

Legislative History for Connecticut Act

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SB 154	PA 253	1985
House	5310-5327	(18)
Senate	1839-1840, 1903-1904, 2734-2735, 2753	(7)
Planning + Dev.	436-443, 445-452, 465-467	(19)
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CONNECTICUT  
GEN. ASSEMBLY  
HOUSE

PROCEEDINGS  
1985

VOL. 28  
PART 15  
5245-5585

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House of Representatives

Thursday, May 9, 1985

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there objection? Seeing none, the matter is so referred  
to the Committee on Labor and Public Employees.

CLERK:

Page 8, Calendar 570, Substitue for Senate Bill  
154, File No. 510, AN ACT CONCERNING THE FORM OF PROPOSED  
MUNICIPAL CHARTER AMENDMENTS. Favorable Report of the  
Committee on Planning and Development.

REP. MEYER: (135th)

Mr. Speaker.

SPEAKER VAN NORSTRAND:

Rep. Alice Meyer.

REP. MEYER: (135th)

I move acceptance of the Joint Committee's  
Favorable Report and passage of the bill in concurrence  
with the Senate.

SPEAKER VAN NORSTRAND:

The question is on passage in concurrence with  
the Senate. Will you remark?

REP. MEYER: (135th)

Thank you, Mr. Speaker. The Clerk has an amend-  
ment, LCO 6376. Will the Clerk please call and may I  
summarize this amendment?

SPEAKER VAN NORSTRAND:

Is the Clerk in possession of LCO NO. 6376?

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CLERK:

I am.

SPEAKER VAN NORSTRAND:

Will the Clerk please call the amendment,  
designated House Amendment Schedule "A".

CLERK:

House Amendment Schedule "A", LCO 6376 offered  
by Rep. Meyer.

SPEAKER VAN NORSTRAND:

The lady has asked permission to summarize. Is  
there objection? Seeing none, please proceed, Rep.  
Meyer.

REP. MEYER: (135th)

Thank you, Mr. Speaker. This amendment would  
actually return the file in Sections 1 and 2 to the  
current statutes, by continuing to provide for the  
consistency of charters with general statutes and removing  
the reference to the provisions of Chapter 99.

After much discussion between members on both  
sides of the aisle, it was agreed that the wording in  
the file would raise more problems than it would solve.

However, other parts of this bill are of such  
vital importance to many of our municipalities who are  
in the process of amending their charters, that we do not

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wish to jeopardize the other parts of this file and therefore, I urge adoption of this amendment.

SPEAKER VAN NORSTRAND:

The question is on adoption of House "A". Will you remark further?

Will you remark further on the adoption of House "A"?

REP. DICKINSON: (30th)

Mr. Speaker.

SPEAKER VAN NORSTRAND:

Rep. Loren Dickinson.

REP. DICKINSON: (30th)

Through you, a question to the proponent of the amendment.

SPEAKER VAN NORSTRAND:

Please propound your question, sir.

REP. DICKINSON: (30th)

Rep. Meyer, I happen to be from one of those towns who's in the process of trying to review its charter and as a matter of fact, our Charter Review Commission has been put on a table because of this bill. I'm a little concerned about some of the words that are being changed as it applies to consistency or inconsistency and the question through you, Mr. Speaker is, could you just give me a little more explanation on how it will allow

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my town to continue with its process and not be adversely affected by this amendment.

SPEAKER VAN NORSTRAND:

Rep. Meyer, do you care to respond?

REP. MEYER: (135th)

Through you, Mr. Speaker. The very reason for removing these sections is to enable us to proceed with the rest of the bill which will clarify that a town may change their charter by doing amendments for a particular section of the charter, without having to go and again accept the full charter.

It is this very fact why we are not going to debate all the intricacies of this other language which brings constitutional questions, some questions that we've been wrestling with for many years, but an area that we will try to address in the future.

But to protect your town and all the other towns, we want a clean bill that will not be controversial, but which will allow you to go ahead with your charter amendments.

SPEAKER VAN NORSTRAND:

Rep. Dickinson, you have the floor.

REP. DICKINSON: (30th)

To that answer, I can only say, Halleluia, but

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you're about five months too late. And with that, I'll support the amendment. Thank you.

SPEAKER VAN NORSTRAND:

Will you remark further on House "A"?

REP. CIBES: (39th)

Mr. Speaker.

