

VERBATIM PROCEEDINGS

HISTORIC PRESERVATION COUNCIL MEETING

AUGUST 3, 2016

ONE CONSTITUTION PLAZA
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HEARING RE: HISTORIC PRESERVATION COUNCIL MEETING
AUGUST 3, 2016

1 . . .Verbatim proceedings of a meeting of
2 the Historic Preservation Council, held at One
3 Constitution Plaza, Hartford, Connecticut, on August 3,
4 2016 at 9:30 a.m. . . .

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8 CHAIRPERSON SARA NELSON: Good morning.
9 I'd like to welcome you to the August 3rd meeting of the
10 Historic Preservation Council. We have a full agenda
11 today. The time of the meeting will run until 11:00 this
12 morning.

13 We have nine members. We have a quorum.
14 I'd like to welcome Leah Glaser, who is a newly-appointed
15 council member. Leah is a Professor, Associate Professor
16 of History at Central Connecticut State University, and,
17 Leah, because the time is so short, I'm going to go
18 through the full introductions for everybody after we get
19 through some of the business items of the meeting.

20 For those of you, who have the agendas, or
21 want to see the agendas, the agendas are outside by the
22 door.

23 In order to conduct business in a way that
24 we can get through the important things before a few

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1 people need to leave, I am going to, if there's no
2 objection, we're going to consider Item No. 17 after Item
3 No. 9, which is the old business for the Policy and
4 Protection Act, and we will hear Item No. 4 after No. 17,
5 so, with no objection, by unanimous consent, we've
6 reordered the agenda.

7 For those of you, who are visitors today,
8 I want to review a few procedural issues. The public is
9 welcome to attend the meeting. Public comment is
10 actually taken on those items before council is scheduled
11 for a vote, and, if you wish to do so, there is a sign-in
12 sheet that you would have seen as you came in through the
13 double doors.

14 For those people, who do wish to speak on
15 an action item for vote, we would ask that you sign in,
16 and then I want to go through the order of presentation,
17 just so that you know how we conduct our business.

18 For an item, there is a staff
19 presentation. The council has the opportunity to ask
20 questions of the staff member. If there are
21 representatives of organizations effected by the vote,
22 they are, then, asked to make a statement, if they so
23 choose, and then members of the public are invited to
24 address the council in the order in which they have

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1 signed in, but, again, this is for voting items only.

2 If you are to address the council, we ask
3 that you speak from the lectern, where there's a
4 microphone, that you give your name for the record, that
5 you limit your comments to three minutes in the interest
6 of time, and if somebody has made the same points that
7 you, yourself, want to cover, we just ask that you signal
8 your assent with the prior comments.

9 And if any of you have cell phones that
10 ring, or private conversations, so that the meeting is
11 not disrupted, we ask that you take those private
12 conversations out of the meeting room, and we also ask
13 that you turn off the cell phones.

14 Okay. All council staff have been
15 provided with a copy of the DECD Ethics Statement and
16 governing State Statutes.

17 Having reviewed them and today's agenda,
18 members of the council and staff are now asked to
19 disclose any affiliation with entities or projects that
20 may create a conflict of interest, as defined by agency
21 policy and pursuant to Connecticut General Statute 1-79
22 through 1-89, entitled Code of Ethics for Public
23 Officials. Once disclosed, the member or the staff may
24 recuse themselves from that particular agenda item.

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1 I want to verify if there are council
2 members or staff, who have conflicts of interest with any
3 of the agenda items for vote.

4 DR. WALTER WOODWARD: I'm a Professor at
5 the University of Connecticut, so, presumably, I have,
6 you know, a vested interest in the outcome of the issue
7 we're going to talk about later, but I don't know that I
8 am an amicus curiae on either side of the issue.

9 CHAIRPERSON NELSON: And that is not a
10 vote that we're taking.

11 DR. WOODWARD: In that case, I'm great.

12 CHAIRPERSON NELSON: Okay. Are there any
13 other council members? Okay. The first action item is -
14 -

15 MS. KATHLEEN MAHER: Sara?

16 CHAIRPERSON NELSON: Yes?

17 MS. MAHER: Could I just ask? I'm not
18 able to pull up my agenda on this for some reason. Can I
19 get a copy? Oh, thank you. Sorry. Thank you.

20 CHAIRPERSON NELSON: Okay. The first
21 agenda item is Agenda Item 7A. Pursuant to Connecticut
22 General Statute 7-147(q)(c), the Historic Preservation
23 Council votes to recommend approval of the study report
24 for the proposed historic property, the Thomas Lyman

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1 House, 105 Middlefield Road, Durham, Connecticut, as
2 presented by the Durham Historic District Commission and
3 dated July 2016.

4 The above-named property will be added to
5 the State Register of Historic Places. Is there a motion
6 to move this?

7 A FEMALE VOICE: Motion.

8 CHAIRPERSON NELSON: I saw Walt's hand
9 first. Second?

10 MS. MAHER: Second.

11 CHAIRPERSON NELSON: Kathy Maher. Okay.
12 Mary?

13 MS. MARY DUNNE: Good morning. Staff
14 recommends that you recommend approval of this study
15 report. It is technically complete.

16 There's actually already an easement on
17 this property, as a result of a sale by the Connecticut
18 Trust to the owner, but that easement is secondary to the
19 mortgage, and, so, this local designation will add
20 additional protection to the property.

21 This property is also listed on the
22 National Register of Historic Places individually, so we
23 do agree that it's a significant resource.

24 We have Mary Elizabeth Taylor, who is the

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1 Chair of the Historic District Commission, here, and
2 Diana Ross McCain, who is the consultant, if you have any
3 questions that I cannot answer.

4 CHAIRPERSON NELSON: First, to council
5 members for their questions about this particular agenda
6 item. Kathy?

7 MS. MAHER: So we're just looking for more
8 detail, because it was a very comprehensive application,
9 as far as the history detail, so we're just looking for
10 more information on photography?

11 MS. DUNNE: Right. Oh, that's right.
12 Yeah. My own notes say that, for the purposes of this
13 report, even though the NR nomination will become part of
14 the file, for the purposes of this report, it would be a
15 good idea, and for the assistance of the Commission in
16 the future, to have additional photos of at least the
17 visible exterior.

18 As you know, the interiors are not
19 regulated, so that's not as important, and, also, the
20 map, the sort of photocopy of the map, there really
21 should be a proper map, which would be filed with the
22 ordinance.

23 MS. MAHER: That's really the deliverables
24 need to be. Okay.

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1 CHAIRPERSON NELSON: Other questions?

2 Okay. It doesn't appear that there's anybody to speak on
3 this item. All those in favor?

4 ALL: Aye.

5 CHAIRPERSON NELSON: All those opposed?
6 Motion carries. Okay 9A-1, Windsor Locks Train Station.
7 The Historic Preservation Council votes to approve a
8 historic restoration fund grant, funded by the Community
9 Investment Act and administered by the Department of
10 Economic and Community Development, to the below-listed
11 Applicant in the amount shown below.

12 All grant guidelines and State
13 requirements shall be met by the below-listed Applicant
14 upon receipt of the grant, as administered by the
15 Department of Economic and Community Development.

16 The Applicant is the Town of Windsor
17 Locks, Connecticut. The project is the Windsor Locks
18 Train Station Envelope Restoration, and the grant amount
19 is \$50,000. Is there a motion to move?

20 MS. MARGARET McCUTCHEON-FABER: So moved.

21 CHAIRPERSON NELSON: Margaret? A second?

22 MS. MAHER: Motion.

23 CHAIRPERSON NELSON: Kathy.

24 MS. DUNNE: Well staff recommends approval

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1 of this application. Not only is this a restoration
2 project, but it stands to serve as a catalyst for
3 revitalizing the Downtown and some substantial place
4 making and economic development.

5 As a result of funding from another
6 department in DECD, it's undergone environmental review.
7 Todd has been to the site. We are satisfied with the
8 proposed work, and I think it would be very exciting to
9 be a part of the success of the restoration of this train
10 station, since, as the report indicated, it's been vacant
11 for about 30 years. It's a worthy resource and deserving
12 of the funding.

13 CHAIRPERSON NELSON: Do council members
14 have questions? Margaret?

15 MS. McCUTCHEON-FABER: Just a very
16 comprehensive report, and envelope is misspelled.
17 It needs an "E" at the end of that. No big deal.

18 CHAIRPERSON NELSON: Okay. Kathy?

19 MS. MAHER: So they plan on moving it?
20 There was a lot of discussion, and that's what --

21 MS. DUNNE: Oh, the Amtrak station.

22 MS. MAHER: Yeah.

23 MS. DUNNE: Not this station.

24 MS. MAHER: So not this station.

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1 MS. DUNNE: To bring the train Downtown.
2 Amtrak is going to propose to make Windsor Locks a
3 station, and, so, this would be -- this isn't going to be
4 the station, but it would be the place, so that, in
5 anticipation of that and probably as a way of attracting,
6 solidifying that, they would like to.

7 DR. WOODWARD: Currently, the train stop
8 in Windsor Locks is in a parking lot, sort of off of 91.

9 MS. MAHER: Okay.

10 CHAIRPERSON NELSON: Are there other
11 questions? With no other questions and no members to
12 speak, all those in favor?

13 ALL: Aye.

14 CHAIRPERSON NELSON: All those opposed?
15 The motion carries.

16 9A-2, St. Peter's Church. This is, as
17 council will remember, a motion that was tabled at the
18 last meeting, pending a receipt of some additional
19 information, which was loaded to Dropbox, so the first
20 thing I will ask for is a motion to recall this to the
21 table. Kathy, second?

22 MS. MAHER: Yup.

23 CHAIRPERSON NELSON: Brian? And I'm going
24 to re-read, for everybody's clear record, what that

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1 motion was. The Historic Preservation Council votes to
2 approve a Historic Restoration Fund Grant, funded by the
3 Community Investment Act and administered by the
4 Department of Economic and Community Development to the
5 below-listed Applicant in the amount shown below. All
6 grant guidelines and State requirements shall be met by
7 the below-listed Applicant upon receipt of the grant
8 administered by the Department of Economic and Community
9 Development.

