

Date: Mon, 11 Sep 2006 13:07:28 -0700 (PDT)
From: "Brian O'Connor" <bjoconnor@prodigy.net>
Subject: Fwd: RE: Request Information
To: tgdyar@sbcglobal.net

Gerry,

Here is the info we discussed. It has a list of questions from Selectman Mulvihill and DOT's response. Also included are the cost estimates of the Route 145 Site and a letter from the Maguire, which conducted the study. Since his letter, DOT has agreed that the Transfer Act does apply. The letter states that it does not. I will send another email giving the estimated cost of cleaning up the town garage site. In Mr. Hill's response you will get an accurate accounting of the genesis and rationale of providing the two acres back to the State. Let me know if you have any other questions. It should be noted that none of this information is in the report.

Thanks again for everything,
Brian

Note: forwarded message attached.

id <G894YK38>; Thu, 30 Mar 2006 16:24:02 -0500
From: "Hill, Scott A." <Scott.Hill@po.state.ct.us>
To: "'Robert Mulvihill'" <roka1977@sbcglobal.net>
Cc: "Norman, James H." <James.Norman@po.state.ct.us>,
"Dorosh, Gregory M." <gregory.dorosh@po.state.ct.us>,
"Wilson, Timothy M." <Timothy.Wilson@po.state.ct.us>,
"Hall, Keith A." <Keith.A.Hall@po.state.ct.us>,
"Messina, Robert C." <Robert.Messina@po.state.ct.us>,
"bjoconnor@prodigy.net" <bjoconnor@prodigy.net>,
"bjoconnor@cga.ct.gov" <bjoconnor@cga.ct.gov>
Subject: RE: Request Information
Date: Thu, 30 Mar 2006 16:23:56 -0500

Bob,

Sorry for delayed response. Here is a letter and estimate that I believe answers the first three questions.

As for your question number 4: On August 5, 2005, the Department was preparing to condemn Parcel No. 8 (5 Pequot Park Road) to build our new salt shed to replace the shed being

transferred with the land to the town. On August 17, 2005, 1st Selectman Palermo asked for a meeting with the Department to discuss the town's concerns over the Department taking Parcel No. 8. The Department explained that the shed needed to be in approximately the same location as the existing shed due to fixed snow plow routes that could not be altered. At the meeting was Mr. J. Richard Lee of OR&L who wanted to build a medical complex on Parcel No. 8.

According to Mr. Lee, the project would generate \$50,000 a year in taxes for the town. After a great deal of discussion including why other sites along Pequot Park Road would not work, Mr. Palermo offered part of the Route 145 site back to the Department to build the shed in exchange for dropping the condemnation of Parcel No. 8. On September 8, 2005, the Chief Engineer, Mr. Art Gruhn, sent a letter to First Selectman Palermo confirming the ability for the Department to use a portion of the existing Maintenance facility site to build shed and that the sites will be exchanged. On September 15, 2005, Mr. Palermo signed the letter after obtaining the Board of Selectman's acceptance of terms outlined in Mr. Gruhn's September 8th letter. On October 17, 2005, the Department did a presentation of the proposed property exchange to the Westbrook P&Z. All members voted in favor of the exchange. The compensation to the town is the medical complex and the \$50,000 a year in taxes the town will get from it being constructed versus a salt shed on that site.

Hope this resolves the town's final issues. Please pass this information on to Mr. Raffa. Please call me if you have any questions.

thanks,

Scott

Scott A. Hill, P.E.
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State Design - Facilities
Connecticut Department of Transportation
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From: Robert Mulvihill [mailto:roka1977@sbcglobal.net]
Sent: Sunday, March 26, 2006 7:08 PM
To: scott.hill@po.state.ct.us
Subject: Request Information

Scott,

Sorry I did not call back, but with a funeral out of state and my son's surgery it got a little hectic. I

was at a luncheon this afternoon and had a conversation with Brian O'Connor and I told him that I would be e-mailing you and Greg requesting some information and that I would be getting back to him. These are some of the issues that face us and maybe we can get some information on them before we sit down and discuss them. I hope any meetings can be arranged in the near future.

1. I know we have had our opinions on the Transfer Act. You and Greg have stated its DOT's opinion that we don't have to file under the act. We have discussed this issue with Town Council and an environmental attorney we consulted. Both reviewed the phase two report and both gave us the opinion that we can't avoid the Transfer Act. Could you please let us know who's opinion it is. If its from your legal department, could they please put it in writing so we can see what is referred to?

2. Could you please see just what the levels of the contaminates are (numbers) at the RT 145 facility. All we have in the report is that that they exceed levels that trigger the Transfer Act. This knowledge would go a long way in understanding just why DOT has their opinion.

3. In my conversation with Greg he stated we would have to remove about 500 cubic yards of soil and that would take care to problems at the RT 145 facility. This for all intent and purpose sounds like a remediation. Remediation by any other name is remediation. If remediation is needed, why would we not have to file under the Transfer Act. We would need the cost of this remediation. Its an unknown factor we just don't have IE: trucking costs, disposal of soil, and replacement soil.

4. Also during our committee meetings both of the public acts were read that deal with the issue of this transfer of property. 05-1 and 05-279. 05-1 is the bonding issue which is self explanatory. Their is an issue one of the members brought to the attention of the committee regarding 05-279. In this public act the State Legislature authorizes the transfer of the RT 145 facility and about 5 acres of land to the Town of Westbrook. In exchange the Town of Westbrook would transfer to the State of Connecticut our property on Norris Avenue. During the discussions with the prior administrations the Town Maintenance Foreman was part of the discussions as his input was needed as this would end up being his facility to run. Near the end of the discussions he came in one day and there was a new map and an agreement that now gave the DOT back over an acre and a half of land to build a salt shed on. He had been under the impression the Town could expand in that direction with a needed dog pound and parking for the conservation commission to access the open space the Town purchased. The Town seems not to have been compensated in any way for giving back this land. Could we have some type of explanation?

There are others, but this would be of great help at this point.

Bob Mulvihill

remediation cost estimate westbrook.xls