

VERBATIM PROCEEDINGS

STAMFORD URBAN TRANSITWAY PUBLIC HEARING  
FOR THE RIGHTS-OF-WAY ACQUISITION AND  
RELOCATION ASSISTANCE

JUNE 16, 2009

STAMFORD GOVERNMENT CENTER CAFETERIA  
FOURTH FLOOR  
888 WASHINGTON BOULEVARD  
STAMFORD, CT 06901

POST REPORTING SERVICE  
HAMDEN, CT (800) 262-4102

HEARING RE: STAMFORD URBAN TRANSITWAY  
JUNE 16, 2009

1 . . .Verbatim proceedings of a hearing in  
2 the matter of Stamford Urban Transitway Public Hearing for  
3 the Rights-of-Way Acquisition and Relocation Assistance,  
4 held at the Stamford Government Center Cafeteria, Fourth  
5 Floor, 888 Washington Boulevard, Stamford, Connecticut, on  
6 June 16, 2009 at 7:02 p.m. . . .

7  
8  
9  
10 MS. ANN BROWN: If everyone could please be  
11 seated, we're going to begin. It's 7:00. I just want to  
12 thank everybody for coming tonight. This is the public  
13 hearing for the Stamford Urban Transitway. It's for the  
14 Right-of-Way Acquisition and Relocation Process for Phase  
15 II.

16 Again, I just want to thank you all for  
17 coming. My name is Ann Brown. I'm the Project Manager  
18 for the Stamford Urban Transitway, and I'm going to just  
19 give you a little bit of introduction to the people we  
20 have here and who you'll be hearing from tonight, and then  
21 a little bit of background and the project status of Phase  
22 I and Phase II, and then I'm going to turn it over to the  
23 other speakers.

24 With me tonight I have Rachel Goldberg, who

HEARING RE: STAMFORD URBAN TRANSITWAY  
JUNE 16, 2009

1 is the counsel for the URC, and Rachel is our consultant  
2 here for the Right-of-Way process. I also have John  
3 Schearer. He's from Diversified Technologies. He's our  
4 Design Consultant for the Phase II design.

5 In the audience somewhere is Manny Poola.  
6 He's our Traffic Engineer with the City of Stamford.  
7 Laura Labosky, the Project Coordinator for the SUT.  
8 Winston McKenzie, who is the Assistant Project  
9 Coordinator, and Crystal. She's with the City, also, as  
10 our Administrator.

11 So I just want to talk a little bit about  
12 the project. I know that we've been here before. You've  
13 been at plenty of meetings before. Everyone is familiar  
14 with the project. This public hearing tonight is really  
15 the beginning of the property acquisition and relocation  
16 phase.

17 After tonight, well, before today, I think  
18 you got in the mail packages, which each property owner  
19 should have had, which has a draft of a map, showing the  
20 right-of-way acquisition, what's going to happen in front  
21 of your property, or with your property.

22 It should have some pamphlets in it that  
23 describe the acquisition process, the relocation process,  
24 and some of the benefits that you're due under the federal

HEARING RE: STAMFORD URBAN TRANSITWAY  
JUNE 16, 2009

1 guidelines. This is a federally-funded project, so we  
2 have to follow not only the City, but all the federal  
3 guidelines for the project, so that should have been  
4 included, as well.

5 You, also, in the packages was a right-of-  
6 entry form that we've asked that everyone sign and send  
7 back. What that does is it allows us to come to the  
8 property. There's two different kinds of property takes.  
9 We have what's called a full take, which is when the  
10 design actually goes through the building that's on the  
11 lot. That's known as a full take. We're looking to take  
12 the full property, take down the building.

13 In that case, we're looking to go into the  
14 building. We're looking to get access to see if there's  
15 any asbestos, lead paint, things like that. We have to  
16 assess the inside of the building.

17 For the partial takes, which is just pieces  
18 of land, say for the right-of-way in front of the -- in  
19 the fronts of the property along the roadway, we're  
20 looking to do soil borings, to do some soil investigation,  
21 that kind of work, and that's what we need, an entry for  
22 that.

23 I know we've gotten a lot of them back. If  
24 you have them here tonight, you can give them to Laura in

HEARING RE: STAMFORD URBAN TRANSITWAY  
JUNE 16, 2009

1 the back, or you can mail them in. We ask that you mail  
2 those in.

3 Just to give you a little background, I  
4 think everybody kind of knows the project. We have the  
5 boards up here that you can look at to show you what is  
6 going to happen.

7 The project limits for Phase II start at  
8 Elm Street and continue down Myrtle Avenue to East Main  
9 Street. It's a continuation of Phase I, and we're  
10 continuing the roadway to sort of match Phase I.

11 We're going to have dedicated HOV bus  
12 lanes. There's going to be dedicated bike lanes. There's  
13 going to be sidewalks. There's going to be landscaping.  
14 There's going to be a strip, you know, like a utility  
15 strip that's going to be either a grass strip, or like a  
16 nice paver strip to match the streetscape look elsewhere  
17 in the town.

18 We're going to have some enhanced crosswalk  
19 treatments across Myrtle Avenue, across East Main Street.

20 Some of these things we're implementing right now on  
21 Phase I, and just to give you an update on that, if you  
22 look on Phase I, the section between the train station and  
23 Canal Street will be open July 2nd. That's the scheduled  
24 opening date, so we hope that everybody can get out there

HEARING RE: STAMFORD URBAN TRANSITWAY  
JUNE 16, 2009

1 and can use that section, and you'll see what, you know,  
2 sort of what this is going to look like when we're done.