10 The Applicant is St. Peter's Church in
11 Milford, Connecticut. The project is Stabilization and
12 Protection for Stained Glass Windows Until Repairs Can Be
13 Made, and the grant amount is \$29,320. Okay, Mary?

14 MS. DUNNE: So the question, one of the
15 main questions at the last meeting was the installation
16 of the protective glazing, and that was submitted with
17 the package in the Dropbox.

18 The intent is to, as is customary, to
19 affix them through the mortar joints, obviously, as
20 opposed to the actual brick, itself. That is the
21 accepted practice, because mortar is the sacrificial
22 element on a building. They will also be ventilated.

23 The Secretary of Interior Standards don't
24 have a problem with this practice, but they do recommend

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1 that condensation be monitored, both for the feature
2 that's being protected and the glazing, itself, and, so,
3 to that end, there is enough space, and there is the
4 ventilation provided for.

5 I will note that the budget was reduced
6 substantially from 29,000 to 17,000. That was as a
7 result of actually getting more substantial figures from
8 them and recognizing that this is a dollar-for-dollar
9 match. Their total was more in the line of 30,000, 37 or
10 so, so the budget is reduced from the last, but that
11 should be reflected in the motion.

12 CHAIRPERSON NELSON: Well the original
13 motion carries the original budget.

14 MS. DUNNE: Right.

15 CHAIRPERSON NELSON: So we would need to
16 vote to revise the motion to revise the budget number.

17 MS. DUNNE: The revised amount is 17,140.

18 MS. MAHER: Can we do that now?

19 CHAIRPERSON NELSON: Yes. So a motion to
20 revise?

21 MS. MAHER: Motion to accept the revised
22 budget.

23 CHAIRPERSON NELSON: Of 17,140.

24 MS. MAHER: Of 17,000?

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1 CHAIRPERSON NELSON: \$140.

2 MS. MAHER: Well done.

3 CHAIRPERSON NELSON: Okay. And a second?

4 MR. BRIAN JONES: Second.

5 CHAIRPERSON NELSON: Brian. Okay. All
6 those in favor?

7 ALL: Aye.

8 CHAIRPERSON NELSON: Okay and I also just
9 want to check. Were there any other questions about this
10 particular application, the details, now that we have
11 submitted information?

12 MS. MAHER: No, thank you.

13 MS. McCUTCHEON-FABER: I just have one
14 quick question.

15 CHAIRPERSON NELSON: Margaret?

16 MS. McCUTCHEON-FABER: And it was really
17 for you, because I think you know about this kind of
18 thing. So they're drilling, and, so, they're drilling
19 into the mortar joints, and, so, that won't affect the
20 integrity of the original window in any way?

21 CHAIRPERSON NELSON: So the window,
22 itself, is affixed to the masonry, but this particular
23 window it would be attached separately from the main
24 window, and it would be -- the method of attachment would

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1 go into the mortar.

2 As Mary said, what you're trying to do is
3 sacrifice the mortar.

4 MS. McCUTCHEON-FABER: Thank you.

5 CHAIRPERSON NELSON: And ventilation was
6 key. Are there any other questions? Brian?

7 MR. JONES: I remember once discussing
8 with Dan Forest limitations on funding by the State or
9 Federal, use of Federal money, too, I guess, for
10 religious iconography, but is this because -- I don't
11 even know the nature of the window. Was there a picture
12 that shows what's on the window in the document?

13 MS. DUNNE: That's a good point, and that
14 was discussed. The thinking is, though, that we are
15 funding the protection, not the -- I did make it clear to
16 the Applicant, I mean, they are restoring their windows,
17 but we are not part of that budget.

18 MR. JONES: Just curious.

19 MS. DUNNE: That still stands.

20 MR. JONES: So we can help to protect the
21 window.

22 MS. DUNNE: Certainly. Certainly. Just
23 as we would help them replace the roof or something like
24 that.

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1 MR. JONES: Great.

2 CHAIRPERSON NELSON: Okay. We have nobody
3 to speak to that?

4 MS. DUNNE: No.

5 CHAIRPERSON NELSON: Okay. Barring any
6 further questions, all those in favor?

7 ALL: Aye.

8 CHAIRPERSON NELSON: Those opposed?
9 Motion carries. 9A-3, the First Church of Christ,
10 Farmington, for the slate roof repair. This, too, was a
11 motion that was tabled at the prior meeting.

12 The motion read the Historic Preservation
13 Council votes to approve the Historic Restoration Fund
14 Grant, funded by the Community Investment Act and
15 administered by the Department of Economic and Community
16 Development to the below-listed Applicant in the amount
17 shown below, while grant guidelines and State
18 requirements shall be met by the below-listed Applicant
19 upon receipt of a grant administered by the Department of
20 Economic and Community Development.

21 The Applicant was the First Church of
22 Christ, Congregational in Farmington, the project was
23 slate roof repair, and the grant amount was \$40,000. Is
24 there a motion to re-call this?

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1 MS. MAHER: Motion to re-call.

2 CHAIRPERSON NELSON: Second? Brian.

3 MS. DUNNE: As you noted, this was tabled
4 from the last meeting, because of the budget, which
5 actually was in the application. We're having difficulty
6 finding it, so that was extracted and submitted this time
7 around.

8 The budget was actually tied to the
9 drawings, I think, which was what the confusion was, so
10 you see a page of numbers, and they're actually keyed to
11 the drawing, itself. So that's the budget. Does anybody
12 have any questions?

13 MS. McCUTCHEON-FABER: Not about that
14 budget, but just it is easiest, maybe in the future, to
15 have an item listed next to each, so perhaps you can ask
16 for that.

17 MS. DUNNE: Sure. That's generally how
18 they're submitted.

19 MS. McCUTCHEON-FABER: Exactly.

20 CHAIRPERSON NELSON: Other questions?

21 Okay. No one to speak in favor or against? Okay. All
22 those in favor?

23 ALL: Aye.

24 CHAIRPERSON NELSON: All those opposed?

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1 The motion carries. Okay. Item No. 17, which is a
2 discussion on the Policy Act, the Preservation Act, the
3 discussions of the follow-up to a question that was asked
4 at the June meeting, which was Walt's question of what's
5 the policy for inter-agency referral and review, that he
6 had recently learned that there are nine buildings
7 included on UConn's National Register District that were
8 scheduled to be demolished and did SHPO know about it?

9 And there was information provided by the
10 staff at the time, often with acronyms and spoken in a
11 shorthand way that we often use, that can lead to some
12 mis-erroneous or incomplete assumptions, and all council
13 members, including myself, were confused by what
14 happened.

15 And, so, specifically, the questions were
16 what was the review process, what latitude is there in
17 the review process, what are we, the council, supposed to
18 do, and, specifically, since we're charged with working
19 with the SHPO to protect Connecticut's historic resources
20 and what just happened, and, since that time, I've spent
21 countless hours on the phone with everyone, who could
22 help me understand the question of Policy Act and
23 Protection Act and the intersection of council's
24 responsibilities with the agency's discharge of their

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1 duty.

2 Asking questions, the more I learned, the
3 more I realized in a glaring way, which was that we, as
4 the council, didn't have a good basis of understanding
5 the interagency review process.

6 The Policy Act, which underpins the State
7 review, State project review, and the related Section 106
8 review, which is the process by which we review, the
9 office reviews federally-funded projects, and I also
10 realized through these last few weeks that there's a lot
11 of confusion about the Protection Act and the Protection
12 Act, as it relates to public process, as it relates to
13 the council's role.

14 And, so, it's incumbent upon all of us to
15 understand the review process and to use the terms
16 correctly and to understand what decisions were made,
17 and, so, as part of this meeting, I've asked Catherine,
18 who is an environmental reviewer, to present the
19 background on the Policy Act, so that we are better
20 informed.

21 And I will say that the Policy Act review
22 for UConn started I am told over 10 years ago by parties
23 on both sides no longer present.

24 After the presentation on the Policy Act,

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1 I want to give you each three minutes to talk about your
2 questions related to that, because it's a very good
3 opportunity for us to learn, and then I want to actually
4 then ask Todd to do a presentation on the Protection Act
5 and, same thing, have an opportunity to ask questions.

6 And then, lastly, I want to come back to
7 what I have learned in all the research that I've done,
8 as it relates to the council. Cathy?

9 MS. CATHERINE LABADIA: Sure. So good
10 morning. Todd and I are going to be speaking about the
11 CEPAs today. They are a related set of statutes, but with
12 very different intended goals.

13 I'll be doing the Policy Act. Todd will
14 be discussing the Protection Act. If I slip and say
15 policy or CEPA when I'm talking, I am specifically only
16 referring to the Policy Act, just for clarity, because
17 even in our office we often talk about CEPA this, CEPA
18 that, and we find out later that we are actually talking
19 about the two different ones.

20 So during the late '60s and early '70s,
21 there was a mass of both Federal and State nationwide
22 legislation that passed that was related to preservation.

23 The one that setup this office and
24 provides all the guidelines under which we operate is the

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1 National Historic Preservation Act of 1966, and when Sara
2 refers to Section 106, she's referring to those enabling
3 statutes that require a federal agency to consider the
4 actions of their proposed projects on historic resources.
5 It is an Act that is very specific to historic resources.

6 A few years later, the Federal Government
7 passed the National Environmental Protection Act, and
8 that Federal legislation governs a larger body of
9 environmental resources, and that Act specifically states
10 that cultural resources, structures and archeological
11 sites, objects, buildings, monuments, etcetera, once they
12 are destroyed, cannot be rebuilt or placed back, just
13 like a threatened, endangered plant or animal, air
14 quality, water quality.

