

**STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION**



April 23, 2010

Honorable Members of the Transportation Committee
Honorable Members of the Government Administration and Elections Committee
Legislative Office Building
Hartford, Connecticut 06103

Re: Request for Approval – No. 09-186 of the Public Acts of 2009

Dear Committee Members:

As the duly delegated members of the mediation panel assembled pursuant to Section 9 of No. 09-186 of the 2009 Public Acts (the Public Act), we write to request approval from the Transportation Committee and the Government Administration and Elections Committee (collectively “the Committees”) of an agreement between Peter and Christine Houle (the Houles) of Andover and the Connecticut Department of Transportation (DOT) for the purchase and sale of 220 Bunker Hill Road in Andover. Pursuant to the Public Act, this agreement must be approved by the Committees before the parties can finalize this transaction.

As a result of the mediation process moderated by the panel and completed on April 13, 2010, the DOT has agreed to sell the subject property and the Houles have agreed to purchase it for \$202,500. In order to assist the Houles with the up-front costs associated with the closing, the purchase price was modified to \$206,035 and the DOT will provide \$3,535 to the Houles at the closing, for a net sales price of \$202,500. Because the Houles are the former owners and have never vacated the premises, DOT has determined that they are also entitled to additional actual closing expenses currently estimated to be \$3,530 as allowed by the Federal Uniform Relocation Assistance and Property Acquisition Act.

The attached report is submitted in compliance with Public Act 09-186 and provides the Committees with background information in support of this request. The mediation process was conducted in full compliance with the requirements of the Public Act.

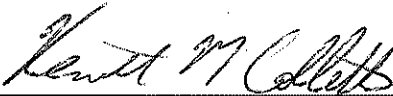
The Public Act requires the Committees to approve or disapprove this agreement during a joint meeting during a regular session of the General Assembly. Please provide notice and documentation of the action taken on this request by the Committees to the attention of:

Kenneth M. Collette, Esq.
Department of Environmental Protection
Office of Adjudications
79 Elm Street
Hartford, CT 06106

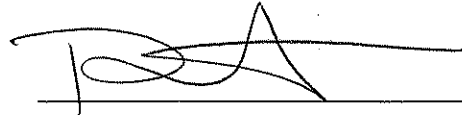
and via e-mail to kenneth.collette@ct.gov.

We appreciate your swift attention to this matter.

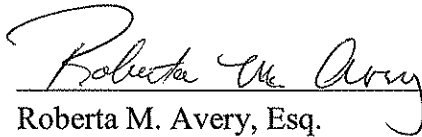
Sincerely,



Kenneth M. Collette, Esq.
Department of Environmental Protection



Patrick M. O'Brien
Office of Policy and Management



Roberta M. Avery, Esq.
Department of Public Works

Cc: Peter and Christine Houle
Terrence J. Obey, Bureau Chief, Division of Property Management, DOT
Honorable Senator Edith G. Prague
Edwin S. Greenberg, Chairman, State Properties Review Board
Mary Goodhouse, Real Estate Examiner, State Properties Review Board

Mediator's Report Pursuant to Section 9 of Public Act 09-186

Submitted for approval to Connecticut
General Assembly Transportation
Committee and Government Administration
and Elections Committee

Respectfully submitted

April 23, 2010

By: Kenneth M. Collette

Roberta M. Avery

Patrick M. O'Brien

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EXECUTIVE SUMMARY

Purpose:

This report supports the request to approve an agreement reached between Peter and Christine Houle of Andover (the Houles) and the Connecticut Department of Transportation (DOT) regarding the sale of property at 220 Bunker Hill Avenue in Andover. Public Act 09-186 established a process for eligible owners to mediate the purchase price of property no longer needed by DOT for highway purposes. The parties have successfully mediated the purchase price of the property and are awaiting approval of the agreement from the legislative Committees on Transportation and Government Administration and Elections so they can finalize the transaction.

The Agreement:

After a mediation process conducted in two separate sessions in full compliance with the requirements of Public Act 09-186, the Houles and DOT agreed that the Houles would purchase the property at 220 Bunker Hill Road in Andover in “as is” condition for the price of **\$202,500**. In order to assist the Houles with up-front costs associated with the closing, the purchase price was modified to \$206,035 and DOT will provide \$3,535 to the Houles at the closing, for a net sales price of \$202,500. In addition, DOT has determined that the Houles are entitled to reimbursement of actual closing expenses as allowed by the Federal Uniform Relocation Assistance and Property Acquisition Act. This amount is currently estimated to be \$3,530. The parties intend to close this transaction on or about June 29, 2010 with DOT providing possession of the premises and a sufficient deed transferring marketable title in exchange for presentation of the required funds from the Houles payable by attorney’s, bank, or certified check.

Requested Action:

The Transportation Committee and the Government Administration and Elections Committee must, in a joint meeting conducted during a regular session of the General Assembly, approve or disapprove the agreement reached by the parties for the sale of the subject party.

REPORT

Factual Background:

The property is located at 220 Bunker Hill Road in Andover and is 3.60 acres improved with a single family residence. It was acquired for highway purposes for the proposed construction of the Route 6 expressway by the Department of Transportation (DOT) from Peter and Christine Houle in 1987. Peter and Christine Houle have resided on the property as tenants under a lease arrangement with DOT since the property was acquired for highway purposes. In 2006, the DOT notified the Houles that the property was no longer needed for highway purposes and offered them a right of first refusal to purchase the property. After three rounds of property appraisals, the DOT and the Houles were unable to agree on a purchase price for the property.

The Public Act and its Legal Requirements:

1. Eligible Owners. For individuals to be eligible for participation in this program, they must meet the definition of “eligible owners” in the Public Act. Eligible Owners are owners with a right of first refusal under section 13a-80 of the General Statutes who:

- Retained residency on the property for a period of ten or more years after the property was obtained for highway purposes;
- Were notified that the property was no longer needed for highway purposes; and
- Failed to negotiate the purchase price of the property under section 13a-80 of the General Statutes.

The Houles meet the definition of “eligible owners” established in the legislation.

2. Mediation timeline. The Public Act requires the mediation process to adhere to the following timeline:

- After January 1, 2010, eligible owners were allowed to request mediation under the program.
- The mediation had to be completed within 90 days of receipt of the request for mediation from the eligible owners.
- Within 30 days of the mediation, the mediation panel must submit its report, including a summary of any agreement reached between the parties for the purchase and sale of the property, to the Legislative Committees on Transportation and Government Administration and Elections.

The Houles formally requested mediation on January 13, 2010. The mediation was complete by April 13, 2010 and this report was submitted in a timely fashion.

3. The Mediation Panel. The mediation was to be conducted by a panel of three mediators. The Commissioners of the Department of Public Works (DPW) and the Department of Environmental Protection (DEP) and the Secretary of the Office of Policy and Management

(OPM) were required to designate an individual to serve as a mediator. Each mediator was required to have training in mediation and knowledge of real estate and land valuation.

DPW designated Roberta M. Avery, DEP designated Kenneth M. Collette, and OPM designated Patrick M. O'Brien. All of the mediators had the required experience. A mediation training session was held and attended by all members of the panel at OPM on December 29, 2009 to ensure compliance with the training requirement.

Preparation:

The members of the mediation panel and a staff member from the State Properties Review Board met on three separate occasions in preparation for the mediation session. First, the above individuals met twice to discuss the mediation ground rules for the parties to follow during the session(s) and an agreement to mediate. The agreement to mediate incorporated the ground rules and memorialized the parties' understanding that the mediators would not impose a result on one party or on both parties and that the details of the proceeding would be kept confidential to the extent allowed by law. The parties were consistently advised that the Public Act required a report to be submitted to the legislative committees of cognizance. The panel finalized the agreement to mediate and it was made part of a package of materials submitted to the parties after the eligible owner formally requested mediation. This package of materials was sent to the parties on January 21, 2010. It consisted of:

- A cover letter from the mediation panel
- The guidelines for mediation
- The agreement to mediate
- A copy of the public act
- A set of disclosures from the mediation panel.

In response to the packet, the parties submitted information the panel requested including property appraisals and summaries of their respective positions. After receipt of written materials from both parties and the establishment of a date for the mediation, the panel met to discuss mediation strategies suited to helping the parties resolve their dispute.

The Mediation Process:

The mediation panel established a mutually convenient date and time for the mediation session in Hartford. The panel was able to reserve appropriate space at the State Office Building for a mediation session, including the appropriate sized room for joint sessions and a smaller room for individual caucus sessions. The following were in attendance in addition to the mediators:

Peter and Christine Houle

Senator Edith Prague (in attendance for part of the first session)

Terry Obey on behalf of DOT

Edwin Greenberg, Pasquale Pepe, and Mary Goodhouse observed the proceedings on behalf of the State Properties Review Board. (Mr. Pepe attended the first session and Mr. Greenberg attended the second.)

The mediators met jointly with both parties to hear factual background and more general position statements. The mediators also used caucus sessions to meet with each party separately to ensure interests and options were communicated freely to the mediators. The first mediation session concluded with no agreement but with an understanding that the Houles would prepare a counter offer based on a review of their financial circumstances. The parties agreed to meet again. At the second mediation session it appeared that the parties were at an impasse. The Houles were not prepared to divulge a counter offer for the purchase of the property after a review of their financial situation and the discussions ended. Prior to leaving the mediation, DOT requested that the mediation panel communicate its final offer to the Houles and allow them sufficient time to review the proposal. The mediators communicated this offer to the Houles and received their acceptance in the timeframe established by DOT and the mediators. (See Attachment G) Although the mediators were willing to provide assistance upon request, the Houles and the DOT have been discussing final details of the purchase and sale agreement without further help from the mediators and have both provided updates on their progress to the panel. The parties intend to sign a purchase and sale agreement that is substantially similar to the document provided in Attachment H and they are prepared to finalize this transaction upon approval from the Committees.

