

STATE PROPERTIES REVIEW BOARD

Minutes of Meeting Held On October 31, 2022 – remotely via telephone conference –

Pursuant to Governor Lamont's Executive Order No. 7B regarding suspension of In-Person Open Meeting requirements, the State Properties Review Board conducted its Regular Meeting at 9:30AM on October 31, 2022 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

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 27, 2022 Meeting. The motion passed unanimously.

2. COMMUNICATIONS

3. REAL ESTATE- UNFINISHED BUSINESS

4. REAL ESTATE – NEW BUSINESS

<i>PRB File #:</i>	22-144
<i>Transaction/Contract Type:</i>	RE – License Agreement
<i>Origin/Client:</i>	DAS/DCF
<i>Property:</i>	Meriden, Church St (60)
<i>Lessor:</i>	City of Meriden
<i>Project Purpose:</i>	Temporary DCF Parking
<i>Item Purpose:</i>	New Short-Term License Agreement

Project Background

At its meeting held on July 12, 2021 the State Properties Review Board, under PRB #21-094, voted to approve a new 10-year Lease to relocate DCF to a new office at 639 Research Parkway in Meriden, from its 1 West Main Street, Meriden location. At that time DAS stated there were ongoing unresolved issues with the building and the Lessor and it was determined that it was in the State's best interest to relocate.

Included in the Lease for 1 West Main St, Meriden was parking for 79 vehicles in a parking garage owned by the City of Meriden and leased to the Lessor. DAS has now informed the Board that in March of 2021, the State received a Notice to Quit from the City because the Lessor of 1 West Main St was in default of their agreement for non-payment for the parking. The OAG defended the State in litigation with the City (NNI CV21 5013439 S) and it was determined that starting 12/21/21, the State was to deduct \$1,580.00 per month from the rent paid to the Lessor and enter into a License Agreement with the City to reimburse them directly for the parking.

Under this Proposal (#22-144), DAS and DCF are now seeking approval of a short-term License Agreement for 79 parking spaces to park staff vehicles at 60 Church Street in Meriden pursuant to the Stipulated Agreement approved by the Court on December 22, 2021. The total cost for this parking is \$20.00 per car, per month or \$1,580.00 per month. The Agreement commenced December 21, 2021 and terminated 3-31-2022, the last date of use prior to relocating to the new DCF Regional Office. The total payment due the City of Meriden is \$5,319.34.

DOCKET NO: NNICV215013439S	SUPERIOR COURT	ORDER 439615
CITY OF MERIDEN V. MERIDEN PROPERTY LLC Et Al	JUDICIAL DISTRICT OF NEW HAVEN AT MERIDEN	
	12/22/2021	
<u>ORDER</u>		
ORDER REGARDING: 12/21/2021 115.00 MOTION FOR JUDGMENT IN ACCORDANCE WITH STIPULATION		
The foregoing, having been considered by the Court, is hereby:		
ORDER: GRANTED		
Having reviewed the Motion for Judgment by Stipulation and the proposed stipulation orders, the court GRANTS this Motion and enters judgment in accordance with all the terms and conditions proposed by the parties in the signed stipulation.		
The court notes that this stipulation was worked out after several virtual pretrial in chambers conferences and after private discussions between counsel and their respective clients/constituents.		
439615		
_____ Judge: NADA K SIZEMORE		

Recommendation: SPRB staff recommend approval of this License Agreement, approved by the Court in a Stipulated Judgement.

PRB File #: 22-187-A
Transaction/Contract Type: RE – Agricultural Permit
Origin/Client: DoAG/DoAG
Permittee: Platt Farm, LLC
Property: Southbury, South Britain Rd (1461) – The Farm at the Southbury Training School
Project Purpose: Amendment for Addition of Farm Structure
Item Purpose: Amended and Restated Permit Agreement

At the State Properties Review Board meeting held on April 6, 2017, under PRB #17-061, the Board approved an Agricultural Land Use Permit for the use of 228.8 acres of a total of 944.725± acres, in Southbury and Roxbury, known as the Farm at the Southbury Training School. The Permittee is Platt Farm, LLC who pays \$8,197.60/year, in advance on April 1 of each year.

