

BOARD OF ALDERMEN MEETING

JANUARY 19, 2009

LOCAL REDEVELOPMENT AUTHORITY AMENDMENT JUSTIFICATION

THE ISSUE

The George D. Libby Army Reserve Center located on 200 Wintergreen Avenue in New Haven was one of the bases that the federal Base Realignment and Closure Commission (BRAC) decided to shut down in 2005. The Army Reserve plans to leave the site in the next couple years, leaving the 7.15-acre property available for another use.

Under the Base Closure Community Redevelopment and Homeless Assistance Act of 1984, the land must be offered for free to anyone who has a viable plan to house the homeless there. Pursuant to the act, a **Local Redevelopment Authority (LRA)** must be established by a State or local government recognized to develop the redevelopment plan with respect to the installation or for directing the implementation of such plan. The LRA represents all the local jurisdictions affected by a closing or realigning installation. The LRA is responsible for developing a reuse plan that appropriately balances the needs of the various communities for economic redevelopment, other development, and homeless assistance. HUD then reviews the plan to determine its compliance with the statute.

Even though this installation is located within the boundaries of Ward 30, there is not any representation from the Ward on the LRA. This is particularly distressing, since this development is also on the road which is essentially the gateway to the other major development in the Ward, the West Rock Housing Authority's Brookside and Rockview Housing Development. This development will have both rental and homeowner units. It is important to the marketing of this development to make sure that whatever occurs with the armory does not negatively impact that development, as well as SCSU and the surrounding residents.

I've made two written requests to the mayor for Ward 30 appointment to the LRA. The first on October 2, 2009 after my victory in the Democratic primary, and the second on January 12, 2009 (see attached). On October 7, 2009, I received a response from Sean Matteson, Mayor DeStefano's Chief of Staff, stating that "the Mayor agrees that a representative from West Rock should be added to the LRA...[and] in consultation with the Ward 30 Alder, will select a West Rock resident on the LRA." Since that letter, five (5) meetings of the LRA have been scheduled or have occurred, without a Ward 30 representative seated (October 20, November 17, December 15, 2009, January 19 and February 2, 2010).

OVERVIEW – BASE REUSE PROCESS (HUD BRAC Guidebook)

The Redevelopment Act was designed to accommodate the impacted communities' multiple interests in base reuse and to meet the national priority to assist homeless individuals and families. The law exempted BRAC Commission installations from the provisions of Title V of the McKinney Act and substituted a community-based process wherein representatives of the homeless and other community groups participate in local reuse planning.

The Redevelopment Act places responsibility for base reuse planning in the hands of a Local Redevelopment Authority (LRA), which represents all the local jurisdictions affected by a closing or realigning installation. The LRA is responsible for developing a reuse plan that appropriately balances the needs of the various communities for economic redevelopment, other development, and homeless assistance. HUD then reviews the plan to determine its compliance with the statute.

LRA AMENDMENT JUSTIFICATION, BOARD OF ALDERMEN MEETING, 1/19/200

The Redevelopment Act has three primary objectives:

- To balance a community’s expressed needs for economic redevelopment development with the expressed needs of the homeless individuals the vicinity of the installation.
- To ensure that base reuse planning is directed by local communities of the installation via empowerment of a locally controlled redevelopment planning authority.
- To promote rapid reuse of closing or realigning military installations establishing timelines or deadlines for each stage of the process.

Because the Redevelopment Act supports a locally controlled reuse process, the LRA must ensure that the local community has an opportunity to be involved in the planning process. Therefore, the LRA must:

- Provide an overview of the citizen participation process.
- Make the draft redevelopment plan and homeless assistance submission available for public review and comment throughout the application preparation process.
- Conduct at least one public hearing on the application prior to its submittal and include a summary of citizens’ comments as part of the redevelopment plan and the homeless assistance submission.

LOCAL REDEVELOPMENT AUTHORITY MEMBERSHIP

There are currently eight members on the LRA, none of which are from Ward 30. Five are city administration officials, one is the BOA President, and two are community representatives, one from Ward 29, and the second representing homeless advocates, residing in Ward 25.