SPEAKER VAN NORSTRAND:

Rep. William Cibes.

REP. CIBES: (39th)

Thank you, Mr. Speaker. Through you, a question to the proponent of the bill and the amendment, please.

SPEAKER VAN NORSTRAND:

Please frame your question, sir.

REP. CIBES: (39th)

Thank you, Mr. Speaker. Through you, Rep. Meyer, there are provisions in the general statutes which grandfather old charters, which provide that charter provisions in effect say, in 1953, shall continue in effect regardless of any provisions of the general statutes.

What will be the effect of this amendment on those provisions, the grandfather provisions of the statutes.

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SPEAKER VAN NORSTRAND:

Rep. Meyer, do you care to respond?

REP. MEYER: (135th)

Mr. Speaker, through you, those sections in the bill will still remain in tact. This will, in essence, all it is doing is removing a few words that however can have great importance when it comes to law cases in the interpretation of what a charter can do as far as its consistency with state statutes, and we had some problems with that.

It should not and when I discuss the bill, I will point out the sections that will maintain what you are talking about.

REP. CIBES: (39th)

Through you, Mr. Speaker, thank you very much and if Rep. Meyer then in addressing the main bill has further points, I would probably address any question at that point. Thank you.

SPEAKER VAN NORSTRAND:

Thank you, sir.

Will you remark further on the adoption of House "A"? Will you remark further?

If not, all those in favor indicate by saying aye.

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REPRESENTATIVES:

Aye.

SPEAKER VAN NORSTRAND:

All those opposed indicate by saying nay.

REPRESENTATIVES:

No.

SPEAKER VAN NORSTRAND:

The ayes have it. House "A" is adopted and ruled technical.

\*\*\*\*\*

House Amendment Schedule "A".

In line 26, strike the opening bracket before the word "or"

In line 27, after the word "statutes" strike the closing bracket and the words "AND SHALL BE CONSISTENT WITH THE"

In line 28, before the semicolon, strike the words "PROVISIONS OF CHAPTER 99"

In line 46, strike the opening bracket before the word "or"

In line 47, after the word "statutes" strike the closing bracket and the words "AND SHALL BE CONSISTENT WITH"

In line 48, before the comma, strike the words "THE PROVISIONS OF CHAPTER 99"

In line 56, strike the opening bracket before the word "or"

In line 57, after the word "statute" strike the closing bracket and the words "AND SHALL BE CONSISTENT WITH THE"

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In line 58, before the semicolon strike the words "PROVISIONS OF CHAPTER 99"

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SPEAKER VAN NORSTRAND:

Will you remark further on the bill as amended?

Will you remark further on the bill as amended by House "A"?

REP. MEYER: (135th)

Mr. Speaker.

SPEAKER VAN NORSTRAND:

Rep. Alice Meyer.

REP. MEYER: (135th)

I would like to explain what this bill will do and how it will help the towns that are currently trying to change their charters.

Before 1981, the statutes referred to proposed charter amendment or amendments. In that year, after a study by a local government commission, we rewrote the chapter and mentioned instead of amendments, the term revised charter. And everything was then rewritten in the chapter with the term revised charter, or revision.

Now, this bill would again change the term revision to amendment so that it would be the proposed amendments to charters rather than the entire charter

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that would have, so that the entire charter would not have to be revised. So you would not have to take to hearing the entire charter, but merely the section that was being amended. You would not have to publish in a newspaper, the entire charter of your town, but only those sections that were being amended.

Some of our town attorneys were uncomfortable with the term revision, and therefore, they questioned whether or not what their towns were trying to do would be legal.

So what we are trying to do now is to put into language that is acceptable to the town attorney, the fact that these are quote amendments, that they can be taken up separately, that a full charter does not have to be revised every time a charter revision committee comes in, that they do not have to be published.

It will go one step further. It will say for the nervous Nellies who are out there, that any revision or amendments of a charter or home rule ordinance completed between that October 1, 1982 when this law went in, and the effective date of this act, would be validated, whether or not the town had voted on the complete charter again, or just on a partial charter.

So we are trying to take care of the people who are waiting out there, the people who have gone ahead.

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Now I know some did go ahead and revalidate their entire charter, but for those who did not, this would validate that.

A further thing. In many communities, when ordinances or resolutions were adopted, it was sometimes very fuzzy as to whether this was done by a resolution or by an ordinance, and right now, if a town government referred to a home rule ordinance, this is all that is in the statutes that can be validated.