Under this Proposal (#22-187-A), DoAG is now seeking approval of an Amended and Restated Permit Agreement (1st Amendment) to expand the Permittee’s use to include the building known as the “Heifer Barn” (Building #10) on the Farm. The Permittee will pay a \$1,200 annual Permit Fee upon signing the Agreement and annually thereafter on April 1 of each year.

The amended Agreement will require the Permittee to perform limited routine maintenance and upkeep of the buildings or structures may include mowing, landscaping, painting, replacement or repair of

deteriorated wood and replacement of screens or window, all with prior approval by the Commissioner of Agriculture.

The amended Agreement also requires the Permittee to provide specific insurance coverages naming the State as additional insured.

The Department of Agriculture provided this narrative in support of this request:

The Connecticut Department of Agriculture, after consultation with the Office of the Attorney General, released a request for proposals on June 29, 2021, to all agricultural permit holders on the Southbury Training School Property. Two proposals were received, one from James Wargo and one from Ben Platt.

Upon review of the proposals, follow up with each of the applicants to better understand their needs and long-term goals was conducted. As part of the discussion with each bidder about their bid, each agreed to perform certain maintenance responsibilities related to the permitted properties. In addition, we recognized that their use of these buildings enhances the security of the property and prevents vandalism. Based on these factors, we accepted their proposals.

The results were the following:

1. Ben Platt would be granted permitted access to Building 10 on the property. In turn, the additional permit fee per month would be \$100.00 and the permittee would mow the common areas between the building and Cassidy Road and Purchase Brook Road twice a year.

2. James Wargo would be granted permitted access to Buildings 13 and 5 on the property. In turn, an annual fee of \$500 would be required and the permittee would mow two to three times per year to maintain the common areas between Cassidy Road and Purchase Brook Road. The permittee would also keep the paved road and parking area free of debris and litter and paint, with white paint, the outside of both permitted structures.

DoAG Staff provided a copy of the RFP as well as a copy of each response to the RFP.

Recommendation: Staff recommend approval of this proposed Amended and Restated Permit Agreement. The RFP was to existing Permittees, the DoAG supported their annual Permit Fees and the Permittee's use of the structures will provide maintenance when required.

From PRB #17-061

**PRB #17-061 Dept. of Agriculture - Permit to Farm 228.8 Acres;
Permittee: Platt Farm, LLC**
**SUBJECT: Location: The Farm at Southbury Training School (STS, Farm),
located in Southbury and Roxbury, pursuant to CGS §22-2600 (PA 13-90)**

Background: The Board recently approved **PRB #16-253**, wherein the State granted a *Conveyance of Agricultural Conservation Easement Deed* to the Southbury Land Trust Inc., for the permanent protection of 944.725± acres, in Southbury and Roxbury, known as the Farm at the Southbury Training School.

The conservation easement was a requirement of **Public Act 13-90, now codified as CGS §22-2600.** The legislation set out specific requirements which have been met as indicated below:

<i>Item</i>	<i>Action</i>
Dept. of Agriculture (DoAG) prepares an A-2 survey of the Farm.	944.725 acres identified as Farm. Survey dated May 2014
Dept. of Developmental Services (DDS) transfers custody and control of the Farm at STS to Agriculture, with memorandum of understanding	MOU with DDS signed May 19 & 20, 2016. Three areas of the Farm totaling 24± acres; and the “Wood Program Building” are reserved for DDS use for specified periods of time. (PRB #16-253)
DoAG grants a permanent conservation easement to a qualified nonprofit organization. SPRB approval required.	DoAG, assisted by the AG, prepared an agricultural conservation easement. Southbury Land Trust, Inc., a qualified 501(c)(3) nonprofit organization whose mission included farm and open space preservation, has agreed to accept the conservation easement. (PRB #16-253)
DoAG leases, permits or licenses any portion of the Farm to one or more persons or entities for agriculture, as defined in CGS Section 1-1q, for a period not to exceed 15 years, renewable for an additional 15 years. Agricultural activities require a conservation plan prepared by USDA and approved by DoAG. SPRB approval required.	DoAG prepared a draft permit (with AG assistance) and issued an RFP; permit agreements being processed for 5 potential permittees.