The Agreement:

The Houles accepted the final offer from the DOT and agreed to purchase the property for \$202,500. In order to assist the Houles with up-front costs associated with the closing, the purchase price was modified to \$206,035 and DOT will provide \$3,535 to the Houles at the closing, for a net sales price of \$202,500. In addition, DOT has determined that the Houles are entitled to reimbursement of actual closing expenses currently estimated to be \$3,530 under the Federal Uniform Relocation Assistance and Property Acquisition Act. The parties anticipate closing the transaction on or about June 29, 2010. The property will be purchased in “as-is” condition. In exchange for the agreed upon funds, DOT will deliver possession of the premises and a deed transferring marketable title to the Houles. The transaction is contingent on the Houles receiving final approval of the required financing and on the approval of the agreement by the legislative committees.

APPENDIX

available and already appropriated sources of funding.

(c) Such hydrogen refueling stations identified in the plan shall provide fuel for zero emissions vehicles at appropriate pressures and volumes identified by Connecticut Center for Advanced Technology, Inc. The study shall consider technologies for generating hydrogen which will use products principally manufactured and assembled in the state.

(d) The plan shall also examine appropriate available funding from the state or federal government for purchasing zero-emissions buses and constructing any recommended hydrogen fueling facilities from funds designated for the purpose of encouraging clean fuel or alternative fuel use. Any funding plans developed within the study for the establishment of zero-emissions bus fleets and hydrogen refueling corridors or centralized fueling facilities shall be provided in a manner to encourage federal and private cost sharing.



Sec. 9 (NEW) (*Effective from passage*) (a) As used in this section: (1) "Eligible owner" means an owner described in section 13a-80 of the general statutes who (A) retained residency on the property for a period of ten years or more following the date on which the state notified such owner that the property was to be obtained by the state for highway purposes, (B) was notified that such property is not needed by the Department of Transportation for highway purposes, and (C) failed to negotiate the purchase of property pursuant to section 13a-80 of the general statutes, and (2) "property" means any land and buildings owned by the state and obtained for or in connection with highway purposes or for the efficient accomplishment of such purposes or formerly used for highway purposes, which real property is not required for such purposes, and is subject to the provisions of section 30a-80 of the general statutes.

(b) On or before January 1, 2010, the Commissioner of Public Works, or said commissioner's designee, the Commissioner of the Department of Environmental Protection, or said commissioner's designee, and the Secretary of the Office of Policy and Management, or said secretary's designee, in conjunction with the State Properties Review Board, shall serve as mediators for the purpose of conducting mediations pursuant to this section. All persons serving as mediators shall have mediation training and experience in real estate transactions and real estate valuation.

(c) Notwithstanding the provisions of section 13a-80 of the general statutes, if the Department of Transportation and an eligible owner are unable to negotiate the purchase of the property pursuant to said section 13a-80, the eligible owner or such owner's designee may, on or after January 1, 2010, submit a written request for mediation to the State Properties Review Board. Upon receipt by the board of such request, said board shall notify the Commissioner of Transportation, or said commissioner's designee, of such request and shall convene the individuals serving pursuant to subsection (b) of this section to mediate the purchase of property from the state by the eligible owner. The topics to be mediated shall be limited to the value of the property and the purchase price. The costs of the mediation shall be borne equally by the eligible owner and the state.

(d) Upon assignment by the State Properties Review Board to conduct mediation, a person assigned as mediator shall contact the eligible owner, or such owner's designee, and the

Commissioner of Transportation, or said commissioner's designee, to schedule the mediation. Such mediation shall be scheduled and completed within ninety days following the State Properties Review Board's receipt of the request for mediation from the eligible owner.

(e) Within thirty days following completion of such mediation, the mediators shall submit to the legislative committees having cognizance of matters pertaining to transportation and government administration, for approval, a written summary of the agreement reached in the mediation. The committees shall approve or disapprove such agreement during a joint meeting conducted during a regular session of the General Assembly.

(f) If the agreement is approved, the eligible owner shall have fifteen days in which to sign a purchase agreement for the purchase of the property from the state. If the agreement is disapproved or if no purchase agreement is signed by the eligible owner within fifteen days following the expiration of the comment period, the state shall dispose of the property as provided in subsection (e) of section 13a-80 of the general statutes.

Sec. 10. Section 13b-96 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2009*):

(a) Each person, association, limited liability company or corporation owning or operating a taxicab is declared a common carrier and subject to the jurisdiction of the Department of Transportation. The Commissioner of Transportation is authorized to prescribe adequate service and reasonable rates and charges. The commissioner may adopt regulations, in accordance with chapter 54 for the purpose of establishing fares, service, operation and equipment as it deems necessary for the convenience, protection and safety of passengers and the public. [Notwithstanding the provisions of this subsection and any regulation adopted under this subsection relative to any wheel base requirement, any sedan or station wagon type vehicle powered by a clean alternative fuel and having a wheel base of not less than one hundred two inches may be used to provide taxicab service.]

(b) The rates and charges established pursuant to subsection (a) of this section shall not apply to any person, association, or corporation (1) operating a taxicab engaged in the transportation of passengers for hire pursuant to a contract with, or a lower tier contract for, any federal, state or municipal agency, (2) certified pursuant to section 13b-97 prior to May 22, 1998, and (3) registered pursuant to section 13b-99 prior to May 22, 1998.

(c) Notwithstanding the provisions of subsection (a) of this section or any regulation adopted pursuant to said subsection (a) concerning wheelchair accessibility requirements for motor vehicles, any motor vehicle in compliance with the provisions of the Americans with Disabilities Act 42 USC 12101 and the registration requirements of the Connecticut Department of Motor Vehicles may be used to provide taxicab service for persons requiring such wheelchair accessibility.

(d) Notwithstanding the provisions of subsection (a) of this section or any regulation adopted pursuant to said subsection (a) concerning wheel base requirements, any sedan or station wagon type vehicle powered by a clean alternative fuel and having a wheel base of not less

Peter Houle
220 Bunker Hill Road
Andover, CT 06232
January 10, 2010

Mr. Edwin Greenberg, Chairman
State Properties Review Board
165 Capitol Ave.
Hartford, CT 06106

Dear Mr. Greenberg,

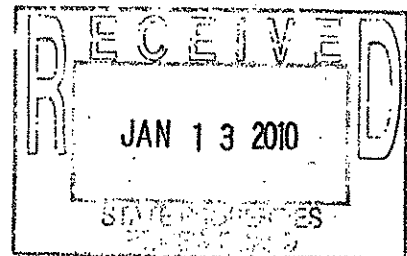
Subject: ConnDOT State Land – Andover File No. 32-114-4A

With this letter, I am requesting mediation for the fore mentioned property in accordance with Public Act number PA 09-186, Section 9[c].

If you require any further information, please contact me at 860-742-9790 or at the mailing address at the head of the letter.

Sincerely yours,

Peter Houle
Peter Houle





STATE OF CONNECTICUT
STATE PROPERTIES REVIEW BOARD
165 Capitol Avenue, Room #123
Hartford, Connecticut 06106



EDWIN S. GREENBERG, CHAIRMAN
BENNETT MILLSTEIN, VICE CHAIRMAN
BRUCE JOSEPHY, SECRETARY
PAUL F. CRAMER, JR.
PASQUALE A. PEPE

TEL: (860) 713-6400
FAX: (860) 713-7391

January 19, 2010

Mr. Peter Houle
220 Bunker Hill Road
Andover, CT 06232

Dear Mr. Houle:

This is an acknowledgement of the receipt of your letter dated January 10, 2010, received January 13, 2010 requesting mediation as referenced in Public Action 09-186, Section 9 (c) and concerning the property you lease from the Department of Transportation at 220 Bunker Hill Road, Andover, and further identified as DOT File No. 32-114-14A.

The Commissioner of the Department of Public Works, the Commissioner of the Department of Environmental Protection, and the Secretary of the Office of Policy and Management have designated mediators to conduct the mediation. By copy of this letter, the State Properties Review Board is notifying them and the Commissioner of Transportation of your request.

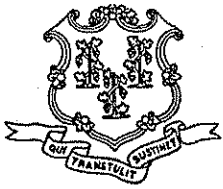
The Public Act requires that the mediation be scheduled and completed within ninety days of the receipt of your request. The mediators will be sending you and the Department of Transportation information about the mediation process and procedures, and you will be contacted so that the mediation can be scheduled at a mutually convenient time.

If you have questions during this process, please contact Mary Goodhouse at (860) 713-6402.

Very truly yours,


Edwin S. Greenberg
Chairman

Cc: Government Administration and Elections Committee of the General Assembly
Transportation Committee of the General Assembly
Joseph F. Marie, Commissioner, Department of Transportation
Raeanne V. Curtis, Commissioner, Department of Public Works
Amey Marrella, Commissioner, Department of Environmental Protection
Robert L. Genuario, Secretary, Office of Policy and Management
Richard C. Allen, Rights of Way Administrator, DOT
Terrence J. Obey, Property Management Division Chief, DOT
Roberta M. Avery, Attorney III, Department of Public Works
Patrick M. O'Brien, Assistant Director, Bureau of Assets Management, OPM
Kenneth M. Collette, Esq., Adjudicator, Office of Adjudications, DEP



STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION



December 28, 2009

Edwin S. Greenberg
Chairman
State Properties Review Board
165 Capitol Avenue, Room 123
Hartford, CT 06106

Dear Mr. Greenberg:

Thank you for your letter dated December 10, 2009, in which you request that the Department of Environmental Protection ("DEP") designate a person to serve as a mediator pursuant to Public Act 09-186, Section 9, for mediations requested by certain property owners who seek to negotiate the purchase price of residential property acquired but no longer needed by the Department of Transportation for state highway purposes. I am designating Ken Collette to serve as a mediator. Ken is an attorney who is employed as a hearing officer within the DEP's Office of Adjudications. He has mediation training and experience in real estate transactions and real estate valuation, as required by Section 9(b) of Public Act 09-186.