This bill would allow a resolution adopted before 1982 in substitution for a special act relating to town government to become a home rule ordinance, and that home rule ordinance would be effective.

Right now, the way it's written, only an ordinance can qualify as a home rule ordinance and now we would be saying that those towns that did it by resolution would now be able to consider those resolutions hometown ordinances.

Under the bill, no special act constituting a charter, or a part of a charter would be repealed just because its provisions were not included in a charter adopted later under the home rule act, so I think what we are trying to do is to preserve all the charters, the powers under those charters, which some people felt

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because of the changes we had made were being usurped, and I think it is very, very important for so many of us to pass this legislation today to insure that we can go ahead and do this, and the reason for the amendment was because the wording in that particular section was controversial and we wanted to make sure that this bill would not get hung up on some technicality because of its importance.

REP. NARDINI: (115th)

Mr. Speaker.

SPEAKER VAN NORSTRAND:

Rep. Joseph Nardini.

REP. NARDINI: (115th)

Thank you, Mr. Speaker. Mr. Speaker, this raises some concerns from my area, West Haven, and I have a few questions of Rep. Meyer if I might, through you, Mr. Speaker.

SPEAKER VAN NORSTRAND:

Please proceed, sir. Frame your questions.

REP. NARDINI: (115th)

Thank you, Mr. Speaker. Rep. Meyer, in our town of West Haven, our city of West Haven, we have set up separate fire districts within the city, three of them to be exact. Those fire districts under special act of

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the General Assembly are allowed to constitute home rule ordinances which would give them bonding powers, limits of spending and things of that nature, and I'm wondering. I guess I'll start with your last statement first, it said, you said, I believe that the special acts would be repealed because the home rule ordinances were not adopted on the local level after the special acts were put into place. Am I correct in that?

REP. MEYER: (135th)

No, what I think what I --

SPEAKER VAN NORSTRAND:

Through the Chair, madam.

REP. MEYER: (135th)

Through you, Mr. Speaker, what I was trying to indicate was if a special act had been passed and then was not included in a charter that was later on adopted under the home rule act, these special acts would still be in effect. They would be not negated.

SPEAKER VAN NORSTRAND:

Rep. Nardini.

REP. NARDINI: (115th)

Thank you, Mr. Speaker. Mr. Speaker, through you another question then. I assume that this piece of legislation would affect those fire districts that I just

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referred to under special act, that are operating under home rule ordinance.

REP. MEYER: (135th)

If they are operating under a home rule ordinance they would be affected.

SPEAKER VAN NORSTRAND:

Rep. Nardini.

REP. NARDINI: (115th)

Thank you, Mr. Speaker.

SPEAKER VAN NORSTRAND:

Thank you, sir. Will you remark further?

REP. NYSTROM: (46th)

Mr. Speaker.

SPEAKER VAN NORSTRAND:

Rep. Peter Nystrom.

REP. NYSTROM: (46th)

Thank you, Mr. Speaker. A question, please to Rep. Meyer.

SPEAKER VAN NORSTRAND:

Please frame your question, sir.

REP. NYSTROM: (46th)

Thank you, Mr. Speaker. Am I to understand that with the adoption of this bill, that not only towns such as Norwich could call for a charter revision commission

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for the explicit purpose of changing just one part of their charter.

REP. MEYER: (135th)

Through you, Mr. Speaker.

SPEAKER VAN NORSTRAND:

Rep. Meyer.

REP. MEYER: (135th)

That is possible.

REP. NYSTROM: (46th)

Thank you, one more question.

SPEAKER VAN NORSTRAND:

Please proceed.

REP. NYSTROM: (46th)

Thank you, Mr. Speaker. You were speaking about the adoption of a resolution. The City of Norwich, the City Council adopts many resolutions. If they were to adopt a resolution or change in the charter, would that now not require a majority vote of the voting people in the City of Norwich?

SPEAKER VAN NORSTRAND:

Rep. Meyer.

REP. MEYER: (135th)

Mr. Speaker, through you, the section that I was discussing concerned resolutions adopted before 1982

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when the bill had been changed, which resolutions were really a substitution for a home rule ordinance. In other words, they were a home rule resolution where in many towns they, narrow difference between what is a resolution and what is an ordinance.

