Land Use-Urban Redevelopment Committee –
Board of Representatives

Harry Day, Chair

Committee Report

Date: Wednesday, May 26, 2010
Time: 7:30 p.m.
Place: Legislative Chambers, 4th Floor, Government Center

The Land Use-Urban Redevelopment Committee met as indicated above. Present were Chair Day and Committee Member Reps. Boccuzzi, Kaufman, Raduazzo and Summerville. Also present were Reps. Adams, Cannady, Cerasoli, DePina, Fedeli, Figueroa, Franzetti, Heaphy, Molgano, Rauh, Savage, Uva, White and Zelinsky; Rachel Goldberg, URC; Ernie Orgera, Director of Operations; Ann Brown and Lou Casolo, Engineering; Laure Aubuchon, Director of Economic Development; and approximately 20 members of the public. Those members of the public who spoke at the public hearing are noted on the attached sign-in sheet.

Chair Day called the meeting to order at 7:45 p.m.

Item No.	Description	Committee Action
1. LU28.007	RESOLUTION; **for public hearing & final adoption**; approving the acquisition by negotiation or eminent domain of rights of way for Group A (6 full takings) and Group B (18 partial takings) for the Stamford Urban Transitway Project.	**Approved 5-0-0**

Chair Day opened the public hearing. Members of the public made the following arguments:

- The East Side Partnership has strongly supported this project and continues to do so
- The current traffic bottleneck needs relief
- The project is important to the development of Stamford
- The usefulness of Phase I, which is nearing completion, will be limited if we do not proceed with Phase II
- The transitway will be a vital artery that will encourage investment in Stamford and failure to complete the project will stop Stamford in its tracks
- Homeowners have negotiated the takings and the uncertainty from the failure to complete the transaction creates a strain on owners and tenants
- It would be a mistake not to follow through with Phase II after all the promises and all the hardship endured during Phase I
- Negotiations between the City and property owners have mostly been amicable and owners are unable to rent properties if they can't tell potential tenants that the project will proceed ahead and be completed

- Failure to complete the project will worsen the congestion at the Elm/Myrtle intersection
- The bike lanes take away valuable commercial space
- The street is losing curb parking
- The project will be beneficial to Shippan and has the support of the Shippan Association and most Shippan residents
- There has been too much disruption in Phase I
- We need to look at implications of project for the future of the City

Chair Day closed the public hearing.

Chair Day stated that this item was approved by the Committee last month but was not approved by the Board, and is being reconsidered this month. He noted that the two issues which had provoked the most discussion on the Board and among the public, and which the committee wanted to address, were (a) where the City currently stands with property acquisition negotiations and to what extent eminent domain may have to be enforced, and (b) the status of Phase I and the hardships and inconveniences resulting from the delays.

Mr. Orgera stated that this has not been an easy project to manage, but that the City is in full support of Phase II of the project. He stated that if the Elm/Myrtle intersection is not reconstructed as planned, it will cause congestion and not work properly.

Ms. Aubuchon explained that the total budget for this project, approximately $131 million, was split almost evenly between Phase I and Phase II. The project was first initiated in 1998 through federal funding and Phase II has received $25 million in federal funding since 2004. The City has requested additional federal funding, including the failed request for TIGER funding, and will be requesting funding through TIGER II and other appropriations. These requests do not compete with funding requests for the Atlantic Street underpass because that project is not “shovel-ready.”

Ms. Goldberg stated that 5 out of the 6 properties that would be full takes currently have signed term sheets. On the last property, the City is currently waiting for the owner’s appraisal, and expects to speak with the property owner again in two weeks. Of the partial takings, 5 owners have signed term sheets, 5 term sheets are out but waiting for signature. Five properties are what she considers “pending.” These owners, who she considered willing to sign a few weeks ago, are now hesitant out of concern that the City may not go forward with the project and have raised their requests beyond an amount she can authorize without owners’ appraisals. Owners often do not provide competing appraisals quickly and she has to wait for them. She explained that she is incapable of including in the property valuation illegal usages, such as illegal units or parking, although the owners may want them included, but she can sometimes come up with other ways to get close to the dollar amount the owners are requesting. For example, the amount paid by the City may include payments to the owner to provide work the City would have been required to provide in connection with the taking, such as landscaping or moving. She is also negotiating property swaps with some owners who own multiple properties. She noted that the City may have exposure for inverse condemnation by owners who have signed term sheets if there is no subsequent Board approval. This is a potential problem caused by the process in which terms are negotiated but must still be approved by the Board.

Ms. Brown addressed the frustrations people have been experiencing over the traffic and the delays. She explained that right now the City is working in the most congested area of the project, which is causing the most traffic frustration. She stated that the utility companies must complete their work with the live lines for all the areas before they can remove the poles on Jefferson St. Only 2 utilities companies still have uncompleted work, AT&T and Cablevision. Cablevision must schedule all of its work with its customers in order to avoid service disruption. She expects Cablevision to be finished by early June and AT&T to be finished in 6 to 8 weeks. One issue for AT&T's delay is that the Canal Street manholes are tidal and are not always accessible. The City is planning to create turning lanes between the train station and Jefferson Street in the next week in order to alleviate some of the traffic problems. Ms. Brown also noted that sometimes it appears that no work is being done, when in fact a waiting period is required. For example, there is a 7 day curing time for concrete after it is poured. She stated that small issues also create delays, such as the discovery of an underground oil storage tank in the right-of-way which required the redesign of the storm drain. She expects the major part of the Elm Street intersection to be completed in August, although final paving may be delayed by the utility pole removal and the opening of the median for Halloween Boulevard.