15 So when we review items, we refer to it as
16 environmental review, because we are part of this much
17 larger body of things that have this additional
18 protection to them.

19 And, specifically, those two Acts, the
20 Historic Preservation Act and the National Environmental
21 Policy Act, they govern for our office what's referred to
22 as a historic property, and that has a very specific
23 legal definition.

24 A historic property is an archeological

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1 site building objects, etcetera, that is eligible or
2 listed on the National Register. It is not just
3 something that's 50 years of age, or 100 years of age.
4 It has the special designation, and historic property is
5 what legally separates that for us.

6 So Connecticut, in their wisdom, not too
7 long after the National Act was established, also enacted
8 a local, which then governed State agency actions, so now
9 State agencies also had to consider their effects upon
10 the environment, and, like I said, it includes that broad
11 range, and included in that are what is called the
12 cultural build or human environment, which is what we
13 mostly talk about.

14 So while most of you know me as the staff
15 archeologist, I never actually do archeology. I do
16 environmental review, and, every day, Todd and I sit at
17 our desk, and we look at projects, and these are projects
18 that have, in some way, received national, Federal, or
19 State funding, or require a Federal or State permit.

20 So the Federal Communications Commission
21 has to give a permit for every cell tower that goes up in
22 our state. We review it.

23 The Federal Highway Administration, every
24 time they do something with roads, we review it; the U.S.

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1 Army Corps, the Department of Energy and Environmental
2 Protection, DECD, DAS, the list goes on and on.

3 Each year, Todd and I review approximately
4 2,500 projects. Some years, less. Some years, slightly
5 more than that, but that's basically where we are. When
6 we do these reviews, the Federal Government has tried to
7 streamline the process, so we do NEPA in Section 106 at
8 the same time, and a lot of that language, when we talk
9 about projects, when we review projects, we use that
10 Federal language.

11 NEPA is a much larger document than what
12 the Policy Act is. It is a much more formalized process,
13 but to keep consistency among the reviews that we do, we
14 adopt that Federal streamline process for how we talk
15 about and how we go about looking at things.

16 I apologize for the small writing, and it
17 was just harder to consolidate it any better than that,
18 but I'm going to basically go over what the process would
19 be.

20 When there is a project proponent, who is
21 either receiving State money or getting a State permit,
22 they have to produce what's called an Environmental
23 Assessment.

24 That means they need to, at a very cursory

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1 level, think about whether their project has the ability
2 to impact one of these threatened endangered species,
3 historic properties, etcetera.

4 And when they produce that document, it
5 can be very small, such as DOT is going to be re-striping
6 I-84, and it may be a one-page document, where that
7 action under most review agencies is called a categorical
8 exclusion, we don't even want to see it. That would be
9 an internal document for them, and they decide there's
10 not going to be an impact.

11 And for the vast majority of projects,
12 that environmental assessment ends right there. That
13 stops their consideration of the process, that there is
14 no way putting stripes on I-84 is going to threaten
15 endangered species, affect a historic property, destroy
16 air quality, noise quality, etcetera.

17 If, however, this assessment, even with a
18 most potential for minimal impact, they have to move on
19 to what's called an Environmental Impact Evaluation.

20 With the Federal legislation, the words
21 are slightly different, but, in Connecticut, we call it
22 an EIE, and, so, they have to prepare this document, and
23 the single most important part of both Federal and State
24 legislation is consultation and input, because,

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1 generally, the agencies, who are putting these together,
2 are not subject matter experts, and they go about this in
3 several ways.

4 For extremely large projects, the agency
5 or project proponent will hire a consultant to go out and
6 prepare these documents, whether it be a biologist or a
7 cultural resources professional.

8 Sometimes, if it's smaller, it will just
9 come to Todd and I, as, you know, we're preparing this
10 documentation, we need your professional opinion, and we
11 can provide that.

12 And once the EIE is prepared, not only is
13 the consultation of this office an important component of
14 that, but of the public, so written into all the Federal,
15 State legislation is that you have to have public comment
16 periods and public discussion.

17 So, normally, in EIE, or it should be,
18 posted to the environmental monitor in the State of
19 Connecticut, and it lists a comment period. All EIEs are
20 locally available at the Town Clerk's office, and they
21 will, if it is a project of interest, also have public
22 meetings, and in order for them to start closing in on
23 this process, they have to take every comment that they
24 received, whether it be from the agencies, whether they

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1 get it from the public and incorporate it into a Record
2 of Decision, called a ROD.

3 And in that Record of Decision, they will
4 go through every comment, no matter how outlandish it may
5 be, and discuss how they're going to address those
6 concerns, and that Record of Decision is then filed with
7 the Office of Policy and Management in the State of
8 Connecticut, and OPM has the final say in determining
9 whether or not an agency has fulfilled their obligations
10 under the Policy Act, and they usually put out a letter,
11 saying, yes, you've met the burdens that you need, in
12 terms of the documentation, that there will be no effect
13 on the environment, and that would conclude the process.

14 So SHPO's involvement in CEPA is small.
15 We are but one of the consulting groups, whether it be
16 the public, the Department of Energy and Environmental
17 Protection, local zoning, wetlands, watercourses.

18 SHPO plays an advisory role. We consult.
19 So internally, when Todd and I are looking at these from
20 a CEPA perspective, the first thing we want to know is is
21 there historic property present? Is there a historic
22 property within or immediately adjacent to their project
23 area, or, for archeology, because you can't see it, do we
24 think that there could potentially be a historic property

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1 there that might be affected?

2 If not, then we make this finding, and
3 this is Section 106, this is National Historic
4 Preservation Act language, then we make a finding of no
5 historic properties effected, that there is not a
6 historic property within or immediately adjacent to this
7 project area that is going to be impacted by the project.

8 If, however, there is a historic property,
9 then Todd and I -- the goal would be to find a way to
10 avoid or minimize any impacts to that historic property.

11 If we are successful in doing that, then
12 we make a finding of what's called a no adverse effect,
13 which means that there's a historic property there, but
14 the way the project is going to be handled will not have
15 a substantial effect on its character-defining features
16 or the reasons for why it's significant.

17 If, after negotiation, there is no way to
18 avoid or minimize, we make a finding of what's called an
19 adverse effect, and the only way to resolve an adverse
20 effect to make a process go forward is mitigation, and,
21 basically, what a mitigation is is compensating the
22 community for what we feel is a historic loss.

23 Again, our role is advisory. We can't
24 tell somebody you can't do that. We can't stop them.

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1 It's a process by which we all come to the table with
2 good faith and try to negotiate what's the best outcome
3 for the resource, not, you know, our personal goals or
4 desires, but really what's best for the resource. That's
5 the conclusion of my presentation.

6 CHAIRPERSON NELSON: So the first thing I
7 want to ask council members to do is just to talk about
8 the Policy Act, because I think that several of us left
9 the meeting, the June meeting, with probably some
10 confusion about what happens when a project comes to the
11 office for a Policy Act and what the outcomes are, and,
12 Kathy, I'll start with you, if you have any questions
13 about the process.

14 MS. MAHER: Well I think my question is
15 really where the council, then, comes in to any of these
16 discussions, or is it typical that the council doesn't
17 come in on some of these conversations, insofar as
18 getting to that Record of Decision?

19 MS. LABADIA: So there is no defined role
20 for the council. As citizens, you are welcome to comment
21 on any project, but there is no defined role for the
22 council in the way that CEPA is currently written.

23 And, like I said, it does become
24 burdensome after a while. Twenty-five hundred reviews a

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1 year. You guys meet 12 times a year. We'd be here more
2 than a single day, just trying to even present them to
3 you in some type of a quick manner.

4 MS. MAHER: So then the follow-up to that
5 is, when it becomes a public situation, like we have
6 today, it's come before the council, so then what becomes
7 the council's responsibility to take it, now that it's --

8 CHAIRPERSON NELSON: So let's be clear.
9 With regard to the Policy Act, we have no statutory role.
10 That's certain. When we get into the Protection Act,
11 which is what you're actually thinking ahead to, then
12 (multiple conversations).

13 MS. LABADIA: So if we want to
14 specifically talk about UConn, for our office under the
15 Policy Act, that process has come to a conclusion for our
16 part of it.

17 It is my understanding that their Record
18 of Decision is currently at the Office of Policy
19 Management, and they will be the final, you know,
20 decision maker, in terms of whether or not they met the
21 burden of proof they needed to provide to their office,
22 but, for our section of it, our consultation, our
23 recommendations and the mitigation, the process has
24 concluded for us.

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1 MS. MAHER: If I have time, I'd defer to
2 them to my colleague to the right.

3 DR. WOODWARD: Because I have some
4 confusion about what actions are taken under which Act,
5 this may not be an appropriate question, but I would be
6 interested in hearing some kind of play-by-play of how
7 the actual matter we're talking about played out in this
8 review process.

9 MS. LABADIA: How about if we wait to do
10 that until after Todd finishes, because that might help
11 clarify some of the --

12 DR. WOODWARD: Terrific.

13 CHAIRPERSON NELSON: I'm just going around
14 the table. Leah?

15 DR. LEAH GLASER: I'm good.

16 CHAIRPERSON NELSON: Okay. Brian?

17 MR. JONES: Thank you. I think that was
18 an excellent review. So I think, from my perspective,
19 because I think the archeologists in some ways are more
20 familiar with this process, because we deal with it on
21 the ground a lot, so it's interesting to me to hear this.

22 So OPM is essentially the official agency,
23 who makes the ultimate decision. We only work on Federal
24 projects. It might be some other Federal agency, but I

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1 think what's always a good reminder is it's that agency
2 that, after, that makes the final call and SHPOs make
3 recommendations.

4 MS. LABADIA: Yeah. That is a really good
5 point, because when we were dealing with the Federal
6 agency, and this is kind of seems very circular, but you
7 can trust me that it's above the Board, we do have an
8 arbitrator, it is the Federal agency that makes that
9 recommendation, it is the Federal agency that comes to
10 the conclusion, so when Fed highways, when the DOT is
11 doing something, they will provide a document, and they
12 will say we've done all of the environmental review we
13 need to do, thank you, SHPO, we're done.

