

SB 910

PA 765 (Vetoed) 1971

senate -

2966

house -

5900

general law -

652, 659-661

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CONNECTICUT  
GENERAL ASSEMBLY

SENATE

PROCEEDINGS  
1971

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PART 7  
2874-3413

June 5, 1971

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SENATOR CALDWELL:

On page 1, Cal. 1134, 568; on page 5, C L. 1047; on page 6, Cal. 1067; on page 7, Cal. 1110, 1116; on page 8, Cal. 1131, 1133; on page 11, Cal. 1159 page 12, Cal. 1160, 1164, 1165, 1168, 1169; I might point out that that Calendar is currently marked Banks and should be the Liquor Committee; on page 13, Cal. 1170, 1171, 1179; page 14, Cal. 1182; on page 17, Cal. 1208; on page 23, Cal. 919, on page 26, Cal. 327; on page 28, Cal 491; on page 30 Cal. 664; on page 31, Cal. 733; on page 14, I omitted one, that we might take up, Mr. President, and that is Cal. 1181. SB1017, SB808, SB1187, SB1837, SB584, SB839, SB1787, SB592, SB890, SB337, SB1836, HB5190, SB1588, SB31, SB1828, SB988, SB1139

THE CHAIR: SB1836, HB5190, SB1588, SB31, SB1828, SB988, SB1139

Is there any objection to the motions recommended by the Majority Leader for suspension of the rules on any single starred or no starred items and for the passage of all bills, as described by him? If not, the motions are granted, said bills are declared passed.

SENATOR CALDWELL:

Mr. President, I had a request from the Chairman of the General Law Committee, to remove one of those that I had placed on the Consent Motion, so I withdraw my motion with respect to that particular matter, it's on page 28, top of the page, Cal. No. 491.

THE CHAIR:

I don't think it's necessary to go through the proceeding of reconsideration. The motion is to withdraw the approval of that bill from the consnt list, if there is no objection. So ordered. That bill is not passed.

SENATOR CALDWELL:

Now, may we take up the following matters? On page 2, Cal. 665, recomit 765, take up 788; on page 3, take up Cal. 851, 858, 865, 925, and 929; on

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**CONNECTICUT  
GENERAL ASSEMBLY  
HOUSE**

**PROCEEDINGS  
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**VOL. 14  
PART 13  
5555-6226**

Wednesday, June 9, 1971

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of the Parole Process, File No. 1650; Calendar No. 1629, substitute for S.B. No. 0821, An Act Concerning the Disclaimer of Property, File No. 1604; Calendar No. 1630, substitute for S.B. No. 0839, An Act Concerning the Escheat of Ownership Interests in Business Associations, File No. 1693; Mr. Speaker, in as much as this is the last consent calendar we'll have the privilege to bring before the House, I would now yield to Rep. Gilles from Middletown.

MR. GILLIES (75th):

Mr. Speaker, I move the following items be placed on consent, Calendar No. 1631, substitute for S.B. No. 0910, File No. 1590, An Act Concerning Rates Charged by Municipalities; Calendar No. 1632, substitute for S.B. No. 0988, An Act Concerning Persons Exempt from Registration as Professional Engineers and Land Surveyors, File No. 1054; Calendar No. 1633, substitute for S.B. No. 1017, An Act Concerning Full Disclosure of Property, Wages or Indebtedness on all Support Cases to the Circuit Court Family Relations Division, File No. 1605; Calendar No. 1636, substitute for S.B. No. 1187, An Act Concerning the Admissions, Dues and Cabaret Tax, File No. 1645; Calendar No. 1644, S.B. No. 1787, An Act Concerning Parole or Conditional Discharge of Persons to a Residential Community Center, File No. 1692; Calendar No. 1645, S.B. No. 1828, An Act Concerning Medical Internships, File No. 966; Calendar No. 1646, S.B. No. 1836, An Act Extending the Time for Filing Biennial Reports of the Norwalk Town Union of the King's Daughters and Sons, Incorporated, File No. 1714. I move that these items be passed on the consent calendar.

