

STATE PROPERTIES REVIEW BOARD

Minutes of Meeting Held On October 2, 2023

– solely by means of electronic equipment - via telephone conference –

Pursuant to CGS §1-225a, the State Properties Review Board conducted a Regular Meeting at 9:30AM on October 2, 2023. Pursuant to the statute, this Meeting was held solely by means of electronic equipment, with Participants connecting via telephone conference at (860)-840-2075 and used passcode 284890492#.

The Notice provided designated this Regular Meeting as open to the public. Call in instruction were provided as: Dial toll free (860)-840-2075 and use passcode 284890492#. If you have any questions or need assistance to attend these Meetings, you can contact SPRB Director Dimple Desai at dimple.desai@ct.gov to make appropriate arrangements.

Members Present – solely by means of electronic equipment:

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

Members Absent:

Staff Present – solely by means of electronic equipment:

Dimple Desai
Thomas Jerram

Guests Present – solely by means of electronic equipment:

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 September 28, 2023 Meeting. The motion passed unanimously.

2. COMMUNICATIONS

Director Desai informed the Board that the Board's Annual Report to the Governor and the legislature, due annually by October 1, 2023, was delivered on September 29, 2023.

3. REAL ESTATE- UNFINISHED BUSINESS

4. REAL ESTATE – NEW BUSINESS

PRB #	23-154
Transaction/Contract Type:	RE – Lease
Origin/Client:	DAS/DDS
Lessee:	Enfield, Grant Rd (33)
Property:	Adelbrook Community Services, Inc.
Project Purpose:	Lease of Group Home
Item Purpose:	New 10 Year Lease

At the State Properties Review Board meeting held on December 5, 2005, under PRB #05-316, the Board approved a New Lease to Catholic Charities, Inc. – Archdiocese of Hartford to lease this property through June 30, 2008. The group home located at 33 Grant Road, Enfield is a five-bedroom ranch-style dwelling containing 2,489 square feet of gross living area, situated on a 2.71 acre site.

The property was first leased by the State in 1992, under a Lease approved by the SPRB under PRB #92-120. Subsequent to the original Lease, the State then acquired the property as approved by the SPRB under PRB #93-136.

More recently, the Department of Developmental Services (DDS) initiated a program, as a cost-savings measure, to convert up to 50 state-operated group homes located throughout the State to privately-operated homes operated by a not-for-profit corporation. DDS will convert up to 10 group homes per year. Each private provider has entered into a Point of Service Contract (POS) with DDS governing the delivery of services to DDS clientele.

Prior to entering any future leases of group homes, DAS Leasing and Property Transfer collaborated with DDS and OPM to develop a State Standard Group Home Lease template. DAS utilized the standard State lease-out agreement as the original template, and modified the template to better reflect the intended use of the property as a residential group home and to reflect certain business terms requested by DDS. Modifications include: Section 2.1 – an initial 10-year term with an automatic lease termination upon termination of the POS Contract; Section 4.5 – a prohibition of smoking (any type product) within 50 feet of the home (CGS 19a-342); Section 5.1 – Capital repairs/replacement expenses, as identified in Exhibit C, are now the responsibility of the Lessee, capped at \$7,500/year in the initial year, with the cap increasing by 5%/year during the lease term; and Exhibit C – allocation of Lessee responsibilities for expenses.

Under this Proposal, DAS seeks SPRB approval to enter into a new 10-year Lease for the Lessee to operate the group home located at 33 Grant Road, Enfield, CT.

Lease terms: This new standard State Standard Group Home lease-out agreement is for an initial 10-year term, with the rental established at \$1.00 per the term. The State may terminate the lease at any time with 30 days prior written notice to Lessee. The Lease automatically terminates upon termination of the POS Contract. Pursuant to Exhibit C of the Lease, the Lessee is responsible for all maintenance and repair to the property, including any repairs or replacements to structural elements of the property, identified as ‘Major Systems’ in Exhibit C. The cost of any capital repairs/replacement expenses is capped at \$7,500/year in the initial year, with the cap increasing by 5%/year during the lease term and any renewal term. Any capital repairs/replacement expenses costs above \$7,500, and subsequent annual increases, are the financial responsibility of DDS.