Please do not hesitate to contact me should you have any questions.

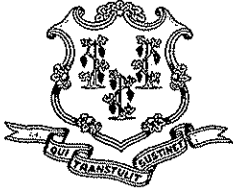
Yours truly,

A handwritten signature in cursive script that reads "Amey Marrella".

Amey W. Marrella
Commissioner

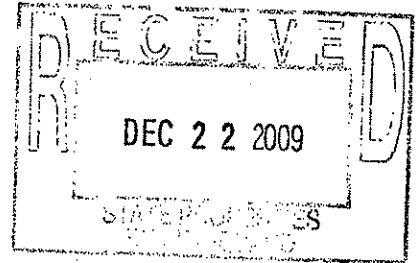
AWM/mmd

cc: Ken Collette



**STATE OF CONNECTICUT
OFFICE OF POLICY AND MANAGEMENT**

December 15, 2009



CERTIFICATE OF DESIGNATION

I hereby designate Patrick O'Brien as the representative of the Office of Policy and Management to serve as mediator pursuant to the provisions of Section 9(b) of Public Act 09-186.

Robert L. Genuario, Secretary
Office of Policy and Management

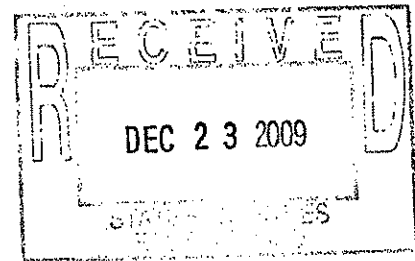


STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC WORKS
165 Capitol Avenue, Hartford, Connecticut 06106-1606

RAEANNE V. CURTIS
Commissioner

December 21, 2009

Edwin S. Greenberg
Chairman
State Properties Review Board
165 Capitol Avenue, Room #123
Hartford, CT 06106



Dear Chairman Greenberg:

This letter is to inform you that I have designated Attorney Roberta Avery to serve as mediator from the Department of Public Works between Department of Transportation and Eligible Owner.

Attorney Avery can be reached at 860-713-5662 and her e-mail address is Robert.Avery@ct.gov.

If I may be of further assistance please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Raeanne V. Curtis".

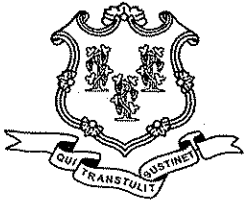
Raeanne V. Curtis
Commissioner

RVC/hjh



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STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION



January 21, 2010

Peter B. Houle
Christine G. Houle
220 Bunker Hill Road
Andover, CT 06232

Richard C. Allen
Rights of Way Administrator
Department of Transportation
2800 Berlin Turnpike
Newington, CT 06131

Re: Public Act 09-186 - Mediation

Dear Mr. and Mrs. Houle and Mr. Allen:

The State Properties Review Board has informed us that Mr. Houle has requested mediation pursuant to the provisions of section 9 of Public Act 09-186 (the "Public Act"). As referenced in the Public Act, we have been designated by our respective agencies to serve as mediators in this matter. The Public Act limits the scope of the mediation to the value of the subject property and its purchase price. We plan to facilitate an open discussion of the issues and assist you in exploring options for resolving those issues with the intent that you reach the ultimate goal of mediation, a mutually satisfactory agreement.

The Public Act requires the mediation to be held and completed within 90 days of receipt of the request. Therefore, we would like to schedule the mediation for the week of February 22, 2010. We feel this balances the need to avoid unnecessary delay in the process with the need to give you sufficient time to collect and provide us with the information we need to adequately prepare. Please contact Mary Goodhouse of the State Properties Review Board at (860) 713-6402 regarding your availability during that week so that a mutually convenient date and time can be selected. Please reserve a full day for the mediation to allow ample time for discussion and to avoid unrealistic time constraints. We plan to hold the mediation in Hartford at the State Office Building, 165 Capitol Avenue.

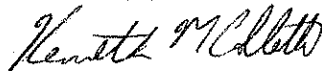
We have attached for your review and acceptance the guidelines for this mediation as well as an agreement for your signature. This document outlines the ground rules for mediation and memorializes the concepts of open dialogue and confidentiality that are critical to a successful mediation. Please sign and submit this agreement prior to the start of the mediation session.

As stated in the guidelines, we are requesting a short memorandum from each party summarizing its position. Please submit four copies of this memorandum and any supporting documents, including real estate documents, contracts, leases, or appraisals that are relevant to our discussion, by February 8, 2010. We may also contact you jointly or individually to request additional information prior to the mediation session.

Please also provide a list of individuals attending on behalf of each party. All participants will be required to sign the attached agreement. The parties attending should be limited to those needed for a productive discussion with authority to agree to terms of any agreement reached. We expect the parties to inform us if there are any known "eligible owners" as defined by the Public Act in addition to Mr. and Mrs. Houle. A representative from the State Properties Review Board may elect to observe the mediation. This individual will be required to sign a statement agreeing to keep the mediation confidential.

All submittals shall be sent to Kenneth M. Collette, Department of Environmental Protection, 79 Elm Street, Hartford, CT 06106. Copies of large documents such as appraisals may be submitted electronically to kenneth.collette@ct.gov. Thank you for your anticipated cooperation throughout this process. We look forward to working with you.

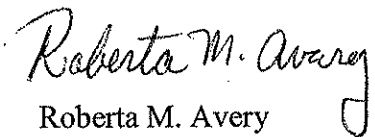
Very truly yours,



Kenneth M. Collette
DEP



Patrick M. O'Brien
OPM



Roberta M. Avery
DPW

cc: Government Administration and Elections Committee of the General Assembly
Transportation Committee of the General Assembly
Joseph F. Marie, Commissioner, Department of Transportation (w/o enclosures)
Edwin S. Greenberg, Chairman, State Properties Review Board

Guidelines for Mediation – Public Act 09-186

Introduction

Section 9 of Public Act 09-186 (Attachment A) allows an eligible owner, as defined in the act and notwithstanding General Statutes §13a-80, to request mediation to resolve any dispute with the Department of Transportation (DOT) that the owner and DOT have been unable to resolve on their own regarding the value or purchase price of property no longer needed by DOT for highway purposes. Public Act 09-186 limits the issues to be mediated to “the value of the property and the purchase price.”

- Mediation is an informal, cooperative, problem-solving process. Its goal is to assist participants in reaching an agreement that is acceptable to and binding on both sides.
- The mediator, a neutral third party, facilitates the efficient discussion of issues and the exploration of options to resolve any differences. Pursuant to the public act, a three-person panel (the “panel”) will mediate this dispute.
- The mediation process is confidential; information shared during mediation will not be disclosed to anyone, unless otherwise required by applicable law (e.g. Freedom of Information Act). No stenographic or taped record shall be made of the mediation session. However, the Public Act requires the panel to submit for approval a written summary of the agreement reached in mediation to the legislative committees having cognizance of transportation and government administration.
- When parties mediate, they decide how their differences will be resolved. The panel cannot impose a decision or settlement on the parties. The panel may request relevant information it believes is necessary to assist the parties in resolving their dispute. The panel also reserves the right to terminate the mediation if it believes that further effort will not likely lead to a successful resolution. The panel may offer a non-binding recommendation to the parties individually or in joint session upon request.

Process and Procedures

PRE-MEDIATION

- At least fourteen days prior to the mediation session, the parties shall deliver to the panel a memorandum setting forth a statement of facts and a summary of each party’s position. The parties should include any supporting documents, including leases, contracts, and property appraisals.
- Each party may be represented by legal counsel or an authorized representative. The parties shall identify such person to the panel at least three days prior to the scheduled session.

- Each party shall sign the attached document acknowledging the receipt of these guidelines and agreeing to abide by them and any additional terms of the mediation. Signed documents must be received prior to the start of the mediation session.

MEDIATION

- The session begins with an introductory statement from the panel that explains the process and provides guidelines for the mediation. Each party will then have an opportunity to tell their story in their own words without interruption.
- After the initial statements are presented, the panel may have a separate meeting with each party called a "caucus." During the caucus, participants may discuss other interests or issues confidentially with the panel. The panel will not disclose information revealed during caucus sessions to the other party without permission.
- At the panel's discretion, the process may continue with combined meetings and caucuses to develop options and ultimately reach an agreement.
- If an agreement is reached, the parties intend to be bound by it but understand it is subject to the approval of the legislative committees referenced in the Public Act. If there is no agreement, the panel may suggest other options that may be available to the parties.

POST-MEDIATION

- The mediation panel is required to prepare and submit a report to the appropriate legislative committees summarizing the results of the mediation process. These committees will approve or disapprove any agreement reached between the parties as a result of the mediation. The panel will provide the parties a copy of its report at the time it is submitted to the legislative committees.
- After approval of the agreement by the legislative committees, the eligible owner has 15 days to sign a purchase and sale agreement for the agreed upon and approved amount.

PARTY RESPONSIBILITIES

- Be prepared to discuss the issues, explain your needs or concerns, share information, and propose and consider all solutions, including those newly proposed. Listen attentively and ask questions to clarify anything that is not clear.
- Ensure at least one participant has authority to bind the party to terms of any agreement.
- Agree to keep all discussions confidential, unless certain exceptions are agreed to.