Some towns adopt them in different ways. Other towns do not, but what we were doing here was grandfathering in those which had been done before 1982.

REP. NYSTROM: (46th)

Thank you.

SPEAKER VAN NORSTRAND:

Rep. Nystrom.

Will you remark further?

REP. OSLER: (150th)

Mr. Speaker.

SPEAKER VAN NORSTRAND:

Rep. Dorothy Osler.

REP. OSLER: (150th)

Yes, I'm going to support this bill. Vehemently, I guess I could say. In fact, the whole Greenwich delegation is very happy now with this bill as amended. Our town had some significant problems and charter commission that was established was not able to have its recommendations put on the ballot because our town

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Thursday, May 9, 1985

attorney felt that the law we passed last year or the year before would make the entire charter put on to the ballot, and our so-called charter is really a collection of special acts which do not all conform with state law the way it is now, because some of these are quite old, so that we were not able to take to the voters the recommendations to change our charter as had been expected to be done last fall.

So this, with these changes, I believe that we now can do that, just put on the changes and any other town can also do this. Ours was one of several that was rather deeply affected, so I'm happy to vote for this.

REP. CIBES: (19th)

Mr. Speaker.

SPEAKER VAN NORSTRAND:

Rep. William Cibes.

REP. CIBES: (19th)

Thank you, Mr. Speaker. I appreciate very much the enlightened comments, enlightening comments of Rep. Meyer and Rep. Osler, and just as I understand Rep. Osler's comments in the Town of Greenwich, there are certain old charter provisions which no longer fit in the context of the general statutes.

These substantive charter provisions then are not

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House of Representatives

Thursday, May 9, 1985

affected by this bill. The bill only reflects procedural matters. It only deals with procedural matters by means of which the charters can presently be changed. Through you, Mr. Speaker, to Rep. Meyer is that, is my understanding correct?

REP. MEYER: (135th)

That is so, sir. Through you, Mr. Speaker.

REP. CIBES: (19th)

Thank you very much, Mr. Speaker.

SPEAKER VAN NORSTRAND:

Thank you, sir. Will you remark further? Will you remark further on the bill? If not, will staff and guests please come to the well of the House. The machine will be opened. The Clerk will please announce the pendency of a roll call for the benefit of the members not presently in the Chamber.

CLERK:

The House of Representatives is now voting by role. All members please return to the Chamber immediately. The House of Representatives is now voting by roll. All members please return to the Chamber immediately.

SPEAKER VAN NORSTRAND:

Have all the members voted? Have all the members voted? If so, the machine will be locked and the Clerk will please take a tally.

The Clerk please announce the tally.

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House of Representatives

Thursday, May 9, 1985

CLERK:

Senate Bill 154 as amended by House "A".

does	Total number voting	139
die	Necessary for passage	70
an	Those voting yea	138
vic	Those voting nay	1
non	Those absent and not voting	12

SPEAKER VAN NORSTRAND:

The bill as amended is passed.

CLERK:

Calendar No. 573, substitute for Senate Bill 826, File No. 512, "AN ACT CONCERNING THE DISPOSITION OF SEIZED PROPERTY", as amended by Senate Amendment "A".  
Favorable Report of the Committee on Judiciary.

REP, WOLLENBERG: (21st)

Mr. Speaker.

SPEAKER VAN NORSTRAND:

Rep. William Wollenberg.

REP. WOLLENBERG: (21st)

Mr. Speaker, I move acceptance of the Joint Favorable Report and passage of the bill in concurrence with the Senate.

SPEAKER VAN NORSTRAND:

The question is on passage in concurrence with the Senate. Will you remark, Sir?

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GEN. ASSEMBLY  
SENATE

PROCEEDINGS  
1985

VOL. 28  
PART 6  
1771-2143

SENATE

WEDNESDAY  
MAY 1, 1985

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THE CHAIR:

Any objection to placing on Consent? Hearing no objection, the item is placed on the Consent Calendar.

THE CLERK:

Page 8, Calendar 358, Substitute for Senate Bill 154,  
File 510, AN ACT CONCERNING THE FORM OF PROPOSED MUNICIPAL  
CHARTER AMENDMENTS, Favorable Report of the Committee on  
Planning and Development.

THE CHAIR:

Senator Consoli.

SENATOR CONSOLI:

Mr. President, I move acceptance of the Committee's  
Favorable Report and passage of the Bill.