3 Just to let you know, there's legal notices  
4 for this public hearing. They were published in the  
5 Advocate. They were published in El Sol Magazine. Let's  
6 see. The real purpose for this public hearing is not  
7 really to discuss the design so much as to give you the  
8 information and outline the process for the right-of-way  
9 acquisition and relocation, your benefits, what the  
10 process is going to be, what it entails.

11 We do ask, if everybody hasn't signed in,  
12 there's a sign-in sheet in the back, please sign in. If  
13 you want to speak, we're going to have a public comment  
14 period, and we ask that you also sign in for that, because  
15 we're going to take in the order of people signing in,  
16 allow you to come up to the podium here and state your  
17 comments.

18 If we have a lot of speakers, we're going  
19 to try to limit it to about three minutes per speaker, so  
20 that everyone can have a turn speaking. And we also have  
21 a comment drop box. If you feel more comfortable, if you  
22 want to put a comment in writing, you can do so and leave  
23 it in the drop box, or you can mail it back to us within  
24 the next 30 days. We ask that you have all the public

HEARING RE: STAMFORD URBAN TRANSITWAY  
JUNE 16, 2009

1 comments back if you're going to submit something in  
2 writing.

3 So the first thing I'd like to do right now  
4 is I'd like to bring Rachel up here, introduce Rachel  
5 Goldberg. Like I said, she's the general counsel for the  
6 URC. She's an expert in the right-of-way process, and  
7 that's what she's doing for us today with this process, is  
8 she is our consultant for that, so I'd ask Rachel to come  
9 up and go over that process.

10 MS. RACHEL GOLDBERG: Good evening,  
11 everybody. I've left my glasses there, so I can't see  
12 you, but I can see my notes.

13 First, I want to be real clear. Even  
14 though I work for the Urban Redevelopment Commission, this  
15 is not an Urban Redevelopment Project. This is purely a  
16 highway project, a road project for the City. There's no  
17 Urban Renewal Plan.

18 There's no developers and that kind of  
19 action around this project. It's purely about acquiring  
20 what's necessary for the road, for the right-of-way, in  
21 accordance with, as Ann said, a combination of the federal  
22 statutes and regulations, the state statutes and  
23 regulations and the City ordinances.

24 As one might expect, that's fairly

HEARING RE: STAMFORD URBAN TRANSITWAY  
JUNE 16, 2009

1 involved. The process has already begun. You've all  
2 attended previous, or hopefully most all of you have  
3 attended previous public hearings, public information  
4 meetings as the design for the transitway has been  
5 developed.

6 Last year or earlier this year, the Board  
7 of Representatives, the Planning Board and the Board of  
8 Finance all reviewed the project and the basic design and  
9 passed a resolution authorizing the City to move forward  
10 with the project. There is more governmental process,  
11 which I'll go through as I describe the process.

12 After the Board of Representatives and the  
13 other Boards authorize the moving forward of the project,  
14 we issued requests for proposals, which are big documents,  
15 for an appraiser, a firm to go out to each of the  
16 properties and value it and for a second firm, also  
17 appraisers, but they will prepare a report called  
18 appraisal review, or review appraisal, where they  
19 carefully examine the appraisal to make sure that it is  
20 properly prepared, that the arguments were correct, that  
21 the information that was available was appropriately  
22 utilized.

23 The firm that was the successful bidder on  
24 the appraisal work was Cushman and Wakefield here in

HEARING RE: STAMFORD URBAN TRANSITWAY  
JUNE 16, 2009

1 Stamford. They're an international appraisal firm and  
2 real estate firm. They have, in fact, already sent out  
3 some notices to each of the property owners, about half a  
4 dozen so far, which identify a time period within which  
5 they would like to come onto your properties and inspect  
6 them for purposes of them preparing an accurate appraisal.

7 They also ask for information. If you have  
8 tenants, they'll ask for information on that, on what you  
9 spend to maintain the property and so forth. They also  
10 specifically invite each property owner or their  
11 representatives and their representatives, legal and  
12 otherwise, to go with them as they inspect the properties.

13 That's a right guaranteed to property  
14 owners under the federal law, which is called the Uniform  
15 Relocation Assistance and Real Properties Acquisition  
16 Policies Act of 1970.

17 It has not been amended since 1970,  
18 although the regulations, because we have the statute and  
19 then we have regulations, have actually recently been  
20 amended. There's a federal agency that has oversight of  
21 this law. It's called FHWA, Federal Highway  
22 Administration, and they are the ones that promulgate  
23 regulations. The Federal Transit Administration, FTA, is  
24 providing funding, so they will be looking over our

HEARING RE: STAMFORD URBAN TRANSITWAY  
JUNE 16, 2009

1 shoulder and have, in fact, been looking over our  
2 shoulders every step of the way, including reviewing a  
3 certain number of the appraisal reports as they're being  
4 prepared to make sure they're satisfied with the quality  
5 of the work that's being performed.

6 I also will be reviewing the appraisals as  
7 they're prepared. I will not be on the inspections and  
8 will not in any other way have involvement with the  
9 appraisal process, and I will not be the person for the  
10 City who establishes value, what the laws call just  
11 compensation.

12 My job is limited to overseeing the  
13 process, making sure it's done in accordance with the  
14 regulations. Eventually, I'll be meeting with each  
15 property owner and trying to negotiate a friendly  
16 transaction, or, if possible, modifications of the  
17 transactions, and I will oversee the relocation process.

18 We have another firm, who we used in the  
19 first phase, called Harold Michalowski and Company, and  
20 people who are tenants also have certain rights to  
21 relocation benefits, as you might imply from the name in  
22 the federal law.

23 The relocation agent is charged with  
24 helping each tenant, both residential and commercial,

HEARING RE: STAMFORD URBAN TRANSITWAY  
JUNE 16, 2009

1 through the process, through the application process, and  
2 explaining in more detail than you can imagine everything  
3 you're entitled to and making sure that you get it.