MEDIATOR RESPONSIBILITIES

- Members of the panel will maintain confidentiality as referenced in these guidelines unless compelled to break that confidentiality by operation of law.
- Members of the panel have disclosed any potential conflicts of interest to the parties that would affect the ability of that member to be impartial. Please see Attachment B.

AGREEMENT TO TERMS OF MEDIATION

By signing this agreement, we agree to participate in mediation regarding the property located at 220 Bunker Hill Road in Andover. We understand that mediation is voluntary and we may decide to stop this process at any time. We acknowledge receipt of, have read, and agree to abide by the Guidelines for Mediation – Public Act 09-186 and any attachment referenced in that document. We agree that this matter is subject to the mediation process provided by Public Act 09-186 as explained in those guidelines.

We further agree, understand, and confirm that:

1. No party or its attorney or other representative(s) will try to compel the mediators or any other participant to testify regarding statements made by any participant in mediation sessions or to produce any documents provided by anyone during mediation;
2. Unless compelled by applicable law, the mediators will not disclose confidential information provided during the mediation or testify on behalf of or against any party;
3. All parties and/or their attorneys or other representatives will attend the mediated sessions, and the participant(s) in attendance will have full authority to consent to the details of an agreement. By signing this agreement, the parties participating as the “eligible owners”, as defined in section 9 of Public Act 09-186, affirm that they are the only known eligible owners of the subject property or represent the interests of all eligible owners. No one else may attend the mediated sessions without permission of all parties and the consent of the mediators;
4. The mediators will not function as the representative of or legal counsel to any party. Each unrepresented party acknowledges that that they may consult with and/or be represented by an attorney;
5. Mediation costs to be born equally by the eligible owner(s) and the State will be limited to administrative costs incurred and not include staff or personnel costs; and
6. If the parties reach a settlement, it shall be reduced to writing and, when signed and approved by the appropriate legislative committees, will be binding on all parties to the agreement.

MEDIATORS

Kenneth M. Collette, DEP

PARTIES

Eligible Owners

Peter B. Houle

Date

Patrick M. O'Brien, OPM

Roberta M. Avery, DPW

Date

Christine G. Houle

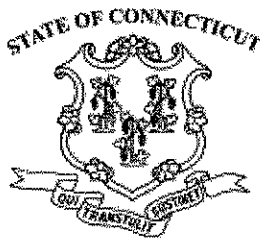
Date

Department of Transportation

Date

Attachment A

Public Act 09-186



Substitute House Bill No. 6649

Public Act No. 09-186

AN ACT CONCERNING THE PROGRAMS AND ACTIVITIES OF THE DEPARTMENT OF TRANSPORTATION.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 13b-20 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The [commissioner] Commissioner of Transportation shall keep a record of all proceedings and orders pertaining to the matters under [his] said commissioner's direction and copies of all plans, specifications and estimates submitted to [him] said commissioner. Said commissioner shall furnish to any court in this state without charge certified copies of any document or record pertaining to the operation of the department, and any certified document or record of the commissioner, attested as a true copy by the commissioner, the [Deputy Commissioner of Transportation] deputy commissioner, the chief engineer of the department, or any deputy commissioner for an operating bureau, shall be competent evidence in any court of this state of the facts [therein] contained in such document or record. The commissioner may delegate to the [Deputy Commissioner of Transportation] deputy commissioner, the chief engineer, and the deputy commissioners for operating bureaus, the authority to sign any agreement, contract, document or instrument which [he] the commissioner is authorized to sign and any such signature shall be binding and valid.

(b) The Executive Director of the State Traffic Commission may certify copies of any document or record pertaining to the operation of the State Traffic Commission, and any certified document or record of said commission, attested as a true copy by said executive director, shall be competent evidence in any court of this state of the facts contained in such document or record.

Sec. 2. Section 13b-20g of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Whenever there is a need to engage a consultant, the Commissioner of Transportation shall notify all firms that are prequalified in accordance with section 13b-20e in the category of services being sought by the department. If the prequalified list contains fewer than five consulting firms or does not include the area of expertise required by the department, the

commissioner shall publish a notice in appropriate professional magazines, professional newsletters [and newspapers] or on-line professional web sites, indicating the general scope of the assignment and requesting responses in accordance with subsection (b) of section 13b-20e, and at least once in one or more newspapers having a circulation in each county of the state. Responses shall be received at the Department of Transportation not later than fourteen days after the last date on which the notice is published, unless additional time is specifically authorized by the commissioner, or not later than any specific date set forth in such notice. For certain specialized projects the notice may also solicit a full work proposal in addition to the technical qualifications of a firm.

Sec. 3. Section 13a-85b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2009*):

[(a) The Commissioner of Transportation shall not sell, or use in any manner that is incompatible with transportation purposes, the existing right-of-way acquired for potential use as the Route 7 limited access highway from Danbury to Norwalk.] Should any properties situated within [said] the existing right-of-way acquired for potential use as a limited access highway from Danbury to Norwalk which are not currently owned by the Department of Transportation be offered for sale to the state, the [commissioner] Commissioner of Transportation may, within available funds, acquire said properties upon terms and conditions which are equitable to both the property owner and the state. The commissioner may, within available funds, acquire any properties not currently owned by the Department of Transportation that are situated within such right-of-way when such properties come onto the market for sale and if such purchase would (1) alleviate particular hardship to a property owner, on his request, in contrast to others because of an inability to sell his property; or (2) prevent imminent development and increased costs of a parcel which would tend to limit the choice of highway alternatives.

[(b) The Commissioner of Transportation shall not sell, or use in any manner that is incompatible with transportation purposes, any property currently under his control in Danbury adjacent to Route 7 and south of Wooster Heights Road.]

Sec. 4. (NEW) (*Effective from passage*) The Department of Transportation shall not begin any phase of the project for the demolition of the parking garage at the Stamford Transportation Center unless the Department of Transportation makes alternative parking spaces available in the vicinity of the Stamford Transportation Center before such phase of the project for such demolition begins. The number of such alternative parking spaces shall equal or exceed the number of parking spaces to be lost by such phase of the project for such demolition.

Sec. 5. (*Effective from passage*) The Department of Transportation, within available appropriations, may conduct a study to determine the feasibility of providing commuter bus service for suburban residents from commuter parking lots to the Bridgeport Train Station via Route 8 and Housatonic Avenue and shall submit a report of its findings and recommendations to the joint standing committee of the General Assembly having cognizance of matters relating to the Department of Transportation, in accordance with the provisions of section 11-4a of the general statutes, on or before February 1, 2010.

Sec. 6. (*Effective from passage*) The Department of Transportation shall submit copies of reports required pursuant to the American Recovery and Reinvestment Act of 2009, P. L. 111-5, to the joint standing committee of the General Assembly having cognizance of matters relating to transportation.

Sec. 7. Section 7-329a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Any town may, by vote of its legislative body, establish a port district which shall embrace such town. The affairs of any such district shall be administered by a port authority, comprising not fewer than five nor more than seven members. The members of any such authority shall be appointed by the chief executive of the town and shall serve for such term as the legislative body may prescribe and until their successors are appointed and have qualified. Vacancies shall be filled by the chief executive for the unexpired portion of the term. The members of each such board shall serve without compensation, except for necessary expenses. The jurisdiction of a port authority shall not extend to matters relating to the licensure of pilots, the safe conduct of vessels, the protection of the ports and waters of the state and all other matters set forth in chapter 263 which are under the authority of the Department of Transportation. In addition the jurisdiction of a port authority shall not extend to matters relating to (1) a solid waste facility, as defined in subdivision (4) of section 22a-207, (2) a recycling facility, as defined in subdivision (8) of section 22a-207, (3) the building of a paper mill or a paper recycling facility, or (4) the Connecticut Resources Recovery Authority.

(b) No town shall (1) terminate or reorganize a port district established by such town pursuant to subsection (a) of this section or a port authority appointed by such chief elected official pursuant to subsection (a) of this section, (2) modify the duties or powers of such port authority, or (3) modify the property included in such port district, without the written consent of the Commissioner of Transportation.

Sec. 8. (NEW) (*Effective October 1, 2009*) (a) The Department of Transportation shall consult with the Connecticut Center for Advanced Technology, Inc. to develop a plan to implement zero-emissions buses state-wide. Such plan shall include the technological, facility and financial arrangements needed for such a conversion of bus fleets as well as identifying specific locations for hydrogen refueling stations along state highways or at locations that could potentially be utilized by state fleets or other public or private-sector fleets. This shall be part of a larger collaborative effort between the Department of Transportation and the Connecticut Center for Advanced Technology, Inc. to identify strategies to expand the availability and use of hydrogen fuel and renewable energy sources within any such corridor or around such a centralized fleet fueling location. Said plan shall be completed within available appropriated funds designated for the purpose of studying or designing clean fuel or alternative fuel solutions.

(b) Said plan shall be completed and submitted to the joint standing committees of the General Assembly having cognizance of matters relating to energy, environment and transportation not later than December 31, 2010, subject to the availability of study funds from readily

available and already appropriated sources of funding.

(c) Such hydrogen refueling stations identified in the plan shall provide fuel for zero emissions vehicles at appropriate pressures and volumes identified by Connecticut Center for Advanced Technology, Inc. The study shall consider technologies for generating hydrogen which will use products principally manufactured and assembled in the state.

(d) The plan shall also examine appropriate available funding from the state or federal government for purchasing zero-emissions buses and constructing any recommended hydrogen fueling facilities from funds designated for the purpose of encouraging clean fuel or alternative fuel use. Any funding plans developed within the study for the establishment of zero-emissions bus fleets and hydrogen refueling corridors or centralized fueling facilities shall be provided in a manner to encourage federal and private cost sharing.