THE CHAIR:

Will you remark?

SENATOR CONSOLI:

Yes. The Bill before you corrects a severe problem.  
In the current state statutes which fail to provide for a  
charter amendment, without requiring the entire charter to  
be subjected to revision. A number of municipalities have  
had problems in that they were unable to amend their charters  
under the present law.

This Bill permits amendments to the charter. And Mr.  
President, if there be no objection, I move to the Consent

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SENATE

WEDNESDAY  
MAY 1, 1985

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Calendar.

THE CHAIR:

Objection? Hearing none, the item is placed on the  
Consent Calendar.

THE CLERK:

Page 8, Calendar 359, Substitute for Senate Bill 174,  
File 531, AN ACT CONCERNING THE LENGTH OF TIME A BANK MAY  
HOLD CHECKS, Favorable Report of the Committee on Banks.

THE CHAIR:

Senator Eaton.

SENATOR EATON:

Yes Mr. President. I believe there's an Amendment.

THE CHAIR:

Clerk has an Amendment. Clerk please call the--move  
the Bill please.

SENATOR EATON:

Yes Mr. President, I move the Joint Favorable Report  
and urge passage of the Bill.

THE CLERK:

Senate Amendment, Schedule A, LCO 6034, introduced by  
Senator Eaton.

THE CHAIR:

Senator Eaton.

1985 GENERAL ASSEMBLY

SENATE

WEDNESDAY  
MAY 1, 1985

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return to the chamber.

THE CHAIR:

Will everyone please give their attention to the Senate Clerk who will call those items that have been referred to the Consent Calendar?

THE CLERK:

Page 2, Calendar 167--I'm sorry, page 2, HB 5603 Calendar 154  
SB 737 SB 609 HB 5712  
and 167. Page 3, 273; page 4, Calendar 286. Page 5,  
HB 7269 HB 6134 SB 892 SB 214  
Calendar 296 and 324; page 6, Calendar 335, 341. Page 7,  
SB 819 SB 619 SB 154 SB 174 SB 848  
Calendar 342. Page 8, Calendar 355, 358, 359 and 360.  
HB 6438 HB 7784 HB 5562  
Page 10, Calendar 373, 377, 381. Page 11, Calendar  
HB 7435 HB 7651 HB 7775  
385, 386. Page 12, Calendar 395.

THE CHAIR:

Are there any changes, any omissions? Senator Kevin Johnston.

SENATOR KEVIN JOHNSTON:

Mr. President, on page 4, at the bottom of the page, HB 5712 Calendar 286, I don't want to debate it, but I would like a separate vote on that please.

THE CHAIR:

Calendar 286 is being taken--is deleted from the Consent Calendar and it will be taken up as an individual Bill. Any other changes or omissions? We're now taking up

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SENATE

WEDNESDAY  
MAY 1, 1985

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the Consent Calendar with that exception. The machine is open. Please record your vote. Senator, this is the Consent Calendar. Has everyone voted? Senator Larson, Senator Scott, Senator Schoolcraft, Senator Scott, Senator Schoolcraft. The machine is closed. Clerk please tally the vote.

The result of the vote:

34 YEA

0 NAY

The Consent Calendar is adopted. Senator Schoolcraft do you wish to be recorded?

SENATOR SCHOOLCRAFT:

I missed the vote. I would like to be recorded in the affirmative please.

THE CHAIR:

The record will so note that Senator Schoolcraft is being--wants to be recorded in the affirmative on the Consent Calendar. Will you please remain in your seats. We have another item that we're going to take up individually that Senator Kevin Johnston wishes to have a vote cast on an individual basis. You may proceed. Senator Larson.

SENATOR LARSON:

Thank you Mr. President. On a Point of Personal Privilege and information for our colleagues in the Circle,

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CONNECTICUT  
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SENATE

PROCEEDINGS  
1985

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PART 8  
2468-2822

1985 GENERAL ASSEMBLY

SENATE

\_U DAY  
MAY 14, 1985

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SENATOR MORANO:

Mr. President, the Amendment removed the provision concerning the Branford Trolley Line Museum from the DPUC to DOT. There are no trolleys in the State of Connecticut and the Amendment struck out line 685 to 725 exclusively in their entirety and renumbered the remaining sections. This Bill had no objection in the Department of Public Utility Control and they support the Bill. It's a clean-up Bill. If there is no objection, I move acceptance of the Bill as amended by House Amendment A and move it to the Consent Calendar.