Lease Summary:

Item	Description
Leased Premises	2.71-acre of land improved with a ranch-style dwelling containing 2,489 square feet of GLA (gross living area)
Lessee	Adelbrook Community Services, Inc.
Permitted Uses	To provide services set forth in the Point of Service (POS) Contract – group home
Lease Term	10 years, commencing on the first day of the month following AG approval
Fixed Base Rent	\$1.00/term (10-year)
Additional Rent	Lessee is responsible for all maintenance and repair to the property, including any repairs or replacements to structural elements of the property. This is essentially a ‘Net’ lease with a base-year expense stop for capital repairs/replacements.
Renewal Options	One 10-year options subject to 180 days prior written notice to DAS Commissioner.
Renewal Rent/SF/Year	Same terms & conditions
Right to Terminate	Lessor- may cancel immediately in event of default Lessor - may cancel with 30 days prior notice Automatic termination upon DDS cancellation of the POS Contract
Construction/Alteration	Require DDS and Lessor’s prior approval
Assignment/Subletting	Require Lessor’s prior approval
Environmental	Lessee, at its sole expense, is required to remediate any contamination attributable to its use
Indemnification	Standard provisions in favor of State

Recommendation: Board approval is recommended. Complete documentation has been provided.

- This proposal is a standard lease-out agreement;
- CGS §4b-38 authorizes DAS to lease state property to private individuals or concerns for private use, when not used or needed for state use and is in the public interest;
- Pursuant to 4b-38(a), the Treasurer of the State of Connecticut determined the Lease will not affect the status of any tax exempt bonds; and
- Pursuant to 4b-38(f), the Town of Enfield was provided Notice that the State was intending to enter this Lease.

PRB # 23-155
Transaction/Contract Type: RE – Voucher
Origin/Client: DOT/DOT
DOT Project #: 109-175-001
Grantor: Tony Soli
Property: Plainville, Roberston St (Lots C-06 & C07)
Project Purpose: Farmington Canal Heritage Trail
Item Purpose: Voucher for Total Take

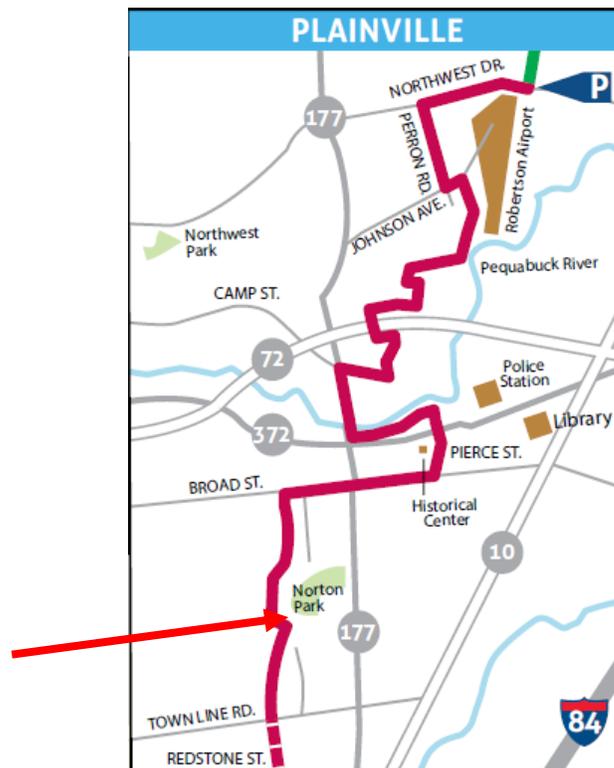
DAMAGES: \$263,000

Project Background - <https://fchtrail.org/history/>

The fifty-six miles of the Farmington Canal Heritage Trail (FCHT) and the eighteen miles of the Farmington River Trail constitute the most picturesque and historic greenways in New England. The Connecticut section from New Haven to Suffield runs through eleven towns and connects with many more biking and walking trails. The FCHT has been designated a Community Millennium Trail under the federal Millennium Trails Initiative based upon its special value to the communities it serves.

