Legislative History for Connecticut Act

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Proceedings / Connecticut General Assembly, House. 1976.v.19:pt.4., p.1466-1474
Proceedings / Connecticut General Assembly, House. House. 1976, v.19 pt.5., p.1882-1883
Proceedings / Connecticut General Assembly, Senate. 1976 v.19:pt.2., p.589

Proceedings / Connecticut General Assembly, Senate. 1976 v.19:pt.4., p.1525

to the joint committee on Appropriations for their review.

DR. COHEN (17th):

Mr. Speaker, through you in response to the Minority Leader, I can only state that we thought of this matter. We were informed by our attorney that this would satisfy us. I do know that the Commissioner of Health absolutely must have the power to contract or the state is going to lose a lot of money. We're saving the state a lot of money by giving up Cedarcrest and yet to do some of the responsibilities of the Cedarcrest, he must let contracts and I understand that the money comes from his budget.

MR.O'NEILL (34th):

Mr. Speaker, there is question on both sides of the aisle and there is question that the amendment that had been prepared was to have solved the problem. It obviously does not, therefore, I do support moving to Appropriations.

THE SPEAKER:

Is there objection? Hearing none, the bill is so referred.

THE CLERK:

Calendar No. 505, substitute for S.B. No. 410, An Act Concerning The Connecticut Resources Recovery Act, File No. 228, Committee on Environment.

MR. METRO (64th):

Mr. Speaker, I move for acceptance of the joint committee's favorablereport and passage of the bill in concurrence with the Senate.

THE SPEAKER:

Question is on acceptance and passage in concurrence. Will you remark sir?

MR. METRO (64th):

The Clerk has an amendment, Mr. Speaker, LCO No. 2535.

THE SPEAKER:

The Clerk please call LCO No. 2535 which will be designated as House "A". Is it the gentleman's pleasure to have the Clerk read?

MR. METRO (64th):

May he do that, Mr. Speaker.

THE SPEAKER:

The Clerk please call and read.

THE CLERK:

House Amendment Schedule "A", Rep. Metro of the 64th.

In line 113, after the word "INJURY" insert the following: ",NOT WANTON OR WILFUL,"

THE SPEAKER:

You have the amendment. Your pleasure sir.

MR. METRO (64th):

Mr. Speaker, may I comment on the amendment?

THE SPEAKER:

The Chair will entertain a motion for adoption.

MR. METRO (64th):

Mr. Speaker, the words that are added limit the liability for which a director, member or officer of the Connecticut Resource Recovery Agency will not be responsible for. In examining the actual proposed legislation, the amendment will change it and, therefore, become the legislation and I would ask for passage of it and explain it further upon a vote on the bill or discussion of the bill.

THE SPEAKER:

Will you remark further on House "A"?

MR. GILLIGAN (28th):

Mr. Speaker, may I absent myself from the chamber in the consideration of this matter.

THE SPEAKER:

The Chair will so note.

Will you remark further on House Amendment Schedule "A"?

MR. METRO (64th):

Mr. Speaker, if I did not move for acceptance, I now do so.

THE SPEAKER:

Question is on adoption of House "A". Will you remark further? If not, the question is on its adoption. All those in favor will indicate by saying aye. Opposed? House "A" is ADOPTED, ruled technical.

Will you remark on the bill as amended.

MR. METRO (64th):

Mr. Speaker, basically this bill changes two specific areas of the Connecticut Resources Recovery Act; the first being the area of liability for actions of the directors, members and officers of the Authority in relation to the execution of bonds or notes. It brings it up to the standard of other agencies within the state where there's no personal liability for signing any of the notes. It goes further in relation to the liability of the individual for damages or injuries caused in the performance of their duties and the amendment basically inserts the words "not wanton or wilful" so this gives them the protection needed in order to have them function as officers, directors and members;

and secondly, it changes the manner in which the authority or the directors may negotiate with specific towns for payments in lieu of taxes as concerns the placing of a facility in a given municipality. As it exists today, the payment in lieu of taxes pretty much matches on a one for one basis the assessment figures in the particular municipality whether the facility will be located, excluding the land. This bill will change that quite substantially in the effect that the land will now become part of the actual assessment involved with the entire facility and it also makes one additional major change in that there can be negotiated settlements between the town and the Connecticut Resources Recovery Authority relating to exactly how much will be paid to the particular municipality in lieu of taxes. So it opens it up to negotiation rather than making it an area which has no room for negotiation.