Sec. 9. (NEW) (*Effective from passage*) (a) As used in this section: (1) "Eligible owner" means an owner described in section 13a-80 of the general statutes who (A) retained residency on the property for a period of ten years or more following the date on which the state notified such owner that the property was to be obtained by the state for highway purposes, (B) was notified that such property is not needed by the Department of Transportation for highway purposes, and (C) failed to negotiate the purchase of property pursuant to section 13a-80 of the general statutes, and (2) "property" means any land and buildings owned by the state and obtained for or in connection with highway purposes or for the efficient accomplishment of such purposes or formerly used for highway purposes, which real property is not required for such purposes, and is subject to the provisions of section 30a-80 of the general statutes.

(b) On or before January 1, 2010, the Commissioner of Public Works, or said commissioner's designee, the Commissioner of the Department of Environmental Protection, or said commissioner's designee, and the Secretary of the Office of Policy and Management, or said secretary's designee, in conjunction with the State Properties Review Board, shall serve as mediators for the purpose of conducting mediations pursuant to this section. All persons serving as mediators shall have mediation training and experience in real estate transactions and real estate valuation.

(c) Notwithstanding the provisions of section 13a-80 of the general statutes, if the Department of Transportation and an eligible owner are unable to negotiate the purchase of the property pursuant to said section 13a-80, the eligible owner or such owner's designee may, on or after January 1, 2010, submit a written request for mediation to the State Properties Review Board. Upon receipt by the board of such request, said board shall notify the Commissioner of Transportation, or said commissioner's designee, of such request and shall convene the individuals serving pursuant to subsection (b) of this section to mediate the purchase of property from the state by the eligible owner. The topics to be mediated shall be limited to the value of the property and the purchase price. The costs of the mediation shall be borne equally by the eligible owner and the state.

(d) Upon assignment by the State Properties Review Board to conduct mediation, a person assigned as mediator shall contact the eligible owner, or such owner's designee, and the

Commissioner of Transportation, or said commissioner's designee, to schedule the mediation. Such mediation shall be scheduled and completed within ninety days following the State Properties Review Board's receipt of the request for mediation from the eligible owner.

(e) Within thirty days following completion of such mediation, the mediators shall submit to the legislative committees having cognizance of matters pertaining to transportation and government administration, for approval, a written summary of the agreement reached in the mediation. The committees shall approve or disapprove such agreement during a joint meeting conducted during a regular session of the General Assembly.

(f) If the agreement is approved, the eligible owner shall have fifteen days in which to sign a purchase agreement for the purchase of the property from the state. If the agreement is disapproved or if no purchase agreement is signed by the eligible owner within fifteen days following the expiration of the comment period, the state shall dispose of the property as provided in subsection (e) of section 13a-80 of the general statutes.

Sec. 10. Section 13b-96 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2009*):

(a) Each person, association, limited liability company or corporation owning or operating a taxicab is declared a common carrier and subject to the jurisdiction of the Department of Transportation. The Commissioner of Transportation is authorized to prescribe adequate service and reasonable rates and charges. The commissioner may adopt regulations, in accordance with chapter 54 for the purpose of establishing fares, service, operation and equipment as it deems necessary for the convenience, protection and safety of passengers and the public. [Notwithstanding the provisions of this subsection and any regulation adopted under this subsection relative to any wheel base requirement, any sedan or station wagon type vehicle powered by a clean alternative fuel and having a wheel base of not less than one hundred two inches may be used to provide taxicab service.]

(b) The rates and charges established pursuant to subsection (a) of this section shall not apply to any person, association, or corporation (1) operating a taxicab engaged in the transportation of passengers for hire pursuant to a contract with, or a lower tier contract for, any federal, state or municipal agency, (2) certified pursuant to section 13b-97 prior to May 22, 1998, and (3) registered pursuant to section 13b-99 prior to May 22, 1998.

(c) Notwithstanding the provisions of subsection (a) of this section or any regulation adopted pursuant to said subsection (a) concerning wheelchair accessibility requirements for motor vehicles, any motor vehicle in compliance with the provisions of the Americans with Disabilities Act 42 USC 12101 and the registration requirements of the Connecticut Department of Motor Vehicles may be used to provide taxicab service for persons requiring such wheelchair accessibility.

(d) Notwithstanding the provisions of subsection (a) of this section or any regulation adopted pursuant to said subsection (a) concerning wheel base requirements, any sedan or station wagon type vehicle powered by a clean alternative fuel and having a wheel base of not less

than one hundred two inches may be used to provide taxicab service.

Sec. 11. Section 14-262a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

A wrecker, as defined in section 14-1 and operated in accordance with section 14-66, may tow or haul a [motor] vehicle or combination of vehicles, without regard to the limitations of length contained in section 14-262. [, if such vehicle was involved in an accident or became disabled and remains within the limits of a highway, or is being towed or hauled by order of a traffic or law enforcement authority, from a highway to the nearest licensed repair facility or motor carrier terminal of such vehicle, where such vehicle can be properly repaired, but not more than twenty-five miles] A wrecker that has been issued an annual permit pursuant to section 14-270, as amended by this act, may tow or haul a motor vehicle or combination of vehicles in excess of the gross combination weight limits prescribed by section 14-267a from any highway if such vehicle (1) was involved in an accident, (2) became disabled and remains within the limits of a highway, or (3) is being towed or hauled by order of a traffic or law enforcement authority, to the nearest licensed repair facility or motor carrier terminal of such vehicle. All other towing operations with a gross combination vehicle weight in excess of those defined in section 14-267a shall require a single trip permit as defined in section 14-270, as amended by this act. Violation of any provision of this section shall be an infraction.

Sec. 12. (*Effective from passage*) (a) Boy Scout Troop 24 of East Lyme may operate an annual Labor Day weekend coffee stop, at the Waterford Weigh Station on Interstate 95 southbound, in accordance with the provisions of this section and any public health and safety standards or requirements established by the Division of State Police of the Department of Public Safety, the Department of Motor Vehicles or the Department of Transportation.

(b) The coffee stop may operate during each day of Labor Day weekend, for twenty-four hours, if adequate adult supervision is provided during all such hours of operation. Adult leaders of Boy Scout Troop 24 shall submit to the Commissioner of Transportation, annually, at least thirty days before Labor Day weekend, a schedule of coffee stop hours of operation during each day of such weekend, and a roster of adult supervision to be provided during each such hour.

(c) The Commissioner of Transportation shall review the schedule and roster submitted pursuant to subsection (b) of this section to determine if adequate adult supervision will be provided and may require, in said commissioner's discretion, the provision of additional adult supervision. If such additional adult supervision is not provided, the commissioner may prohibit the use of the Waterford Weigh Station for the operation of such Labor Day weekend coffee stop.

Sec. 13. (*Effective from passage*) The Department of Transportation shall develop, within existing budgetary resources, an analysis conducted by persons employed by the department concerning the potential impact of the establishment of electronic tolls on Connecticut highways. Such analysis shall consider: (1) Legal prohibitions or constraints, including, but not limited to, liability issues and state and federal constitutional issues; and (2) financial issues

including potential revenue to be generated, potential funding lost or risked, including federal funds, and any constraints on the revenue received. In completing this analysis, the commissioner may consult with the office of the Attorney General and shall submit the results of such analysis to the General Assembly, in accordance with the provisions of section 11-4a of the general statutes, not later than December 31, 2010.

Sec. 14. (*Effective from passage*) Bridge number 00431 on Route 4 in Farmington overpassing the Farmington River shall be designated the "Vincent DiPietro Memorial Bridge".

Sec. 15. (*Effective from passage*) The name of the Route 411 bridge in Rocky Hill shall be changed from "John L. Levitow Memorial Bridge" to "John L. Levitow, S/Sgt. U. S. Air Force and Medal of Honor Recipient Memorial Bridge".

Sec. 16. (*Effective from passage*) Route 130 in Stratford from the Bridgeport city line to Elm Street shall be designated the "Rev. Dr. William O. Johnson Memorial Highway".

Sec. 17. (*Effective from passage*) A segment of Route 309 in Simsbury from Sugar Loaf Cut running in an easterly direction to the junction of Route 167 shall be designated the "Sergeant Felix M. Del Greco, Jr. Memorial Highway".

Sec. 18. (*Effective from passage*) From the beginning of Bridge number 03830 in North Haven overpassing Route 40 to Route 5 (State Street) shall be designated the "Amvets Post No. 9 Memorial Highway".

Sec. 19. (*Effective from passage*) Route 364 in Southington from the intersection of Route 120 easterly to East Street shall be designated the "Officer Timothy Foley Memorial Highway".

Sec. 20. (*Effective from passage*) Route 66 in East Hampton shall be designated the "Governor William A. O'Neill Memorial Highway".

Sec. 21. (*Effective from passage*) The segment of Route 337 in New Haven from Myron Street to Beecher Place shall be designated the "Julia 'Nana' Coppola Memorial Highway".

Sec. 22. (*Effective from passage*) Bridge number 00608 on Route 8 northbound and bridge number 00609 southbound over the Naugatuck River shall be designated the "Trooper James Savage Memorial Bridge".

Sec. 23. (*Effective from passage*) The segment of Route 22 in North Branford known as Notch Hill Road, between Route 1 at the intersection of the Branford, Guilford and North Branford town lines, to Route 80, Foxon Road, in North Branford shall be designated the "Beverly D. Tulli Memorial Highway".

Sec. 24. (*Effective from passage*) The segment of Route 82 in Salem between Route 85 and Route 11 shall be designated the "Officer H. David Cordell Memorial Highway".

Sec. 25. (*Effective from passage*) Bridge number 01697 on Route 2 eastbound overpassing Route

94 in Glastonbury shall be designated the "Marine Sgt. David Coullard Memorial Bridge".

