

Legislative History for Connecticut Act

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SB 253	PA 490	1963
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State Development and Agriculture - 16-17, 30-50		(23)
Senate - 2335-2352		(18)
House - 4247 - 4249		(3)
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JOINT  
STANDING  
COMMITTEE  
HEARINGS

AGRICULTURE  
PUBLIC HEALTH  
AND SAFETY

AGRICULTURE

CONN.  
GENERAL  
ASSEMBLY  
1963

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Rep. Liebman: unintelligible

Mr. Sweeter: I don't recollect that I have classified any Christmas tree plantation. I could, if they were over 30 acres, 30 acres or more, I could classify them. Because since the commission has voted on 30 acres, I've been guided by that and have not been taking a little five acre or two acre chunk of land that has been put into Christmas trees. I can classify Christmas trees... planted is set forth in the law.

Rep. Liebman: Are you familiar with the proposed open space taxation law?

Mr. Sweeter: This morning the lawyer who is redrawing the bill was over to see me and spent about two hours with me and he was not too familiar with the law and I explained it to him, also a law of which he knew nothing, the other tax law, cross tax law, and before he left he said I think this is all we want and he said I'm not going to include that in the revised ... but then after he went back to his office, he called me again, that's Mr. McCormick, and he said, I have checked into that second law and he says I will ask for the repeal of that second law, which is not in here, and leave this one alone.

Rep. Liebman: Well, this one

Mr. Sweeter: This one he wanted to keep. And I told him about some of the changes and the other one which he did not have in for repeal, he thought he would put in now and repeal it.

Rep. Liebman: There would be a conflict, but there would be no conflict between this proposed legislation if it were passed.

Mr. Sweeter: If he eliminates, this law here as written now is to be repealed but as revised, it would not be repealed but another one would be.

Rep. Calhoun: This is S.B. 253, revised S.B. 253 which Mr. McCormick is working on, goes through it would be more to the advantage of the land owner to operate under that than it would under this law, would it not?

Mr. Sweeter: He didn't seem to think so and I think I agree with him. I think this gives the land owner a better break.

Rep. Calhoun: There's no retro-active clause in that specific, in that 253, at least there wasn't the last time I saw it.

Mr. Sweeter: I haven't seen it lately. I don't know what it is now.

Sen. Doocy: I don't think that part was changed.

Rep. Calhoun: Well, I should think it would make the other law more palatable, perhaps for the landowner.

Mr. Sweeter: This gives you a fixed valuation, a fixed rate, of 30 mills on your valuation and having, and land value can never be changed after the land is classified so if your land comes in at \$100 and you have a 30 mill rate, that's it until the land has been changed. And in many a town you can't get any such rate as that. ... say 30, I'm sorry, 10.,10 mill rate.

Sen. Wells: Do I understand that the purpose of this originally to encourage ... to forestry land?

Mr. Sweeter: That is the main purpose is to take ... land or poor, poorly, well scrub land, if you want to call it, to encourage the landowner to hold it so that we can increase the resources of the state. I think you can ... it quite well and where its been taken advantage of.

Sen. Wells: Mr. Sweeter, take selective cutting. Does that take it off that

Mr. Sweeter; No, it does not.

Sen. Wells: If its cut clear it would.

Mr. Sweeter: It might.

Sen. Wells: Unless it was replanted again?

Mr. Sweeter: Yes.

Sen. Wells: I see.

Mr. Sweeter: Unless something that is replanted or some provisions are made to improve it.

Sen. Wells: Suppose you decided to clear it off and seed it out into grass.

Mr. Sweeter: You can't ... the certificate.

Sen. Wells: Then how would you ... it on the retro-active... figures different...

Mr. Sweeter: That's right.

Sen. Wells: Over how far back?

Mr. Sweeter: Well, I don't happen to have that with me. I think its from the time it was classified to the present time, I think. I think that's the way thats worded.

JOINT  
STANDING  
COMMITTEE  
HEARING

STATE DEVELOPMENT  
AND AGRICULTURE

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Mr. Coy Continued:

So we would like to go on record in favor of these bills.

Mr. Harry Boyd of South Norwalk, Member of the Common Interest Group of Norwalk Historical Society, and The Redding Historical Society:

I would like to speak specifically in favor of Bill 3294. I believe it is high time that we take some action to protect our parks and shore lines from further decay. Our towns without parks make the humans suffer all due to the lack of open spaces. Men mark the universe with good. Lets help the poet of this age make this statement.

Sen. Marcus:

Does anyone else wish to be heard in opposition? If not the hearing on these bills are closed, and the next bill to be heard is SB 253.

SB 253

( Sen. Gladstone ) TAXATION OF OPEN SPACE LAND.

Commissioner Gill:

Speaking in favor of SB 253 and if I may call your attention to the substitute bill that has just been submitted for your consideration for the needs and desires of the various groups concerned with this tax problem on open land in Connecticut. To explain this bill, you heard Sen. Barringers remarks as being asked to draft this. I would like to second his remarks and introduce the man who actually did this at this time.

Mr. Ernest Mc Cormick of Robinson and Robinson and Cole:

Mr. Chairman and Members of the Committee: I am a lawyer of Robinson and Robinson and Cole of Hartford. When Commissioner Gill asked me to actually draw this bill, now substitute bill No. 253, I preceded to do it very much with his underlined purposes. I hope the Committee will be patient with me for the next four or five minutes while I review this bill and the situations which have made a bill of this sort so necessary in Connecticut. The bill of course grows out of population explosion in this country and patterns. In 1960 the population

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Attorney Mc Cormick Continued:

of this country was about 180,000,000, and by the year 2,000 the population will be in the neighborhood of 380,000,000. This is of course the result of the fact that more people are being born and that they die later. There is an interesting phase of this population explosion in this increasing number of separate households which has been brought about by the earlier marriages that we are now having, and the fact that the young husbands economically are able to support separate households. Another interesting facet of this population explosion is the mobility. The tremendous increase in the number of automobiles has made our population more mobile than anyone had ever dreamed. So we have as a result an increasing number of separate households, and with a tremendous increase in mobility seeking more and more space in which to live, work, and play, but with the amount of land available for them still remains constant. Now as to the pattern with which this explosive population in this country lives ..about one half of the population lives in about 200 metropolitan areas, and by metropolitan area, I mean has a surrounding suburb. In 1950 two thirds of the population growth of the country took place in the suburbs while the eleventh largest city in the country population flew, and it is estimated in ten or fifteen years 85 to 90% increase in the growth of our population will find themselves settling in the suburbs. Now this spread of the population and its great increase in the suburbs has been accompanied by the suburban zoning based upon large lots and low density of population. The result is that there has been a tremendous need in the area of land required to take care of the residential requirements of our population in the suburbs. Now it is estimated that some 70% of the subdivision development in the country today are dependent on septic tanks with a great problem of pollution and a terrific problem of expense in finally furnishing municipal storage space. Families increased from a two car family to a three car family so that the wife can get to a shopping center and the children can get to visit their friends. Children are taken to schools by buses. The result of this is the country side becomes interlaced with the vast expanses of roads and concrete highways, and at the same time our mass transportation facilities wither on the vine. Utility services such as electricity, telephone, fire and police protection all becomes tremendously expensive because of this vast area that the population now covers. Now the result of all this

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Attorney Mc Cormick Continued:

is the so called suburban sprawl which many people feel is one of the great problems of our particular era. Now this suburban sprawl is accompanied by two tragic consequences. In the first place this constant increased need for area in the suburbs results in the subdividing of the best farm land in the State, because the best farm land is of course always the best land for subdivision, and the State faces a gradual loss of its Agriculture and economy, and in the second place the center of our cities begins to decay. Two solutions seem to be evident and necessary. For in the first place of course we have Urban Renewal in the city so we can replace these decaying areas with newly built areas and attract the population into the cities where they will live in high density areas as in a high rise apartment and the leave the open spaces in the country, open and available to the people in the State. In the second place we have to go do something to preserve our farm lands in the country and preserve our open spaces. Now of course the State Urban Renewal Program takes care of the redevelopment of our cities, but up to the almost present time almost nothing has been done to preserve our farm land and open spaces in the country side. The bill that we have here attempts to preserve or do something about the continuation of saving farm land and our open spaces. Under the bill drawn, "any farm unit actively used for farming purposes will be classified as farm land assessed by the assessors on the basis of its use without regards to the more intensive use of neighborhood land. Open spaces may be classified as open space land only if a town planning committee has recommended the particular area to be designed as an open space area on its plan." There has been public hearings as to whether that designation is the proper one, and the plan is finally adopted designating open space area. If the town plan has designated an area as an open space area on the assessment list and assessed that land at its value in effect on the basis of its use, it is assessed on the same basis as though it was a part of the farm unit. I think that the bill may not be the best bill that can be drawn, but in view of the brief preliminary remarks that I have made, I do feel that it is an attempt to serve a most desirable purpose, and to deserve the careful attention and considerations of your Committee. Thank you.