I urge passage of the bill, Mr. Speaker, as amended.

THE SPEAKER:

Will you remark further on the bill as amended?

MR. SHEA (19th):

Mr. Speaker, a question through you, Mr. Speaker, to the proponent.

THE SPEAKER:

Please frame your question, sir.

MR. SHEA (19th):

Yes, through you Mr. Speaker, do I understand that the only (record 16)
change the payment is now they will add the assessment of the property along with equipment and buildings and this will be charged to each of the communities that are a part of this area?

MR. METRO (64th):

Through you Mr. Speaker, that is particually correct. At present, the act states that the Resource Recovery Authority is exempt from the payment of any property taxes as such. Now in computing that, the land per se is not includedwithin this exemption. However, as it stands today, the payment in lieu of taxes is in most instances directly equal to the amount of assessment minus the land involved and it's on a one to one ratio and there's no area of negotiation. This is the amount that should have been assessed. We're calling it another name. We're saying it's payment in lieu of taxes. What this bill does is, first of all it allows the inclusion of the land into the actual negotiation and more importantly, it allows for give and take between the CCRA and the particular municipality.

THE SPEAKER:

The gentleman from the 19th has the floor.

MR. SHEA (19th):

Mr. Speaker, through you, another question.

THE SPEAKER:

The gentleman from the 19th, please frame your question.

MR. SHEA (19th):

Through you Mr. Speaker, Rep. Metro, does the board of directors of the Authority make this determination or make--handle these negotiations or is the negotiations determined by some other body which is encompassed by the member towns?

THE SPEAKER:

The gentleman from the 64th care to respond?

MR. METRO (64th):

Through you Mr. Speaker, it's done by the directors and officers of the CRRA. Now again, the problem being that in negotiating for the placement of a CRRA facility in a particular town only one town will bear the burden, so to speak, of having the actual physical plant within its confines. However, there may be ten or twelve other communities taking advantage of it and in once sense not having to bear the loss of taxes which the town having the facility within its confines has to come up against. So what's going to happen here is, it gives the municipalities a little more flexibility in light of being able to negotiate whether or not they want the facility in a particular town. In addition, it gives the Authority more discretion by possibly being able to coax another municipality into taking the facility, so to speak. So, there's room for negotiation on both sides, but the directors will be acting for the CRRA.

MR. SHEA (19th):

Mr. Speaker, one more question please of the proponent. Rep. Metro, through you Mr. Speaker, what control or what input do the member towns have in negotiating this charge?

THE SPEAKER:

The gentleman from the 64th to respond.

MR. METRO (64th):

Through you Mr. Speaker, the member towns excluding the actual municipality which will be having the facility within its limits, I would think would have very little say in all honesty, from a strict legal standpoint. I think it's just a matter of the CRRA dealing with the one municipality. Maybe indirectly that municipality also dealing with the other surrounding towns who are interested in coming into the program. There is

no demands made on the other towns to come into the program. It's strictly voluntary.

THE SPEAKER:

The gentleman from the 19th has the floor.

MR. SHEA (19th):

Thank you, Mr. Speaker. In remarking to this, I am concerned in as much as the member towns who now know exactly what their costs would be levied against them by the formula, they know this prior to coming in, I have to register concern that under this bill, they would not have the control of the charge that is being levied. I also am concered that not only at the original time of their membership but at any future time, I am concerned that they lose this control. I believe that I must vote against this bill because of this loss of control by the member towns.

THE SPEAKER:

Will you remark further on the bill?

MR. MATTIES (20th):

Mr. Speaker, a question through you if I may to Rep. Metro.

THE SPEAKER:

Please frame your question, sir.

MR. MATTIES (20th):

Rep. Metro, although I know it sounds difficult, has your committee determined in any way what effect on tonage costs this move might have?

MR. METRO (64th):

Through you Mr. Speaker, I don't believe we have, no.