Request for Proposals (RFP) to Lease Farmland at STS

In September 2015, Agriculture issued an RFP, making about 370 acres of the Farm available for farming permits. A total of 12 farmland parcels were offered, ranging in size from 3 acres to 70 acres. The parcels are located along Cassidy Road and Purchase Brook Road and are northwest of the training school campus. Most of the 370 acres has been planted in corn, hay, or used for pasture; some of the acreage offered would require restoration to become productive.

The RFP indicated that preference would be given to proposals for food and fiber producing agricultural uses, meaning producing crops and raising livestock. Permits were offered for a 10 year period, with the option to extend for an additional 15 years. Farmers awarded permits would be required to develop and follow a USDA – Natural Resources Conservation Service (USDA-NRCS) Conservation Plan and follow best management practices.

Response to RFP

Agriculture has been asked to provide information on the responses received and the permittee selection process.

PRB #17-061: Agriculture seeks approval to issue an Agricultural Land Use Permit (Permit) for the use of 228.8 acres to Platt Farm, LLC with terms and conditions as follows:

Item	PRB #17-061
Permittee	Platt Farm, LLC
Premises	Parcels C, D, E, G, L, and a portion of H = 228.8 acres With right of way over and across the farm road running easterly from Cassidy Road to Parcels E, F & G Permittee can (with other permittees) use water supply well, located on Parcel G.
Use	Engaging in agriculture limited to fruit, vegetable, dairy and/or other food production. Sale of retail raw milk is prohibited.

Term	Commencing when executed by the AG through December 31, 2026.
Fee	Years 1 & 2: \$7,247.40 per year (\$31.68/acre) Years 3 through 10: \$8,197.60/year (\$35.83/acre)
Conservation Plan/Business Plan	Permittee will submit a business plan and agricultural use plan to the Commissioner. All agricultural activities shall be in accordance with a conservation plan approved by USDA-NRCS, and approved by the Commissioner. The conservation plan shall be updated at least every 5 years or whenever the nature of any agricultural operation changes.
Insurance	Commercial General Liability - \$1,000,000; Auto Liability: \$1,000,000 per accident for bodily injury. Workers Compensation Insurance as necessary & as required by law. Employer's Liability: \$100,000 each accident; \$500,000 disease.
Entry	State can enter at any time, with 24 hours' notice unless it is an emergency. Permittee will supply keys/key codes to locked structures and gates.
Renewal	May renew up to 15 years, with agreement of Commissioner, terms and conditions to be negotiated.
Assignment	Permit cannot be assigned, sold or transferred to any third party.
Cancellation	State may cancel at any time with 30-day advanced notice.
Other	No alterations or improvements can be made on the premises without the prior written approval of the DoAG. All pesticides/herbicides shall be used and stored in accordance with application laws and best practices. State reserves all hunting and fishing rights.

Recommendation: It is recommended that this item be suspended pending receipt of information from the Department of Agriculture regarding:

- (1) The responses to the RFP;
- (2) The factors evaluated in selecting the permittee;
- (3) The determination of the rental rate; and
- (4) The business and agricultural use plans required to be submitted by Platt Farm, LLC.

5. ARCHITECT-ENGINEER - UNFINISHED BUSINESS

6. ARCHITECT-ENGINEER – NEW BUSINESS

7. OTHER BUSINESS

8. VOTES ON PRB FILE:

PRB FILE #22-144 – Mr. Halpert moved and Mr. Valengavich seconded a motion to approve PRB FILE #22-144. The motion passed unanimously.

PRB FILE #22-187-A – Mr. Valengavich moved and Mr. Berger seconded a motion to approve PRB FILE #22-187-A. The motion passed unanimously.

9. NEXT MEETING – Thursday, November 3, 2022.

The meeting adjourned.

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