14 There is no final arbitrator, such as we
15 have with CEPA, where it -- you know, there's no final
16 step, I should say, where it goes to CEPA.

17 In the Federal process, if we disagreed
18 with Federal highways or DOT and they wanted to do
19 something and we felt the impact was such that, you know,
20 we are at an impasse, in terms of what mitigation, or
21 what the effect really is, we have a Federal agency, the
22 Advisory Council on Historic Preservation, that would
23 become, then, the arbitrator for helping us both come to
24 some type of a conclusion for the process.

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1 MR. TODD LEVINE: It should be noted,
2 though, for Federal projects, the final decision is the
3 Federal agency, however, they refer to our decision, so,
4 generally, they will say, oh, if these guys aren't going
5 to do what you say in this particular matter, we'll
6 withhold funding, or we'll back you up on that, so,
7 generally, our decision holds weight. It's not only for,
8 you know, this is our advice, and take it or leave it.

9 Generally, our expertise is taken as
10 advice.

11 MS. LABADIA: And I will say, you know, I
12 ding to DOT. If there is any Federal agency that has the
13 greatest burden of proof, it's the Department of
14 Transportation, because they have additional legislation,
15 even beyond what we're talking about, that governs what
16 they do.

17 CHAIRPERSON NELSON: Brian, did you have
18 any other follow-up questions?

19 MR. JONES: No, thank you.

20 CHAIRPERSON NELSON: Okay. Margaret, I
21 know you had a question.

22 MS. McCUTCHEON-FABER: I do. So my
23 concern is that these National Register properties, UConn
24 in particular, seems to me represents an entire

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1 neighborhood of buildings.

2 It says in our Mission Statement from the
3 HPC that we're to prevent the unreasonable destruction of
4 properties listed on or under consideration for listing
5 on the National Register of Historic Places, so, I mean,
6 surely, your 2,500 cases aren't all National Register,
7 but is there any way that you can provide to us a list,
8 not even coming before us, but just a list of the
9 National Register properties that are under threat after
10 the policy review?

11 MS. LABADIA: Let me give you some
12 numbers, and then let me answer, specifically. The
13 portion of the HPC Mission Statement that you read, that
14 would be a Protection Act question. That is not a Policy
15 Act question.

16 MS. McCUTCHEON-FABER: Right.

17 MS. LABADIA: So that's that unreasonable
18 destruction that Todd is going to talk about.

19 MS. McCUTCHEON-FABER: But I'm tying it
20 together a little bit.

21 CHAIRPERSON NELSON: But we need to
22 separate it.

23 MS. LABADIA: So I will say that less than
24 two percent of the projects we review a year are adverse

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1 effects, which is a really good number.

2 MS. McCUTCHEON-FABER: Good. That's
3 wonderful.

4 MS. LABADIA: Nobody wants to see that
5 number high. Our no adverse affects, we're pretty good
6 with that. I want to say that's close to about 20
7 percent of our projects that we look at. The rest are no
8 historic properties affected, so there's no listed or
9 eligible National Register resources present.

10 MS. McCUTCHEON-FABER: Okay.

11 MS. LABADIA: And that 20 percent is where
12 we spend the vast majority of our time, in consultation,
13 coming to decisions about what is an appropriate
14 treatment for the historic structure.

15 So, you know, in terms of our record, I
16 think we're pretty good, and even in those two percent,
17 we would like to think that our office strives for
18 meaningful mitigation that can contribute to the long-
19 term preservation in other areas, but the Protection Act
20 --

21 MS. McCUTCHEON-FABER: So I'm separating
22 it now. Forget the thing that I read to you, but would
23 it be possible to get a listing of those resources that
24 are under threat?

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1 MS. LABADIA: We can, and, so, here is the
2 only difficulty with that. When we are dealing with an
3 adverse effect, you know, when I say Todd and I review
4 2,500 projects a year, we initiate 2,500 a year. That
5 does not include the number of continuing projects.

6 Adverse effect projects go on three, four,
7 five years sometimes, but it would actually be fairly
8 easy for me to rattle off what some of those are now,
9 because the majority of them are Federal large projects
10 that you would probably already be familiar with, such as
11 the Walk Bridge in Norwalk, the I-84 project coming up in
12 Hartford.

13 Those are projects that are now in design
14 that we know are going to have an adverse effect, that,
15 based upon the burden of proof, the Federal agencies have
16 to go through for a prudent and feasible alternative, in
17 order to meet their purpose and need, and these are all
18 very NEPA legally-defined language. In order for them to
19 get there, we see no way that an adverse effect can be
20 avoided or in some way minimized, so we know that's where
21 we're headed to for those.

22 I think it would be easy to put together a
23 list of them.

24 MS. McCUTCHEON-FABER: You know, just for

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1 our own benefit, just so that we have an idea, since
2 we're supposed to understand what's happening in our
3 state with this subject.

4 CHAIRPERSON NELSON: Well, Margaret, one
5 of the things that can be an outcome from the discussion
6 today is actually talking with the SHPO office, in terms
7 of how can we help provide that expertise, if it would be
8 helpful in some of the more key decisions, and that is a
9 question to be worked out, so that the process is
10 streamlined and not burdened, but, if there is some
11 additional information that we have as council members,
12 we can --

13 MS. McCUTCHEON-FABER: I would just like
14 to have awareness, you know, just to know what's going
15 on.

16 MS. LABADIA: I will say, Margaret, too,
17 that none of the projects, with the exception of perhaps
18 these ones that fall solely under CEPA, and those, of
19 that two percent, these come up maybe once every 10
20 years.

21 What's happening today, what we're going
22 to talk about, it is unique. This is not one I've seen,
23 and it's not a situation that comes up often.

24 Typically, the adverse effects fall under

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1 a Federal agency review in relation to Federal projects,
2 in which case the amount of public information that's out
3 there is pretty high, and, if we really feel like we're
4 having difficulty, we call the Connecticut Trust as our
5 preservation partners to assist us.

6 So I don't want you think that this is
7 happening, and we do a lot of this stuff, and nobody
8 knows about it. This particular one, this one flew low
9 under the radar, specifically because it is a CEPA
10 project that resulted in an adverse effect, and there was
11 a public process that was gone through for the --

12 MS. McCUTCHEON-FABER: No, I know. It
13 would be nice, us sitting on the council, you know, I
14 can't be aware of every newspaper around the state. I'd
15 love to just know if any National Register structures are
16 really in danger.

17 MS. LABADIA: And, you know, to be clear,
18 too, when we find an adverse effect, I can't even
19 remember the last time we made an adverse effect finding
20 for demolition, and those are very rare, too.

21 I mean a lot of our adverse effects are,
22 oh, my God, you won't change your wood window? You're
23 changing your wood windows with vinyl? That's an adverse
24 effect.

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1 MS. McCUTCHEON-FABER: So demolition is
2 not high on the list?

3 MS. LABADIA: Well, no, it's not that it's
4 not high on the list. That avoidance happens so much
5 more often than the loss.

6 MS. McCUTCHEON-FABER: I see.

7 MS. LABADIA: That this type of demolition
8 it is a rare one.

9 DR. WOODWARD: Could I ask just a
10 clarification question?

11 CHAIRPERSON NELSON: Quickly, yup.

12 DR. WOODWARD: In an adverse effect
13 situation, is OPM still the arbiter, the ultimate arbiter
14 of compliance?

15 MS. LABADIA: So it is my understanding
16 that OPM's responsibility is to ensure that the process
17 was followed. Did you prepare the appropriate
18 environmental document? Was that document appropriately
19 noticed? Did you incorporate comments regarding that
20 document?

21 And then they may provide some additional
22 comment regarding comments that were received, such as we
23 understand SHPO said this, you know, you should follow
24 what SHPO said, but they don't really play historic

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1 preservation activists, or, you know, specialists.

2 CHAIRPERSON NELSON: What I'm going to
3 suggest, again, in the interest of time, and if there are
4 some follow-up questions, we can come back to them, but I
5 want to go ahead to the Protection Act, because I think
6 that's where a lot of your questions are going to lead to
7 next, so I'm going to ask Todd Levine, the other
8 environmental reviewer, to do a presentation on that.

9 MR. LEVINE: Great. Good morning. I'm
10 not going to go down the rabbit hole of the Protection
11 Act legal jargon, but I will provide you all with a broad
12 stroke on the role of a State Historic Preservation
13 Office in Protection Act matters, and I will also
14 reiterate what Cathy said about the difference between
15 CEPA and CEPA.

16 The Connecticut Environmental Policy Act
17 is different than the Connecticut Environmental
18 Protection Act, and, for clarification, I will call the
19 Policy Act the Policy Act, the Protection Act the
20 Protection Act. I won't use CEPA as a term.

21 So the Protection Act is under the
22 umbrella and supplementary to the Policy Act, so the
23 Policy Act is the big Act, and the Protection Act is just
24 a part of it.

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1 The goal of the Protection Act relevant to
2 us is to prevent historic structures and landmarks from
3 unreasonable destruction.

4 It also includes and was originally made
5 for the protection of natural resources, but, for us
6 here, we're discussing the protection of historic
7 resources from unreasonable destruction, and historic
8 resources are defined a little differently than for
9 environmental review for the Protection Act. They're
10 defined as listed on the National Register for Historic
11 Places or under consideration for listing on the National
12 Register for Historic Places, and I won't go too much
13 into that, but there is a defined, there's a definition
14 by the Attorney General that defines exactly what under
15 consideration means.

16 So unreasonable destruction means that
17 there are no feasible or prudent alternatives to
18 demolition. The standard for feasible or prudent
19 alternatives is broad, but it should be noted that while
20 cost may be considered, a mere showing of expense will
21 not mean that an alternative isn't prudent.