MR. MATTIES (20th):

I can see where it would be a problem. I share Rep. Shea's

concern. Our town is either in the midst of negotiations or has completed them and we're concerned now obviously as to the added cost which would lead me to another question. Through you Mr. Speaker, will this have any grandfather clause effect or how will people in negotiations be effected by this change, if it takes place.

MR. METRO (64th):

Through you Mr. Speaker, I would assumethat the bill is effective on passage and that there will be an effect on this, on the people presently in negotiations.

MR. MATTIES (20th):

Thank you Rep. Metro. Mr. Speaker, I share the concern and would like to see more information on this and would question the advisability or move that it be p.t.'d so that those of us representing towns effected by it might get more information.

THE SPEAKER:

Will you remark further on the bill?

MR. METRO (64th):

Mr. Speaker, I oppose having it passed temporarily.

THE SPEAKER:

I don't know if I have a formal motion to that effect.

MR. MATTIES (20th):

Mr. Speaker, I may have worded my motion poorly. I do move that it be passed temporarily.

MR. METRO (64th):

Mr. Speaker, I still object and I request that a vote be taken.

THE SPEAKER:

The Chair is not quite sure whether the gentleman is speaking against the motion or is speaking against the motion and further requesting a roll call pursuant to the motion.

MR. METRO (64th):

Mr. Speaker, speaking simply against the motion.

THE SPEAKER:

Will you remark further on the motion to pass the matter temporarily?

MR. SHEA (19th):

Mr. Speaker, rising to support the motion to pass temporarily, I've already stated that I can't support the bill in its present form but by passing temporarily I may have the opportunity to make a determination by a quick phone call to my town to see if this causes any difficulty. Without this motion to pass temporarily, I will have to vote against the major bill.

MR. METRO (64th):

Mr. Speaker, I will concur in that.

THE SPEAKER:

The gentleman from the 64th withdraws his objection. The motion is to pass temporarily. Any other objection to the matter being passed temporarily? If there's none, the matter will be passed temporarily. The gentleman from the 19th is excused to make a phone call.

The Clerk return to the call of the Calendar.

THE CLERK:

Page 7 of the Calendar, Calendar No. 506, substitute for S.B. No. 380, An Act Concerning the Definition of Work Loss for No-Fault Motor

THE SPEAKER.

Is there objection? Hearing none, it is so ordered. (Tape) 12

THE CLERK:

Calendar 505. Substitute for S.B. No. 410. AN ACT CONCERNING THE CONNECTICUT RESOURCES RECOVERY ACT. (As amended by House Amendment Schedule "A").

THE SPEAKER:

Gentleman from the 64th.

REP. JAMES J. METRO (64th):

Thank you Mr. Speaker. Mr. Speaker, I move for acceptance of the Joint Committees' favorable report and passage of the bill in concurrence with the Senate, as amended by House Schedule "A".

THE SPEAKER:

Question is on acceptance and passage. Will you remark?

REP. JAMES J. METRO (64th):

Yes Mr. Speaker, this bill was debated last week, Mr. Speaker. I would, briefly, summarize two major changes in the Connecticut Resources Recovery Authority. ONE; which limits the personal liability of any Director, Officer, or individual involved therein.

The second part would change the manner in which the payment, in lieu of taxes, is to be determined. It makes if a negotiable item; rather than a mandated, or set amount.

THE SPEAKER:

Gentleman from the 19th.

REP. ROBERT D. SHEA (19th):

Mr. Speaker, having just completed a six day telephone con-

versation, I rise in support of the bill. I thank the indulgence of this body for pass retaining it the other day. I find that this bill does, in effect...will in effect, be beneficial to the member towns. Certainly, it can do them no harm. It may be able to offer them advantage, in that; negotiations may be made where a lesser amount of money may be necessary, and, therefore, the sharing of the member towns could be less; but, in no event would they find that it would be a greater payment. I ask support of the bill.

THE SPEAKER:

Will you remark further on the bill. The Gentleman from the 28th.

REP. ROBERT G. GILLIGAN (28th):

Mr. Speaker, may I exempt myself from the chamber on this bill.