Sec. 26. (*Effective from passage*) Route 30 from the junction of Routes 30 and 83 in Vernon easterly to the Vernon/Tolland town line shall be designated the "Captain Patrick Reeves Memorial Highway".

Sec. 27. (*Effective from passage*) The section of Route 4 in Farmington, running in an easterly direction from Route 10 to the junction of State Road 508 shall be designated the "Colonel Everett H. Kandarian Memorial Highway".

Sec. 28. (*Effective from passage*) The Department of Transportation shall place informational signs at Exit 37 on Interstate 91 for the Antique Radio Museum.

Sec. 29. (*Effective from passage*) The Department of Transportation shall place a sign in an appropriate location on Interstate 95, northbound and southbound, indicating the location of the Connecticut River Museum in Essex.

Sec. 30. (*Effective from passage*) The Department of Transportation shall install "tourist destination" directional signs on Route 1, northbound and southbound, and Route 156, southbound, for Veterans Memorial Green in Waterford, at the intersection of Route 1 and Route 156.

Sec. 31. (*Effective from passage*) The Department of Transportation shall install signs on Interstate 84 in Southbury at exit 15 eastbound and westbound for the "Connecticut Antiques Trail".

Sec. 32. (*Effective from passage*) Bridge number 00838 on Route 195 in Tolland overpassing Interstate 84 shall be designated the "Gary M. Passaro Memorial Bridge".

Sec. 33. (*Effective from passage*) Bridge number 01432B on Interstate 291 eastbound in South Windsor shall be designated the "South Windsor Patriotic Commission Memorial Bridge".

Sec. 34. (*Effective from passage*) Route 4 in Torrington between Route 118 and Route 202 shall be designated the "Francis J. Oneglia Memorial Highway".

Sec. 35. (*Effective from passage*) Bridge number 00043 on Interstate 95 northbound and southbound overpassing Route 1 in Darien shall be designated the "Speaker R. E. Van Norstrand Memorial Bridge".

Sec. 36. (*Effective from passage*) Bridge number 00443 on Route 5 overpassing Route 190 in Enfield shall be designated the "LTC Robert Albert "Hitchcock" Burnham Memorial Bridge".

Sec. 37. (*Effective from passage*) Bridge number 04247 on High Street and the GTI Railroad overpassing Route 72 in New Britain shall be designated the "Captain Brian S. Letendre Memorial Bridge".

Sec. 38. (*Effective from passage*) Bridge number 3096 on Interstate 91 overpassing Route 80 in New Haven shall be designated the "Officer Daniel P. Picagli Memorial Bridge".

Sec. 39. (*Effective from passage*) Route 33 from the junction of Route 136 in the Town of Westport to the Wilton/Ridgefield town line shall be designated the "Fallen Heroes Highway".

Sec. 40. (*Effective from passage*) The Department of Transportation shall place informational signs on Route 3 in Rocky Hill at the corners of Brook Street and Cromwell Avenue for "Compass Point".

Sec. 41. (*Effective from passage*) The Department of Transportation shall install a sign at exit 48 northbound on Interstate 91 in Enfield indicating the location of "Our Lady of Mount Carmel Society".

Sec. 42. (*Effective from passage*) The Department of Transportation shall erect a sign at Exit 37 on Route 8 southbound in Watertown indicating the location of the "Watertown Business Park".

Sec. 43. (*Effective from passage*) Bridge number 04180 on Interstate 84 westbound overpassing the Housatonic River in Southbury and Newtown shall be designated the "Lt. Thomas F. Carney Memorial Bridge".

Sec. 44. (*Effective from passage*) The Department of Transportation shall install signage on Route 9 indicating to traffic over the Arrigoni Bridge the location of the "Brownstone Discovery Park".

Sec. 45. (*Effective from passage*) Bridge number 03929 overpassing Route 7 in Brookfield shall be designated the "Petty Officer 1st Class Dale Lewis Memorial Bridge".

Sec. 46. (*Effective from passage*) Route 133 in Brookfield from the intersection of Route 7 and Route 202 easterly to Route 25 shall be designated the "Joseph Baker Memorial Highway".

Sec. 47. (*Effective from passage*) The segment of Route 202 from the northbound exit of Route 7 north to the intersection of the Route 7 bypass north in Brookfield shall be designated the "Kenneth Keller Memorial Highway".

Sec. 48. (*Effective from passage*) Route 133 in Brookfield from Route 25 easterly to Bridge number 01343 shall be designated the "Hon. B. Scott Santa Maria Memorial Highway".

Sec. 49. (*Effective from passage*) Route 161 in East Lyme running in a northerly direction from Route 156 to the underpass of Interstate 95 shall be designated the "Warrant Officer Corps Memorial Highway".

Sec. 50. (*Effective from passage*) Bridge number 06065 over the Norwalk River, on Route 7 in Norwalk, shall be designated the "Robert Mugford Memorial Bridge".

Sec. 51. Section 29 of public act 08-101 is amended to read as follows (*Effective from passage*):

Bridge number [3485] 1743 A & B in the town of West Hartford, on Interstate 84 overpassing [Woodruff Road] SR 535, Ridgewood Road, shall be designated the "Firefighter Patrick L. Brooks Memorial Bridge".

Sec. 52. Section 3 of special act 96-10 is amended to read as follows (*Effective from passage*):

The bridge over the Yantic River on Route 2 eastbound in Norwich shall be named the [Thomas F. Sweeney Bridge] "Thomas F. Sweeney Memorial Bridge".

Sec. 53. Section 13a-119 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2009*):

(a) [The commissioner, whenever in his] Whenever, in the opinion of the Commissioner of Transportation the same is necessary, said commissioner shall on any state highway, and may on any town highway, erect and maintain suitable warning and directional signs for the guidance of persons traveling thereon and may erect and maintain traffic control signals, devices, signs and markings on state highways, as approved by the State Traffic Commission. All of such signs and devices shall conform to the specifications of the manual of uniform traffic control devices as approved and revised by the State Traffic Commission.

(b) The commissioner shall adopt regulations, in accordance with the provisions of chapter 54, that set forth the criteria used for the designation of control cities in accordance with the standards established by the American Association of State Highway and Transportation Officials.

Sec. 54. Subsection (a) of section 14-270 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The Commissioner of Transportation or other authority having charge of the repair or maintenance of any highway or bridge is authorized to grant permits for transporting vehicles or combinations of vehicles or vehicles and load, or other objects not conforming to the provisions of sections 14-98, 14-262, 14-262a, amended by this act, 14-264, 14-267a and 14-269 but, in the case of motor vehicles, only the Commissioner of Transportation shall be authorized to issue such permits. Such permits shall be written, and may limit the highways or bridges which may be used, the time of such use and the maximum rate of speed at which such vehicles or objects may be operated, and may contain any other condition considered necessary by the authority granting the same, provided the Department of Transportation shall not suffer any loss of revenue granted or to be granted from any agency or department of the federal government for the federal interstate highway system or any other highway system.

Sec. 55. Section 1 of public act 09-154 is repealed and the following is substituted in lieu thereof (*Effective July 1, 2009*):

(a) For the purposes of this section:

- (1) "Department" means the Department of Transportation;
- (2) "Funds" means any funds from the Special Transportation Fund, bond allocations and any other source that is available for the construction, maintenance and repair of roads in this state;
- (3) "User" means a motorist, transit user, pedestrian or bicyclist;
- (4) "Bikeway" means any road, street, path or way which in some manner is specifically designated for bicycle travel, including the provision of a bicycle lane, regardless of whether such facility is designated for the exclusive use of bicycles or is to be shared with other modes of transportation; and
- (5) "Total project cost" means the cost of the entire corridor plan project.

(b) Accommodations for all users shall be a routine part of the planning, design, construction and operating activities of all highways, as defined in section 14-1 of the general statutes, in this state.

(c) From funds received by the department or any municipality for the construction, restoration, rehabilitation or relocation of highways, roads or streets, a reasonable amount shall be expended to provide facilities for all users, including, but not limited to, bikeways and sidewalks with appropriate curb cuts and ramps. On and after October 1, 2010, not less than one per cent of the total amount of any such funds received in any fiscal year shall be so expended. The department or municipality shall take future transit expansion plans into account where appropriate. Notwithstanding the provisions of this subsection, such provisions shall not apply in the event of a state or municipal transportation emergency.

(d) [The] Accommodations pursuant to subsection (b) of this section and the provision of facilities pursuant to subsection (c) of this section shall not be required if the Commissioner of Transportation or a municipal legislative body determines, with respect to a highway, road or street that: (1) Nonmotorized usage is prohibited; (2) there is a demonstrated absence of need; (3) the accommodation of all users would be an excessively expensive component of the total project cost; or (4) the accommodation of all users is not consistent with the state's or such municipality's, respectively, program of construction, maintenance and repair.

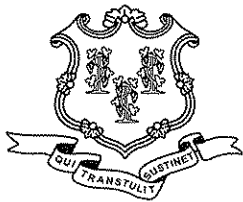
Sec. 56. (*Effective from passage*) Route 116 in Ridgefield from North Street to Maple Shade Road shall be designated the "Ridgefield Veterans Memorial Highway".

Sec. 57. (*Effective from passage*) The overpass bridge of Interstate 95 in East Norwalk shall be designated the "Donald F. Reid Memorial Bridge".

Sec. 58. Section 13 of public act 06-133 is repealed. (*Effective from passage*)

Vetoed July 2, 2009

Attachment B
Mediator Disclosures



STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION



Mediation Disclosure Statement

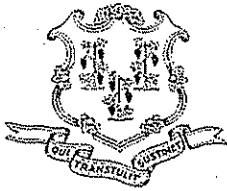
In the matter of Peter B. and Christine G. Houle and the Department of Transportation

I, Kenneth M. Collette, have been designated to serve as a mediator by Amey W. Marrella, Commissioner of the Department of Environmental Protection (DEP) pursuant to Section 9 of Public Act 09-186. I am an attorney licensed in the State of Connecticut and employed by the DEP as a hearing officer in the Office of Adjudications. The Department of Transportation has appeared before me in two hearings as a project applicant. Nothing in my employment or personal relationships would prevent me from being fair and impartial in my role as a designated mediator. I reserve the right to supplement this statement.