4 I'm going to back up a little bit now and  
5 talk a little bit about what's involved with the  
6 appraisals. As I said, it's an important beginning step.  
7 It's a very detailed analysis of each property for the  
8 properties that are full take properties, and there's a  
9 half dozen who are amongst the first group to get the  
10 letters that we just described.

11 What they'll do is they'll look at similar  
12 properties in similar areas and see what they've sold for  
13 and when they sell. That's called a sales comparison  
14 analysis or market analysis. So if there was a property  
15 that's almost identical or very similar that was recently  
16 sold, that gives the appraiser a good understanding of  
17 what the value of that property is in today's market.

18 Sometimes those sales were, you know, half  
19 a mile away, and the neighborhood is a little different,  
20 the property is not exactly the same size, so they'll  
21 adjust a little bit for time, they'll adjust because maybe  
22 you're in a better location, or they're in a better  
23 location, and there's some subjectivity to it, but there  
24 is a recognized set of standards, called USPAP, Uniform

HEARING RE: STAMFORD URBAN TRANSITWAY  
JUNE 16, 2009

1 Standards for Professional Appraisal Practice, which are  
2 guidelines by which they must prepare their reports.

3 As I said, I'll be reviewing the reports,  
4 the Federal Transit Administration will be reviewing it.  
5 They actually hire consultants, who will also be reviewing  
6 it. They're called a Project Management Oversight  
7 Committee. Finally, another professional independent  
8 appraisal firm, called Wellspeak, Dugas and Kane.

9 A gentleman by the name of Pat Wellspeak  
10 will be preparing what's called a review appraisal report,  
11 which is a formal document that will become part of the  
12 file, and it is a detailed analysis not of the property  
13 valuation, but of the appraisal report as a document.

14 Did it appropriately follow USPAP, are the  
15 comparables appropriately used, were the adjustments  
16 correctly done, are the calculations correct, those kinds  
17 of things.

18 There's also an analysis of the value of  
19 the property, if you will, as an investment. What they do  
20 is they look at the income, and generally we call that an  
21 income approach, so if you have tenants in the building  
22 and they're paying so much each month in rent and you have  
23 overhead associated with the building, insurance,  
24 maintenance, taxes and so forth, they use that information

HEARING RE: STAMFORD URBAN TRANSITWAY  
JUNE 16, 2009

1 to calculate, based on a capitalized rate appropriate for  
2 the time, what the investment value of the property is.  
3 They don't always use that approach, but often enough.

4 And there's a third approach, which is used  
5 much less frequently, called cost approach, where they  
6 look at the depreciated value of the improvements, along  
7 with the value of the land, to arrive at an estimate of  
8 value, and then they take a look at the three, or, if  
9 they've only used two, they look at the approaches they've  
10 done, and they try to reconcile everything and reach a  
11 final conclusion, as to value.

12 Now value is based on a judgment of what  
13 the highest invest use of the property is, and it may be  
14 that, in fact, you're currently using your properties for  
15 their highest invest use, that is what uses bring the best  
16 economic return given current zoning regulations, building  
17 regulations, the location and so forth.

18 Excuse me. I should have brought some  
19 water. The full takes, the valuation question stops  
20 there. There's only six of those. There's a lot of  
21 partial takes, which are a bit more complicated to value,  
22 because we're not just buying 100 or 1,000 square feet of  
23 land, we're reducing the size of your property, so there's  
24 an impact on what's left.

HEARING RE: STAMFORD URBAN TRANSITWAY  
JUNE 16, 2009

1                   It's called generally damages to the  
2 remainder, and the methodology to value that is to go  
3 through the first analysis I just described with the  
4 property in its current condition, and that's called an  
5 as-is value, or a before value, then they repeat the  
6 exercise assuming a smaller site.

7                   Perhaps you have a couple of parking spaces  
8 in front. How does the loss of parking spaces impact the  
9 value of the property, and that's a question they would be  
10 asking and resolving. They'll look at those comparable  
11 sales and say, okay, this other parcel, which was very  
12 similar, had more parking spaces, or this other one had  
13 less, so they can calculate the diminution in value,  
14 because of the loss of the parking spaces.

15                   It's not merely the loss of the land, so by  
16 doing it after value and taking the difference, property  
17 owners are compensated not only for the land that the City  
18 needs for the transitway, but for the diminution in value  
19 to what's left.

20                   Before we started, somebody asked me a  
21 couple of questions, and, so, we have in Phase I convinced  
22 the Federal Transit Administration to allow us to try  
23 something that really hadn't been done before, and for  
24 full take properties, where their roadway, you know, chops

HEARING RE: STAMFORD URBAN TRANSITWAY  
JUNE 16, 2009

1 off or needs five, 10, or 12 feet of a building, but  
2 there's another couple of thousand square feet left, we  
3 successfully negotiated a transaction, a deal, where the  
4 property owner agreed to reconstruct the front of their  
5 buildings along the new roadway, the new right-of-way,  
6 where the new curb line was, if you will, move their  
7 foundations and rebuilt the front façade.

8 I think the best example of a very  
9 successful use of that technique is at Elm Street Diner.  
10 If those of you who are in the room have had an  
11 opportunity to be in there, the owners did exactly that,  
12 so the City benefits and the property owner benefits.

13 The businesses that are in the building  
14 stay and hopefully thrive. We don't have to acquire more  
15 land that's necessary for the transitway, and we don't  
16 have to move an important and valued member of the  
17 business community from the City or from this area of the  
18 City.