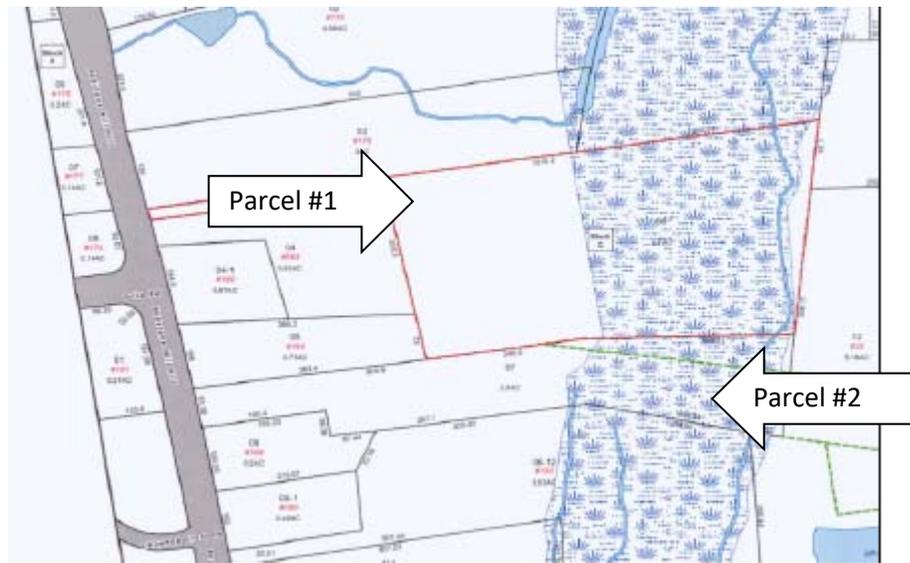
Much of the trail system is complete with the exception of a 7.3-mile piece running south from Northwest Drive in Plainville, through the whole town into northern Southington. This entire section is either in construction or design and is fully funded through CTDOT.

Under this Proposal (PRB #23-155), DOT is seeking SPRB approval to acquire two parcels of land totaling 6.36 acres in conjunction with a portion of the planned construction of the Farmington Canal Heritage Trail in Plainville.



General area of subject property.

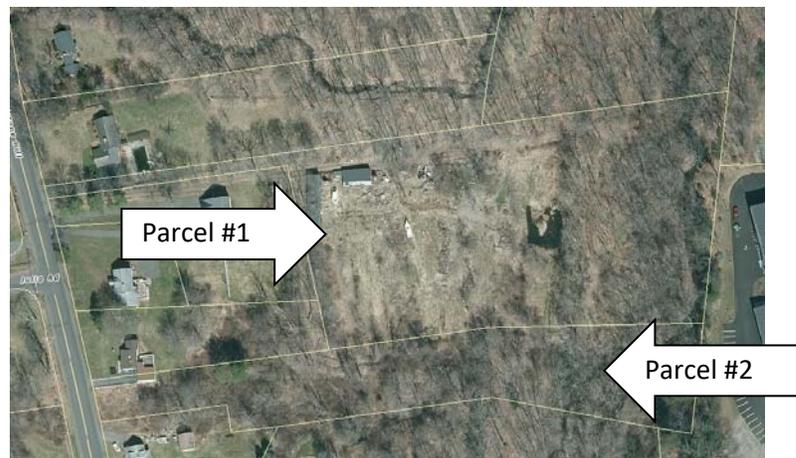
SITE & TAKING DESCRIPTION: The subject property consists of an assemblage of two abutting properties totaling 277,042± square feet (6.36± acres per survey). The site is impacted by inland wetlands in the central to eastern portions of the site (2.83 acres, est.). The site is not located within a flood zone.