THE SPEAKER:

Chair will assume note. Remark further? Will you remark? If not, the members, please, be seated, and staff come to the well. The machine will be open. Have all the members voted, and is your voted properly recorded? If so, machine will be closed and the clerk will take a tally.

THE CLERK:

Total Number Voting.....139

Necessary for Passage..... 70

Those voting Yea.....135

Those voting Nay..... 4

Those absent and not Voting..... 12

result in a verdict for the defendant and the decision of the jury may be that there is no malpractice present or no negligence at all; yet with substantial ad damnum clauses in writs, the defendant's reputation and ability to practice might otherwise be as practical matter ruined forever. This would be regrettable and it is regrettable where it does happen. So for those reasons, we have proposed this bill and I would move acceptance of the committee's favorable report of this bill as amended by Senator Lieberman's amendment and passage of the bill. If there is no objection or no further questions, I would move this item to the CONSENT CALENDAR.

THE PRESIDENT:

Will you remark further? If not, the matter is ordered to the Consent Calendar as requested.

THE CLERK:

Cal. 264, File 228. Favorable report of the joint standing committee on The Environment. Sub. S.B. 410, AN ACT CONCERNING THE CONNECTICUT RESOURCES RECOVERY ACT.

THE PRESIDENT:

Senator Lieberman.

SENATOR LIEBERMAN:

Mr. President, I would move the acceptance and passage and if there is no objection, I would move this matter to the CONSENT CALENDAR.

THE PRESIDENT:

Is there objection? Hearing none, it is so ordered.

Standing Committee on The Environment. Substitute for Senate Bill 410. AN ACT CONCERNING THE CONNECTICUT RESOURCES RECOVERY ACT. (As amended by House Amendment Schedule "A").

THE CHAIR:

Senator Hansen.

SENATOR HANSEN:

Mr. President, I ask for adoption of Amendment Schedule "A".

THE CHAIR:

Do you wish to remark?

SENATOR HANSEN:

Mr. President. This amendment is of a technical nature and if there no objections, I'd ask that it be adopted by the Circle.

THE CHAIR:

All those in favor of the amendment, signify by saying aye, those opposed nay, the ayes have it. The amendment's adopted. Senator Hansen.

SENATOR HANSEN:

Yes, Mr. President. May I ask for adoption of the bill as amended by House Amendment Schedule "A", and if there are no objections it may be put on the Consent Calendar.

THE CHAIR:

Hearing none, so ordered.

THE CLERK:

Calendar 332, Files 317 and 499, Favorable Report of the Joint Standing Committee on Insurance and Real Estate. Substitute for Senate Bill 380. AN ACT CONCERNING THE DEFINITION OF WORK LOSS FOR NO-FAULT MOTOR VEHICLE INSURANCE. (As amended by House Amendment

Including south central and Berlin. Their bids are based on the ability to market their products and thereby keep the tipping fee which must be borne by the taxpayers at a minimum.

I think it would be unwise for the legislature to mandate a resource recovery plant in Berlin after these four companies have spent so much money determining the most feasible systems to serve the entire regions. I am also afraid that if the legislature does pass a bill designating Berlin as a site for a resource recovery system, it would destroy the bid process we have just gone through and force us into another year or two of work before we could reach this stage again in the south central Connecticut region.

As you know, I feel very strongly that any designation of location of facilities by the legislature would be extremely detrimental to the entire south central region.

And it is signed by Philip J. Hamel, Program Administrator for the Town of Wallingford.

The second letter that I would like to read into the record is from the same person in regard to Committee Bill 410.

I would like to generally support the concept of a bill giving both the Connecticut Resources Recovery Authority (CRRA) and municipalities the power to negotiate to arrive at a payment in lieu of taxes figure which would be acceptable to all participating communities in a region.

As I discussed with you on the phone, taxes on a regional resource recovery facility could be as high as two or three million dollars, and could add several dollars per ton to the tipping fee or charge which municipalities must pay to participate in a regional system.

I personally feel that the payment in lieu of taxes during the initial twenty years of operation while debt service is being paid should be as low as possible to equitably compensate the community in which the facilities are located for its real costs such as road maintenance, fire, police services, etc. When the debt service is complete, I think that a higher payment in lieu of taxes figure could be paid without harm to the taxpayers within the various municipalities served by CRRA.