Thursday, March 21, 1963

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Sen. Marcus: Any questions for Mr. Mc Cormick?

Question from the Floor of the House:

Mr. Mc Cormick: I am referring to Section 5, "Any Legislative body by purchase of condemnation and so forth".. My question is if the area is set aside by the planning board as an open space area and should include a farm could a town condemn this farm land and include it in the open space area and take it over?

Attorney Mc Cormick:

The way the bill is drawn at the present time you could Senator. If an area has been designated as an open space area on a town plan adopted after public hearing, then the legislative body of the town may make an appropriation and acquire that land either by purchase or by condemnation despite the fact that it is part of a farm. The reason for that is this. It is assumed here that no area will be designated as an open space area on a town plan unless it implements or helps to carry out the underlying purpose of that plan. Therefore only strategic open space areas presumably would ever be designated on the town plan as an open space area. Of course this particular piece of land is a strategic piece of land which implements the overall town plan and it is desirable for the town to acquire it. Then I think the town should have the right to acquire it either by purchase or condemnation.

Rep. Orcutt of the Committee:

Do you feel that this substitute bill 253 overcomes the constitutional and bonding problems that have existed in bills in the past?

Attorney Mc Cormick:

Yes, Mr. Chairman: We have made a study of the constitutionality of this bill and have prepared a memorandum. At the moment it is in rough form, but we would be very glad to submit it to the Committee if the Committee would like to have it. It is my opinion that the bill drawn is constitutional, and I might add too that my firm does a large amount of actual bond council

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Attorney Mc Cormick Continued:

on a great many municipal bond issues and the other firm in Hartford who specializes in the field is the firm of Day, Berry, and Howard. Mr. Allen T. Smith who is the Senior Partner in that firm who is in charge of that work, and I have discussed this bill with him, and he has authorized me to say that he sees no problem so far as bonding is concerned, and I see no problem.

Rep. Orcutt:

In reference to the two particular types of land area that you refer to in this bill, Sir, namely open space land on one hand and farm land, farm unit, on the other hand. You provide two different methods for each one of those categories to secure this favorable treatment. I am concerned with the possibility of speculators getting into this type of proposition, and benefiting greatly from the favorable treatment. I happen to be a factory worker, and I have a house and a acre of land, and I am very much concerned that where land truly farm land lies in an industrial zone really has tremendous value and that the remainder of the property owners in town will in effect subsidize these individuals owning such land, and this would cause an increase in the non-farm or non-open space land owners taxes, and I am concerned about the two treatments. Why do you allow farm unit to secure this treatment through application rather than going through the town planning commission and the town planning development route on the open space part?

Attorney Mc Cormick:

I was concerned about that too Mr. Chairman in drafting the bill. There is no question that the only possible objection that I can think of for this bill that it might permit speculators to purchase land and hold it paying low taxes until they were ready to sell, and then acquiring a large profit. As far as the open space land is concerned, we think we have guarded against the speculation, because we provide that no land can be designated as open space land until the planning commission recommends such designation, and there has been a hearing on it, and it has been so designated on the plan that it was finally adopted. We have no similar provisions as far as farm land is concerned,

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Attorney Mc Cormick:

and the reason for that is that we feel that if a farm unit is a benefited farm unit truly and actively used for farming and agricultural purposes. Then there is enough assurance it seems to us that land speculators will not be able to make a profit by buying it up then selling it. They may develop it after the bill is in operation if it is enacted speculators to attempt to take advantage of it, but it seems to me that this bill, if the situation develops and the General Assembly will be in Session two years from now, and it will be an easy matter to amend the bill at that time. Now we have considered various methods for taking care of the so called speculator, but haven't been able to hit upon any which is satisfying to us. It has been suggested that we put a recapturing clause in the bill providing if somebody sells the land and makes a profit, then it shall be reassessed and the owner shall be required to pay additional taxes, but we feel that retroactive evaluation of land is a very difficult thing, and we feel that the administrators provision would be almost impossible. I think of one situation with which I am acquainted with. A person bought a pond for something less than was less than \$ 100,000 for it, and four or five years later somebody came out and built a town right next to it, and they sold it for something.....

M.V. (Approval Mrs. Cameron)

AGRICULTURE  
AND  
STATE DEVELOPMENT

MARCH 21, 1963 2:00 P.M.

MEMBERS PRESENT AT HEARING:

Chairman Senator Fred Doocy , of the 4th District.  
Senate Clerk Harold Liebman.  
House Chairman Frank Calhoun.  
Representatives:  
David Schrieber  
Denison Miner  
Floyd Laird  
Philip Dean  
Clarence Lillibridge  
William Coughlin Jr.  
Clyde Cordtsen  
Robert Mitchell  
Albert Sweeton  
and  
Senator Franklin Wells, of the 35th District.

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Senator Edward Marcus of New Haven continues: The valuation of land is a very very difficult thing and we feel the administrative position would be almost impossible. I think of one situation with which I'm familiar, where a person bought a farm in another state, paid something less than \$100,000. for it and four or five years later somebody came out and built a town right next to it and it was sold for something like a million dollars. Now that is a tremendous profit but, there was no speculation involved in it, it just happened that way. Now, I would be very unhappy I think if I were the owner of that land and after the sale had taken place the assessor would then say "Aha! Now I'm going to go back and revalue your land over the past four or five years and he couldn't do it without having in his mind the price it was required/ acquired for at the time it was sold and yet there was no idea the land had that value until someone came along and wanted it. I think we have that same situation in Farmington now on the medical-dental school and I think listening to Mr. [unclear] over the television last night that perhaps we have it in Windsor.

Sen. Marcus: Now there may be other ways of taking care of that situation. I know in one case it was suggested that some kind of capital gain tax might be of access. But I think the General Assembly is in session every two years and it will be very easy to see what develops and then make some amendment to the bill if it seems desirable to take care of that situation. In the meantime I think the bill is really a very good bill. Thank you.

... Mr. Chairman, to discuss the impact - the tax impact, on our communities may I present Mr. Peter Marselli, the assessor of the town of Bloomfield.

Mr. Marselli: Mr. Chairman, my name is Peter Marselli. I'm the assessor for the town of Bloomfield. I think one of the most important facets of a bill of this type is to consider what that impact to the local municipality would be should the bill pass. I have compiled some figures which I believe will be of some help to your committee in determining just what impact this bill would have on the municipality. Let me briefly state that heretofore assessors and town officials have been cognizant of this problem of taxation of open spaces and farmland and we have been doing things that perhaps were to some degree illegal. We have been assessing, and I certainly am one of those that has been assessing farms and open spaces at a much lower level than the fair market value facets tell me to do so. I think we all do this because we feel that it's in the best interest of the municipality that we do it. I'd like to review some figures that I've compiled from the State Tax Department publication information relative to

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Mr. Marselli continues: the assessment of collection of taxes, and all the figures I quote will be from that document. Unfortunately, the last document available was on the basis of the 1959 grand list. However, they are indicative of what the current grand list of 1962 is. I was able to get out of the State Tax Department figures on one occasion for the 1960 grand list. That was with respect to what the average assessment per acre in the state of Connecticut was on the 1960 list and that figure, that was, gentlemen, \$165,000. This was the assessment on all open acreage in the state of Connecticut on the 1960 list. This was increased from the 1959 list, from \$144. per acre on the average. Further breaking this down there are four counties in which the assessment on the 1960 list does not exceed \$64. per acre, and the highest of the remaining four counties is \$165. excepting one which is Fairfield county, this is \$800. per acre and I believe Fairfield county is self-explanatory in the largest estates that this county has, and a very valuable property bordering New York state. With respect to the effect of this bill on the total grand list, let's look at the figure relative to what the acreage represents in percentage of the whole. For the whole state of Connecticut, the total assessment with respect to acreage represents only 3.7% of the entire grand list of the state. Of this 3.7% the low is 1.6% in Hartford county and the high is 6.2% in Fairfield county. The average again being 3.7% for the state. Sir, just to clarify 3.7 for acreage, of the - this is the percent of the total acreage of the total grand list value of acreage on the total of the State of Connecticut - this would be the reception value.