THE SPEAKER:

Is there objection to any of these items being adopted on the consent calendar? If not, the question is on acceptance and passage. All those in favor indicate by saying aye. Opposed? The bills indicated are PASSED.

**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

**GENERAL  
LAW**

**PART 3  
630-932**

**1971**

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way I think they should be written, but I really don't know where to put it in, so I would like to give you some copies addressed sort of towards this bill. They deal with such things as official map and combined planning zoning agencies and a separate planning agency. Bill #8159, I object to a requirement for a public hearing on all subdivisions, principally because it is not necessary to require the extensive data or hold a hearing when a subdivision is a simple division of land on an existing street. I think that that may be one of the hand-ups that the home builders have. Presently, the law now commits planning commissions the discretion of a public hearing but it is principally at the discretion of the Commission. I think the point that was made about requiring sufficient data in the beginning is more related to regulations than a hearing requirement. In today's day and age, we really don't get many people at public hearings to be quite blunt, unless its a tax hearing, or a change of zone, or a .....development. Bill #8178, this is presently what happens if a zoning board of appeals fails to act. You have an approval if the zoning board of appeals fails to act in a period of 60 days, that's by case law and not by legislative law though. So, I just wonder whether or not you really need the bill. S.B. 799, I object to the tone of the bill and there are two of them with the same implication, which imply dishonesty on the part of zoning commissions and zoning boards of appeals. 799, it's a Senate Bill. And if you note the statement of purpose, it says "to restrict behind the scenes operations," and then it deals with some extensive requirements. You may wish to do something like that but....do you want to read it, it's almost as good as the comics. S.B. 800, I would support the time provision but object to the inquisition court procedure and it's on the same basis that the court would hold a completely new zoning board of appeals hearing. S.B. 910, I have to also object to extensive legal notice requirements, because adding or doubling the notice requirements as they presently exist is not really going to help because legal ads in a typical newspaper are buried behind the comics and the want ad sections anyhow and they're very seldom read. However, the word seems to get around town via the write-ups on agendas, etc., that there is something happening when it is important for people to be concerned. This bill is only going to add to the income of newspapers and not really help the procedure. There is another S.B. 935 and I have to object to the tone of that too, because that's an affidavit requirement I believe. I don't really have any hang-up with the concept of trying to make zoning boards of appeals and planning commissions and zoning commissions more honest and more capable, but I don't think that any of the bills that are presently in are going to help, I think they're going to deter a lot of good citizens from serving on zoning boards

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Yes. That's essentially what #800 does. Now, #910...

Rep. Webber: Do you think that that delay can be financially harmful to some of our developers or some of our.....

Mr. Saden: No, it isn't, because the law as it presently stands does not prevent the applicant, if his petition is granted, from proceeding, unless there is an injunction issued by the Court of Common Pleas.

Rep. Webber: ....do they really have to wait for 15 days, unless ....waiting for that appeal period, before he puts a shovel in the ground?

Mr. Saden: Well, it might be so, but I don't think that when you weigh the interests that are involved on both sides, that's a relatively small sacrifice in terms of time, 30 days. Here again, the reason why I say 30 days, because in many of these instances, you have the laymen, the non-lawyers, going into the zoning hearings and not represented, they don't quite understand the full significance of what to do or how to do it, and then they get the idea to come in and see a lawyer after the hearing and they may not come in for two or three weeks. In this case, if its a 15 day limitation, there is nothing you can do after that 15 days is done.

Rep. Webber: Well, have there been any....do you have any evidence of any real hardship as a result of this 15 day period?

Mr. Saden: Well, I can recall one case of my own where people came in to see me on the 14th day. They had been at the hearing... objectors, yes.....it was an apartment house down in Bridgeport. They came in to see me on the 14th day. I worked all night long practically getting the appeal papers together and trying to find out what happened at the public hearing. We got the papers filed in time, but had they been in one day later, it would have been an impossibility. This has happened to other people.

Rep. Webber: Well, I think this could happen....its true, George, but they can come in on the 29th day....

Mr. Saden: Well, if you want to cut it down to 25, we'll split it in half.