Since there are only two sources of revenue for these regional facilities, those from the sale of materials or recovered resources, and those from tipping fees, all increased costs must be borne by the municipalities since revenues from a given resource recovery system can only reach a certain amount.

If you have any questions, I shall be happy to talk to you at your convenience. Sincerely, Philip J. Hamel, Program Administrator for the Town of Wallingford.

COMMISSIONER BAMPTON: Be happy to.

REP. OSIECKI: Thank you.

CHAIRMAN CIAMPI: Frank Ciampi from the Seventy-Sixth. Ted, why would you have to man these snowmobile trails?

COMMISSIONER BAMPTON: I'm not so concerned about the trail as I am the area that people congregate. We have some very outstanding, in fact, snowmobile organizations. And I don't worry about their behavior or their conduct, but we have other snowmobile users which are a problem. And if you don't have some means of control, I think particularly it would - at week-ends, late at night, you're going to have a situation set up which will be undesirable.

But some of these start out in our facilities.

CHAIRMAN CIAMPI: All right.

REP. AHEARN: Mr. Chairman. Representative Ahearn, 55th District. Mr. Bampton, in the Indian Bill again -- are you referring to SB-136, the one on Indian Reservations?

COMMISSIONER BAMPTON: Yes.

REP. AHEARN: And I didn't understand your comment. Are you in favor of that or not?

COMMISSIONER BAMPTON: It was an agency drafted measure which we are supporting.

CHAIRMAN CIAMPI: Any other questions from the committee?

COMMISSIONER BAMPTON: I'll leave a copy of Mr. Gill's statement with your committee.

CHAIRMAN CIAMPI: Mayor Logue, please.

MAYOR LOGUE: Mr. Chairman, Representative Ciampi, Senator Hansen, members of the committee. My name is Frank Loque. I'm Mayor of New Haven, Connecticut.
S.B. 410 I am testifying primarily with regard to bills affecting the Connecticut Resources Recovery Authority.

That legislation was landmark legislation. It created a unique agency to solve a very difficult problem of dealing with solid waste and dealing with it in a way that resulted in a saleable end product - steam or some other product.

So I think this was outstanding legislation. I had nothing to do with its drafting original enactment. I am here today to talk about a couple of measures that related to it.

The first one is Bill No. 410 which has to do with payments in lieu of taxes among other things. That's a primary interest to me. At the present time the Legislation limits the resources recovery authority - says that where they locate the facility any such payment would be the same as if the property was not tax exempt. This means a different taxing jurisdiction and different mil rates - different reevaluation dates and so on could greaterly alter the responsibilities of the authority and the charges to municipalities for participating in the solid waste program.

The legislation which is before you would amend that provision so that the Connecticut Resources Recovery Authority would have flexibility to negotiate with the affected community a mutually satisfactory rate.

The great advantage to that is that it could be predictable and that the rate could continue over a particular period of years a payment in lieu of taxes could be projected for a period of some time and all the affected communities could know what their cost is going to be.

I think giving the Authority this flexibility is of great importance. I think it's going to enable the Resources Recovery Authority to make its decision on the basis of the basic economics, and I think that when the Authority was created, it was contemplated that it would be a quasi public corporation and it would be able to make its decisions with economic considerations primarily in mind, and this legislation would do that.

Another piece of legislation, 5688, would mandate the Authority to construct the facility in Berlin. This again would greatly limit the flexibility of the Authority. I think that the great virtue of this legislation is that it creates an authority - that says there's a difficult problem here. A very difficult solid waste problem. It gives the Authority flexibility to make decisions.

Now, if this particular bill is passed there has been a bidding procedure - five firms have bid and there are different locations proposed and this would mandate - this would have the State Legislature mandating the decision about where that should be located. Just a matter of general principle, I really don't think the State Legislature should do that, and I don't think it should do so particularly in this case. I think you should let them retain the flexibility they previously had.

Also in the solid waste area, there's legislation of 5680 for state regulation of haulers of solid waste. That's a fairly regulated business now. All of us at the local level license and regulate people who haul solid waste, and I don't think another layer of regulation at the state level is necessary or desirable.