19 I've had conversations with some property  
20 owners already, and I'm happy to have more of those kinds  
21 of conversations to see if that works for those property  
22 owners.

23 The other thing that we did in Phase I is  
24 we got permission, where we did partial takings and had

HEARING RE: STAMFORD URBAN TRANSITWAY  
JUNE 16, 2009

1 excess land that was adjacent. We were able to convey  
2 excess land back to property owners. At this point in the  
3 project, we don't know what's excess land yet, but if that  
4 becomes an opportunity, we're absolutely happy to have  
5 conversations and try to negotiate those kinds of  
6 transactions.

7 Back a little bit now to process. As I  
8 said, I am not the person that will establish value.  
9 After the appraisals are completed and we'll be doing it  
10 in groups, so the first group is the full take properties,  
11 because there's a long lead time to that, and some of the  
12 properties that are closer to Elm Street.

13 The final appraisal reports and appraisal  
14 review reports will be combined with the project  
15 information and a report is prepared. In the Charter,  
16 it's called the Mayor's report, but it's actually  
17 submitted by the Director of Operations to the Director of  
18 Administration.

19 In this case in Stamford today, the  
20 Director of Operations is Mr. Ben Barnes. The Director of  
21 Administration is Ms. Sandy Dennies. It is the Director  
22 of Administration who sets the just compensation, the fair  
23 market value for the property, and, by law, that cannot be  
24 less than whatever the appraised value is, and I've never

HEARING RE: STAMFORD URBAN TRANSITWAY  
JUNE 16, 2009

1 seen it be anything other than the appraised value.

2 That report is then published in a  
3 newspaper, again, according to Charter, and a notice goes  
4 to the property owner identifying what value we've  
5 assigned, and it sets a date, which of course can be  
6 changed, but the date is the date for the property owner  
7 and their representatives, legal or otherwise, to come and  
8 have an opening round meeting with me, at which we'll  
9 review the appraisal that we've prepared, how we arrived  
10 at value, and we'll start a process of trying to negotiate  
11 a friendly transaction, reach an agreement on value.

12 I have a little bit of play in what we can  
13 do, but if you have an appraisal of your own, then I have  
14 something to talk against. I can't go to the Federal  
15 Transit Administration and say, well, here are our  
16 appraisals, and they're making up numbers. They're  
17 \$100,000. The property owner wants \$200,000, because they  
18 feel it's worth that much.

19 Without you bringing us an appraisal or  
20 showing us that maybe our appraiser forgot something, left  
21 something out, didn't pay attention to the fact that  
22 there's this other item that impacts value, I can't just  
23 agree, and the Federal Transit Administration has to  
24 approve the settlement or the increase in value beyond

HEARING RE: STAMFORD URBAN TRANSITWAY  
JUNE 16, 2009

1 appraisal can't agree, without you bringing us an  
2 appraisal, as well.

3           So if you are so inclined, you should  
4 consider your own appraisal, and, of course, you should  
5 consider your legal representation. If we do successfully  
6 negotiate a friendly transaction, we'll write it up in the  
7 form of a term sheet, a one-pager that says, basically,  
8 we've agreed that -- oh, thank you so much.

9           We've agreed that our initial appraisal was  
10 X dollar amount, you've agreed to accept, you know, Y  
11 dollar amount, and here's why, and this is what it pays  
12 for, and we both sign off on that, and, ultimately, we  
13 prepare a formal settlement agreement and get all of the  
14 appropriate parties on both sides to sign that.

15           As I said, we're going to be doing this in  
16 groups. There's a minimum 60-day period for us to try to  
17 negotiate this transaction. It could be a little bit  
18 longer. It cannot be shorter. It will take as long as it  
19 takes, and we may not reach an agreement then.

20           About 80 percent in my experience of all of  
21 the takings that I've done over the last 29 years do reach  
22 an agreement. If we don't, the City will go forward to  
23 acquire the property using the eminent domain powers that  
24 it has.

HEARING RE: STAMFORD URBAN TRANSITWAY  
JUNE 16, 2009

1           The way that happens is, for example, say  
2 we've decided, based on the appraisals and the Director of  
3 Administration's report, that the value is \$100,000, and  
4 you believe it's some other number, and we haven't reached  
5 an agreement yet. We take a check for \$100,000, file  
6 that, together with some legal papers at the courthouse  
7 here in Stamford.

8           There's a Marshal that gets involved and  
9 serves notice on each property owner and anybody who has  
10 an interest in that property, and the property owner and  
11 those people can then go to the courthouse and get that  
12 \$100,000 and still have a right to say but I don't believe  
13 that \$100,000 is enough, and you file an appeal, and  
14 there's a legal process to do that.

15           Eventually, we'll either negotiate an  
16 agreement through the court process, or have a hearing or  
17 a trial on value. In Phase I, we've not had any cases  
18 that actually went to trial, even the ones that -- where  
19 that 20 percent, where we didn't settle upfront, and that  
20 filed appeals. All of them so far have settled. We did  
21 do one arbitration, sort of a land swap kind of a thing  
22 that was fairly involved, and we agreed that we would do  
23 an arbitration.

24           At the same time that notices go out to the

HEARING RE: STAMFORD URBAN TRANSITWAY  
JUNE 16, 2009

1 property owners offering them whatever the Director of  
2 Administration has established as just compensation, every  
3 tenant who is impacted by the project, that is will be  
4 required to move, will also get a notice.

5 Obviously, their notice deals with the  
6 rights that they have, either as a commercial tenant, or  
7 as a residential tenant, and they're different.

8 For a residential tenant, we will assist  
9 you to find a new place to live that meets federal  
10 standards of being decent, safe and sanitary. We will  
11 help you fill out all of the applications that are  
12 necessary and make sure that you are paid the cost to move  
13 to the new location.