Robert Smuts, Chief Administrative Officer	City Administration
Director, Economic Development Dept.	City Administration
Karyn Gilvarg, City Plan Director	City Administration
Nan Bartow, Neighborhood Representative (Beaver Hills)	Ward 28
Carl Goldfield, Aldermanic President (Beaver Hills)	Ward 29
Gary Spinner, Homeless Advocate	Homeless Advocate
Michael Piscitelli, Transportation Traffic and Parking Director	City Administration
Community Services Administrator	City Administration

LOCAL REDEVELOPMENT AUTHORITY HISTORY

The George D. Libby Army Reserve Center located on 200 Wintergreen Avenue in New Haven was one of the bases that the federal Base Realignment and Closure Commission (BRAC) decided to shut down in 2005. The Army Reserve plans to leave the site in the next couple years, leaving the 7.15-acre property available for another use.

In bidding out the property, federal guidelines provide a significant advantage to homeless providers. Under the Base Closure Community Redevelopment and Homeless Assistance Act of 1984, the land must be offered for free to anyone who has a viable plan to house the homeless there.

LRA AMENDMENT JUSTIFICATION, BOARD OF ALDERMEN MEETING, 1/19/200

Pursuant to the act, a LRA must be established by a State or local government recognized to develop the redevelopment plan with respect to the installation or for directing the implementation of such plan. **The Base Closure Act does not establish statutory requirements for the formation of LRAs. DOD regulations provide that the LRA should have “broad-based membership, including, but not limited to, representatives from those jurisdictions with zoning authority over the property (Congressional Research Service, report #7-5700, R40476, March 31, 2009).**

In July 2008, the City of New Haven, the LRA was established by Mayor John DeStefano. In August 2008, the LRA was formally recognized with Robert Smuts, Chief Administrative Office designated as point of contact.

AUTHORITY TO MAKE APPOINTMENTS TO THE LRA

Under the Base Closure Community Redevelopment and Homeless Assistance Act of 1984, a Local Redevelopment Authority (LRA) must be established by a State or **local government** recognized to develop the redevelopment plan with respect to the installation or for directing the implementation of such plan. *The Base Closure Act does not establish statutory requirements for the formation of LRAs. DOD regulations provide that the LRA should have “broad-based membership, including, but not limited to, representatives from those jurisdictions with zoning authority over the property (Congressional Research Service, report #7-5700, R40476, March 31, 2009).*

The city Charter and Ordinances are silent on specifics on this issue, granting powers to both the Mayor and the Board of Aldermen to make appointments to boards and commissions. There is precedence set where other city councils have established and/or appointed members to LRA, at the point of setting up and afterwards (please see attached news articles).

What is clearly stated in the federal base closure act is that there may only be one LRA per base closure.

GEORGE D. LIBBY ARMY RESERVE CENTER LOCATION

The George D. Libby Army Reserve Center located on 200 Wintergreen Avenue in New Haven. The Reserve Center is located within the boundaries of Ward 30. The nearest occupied housing units are the Southern Connecticut State University dorms, as well as homes and apartments on Springside Avenue. In addition, there are six (6) schools and at least one day care center located in close proximity of the center, all located in Ward 30:

Common Ground High School	0.2 miles
Katherine Brennan Elementary	0.4 miles
Clarence Rogers Elementary School	0.4 miles
West Hills School	0.8 miles
SCSU	less than 100 feet
Metropolitan	0.9 miles
Day Care Center	0.9 miles

BOARD OF ALDERMAN AUTHORITY

ARTICLE IX. BOARD OF ALDERMEN

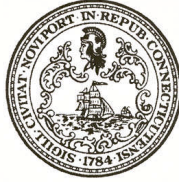
Sec. 49. Authority to enact, amend, alter or repeal ordinances, orders, etc.; maximum penalties.

The board of aldermen shall have power by majority vote of all the members thereof, present or absent, with the written approval of the mayor, or over said mayor's veto, as herein provided to enact, alter or repeal ordinances to be called the ordinances of the City of New Haven; and to make, alter and repeal orders or resolutions by a majority vote of the members present; and to prescribe penalties not exceeding a fine of one hundred dollars or sixty days in jail or both for any violation of the same, and the mode of enforcing such penalties; which orders, resolutions or ordinances may be for any of the following purposes, to wit:

(a) To manage, regulate and control all city property; to authorize the purchase or sale of property in the name of the city; and to provide for the form and regulate the manner of making contracts; to regulate the collection and enforcement of taxes and liens and the borrowing of money by the city for any purposes for which said board is authorized to lay taxes; and to provide for the adjustment of claims against said city, and for the payment of the same.

Sec. 55. General authority to exercise powers of city.

