for such conveyance.

##### **James Redeker, Commissioner, Connecticut Department of Transportation**

Section 2 – CTDOT opposes the section. It removes the deed restriction. CTDOT can prepare a deed to remove the restrictive covenant (school purposes” on the property and leave it unrestricted as long as it is paid fair market value for the property if it only be utilized for municipal parking.

Section 4 – The Department opposes that conveyance as the land is an active railroad with an active tail freight customer and poses a safety concern for pedestrian trail users. The Department does support the Town of Portland’s goals to extend the Airline Trail.

Section 6 – CTDOT opposes this section. The bill proposes to eliminate the language that proceeds from the sale to be deposited in the Special Transportation Fund. It would allow the town of South Windsor to benefit from the proceeds of the sale of land that the CTDOT purchased.

Section 7 – CTDOT opposes this section as written. If the town wants to use the property for economic development, it should pay fair market value plus administrative feeds. They further note that the reversionary language contradicts the economic development use required by the act.

Section 8 - CTDOT opposes this section. The property is in foreclosure and the mortgage company has requested that the language be revised. Additionally, they believe that approval of this section would set a negative precedent that “ignoring reversionary language is acceptable.”

Sections 9 and 10 – CTDOT has no problems with the section but suggests that they be combined.

**Jordan A. Scheff, Commissioner, Department of Developmental Services (DDS)**

DDS supports Section 5 of the bill. They support the town of Stratford taking over the majority of the property and its associated costs. Several details are still being worked out between DDS and Stratford and will be written in a memorandum of understanding.

**NATURE AND SOURCES OF SUPPORT:**

**Paul Doyle, State Senator**

Senator Doyle supports the section referring to the Town of Newington. Members of the Newington Town Council have contacted him and Representative Guerrera about the need for acquiring open space and the preservation of land. They support section one as it will aid in this purpose.

**Tony Guerrera, State Representative**

Please refer to Senator Doyle’s testimony as it was submitted jointly.

**Christine Conley, State Representative**

Rep. Conley supports the section about the Groton conveyance regarding the driveway of Ella Grasso Technical School and the new public middle school. The easement will allow traffic for both schools to exit Route 1 at the bottom of a hill at a central light, and then allow people to go to the two schools. It prevents a driveway mid-way up a hill and assist with traffic congestion.

**Craig Miner, State Senator**

Senator Miner states his support for section 8 of the bill regarding New Milford to release the reverter on the property as long as it is used for affordable housing. If the bill does not pass,

he fears the property could become a blight and banks will not extend a loan to purchase the home if the bank cannot obtain insurable title to the property.

**Catherine A. Osten, State Senator**

Senator Osten would like to offer an amendment for the Committee's consideration to include a conveyance on behalf of the Town of Lisbon. They would like the former DOT facility that has been used as the town's new Public Works garage to be formalized through the bill and the brownfields associated with the site to be remediated by the State.

**Kevin Skulczyck, State Representative**

Please refer to Senator Osten's testimony as it was submitted jointly.

**Laura Hoydick, Mayor, Town of Stratford**

Mayor Hoydick notes that the conveyance would release a parcel of land at the Center School location from the restriction of being designated for "school purposes only." The school building has not be in use for several years, and is set for demolition. Releasing the restriction on the town would allow for them to pursue proper municipal purposes.

Additionally, another part of the conveyance bill addresses the Ella T. Grasso Center and buildings. The property is being transferred to the town for the purposes of municipal use including the operation of the handicapped-accessible swimming pool building, and other buildings for use as affordable or senior housing. The transfer would allow DDS to retain portions of the parcel that are still in use by the Department.

**Michael A. Milone, Town Manager, Cheshire**

The town has been working hard to grow their Grand List considering the loss of state aid over the past few years. Approving the conveyance would help them to expand their economic base.

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

Mr. Hammerling take a neutral position on the bill but asks the committee to remember what he refers to as "The 4 R's – Restrictions, Reverters, Resources, and Rushed".

He believes that some restrictions in the bill such as Section 6 are written too broadly to be meaningful.

He notes that he is concerned that some reverter provisions are being changed from an earlier conveyance (as in Section 8). It is of great concern as it goes against the purpose of a placing a reverter in the first place.

He urges the Committee to consider if resources that the State is either giving away or realizing through the bill such as in Section 7.

Finally, he concerned that the conveyance process is rushed and as a result often incomplete and hinders those trying to ascertain the full context of a conveyance.

**Fidelity National Title Insurance Company**

The company supports Section 8 of the bill. If it is not passed, the property could become a blight in the Town of New Milford because no purchaser will buy it without the assurance that

they can obtain a good and marketable title. Additionally, if the lender can't get insurable title to the property, no lender will extend a loan to assist a home owner in purchasing the Property.

## **NATURE AND SOURCES OF OPPOSITION:**

### **Amy Blaymore Paterson, Executive Director, Connecticut Land Conservation Council**

Ms. Blaymore Paterson makes several remarks about numerous sections of the bill that the CT Land Conservation Council has concerns.

Section 2 – If approved, “how can we be sure that restrictions required as part of the conveyance to protect properties that are valuable for conservation purposes, such as in Section 1 – will not also be released in the future.” Additionally, Section 8 authorizes a release in an existing reverter clause and she argues that the current bill offers “little security if they are subject to release in the future through the conveyance process.”

Section 5 – Is missing information.

Sections 6 and 7 – She argues it is an example of a deficiency in the conveyance process In that many are often vague and lack consideration by the town in exchange for the state property that may be of significant value.

### **Patrick M. Comins, Executive Director, CT Audubon Society**

Mr. Comins suggests that the Cheshire conveyance be reviewed more carefully. They suggest that the town retains the land as open space to help preserve wildlife habitat and help the State in its goal of increasing open space. He also argues that while the land is zoned as commercial, it is located far from the town center and that as a result, municipal development seems unlikely.

Finally, he notes that the Conveyance bill is incomplete, noting many missing details about the parcels of land. He would like to see the bill be more descriptive in the properties so that constituents can more easily locate it and provide better feedback.

### **Margaret Miner Executive Director, Rivers Alliance of Connecticut, Litchfield**

Ms. Miner comments on various sections of the bill as follows:

Section 2 – Ms. Miner notes that no information is given to clarify if the project will be environmentally harmless or whether protective measures are needed.

Section 5 – She is concerned because there is no information about the number of acres, the characteristics of the building on the property or future use.

Section 6 – Notes that the language is vague in regard to what “approved uses” means.

Section 7 – Note that the language is unclear.

Section 8 – Expresses concerns with a change of deed and reverter clause.

**Reported by: Susan Tufts**

**Date: 4/11/2018**