14 In many cases, if your income is beneath a  
15 certain range, and we'll help you make that determination,  
16 there may be rent subsidy payments that are your  
17 entitlement, as well.

18 For commercial tenants, we do offer the  
19 same assistance finding a new location, although we have  
20 found that commercial tenants know much better than we do  
21 where they want to conduct their businesses, and we will  
22 or the relocation agent will help the commercial tenant  
23 through the entire process of preparing all the necessary  
24 applications, moving the business from location A to

HEARING RE: STAMFORD URBAN TRANSITWAY  
JUNE 16, 2009

1 location B, and some reestablishment expenses, increasing  
2 the electrical utilities that are in the buildings and  
3 setting it up to meet the needs of that business.

4 Those relocation benefits will be described  
5 or are described in a federal pamphlet that will be made  
6 available to everyone, just as we've made a federal  
7 pamphlet available to property owners. That's set out in  
8 general terms what your rights are, and we'll fill in all  
9 the blanks, in terms of specific terms.

10 If any of the tenants are unhappy with a  
11 determination that the relocation agent makes, there is an  
12 appeals process for that, as well, initially internally,  
13 but eventually to the courts if anybody is unsatisfied,  
14 though I've never had anybody do that.

15 We have had a couple of internal -- we've  
16 had one internal appeal in my 29 years. I've never had a  
17 relocation appealed outside of here.

18 There is one final Board of Reps. approval,  
19 which will come after the negotiation period has ended and  
20 before the eminent domain process begins, but, other than  
21 that, for the most part, we are -- not for the most part.

22 We are moving forward with this project, and, from my  
23 perspective, it's fairly short-term.

24 The appraisal process has begun. We'll

HEARING RE: STAMFORD URBAN TRANSITWAY  
JUNE 16, 2009

1 continue through the summer and into the fall, and the  
2 negotiation process will begin in some ways immediately.  
3 I'm happy to talk to anybody pretty much any time. Please  
4 call and make an appointment.

5 The formal negotiation process will run  
6 from the fall through the winter, and we would anticipate  
7 that the acquisition period will be over the winter and be  
8 complete by then.

9 I think that's everything. Thank you very  
10 much.

11 MS. BROWN: Okay. Thank you. Before we  
12 open the public comment period, I just want to let  
13 everybody know that a transcript of tonight's public  
14 hearing will be published on the City website, and there's  
15 additional information about the project in Phase I that  
16 you can find on the City's website under the Engineering  
17 Bureau.

18 We also have some business cards in the  
19 back for me and Laura and Winston. We're the three with  
20 the City that really are working on the SUT project, so  
21 please just take our cards. If you have any questions,  
22 call. I'm in the office usually -- I'm usually in the  
23 office all the time.

24 I think Laura you're going to see out with

HEARING RE: STAMFORD URBAN TRANSITWAY  
JUNE 16, 2009

1 some of the inspections and when they come for some of the  
2 appraisals and things like that. She tends to go out with  
3 them to just be with the people when they come out there,  
4 so you'll probably see her there. If you have any  
5 questions, don't hesitate to ask.

6 And Winston is out in the field during  
7 construction. You'll see him. If there's ever a problem  
8 or an issue, again, contact him. You'll probably see him  
9 walking around all day out there. That's what he does.  
10 He kind of takes any questions, any issues that anybody  
11 has, and he resolves them for you, so don't hesitate to  
12 call us. We'll be happy to come out and meet with you, or  
13 if you want to come into the City and meet with us, we're  
14 happy to do that, as well.

15 Again, the goal of tonight is just to get -  
16 - to solicit your comments regarding the right-of-way  
17 acquisition and relocation. The drawings that you see  
18 here are just kind of like our kind of plans. The design  
19 is pretty much like about 70 percent done. The final  
20 details of the sewer and the storm sewer, the sanitary  
21 sewer, all that are being worked on now. They're all  
22 being finalized, so they're not in the final stage yet.  
23 They're about in the 70 percent design phase.

24 I guess the designs will be done sometime

HEARING RE: STAMFORD URBAN TRANSITWAY  
JUNE 16, 2009

1 in 2010, and, after that, we would go out to bid with the  
2 construction. First, we have to complete all the property  
3 acquisitions, get all the sign offs from the FTA, get  
4 approval to go into construction, and then we'll start  
5 that process.

6 What I'd like to do now is just to get the  
7 list of people. We'll call everybody up here. If anybody  
8 has any comments, we'd like to just, again, limit them to  
9 about three minutes.

10 We do, as Laura just said and I think  
11 Rachel said, we do encourage you to get an appraisal, so  
12 that you have something to compare. When we approach with  
13 the value, you'll have a comparison. And when we do come  
14 to do the soil investigation work, a boring, or something  
15 like that, it's minimum impact to the property. We will  
16 restore it. It's not like we're not coming out there to  
17 leave you with a big opening in your property or anything  
18 like that. Anything they do, they will restore it. It  
19 may be a few hours of time.

20 We will always maintain access for any  
21 property owner, any driveway. You will not be impacted  
22 like that, even during construction. Even though there's  
23 construction in the area, we do always try to make -- we  
24 do always maintain access in and out of the driveways, so

HEARING RE: STAMFORD URBAN TRANSITWAY  
JUNE 16, 2009

1 that you can keep your business open.

2 So, with that, I'd just like to call the  
3 first speaker that I have on the list here. I believe  
4 it's Gary James. Okay. In case you didn't hear, he just  
5 said that we've answered his question, so he will not be  
6 speaking.

