

## STATE PROPERTIES REVIEW BOARD

### Minutes of Meeting Held On November 23, 2020 – remotely via telephone conference –

Pursuant to Governor Lamont's Executive Order No. 7B regarding suspension of In-Person Open Meeting requirements, the State Properties Review Board conducted its Regular Meeting at 9:30AM on November 23, 2020 remotely via telephone conference at (866)-692-4541, passcode 85607781.

#### **Members Present:**

Edwin S. Greenberg, Chairman  
Bruce Josephy, Vice Chairman  
John P. Valengavich, Secretary  
Jack Halpert  
Jeffrey Berger  
William Cianci

#### **Members Absent:**

#### **Staff Present:**

Dimple Desai  
Thomas Jerram

#### **Guests Present**

At Chairman Greenberg's request, Vice Chairman Josephy led the meeting.

Vice Chairman Josephy called the meeting to order.

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

### **OPEN SESSION**

#### **1. ACCEPTANCE OF MINUTES**

Mr. Valengavich moved and Mr. Berger seconded a motion to approve the minutes of the November 19, 2020 Meeting. The motion passed unanimously.

#### **2. COMMUNICATIONS**

#### **3. REAL ESTATE- UNFINISHED BUSINESS**

#### **4. REAL ESTATE – NEW BUSINESS**

<b><i>PRB File #:</i></b>	<b>#20-208</b>
<b><i>Transaction/Contract Type:</i></b>	RE – Lease
<b><i>Origin/Client:</i></b>	DOT/DOT
<b><i>DOT Project #:</i></b>	102-125-117C
<b><i>Lessee:</i></b>	Town of Wilton
<b><i>Property:</i></b>	Wilton, Danbury Rd @ Gaylord Dr (367,687 sf)
<b><i>Project Purpose:</i></b>	Norwalk River Valley Trail (NRVT)
<b><i>Item Purpose:</i></b>	5-Year Lease

**Lease Price:** \$0

**Project Background:**

**East Side of Wilton Loop**

The east side illustrates the NRVt's vision for the trail — a ten-foot wide, multi-use, wheelchair accessible, compacted stone dust trail — it winds gently through the wooded landscape.

Infra-red counters (Courtesy of the CT Trail Census) captured over 6,000 people per month using the trail. Trail heads and parking are found at Wolfpit Rd. and Rt. 7, Sharp Hill Road and Autumn Ridge drive, and at the end of Twin Oak Lane. The trail extends approximately two and a quarter miles from Wolfpit Road and Rt. 7 to just short of Skunk Lane.

### **West Side of Wilton Loop**

This part of the loop runs from Wolfpit Rd and Rt. 7 to Horseshoe Park, through the Center along River Road, passing through Merwin's Meadow, the school complex, and then hitting the north end of the loop in Allen's Meadows at Olmstead Hill Road.

Under this proposal, DOT will lease five irregularly-shaped parcels of land totaling 367,687 square feet for part of the Trail from the intersection of Danbury Rd (RT 7) and Gaylord Drive, in the area identified as the West Side of Wilton Loop, for patrons utilizing NRVt.

The terms of the lease are as follows:

Lessee	Town of Wilton
Premises	367,687 square feet
Use	Restricted to use as part of the NRVt (Section 1 of Lease Out)
Term	Five years commencing upon AG approval, two (2), five-year options to extend
Termination	Either party can terminate with 30 days' notice, with or without cause
Rent	\$0.00/month.
Utilities, costs	All by tenant, if available (no electric, gas, sewer or water currently at site)
Other	Lease includes specifications as contained in "Standard Highway Lease Specifications & Covenants: Governmental" dated 4/1/2019, which are attached to the lease. The specifications include insurance and indemnification requirements.

The Lessee executed the Lease on September 1, 2020. The Lessor executed the Lease on September 23, 2020. OPM approved the Lease agreement on October 19, 2020.

Staff inquired with DOT regarding the following:

- Please clarify the status of the timing of the Lease with the construction of the Trail as it appears the Trail may in fact be currently in use.

### **DCS Response: Here is a bit of the background:**

- In 2011, a meeting was held with Planning, ROW and the Norwalk River Valley Trail Steering Committee (NRVT) to discuss a Planning Study and the impacts the proposed trail would have on DOT owned property that was purchased for the Route 7 Expressway which was never built.
- In 2013, District 3 granted a permit (attached) for a 10' soft multi surface trail to be installed on land purchased for the Route 7 Expressway. This land is **not** considered highway right of way.
- In 2015, a second permit was issued for a crosswalk and appurtenances for the NRVt to cross existing Route 7. The crosswalk and appurtenances are located in the existing Route 7 right of way.
- In December of 2016, NRVt approached District 4 for a permit for the next phase of the trail located in Redding and Ridgefield. This request was forwarded to ROW to handle, as the trail location is outside of the existing Route 7 highway right of way. It was in researching this request,

that ROW discovered the issuance of the 2013 permit. NRVT questioned why the respective Districts handled the trail differently.

Further discussions with Planning indicated that Planning was unaware that the trail was actively being built and that permits were issued. Discussions with DEEP indicate that DEEP funded the preliminary study, however, they did not provide funding to build the trail in Wilton.

The Town of Wilton/NRVT utilized their own funding to install the trail on the property purchased for the Route 7 Expressway. While the Department has not taken an official position on the Route 7 Expressway, it is likely that it will not be constructed.

NRVT along with the Town of Wilton and Norwalk are extending the trail in other areas which will impact other state-owned land and require lease agreements (SPRB has already approved the Norwalk leases). The Department insisted that a lease agreement for the already built Wilton loop be included to clean up the issue and ensure that there is insurance and maintenance coverage. This was determined the best course of action for the Department as the NRVT is has been a political topic regarding this issue.

Staff Response: OK

**RECOMMENDATION:** Board approval of the lease-out agreement to Town of Wilton is recommended for the following reasons:

- The commissioner of transportation has the authority under CGS §13a-80 to enter into lease agreements, subject to the approval of OPM (received 10/19/2020), the SPRB & the AG.
- The five irregularly shaped strips of land totaling 367,687 square feet, in the area identified as the West Side of Wilton Loop, will be used as part of the NRV and no other use.
- The Lessee pays no rent. The term of the lease is for 5 years, commencing upon approval of the AG. The lease includes two (2) additional five-year options, subject to a review and update of the rental fee. The State reserves the right to terminate the lease with 30 days' notice.

See next page for map.



**5. ARCHITECT-ENGINEER - UNFINISHED BUSINESS**

**6. ARCHITECT-ENGINEER - NEW BUSINESS**

**7. OTHER BUSINESS**

**8. VOTES ON PRB FILE:**

**PRB FILE #20-208** – Mr. Halpert moved and Mr. Berger seconded a motion to approve PRB FILE #20-208. The motion passed unanimously.

**9. NEXT MEETING** – Monday, November 30, 2020. The Board's Regular Meeting scheduled for Thursday, November 26, 2020 has been cancelled.

The meeting adjourned.

**APPROVED:** \_\_\_\_\_ **Date:** \_\_\_\_\_  
John Valengavich, Secretary