22 Now who can intervene? The short answer
23 is anyone can intervene, and that's the beauty of this
24 law. Anyone can come forth with a suit to halt the

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1 demolition of a historic building.

2 There are two ways generally that we see
3 this happening. One is any individual can bring suit to
4 court, hire a lawyer, and try to temporarily or
5 permanently have an injunction to halt demolition.

6 The second way is the way we're going to
7 discuss now, which is the role that SHPO and the Historic
8 Preservation Council has with bringing information to the
9 Attorney General for the Attorney General to make a
10 decision if they are going to go forth with a suit.

11 So the Intervenor has the burden of
12 proving that there are feasible and prudent alternatives
13 to demolition, which is generally a low threshold. It's
14 up to the person, who brings the information forth, to
15 show that there are, indeed, alternatives to demolition.

16 It should be noted, though, that the
17 Intervenor, who becomes a Plaintiff, if the Intervenor
18 cannot show enough initial evidence that there are
19 feasible and prudent alternatives, then the court shall
20 tax all costs to the Plaintiff.

21 So if someone brings the information to
22 the court and failed to prove that there's enough
23 evidence of feasible and prudent alternatives, then the
24 case will be closed, and the court will tax both the

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1 Plaintiff and the Defendant's costs to the Plaintiffs.

2 So anyone can bring suit to prevent the
3 unreasonable destruction of historic resources by hiring
4 a lawyer and going to court, but here we're going to talk
5 about just our role.

6 Now the Intervenor for us is someone, who
7 will contact the SHPO staff and explain the situation.
8 Generally, we prefer to have a non-profit organization,
9 like the Connecticut Trust for Historic Preservation, be
10 the lead to gather all this information.

11 Sometimes it is a local non-profit
12 preservation organization, but when we can partner with
13 our statutory non-profit partner of the Connecticut
14 Trust, we do, just for simplicity, so there is someone
15 that everybody can contact with ease.

16 Community support is one of the most
17 important factors in successful preservation of historic
18 resources in any case, but, particularly, with Protection
19 Act cases, one person alone is not going to be successful
20 in preserving a historic building.

21 Generally, we need to see significant
22 support for the preservation of a structure for our fact
23 finding to begin in earnest.

24 Any time anyone contacts us individually

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1 about a historic building that's on a National Register
2 or under consideration that's going to be demolished, we
3 will look into it, but when 100 people send us passionate
4 letters, about how important a place is to them, how
5 important it is to their community, then we will put more
6 staff effort and resources into fact finding, because
7 we're a small staff. We can't go running after each
8 individual project that only one person cares about. We
9 look for community support for the preservation of the
10 buildings.

11 So, generally, the staff will meet with
12 the community, often facilitated by the Connecticut Trust
13 or our other local partners, to explain to them the
14 process of the Protection Act and to answer their
15 questions.

16 We also ask our own questions, because now
17 we are fact finding. We want to know as much as we can
18 about the history of the building, the condition of the
19 building, and why it has to go down.

20 It should be noted that SHPO's role in all
21 of this fact finding is neutral. We are gathering facts
22 ultimately to bring forth to the Historic Preservation
23 Council Chair and perhaps ultimately further on.

24 One of the most successful ways that we

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1 find facts is to have the owner of the building fill out
2 a questionnaire on the what, how and why to determine the
3 necessity of demolition and to discuss and document
4 alternatives to demolition, and some of the questions we
5 ask include things like a timeline for how the structure
6 came to be in the situation it's in. Do they have
7 structural reports on the condition of the building?
8 Have there been feasibility studies for adaptive reuse,
9 so on and so forth.

10 So we'll take this information to the
11 Chair of the Historic Preservation Council and discuss
12 with her and often our Assistant Attorney General, Alan
13 Pinansky, on next steps.

14 CHAIRPERSON NELSON: And you will remember
15 from Washington School that we did a few years ago that
16 it's important that there is a large body of people
17 involved, that the facts lead us to the conclusion that
18 this is potentially an unreasonable act, and that the
19 channels of communication have broken down.

20 And you also recall from that it's a
21 meeting, where we ask people to come and talk with us.
22 We are not judging them. We are actually just asking for
23 information that they can give to us, and, based on that
24 information, if there's the potential that it's

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1 unreasonable, then we would vote, solely vote to refer
2 the matter to the Office of the Attorney General for
3 review.

4 So what's different in this case, and
5 that's the heart of what everybody is asking themselves.
6 So we have an issue that is secondary to a Policy Act
7 agreement that is in place. It's an agreement that is a
8 state-to-state agreement, and the agreement affects the
9 State of Connecticut, and you probably all have heard the
10 Doctrine of Sovereignty.

11 The State of Connecticut cannot be sued,
12 unless the State specifically allows a suit to be brought
13 forward by the Claims Commissioner. That's terribly,
14 terribly important here.

15 The other thing that's terribly important
16 is that we have our statute is within that of DECD, and
17 it's under the statute that we get involved with the
18 Protection Act, but, in this case, we are part of an
19 agency. The agency has issued an opinion.

20 Now we get into administrative law, and
21 administrative law tells us that the same agency cannot
22 render a second opinion, so whatever we feel about the
23 opinion, the opinion has been rendered, subject to a
24 Policy Act review.

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1 Those are the two most important pieces of
2 information and why this is so different in this case
3 from absolutely every other issue that the council has
4 considered, so that is just information that's very
5 material, so, I want to, Cathy, go back to you with your
6 Protection Act question.

7 MS. MAHER: I have to go first again? I
8 don't remember what it was.

9 CHAIRPERSON NELSON: You were asking
10 specifically about the council's responsibility.

11 MS. MAHER: So the council's
12 responsibility. Thank you. Yeah, so, when a situation -
13 - I don't think that this would have come to this level
14 of concern if it wasn't nine properties. If it was one
15 or two, I think we would have had the discussion, and it
16 would have amicably moved forward, but nine is
17 extraordinary to think that there wasn't a place early in
18 discussions, where a prudent and feasible alternative may
19 save one of the sites and dedicated that to some type of
20 administrative office.

21 Universities have the character.
22 Universities are their historic properties, and they
23 become administrative office buildings, so even if it had
24 to move, certainly UConn has enough property, where at

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1 least one could have been saved, so that's unfortunate.

2 So here we are today, and, if I'm
3 understanding this correctly, we don't really even have a
4 voice in suggesting an alternative that would be amicable
5 to satisfy the Historic Preservation of the State of
6 Connecticut, so they're all, as far as I'm understanding,
7 they're all coming down and that's it. Am I right? It
8 just looks --

9 CHAIRPERSON NELSON: So remember that now
10 we're dealing with statute and process.

11 MS. MAHER: So what I'm hearing, if I'm
12 correct, that we really, as a council, have no say in
13 this, outside of being individuals, stepping out.

14 CHAIRPERSON NELSON: That is correct.
15 Walt?

16 DR. WOODWARD: The Commission has rendered
17 an opinion. It's my understanding that the opinion was
18 that there was an adverse effect. That was SHPO's
19 opinion, that there was an MOU, a Memorandum of
20 Understanding between the University and the SHPO office,
21 in terms of appropriate mitigation.

22 I would be interested in knowing sort of
23 the process through which the MOU was arrived at, which
24 that may or may not be something we are entitled to have

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1 purview to.

2 Nevertheless, in my reading of the MOU, it
3 says that the SHPO's office still has a right to, that
4 either party has a right to intervene to change the MOU
5 at any point. Is that correct?

6 CHAIRPERSON NELSON: That's correct, as
7 far as I understand.

8 DR. WOODWARD: In the writing of the MOU,
9 so it's not -- even though a finding has been made, it is
10 not necessarily true that all decisions have been made in
11 regard -- this is a question. I'm stating it as not I
12 guess a statement, but isn't it true that the MOU
13 provides enough flexibility for further negotiation?

14 CHAIRPERSON NELSON: I'm not an attorney
15 qualified to answer that question, and, again, that is
16 going to Policy Act, Policy Act review, that we don't
17 statutorily have a part in, so I hear your question,
18 Walt. I can't answer that.

19 DR. WOODWARD: Okay. Could SHPO answer
20 it, because SHPO is party to the agreement?

21 MR. LEVINE: Yeah, well, there's a
22 termination clause, and if there were -- if new
23 information came to us that we didn't know about that was
24 enough to make us want to go back to negotiations, we

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1 could move to terminate it, but that hasn't happened in
2 this particular case.

3 So, I mean, we've never seen this happen.
4 I've never seen it happen, unless somebody does something
5 egregious, or there's no more new information that comes
6 in that would give us pause on the mitigation that we
7 went through a process to get to.

8 MS. LABADIA: The finding was an adverse
9 effect. The negotiations would be --

10 CHAIRPERSON NELSON: Can you use the
11 microphone, Cathy?

12 MS. LABADIA: Sorry. In terms of the
13 process of the Policy Act, our finding was an adverse
14 effect. There is nothing more egregious beyond that, so
15 our finding would not have changed as part of that MOU.

16 The only thing that would then be able to
17 change is our ability to negotiate a mitigation.

18 DR. WOODWARD: But there's a specific
19 issue with this, and part of that was the documentation
20 prior to destruction of each of these buildings by the
21 preservation standards.

22 At a minimum, it would seem that, if
23 that's part of a mitigation agreement, the SHPO office
24 would be monitoring compliance with that prior to the

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1 destruction of the buildings, because it's not going to
2 happen after they're gone. Is that reasonable?

3 MR. LEVINE: Right. Yeah, of course. And
4 the MOU that we do with UConn and that we do with anybody
5 else, or MOA, with mitigation requirements, you know,
6 they are giving instructions and guidance on exactly how
7 to do, for instance, documentation.

8 If somewhere along the process they renege
9 on the mitigation that they are supposed to do, they
10 don't do the documentation, they don't, you know, do any
11 of the other mitigation factors that we included as
12 mitigation into an agreement, then they default, and then
13 it would be terminated, and then, of course, the
14 buildings are already gone, generally, but the mitigation
15 would, then, have to be renegotiated.