No. 410 is legislation which would also unduly limit the CRRA and I

think that would be unwise.

In general my testimony is in support of backing up the Authority which you have created, giving it the flexibility to carry out its mandate and also giving it the opportunity to deal with affected municipalities over a period of time in a predictable way.

In regard — there's one other matter I would like to just mention briefly and that is the legislation number - Committee Bill 343 on coastal zone management. I'm an environmentalist and I'm the father and three environmentalists but I think we're at a point with the Department of Environment Protection with the EPA at the federal level where we are really beginning to take care of enviriomental needs, and I don't think we need another laywer, this this statute would provide.

I further call your attention to the fact that it calls for a Council which calls for no local government representation and if we are going to be regulated further with regard to our use of coastal land, if this legislation were to be enacted, which I oppose, I would hope that it would include provision for representation of local government.

Thankyou, Mr. Chairman and members of the committee.

CHAIRMAN CIAMPI: Any questions for the Mayor? Senator Gunther.

SEN. GUNTHER: Just a quick one, Mayor. In looking over the bill on coastal management that you say you want local government involved in the agency, you realize that the idea of the whole philosophy behind that coastal management bill is the set-up, the state organization in order to help the local governments do their own coastal zone planning. Do you realize that?

MAYOR LOGUE: I realize that. I would just state that it creates - I think it's called a Council.

SEN. GUNTHER: Yes.

MAYOR LOGUE: And the Council has representation from civic groups and environmentalists and various other people. If such a council is to be created I would hope that there would be direct local representation on the council.

SEN. GUNTHER: But you have no opposition to a council as far as the land use planning? You don't think there should be land use planning in the coastal area?

MAYOR LOGUE: I think we have a great deal of land use planning in the coastal area. Between where you are and where I am is the reserve down at Point No Point at Milford - an area that's preserved. I think we have at the federal and state level sufficient protection for our coastal areas. I don't think we need to create another agency. If we do, I would hope there would be direct representation of local governments.

SEN. GUNTHER: You are aware that the State has an agency right now that is doing this, don't you?

MAYOR LOGUE: Yes.

SEN. GUNTHER: Thank you.

CHAIRMAN CIAMPI: Any more questions? Thank you.

MAYOR LOGUE: Thank you.

CHAIRMAN CIAMPI: Representative Donald St. Pierre. Senator Cutillo.

SEN. CUTILLO: Thank you, Mr. Chairman and members of the committee. I am Senator Cutillo from the 15th District in Waterbury. My remarks are going to be brief, but I would hope that because they are briefthat the importance of what I am saying will not go over your heads.

I will be talking about 5688, and it's an ACT CONCERNING CONSTRUCTION OF A SOLID WASTE FACILITY IN BERLIN. There are speakers here who will elaborate much more than I. I see Mayor Powers here from Berlin, but I want to identify myself even further. I am a member of the Connecticut Resource Recovery Authority. I was put on last year. I'm the Senatorial Representative to this Commission - this Authority.

The Authority has been in existence for some several years, and up to this point has yet to establish an authority anywhere in the State of Connecticut. At the present time the contract should be solidified and ready to be signed in Bridgeport. But the fact of the matter is that has not been done. I think it's most important therefore that we progress because this is what it was designed to do. Have a Solid Resource Recovery Authority in various parts of the State of Connecticut.

One of these facilities is being proposed in Berlin. I feel very strongly that this bill should pass the General Assembly to solidify, if you will, the intent of the Commission or the Authority. One of the problems we have as politicians and people in Government - if you want to call it a problem - is the fact that we see a problem, seek a solution, and do something about it. And I at this point would be critical of the Authority because of its lack of action in establishing an Authority anywhere in the State of Connecticut including Bridgeport as close as

Although the major purposes of this program are to reduce environmental pollution and to increase motor vehicle safety, it is also a step in the right direction as far as energy is concerned and that it will decrease our consumption of ever-more scarce petroleum reserves.

Our energy projections of the future conclude that as among the inures engery sectors, residential, commercial, industrial and transportation, transportation will continue to be the largest energy consuming sector. Any program which can assist in decreasing energy consumption deserves your close attention and the attention of all the citizens of this State.

