

STATE PROPERTIES REVIEW BOARD

Minutes of Meeting Held On October 19, 2020 – remotely via telephone conference –

Pursuant to Governor Lamont's Executive Order No. 7B regarding suspension of In-Person Open Meeting requirements, the State Properties Review Board conducted a Regular Meeting at 9:30AM on October 19, 2020 remotely via telephone conference at (866)-692-4541, passcode 85607781.

Members Present:

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

Members Absent:

Staff Present:

Dimple Desai
Thomas Jerram

Guests Present

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

Vice Chairman Josephy called the meeting to order.

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

OPEN SESSION

1. ACCEPTANCE OF MINUTES

Mr. Valengavich moved and Mr. Berger seconded a motion to approve the minutes of the October 15, 2020 Meeting. The motion passed unanimously.

2. COMMUNICATIONS

3. REAL ESTATE- UNFINISHED BUSINESS

Mr. Valengavich moved and Mr. Halpert seconded a motion to go out of Open Session and into Executive Session at 9:39. The motion passed unanimously.

EXECUTIVE SESSION

PRB #	20-183-A
Transaction/Contract Type:	AG/PDR
Origin/Client:	DoAG/DoAG

Statutory Disclosure Exemptions: 1-200(6) & 1-210(b)(7)

PRB #:	20-185
Transaction/Contract Type:	RE/ First Amendment to Lease
Origin/Client:	DAS/ DOB

Statutory Disclosure Exemptions: 4b-23(e), 1-200(6)(D) & 1-210(b)(24)

Mr. Valengavich moved and Mr. Halpert seconded a motion to go out of Executive Session and into Open Session at 10:02. The motion passed unanimously.

OPEN SESSION

4. REAL ESTATE – NEW BUSINESS

PRB #	20-192
Transaction/Contract Type:	RE – Administrative Settlement
Origin/Client:	DOT/DOT
Project Number:	158-216-002
Grantor:	Richard A. Denholtz, Trustee
Property:	Westport, Bayberry Ln (307)
Project Purpose:	Replacement of bridge No. 04969 Bayberry Lane over Aspetuck River
Item Purpose:	Administrative Settlement

DAMAGES: \$5,500

DOT PROJECT:

The State Inspection report has de-rated the outer beams of the bridge to the extent that full traffic loads are no longer allowed. By reducing the bridge width to the inner single lane the load rating on the bridge will remain valid for all legal loads. This action will allow the general public, school, and emergency service vehicles, as well as snow maintenance vehicles to pass over the bridge for the foreseeable future.

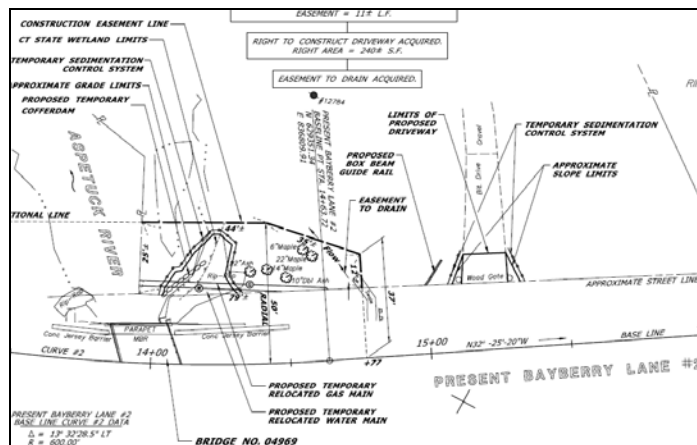
The Bridge is eligible for replacement under the Federal Local Bridge Program administered by the Connecticut Department of Transportation. The cost of the bridge replacement will receive 80% reimbursement from federal aid with the remaining 20% paid from municipal funds. The project design is expected to begin in early 2018, with construction likely in 2019 or 2020.



Subject Property Description, Before the Taking: The property consists of a 2.06 acre (89,734 sq.ft.) residentially zoned parcel of land improved with a c.1950 colonial-style dwelling containing 3,465 square feet with 7 rooms, 4 bedrooms and 4.5 baths. The subject property is bordered by, and a portion of the site is within, the Aspectuck River (285'±).