The property is within the Residential (R-20) and Restricted Industrial (RI) zoning districts. The subject property represents a non-conforming parcel of land, whereby the land area exceeds the minimum lot area requirement but the minimum frontage requirement of 100 linear feet is not satisfied. This site has a total of 75.96 feet of non-contiguous road frontage.

Improvements include a 1,570± square foot chicken coop, a 1,005± square foot shed, two metal storage silos, and remnants of the former poultry pens on-site.

A 100-foot wide easement on Lot No. 7 is for the benefit of CL&P (dba Eversource) for purposes of accessing, maintaining and replacing high tension electrical power lines and towers on and over the site. These power lines and towers have since been removed from the site despite the fact that the easement persists.



The Appraiser opines the highest and best use of the subject property “as vacant” and “as improved” is for residential subdivision up to a maximum of five potential building lots. Should the actual number of potential building lots differ from what is presented in our analysis, the appraiser reserves the right to change, amend, and/or modify the analysis and value conclusions.

VALUATION: The DOT appraisal was completed March 14, 2022 by DOT Appraiser Matthew J. Dufour.

The valuation of the subject property is subject to the following Extraordinary Assumptions and Hypothetical Conditions:

EXTRAORDINARY ASSUMPTIONS:

It is an extraordinary assumption of this analysis that the easement would not adversely impact or impede development of the site. It is further noted, we would advise the property owner (current or future) to explore terminating the easement through “end of necessity” or a “release” from Eversource. In addition, the analysis is subject to the extraordinary assumption the site could support the 50-foot right of way (ROW) required for an access road, according to the Plainville Subdivision Regulations. Said access road should not exceed 600 linear feet and terminate in a teardrop shaped cul-de-sac with a diameter of no less than 100 feet. The minimum width of the paved area for the new road is assumed to be 26 feet, as required in the Subdivision Regulations. If the aforementioned extraordinary assumptions are proven to be different from what is presented in the body of the appraisal report, I reserve the right to change, modify or amend the analysis my opinion of value.

HYPOTHETICAL CONDITIONS:

The methodology used in this report is a standard State of Connecticut Department of Transportation appraisal format used for eminent domain purposes. This appraisal considers that there is a willing seller in an acquisition by eminent domain and has disregarded any effect on the market value brought on by the States project. No other conditions are necessary to arrive at a value.

Land Valuation: Based on the sales comparison approach, the Appraiser considered five sales of land in the greater market area (2018-2021) as follows:

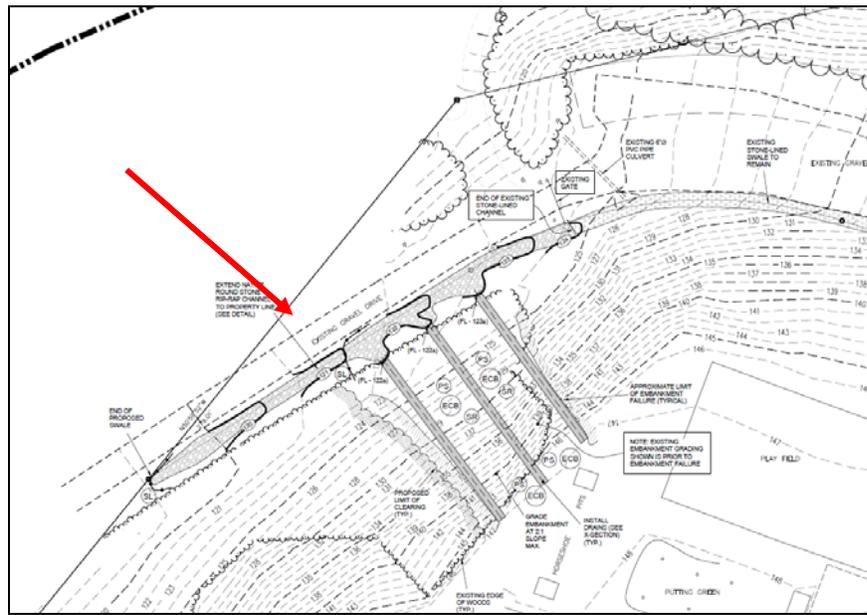
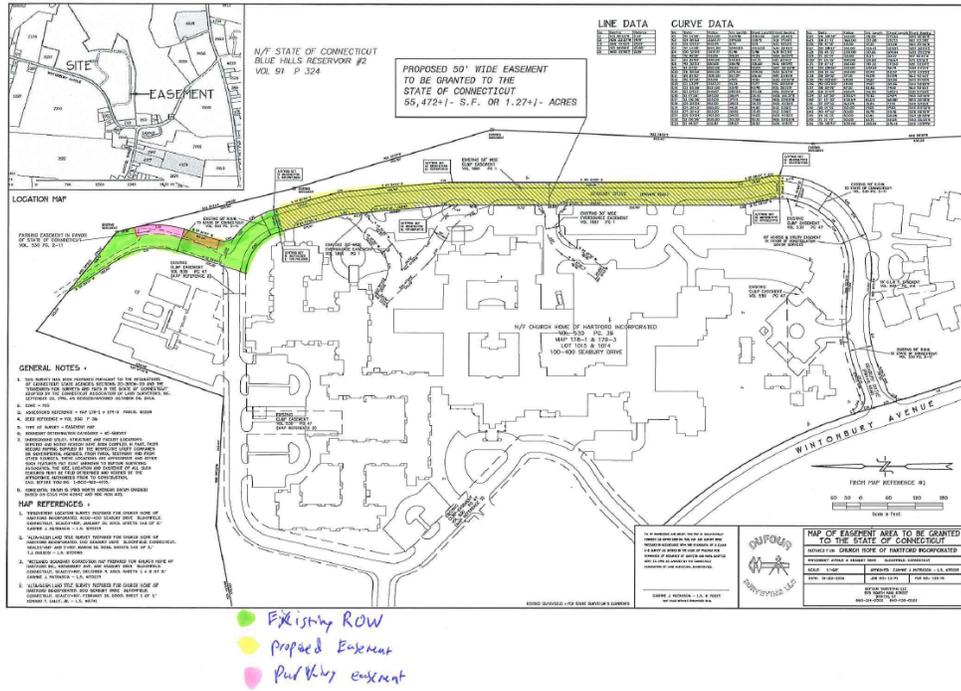
Recapitulation of Residential Land Sales											
Sale No.	Location	Sale Date	Sale Price	Total Land Area		Usable Land Area		Proposed No. Lots	Sale Price Per		
				(Acres)	(SF)	(Acres)	(SF)		Total AC	Total SF	Lot
1	Unionville Ave (Lots 5A & 5B) Plainville, CT	23-Nov-21	\$120,000	2.32	101,143	2.32	101,143	2	\$51,724	\$1.19	\$60,000
2	475 Perkins St et al. Bristol, CT	17-Sep-21	\$500,000	12.20	528,144	9.48	409,555	9	\$40,084	\$0.95	\$55,556
3	1980 Perkins Street ¹ Bristol, CT	28-Jun-21	\$554,700	12.58	547,810	12.12	527,772	10	\$44,094	\$1.01	\$55,470
4	127 Meriden Avenue Southington, CT	30-Oct-19	\$130,000	1.64	71,540	1.64	71,540	1	\$79,268	\$1.82	\$130,000
5	172 Red Stone Hill ^{1, 2, 3} Plainville, CT	21-Aug-18	\$412,500	6.37	277,271	5.85	254,820	10	\$70,513	\$1.62	\$41,250
Subj.	Red Stone Hill (Lots 6 & 7) Plainville, CT	---	---	6.36	277,042	3.53	153,590	5	---	---	---

After adjusting for transactional, locational and physical characteristics the Appraiser concluded the fair market value of the subject land was \$263,000, or \$41,350/acre (rounded).