7 The next speaker is Robert Fuller.

8 MR. ROBERT FULLER: Robert Fuller. I'm an  
9 attorney. My office is in Wilton, and I'm representing  
10 the Riley family and the Stamford Volvo. They own nine  
11 properties on the west side of Myrtle Avenue.

12 Some of the things have been explained, but  
13 I have a few comments to make about this. I understand,  
14 basically, that this is pretty much in final form, which  
15 is sort of unfortunate. My clients are opposed to this  
16 plan, because it's going to adversely affect their  
17 business.

18 Chris Riley is going to address you a  
19 little bit later about specific number of cars and parking  
20 spaces, but, basically, what's being proposed here, as far  
21 as the properties that they own, they need the space next  
22 to the street for their car business.

23 There's a tremendous number of vehicles  
24 that are there, both parked as part of the business and

HEARING RE: STAMFORD URBAN TRANSITWAY  
JUNE 16, 2009

1 ones that are there for customers, and if the plan stays  
2 the way it is, it's going to have a tremendous impact,  
3 negative impact on the car business.

4 I would also say that it's going to be very  
5 expensive, because it's not just the fact that some land  
6 is being taken, but it's the collateral effect of this  
7 upon the entire business, and, obviously, we're getting an  
8 appraisal of these properties, which we'll bring to the  
9 attention of the City.

10 We would request, if it's at all possible,  
11 to move the lines, so that you don't take so much space on  
12 the westerly side of Myrtle Avenue in front of my client's  
13 business.

14 I don't know whether that's possible at  
15 this stage, because it's gone pretty far along, but we  
16 would request you to look into that.

17 I understand there's going to be a bicycle  
18 path here. I think that's a ridiculous idea. Why would  
19 you need a bicycle path in the middle of Stamford? I mean  
20 this isn't a rural area, and where is it going to connect  
21 up to, and if someone gets there, how are they going to  
22 get onto it and off of it?

23 If you eliminated that, I don't know if  
24 that's possible at this stage, but if you eliminated that,

HEARING RE: STAMFORD URBAN TRANSITWAY  
JUNE 16, 2009

1 you'd certainly reduce certainly the impact on my client's  
2 property, presumably the impact on other persons, as well.

3 My clients are going to be losing at least  
4 100 parking spaces. It's going to be extremely  
5 detrimental to their business, so we'd like you to rethink  
6 this if you can. As I said, a little while Chris Riley  
7 will give you more details, specifically, as far as his  
8 property is concerned.

9 I did appreciate Attorney Goldberg  
10 explaining the process, and I am, of course, familiar with  
11 the process, but there were some other details that were  
12 helpful.

13 We'll certainly be willing to talk to the  
14 City, but I just want you to know in advance that we're  
15 very seriously concerned about this, and there's going to  
16 be some very significant expense involved if you take the  
17 property on the west side of Myrtle Avenue.

18 MS. BROWN: Okay, thank you, Mr. Fuller.  
19 Next is Chris Riley.

20 MR. CHRIS RILEY: Chris Riley, Stamford  
21 Volvo. Can I ask questions?

22 MS. BROWN: It's public comment period.

23 MR. RILEY: Okay.

24 MS. GOLDBERG: You can have your attorney

HEARING RE: STAMFORD URBAN TRANSITWAY  
JUNE 16, 2009

1 call me with any questions.

2 MR. RILEY: Okay. I just feel that I can  
3 see how this comes down Magee Avenue and slants over to  
4 our side of the street, mainly because it's taking a lot  
5 of parking spaces, and I think that's very unfair.

6 I think, if it went straight down the  
7 middle, if you have to do this, and taking it off of both  
8 sides of the street, it would have been a lot fairer. I  
9 just feel that I've been slighted and this took all of my  
10 property, plus you're taking extra parking spaces in my  
11 parking spaces. You're ruining three of my buildings that  
12 have no more parking at all.

13 Who is going to rent or use a building that  
14 has absolutely no parking? I don't understand that. I  
15 have tractor-trailers that take cars from us, that leave  
16 cars from us.

17 Right now, I have space to put the tractor-  
18 trailers on the property. Once they do this, I'm not  
19 going to be able to put the tractor-trailers on the  
20 property.

21 We spent our whole lives buying all these  
22 properties on the street to be able to conduct our  
23 business without bothering neighbors or doing anything,  
24 and I think we did very well.

HEARING RE: STAMFORD URBAN TRANSITWAY  
JUNE 16, 2009

1 I don't rent any of those properties out. I  
2 use all of them myself. I need all of those properties.  
3 At my highest point, I need 510 parking spaces for cars.  
4 I have 355 available. You're going to take almost 100 of  
5 them, which cuts me in half for what I need for parking.

6 I strongly disagree with the way they did  
7 this, being unfair, taking our side of the street more  
8 than the other side of the street, and I -- those extra  
9 parking spaces for the public. I think that's very unfair  
10 for somebody that's done what he should have done all  
11 these years and bought the property they need to conduct  
12 their business and just going to come along and take it  
13 away from me. I don't want money. I want property.  
14 Thank you.

15 MS. BROWN: Okay. El Nazario?

16 MR. EL NAZARIO: I apologize for my  
17 appearance. I just came from work. I'm a little dirty.  
18 El Nazario.

19 COURT REPORTER: Please spell your first  
20 and last name, please.

21 MR. NAZARIO: E-L Nazario, N, as in Nancy,  
22 A-Z-A-R-I-O. Association President, Century Condos, 100  
23 Myrtle Avenue. I was told by the person when I signed up  
24 that I was going to at least maybe ask a couple of

HEARING RE: STAMFORD URBAN TRANSITWAY  
JUNE 16, 2009

1 questions, but, apparently, you're saying that this not  
2 the appropriate time?

