

Legislative History for Connecticut Act

HB 46	(PA292) SCAW	1949
Tud:	∅	
House:	421	(1)
Senate:	∅	

Transcripts from the Joint Standing Committee Public Hearing(s) and/or Senate and House of Representatives Proceedings

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Sub
Sen Bill 500

SA 49-292

1949

Cities & Boroughs : 347-351

(5)

House : \emptyset

Senate : \emptyset

(5)

JOINT
STANDING
COMMITTEE
HEARINGS

CITIES AND
BOROUGHES
VOL. 2
Pages
205-405

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ASSEMBLY
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Thursday

Cities and Boroughs

April 28, 1949.

S.B.#499 ✓

Thomas C. Chubb, Chairman, Special Parking Commission,

We are sponsored by the Town Counsel and Mr. Cohen, Some of the committee spent five months on this parking problem. The act was drawn up with the approval of the committee. We hope that your committee will see fit to pass this bill.

Edward B. Close,

I am a member of the Town Plan Commission of Greenwich. At a request of the Special Parking Committee of the Representative Town Meeting, the Plan Commission made a exhaustive surveys of traffic and parking conditions in the congested business area of Greenwich. As a result of these surveys it was the unanimous conclusion of the Town Plan Commission that the parking problem should be solved as promptly as possible by means of off street parking and we so reported to the Special Parking Committee of the Representative Town Meeting. The Greenwich Town Plan Commission unanimously approve this bill.

Chm. Dichter, ✓

Are there any other propoents or opponents to this bill, if not, I declare the hearing closed on S.B.#499. We will now take up S.B.#500.

S.B.#500 (Sen. Griswold) AN ACT CONCERNING THE SEWERAGE SYSTEM OF THE TOWN OF GREENWICH.

Mr. Cohen, Commissioner of Public Works,

I think first it is well to call your attention to the committee, the parking fee is different in Greenwich. Our problems in sewerage matters should be solved in a different manner. The town is heavily set up and at the present time seven district areas are going together. At the present time we have had nine separate sewer districts or boroughs, need ten decisions. To provide the purpose of this act is to consolidate everything into one working concern. Definitely legal tools can provide for sewerage can be assumed and more econimacially provided. I would like to draw your attention to the fact that this act has been before five separate committees of the General Legislature Committee, made very valuable suggestions before the entire body of the General Legislature Committee as a whole. I hope your committee will see fit to pass favorably on this bill.

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Mr. O.L.St. John, Town Counsel,

The sanitary sewer system of the Town of Greenwich is presently operated under a basic special act passed in 1911 and various amending and supplementing special acts passed since that date. A list of the special acts under which the Town presently operates in respect of the sanitary sewer system is set forth in the appendix attached to this memorandum. Under such statutory authority said system is divided into nine sewer districts (plus the old Borough District) with separate administration and taxation for each district for maintenance and operation. It is also provided that the entire cost of constructing facilities must be recovered by the Town by way of special assessments against the properties benefited. The result of this is that no part of the cost of construction may be borne by the Town. It is the purpose of the proposed act to consolidate into one act all legislation relating to the administration of sewers and to make certain basic changes in such statutory authority as follows:

1. Eliminate sewer district. The proposed act (sections 2 and 28 -32, inclusive) eliminates existing sewer districts and provides for the maintenance and operation of the system as a single district with a single maintenance tax rate applicable to the entire system.
2. Financing construction. Under the proposed act authority is conferred upon the Town to finance construction by a contribution by the Town of a portion of the cost of construction (sections 5,8 and 25). The control as to the proportion of such cost to be contributed by the Town is vested in the Board of Estimate and Taxation and the Representative Town meeting. This follows existing legislation (#347 of Special acts of 1921, as amended, and #444 of the Special Acts of 1939) governing all appropriations by the Town. The proposed act provides that the Town is to be reimbursed for the balance of the construction cost by special assessments and additional assessments against properties benefited (sections 5,8,18,20 and 25) by additional assessments under Section 36, and by connection charges under Section 35.

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Mr. O.L. St. John (contd.)

3. Assessment of benefits. Under the present act the only benefits which may be assessed are those relating to land and it is not possible to include in the assessment benefits derived by buildings. In the proposed act (sections 18, 20 and 25) benefits may be apportioned and assessed with respect to land and improvements thereon and all factors which affect benefits may be taken into consideration in making the apportionment.

4. Appeals. The provisions of existing special acts relating to appeals have been superseded by Section 7742 of the General Statutes of Conn. (revision of 1949). Section 21 of the proposed act provides for appeals to the Court of Common Pleas from assessments of damages by the Condemnation Commission in connection with condemnation proceedings and the assessment of benefits and the determination of the amount of connection charges (section 35) by the Condemnation Commission.