Said board shall have power to carry into effect and operation, by appropriate ordinances with the approval of the mayor, or over said mayor's veto as provided in this charter, all powers of the city as provided in this charter.



CITY OF NEW HAVEN
BOARD OF ALDERMEN

Darnell Goldson
Alderman, 30th Ward

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New Haven, CT 06515

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January 12, 2010

Honorable John DeStefano Jr.
Mayor
City of New Haven
165 Church Street
New Haven, CT 06515

Dear Mayor DeStefano:

I am writing this letter as a follow up to my October 4, 2009 letter to you requesting that you appoint me to the Local Redevelopment Authority (LRA) set up to develop a reuse plan for the George D. Libby Army Reserve Center at 200 Wintergreen Avenue, which is slated for closure.

As I stated in that letter, this facility lies in the 30th Ward, and practically sits on the SCSU campus, as well as serves as the gateway to one of the only two entrances to the West Rock community. It is imperative that local voices participate as members of the LRA.

I hope that you will be able to appoint me before the next LRA meeting schedule for January 19th, 2009.

Thanking you in advance for your attention to this matter.

Yours Truly,

Darnell Goldson

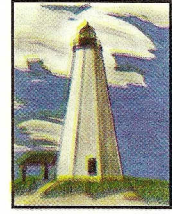
Cc: Robert Smuts, CAO

OFFICE OF THE MAYOR

165 CHURCH STREET • NEW HAVEN • CONNECTICUT 06510



JOHN DESTEFANO, JR.
Mayor



*The vision of New Haven's children
is our city's greatest resource**

October 7, 2009

Darnell Goldson
66 West Hills Road
New Haven, CT 06515

RE: George D. Libby Army Reserve Center

Mr. Goldson:

Mayor DeStefano is in receipt of your letter dated 4 October 2009. The Mayor has read and reviewed your correspondence regarding the Libby Reserve Center.

First, let me congratulate you on your recent election. I am glad to hear you wish to have a productive relationship with the Administration. We too seek a productive relationship with all members of the legislative body.

Your requests around the Local Redevelopment Authority ("LRA"), as I understand from your letter, are to: 1) add members to the LRA and 2) fully notice all meetings. I shall address them in order.

Membership of the LRA. The Libby Army Reserve, the facility in question, is located within the politically geographic boundaries of Ward 30. As the City began to assemble a potential re-use group the CAO and other City officials reviewed where the closest residents were in relation to the facility as it mattered to any future usage. If you view the attached map it will become clear that the closest impacted residents reside within the geographic boundaries of Ward 29, both in the student dorms of Southern Connecticut State University and also students which are not in the dorms. Therefore the appointment of the Alderman from Ward 29 made sense. The closest residential neighborhood is Beaver Hill, so Anna Bartow was made the resident appointment.

This leads us to Ward 30. The Mayor agrees that a representative from West Rock should be added to the LRA, recognizing that the greatest impact to citizens for any possible re-use of the Reserve Center remains in the 29th Ward. To this end the Mayor recommends that the CAO, in consultation with the Ward 30 Alder, will select a West Rock resident on the LRA.



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**This creative impression is the work of Sanja Benak, a student at High School in the Community.*

Noticing of meetings. All meetings have been properly noticed, and have been done so in close coordination with the proper federal officials, which have attended previous meetings. The federal guidelines call for public hearings, which the City will conduct with proper advertising to ensure public notice in both Ward 30 and Ward 29.

Should you have any further questions please do not hesitate to contact me at anytime. As always, please know that my door is always open to discuss matters of importance to the residents of West Rock.

Sincerely,



Sean Matteson
Chief of Staff

Cc: Hon. Michelle Edmonds-Sepulveda, Alderwoman Ward 30
Robert Smuts, CAO

DARNELL GOLDSON

October 4, 2009

The Honorable John DeStefano Jr.
Mayor
City of New Haven
165 Church Street
New Haven, CT 06515

Dear Mayor DeStefano:

As you know, I recently won a hard fought democratic primary for alderman in the city's 30th Ward, and of course I am looking forward to having a productive relationship with the city administration. With that being said, as stated during my campaign I will continue to fight for the ward residents to have a voice in city government. Highlighting lack of local participation on city boards and commissions, and finding a way to increase local participation is an issue I will continue to pursue. This is the reason why I am writing you today.