It is estimated that the proposed inspection and maintenance program would save Connecticut motorists approximately twenty-four million gallons of gasoline annually. At an assumed cost of sixty cents per gallon, this would also represent a savings to the motoring public of 14.4 million dollars.

To give you the sense of the Energy Advisory Board I need only quote from one of the recommendations of their report, Connecticut's Energy Outlook, 1976 to 1995 which was submitted to the Governor and the General Assembly this past January 15th. "Because well tuned vehicles use significantly less gasoline, the Board recommends that steps be taken immediately to inform the Connecticut public of the energy, economic and environmental benefits of keeping automobile engines properly maintained. Aware of successful automobile inspection programs developed by other states and recognizing that the overall energy, environmental and safety benefits of regular inspection the Board recommends that required annual automobile safety and emissions inspections be thoroughly considered by the General Assembly."

I join them in urging your favorable review of this bill and I just note in passing that it's my understanding of the substitute bill -- that it will be brought to the committee on this which will have some administrative changes, however the concept will remain the same. And this is a program which we have been cooperating with both the Department of Environmental Protection and the Department of Motor Vehicles.

With respect to a number of other issues which have been raised here, Mr. Chairman, rather than comment directly today, I would prefer to forward comments directly to the committee on some of the other bills - rather than to take up more time at a public hearing.

REP. CIAMPI: Any questions from the Commission? Thank you. Charlotte Reed. Charles Stroh.

CHARLES STROH: Chairman Hansen and Honorable members of the Committee, my name is Charles Stroh, chairman of the CRRA, the Connecticut Resource Recovery Authority. We have sponsored Bill 410 and this is a three part bill. One would relieve the members of the Commission of personal liability in case of error and so forth, and of course this is not setting a precedent in Connecticut. It has been the policy of Connecticut to take care of its public officials unless they perform acts that

are wilfully wrong and of course they should be liable in that case.

Whenever they perform their duties to the best of their bility, they should be relieved of any possible liability and secondly we have a member of the committee who...(inaudible). She's chairman of the Solid Waste Advisory Council. It's a Council of approximately twenty-five or thirty people. She's a non-voting member.

Now, the reason she is a non-voting member is because of the difficulty of getting a quorum when this Act was first passed, but that is no longer difficult. At the present time the various...(inaudible - music in background)...recommend that she have voting powers on this Board of Directors.

The third part of this bill - giving the Authority the right to negotiate taxes. Now, I'm not going to go into any detail and comment on that, because Mayor Logue of New Haven commented on it and his comments, we fully endorse. I think it would be most equitable...(loud noise in background).

I'd like to comment on two things. One on locating a facility in Berlin. Now, I'm not in a position to say that a facility should not or should be located in Berlin. But I think it would be a mistake really if the Legislature would determine where these facilities are located. A tremendous amount of study, effort of these bills should decide what should be done.

I think I would like to impress upon you people...(inaudible because of music in background.)

The thing I would like to impress upon you people above all else is that we're in an area where there is so very little known about. It so happens that I made a trip to Switzerland in early November where there was the first world conference on the recovery of refuse and the conversion of it into energy, and when you listen to people all over the world, it's unbelievable how little is known about this. And when we start construction of our first facility in Connecticut, I want to assure you people that the day the first shovel is turned it's going to be an obsolete plant.

There's been some talk here today that we've been slow in getting started. Now we've been slow in getting started because in the eyes and in the view of the people who are affected - various towns that we're going to serve - they are all in an emergency situation, and when you're in an emergency situation, you can't get relief fast enough. Just like the flu. You need medicine and you need it fast.

But when you stop to think that we're building a facility in Bridgeport that will cost fifty-two million dollars, you just don't tie up a fifty

two million dollar deal in a minute. And there's already been a contract signed for Bridgeport - signed in February of 1975. That was an open end contract. It might have cost anything. We don't know and the people of Connecticut,I don't think they're ready for another health center experience. And so what we have done is started new negotiations and we now are very close to a contract that will give us absolute guarantees where this will be a self liquidating proposition that will not cost the State of Connecticut hopefully one red cent. Frankly, in a negotiated contract like that against the signed agreement, you can imagine how difficult it is, and I would have said three months ago that we had everything ready to sign, but always another point comes up.