3 MS. BROWN: Yeah. This is for public  
4 comments.

5 MR. NAZARIO: Okay and when will that  
6 appropriate time be?

7 MS. BROWN: Well you can make your  
8 statements, and we'll respond in writing when we produce  
9 the transcripts of this.

10 MR. NAZARIO: Oh, okay. Okay. Well, as  
11 far as dealing with condos, at Century Condos, we have 15  
12 unit owners and how that appraisal process is going to be  
13 affected towards each unit owner, since they're obviously  
14 all individually owned, and how they're actually dealt  
15 with, as far as dealing with the Association. Do you deal  
16 with the Association as a whole, or each individual owner?

17 Secondly, as far as the appraisal is  
18 concerned, I wondered why, if you're going to appraise,  
19 why wouldn't you base it on the 2007 taxes or appraisals  
20 done by the City once we pay our taxes, what it's based  
21 on, as opposed to current market value?

22 I believe probably 2007 it would probably  
23 be a little higher for the people who are being affected,  
24 as far as full take, as far as myself and my condo. We're

HEARING RE: STAMFORD URBAN TRANSITWAY  
JUNE 16, 2009

1 partial take and very minimally impacted by the whole  
2 situation, but I'm just curious why would anyone go with  
3 the 2007 appraisals by the City, and that's what we pay  
4 our taxes on, based on 2007. I think that some people  
5 would make out a little better with that.

6 And some questions on, obviously, on the  
7 infrastructure on the road and replacements of you said  
8 sewer mains and what was the other one? What I'm being  
9 more concerned is the water main and every other part of  
10 the infrastructure under Myrtle Avenue, because if we're  
11 using this as a new bus route, from what I understand,  
12 we're going to endure lots more traffic on the road, and  
13 will the current infrastructure be able to stand up to  
14 such a beating and a pounding on a daily basis?

15 One last thing is the bike path. Is that  
16 federally-mandated? I mean you did say it was a fed.  
17 project. Is that federally-mandated? If you eliminate  
18 it, will you be eliminating some funding by the fed?  
19 Thank you.

20 MS. BROWN: Thank you.

21 COURT REPORTER: One moment, please.

22 MS. BROWN: Next speaker, Fran Sessa?

23 MS. FRAN SESSA: Hello. Mr. Fuller --

24 COURT REPORTER: Please spell your last

HEARING RE: STAMFORD URBAN TRANSITWAY  
JUNE 16, 2009

1 name.

2 MS. SESSA: S, as in Sam, E-S-S-A. I have  
3 been hollering and screaming and protesting the bike lanes  
4 as far back as I can remember. I think they're an  
5 egregious (coughing) to the property owners.

6 It's a pie in the sky idea that serves  
7 absolutely no purpose. You're taking valuable commercial  
8 property for something, like you said, starts at one  
9 point, ends at another point, and makes absolutely no  
10 sense.

11 Now the City requires us, as business  
12 owners, we have to have so many parking spaces for our  
13 property. I know I can't on the Myrtle Avenue property  
14 put certain businesses in, because it requires one and a  
15 half or two parking spaces per 1,000 square feet.

16 The City won't allow me to do anything  
17 less, but the City can break its own law and say, well,  
18 we're going to take property away from you. What does  
19 that do to the commercial value of our property, and what  
20 does it do to the business?

21 Now we're not only getting hurt on Myrtle  
22 Avenue. We're getting hit on Main Street, because we own  
23 property on Main Street. Same thing is going to happen.

24 Government is no longer interested in the

HEARING RE: STAMFORD URBAN TRANSITWAY  
JUNE 16, 2009

1 people. Government now is interested in itself, in its  
2 whims and whatever idea it has at the moment, and you have  
3 to swallow it and accept it and tough on you. You don't  
4 like it, well, then, we'll just go to court.

5 Now court, mind you, is what you're going  
6 to be paying for as a taxpayer for legal services that the  
7 City incurs, but you're going to have to pay your own  
8 legal fees, so this is, you know, it's a slam in the face,  
9 slam in the face, no matter where you go or how you turn.

10 And as far as, and I might have told you  
11 this before, when they took a part of our property on  
12 Myrtle Avenue, they couldn't find a value of the property,  
13 they went to Bridgeport and found a similar piece of  
14 property. This is in Bridgeport, Bridgeport, what would  
15 you say, no more than a mile away? How many miles is  
16 Bridgeport?

17 The government does whatever it wants to at  
18 the federal level, the state level, the city level. We're  
19 no longer important folks. (Applause)

20 MS. BROWN: The next name on the list is  
21 Rich Didelot.

22 MR. RICH DIDELOT: I'll pass.

23 MS. BROWN: Okay. Is there anyone else  
24 here? That's all for this list. Anyone else that cares

HEARING RE: STAMFORD URBAN TRANSITWAY  
JUNE 16, 2009

1 to get up and make a comment? I see there's no one here.

2 There were two comments made that I think  
3 we would like to address from Mr. Nazario regarding the  
4 condo association, which I think Ms. Goldberg will  
5 address.

6 MS. GOLDBERG: I should have covered this  
7 in my initial presentation. The condominiums actually  
8 present an interesting question, as to how we value the  
9 impact, because there's different interests at a  
10 condominium.

11 The appraiser will -- there are several  
12 condominiums that are impacted, as are you, by the  
13 project. There is another law in the State of Connecticut  
14 called the Common Interest Ownership Act, which describes  
15 how a condominium disburses funds it receives for  
16 acquisition.

17 We're going to be looking at approximately  
18 three different kinds of values within one report. The  
19 first is if the taking is entirely common property, the  
20 state law dictates that that value, whatever that number  
21 is, is distributed based upon the ownership interest of  
22 the various unit holders or unit owners.