Rep. Orcutt: And you would define for our information acreage, roughly, what type? This is all open acreage as listed in the State Tax Department report by the local assessors to the State Tax Department and this normally is that land that has not been sub-divided into lots?

Mr. Marselli: This is correct, sir. This is primarily farmland and open space land of which we are speaking in this bill. I would like to further give you some information with respect to the individual municipality on a whole again speaking from the state level. There are 108 out of the 169 towns whose per acreage assessment is below \$100. an acre. There are an additional 46 towns whose assessment on these acreages is \$500. an acre or less and of the remaining 15 municipalities 11 are located in Fairfield county, again accounting where there are large estates which brings these figures up. So that in reality we're saying that approximately 154 towns will in effect be unaffected by this bill or affected only to a minor degree by this bill. This is an important factor because it is much more difficult if we had to roll back the grand list of 169 towns.

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Mr. Marselli continues: This will not be the case, this is important. I'd like to reiterate it. It will not be necessary to roll back the grand list at this time on a whole. There will be isolated cases of individual towns where there may be some rolling back. By and large, we will not have to do it. Therefore the basic impact on the total grand list is going to be minimum - very, very small. I have attempted to estimate by a natural example as to what might happen should a given percentage of the grand list be reduced. Again using figures of 1959 we have an assessment of \$338,000,000. in round figures for all acreage in the state of Connecticut. Let us assume that by reason of this bill that there were a reduction of 10% in this value which would be a reduction of roughly \$33,800,000. The state mill rate on the average, again from the same document in the year 1959 was 36 mills. Computing the 36 mills times the thirty three million dollar assessment we would have a total tax loss in dollars for the entire state of roughly \$1,200,000. Breaking this down by communities, dividing it by 169 towns it would mean a loss of revenue of \$7,200. in round figures. Now please gentlemen, this is a very, very small amount in my opinion. I'd like to give you figures for the town of Bloomfield, my own town where I am the assessor. Reviewing this bill I have tried to determine what might be the maximum reduction in our grand list, as the result of this bill and in my opinion it will not exceed \$50,000. of assessment and computed by our mill rate it would be a loss of revenue of less than \$2,000. and I think we will find if we can multiply the town of Bloomfield by many, many other communities in the same category. For your benefit I will turn over all the remaining detail on this particular statistical data so that your committee may have it at your disposal. I'd like to make one point however, of this \$338,000,000. worth of assessment on acreage at the present time in Connecticut for 1959, of this amount \$191,000,000. or 56% of the total is located in Fairfield county. Now this is significant because it may be that many of these estates in Fairfield county will be un-affected by this bill and therefore it would further reduce the impact on the remaining seven counties. I'd like to refer back to the chairman's question of Mr. McCormack, with respect to the speculator. I've gone over this bill thoroughly and being an assessor, if the speculator were in my town I do not believe that he could get the benefit of the low taxation by reason of this bill. I believe that there are sufficient guide lines for the assessor built into the bill whereby the speculator could not benefit therefrom. I'd like to further point out with respect to those people who will say, this is preferential treatment, why should we pay the freight for the big land owners. I'd like to say this -- this is from experience, the farmer, the larger land-owner, they own their own homes, they own their own home lot, these are going to be assessed in exactly the same

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Mr. P. Marselli: (cont.) manner as that owner which only owns a home and a home lot. Many of these tremendous acreages are owned by wealthy people who have estates in addition to the large open spaces that they own. And these people are paying a tremendous tax to the local municipality. And I think these are considering factors. The farmer is not looking for any kind of a discount that he's not justifiably entitled to. I've talked to farmers clear across this state and I've talked to open space land owners, they are willing to pay their fair share and believe me - I should say this - that the farmers and large land owners are the least ones we have the trouble with in paying their taxes, which is an important factor to be considered. I would like to make just one more point which I also think is important with respect to keeping a low value on these open spaces, particularly the open spaces, while not necessarily farmland. I think if we are able to keep these open spaces at a low assessment level, we will find an increase in the gifts by the owners of these lands to the municipality at the time of their death, they will will these lands to the municipality, but they cannot do it if they cannot pay the taxes while they're living because they could hold these lands until such time as they can give them as a gift to either the state or the local municipality. In summing up I would just like to say that in my opinion this is a fine bill, that it can be administered by the assessors with no problem whatsoever and that it will be of a definite benefit to everyone including the assessors themselves who will have some legal grounds which we haven't had up to now for having the assessments we presently have. Thank you.

Rep. Orcutt: Mr. Marselli you've in one way made an eloquent dissertation on why we don't need this bill, by stating how low assessments are generally speaking on acreage in the state. Do you feel that this bill should be considered as preventive measure that in the years to come re-assessments will occur and this ah, I dunno - it's under \$200.00 an acre is the average assessment. Do you think this is the trend - has the trend been in your experience that this figure has been going up?

Mr. P. Marselli: Yes, I'm sorry Mr. Chairman for lack of time I was trying to cut my dissertation short. This is one of the important factors I perhaps should have brought up - shouldn't have skipped. Our experience since 1960 in particular has been very very bad with respect to this average acreage assessment, and every single year since 1960 there has been on an average of two to three towns whose policies have changed by reason of bringing in an outside re-assessment firm they have gone from this realistic approach to assessment to the actual letter of the law. Now obviously we all want to live by the law as written in the book but there are times when we feel that in the best interest of the public we cannot. The trend is then that assessors and town officials have had the feeling that the land, the source from which to draw additional money to pay the educational

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Mr. P. Marselli: (cont.) I can't agree with them, figures do not point that way, the percent of the total grand list that the land represents is so small that it would not reflect it, but there is this trend that the farmers and the open space owners in the next ten years will be over-burdened to the point that they cannot survive with this trend that is coming of re-assessment at fair market value instead of the value for which we are presently establishing. And I was thinking of this gentlemen, that if we wait another two or four years to get this type of legislation passed it's going to be too late because this trend gets snow-balling which started in 1960 it's going to be awfully difficult to roll the grand list back. It's much easier to hold the line than it is to roll back, because when you roll back, you've got to find money somewhere else. Then you're holding the line at least you're getting these resources during the time of financing for your educational and other municipal services. So therefore I feel it is preventive legislation and it's preventive to the point that it can be remedied now but cannot in my opinion at least in the future.

Rep. Orcutt: That's a very powerful argument, also you're stating in essence that this bill would legalize to a large extent deceptive practices in many towns as the . . . . .

Mr. Marselli: This is correct sir, and I should say on an average of at least an average of 150 town are illegally assessing at the present time.

Rep. Orcutt: One other question . . . . . this does put quite a bit of discretion in the hands of the assessor in determining the farm unit. Do you think that assessors throughout the state with their present level of professional prominence would be equipped to make this determination?

Mr. Marselli: Yes sir, I do. We have a very fine assessor's school held yearly at the University of Connecticut and at this school there will be specific time allotted to instructing assessors as to the methods of approach to these farm units. I might say this however, even without the school assessors, and I'm speaking of part time assessors as well as professionals like myself have as of now indicated that they know what a farm unit is. There's very little doubt that we know what a farm unit is, by the reason of the actual values that are in our grand list. However there will be a considerable amount of education to the assessors available not only at our assessor's school but at our monthly meeting. I might say that the Connecticut Association is one of the strongest in the country and we are far more active than most associations in the country.

Rep. Orcutt: Any more questions from the committee?

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. . . . . Concerning farmland, why is gross income considered?

Mr. Marselli: One of the reasons we felt this had to be put into the bill was to give the assessor another guide line in determining the farm unit. Now what many times will happen is a speculator will come along and buy a hundred acres of land and put two sheep out on it or a couple of cows of a neighbor out on his field and then come in asked to be declared as a farm unit. Now by determining the gross income of that particular owner it would be perfectly obvious to me certainly that he is not an owner as a farm unit should be in the intent of this bill.

Rep. Orcutt: Any other questions from the committee? Thank you very much.