RECOMMENDATION: Board **APPROVAL** of damages in the amount of \$263,000 is recommended for the following reasons:

1. The acquisition complies with Section 13a-73(c) of the CGS which governs the acquisition of property by the commissioner of transportation required for highway purposes.
2. The acquisition value is supported by the DOT appraisal.

Under this Proposal (PRB #23-156) DEEP is seeking SPRB approval of a Modification of Mutual Exchange Agreement and Deed to modify and expand the location of the access easement and have certain erosion control modifications made to areas proximate to public parking. DEEP states their statutory authority to Modify this Agreement is pursuant to CGS §22a-324 and §22a-25. SPRB review is required pursuant to CGS §22-324. The 1991 Agreement was signed by former Board Chairman William Gerety on May 20, 1991.



Erosion Control Area – red arrow in direction of easement

The Grantee (DEEP) executed the Agreement on April 27, 2023. The Grantor executed the Agreement on March 28, 2023. DAS approved the Agreement on May 24, 2023 and OPM approved the Agreement on August 3, 2023.

RECOMMENDATION: Board approval of the Modification of Mutual Exchange Agreement is recommended for the following reasons:

- The Commissioner of Energy and Environmental Protection has the authority under CGS §22a-324 to enter into real estate agreements, subject to the approval of DAS, OPM, SPRB & the AG.
- The erosion control modifications made by the Grantor to areas proximate to public parking are complete.
- The relocated and expanded access easement will provide permanent access to the DEEP lands and parking.

Sec. 22a-324. (Formerly Sec. 25-109b). Conveyance and transfer of real property for watershed program purposes. (a) The Commissioner of Energy and Environmental Protection, with the advice and consent of the Commissioner of Administrative Services, the State Properties Review Board and the Secretary of the Office of Policy and Management, may sell, lease and convey in the name of the state, or otherwise dispose of, or enter into agreements concerning, any land, buildings and real property owned by the state and obtained for or in connection with works of improvement under sections 22a-318 to 22a-322, inclusive, which land, buildings or real property are not necessary for such purposes, reserving for the state the rights and privileges necessary for constructing, operating and maintaining the works of improvement, except those relating to recreational or fish and wildlife developments, provided for under said sections.

5. ARCHITECT-ENGINEER - UNFINISHED BUSINESS

6. ARCHITECT-ENGINEER - NEW BUSINESS

7. OTHER BUSINESS

Chairman Greenberg announced that he was nominating Vice Chairman Josephy to succeed him as the Chairman of the Board, effective immediately. Mr. Halpert second the motion. The motion passed unanimously.

Mr. Greenberg then nominated Mr. Berger to be the Vice Chairman, effective immediately. Mr. Halpert second the motion. The motion passed unanimously.

Mr. Halpert then motioned that Director Desai be authorized to sign documents on behalf of Chairman Josephy, effective immediately. Mr. Valengavich second the motion. The motion passed unanimously.

8. VOTES ON PRB FILE:

PRB FILE #23-154 – Mr. Valengavich moved and Mr. Halpert seconded a motion to approve PRB FILE #23-154. The motion passed unanimously.

PRB FILE #23-155 – Mr. Halpert moved and Mr. Valengavich seconded a motion to approve PRB FILE #23-155. The motion passed unanimously.

PRB FILE #23-156 – Mr. Valengavich moved and Mr. Halpert seconded a motion to approve PRB FILE #23-156. The motion passed unanimously.

9. NEXT MEETING – Thursday, October 5, 2023 – will be held solely by means of electronic equipment.

The meeting adjourned.

APPROVED: _____ **Date:** _____
John Valengavich, Secretary