16 DR. WOODWARD: But that's truly a Pyrrhic
17 victory.

18 MR. LEVINE: Well, yeah, I agree. I can't
19 disagree with you. It is what it is, but it is the
20 process, and, generally, in some cases, we require
21 certain things to be done before the demolition of
22 buildings, and others, you know, because we have a legal
23 binding document, you know, and we've given guidance, and
24 we are, you know, working in good faith with our

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1 constituents, that they are going to do what they say
2 they're going to do.

3 I, in my short period of time here, four
4 years, have not seen a default on an MOA or an MOU.

5 CHAIRPERSON NELSON: Walter, is there a
6 follow-up question?

7 DR. WOODWARD: This is just simple. Are
8 you monitoring or inquiring into compliance with that?

9 MR. LEVINE: Yeah, so, they will --

10 DR. WOODWARD: Because it appears that the
11 destruction is imminent.

12 MR. LEVINE: So they will, of all three of
13 their mitigation actions, they will be referring back to
14 us on completion of them and, in some cases, the
15 development of them, so we are in contact with UConn
16 through this whole entire process.

17 For the documentation portion, they will
18 be submitting to us for our review to see that it meets
19 our standards, and, for the other two mitigations, we'll
20 be actually working with them closely to make sure that
21 those mitigation actions are fulfilled.

22 CHAIRPERSON NELSON: Anything?

23 DR. WOODWARD: For now.

24 CHAIRPERSON NELSON: And, Leah, did you

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1 have any questions? No? Okay. Brian?

2 MR. JONES: I guess, just for
3 clarification, so this process was entirely under the
4 Policy Act. Was the Protection Act ever initiated?

5 MR. LEVINE: No. So when we -- we
6 included the Policy Act and Protection Act while
7 underneath the Policy Act is an HPC potential action. It
8 goes to the AG's office.

9 Our general State Historic Preservation
10 process is, when we hear about something, someone
11 contacts us and they want us to initiate fact finding, we
12 do. We ask them to -- usually, we have a lead person,
13 the Connecticut Trust generally, when we can, be the
14 person, who gathers this information, and, in this case,
15 it wasn't clear to us that we couldn't do the Protection
16 Act, so we began, I began, as the coordinator for that
17 program at the staff level, to tell people do what we
18 always do, gather information, you know, have people send
19 us letters. If there's a petition, fill out the
20 petition.

21 We want to see if there's a community
22 support for the preservation of these buildings.
23 Initially, we saw very little support, then, you know,
24 through the process, we began to see more, but, at that

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1 point, or at the point where we are certainly now, is
2 that we've been advised that, because we have concluded a
3 Policy Act and the Protection Act is within the Policy
4 Act, we cannot go back and change, we cannot go back and
5 pursue the Protection Act separately, after this agency
6 and DECD has made a determination under the Policy Act.

7 MR. JONES: Okay. I think that clarifies.

8 CHAIRPERSON NELSON: Margaret?

9 MS. McCUTCHEON-FABER: So, in terms of the
10 mitigation requirements, like point number three
11 obviously will have to be done before these buildings are
12 demolished?

13 MR. LEVINE: Yes.

14 MS. McCUTCHEON-FABER: There's no way
15 around that. As I understand it, it's hearsay, but I
16 understand the buildings are coming down ASAP, so when
17 exactly do they plan to do this and submit it to you and
18 have you review it?

19 MR. LEVINE: They've been doing it
20 ongoing. They may already have completed it. I talked
21 to the consultant they hired a month ago on how to do it.
22 I sent them the instructions. I went over it with them,
23 so they may have already done it.

24 MS. McCUTCHEON-FABER: Okay, now, secondly

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1 --

2 MR. LEVINE: They haven't submitted that
3 report, though.

4 MS. McCUTCHEON-FABER: Right, so, it's not
5 clear to the public, when anybody reads about this CEPA
6 Act, Protection Act, you know, that they don't have a
7 voice once an MOU is contractual, so, you know, it just
8 feels like a violation of civil rights to me, and we have
9 a petition with 384 signatures, 162 really pertinent
10 comments. These are people from Mansfield, from Storrs,
11 from people surrounding UConn, you know, faculty members,
12 alumni, alumna. It's a relevant petition, plus you've
13 gotten several letters, asking directly for CEPA action,
14 and these people really feel that you should do something
15 to save it.

16 Now I understand that you may not be able
17 to, but is there anywhere we can appeal to take this
18 forward?

19 MR. LEVINE: So I think it was a week ago
20 that we sent out a response to the pleas for us to take
21 action.

22 MS. McCUTCHEON-FABER: Was that your
23 response?

24 MR. LEVINE: It was Kristina Newman-Scott.

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1 Our office's response on the matter, stating we can take
2 action, explaining why.

3 MS. McCUTCHEON-FABER: That you couldn't.

4 MR. LEVINE: The State Historic
5 Preservation Office, through that process, the Historic
6 Preservation Council, through the AG's office, cannot
7 take action. Individually, anyone can.

8 MS. McCUTCHEON-FABER: That's right. Now
9 that's what I'm unclear about. Would we just hire an
10 attorney?

11 MR. LEVINE: You hire an attorney.

12 MS. McCUTCHEON-FABER: And that's all we
13 can do. So we can't appeal directly to the Attorney
14 General?

15 MR. LEVINE: No.

16 MS. McCUTCHEON-FABER: No. We must go
17 through our own private attorney.

18 CHAIRPERSON NELSON: But, Margaret, I
19 think the very important thing here is the Doctrine of
20 Sovereignty. It's the State of Connecticut.

21 MS. McCUTCHEON-FABER: I know. This just
22 doesn't feel right to me. It just doesn't seem right.
23 Okay and just a follow-up. I have 18 questions.
24 Obviously, I can't ask them all, but when I looked at the

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1 MOU, it just seemed to be that they're basing this report
2 on the Sasaki Associates, and it doesn't look like their
3 licensed structural engineers have experience in historic
4 buildings, and none of the buildings, not one of them,
5 were determined by the engineers to be beyond repair.

6 In fact, like good shape and good
7 condition was used liberally throughout the report, and I
8 want to know like where is the evidence that
9 rehabilitating them is not possible? Why does SHPO agree
10 to the demolition?

11 MR. LEVINE: So, again, our role is
12 advisory. We preferred to have all buildings remain in
13 place and be restored and be celebrated for what exactly
14 they are, you know, a look into the past, where UConn was
15 a different place, however, through negotiations and
16 trying to find a common ground, UConn was unable to find
17 a way to do it, so we agreed upon the mitigation that we
18 agreed upon.

19 MS. McCUTCHEON-FABER: Okay, because it
20 said January 2016 and May 2016 SHPO did not object to the
21 proposed demolition of the roundhouses. Is that just
22 written incorrectly?

23 MR. LEVINE: No. Well, at the end of the
24 day, we did not object to -- we can't object to them

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1 doing something and then work out mitigation. We have to
2 find common ground. We have to compromise, and while we
3 would always prefer to save all the buildings, we settled
4 on the mitigation that we --

5 CHAIRPERSON NELSON: That's why the Policy
6 Act discussion was so important, because you can't
7 object. You can find adverse effect or not.

8 MR. LEVINE: I'll just add, though, that
9 if it was a Federally-funded program and we had the
10 backing of a Federal agency, we can ask them to withhold
11 funding, but, in this case, we couldn't do that, so we
12 don't have the teeth to say, no, don't knock down those
13 buildings. You cannot. We don't have that ability.

14 We have an advisory role, and our advice
15 initially was save the buildings. If you can't, let's
16 save some of it. If you can't, what can we do under the
17 circumstances to provide some good out of the loss, and
18 that is how we came to --

19 MS. McCUTCHEON-FABER: I understand. I
20 understand that you tried your best, but can I have one
21 more follow-up question?

22 CHAIRPERSON NELSON: Yes.

23 MS. McCUTCHEON-FABER: Okay, so, in the
24 minutes of June 1st, new business, it says Mr. Levine

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1 reported that there was a lot of pressure for DECD to get
2 the demolition approved.

3 This was mentioned again during our July
4 meeting, and I want to know where did the pressure come
5 from and what form did it take? Why was job loss
6 mentioned? Were you pressured? Did you feel pressured
7 into approving this in any way?

8 MR. LEVINE: No. So, you know, we feel
9 always pressured to do a good job. We feel pressure to
10 make things move forward, and, certainly, you know, the
11 talk of losing a job is, you know, I think what I said is
12 I'm not going to lose my job. I'm doing my job, but we
13 don't want other people to lose their job over something.

14 MS. McCUTCHEON-FABER: Of course not, and
15 they shouldn't.

16 MR. LEVINE: And they shouldn't. Our goal
17 and our role was to move it along as efficiently as
18 possible, and that's what we did.

19 MS. McCUTCHEON-FABER: But were you
20 feeling bullied by any State agency?

21 MR. LEVINE: Absolutely not.

22 MS. McCUTCHEON-FABER: Okay, because it
23 says pressure.

24 MR. LEVINE: Well, again, it's pressure

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1 that we feel to do a good job. Again, we put pressure,
2 Cathy and I put pressure on ourselves to save every
3 building we can. We're passionate about what we do, so
4 we want to save, restore and celebrate our historic
5 resources all throughout Connecticut. That's what we do.

6 And, certainly, when we are faced with a
7 situation, where that's not possible, you know, it's not
8 a happy place for us, so we feel pressure to find some
9 sort of common ground, and that's where we ended up with
10 mitigation --

11 MS. MAHER: I -- I'm sorry. I have to
12 echo what Margaret said at the meeting, where the word
13 pressure was used. I feel a little protective of the
14 SHPO staff, and it concerned me, because I interpreted it
15 the same way, that SHPO staff was being threatened into
16 making decisions. That's what I heard, so I got my
17 knickers in a twist on that alone, because I wasn't sure
18 where that was coming from.