Rep. Mildrum: Mr. Chairman, I'm Rep. Mildrum from Berlin, I've been at a committee meeting all afternoon. I have a statement that I found on my desk from Mr. Bengston, chairman of The Conservation Commission in the Town of Berlin regarding HB 2255, SB 1235, HB 3573 which I won't read but I will leave with your committee Thank you.

(Above mentioned bills listed on following page.)

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HB 2255 - Mr. Orcutt of Guilford - "AN ACT PROVIDING GRANTS TO ASSIST MUNICIPALITIES IN THE ACQUISITION AND CONSERVATION OF GREEN ACRES LAND."

SB 1235 - Senator Gladstone, 22nd District - "AN ACT MAKING AN APPROPRIATION TO MATCH FEDERAL PAYMENTS UNDER THE MANPOWER DEVELOPMENT AND TRAINING ACT OF 1962"

HB 3573 - Mr. Orcutt of Guilford - "AN ACT CONCERNING OPEN SPACE FOR NEIGHBORHOOD PARK AND PLAYGROUND PURPOSES IN SUBDIVISIONS"

Rep. H. MacKenzie: Mr. Chairman and members of the joint agriculture and state development committee, I Hubert MacKenzie, representative from Waterford, I just want to speak very briefly on substitute SB 253, this I feel is the most important bill that has been before your committee concerning the future of agriculture in the state. If friends of mine such as my good friend Brother Hall from Westbrook is going to continue in business and the many of the farmers that are here and I might add that there are a lot of - going to be a lot of cows with swollen udders tonight because most of the farmers in the state are here. I would urge your favorable consideration of this bill because this bill means whether or not we are going to have agriculture continue in this state. Thank you.

SB 253 Senator Gladstone, 22nd District - "AN ACT CONCERNING TAXATION OF OPEN-SPACE LAND"

Rep. Orcutt: Rep. MacKenzie, now I don't want to delay you from getting back home but do you find that the taxes on your farm are very burdensome?

Rep. MacKenzie: They are indeed sir. They are the biggest burden I'm faced with.

Rep. Orcutt: Thank you.

Rep. S. Kofkoff: (from Bozrah) If we're to keep the remaining farmers that we have in Connecticut today it's very necessary to support SB 253. We have situations in eastern Connecticut now where farms have been put out of business because of this increasing tax load, and listening today to some of the speakers I want to point out too that we as farmers feel that we as farmers have been paying our fair share. I own a farm, I've been paying roughly \$2,000.00 a year taxes on it. I still only send my children from that farm, we only have that one house. If we were to sell 100 acres in our farm today and sub-divide it and put 50 homes there I'm sure that the town of Bozrah would be forced to build a new school, put up many new facilities and the expense of the town would be much larger than it is today to keep the few farms that we have left in Bozrah.

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. . . . . Sir, could I ask you a question? If this bill was to be passed would you think that it should be accompanied by repeal of the present farm equipment exemption statute?

Rep. S. Kofkoff: No sir - I do not.

. . . Thank you.

. . . . . I am speaking as a poultryman, we do not have farm machinery as such in our farm - as I said the farmers are suffering today, many people believe that just because we're farmers we're under price support by the government - that is not true. Most of us, - we have no price support, the fact is it hurts us because most of the things we buy such as grain and all is more expensive under the situation that we have today. Thank you very much.

Att'y Lee Marsh: Mr. Chairman, Lee Marsh of Old Lyme, I'm counsel for the Connecticut Farm Bureau Association Inc. I want to say first of all that Mr. George Simpson had expected to appear in support of the bill today but he is ill and I am here as a pinch-hitter. Now that doesn't mean that I don't stand here with as much enthusiasm for it as he would had he been here. This has been the number one project of the Connecticut Farm Bureau for many years and at each session a bill seeking to bring about the effect of this bill has been before your committee. Now last year or two years ago rather, a new classification was added to the taxes of agricultural land. This was the beginning as far as our taxation taxes are concerned dealing with problem in an effective way. Now the previous speakers have told you some of the difficulties which assessors have experienced under this law. This particular bill now before you seeks to give them the guide line that they feel they need in administering this kind of a tax law. I know that the Farm Bureau Association is very much in favor of this bill, they have so voted at their delegate meetings, they also voted in favor of it at their annual meeting, and it is sincerely hoped that the committee will give it a favorable report. I want to say, just one word about a personal experience of my own. As an attorney I have to appear frequently for land owners before boards of assessors and boards of tax review on the problem that is included in this bill. I think that in every instance I have been met with the argument from those boards which this bill attempts to clarify and for that reason if for no other I would certainly recommend its passing. There are people here today Mr. Chairman who have been through the mill on this thing and who may find time to speak to you. I don't want to go into these individual cases because I don't believe it's necessary. But at the same time the re-assessment that has been mentioned to you has taken a heavy toll in many communities of people who are in agriculture and will do so in the future. There can be little speculation in farmland if the

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Att'y L. Marsh: (cont.) people who intend to speculate attempt to become farmers, I can tell you that also from personal experience. Not only the taxes they have to pay, the grain cost, the wages that have to be paid to employees are such now that in Connecticut agriculture is a very very difficult occupation. I hope Mr. Chairman that you will take this step forward. This is not the ultimate answer I feel sure and as Mr. McCormack has said to you there may have to be corrections made in this law which we don't envision today. But at the same time if we can go this far we can certainly see more clearly the next step that we have to take. Thank you.

Rep. Orcutt: Sir, I want first in behalf of the committee to say that it is an honor to have a former speaker of the House come and talk to us. Secondly I think that the action that you refer to taken by the farm group, for the record I think that it should be stated I believe that they favored original SB 253 which is an entirely different bill incorporating a re-capture clause, and that the farmers - have the farmers actually met in their annual meeting and considered substitute 253?

Att'y Marsh: Of course not sir, I didn't mean to infer that. However they did at their annual meeting discuss the provisions of the original bill and did take exception to some of provisions that you now mention. Since that time their board of directors have met and have considered the improvements in this bill which by the way in large measure has included the provisions of their own bill which was presented here and which is now incorporated into the provisions of this bill. So what the farm bureau has been seeking all these years is to be found now in substitute bill SB253

Rep. Orcutt: Thank you very much. I hope that we've had some excellent dissertations on this bill and I hope that the remaining speakers will be brief and to the point. Mr. Jones -

Mr. L. Jones: Thank you Mr. Chairman I'll take the hint. My name is Leroy Jones, Director of Connecticut Development Commission, after some trepidation and a great deal of discussion the Development Commission did vote to support this bill. I think that we have a feeling that this is a requirement for a balanced program that we talked about here before. We see it as the primary instrument to be able to preserve open space and not force land on the market by virtue of tax pressures. We have a series of questions within our commission some of which have been reviewed rather well today - the question - the effect on other taxpayers. I think that has been covered rather well by Mr. Marselli. We have the question of course of speculation and we feel that this has been covered. I would emphasize one point though Mr. Chairman, by itself this preferential tax treatment would accomplish little unless it is combined with the open face acquisition zoning and sub-division power and careful planning.

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Mr. L. Jones: (cont.) With these they can go a long way to develop the kind of community that we want. I think that's a particular concern of the state as well as the commission here and I do commend the drafters of the bill. In addition to the tax features of the bill, I think it clarified the relationships rather well between the local conservation commissions and the planning commission. We commend it to your attention.

Mr. W. Foley: My name is W. Foley, I'm Vice President of the Connecticut Farm Bureau and Legislative Chairman also. Experiencing this hearing here today I believe one of the first things I wish to make clear is that farmers probably were the original conservationists. Therefore are a complete authority regarding the conservation of open spaces. As farmers we feel that the public interest can best be served if the right climate is maintained for agriculture within the state. By right climate, we mean that land be taxed on the basis of its use and not for some assumed purpose. What do we mean when we say open space, public interest. Let us consider this question for just one moment. We mean a place where a hunter can go to hunt game and land that isn't used for the raising and protection of that game. We mean areas with small streams that run through open fields that are conducive to the preservation of fish so that our fishermen may enjoy their relaxation. We also mean places where people can go for a hike such as our scouts and our summer camps for our boys and girls. Last of all I believe we mean a place where just plain you and I can pack Mom and kids in the car and go for a ride on Sunday afternoon without looking at billboards and pavements ahead of us at all times. Where can all these things be found today? The answer to this one I believe is relatively simple - that it lies in the hands of farmers. They have been maintaining this land for public interest all of their lives and given fair treatment they will continue to maintain it for a good many more years. It is not the competition from outside the state that worries us as near as much as the practices of some people within our state. In conclusion let me make just this one statement, I believe that some of the best and most economical ways that we can maintain the necessary land for open space is to make sure that it is not taxed out of existence.