I will tell you today we're about ready to sign, but we're not ready to sign. Every little detail has not been closed and when you think of it in the light of a fifty-two million dollar deal where we're seeking absolutely ironclad guarantees that this is the cost,that it will be fully liquidated by the builder and operator, I don't think we've been moving slowly. I think we've been moving with not reasonable dispatch but real dispatch because we've been at this now in this particular phase, seven or eight months.

I'd welcome any questions on that point. I would hope -- I would hope that this Legislature would permit this Authority to have flexibility that it needs to do this job. It's a very, very complicated job and I personally have never had the experience of trying to negotiate a deal....(inaudible - applause for music heard in background).

CHAIRMAN CIAMPI: Any questions from the Committee? Representative McCluskey.

REP. McCLUSKEY: Would you say in your opinion, Mr. Stroh, that the Legislature is limiting the location of the site to Berlin would severely restrict your ability to negotiate a contract for a facility in this area?

MR. STROH: I certainly would. I don't think there should be any restrictions because we cannot give you a recommendation on that point today. It may be the best place in the world to have it. We don't know. We havenot made that determination as of the minute, but we should have flexibility.

CHAIRMAN CIAMPI: Any other questions? Thank you.

MR. STROH: May I comment while I'm here on one of the bills that has been proposed. Anything of a hundred thousand dollars or more go out for bids. I'll be able to tell you which bill that is. 5680. Oh, it's 408. I'm sorry. Bill 408.

It would require that any phase of the work to be done in erecting one ofthese facilities that would cost one hundred thousand dollars or more go out to bid. Now we're opposed to that primarily for this reason.

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CONNECTICUT CONFERENCE OF MUNICIPALITIES · 956 CHAPEL STREET, NEW HAVEN, CONNECTICUT 06510 PHONE 772-2168

Statement of the
CONNECTICUT CONFERENCE OF MUNICIPALITIES
before the
ENVIRONMENT COMMITTEE

March 4, 1976

Concerning Proposed Bill No. 410
Amending the Connecticut Resources Recovery Act

Proposed Bill No. 410 would permit a municipality to negotiate with the Connecticut Resources Recovery Authority for full payments in lieu of taxes on facilities located in the municipality.

This bill offers the opportunity of reducing costs and thus the rate base, and thereby of reducing the user fees. This would help all communities in the user area.

The Connecticut Conference of Municipalities therefore asks you to favorably report such a bill.

2 copy

Town of Wallingford, Connecticut

PHILIP J. HAMEL, JR.
STATE & FEDERAL PROGRAM ADMINISTRATOR

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MUNICIPAL BUILDING
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March 1, 1976

Rep. Dorothy McCluskey
822 Forest Road
North Branford, Conn.

Dear Mrs. McCluskey:

Comm. B. 11
No. 410

I would like to generally support the concept of a bill giving both the Connecticut Resources Recovery Authority (CRRA) and municipalities the power to negotiate to arrive at a payment in lieu of taxes figure which would be acceptable to all participating communities in a region.

As I discussed with you on the phone, taxes on a regional resource recovery facility could be as high as two or three million dollars, and could add several dollars per ton to the tipping fee or charge which municipalities must pay to participate in a regional system.

I personally feel that the payment in lieu of taxes during the initial 20 years of operation while debt service is being paid should be as low as possible to equitably compensate the community in which the facilities are located for its real costs such as road maintenance, fire, police services, etc. When the debt service is complete, I think that a higher payment in lieu of taxes figure could be paid without harm to the taxpayers within the various municipalities served by CRRA.

Since there are only two sources of revenue for these regional facilities, those from the sale of materials or recovered resources, and those from tipping fees, all increased costs must be borne by the municipalities since revenues from a given resource recovery system can only reach a certain amount.

If you have any questions, I shall be happy to talk to you at your convenience.

Sincerely,

Philip Hamel

Philip J. Hamel, Jr.
State and Federal
Program Administrator

H/r