In response to questions from members of the Board of Representatives, Ms. Aubuchon explained that although the Urban Transitway was listed as 4th on the list of the Mayor's priorities, that does not make it unimportant and they will be applying for TIGER funding. The City received $2.8 million for the Urban Transitway under ARRA, but this money must be obligated and used by 2012. Ms. Goldberg explained that the Myrtle Avenue acquisitions do not require the relocation of any residential tenants, with one possible exception of a possible tenant on an automotive property she has not been able to confirm. Notice has been left regarding eligibility for relocation benefits, including assistance in finding housing and possible rent subsidies. Ms. Brown explained that the bike paths are in the Master Plan and are required in order to get federal funding. She is not aware if the City can apply for a waiver at this point. She does not feel that the amount of time Phase I has taken is extraordinary for a project of this size.

Ms. Goldberg explained that for the full takings, the term sheet is as far as she can go until there is Board approval. She does not have the authority to enter into signed agreements without it. She explained that all of these acquisitions are subject to both the Charter and federal law. Last year, the Board approved initiation of the process, which gave her the authority to make offers to purchase. Under the Federal rules, she must then negotiate with each property owner in good faith and treat them all equally. The City must also inform all owners of how they can maximize the amount they receive for their properties. When she makes offers, she must also inform tenants that they are eligible for relocation benefits. Although she has reached agreements with these owners, she does not have the authority to make the purchases, either as negotiated or through eminent domain, without Board approval of this resolution. She explained that if an owner is also a tenant, due to corporate structure, their ownership and their tenancy are dealt with separately under federal law. As for the other 3 partial takings, she is currently discussing property swaps with one owner. She only received authority to discuss swaps last week. She noted that the issue raised during the public hearing about on street parking relates to a property not included in the current grouping. That is a group C property.

For Phase I, eminent domain was initially used in 18-20% of the properties, but half of those subsequently reached negotiated agreements. Ms. Goldberg explained that those properties that ended up in trial did so because of differences between experts on how things should be valued. Ms. Goldberg stated that if a property is believed to have hazardous waste, that may impact how a property is valued based upon what a person would be willing to pay, but that clean-up costs would not simply be subtracted from the value of the property. The property owners are always paid based upon the value of the land at "highest and best use," so that a two-family home which is zoned for a six-family home would be valued as if the land had a six-family home. Ms. Goldberg stated that by holding up this process, property owners are left in a position of uncertainty and are unable to move forward.

Chair Day explained that this process is governed by the Charter, the Code and an overlay of federal regulations. The Board does not have the option of changing the process. Nor, stated Chair Day, are we entitled to favor either the owners or the City; rather, our obligation is to ensure that the process is followed fairly and appropriately. Chair Day stated that he had a high degree of confidence that the process was being implemented with total and complete fairness. Members of the Committee expressed concern about how the City would proceed if the project was stopped at this point. A motion to approve this resolution was made, seconded and approved by unanimous vote. (Reps. Day, Boccuzzi, Kaufman, Raduazzo and Summerville in favor.)

2. LU28.008 REVIEW; plan for administering compliance with mandated environmental and other regulations within EPB jurisdiction, after 6/30/10. **Report Made**

Mr. Orgera stated that he has been having conversations with the State Commissioner of Environmental Protection and is scheduling training for EPB staff in order to be in compliance with CGS 22A-42(d). He is also setting up a meeting to a have a cadre or professional environmental engineers homeowners will be able to hire for watercourse/wetlands issues. Chair Day explained that the Committee's concern is that as of July 1, there will be no Executive Director of the EPB, even though the position is assumed to exist by ordinance. Representative Heaphy, citing her experience serving on the EPB, stated that the Board needs someone who can carry out the requirements and understand and enforce the regulations. EPB staff is charged with discharging the State regulations. Members of the Committee and other Board members expressed concern that EPB is dependent upon the Executive Director for guidance and that without an Executive Director, EPB would be unable to fulfill its functions and the State would take over the EPB. Chair Day stated that the committee would revisit this issue.

3. LU28.004 REVIEW; status of Richmond Hill Ave bridge project. **Report Made**

Mr. Casolo stated that the bridge was started 9 months ago and is nearing completion. The superstructure has been replaced and the bridge is scheduled to be completed and open for traffic in July. The work will come in at approximately $150,000 below cost, mainly because the City was able to shut down the road during the work. The plan was developed in coordination with the Mill River Collaborative, and there will be a pathway over the bridge as well as accent lighting in the railing. The reopening of the bridge should ease the congestion on Tresser Boulevard and West Main Street. The Committee discussed that RBS had given $175,000, including $75,000 for Jackie

Robinson Park, but it is not clear how those funds were allocated. Ms. DePina is following up on this with Robin Stein. Mr. Casolo confirmed that no graves were moved in connection with the work on the bridge.

The meeting was adjourned at 10:30 p.m.

Respectfully submitted,

Harry Day, Chair