5. The creation of sewer improvement and maintenance funds. The provisions of Sections 27 and 32 require that funds collected by the Town in connection with the construction, operation and maintenance of sewers shall be held in such separate funds and after reimbursing the general fund and paying off bonds shall be used for the improvement and maintenance of the sewer system. Further details with respect to these funds are set forth in the comments of the Commissioner of Public Works.

In other respects the proposed act is consistent with and follows the form of government established for the Town of Greenwich. The Town has operated for many years under the procedures outlined in the proposed act (with the exception of the basic changes described above). The authority which might be available to the Town under existing and proposed general legislation (e.g. Substitute H.B.#1503) is alien to the Town of Greenwich.

The proposed bill has been reviewed and approved by the following authorities in the Town of Greenwich: Commissioner of Public Works, Comptroller, Town Counsel and the General Legislative Committee. As provided in Section 52 of the proposed act, it will become operative only upon approval thereof by the Board of Estimate and Taxation and the Representative Town Meeting. The substitute bill makes no basic changes in the original bill as submitted and such changes as were made, were for the purpose of clarification and draftsmanship.

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Mr. O.L.St. John, (contd.)

As the final act, as submitted, represents a great deal of study and review by representatives of the Town and the officials responsible for the administration of the sewer system in Greenwich, it is respectfully requested that the bill be favorably reported.

Thomas H. Rossbottom,

I live in the Riverside section of Greenwich. I have been a member of the town meeting since its creation. The purpose of this Bill is to take from the owners of properties that are benefited by sewers part of the cost of construction, operation and maintenance, and to place that burden upon the taxpayers whose outlying properties are without Town sewerage facilities, and who are not benefited in the slightest degree, because their properties are in some instances miles from the sewerage systems. The Bill, consisting of 22 closely printed pages, abolishes nine sewer districts, created by the Acts of 1911 and 1913, and provides that the four plants that have been paid for by the Districts are to be taken over by the Town; but there is no provision for the Town to reimburse the Districts for the construction expense they have paid to the Town. The Town advanced the money for the construction, but the cost of same has been either repaid, or is being repaid, by the Districts. The Bill provides that the cost of construction reconstruction, improvement, enlargement or extension, shall be assessed against the properties benefited, except as may be determined by the Board of Estimate and approved by the Town meeting. This is neither fair nor equitable. The owners of properties benefited by sewers should pay for them. We have, for instance, two districts in the back country, having no sewerage facilities, that pay over 30% of the taxes collected by Greenwich. They should not be called upon to pay 30% of the sewer expense from which the owners of benefited properties are to be relieved by this Bill. Under present laws the Board of Estimate must secure approval of the Town Meeting before they can authorize expenditures in excess of \$2500. This is a wise provision. The proposed Bill increases this to "amounts in excess of \$5000." This should not be favorably considered by the General Assembly. The Town should not, as proposed in this Bill, be authorized, either separately or by agreement with one or more municipalities, to own,

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Mr. Thomas H. Rosbottom, (contd.)

acquire, construct and equip sewers. This is a most dangerous authorization and should not be granted. This bill does not, as claimed in the "statement of purpose" contained in the final paragraph, clarify to the slightest extent the provisions of the existing acts. It admittedly permits the Town to pay part of the cost of construction of sewers that should be borne by the properties directly benefited. It does not provide a method for the assessment of benefits that will result in a more equitable allocation of the cost of construction. It provides exactly the opposite. There is no need for the establishment of a sewer Improvement Fund or a Sewer Maintenance Fund. It is inequitable to permit the Town to change the method for determining Sewer Maintenance Taxes. It is not necessary to create a Division of Sewers. It is unwise to permit appropriations exceeding the \$2500. authorized by existing law, without specific approval by the Town Meeting. It is unwise to provide for the issuance of Sewer Bonds upon approval of two-thirds of the Town Meeting members. Greenwich is on the Pay-as-you-go plan. The Legislature permits it to extend payments for capital improvements over a period of five years. Greenwich should not be authorized to issue bonds in any manner other than that provided for in existing law, which prevents the issuance of bonds except as recommended by the Board of Estimate and approved by the Town Meeting. There is no necessity nor justification for the passage of this Bill. The existing Acts of 1911, 1913, 1915, 1917, 1929 and 1931 give the Commissioner of Public Works full and complete authority to construct, maintain and operate sewers. The owners of properties benefited by the sewers should continue to pay for their construction as at present. I submit that no part of that expense should be placed upon the taxpayers whose properties are not benefited in the slightest degree by the sewerage system.

Mm. Dichter,

Is there anyone else who would care to speak either in favor of against this bill, if not, I will declare the hearing closed on S.B.#500. We will now take up S.B.#504.