Rep. Orcutt: Thank you very much sir. Anybode else speaking briefly on this subject with some new material? Sir -

E.A. Birthstone: Mr. Chairman, E.A. Birthstone of West Hartford, speaking in this case as an individual with a real interest in the open space problem. I think the bill, general purpose of the bill is a very fine one and would complement the other open space bill before it. I think it may be important to consider the experiences of other states faced with this problem. This

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E.A. Birthstone: (cont.) is a difficult matter for a layman to comment on for in most cases we're talking about decisions of the Superior Court for these other states. But I do believe that in other states similar acts of the legislatures had been overturned on the basis that they were discriminatory on the basis that they in many cases afforded a windfall to the owner whether or not he had purchased the land with that in mind and I'd like to leave with the committee in particular an account of a recent decision of the Superior Court of New Jersey in 1961 in which a similar provision was declared un-constitutional as discriminatory. I hope that the bill before you can avoid those particular pitfalls. Thank you.

Rep. Orcutt: Thank you very much. Anyone else speaking briefly?

Mr. Walter Chi....., President of Connecticut League of Sportmen's Clubs, I wish to put our organization on record as in favor of this piece of legislation as it is drafted. I think it is very well thought out. It was briefly pointed out here that, - by the gentleman before me on this side. I truthfully believe that outdoor recreation as we the sportsmen have in our state would be at a complete loss without the true farmer, the man who makes his living from the land. I don't mean the gentleman farmer. There are very few no trespassing signs on properties of this type. Often times when there are, with a simple and polite questioning you can go in and utilize a man's area to enjoy his resources which he is literally protecting for us the citizens of the State of Connecticut. Our six week present program which in turn goes through the permit required system carried on by the Board of Fisheries and Game I am certainly sure could not possibly be in existence without the cooperation completely of the farmers of this state. So I again wish to favorably go along with this bill. I wish to comment further that I believe it's well thought out in many instances. Thank you.

Rep. Orcutt: Thank you very much Mr. Chi. . . . .

Rep. Liebman: Mr. Chairman, Rep. Liebman from Lebanon, I'll just make a short statement in favor of this bill. I'd say that the heart or the essence of it is that land, whether it be open space land or farmland or otherwise will not be forced to sell for hasty development, and this bill would prevent it. This is not only of benefit to those of us who are in agriculture but has been amply pointed out by other speakers to the state as a whole and I certainly hope it will get a favorable report.

Mr. J. Seremet: (Newington) My name is John Seremet, and I'm representing the Connecticut Milk Producers Association in this bill. Senator B. . . . . brought out the fact that I was going to bring out I'll just add one to it that in 1962 in the

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Mr. J. Seremet: (cont.) association we had over 150 dairy farms that went out of business. Price increases. . . . part of it might have been taxes. I do feel that a bill of this particular type which should give favorable treatment to the dairy farms would I think help to keep some of them in business and provide the open spaces that the city folks would like to see. Thank you.

Rep. Orcutt: Anybody speaking

Dr. Gunther: Mr. Chairman, Dr. Gunther, Stratford, Conservation Commission. I'd like to speak in favor of 253 as . . . on tax relief. We in Stratford have a little different situation than the dairy farmers and the gardeners - - I should say the farmers in the State of Connecticut. As I mentioned previously we have about 500 acres left in our town that could conceivably be affected by this bill. I'm quite sure that at least two to three hundred acres of this area involved if they could get some tax relief might conceivably retain this area for open spaces. However I question the need and the purposes of section 7 and 11 of this bill. I would like to ask some serious consideration from your committee to delete these sections. I think that it's rather ironic that a year and a half ago 7-131A was passed to create the conservation commission. In section 7 and 11 of this particular bill it might conceivably reduce these commissions to a Wednesday afternoon music club. I feel that these sections are un-necessary as section 824, the mandatory referral act of the state already gives the planning and zoning commissions of the state gives our commissions practically a veto power over these programs. I spoke before of our comprehensive planning and zoning of the Town of Stratford. This was completed in '57. Our planning and zoning commissions are so busy, we have back-logs most of the time of current petitions that are before them relative to waivers for planning and zoning in the town itself. They don't have the time to concern themselves over these programs of conservation and open spaces. With this section 7 and 11 which would repeal section B, this is practically the entire function of the conservation commission and I feel that it might very definitely hinder the conservation move and the open spaces move in this state if the experience in other states is anything like we have in Stratford. I seriously ask your consideration of deletion of these two sections.

Rep. Orcutt: Thank you very much. Anybody else speaking briefly on SB 253?

Mr. W. Thrall: Mr. Chairman, my name is Warren Thrall of Windsor, I represent the Connecticut . . . Breeders Association, The Dairy Cattle Association and I would like to say that we went would like to be on record as being in favor of this legislation at a meeting held Monday. I believe that one of the greatest benefits of this bill is the fact that it will create a uniformity

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Mr. W. Thrall: (cont.) among assessors in all the towns of Connecticut whether they live in Hartland, Hartford County or Fairfield County, and that this group wants to go in favor of this bill on taxation.

Rep. Orcutt: Thank you very much. Senator McGuire -

Sen. McGuire: (20th district) Mr. Chairman, members of the committee, Senator McGuire, 20th district, a member of the committee. I would like to have you keep in mind if you would the fact that there are really two problems here and I'm here primarily on behalf of the taxation of farmland. I think that is a terrible problem and as a matter of fact I have a bill. . . , has to do with just that. It attacks the problem of assessment the farm problem precisely the way this one does and is not tied with any other concept. It seems to me that while at the present time there are to my knowledge only two or three towns that are taxing farms as developments of in the higher brackets, as the previous speaker said, the idea of such taxation is growing. In Eastern Connecticut most of our assessors tax farmland as its actual use and there is no problem, but it is a coming problem, a developing one and its burden lies primarily on the farmer. The farmers of Eastern Connecticut are hard put to it, believe me, I know it, I live there. The 20th district is a farming district, primarily and whatever else is done in regards to such legislation as this and I want to say I favor the bill that is presently before you, but whatever else might be done I want to have you hold in mind the fact that the farm problem is in my opinion a very very pressing problem. Thank you.

. . . . . Senator, Rep. of Wolcott, Conn., I appreciate your concern but the problem of the legislature is to not create inequity amongst various property owners and we are concerned not only with the farms but with open space in general. These two subjects are very closely related. There are many more open space owners in this state than there are farmers. I'm concerned with the problem of treating one type of property owner one way and another type of property owner might be right next -- adjacent to a farm whose land is essentially the same though of a different use. I'm very concerned about this from a Constitutional problem. I can appreciate the problem, the problem as it now faces - has to do primarily with development of large tracts of land, and in some towns they are assessing farms on the basis of lots not on acreage and our big problem to me is to help these people who are working the land - tax them by taxing them according to their use not the highest and best according to some assessor, but the actual value of property as it is being used. We must keep that in my opinion foremost in our minds because it is a very definite problem. It has been said that a hundred and fifty or more of the towns in Connecticut are now assessing illegally. If that is so, that shows the opinion of

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. . . . (cont.) the people of the state of Connecticut that the farmland should be taxed as farmland and not as some other type of land and I think that we ought to bring the realities of the law, the actuality of the law into conformity with the reality of the situation. That's what I'm concerned with. Thank you.