19 CHAIRPERSON NELSON: And I think that's
20 one of the unfortunate things that was going on. We were
21 speaking on a conference call.

22 MS. MAHER: Yes, we were.

23 CHAIRPERSON NELSON: People were speaking
24 quickly. They were speaking in acronyms.

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1 MS. MAHER: But I'm happy to know that
2 that's correcting that interpretation, because I was very
3 concerned about that.

4 CHAIRPERSON NELSON: Walter?

5 DR. WOODWARD: Could I ask a question
6 about the mitigation?

7 MR. LEVINE: Yes.

8 DR. WOODWARD: Correct me if I'm reading
9 it, that the mitigation was, considering the gravity of
10 the destruction, at least in my view, of nine historic
11 buildings, the mitigation of think about how you're going
12 to restore properties, document the ones that are going
13 down, and have a conference for municipal people to talk
14 about historic preservation strikes me as being of
15 incredible disconnect.

16 This is personal opinion. It may not be,
17 but I wonder if that was a process arrived at through
18 negotiation, or how did you decide this was the
19 appropriate mediation?

20 MR. LEVINE: It was. We spent months
21 negotiating with UConn to find common ground. There was
22 a number, I don't know how many meetings. I think there
23 was, you know, option after option that they would
24 provide to us, and we would provide to them back and

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1 forth, until we came to a decision where we came to, so,
2 yeah, we did negotiate in good faith for a while.

3 CHAIRPERSON NELSON: And I'm going to
4 interject, because, Walt, you know, remember that this
5 goes back for 10 years.

6 DR. WOODWARD: Well, I mean, there's a
7 longer history about these buildings, and the University
8 goes back almost 30 years. It goes back to the '80s.

9 CHAIRPERSON NELSON: So there have been
10 multiple teams of people negotiating to get to this
11 point.

12 DR. WOODWARD: Sure.

13 CHAIRPERSON NELSON: Are there any other
14 questions about the Protection Act? One of the
15 meaningful things to do to take away from this discussion
16 today is to talk about how constructively we can work
17 with the SHPO office and when it would be beneficial to
18 be able to discuss particular policy reviews that might
19 potentially benefit from the additional advice that we
20 could give during the negotiation portion, and that would
21 be an important discussion to have.

22 MS. KRISTINA NEWMAN-SCOTT: I agree.

23 MS. LABADIA: I just want to bring up one
24 thing, because it is important, in terms of the Policy

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1 Act and whether or not the process is followed.

2 It's a misnomer to indicate that this has
3 been going on for 10 years. The currently-proposed
4 project that is resulting in the current EIE has been
5 going on for about 16 months, just to clarify, because
6 that --

7 CHAIRPERSON NELSON: Thank you.

8 MS. LABADIA: -- the process.

9 CHAIRPERSON NELSON: Thank you.

10 MS. MAHER: Just last, if I can throw out
11 an idea. Considering all of the cluster that this has
12 turned into, is there a way that SHPO could potentially
13 sign on to extending the Memorandum of Agreement, ask for
14 an olive branch?

15 This is bad publicity. For everybody to
16 turn it into something good, outside of just
17 documentation, is there a way that maybe one building can
18 be saved and celebrated to give this a happy ending?

19 It seems reasonable to request that to
20 UConn. I think it would satisfy the 370-something --

21 MS. McCUTCHEON-FABER: 384.

22 MS. MAHER: The 384 relevant petition that
23 was filed about this. As I understand it, that we could
24 still potentially go back and amend an MOU, if it's

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1 possible, and save one, and then give meaning to the fact
2 that historic preservation has really stepped up and
3 said, okay, this is the way it's all transpired 10 years,
4 16 months, and we still have a built historic environment
5 to look at at the end of the day, maybe have the meeting
6 there.

7 I'm throwing that out as an opportunity to
8 at least save one.

9 CHAIRPERSON NELSON: Are there
10 opportunities, as you go forward?

11 MS. LABADIA: So, for us, the policy, the
12 process is closed. We are not going to go back and
13 reopen that memorandum.

14 And please trust me when I tell you we
15 fought the good fight. We would have loved to have seen
16 five of them saved, two of them saved, and it did come
17 down to can we just save one?

18 Those negotiations were a closed door for
19 us, and, so, that's why we had to move to adverse effect
20 and mitigation, however, what happens outside of the
21 process, you know, Connecticut Trust grassroots efforts,
22 I mean you can appeal.

23 We've done our portion of the process, so
24 it's at the end for us, in terms of the SHPO's

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1 involvement. Whether you choose to take this to some
2 other form, or to an honest to goodness grassroots
3 preservation effort, you know, that's up to you as
4 individuals.

5 CHAIRPERSON NELSON: Walter?

6 DR. WOODWARD: Just a point of law here.
7 If a citizen files suit to get an injunction and they are
8 found that they don't have a case, am I correct that all
9 costs of filing that complaint rebound to the citizen,
10 who files the case? So, effectively, you roll the dice
11 against, you know, against the apparatus of the State,
12 and, if you lose, you get to pay everybody.

13 CHAIRPERSON NELSON: But, Walter, you
14 can't bring a suit to the State against the State, unless
15 they allow you to.

16 DR. WOODWARD: So you couldn't even file
17 the suit without permission? And I understand that
18 sovereignty.

19 CHAIRPERSON NELSON: Yes.

20 DR. WOODWARD: So if the State said you
21 may file your case, but we won't, you know, we're not
22 going to accept it as a case, you can't even do that.

23 CHAIRPERSON NELSON: The State would have
24 to accept it as a worthwhile claim.

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1 MR. LEVINE: If the State were to do so,
2 yes. To answer your question, you would be on the hook.
3 When I was at the Connecticut Trust, we did not have
4 support of the State, and we tried to, as an
5 organization, filed an injunction to stop demolition and
6 lost and was on the hook for, I don't know, \$50,000,
7 \$75,000, something like that.

8 CHAIRPERSON NELSON: Okay. I think we're
9 getting to the end, where people need to leave.
10 Margaret, you had one final question.

11 MS. McCUTCHEON-FABER: Okay, so, it is not
12 possible. I understood previously that it was possible
13 for me to hire an attorney or someone else to hire an
14 attorney and take this to Superior Court.

15 MR. LEVINE: Yes.

16 MS. McCUTCHEON-FABER: Is this no longer
17 possible, because the State has to accept the case? The
18 State can decide whether or not I can sue them?

19 CHAIRPERSON NELSON: That is correct.

20 MS. McCUTCHEON-FABER: That is
21 extraordinary. Okay. Wow. I'm going to get a second
22 opinion. I'm sure you're right, but I need to look into
23 that.

24 MR. LEVINE: Very good.

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1 CHAIRPERSON NELSON: That's fine.

2 MS. NEWMAN-SCOTT: I apologize, everyone.
3 I have a medical appointment that I could not reschedule,
4 and I have to leave, and I look forward to continuing the
5 conversation with you in the future.

6 CHAIRPERSON NELSON: Thank you.

7 MS. NEWMAN-SCOTT: Thank you.

8 CHAIRPERSON NELSON: Thank you, Kristina,
9 and thank you, Todd and Cathy, for the presentation,
10 because, certainly, that whole Policy Act review is not
11 something we see, that we understand clearly.

12 Then, in terms of the agenda, what we will
13 be going back to do is doing the review and the approval
14 of the minutes, so we have two sets of minutes that were
15 presented, and let me just get to that portion.

16 All right, so, as you know, there were two
17 copies of the sets of minutes put into the Dropbox, and I
18 explained the reason why and the e-mails that went to
19 you, so I want to take them individually first.

20 The May minutes appear to have missing
21 information that was requested to go back to the
22 transcription of the meeting. Are there any council
23 members, who actually could fill in that missing
24 information?

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1 DR. WOODWARD: There was an error, just an
2 oversight I'd like to have fixed.

3 CHAIRPERSON NELSON: Um-hum.

4 DR. WOODWARD: My name is spelled
5 Woodward, not Woodard, and it appears in all minutes as
6 Woodard.

7 CHAIRPERSON NELSON: I can imagine that
8 that would be concerning, absolutely.

9 DR. WOODWARD: Well it's only been 12
10 years. Sooner or later, they'll get it right.

11 CHAIRPERSON NELSON: It's been 12 years of
12 our minutes that your name has been spelled wrong?

13 DR. WOODWARD: No, no. No, no. It was
14 spelled right at various times.

15 CHAIRPERSON NELSON: Lovely. Okay. Okay,
16 Kathy, in terms of the May minutes, those points that
17 seemed to be missing were ones that you were actually
18 making with regard to Silver Sands. Are you able to --

19 MS. MAHER: I'm in the loop of death.

20 CHAIRPERSON NELSON: Okay. All right, so,
21 my recommendation is that we request Debra to go back to
22 the tape and to include that information, and, therefore,
23 the minutes for May would be tabled until the next
24 meeting with the inclusion of the additional information.

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1 MS. MAHER: Thank you. Yes.

2 MR. LEVINE: And exactly what?

3 CHAIRPERSON NELSON: It was with regard to
4 -- I can't remember the number, but it was the Westport
5 Silver Sands, and it was the discussion of I believe it
6 was about the property line numbers and the parcels, and
7 there was a change to the motion to reflect the parcel
8 numbers, and that was not recorded.

9 MR. LEVINE: Got you.

10 CHAIRPERSON NELSON: Okay. May I have a
11 motion to table?

12 MS. MAHER: Motion.

13 CHAIRPERSON NELSON: Second?

14 MS. McCUTCHEON-FABER: Second.

15 CHAIRPERSON NELSON: Thank you. The June
16 minutes, are there corrections to the June minutes?

17 MS. McCUTCHEON-FABER: It was very helpful
18 how you presented the edits.

19 CHAIRPERSON NELSON: If there are no
20 additional items, then the minutes would be accepted.
21 The track changes will be turned off, and the final minutes
22 would be as they stand. All right. Is there a motion to
23 accept the minutes, as amended?