I have recently learned that the George D. Libby Army Reserve Center at 200 Wintergreen Avenue is slated for closure, and that a local process led by the CAO's office has started that will eventually develop a reuse plan for submittal to the federal government. I am concerned about the lack of community input, particularly from community representatives and leadership of the Ward 30, as well as the neighboring college. Specifically, it appears that the Local Redevelopment Authority (LRA) is comprised almost entirely of city administration officials (75%), and does not include any members from the local political jurisdiction (Ward 30) or from the adjacent university (SCSU).

The Army Reserve Center practically sits on the SCSU campus, as well as serves as the gateway to one of the only two entrances to the West Rock community. It is imperative that local voices participate as members of the LRA. Federal guidelines stipulate that LRAs must allow the community maximum public input during its deliberations, particularly the community in the vicinity of an installation to be disposed. Clearly, this maximum input has not occurred as of this point. There have been two meetings of the LRA, May 5 and June 9, neither of which were publically noticed or widely advertised. In addition, the LRA is meeting in the middle of the afternoon, which again precludes maximum participation by the community.

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At the June 9 meeting, only two of the current eight LRA members attended. Yet, several items were acted upon, including finalizing a draft scope of services for a consultant, which is now before the Board of Aldermen for approval.

I am concerned that this current process does not include community participation, and therefore may not receive maximum community buy in. I would request several changes to the process:

1. add several members to the LRA, including a representative of SCSU, the Ward 30 Alderperson or her representative, and two community representatives from Ward 30;
2. fully notice the LRA meetings, including start times and agendas.

I am not interested in slowing the process down, but do believe that maximum community input will provide the opportunity for a stronger application for our reuse request.

Thank you for your consideration of my suggestions.

Sincerely,

Darnell Goldson

Cc: Robert Smuts, CAO
Michelle Edmonds-Sepulveda, Alderperson



Base Realignment and Closure (BRAC): Transfer and Disposal of Military Property

R. Chuck Mason
Legislative Attorney

March 31, 2009

Congressional Research Service

7-5700

www.crs.gov

R40476

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planning process. Thus, local communities can significantly affect the BRAC property transfer and disposal decisions made at the federal level. The specific roles for states and communities as well as the various transfer and disposal authorities are discussed below.

Local Redevelopment Authorities (LRAs)

Pursuant to the act, an LRA is “any entity (including an entity established by a State or local government) recognized by the Secretary of Defense as the entity responsible for developing the redevelopment plan with respect to the installation or for directing the implementation of such plan.”¹⁸ DOD must prepare an environmental impact analysis under the National Environmental Policy Act (NEPA), in which it must examine all reasonable disposal alternatives and make its own disposal decisions.¹⁹ However, LRAs are responsible for designing a comprehensive plan for reuse of BRAC property, culminating in a redevelopment plan, which is submitted to DOD and included as part of the proposed federal action.²⁰ While the redevelopment plan is not binding on DOD, it may have significant influence on its disposal decisions, and, in some instances, DOD is statutorily directed to give the plan considerable weight.²¹ Local zoning authorities and state land use regulations may also impact the disposal decisions made by DOD.

The Base Closure Act does not establish statutory requirements for the formation of LRAs. DOD regulations provide that the LRA should have “broad-based membership, including, but not limited to, representatives from those jurisdictions with zoning authority over the property.”²² The regulations further state that “[g]enerally, there will be one recognized LRA per installation.”²³ In the event that a LRA is not recognized by DOD, or if the LRA fails to timely submit a redevelopment plan, the Secretary concerned is required to consult with the state’s Governor and heads of local governments before proceeding with the disposal of the property according to applicable laws.²⁴

Transfers for Federal Utilization

It is DOD policy to act expeditiously under the BRAC process, whether it is the closing or realigning of an installation, in order to facilitate the transfer of real property for community reuse.²⁵ Prior to consideration of transfer to a non-federal entity, the property must be screened for continued federal use.

¹⁸ Base Closure Act, § 2910(9).

¹⁹ 42 U.S.C. §§ 4321 *et seq.*

²⁰ 32 C.F.R. § 174.6.

²¹ The specific requirements impacting the LRA planning process and DOD’s eventual disposal of property are discussed in the sections of this report addressing each disposal mechanism.

²² 32 C.F.R. § 174.6(a).

²³ *Id.*

²⁴ Base Closure Act, § 2905(b)(3)(B); 32 C.F.R. § 174.6(c)(2).

²⁵ 32 C.F.R. § 174.4.