23 There is also something called limited  
24 common property. That is a piece of land or a part of a

HEARING RE: STAMFORD URBAN TRANSITWAY  
JUNE 16, 2009

1 piece of land that is for the exclusive use of usually one  
2 property owner, perhaps a parking space. That limited  
3 common property owner is impacted differently from the  
4 rest of the unit owners, and, so, if there's an impact on  
5 limited common property, we'll call that out and we'll  
6 identify the owner of the limited common property, and  
7 whatever that negative impact is will be separately  
8 valued, and there will be a separate dollar amount for  
9 that unit owner.

10 The third way condominiums may be impacted  
11 is that there might be one or two or more units that are  
12 now closer to the right-of-way than they were before, and  
13 that change in buffer zone, or landscape area may also  
14 negatively impact the value of those specific units, so,  
15 if that's the case -- and what we'll do is the appraiser  
16 will look at each one obviously as they come up and decide  
17 if there's an impact.

18 If there is, what's the value? If there's  
19 no impact, they'll say it and they'll say why. And, so,  
20 all of those different interests will be separately  
21 analyzed all within a single report, and it will describe  
22 the damages that are due to each category.

23 You also asked a question about tax  
24 assessment, and assessments are not done on a property by

HEARING RE: STAMFORD URBAN TRANSITWAY  
JUNE 16, 2009

1 property basis. It's a mass appraisal and not a detailed  
2 report. The laws that cover this kind of process require  
3 that each property be valued separately as of the date  
4 that the property is being taken.

5 So even though we're valuing this stuff  
6 now, if the property changes hands in six months, our  
7 appraiser must go back and see if there's been a change  
8 since the report was initially written to the date that we  
9 put that \$100,000 in the courts.

10 One other quick one. If the City creates a  
11 non-conforming use or increases a non-conforming use, you  
12 will be, as a business owner or property owner,  
13 grandfathered, and I'll provide you with copies of, or  
14 anybody who wants copies, of the opinion prepared by the  
15 City's law department that deals with that.

16 MS. BROWN: Thank you. Is there anyone  
17 else that would like to make a public comment at this  
18 period?

19 MS. KAREN MURPHY: My name is Karen Murphy,  
20 and I have three questions.

21 COURT REPORTER: I couldn't hear your name.

22 MS. MURPHY: My name is Karen Murphy, and I  
23 have three questions. Can someone explain maybe the  
24 current funding for this program? I know federal money is

HEARING RE: STAMFORD URBAN TRANSITWAY  
JUNE 16, 2009

1 involved, but how much City of taxpayer is going to be  
2 involved, and is there a limit, and are there certain  
3 dollars allocated to what the taking is going to be?

4 In other words, if Mr. Riley's property is  
5 worth 10 million and you have eight million allocated, you  
6 know, what happens here?

7 The other thing is explain the funding, how  
8 that works, and the current status, and how much money we  
9 have on hand.

10 My second question has to do with the  
11 communication lines and the power lines over the streets.  
12 Is there going to be duct work? Are they going to be now  
13 put under the road?

14 I can't understand how you can go through  
15 developing a major highway and not be burying the power  
16 lines and the communication lines.

17 And my final question is how many years is  
18 this going to take, because the congestion now on the road  
19 is horrific right now, so how many years can we expect the  
20 traffic problems that we are currently incurring to  
21 continue? Thank you.

22 MS. BROWN: I'll answer a few of this, just  
23 to give you a little status of the project. The project  
24 is federally funded, and what that means is that 80

HEARING RE: STAMFORD URBAN TRANSITWAY  
JUNE 16, 2009

1 percent is funded by the federal government, 20 percent by  
2 the City.

3 There are budgeted numbers for different  
4 areas of funding, but there's not like limited budgets of  
5 what you said. There's just, you know, budgeted numbers.

6 We're meeting with utility companies. I do  
7 not believe the utilities will be underground, if that's  
8 what you're asking. The utility companies have not  
9 expressed that they're willing to put the utilities  
10 underground. That's a big expense for them, and they did  
11 not express that they're going to do that.

12 As far as the time frame goes, we had a  
13 two-year time frame to complete Phase I. Probably  
14 estimate about a two-year time frame for Phase II, as  
15 well. Phase I should be completed in its entirety  
16 probably by the end of this year.

17 That's weather permitting and if there's no  
18 other unforeseen conditions, because we did encounter some  
19 in the Dock Street area that kind of put us back during  
20 the construction, so probably you can anticipate something  
21 like that in Phase II, as well, probably about a two-year  
22 period for the construction.

23 I would think, after probably 2011, we  
24 might begin the construction of that. It would start with

HEARING RE: STAMFORD URBAN TRANSITWAY  
JUNE 16, 2009

1 the demolition of some of the full take buildings, and  
2 then, once that's down, we can begin with the roadway  
3 construction.

4 We'll probably give you more information.  
5 You can go on, like I said, the City website for more  
6 information on that, and you can always call the numbers,  
7 myself, Laura, Winston. You can always call us. Like I  
8 said, there are cards in the back if you have any  
9 questions about anything like that.

10 If no one else has any comments, I thank  
11 everyone for coming and for participating, and we're going  
12 to adjourn the public hearing. Thank you.

13 (Whereupon, the hearing adjourned at 8:00  
14 p.m.)

HEARING RE: STAMFORD URBAN TRANSITWAY  
JUNE 16, 2009

## INDEX OF SPEAKERS

	PAGE
RACHEL GOLDBERG	7, 34
ROBERT FULLER	25
CHRIS RILEY	28
EL NAZARIO	30
FRAN SESSA	32
KAREN MURPHY	37