

**REDEVELOPMENT AGENCY  
MEETING MINUTES  
APRIL 21, 2011, 7:30 A.M.  
LINCOLN CENTER HEARING ROOM**

Members Present:                   Tim Devanney, Chair                   Bob Schneider, Vice Chair  
  Aaron Ansaldi                         John Topping  
  Michael Darby                         Terry Bogli  
  Barbara Weinberg                     Gary Sweet  
  Tommy Tomko                         Aaron Wlochowski  
  Phil MacVane                         Mike Farina  
  Sue O'Connor

Also Present:                       Scott Shanley, General Manager  
  Mark Pellegrini, Director of Neighborhood Services  
  and Economic Development  
  Gary Anderson, Senior Planner  
  John Sullivan, Assistant Town Attorney

Adoption of minutes of March 28 and April 7, 2011

Ms. Weinberg moved to adopt the minutes as written. Ms. Bogli seconded the motion and all members voted in favor.

Discussion of site clearance, remediation, and disposition options for the Nichols estate properties

Attorney Sullivan said he was still waiting to obtain the appraisal of the Nichols properties and hoped to receive one next week. Mr. Darby asked Atty. Sullivan if he had heard of any outside interest in purchasing the property. Atty. Sullivan said he had not.

Mr. Pellegrini introduced Attorney Pamela Elkow of Robinson & Cole who was in attendance to provide the Agency with some guidance on the possible legal implications of the Town taking title to and possibly reselling the Nichols estate properties. Atty. Elkow said she reviewed the environmental assessment reports for the Nichols properties (295, 299 and 303 Broad Street) completed by Fuss & O'Neill and said the environmental conditions at the site were typical of an older, light industrial site. She said other than the former landfill, she did not find any particularly unusual conditions in the environmental assessment. If the Town were to obtain and later sell any of the properties, it would have the responsibility of informing a potential developer of its environmental condition. The level of clean-up necessary will be dependent upon the future use of the property. She said residential uses, including recreational uses, must meet higher clean-up standards than commercial uses.

Atty. Elkow said according to the Connecticut Transfer Act, if certain historic uses occurred on a given property, some entity would be responsible for the environmental investigation and clean-up of that property. She said that while 295 and 303 Broad Street would not be subject to the Transfer Act, 299 Broad would be because the building once housed automobile repair and furniture refinishing businesses. She said the Transfer Act exempts municipalities that take ownership of such a property through foreclosure, but the exemption does not remain in effect if the municipality resells the property to a third party. In that case the Town must satisfy Transfer Act requirements. Ms. Elkow said the Town and/or future owner could choose to enter into the State's voluntary clean-up program, which allows a longer timeframe to finish any required clean-up work. She said the voluntary clean-up program is preferred for this reason.

Atty. Elkow said the Town or subsequent owner would need to work with the State Department of Environmental Protection to complete and file a closure plan for the former landfill. Closure would likely involve identifying the boundaries of the landfill, capping that area and then monitoring groundwater. The Town could also apply for a stewardship permit through DEP that would be transferrable to a developer. The stewardship permit is the preferred closure option. Demolishing the buildings themselves, Atty. Elkow said, would require mitigation of hazardous materials including lead-based paint, PCBs and asbestos.

Mr. Schneider asked if the Town could leave the building on 299 Broad St. standing. Atty. Elkow said yes, and buildings are often used as caps on contaminated sites. She said in her experience it is usually more difficult to attract a buyer of old, obsolete or undesirable buildings than to find one when the environmental conditions are known.

Mr. Tomko said the Agency should be aware that costs associated with Transfer Act properties can be unpredictable and said he does not think development should occur on top of the former landfill. He said a developer may have difficulty finding financing to purchase sites with environmental issues.

Mr. Schneider asked Atty. Elkow if she thought a developer would be less interested in the site considering these environmental conditions. Atty. Elkow said that it depends, because some developers avoid any site with environmental contamination while others view such sites as opportunities. She said the fact that the Town has already conducted environmental assessments helps because those reports identify existing conditions eliminating or reducing unknown risks.

In response to a question from Mr. Pellegrini, Atty. Elkow said it would be helpful to speak with staff at the DEP regarding closure of the former landfill. Those requirements would depend on the extent of the ground water pollution at the site.

On behalf of the Agency, Mr. Darby thanked Ms. Elkow for coming to discuss this issue pro bono.

Ms. Weinberg asked Attorney Sullivan the timeframe for the foreclosure process. Atty. Sullivan said assuming he receives the appraisal next week the court process could take approximately four weeks, followed by a 20-day appeal period and then scheduled law days. He said the process could be complete by in late July or early August.

Mr. Pellegrini asked the Agency for their thoughts about what should be done with the property if and when the Town obtaining title. Mr. Tomko said he thought the Town should demolish all three buildings, not remediate the site, repackage and resell the lot on the corner of Little Street and leave the other two properties as green space. Mr. Pellegrini said in the future, it might also be possible and/or desirable to realign Little St. to create a four-way intersection at Broad, Little and Green Manor Boulevard.

Mr. Sweet said as the Parkade is redeveloped, the value of the Nichols site will increase. He said holding the site for the near future would be to the Agency's benefit.

Mr. Farina asked what the Redevelopment Plan shows as the future use of the Nichols properties. Mr. Anderson said those parcels are identified as green space. Mr. Farina said the Agency will need to amend the plan if it desires all or a portion of the site to be redeveloped. Mr. Tomko said the Agency could wait to amend the plan until there is development interest.

Mr. Sweet said the Agency should hold a charrette to envision how the properties could be laid out because they could have an impact on or be impacted by the Broad Street reconstruction project.

#### Other Business

Mr. Tomko asked about progress on the town's bid specifications for the Parkade demolition. Mr. Pellegrini said the Town expects to have the final PCB removal plan sent to the DEP by next week and have the rest of the specifications ready by the first week of May.

Mr. Pellegrini said the General Manager has scheduled a policy briefing for the Board of Directors on the Parkade demolition for Tuesday, April 26 at 8 a.m. Mr. Anderson and Mr. Carlino will be in attendance to update the Board on the Agency's conversations regarding priorities for the site during the time period between demolition and redevelopment, and options for the extent of work to be included in the bid. Agency members are encouraged to attend to answer questions from the Board.

Mr. Anderson said staff would like to schedule a workshop on the draft of the Broad Street form-based-code. He would be in touch with members regarding when a good time for the workshop would be.

Mr. Pellegrini said the Board of Directors discussed potential projects to be included as bond referendum questions in this fall's election. Items for discussion included \$2 million in matching funds for the Broad Street reconstruction project, \$1.1 million for the Center Springs Broad Street entrance and \$700,000 for work on the Edgerton Street culvert.

Mr. Pellegrini said there was a motion and related amendment still on the table from the previous meeting. Mr. Schneider withdrew his motion. Mr. Darby seconded. Mr. Topping withdrew his amendment. Ms. Weinberg seconded.

The meeting was adjourned at 8:35 a.m.

The next meeting of the Manchester Redevelopment Agency will take place on Thursday, May 5, 2011 at 7:30 a.m. in the Lincoln Center Hearing Room.