Mr. Tiffany: Mr. Chairman, distinguished committee members, I am John Tiffany, a junior member of the State Development Committee, but more important a dairy farmer in the town of Lyme. I'm neither a man of letters or one with many years of experience but I do feel I have a right to express my views on SB 533, 818 and other bills relating to taxation of farmland. It concerns the very future of my vocation and that of many of my fellow farmers. Agriculture is the most basic element in man's struggle for existence. We do not need cars, televisions, telephones or inter-planetary space ships but we do need food, for without it we soon die. If it were not for the industrious and intelligent farmers in the country today most of the people in this room would not be able to get your food from their supermarkets. You'd be tilling the soil for yourself. Because of its basic value its nearness to nature as proved in the very beginning of history farming, at least to me and to those engaged in it is not just a job but a way of life - a good life. It is this way of life that we are honestly and earnestly seeking to preserve here in Connecticut. It was with this in mind and the conservation of open spaces that Governor Dempsey requested the Commissioner of Agriculture and Natural Resources, Mr. Joseph Gill to present a program of action.. The result of this is the now famous White Report from which I quote, 'One of the principal elements of the conservation efforts must be the saving of farmland.' Connecticut farms cover only 28% of the land but a very but a very stragetic slice it is and it is narrowing. It is the best farmland thst is succumbing to development and more to point in a hit or miss haphazard pattern that . . . . ourselves. The farmland that remains is bought under all the more pressure, even continued agricultural use would be good economics for the community as a whole and a benefit for the new development themselves. If we accept the idea that farmland and the open spaces must be retained. Ladies and gentlemen, than I submit to you that the far, the best method to achieve this end, the assessment of agricultural land at its agricultural value. This is only fair and in no way a give away program nor is it a new or unique approach, having been used in such populated states as California, New Jersey and Maryland. Actually it costs the town less money in the long run to have a field producing 20 tons of corn silage per acre than it does to have that same acre supporting a \$10,000.00 house and several school age children. I need only point to the . . . . farm in the town of Lebanon for a now somewhat infamous example of this situation. It is this cost of service by town that most people fail to realize, and at my request, the

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THE CLERK:

Calendar 849, file 973, substitute for SB 253, An Act concerning the Taxation and Preservation of Farm, Forest and Open Space Land. Favorable report of the Joint Committee on State Development.

SENATOR MARCUS:

Mr. President, I move for the acceptance of the committee's favorable and passage of the bill. This bill establishes definitions of open space land, farm land and forest land for the purpose of permitting favorable assessments for land placed in this category. It also gives to municipalities the right to acquire or enter into agreements covering open space areas. This is one of the two open space bills before the Legislature, the other one relating to money for the purpose of conserving our open spaces. Up to now, unfortunately, all I've heard is lip service from the Republican Party as to the amount of money that they are willing to allocate for this purpose. We have this bill before us, which I trust will pass, and I hope that before long the Republicans will give us some amount that we can work with.

THE CHAIR:

Senator Carlson of the 34th.

SENATOR CARLSON:

Mr. President, I have an amendment.

THE CHAIR:

Will the Clerk please read the amendment?

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THE CLERK:

Senate Amendment Schedule "A": In Section 6, line 2, strike out the word "condemnation".

SENATOR CARLSON:

Mr. President, in remarking on the amendment, the purpose of the amendment is of course self-explanatory: it removes the power of condemnation from the towns for purposes of acquiring the type of land described in the bill, that is, farm land, forest land, and other open space land. We believe it to be unnecessary and undesirable to put this power of condemnation for this purpose in this legislation. I move for the adoption of the amendment.

THE CHAIR:

Senator Marcus of the 9th.

SENATOR MARCUS:

Mr. President, I am amazed at this amendment because I had always assumed that the Republican Party supported open space legislation and what the amendment obviously does is to emasculate the bill. If you remove the word, condemnation, you take all the power away from the municipality that it requires to preserve open space and I urge the defeat of the amendment.

THE CHAIR:

Further remarks on the amendment? Senator McGuire of the 20th.

SENATOR MCGUIRE:

I would like to rise in support of the amendment because I believe that--while I am in favor of the open space idea, I do

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not think that we should at this time grant the powers of condemnation for this. We have in the general statutes powers of condemnation in the towns for parks, and for commons, and for things like that. But we do not have it for this relatively new concept which I am in favor of but which I would like to see us proceed somewhat slowly on. The power of condemnation is one of the most powerful forces that there is in government and it should, in my opinion, be used cautiously, it should be approached in every case with a sense of the responsibility that government has toward private property which, after all, is the basis of our economy in the United States and in the State of Connecticut.

This concept of open spaces is a very brilliant one. It's one that is needed, it's one that is favored very strongly by the Republican Party, but some of us feel that we could proceed cautiously and gain more than we could be proceeding precipitously and losing all. I therefore urge the adoption of the amendment.

THE CHAIR:

Further remarks on the amendment? Senator Gladstone.

SENATOR GLADSTONE:

Mr. President, I rise to oppose the amendment. Apparently, Senator McGuire feels that we are going to helter skelter start condemning property all over the state. I think that this state, and municipalities for that matter, have always used the power of condemnation sparingly and I am certain that with the word, condemnation, left in this particular act, that any condemnation procedures will also be used sparingly. As Senator Marcus said, the elimination of the word, condemnation, would emasculate the

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the bill, and although they speak in favor of the bill, what they are trying to do actually is destroy the bill because without the power of condemnation, the bill almost becomes meaningless.

THE CHAIR:

Further remarks? Senator McGuire.

SENATOR MCGUIRE:

Mr. President, I rise to strongly refute in as strong a language that I can the statement of the Majority Leader that there is any attempt to emasculate the bill. If he's a mind reader, he knows that that is the furthest thing from my mind. The thing that I have in my mind is the need to proceed cautiously in a new concept, the need to have this type of legislation and to not have it thrown out in the next legislature because of the abuse which is always inherent in the power of condemnation. I do not think that the Majority Leader has a crystal ball, nor is he a mind reader. The thoughts in my mind are those that I speak on this floor.

THE CHAIR:

Further remarks on the amendment? Senator Marcus.

SENATOR MARCUS:

Unfortunately, I think Senator McGuire is impugning the integrity of the leadership of all of the towns in the State of Connecticut, many of which incidentally are unfortunately controlled by the Republican Party. I also point out that this is a joint committee report. This bill before us contains not only the reasoning of myself and the other members of the Senate Committee,

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but was unanimously favored by the House. Mr. President, I move that when the vote be taken on the amendment, that it be taken by roll call.

THE CHAIR:

Question is on the roll call vote. All those in favor, say AYE. A show of hands indicates it also. Do you wish to remark further? Senator Carlson.

SENATOR CARLSON:

Mr. President, speaking on the amendment, the purpose of the amendment is not to emasculate the bill. I disagree with the Senator from the 9th. We are strongly in favor of an open space program and as I stated before in his presence, we should proceed cautiously on this, it's a new and very worthwhile program which will preserve much needed preservation of open spaces for our fast growing state. I think it's much needed legislation, but I think that it's unnecessary and we should not have this provision for condemnation in this bill.

THE CHAIR:

Further remarks on the amendment. Senator Mariani of the 18th.

SENATOR MARIANI:

Mr. President, I would just like to say that we have been very careful in this state granting powers of condemnation to municipalities and to other agencies of the departments of the State of Connecticut. We are very careful and jealous of the powers of condemnation and wherein we extended them. It's always been a feeling of the General Assembly that those powers

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should only be extended to municipalities or to agencies of the State of Connecticut for purposes of public use. Now I don't know that the open space program, or the open spaces designated in the open space program, are designated as areas assigned to public use or whether they are uses that may or may not revert to private entity, and certainly, Mr. President, unless we have a firm understanding to what open space is and for what purpose the open space is set aside and what the ultimate and final title of that open space may result in, I feel that we should be very careful as to how we go about giving the power of condemnation away to the municipalities in the state. I know there are many people who advance the concept that we should go out and give powers of condemnation to acquire sites for industrial development and to allow municipalities to go out and buy areas and turn it over to an industry. It may be a noble concept, but I submit, Mr. President, that it will put all of the towns and municipalities in our state in competition one with another. I certainly hope that nothing in the open space program would portend in that direction, but I see no guarantee that it couldn't. Until that is assured, I would like to submit, Mr. President, that we should be careful of the power of condemnation at this particular time any way until we have seen the function of the open space program carried out a little bit more and expose ourselves to its operation. Probably it would be wise for us to do it without the power of condemnation.

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THE CHAIR:

Senator Gladstone of the 22nd.

SENATOR GLADSTONE:

Mr. President, I don't know whether Senator Mariani has read the bill, but apparently if he did read it, he didn't read it very carefully because Section 2 of the bill defines exactly what open spaces mean; it defines exactly what the term, farm land, as used in the bill would mean; it defines exactly what the term, forest land, as used in the bill, would mean; and defines exactly the term, open space land, as used in the bill, would mean. I think that there is certainly definition enough to allay Senator Mariani's fears.