A handwritten signature in cursive script, reading "Kenneth M. Collette".

Kenneth M. Collette

January 12, 2010



STATE OF CONNECTICUT
OFFICE OF POLICY AND MANAGEMENT

**In the matter of Peter B. and Christine G. Houle
and the Department of Transportation**

Mediation Disclosure Statement

I, Patrick M. O'Brien, have been designated to serve as a mediator by Robert L. Genuario, Secretary of the Office of Policy and Management (OPM) pursuant to Section 9 of Public Act 09-186. I am employed by the OPM as the Assistant Division Director of the Bureau of Assets Management within the Policy Development and Planning Division.

The OPM has statutory and administrative oversight of various functions of the Department of Transportation (DOT) including, but not limited to, the review and approval of proposed DOT real estate transactions; OPM's review and approval of proposed DOT real estate transactions is predominately carried out by the Bureau of Assets Management. In carrying out these duties, my staff and I have regular contact (emails, phone calls, meetings, etc) with staff from DOT's Property Management Division.

Nothing in my employment or personal relationships would prevent me from being fair and impartial in my role as a designated mediator. I reserve the right to supplement this statement.

A handwritten signature in black ink, appearing to read "Patrick M. O'Brien".

Patrick M. O'Brien

1/20/2010

Date

Mediation Disclosure Statement

In re: Mediation for Peter B. Houle, Christine G. Houle, and the Department of Transportation, State of Connecticut, pursuant to Public Act 09-186. Property located at 220-Bunker Hill Road, Andover, Connecticut.

I, Roberta M. Avery, have been designated to serve as a mediator by Raeanne V. Curtis, Commissioner of the Department of Public Works (DPW), State of Connecticut, pursuant to Section 9 of Public Act 09-186. I am an attorney licensed in the State of Connecticut and employed by the DPW as an attorney in the Legal Services Division. To the best of my belief, nothing in my employment or personal relationships would prevent me from being fair and impartial in my role as a designated mediator. I reserve the right to supplement this statement.

Roberta M. Avery *January 20, 2010*
Roberta M. Avery Date

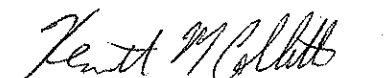
AGREEMENT TO TERMS OF MEDIATION

By signing this agreement, we agree to participate in mediation regarding the property located at 220 Bunker Hill Road in Andover. We understand that mediation is voluntary and we may decide to stop this process at any time. We acknowledge receipt of, have read, and agree to abide by the Guidelines for Mediation – Public Act 09-186 and any attachment referenced in that document. We agree that this matter is subject to the mediation process provided by Public Act 09-186 as explained in those guidelines.

We further agree, understand, and confirm that:


1. No party or its attorney or other representative(s) will try to compel the mediators or any other participant to testify regarding statements made by any participant in mediation sessions or to produce any documents provided by anyone during mediation;
2. Unless compelled by applicable law, the mediators will not disclose confidential information provided during the mediation or testify on behalf of or against any party;
3. All parties and/or their attorneys or other representatives will attend the mediated sessions, and the participant(s) in attendance will have full authority to consent to the details of an agreement. By signing this agreement, the parties participating as the “eligible owners”, as defined in section 9 of Public Act 09-186, affirm that they are the only known eligible owners of the subject property or represent the interests of all eligible owners. No one else may attend the mediated sessions without permission of all parties and the consent of the mediators;
4. The mediators will not function as the representative of or legal counsel to any party. Each unrepresented party acknowledges that that they may consult with and/or be represented by an attorney;
5. Mediation costs to be born equally by the eligible owner(s) and the State will be limited to administrative costs incurred and not include staff or personnel costs; and
6. If the parties reach a settlement, it shall be reduced to writing and, when signed and approved by the appropriate legislative committees, will be binding on all parties to the agreement.

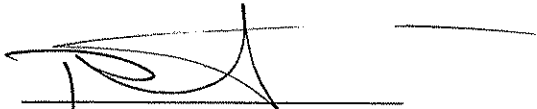
MEDIATORS

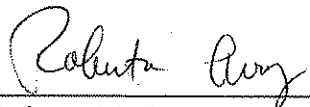

Kenneth M. Collette, DEP

PARTIES

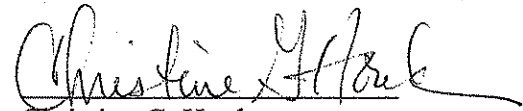
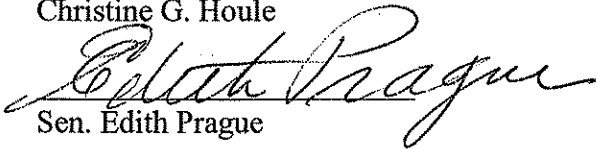
Eligible Owners


Peter B. Houle


Patrick M. O'Brien, OPM

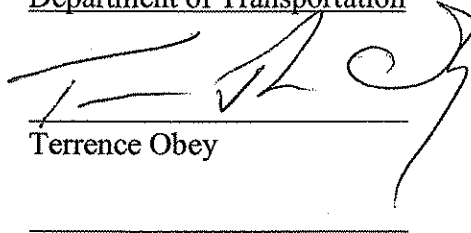

Roberta M. Avery, DPW

March 5, 2010


Christine G. Houle

Sen. Edith Prague

March 5, 2010


Department of Transportation


Terrence Obey

March 5, 2010

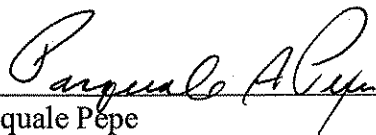
AGREEMENT TO MAINTAIN CONFIDENTIALITY

As an observer to the mediation scheduled between the Connecticut Department of Transportation (DOT) and Peter and Christine Houle regarding the property at 220 Bunker Hill Avenue, Andover. I understand that this mediation is being conducted pursuant to Public Act 09-186. I agree to keep the discussions that I observe confidential. I affirm that I will not disclose any information learned during the course of this mediation unless compelled by operation of law to do so.



Mary Goodhouse

March 5, 2010




Pasquale Pepe

March 5, 2010

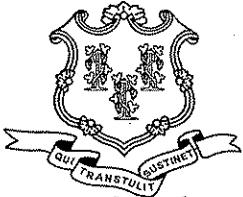
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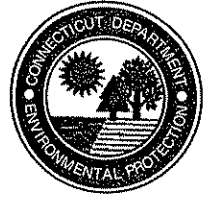


Edwin Greenberg

Date: 3/11/10



STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION



March 15, 2010

Peter B. Houle
Christine G. Houle
220 Bunker Hill Avenue
Andover, CT 06232

Dear Mr. and Mrs. Houle:

I write on behalf of the mediation panel regarding our recent mediation sessions concerning the property at 220 Bunker Hill Avenue in Andover. At the conclusion of the session on March 5, the Department of Transportation (DOT) had presented its willingness to accept your appraisal number and to consider any further offers from you at a continued session on March 12. As you know, the session on March 12 ended, at your election, without any further discussion of the value and purchase price of the property. You declined an offer to have the panel discuss options with DOT one final time. After your departure, DOT requested that we express its best and final offer for the sale of the property.

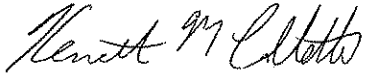
As a mediator, I respect your decision to leave the mediation without further discussion. However, I feel obligated to express DOT's best and final offer to you in the hope that a resolution of this matter can still be reached. This is DOT's best and final offer and does not reflect any viewpoint of the panel. As a panel, we unanimously agreed that I should send this message on behalf of the other party to this mediation in the hope that both parties meet their goals.

DOT has expressed that it will accept the sum of \$202,500.00 for the outright purchase of the property at 220 Bunker Hill Road in Andover. DOT will leave this offer open until 4:30 pm on April 1, 2010. If you wish to accept this price and proceed with the purchase, please respond directly to me no later than April 1 so I may communicate your acceptance to DOT. Upon receipt of your acceptance, the panel will draft its recommendation to the required legislative committees. If you fail to respond to this offer by April 1 or if you express in writing that you

decline this offer, then the mediation will be officially concluded and the panel will draft its final report to the required legislative committees indicating the results of the mediation.

I will await your reply to this offer should you decide to provide one. My contact information is enclosed.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kenneth M. Collette".

Kenneth M. Collette

cc: Sen. Edith Prague
Terrence J. Obey, DOT
Roberta Avery, DPW
Patrick M. O'Brien, OPM
Mary Goodhouse, SPRB

Peter Houle
220 Bunker Hill Road
Andover, CT 06232
860-742-9790
March 25, 2010

Kenneth M. Collette, Esq.
Department of Environmental Protection
79 Elm Street
Hartford, CT 06106-5127

Dear Att. Collette:

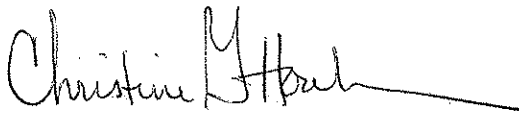
In response to your letter dated March 15, 2010 on behalf of the State Properties Review Board's mediation panel, we accept the offer of \$202,500.00 for our property.

In order to qualify for the FHA loan, we must have a 3.5% down payment and install siding to both levels of the unfinished addition, so that the exterior is completely weather-tight.

Therefore, in order to complete this transaction, we ask that the State pay the necessary closing costs. Thank you.