24 MS. McCUTCHEON-FABER: I'm so sorry. It

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1 says comments to be added. That's the only question I
2 had. Do we need to add those comments? It's under four,
3 Review and Approval of the Minutes. This is the June
4 1st. Or should we just take that out?

5 CHAIRPERSON NELSON: That had to do with
6 clarification of whether the comments that had been made
7 previously had been picked up in the minutes.

8 MS. McCUTCHEON-FABER: I think we should
9 strike that.

10 CHAIRPERSON NELSON: I think so, as well.
11 So the correction to the minutes we're moving that as --
12 what's the number, Margaret?

13 MS. McCUTCHEON-FABER: It's number four.

14 CHAIRPERSON NELSON: Okay, for June.

15 Okay. Is there a motion to approve the corrected
16 minutes?

17 MS. MAHER: Motion to approve the
18 corrected minutes.

19 CHAIRPERSON NELSON: Kathy. And a second?

20 MS. McCUTCHEON-FABER: Second.

21 CHAIRPERSON NELSON: Margaret. And all
22 those in favor?

23 VOICES: Aye.

24 CHAIRPERSON NELSON: Okay and, Leah,

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1 you'll abstain, because you weren't at the meeting.

2 The next order of business would be Agenda
3 Item 14, which is the report of the State Preservation
4 Office, and, Mary, Kristina had said, if time got short,
5 that you would do that presentation in her stead.

6 MS. DUNNE: Yeah. Not a whole lot to
7 report. I want to welcome Leah Glaser to the council,
8 and there are actually two, at least two other council
9 members that will be attending soon.

10 CHAIRPERSON NELSON: One other. There
11 were two appointments.

12 MR. LEVINE: There's two total, but
13 there's four invitations out.

14 MS. DUNNE: Oh, okay. But I guess the
15 main news right now is, as you know, at least in recent
16 years, we've lost four staff members, and I believe that
17 the priority refill is Laura Mancuso's old position,
18 which was a Program Manager, Architectural Historian.
19 That is moving through the channels right now, so that's
20 the big news since last month.

21 The other three positions, Susan
22 Chandler's old position, Dan Forest and Mary Donahue,
23 Mary Donahue's position was actually eliminated. We
24 hoped, hopefully, that we can also move forward with

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1 Dan's refill at some point.

2 MR. LEVINE: And then we have, also, a
3 lands refill.

4 MS. DUNNE: And a lands refill.

5 MR. LEVINE: Property Manager.

6 MS. DUNNE: If there's any specific
7 questions I can answer?

8 MR. LEVINE: We could also add to that,
9 last week, I went to New-Gate with a legislator. Oh, is
10 that not live yet?

11 MS. LABADIA: Yeah. If we could not bring
12 that up right now?

13 MR. LEVINE: Got you. Okay.

14 MS. LABADIA: Todd, if you do want to talk
15 about meeting with DEEP regarding the bats, we can do
16 that.

17 MR. LEVINE: Yeah, sure. So we met with
18 DEEP. So the mines at New-Gate have one species of
19 Federally-threatened bats and four species of State-
20 endangered bats, and, because of that, that puts us in an
21 interesting situation on how to eventually open the mines
22 for tours, and that is a problem, because we can't open
23 the mines now from October to March.

24 MS. LABADIA: October 1st to April 30th.

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1 They are in hibernation, and they hibernate in the mines.

2 MR. LEVINE: And, of course, the problem
3 is that, you know, there's the White-Nose fungus that's
4 killing off the bats, and we are now investigating ways
5 to treat the ground.

6 When people go in, they are tracking stuff
7 in and out, and the problem isn't so much that we'd be
8 contaminating our own contaminated mine. It is that we'd
9 be contaminating potentially other parts of the country.

10 What happened recently is someone was, you
11 know, out somewhere, and they got fungus, that White-Nose
12 fungus on their boot, and then went to Seattle, and then
13 Seattle now has that problem.

14 And just so you can realize the severity
15 of this is not in our mine. Our mine at New-Gate has
16 always had a few bats, but another mine that DEEP
17 oversees, when this came about in 2007, they had 3,000
18 bats. The following year, they had 300. Now they have
19 six. So it's decimated, completely decimated. It's
20 horrible what's happened to the bats.

21 There's no cure, and what we're trying to
22 do is just contain it as best we can, so, in the process
23 of doing that, we have to treat the flooring in the mine,
24 so that, when people leave, they don't track the fungus

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1 to other places, and we're still investigating exactly
2 how to do that, including things like the walls. It's
3 complicated, but that is something we're working on over
4 the winter, hopefully to open next year.

5 MS. LABADIA: Yeah, so, we're going to try
6 to, you know, move forward with opening New-Gate and
7 bringing it to the public in a way that celebrates, you
8 know, when we're talking about this National
9 Environmental Policy Act, that really celebrates our
10 environment in its totality naturally and cultural, and,
11 so, DEEP is now developing a new logo for New-Gate that's
12 going to be the tower with a bat flying out of it.

13 MS. MAHER: It's all in marketing.

14 MS. LABADIA: We're really trying to help
15 them, you know, get to a place where they feel like
16 they're successful with the bat populations in the State.

17 CHAIRPERSON NELSON: Thank you, Cathy.
18 So, just quickly, because we're getting towards the end
19 of when we said the meeting would be concluding, I just
20 wanted to turn to Agenda Item 16. Daniel?

21 MR. DANIEL MacKAY: Thank you. Good
22 morning. Daniel MacKay, Executive Director of the
23 Connecticut Trust.

24 To touch on several things, you know, you

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1 voted earlier on the matter in Durham. I just wanted to
2 give you some background on that.

3 We were seeing a very interesting issue
4 with multi-generation historic properties in Connecticut,
5 where what to do when the family is disbursed
6 geographically, financially, no longer finds Connecticut
7 and that property as a gathering place, and, you know,
8 what happened in Durham was quite an extraordinary story,
9 in that the family, the multi-generation family that
10 lived there, gifted the property to the Connecticut
11 Trust. We sold the property. We put an easement on the
12 property to protect it going forward.

13 Our technical services and other
14 assistance, you know, we remained very involved with the
15 new owners, who have invested extraordinary resources in
16 stewarding that property and restoring it, and the
17 proceeds from that sale actually played a big role in the
18 establishment of our revolving loan fund, so, you know,
19 one success story.

20 I mean, certainly, there are other multi-
21 generation historic properties in Connecticut, but it's
22 sort of an emerging issue, an emerging trend, and one
23 that we're going to have to focus on, because there are
24 some extraordinary houses that are reaching the end of

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1 some very careful, you know, multi-generation stewardship
2 and need a plan and a new owner going forward, so I just
3 want to flag that for you all.

4 A lot of time and effort at the
5 Connecticut Trust right now going into preparing for
6 potential advocacy on the State Tax Credit Program.

7 We are very interested. The program has
8 been highly successful. We think it's had an
9 extraordinary impact, both economically and in terms of,
10 you know, bringing community reinvestment, public and
11 private investment back to historic Downtown locations,
12 Connecticut's mill buildings and such, but it does face
13 an annual cap, in terms of how much money is available
14 for the State Credit Program on an annual basis.

15 Two years ago, we hit that cap in March,
16 so late in the third quarter of the State fiscal year.
17 This year, we're really going to be hitting the cap
18 either first or second quarter of the State fiscal year,
19 and I'm very interested, as is Connecticut Preservation
20 action, in leading a campaign to increase the cap on that
21 program, so that we can continue to see reinvestment in
22 both commercial, historic commercial properties in
23 Connecticut, as well as the historic homes, you know,
24 owner occupied historic homes, so we are doing a lot of

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1 data analysis right now, trying to quantify the impact
2 where it's occurred, what the dimensions of that impact
3 are.

4 That dovetails with a campaign at the
5 Federal level to make changes to the Federal
6 Rehabilitation Tax Credit to make it more effective for
7 smaller projects, under \$2.5 million in size, which will
8 help bring the Federal program to smaller communities in
9 Connecticut, so we're putting a lot of time and effort
10 staff-wide on that project, so that we are prepared to
11 advocate both with the executive and the legislature
12 going forward.

13 It's been a highly-successful program.
14 It's well-administered here at the State Preservation
15 Office, and we think, you know, as Connecticut still
16 tries to find its way out of budgetary and economic
17 issues, that this program is the centerpiece of what that
18 recovery is all about. This is where the State should be
19 investing incentive dollars for reinvestment.

20 I guess, as a final piece of that, a lot
21 of conversation with out-of-state developers, who are
22 being attracted to reinvestment opportunities in
23 Connecticut, who want the predictability, the
24 sustainability, knowing that the program in its current

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1 format will be available for them.

2 Most projects, if you put an option on a
3 property now, you want to know that the program and the
4 incentives will be there two years later, when you've
5 brought all the resources together and the financing to
6 make that reinvestment, so very important we think to
7 sustain the program, and, you know, if we're facing, if
8 we're rubbing against that cap and we're doing it this
9 early in the fiscal year, it's time to increase the cap
10 and make that incentive, assure that that incentive will
11 be available for projects throughout the year, so big
12 focus for us. Thank you.

13 CHAIRPERSON NELSON: Thank you, Daniel.
14 Okay. We're at the time that I've identified for the
15 meeting to end, so the next meeting will be in Hartford
16 the first Wednesday of September, and I thank you all in
17 this past month for your incredible outreach effort and
18 your patience and your diligence to work on all of these
19 issues, because that is the heart of what we do. Is
20 there a motion to adjourn?

21 MS. MAHER: Motion.

22 CHAIRPERSON NELSON: Second?

23 MR. JONES: Second.

24 CHAIRPERSON NELSON: Okay.

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1 (Whereupon, the hearing adjourned at 11:05
2 a.m.)

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