SENATOR MARIANI:

Mr. President, since Senator Gladstone has read the bill and knows the definition of the word, open space, will he please tell me through you, Mr. President, if open space becomes part of public property that can be restored to private ownership at the will of the legislative body of the municipality?

SENATOR GLADSTONE:

Mr. President, I'm not sure I understand exactly what Senator Mariani means.

SENATOR MARIANI:

It's very simple, Mr. President. Is it possible under this program for the municipality or the public to acquire through condemnation private property, after having acquired it designate it as open space, and at a later date sell it to private entity for private purposes?

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SENATOR GLADSTONE:

Well, Mr. President, I don't believe that I can answer that question exactly, but I will say that in the preamble it is declared that in the public interest to encourage the preservation of farm land, forest land and open space land and so forth, it would seem to me that under the circumstances, it would be very difficult to sell it back to private interests.

SENATOR MCGUIRE:

Mr. President, may I be permitted to speak very briefly a third time.

THE CHAIR:

You may, Senator.

SENATOR MCGUIRE:

I would like to put an example of the fear that I have in my mind before this body. After the hurricane of 1938 when New London was destroyed to a large extent, in the southern part and the entire Ocean Beach was wiped out, it took a special act of the Legislature to grant condemnation power to the city to turn that into what is now one of the most beautiful public parks in the State of Connecticut, Ocean Beach Park. It was known by one and all that it was going to be a park, it was called a park and so on and so forth. But still the power of condemnation is so jealously guarded that it took a special act of the Legislature to do it. Now my only concern here is the same as Senator Mariani has expressed, that my property or your property or anybody's property not be taken under one guise and wind up under some other guise. I am wholeheartedly in favor of this open

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space program. Just as strongly, however, I am in favor of the right of private ownership which is a thing that we are encroaching upon with this. Now I say it may very well be that we encroach upon it in the future, but I say let us proceed cautiously. If in two years time, the program is progressing properly, we can easily add the word, condemnation. I say to do so now would be precipitous action.

SENATOR HULL:

Mr. President, I wish to speak against the amendment. I agree that the bill is not a whole bill and will not accomplish its purpose without the power of condemnation. This has been thought out by some expert lawyers. I campaigned on this open spaces bill and I want to see a strong, effective bill.

THE CHAIR:

Senator Marcus of the 9th.

SENATOR MARCUS:

I'd like to say this: I think we've been subjected to several tiresome debates this afternoon in which we managed to evade the issue and the issue before us right now is whether or not the Republican Party really supports open space legislation or not. I want to once again renew my request for a roll call vote on the amendment.

THE CHAIR:

Senator Mariani, this will be your third time, Sir.

SENATOR MARIANI:

Mr. President, I'd like to just rise to object to the allegation made by Senator Marcus. The issue before us is an

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amendmen o s b . I s no e sen men or e a titude of the professed or alleged feelings of the Republican Party insofar as the open space program is concerned. If Senator Marcus wants to know what the attitude of the Republican Party is insofar as the open space program is concerned, let him look at the figures that are prepared and presented to the House so far as the appropriation of funds is concerned, and you will find that there is money in there for the open space program. We embrace it, we adopt it, but I also submit, Mr. President, there are those of us who have reservations about certain provisions of the bill, and I believe in all sincerity that we want to be heard and we will vote accordingly.

THE CHAIR:

Senator Gladstone of the 22nd.

SENATOR GLADSTONE:

Mr. President, I would like to speak for the third time, with the permission of the Senate. I didn't bring it up-- Senator Mariani did. He indicates that the Republican Party is for the open space program and he indicates that they very graciously have supplied to the State of Connecticut some money to get the program going and do the things that we have intended to do. I'd like to point out to Senator Mariani, however, that one of the cuts, I understand, although I haven't seen the thing in full yet, is ....

SENATOR MCGUIRE:

Mr. President, I rise to a point of order. We are debating

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the open space bill, we're not debating anything else. I think that the Senator from the 22nd is not in order.

THE CHAIR:

I would say that we have reached the point where I must give Senator Gladstone the same opportunity as I gave to Senator Mariani, but I would ask him to be brief.

SENATOR GLADSTONE:

Very briefly, Mr. President, the Republican budget cut the appropriation for open space land by some seven million dollars. I think that's enough said.

THE CHAIR:

Senator Bliss of the 26th.

SENATOR BLISS:

Mr. President, members of the circle, I would only like to rise and object to the comment that the Republican Party policy on open spaces is on trial here. It was my privilege to draft the land use plank for Senator Borah in 1936 at the Cleveland convention, and I've had something to do with restoration of wild lands in Connecticut already, privately. I submit that this is very difficult legislation to draw. I submit that good people have worked on it. I submit that there will be abuses. We will find farmers who will be protected in these areas and then will sell out to developers and the state will get nothing in return for having tried to educate them to a better use of their land. But no matter what we try to do here, there will be differences of opinion. I happen to feel a start has to be made. I happen to feel that this is an attempt at it, and I shall support it.

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THE CHAIR:

The Senator from the 12th.

SENATOR HAMMER:

I object to Senator Marcus' implication that a stand on a large issue like this can be measured by our support of one, particular bill, and one particular proposal. There are many ways to approach this thing, and it doesn't mean that we are not in favor of an open space program because we don't take the program that Senator Marcus presented.

THE CHAIR:

I would dare say that we have wandered away from the amendment. There has been a roll call ordered on it. Will the Clerk please announce the roll call.

THE CLERK:

A roll call vote has been ordered in the Senate.

SENATOR GLADSTONE:

Mr. President, we are voting on the amendment. Is that so?

THE CHAIR:

We are voting on the amendment.

SENATOR GLADSTONE:

And a vote YES would be for the amendment, which would eliminate the word, concemnation. And a vote NO would be for the bill as is? That is, opposing the amendment?

THE CHAIR:

That is correct. Is there any further question on the motion as it stands?

SENATOR MARIANI:

A vote YES would be for the amendment. A vote NO would be to defeat the amendment?

THE CHAIR:

That is correct.

SENATOR MARIANI:

We are not voting on the bill as is?

THE CHAIR:

We have to first take up the amendment. That is all we have before us. Will the Clerk please call the roll?

THE CLERK:

First District,

Kerrigan	-	Absent	Lebon	-	No
Camilliere	-	No	Doocy	-	in the Chair
Shulansky	-	Yes	DiLoreto	-	No
Alfano	-	Yes	Falsy	-	No
Marcus	-	No	O'Dea	-	No
Piccolo	-	Absent	Hammer	-	Yes
Miller	-	No	Schaffer	-	No
Verriker	-	No	Tansley	-	No
McCarthy	-	No	Mariani	-	Yes
Gaffney	-	No	McGuire	-	Yes
Relihan	-	No	Gladstone	-	No
Caldwell	-	No	Hull	-	No
Pope	-	No	Bliss	-	No
Hickey	-	No	Ferland	-	No
Lucas	-	No	Minetto	-	Yes

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Glynn	- Yes	Ives	- Yes
Pickett	- No	Carlson	- Yes
Welles	- Absent	Finney	- Yes

## THE CHAIR:

Those voting for the amendment - 10; those voting against the amendment - 22; 4 not voting. The amendment is defeated. The bill is now before you. Senator Carlson.

## SENATOR CARLSON:

Mr. President, speaking on the bill, I believe that it is a very good bill. Of course, it would have been better with the amendment. However we have heard a good deal in the last few years, especially in the last year since the Whyte report came out, about the open space land in Connecticut and the need for preserving open space land. The tremendous population growth which we are experiencing has placed an increasing need on more area in which to live, work and play. Yet our land area for all uses remains constant. Our diminishing open land resources is of concern to many who live in areas where the problem is more pronounced. It is of concern to those of us who see the problem as a future threat. In addition, it is of much concern to those of us who while living in Connecticut cities depend upon the open areas of our state to meet our recreational needs. This bill will provide for preservation of open space, will provide a means for preserving farm land, a great need in the State of Connecticut. The real problem for the farmers today is in the area of high assessments on their property. It will permit them

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to file with the assessor in order to obtain the benefits of assessment on the basis of use through which they can preserve their land and keep open spaces for their benefit and the future benefit of all. It also provides the means for preservation of forest land in the same manner, by filing with the state forester and classifying land in this category to be assessed as forest land. I think this bill is a great step forward in preserving future recreational areas for the people of our state and for preserving the beauty of our state. It should pass.