The Taking: DOT will acquire the following:

1. A construction easement for the purpose of grading, access, installation of sedimentation control system, installation of temporary dewatering basin (silt bag), installation of temporary cofferdam, removal of trees, installation of temporary gas main and water main and removal of existing bridge acquired over an area of 1,753± sq.ft. of land;
2. An easement to install, construct and maintain box beam guide rail acquired over an area of 11± LF (55 sf);
3. A right to construct driveway acquired over an area of 240± SF; and
4. An easement to drain acquired.



EOC Valuation: Consistent with DOT’s agreement with FHWA an estimate of compensation (EOC) worksheet has been prepared for the subject taking. This process is used for simple acquisitions related to minor site improvements where the total cost is typically less than \$10,000. In this instance, DOT Staff valued the 2.06 acre residentially-zoned site at \$8.00/SF (\$717,872 lot value). The following table indicates the results of the DOT Estimate of Compensation, prepared as of 5/27/2020:

<i>Item</i>	<i>Calculation</i>	<i>Damages</i>
Construction Easement	1,753± SF @ \$8/SF x 20%	\$2,805
Metal Beam Rail	55± SF @ \$8/SF x 99%	\$436
Contributory Value of Trees & Vegetation	Lump sum	\$1,500
		Total:
		\$4,741
		Rounded
		\$4,750

From the Settlement:

On August 4, 2020 I spoke to the son of the property owner, Peter Denholtz, regarding the State's offer of \$4,750.00 for a 1,753 +/- SF construction easement and a 11+/- LF guide rail easement on the property. The purpose of the phone call was to discuss Mr. Denholtz's concerns over the contributory value and the impacts to the 5 mature trees on the property expressed in his email from August 4, 2020. In this email he claimed the trees provided screening and privacy from the roadway and as a result of being removed would expose the house and riverside which the family utilizes. Mr. Denholtz then provided a counteroffer of \$10,000 along with a picture of the trees looking from the roadway.

I explained to Mr. Denholtz that the State doesn't pay replacement cost for the trees and that only contributory value was included in the offer. I also explained that these trees were in a construction easement and that he still owned the land. I had previously offered to meet Mr. Denholtz in the field once the project was staked out by the survey crew to be able to understand the impacts, but he refused. He then stated he would get a quote of putting in new trees as evidence for his counteroffer.

On August 13, 2020, I left a voicemail for Mr. Denholtz with a new offer of \$5,500.00 and the

following day on August 14, 2020 Mr. Denholtz again countered at \$7,000.00. I called Mr. Denholtz again on August 20, 2020 and explained that we can't go any higher and explained that it's within his right to try and appeal this file in court but that this was the best we can do.

On August 21, 2020 negotiations concluded with Mr. Denholtz leaving me a voicemail saying he would accept \$5,500.00 as just compensation for the State's acquisition on the subject property. This represents an increase of \$750.00 which is represented by a slight increase to the square foot value. We arrived at this number by utilizing unit values from an appraisal done for serial number 001 on this same project. This appraisal provided a range of \$5 to \$11 per square foot for land value on comparable sales. Originally the Estimate of Compensation was calculated at \$8 per square foot, but by moving the value up to \$10 per square foot, the offer increased by around \$800. We then rounded down to reach the final offer of \$5,500.00. I recommend this negotiated agreement amount of \$5,500.00 be approved.

RECOMMENDATION: Board approval of damages in the amount of \$5,500 is recommended for the following reason:

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.

5. ARCHITECT-ENGINEER - UNFINISHED BUSINESS

6. ARCHITECT-ENGINEER - NEW BUSINESS

7. OTHER BUSINESS

8. VOTES ON PRB FILE:

PRB FILE #20-183-A – Mr. Berger moved and Mr. Halpert seconded a motion to approve PRB FILE #20-183-A. The motion passed unanimously.

PRB FILE #20-185 – Mr. Valengavich moved and Mr. Berger seconded a motion to approve PRB FILE #20-185. The motion passed unanimously.

PRB FILE #20-192 – Mr. Valengavich moved and Mr. Halpert seconded a motion to approve PRB FILE #20-192. The motion passed unanimously.

9. NEXT MEETING – Thursday, October 22, 2020

The meeting adjourned.

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