THE CHAIR:

Is there any objection to placing this Bill on Consent?  
Is there any objection? Hearing none, so ordered.

THE CLERK:

Page 19, Calendar 358, Substitute for Senate Bill 154,  
File 510 and 829, AN ACT CONCERNING THE FORM OF PROPOSED  
MUNICIPAL CHARTER AMENDMENTS, as amended by House Amend-  
ment, Schedule A.

THE CHAIR:

Senator Consoli.

SENATOR CONSOLI:

Mr. President, I move acceptance of the Bill as  
amended by House Amendment A.

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SENATE

TUESDAY  
MAY 14, 1985

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THE CHAIR:

Will you remark sir?

SENATOR CONSOLI:

Mr. President, this Bill as amended requires that only proposed charter amendments be published rather than the entire charter. It permits a way by which charters may be amended rather than be subjected to entire charter revisions. The Amendment put on by House A is a good Amendment. It is the Committee's--the Planning and Development Committee's original language and they removed reference to Chapter 99 and put in explicitly that such charter amendment will not be inconsistent with state statutes which is a good move and I move passage of the Bill.

THE CHAIR:

Would you like to move it to the Consent Calendar, Senator?

SENATOR CONSOLI:

I move to the Consent Calendar if there is no objection.

THE CHAIR:

Is there any objection to moving this Bill or placing this Bill on the Consent Calendar? Hearing none, so ordered.

Mr. Clerk.

THE CLERK:

Page 19, Calendar 364, Substitute for Senate Bill 826,

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SENATE

TUESDAY  
MAY 14, 1985

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HB 7030 SB 336  
Calendar 535; page 17, Calendar 121; page 18, Calendars  
SB 95, SB 867, SB 803, HB 7269 SB 619, SB 720, SB 154  
169, 179, 217, 296; page 19, Calendar 355, 357, 358 and  
SB 826  
364.

THE CHAIR:

Any changes? Any omissions? The machine is open.  
Please record your vote. Has everyone voted? Senator  
Gunther. The machine is closed. Clerk please tally the  
vote. The result of the vote:

36 YEA

0 NAY

The Consent Calendar is adopted. Any announcements?

Senator Smith. Senator Harper wishes to be recognized.

Senator Harper.

SENATOR HARPER:

I rise for a Point of Personal Privilege Mr. President.  
A meeting originally scheduled tomorrow morning at 10:00 A.M.  
of the Internship Committee has been changed to 11:00 A.M.,  
and I believe some members did not get the second notice.  
Thank you.

THE CHAIR:

Thank you. Further announcements? Senator Morano.

SENATOR MORANO:

Mr. President, there'll be a meeting of the  
Transportation Committee members at 12:30 P.M., in Room

JOINT  
STANDING  
COMMITTEE  
HEARINGS

PLANNING &  
DEVELOPMENT  
PART 2  
335-610

1985

MR. CADY: (Continued)

to as sources of supply for both materials and talented workers. We heartily support this legislation.

Thank you.

SEN. CONSOLI: Thank you. Any questions? Thank you, sir.  
Jim Finley.

MR. JAMES FINLEY: Rep. Meyer, Sen. Consoli, members of the Committee, my name is James J. Finley and I'm here tonight representing the Connecticut Conference of Municipalities.

I'd like to speak first to Committee Bill 154. CCM is concerned that this proposal does not adequately address the problems inadvertently created by the 1981 revisions to the Statutes, which became effective in 1982.

Committee bill 154, by restoring the pre-1982 concept of an amended charter and home rule ordinance, clarifies that only amendments to an existing charter or home rule ordinance, not the whole charter or home rule ordinance, be published and presented to the voters. These are good and necessary changes, however, they do not go far enough.

The Commission on Local Government in 1981 inadvertently recommended that 7-188 of the General Statutes be amended to provide that adopted or amended charters "shall not be inconsistent with the Constitution or General Statutes". This oversight is carried over in lines 25-1/2 and 26 of Committee Bill 154. 7-192 of the General Statutes currently provides that every charter or home rule ordinance in effect on October 1, 1982 shall continue in effect until repealed, superceded, or revised by the adoption of a charter, revised charter, or revised home rule ordinance.