Sincerely,


Peter Houle


Christine Houle

cc. Sen. Edith Prague

DRAFT

REAL ESTATE SALES CONTRACT

THIS AGREEMENT, made this _____ day of April, 2010, by and between **THE STATE OF CONNECTICUT, DEPARTMENT OF TRANSPORTATION** with its principal offices located in the Town of Newington, County of Hartford and State of Connecticut, (hereinafter called the "Seller") and **PETER B. HOULE and CHRISTINE G. HOULE**, both individuals residing in the Town of Andover, County of Windham and State of Connecticut, (hereinafter collectively called the "Purchaser").

WITNESSETH:

The Seller, in consideration of the payment of the purchase price hereinafter specified, hereby agrees to sell and convey and the Purchaser hereby agrees to purchase all that certain piece or parcel of real property located in the Town of Andover, together with all the appurtenances thereto and all improvements thereon, known as **220 Bunker Hill Road, Andover, Connecticut**, more particularly described on Schedule A attached hereto (the "Property").

THE FOLLOWING ARE THE TERMS AND CONDITIONS OF THIS CONTRACT:

1. CONSIDERATION:

The Purchaser hereby agrees to pay the full Purchase Price of **\$ 206,035.00** payable by attorney's, bank or certified check at the closing of title.

The Purchaser hereby delivers a deposit in the amount of **\$500.00** the receipt of which by the Sellers or their agent is hereby acknowledged, said sum to be held in escrow by Buyer's Attorney, Gary D. Lavigne, Esq. until closing.

The Seller shall provide the Purchaser with two (2) closing cost credits:

- 1) The Seller will reimburse the Purchaser for any and all closing costs that the Purchaser may be eligible for under the Uniform Relocation Assistance and Real Property Acquisition Act (Uniform Act). It is understood that the entitled benefits under the Uniform Act includes all reasonable fees, as determined by the Seller, associated with obtaining a mortgage and completing the closing (including, but not limited to, loan origination fees, attorney fees, title search, title insurance, etc.) but does not and can not include any reserve or pre-pay items that may be required by a lender.
- 2) The Seller shall provide the Purchaser with a closing cost credit of **\$ 3,535.00** which can be applied toward any reserve or pre-pay items that may be required by a lender.

The Seller will use its best efforts to obtain all of the necessary state approvals such that this Agreement will be fully executed prior to April 30, 2010.

2. CLOSING:

The closing of title shall take place on or before June 29, 2010, at the offices of Buyer's Attorney or at such place as Purchaser's Lending Institution may require.

3. DEED:

At the closing of title, there shall be delivered by the Seller at their expense, possession of the premises (unless otherwise herein provided for) and a deed containing the usual covenants and warranties used in Connecticut practice sufficient to convey to the Purchaser marketable title to the premises free from all encumbrances and defects not excepted in Schedule "A" of this contract. The Purchaser shall bear the expense of recording said deed. The Seller shall pay any applicable conveyance taxes.

4. PERSONAL PROPERTY:

All fixtures located on the Property are included in this sale, and all personal property located on the Property is excluded from this sale.

5. CONTINGENCIES:

(a) MORTGAGE CONTINGENCY: Purchaser will use Purchaser's best efforts to obtain a written commitment for a mortgage loan ("Mortgage") from a bank or other institutional lender on or before May 28, 2010 ("Mortgage Contingency Date"). Purchaser will provide Seller, no later than the Mortgage Contingency Date, with a copy of any written commitment for a Mortgage obtained by Purchaser. Purchaser will pay all application fees, points (not to exceed 2 points), and other charges in accordance with the policies established by the applicable lender. The Mortgage must be on the following terms:

- i. Amount:\$203,262.00
- ii. Maximum interest rate: .5.25 %
- iii. Maximum term:30 years

If Purchaser cannot obtain a written commitment for the Mortgage (free of a contingency that property presently owned by Purchaser, if any, be sold) Purchaser may terminate this Contract by providing Seller, not later than the Mortgage Contingency Date, with written notice of Purchaser's inability to obtain such commitment. If Purchaser does not elect to terminate, then this Contract will remain in full force and effect, unless Seller, within seven (7) days from the Mortgage Contingency Date, gives written notice to Purchaser that Seller has elected to terminate this Contract as a result of Purchaser's inability to obtain such commitment. If either party so terminates this Contract, then all deposits will be returned to Purchaser, and this Contract will be null and void.

(b) HOME INSPECTION CONTINGENCY: N/A

- (c) PEST INSPECTION CONTINGENCY: N/A
- (d) RADON INSPECTION CONTINGENCY: N/A
- (e) THE PROPERTY IS BEING SOLD "AS IS".

6. REPRESENTATIONS AND WARRANTIES:

Seller represents and warrant to Purchasers that:

(a) Seller has no knowledge of any pending or threatened condemnation or similar proceedings affecting the Property or any portion thereof.

(b) Seller has no knowledge of any action by adjacent landowners or of natural or artificial conditions other than those previously disclosed to Purchaser, upon the Property which would prevent, limit, impede or render more costly the Property's use.

(c) Seller has no knowledge of any legal actions, suits or other legal or administrative proceedings, pending or threatened, against the Property, and Seller is not aware of any facts which might result in any such action, suit or other proceedings.

(d) To the best of Sellers' knowledge, there is no significant adverse fact or condition relating to the Property or the Property's use which has not been specifically disclosed in writing by Seller to Purchaser.

(e) Seller has entered into no other contract to sell the Premises or any portion thereof.

(f) No lease or tenancy affects any portion of the Premises.

7. ADJUSTMENTS:

The amount payable at the closing of title shall be adjusted by the apportionment as of the date of closing, in accordance with the custom prevailing in the town or other taxing district in which the premises are situated, of the following items if applicable: All property taxes, water, fire, fuel, service rates, rents, security deposits and interest thereon, and mortgage interest on assumed mortgages (if any). Should any such tax, assessment or rate be undetermined on that date, the last determined tax, assessment or rate shall be used for the purpose of the apportionment.

8. TITLE:

If the Seller shall be unable, either on the date set for the closing of title or within thirty (30) days thereafter, to convey a marketable title to the premises free from all encumbrances and defects not excepted in this contract, subject, however, to all applicable zoning and town planning ordinances and regulations, the Purchaser shall have the option either of accepting such title as the Seller can convey or of rescinding this Contract. It is mutually understood and agreed that no matter shall be construed as an encumbrance or defect in title so long as such matter is not construed as an encumbrance or defect rendering the title unmarketable under the Standards or Title of the Connecticut Bar Association then in effect or by the statutes of the State of

Connecticut pertaining to marketable title. If the Purchaser shall elect to rescind the Seller forthwith shall refund all sums theretofore paid by the Purchaser on account of the purchase price, whereupon all rights and liabilities of the parties hereto by reason of this Contract shall be deemed at an end.

9. BROKER:

Purchaser and Seller represent that no Broker was the procuring cause of this Contract and that no broker or agent participated in bringing it about.

10. NO RECORDING:

Purchaser agrees not to record this Agreement on the Land Records anywhere. Any violation of this Agreement not to record shall give Seller the right to immediately declare this Agreement null and void and of no further force and effect, Purchaser acknowledging that Seller has a substantial reason for not recording this Agreement. In the event of any violation of this Agreement not to record, Seller shall have the further right to execute and record a notice of termination of this Agreement, and hereby appoints Seller his duly authorized attorney-in-fact to do so with full power of substitution.

11. RISK OF LOSS:

Seller shall, throughout the period between the date of this Agreement and the Closing, keep the Premises insured against loss by fire and other casualty customarily insured against. Seller assumes all risk of loss by condemnation or eminent domain proceedings, fire or other casualty to the Premises, and building(s) thereon until delivery of the Deed at the Closing. In the event that such loss or damage shall occur prior to the Closing, then this Agreement shall be considered null and void and the Deposit shall be released by the Seller to the Purchaser. Upon receipt of such Deposit, further claims and obligations between the parties hereto, by reason of this Agreement, shall be released and discharged.

12. DEFAULT:

If the Purchaser shall fail to comply with any term of this contract by the time set for the closing of title, and the Seller has fully performed hereunder, the Seller shall hold and retain all sums of money paid in accordance with this contract or any modification or extensions thereof, as liquidated damages for the breach of this contract, whereupon all rights and remedies hereunder shall cease and be at an end and the Purchaser shall immediately return his copy of this contract to the Seller for cancellation. The Seller and Purchaser further agree that the said sum deemed to be liquidated damages is based upon the following considerations, which the Seller and the Purchaser agree would constitute damage to the Seller for any breach of the Purchaser because they are

incapable of an exact determination of amount, to wit: the removal of the premises from the real estate market during the period of this Agreement, together with the possibility of obtaining a new purchaser at a lesser amount; and the expense incurred by the Seller, including (but not by way of limitation) attorney's fees, taxes, mortgage interest, other items incidental to the maintenance of the property, and the inconvenience of relisting the property with other brokers.

13. EFFECT:

The covenants and agreements herein are to be binding upon and inure to the benefit of the parties hereto, their respective heirs, representatives, successors and assigns and shall survive the delivery of the deed hereunder. This contract constitutes the entire agreement between the parties and may not be changed except by a contract in writing signed by the parties against whom enforcement of any waiver, change, modification, extension, estoppel or discharge is sought.

IN WITNESS WHEREOF, the parties hereto have set their respective hands and seals the day and year first above written.

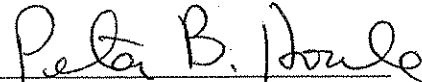
Signed, sealed and delivered
In the presence of:


SELLER:

STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION

By: _____

PURCHASERS:


PETER B. HOULE


CHRISTINE G. HOULE