Mr. President, I move that when the vote is taken, it be by roll call.

THE CHAIR:

Question is on roll call. All in favor, say AYE or raise your hand, please. A roll call will be ordered at that time. Senator Pope of the 25th.

SENATOR POPE:

Mr. President, it seems to me that this is one of the most important bills that we will consider at this session. The fruits of this legislation will not be born until the 70's and the 80's. If you want to know what this bill is about, take a trip through southern Westchester County, through the Towns of Bronxville, Scarsdale, White Plains, Pelham, and so forth, because if we don't take this kind of step, this is what Connecticut is going to be like in ten, fifteen, or twenty years. I can tell you as one who was born in Westchester County that many of the communities down there wish that they had taken this kind of action some years ago. All you have to do is to analyze

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the population forecast for the State of Connecticut for the next ten or twenty years. It's coming, there is nothing that you can do to stop it, save this type of program. You have heard it said that in twenty years you will have a solid strip of suburbia from Washington, D. C. to Portland, Maine. That's what this bill is about. You might call it, in a word, an anti-megalopolis bill. There are imperfections, I am sure, as it has been pointed out, this is a complex piece of legislation, but I think that we have to live with the complexities, and I think we have to take the risk of making some mistakes. There was a slight difference of opinion on the question of condemnation. It is certainly possible that the power to condemn will be abused in specific instances. I think that this is a risk that we can well afford to take. The implementation of this program is essential and without condemnation, the program is virtually meaningless.

I would hope that we will support this bill--and I say this to the Senator from the 8th--regardless of party affiliation. We are here to serve the interests of the state, and I for one vote for this bill, not on the basis of party affiliation, but because I came up here not to bicker back and forth but to vote for what I thought was good for the State of Connecticut. This is an important piece of legislation.

THE CHAIR:

Further remarks on the bill? Senator McGuire of the 20th.

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SENATOR MCGUIRE:

Mr. President, I'll try to be brief, the house is late. I do want to say this: I have read the White report through from cover to cover. It is some of the most fascinating reading that I have read in a long while. I am wholeheartedly in favor of this bill. I have not yet, however, retreated from my fear of the power of condemnation that it grants because I go further than Senator Pope does. I say that the power to condemn is the power to destroy. I trust that it will be used sparingly. I want to point out to the members of the circle one of the features of this bill which I think is most important and that is, in preserving the farming industry of the State of Connecticut. It may surprise many of you to know that of all the states in the United States, Connecticut has four counties rated among the first one hundred in egg producing; that it has two counties in the first twenty-five. We are a farming state in spite of the fact that we are also one of the top industrial states. It's something that we should protect. The farming industry will be helped by this bill. The State of Connecticut and our children will be helped by this bill, and I am wholeheartedly in favor of it, with that one reservation. I hope that in a few years I will be able to say, I was wrong.

THE CHAIR:

Further remarks on the bill? Will the Clerk please call the roll?

THE CLERK:

A roll call vote has been ordered in the Senate.

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## THE CLERK:

First District	Kerrigan	- Absent	Lebon	- Yes
Camilliere	-	Yes	Doocy	- in Chair
Shulansky	-	Yes	DiLoreto	- Yes
Alfano	-	Yes	Falsey	- Yes
Marcus	-	Yes	O'Dea	- Yes
Piccolo	-	Yes	Hammer	- Yes
Millier	-	Yes	Schaffer	- Yes
Verriker	-	Yes	Tansley	- Yes
McCarthy	-	Yes	Mariani	- Yes
Gaffney	-	Yes	McGuire	- Yes
Relihan	-	Yes	Gladstone	- Yes
Caldwell	-	Yes	Hull	- Yes
Pope	-	Yes	Bliss	- Yes
Hickey	-	Yes	Ferland	- Yes
Lucas	-	Yes	Minetto	- Yes
Glynn	-	Yes	Ives	- Yes
Eckett	-	Yes	Carlson	- Yes
Welles	-	Absent	Finney	- Yes

## THE CHAIR:

The vote is unanimous. The bill is passed. Further business, Mr. Clerk.

## THE CLERK:

Page 8, calendar 850, file 982, SB 1035, An Act Directing the Legislative Council to Investigate Legislation concerning the Creation and Operating of Municipal Water and Sewer Districts. Favorable report of the Joint Committee on Water Resources and

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been the beneficiaries of legislation, authorizing additional retirement allowances for periods of new employment without paying back to the fund any amounts received as retirement allowance. This is a good bill, it should pass.

THE SPEAKER:

Will you remark further? If not will all in favor of the passage of the bill say aye. Opposed. The bill is passed.

THE CLERK:

Calendar #1074, File #992, Substitute for Senate Bill No. 59. An Act Concerning Reimbursement of Municipalities by the State for Repairs to or Removal of Ice and Snow from Sidewalks Abutting State Property. Favorable report Joint Committee on roads and Bridges.

THE SPEAKER:

Pass this temporarily.

THE CLERK:

Calendar #1075, File #973, Substitute for Senate Bill No. 253. An Act Concerning the Taxation and Preservation of Farm, Forest and Open Space Land. Favorable report Joint Committee on State Development.

MR. ORCUTT (GUILFORD)

I move the acceptance of the Joint Committee's favorable report and the passage of the bill.

THE SPEAKER:

The question is on acceptance and passage. Will you remark?

MR. ORCUTT (GUILFORD)

This bill changes the present rule of valuation for farm lands, forest lands, and open space land under certain conditions from the valuation on the basis of true and actual fair market value to a use valuation. This represents a very important change in our concept of property evaluation in this State.

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The bill covers as I've stated previously farm lands, forest lands, over twenty-five acres or more, and open space land which has been labeled as such by the town planning commission. I think it is a good bill and I urge the adoption of the bill.

THE SPEAKER:

Will you remark?

MR. CRARY (PRESTON)

As a member of the State Development Committee, I would also like to urge the passage of this bill. It is I believe one of the most important bills to come out of our committee. The file that is before us today is the result of much consultation and the combined efforts of many leaders in the agricultural conservation field. This bill along with others dealing with our open space program were heard before a Joint Hearing of the State Development and Agricultural Committees here in the hall of the House. It was a lengthy hearing, attended by people from many walks of life. Many people testified in favor of this bill; none in opposition. This bill was discussed in several of the small town legislative meetings and several of the County Legislative meetings, and in a joint meeting of the State Development Committee and Agricultural Committee. Both of these committees favored this bill. Last Tuesday evening it passed the Senate without a single descending vote. I sincerely hope it does as well here today.

MR. BARNES (MONTVILLE)

I support this bill. I've had many requests to look into it and I think it has a lot of merit. I think its a very good bill and I hope that we pass it.

THE SPEAKER:

Will you remark further?

MR. FULLER (SUFFIELD)

I too wish to give my wholehearted support of this bill. At a recent

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meeting held in the Hartford and East Grandby area (inaudible) got together

DMS

with the mayor of East Grandby. They were unanimous in the support of this bill.

I endorse it.

THE SPEAKER:

Will you remark further? The question is on the passage of the bill. All in favor say aye. Opposed? The Bill is passed.

MR. LEECH OF SALISBURY IN THE CHAIR

THE CLERK:

Calendar #1076, File #994, Senate Bill No. 1028. An Act Concerning Weight of Vehicles and Trailers. Favorable report Joint Committee on Transportation.

MR. SAGLIO (KILLINGWORTH)

I move for the acceptance of the Committee's favorable report and passage of the bill in concurrence with the Senate.

THE SPEAKER:

The question is on acceptance and passage. Any remarks?

MR. SAGLIO (KILLINGWORTH)

This bill would permit an increase in truck weight so that Connecticut laws will be consistent with the laws of our neighboring states and those of the Northeastern States. At present we have the lowest weight limits in the entire nation. The increased weights have the approval of our State Highway Department and the Bureau of Public Roads and will in no way jeopardize Federal Aid. It will produce about one quarter of a million dollars in revenue immediately through fees received by re-registering vehicles for increased weights. This is a good bill and I urge its passage.

MR. MARSHALL (WILTON)

Throu you Mr. Speaker, I ask this question of the Transportation Committee. Will this increase in weight have any effect upon the toll weight on such