Committee Bill 154, though restoring the concept of an amended charter, would continue this requirement. And would require that all sections of an amended charter not be inconsistent with the General Statutes. The interface between section 7-188 and 192 of the General Statutes is a problem not addressed by Committee Bill 154.

MR. FINLEY: (Continued)

Many, if not all local charters contain provisions inconsistent with the General Statutes. CCM is greatly concerned that by continuing this unintentional consistency test, cities and towns will continue to put needed charter revisions on hold. Committee Bill 154 should at least be modified to delete the consistency requirement and allow case law and specific state statutes to continue to guide local governments during charter revision. It has worked well in the past and will work well in the future.

In fact, CCM and the Connecticut Public Expenditure Council have developed language to deal with this problem. Donald Goodrich representing CPEC will present this language to you in his testimony.

CCM would also like to take this opportunity to underscore our support for modifications to the Housing Site Development Grant Program. Proposed H.B. 7476, identical to H.B. 7167, would redefine the current Housing Site Development Grant Program to (1) include mixed income projects, (2) extend grant eligibility to the private market and (3) provide in both cases that 50% of such units are affordable to and occupied by low and moderate income persons.

CCM believes that the proposed modifications to this program, a program beneficial to municipalities of all sizes, would increase affordable housing opportunity from low and moderate income persons. I'd be pleased to answer any questions from the Committee.

REP. MEYER: Thank you, Mr. Finley. When you say you wish to delete the consistency section for the charters, I understand what you are saying as far as the charter itself is concerned. However, your amendment, your new work on the charter, that section would have to be consistent with the state statutes.

MR. FINLEY: I think the real issue is that the way the case law is now, is that organization and structure is best left to local governments, unless there is a specific state statute that provides notwithstanding any charter provisions, and really details a community and how a community should organize itself. I think that inadvertently

MR. FINLEY: (Continued)

by carrying this consistency language through, that in effect we're going to really make municipalities think twice before they revise their charters and even consider the validity of present provisions in their charters. Because the case law would no longer control, this would require that everything in the charter be consistent.

REP. MEYER: Yes. I follow your consistency as far as our old charters go and the fact that they would not wish them to be changed. But I want to make certain that we keep in that any new amendments would be consistent with the state charter. Otherwise you would be giving your localities an opportunity to really do contrary to what is in state law.

MR. FINLEY: Well, I think the thing to consider is that there is case law and specific statutes already out there. This language has only been in effect since 1982. Prior to this, this language was not included in the statute. So, in effect, the only substantive change was made inadvertently by adding this language. If you want to go back to the way it was before, and case law would control which things a municipality could do that are inconsistent with the state statutes and those that they could not, the best thing to do would be to delete this language.

REP. MEYER: But if you delete this, and you cannot delete it completely without then saying that in your amendments you could also be contrary to state statutes. So you would have to delete it for the old part of the charter and keep it in for the new amendments.

MR. FINLEY: I think one of the problems with that is if you have an older provision in your charter, and you want to change an and to an or, does that constitute an amendment to the charter and would in effect throw out that old provision of the charter that might be inconsistent with the General Statutes. That's one of the things we're concerned about.

REP. MEYER: Well, what I'm trying to get at is that you are talking, we're talking here, primarily about amendments to the charter which would not perhaps would simply add

- REP. MEYER: (Continued)  
or change numbers or something of that sort. But I am saying what you put in new from now on must be consistent.
- MR. FINLEY: If that's the way it's deemed to be now, I think the thing, it's a complicated subject and really the only point I'm trying to make is that if municipalities can have enacted such provisions in the past under the law and have passed the test of law, that they should continue to do so. And that this new language should not substantively limit their rights to do so. And that's the only concern that I have.
- REP. MEYER: I agree. The problem was that it went back and touched things that were not even being amended and this is what we wish to protect against. But if we remove all reference to consistency, other than for those parts that are not being touched, then we have a problem.
- MR. FINLEY: Well there are other case laws and there are other statutes that speak to consistency under the General Statutes and the Constitution. We're not seeking to expand municipal authority. We only want to maintain their authority to do the things that they have always been able to do. And our fear that if this consistency language continues, that will in fact limit and not maintain the authority of local governments to make charter revisions.
- SEN. CONSOLI: Any other questions? You mentioned line 23 through 25-1/2?
- MR. FINLEY: 25-1/2 and 26. Shall not be inconsistent with the Constitution or General Statutes.
- SEN. CONSOLI: And you don't like that language, shall not be inconsistent with the Constitution or General Statutes?
- MR. FINLEY: Before October 1, 1982, it was never in this section of the statutes. It was only used to modify amendments to the home rule ordinance and not to the charter amendments.
- SEN. CONSOLI: Okay, thank you.
- MR. FINLEY: Thank you.