Rep. Webber: I served on the Board of Zoning Appeals in New Haven for six years, and I know this problem.

Mr. Saden: Well I would say that I would extend it a little bit beyond the 15 days at the very least, this is the only thing I can offer on that. On #910, let me merely make this point:

One of the other speakers opposed the extension of time on notices. The notices here, if you add up the four different notices, extend from a period of a minimum of 40 days to a maximum of 60 days overall and 4 publications. The reason for that is this - these are zone changes we're talking about in bill #910. You get someone who has a proposition to change a zone, he spends maybe six months, or three months, whatever length of time necessary to prepare himself for that hearing as a proponent of the zone change. You may need technical experts, traffic experts, all kinds of other types of experts, to come in and testify at that public hearing before the zoning commission. He's all set. He goes to the public hearing, he gets there, the notice given to the public is a matter of 14 days, I think it is at the present time, 15 days at the most. In other words, you're giving the public two weeks time to come in and be prepared to refute or to offer evidence in objection to something that a man has been planning for six months and gotten all his experts lined up, and you expect the opposition to come in in two weeks time and do that same kind of job. It is not fair to the public to expect that, and there should be more adequate notice. Now, I think that people are more and more reading legal notices today, because they're becoming aware of the impact of zoning law on their lives, and I think it is only fair that there should be an extension of that notice.

Rep. Webber: .....that might be concerned about a piece of property by law has to be notified by the Town Clerk's office or whatever agency will be in charge of that responsibility, by letter, by card.....

Mr. Saden: It's not so in Bridgenort, but even if it were so, it's only a two weeks notice. It's no different from a legal notice. The time element is the important factor, where the scales are really unbalanced in favor of the proponent who spends all the time in the world, gets himself...all his evidence is marshalled beautifully, he has all his experts, he walks in.....here you have the scattered public in two weeks time trying to get themselves organized, and if they have to go out and get experts, they can't do it in that kind of time. They don't even have time to go out and look at the property for experts to form an opinion on it. This is it. Thank you very much.

Rep. Povinelli, Milford: This is not particularly related to your dissertation but it is relative to public hearings and maybe a Town Committee can answer it....When an agency, either local or State or whatever have you, sends out a notification of a public hearing and during the interim

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period the application is withdrawn before this public hearing, what recourse have these involved individuals so far non-attendance or participation, the hearing is still going on as scheduled?

Mr. Saden: You mean its advertised and it'll be called, but usually the Boards notify at the beginning that the withdrawal has occurred. There is no recourse actually in that situation. The Board....

Rep. Povinelli: So, the agency should send out the notice again to these same affected people that the application has been withdrawn?

Mr. Saden: There is no requirement that they do, but as a matter of practice in the individual communities, its a matter of courtesy more than anything else. There are no legal requirements that it be done. There is nothing to prevent a man from withdrawing his application just before the hearing starts or when the matter is called, and that is very,,its happened many times. There is no legal recourse. Thank you very much, Mr. Chairman.

Rep. Webber: George, thank you very much. We enjoyed your comments. Is there anyone else who wants to be heard on anything?

Mr. David Koskoff, Town Attorney, Town of Plainville, Conn: I am here to speak on bill #5193 introduced by Rep. Pugliese at the request of the Town Council of the Town of Plainville. This is a short eminently sensible bill, I say sensible because it makes life easier for town officials without cutting against any private citizen. What this bill would do would enable town tax collectors and certain other municipal officials who might want to be placing liens, to use descriptions by reference on their lien form. At the moment when the town tax collector wants to put a lien on the land records, he goes down to the town clerks vault and pulls out the appropriate volume and page and one of his clerks has to type out the description from the right volume and page of the clerk's book on to the tax collector's lien form. This takes him maybe 4 or 5 minutes just to type plus time to dig out the right volume and page. After he has got the description typed on his form, he records the form with the town clerk and then when title searchers come to search a title of the particular property, they find the tax collector's lien. What do they do? They don't read the whole description that the tax collector's clerk took five minutes to type up. They just take a quick glance to make sure it is the right property and then they go along. What this bill would do would permit the tax collector or the water commission or the sewer commission simply to