SEN CONSOLI: Gil Leslie, please.

MR. GIL LESLIE: Sen. Consoli, Representatives, Staff, Ladies and Gentlemen, thank you for coming to Waterbury. It makes it much easier to get to you. My name is Gil Leslie, I am the Mayor and Chairman of the Cheshire Town Council. And I'd like to thank Mr. Finley, he kind of came in with some technical data and talked about statutes. I'm going to speak to you, I think, as a layman and I do have a prepared statement.

In February 1984, the Cheshire Town Council appointed a nine member Charter Revision Commission. The purpose of this appointment was no different that that of past Cheshire Charter Revision Commissions which was to revise the existing town charter such that it would be a more up-to-date and contemporary document. Although the Town Council charged the Commission to look at and report back on certain specific areas or chapters of the present charter, there were no boundaries established and we the Town Council knew that the entire charter would be subjected to review.

Today, over a year later and after more than twenty sessions including meetings, workshops and public hearings, the final report of the Charter Review Commission has been received and reviewed and was accepted unanimously at a special meeting last wednesday night by the Cheshire Town Council. While the report does indeed recommend many changes to our charter, it by no means calls for a total revision and, in fact, most sections are left intact.

Under the Home Rule Act, only two major steps remain to the charter revision process in Cheshire other than the final recording of the revised charter with the Secretary of State. The first will be accomplished within the next week or two, namely, the publishing and advertising of the revised charter in the newspaper. And I can assure you I'm not here wasting your time and mine to discuss this aspect of charter revision. It is the last step in the process, namely, the submission of the charter to public referendum, that has me, the Town Council and the Charter Revision Commission concerned enough for me to speak to you tonight.

MR. LESLIE: (Continued)

I am not a lawyer or an expert on public law and administration. But I can read and I do listen to my town attorney and frankly, ladies and gentlemen, what I've read and heard makes me extremely reluctant to put the revised charter of the Town of Cheshire out to referendum until you the legislative bodies of the State of Connecticut have undone, revised or amended the changes made last session to the Home Rule Act.

It is my layman's understanding of the current Home Rule Act, that (1), it is no longer acceptable to put revisions only out to referendum but instead the entire charter must be placed on the ballot; and (2) should one section of the charter fail at referendum there is considerable opinion floating around that this failure could void the entire charter leaving the municipality with no legal organization of government or constitution if you will. Risk of this circumstance occurring should, of course, be totally unacceptable to any thinking municipal official in my opinion.

The obvious immediate answer is "don't put the revised charter out to referendum". But what happens to the potential of improving the administration of the municipality's business as contained in the charter revision? What happens to proposed revisions that will bring the operation of the town's business into harmony with federal and state law? What happens to municipalities such as Cheshire who depend on the willingness of citizens to voluntarily get involved and devote hours and hours of time and service to the revision process and have every reason to believe that their labors will produce a better charter? And how are the interests and concerns of the public served when having watched and read about the process, there is no finality but instead only frustration at not being able to choose approval or disapproval at the polls?

Ladies & gentlemen, the expenditure of hundreds of person-hours in the production of nothing only sows the seeds of apathy in elected officials, professional administrators, volunteers to municipal boards, commissions, committees, and so forth, and in the public by whose consent we all serve.

MR. LESLIE: (Continued)

I urge that you return the Home Rule Act to its previous form or alter it so that the potential risks and frustrations I have mentioned are removed as expeditiously as possible. This will allow many of the municipalities of this state who are currently in or considering the charter revision process to get on with their business. Thank you.

SEN. CONSOLI: Thank you. Any questions for Mr. Leslie? I have one. Specifically, Committee Bill #154, does that do it?

MR. LESLIE: Unfortunately, I received my first copy of that this evening. I don't know. But I do intent to get it back and get some people really looking at it. The two provisions that I talked about, the potential failure of one revision at referendum causing a whole charter to go down the tubes, is unacceptable and I understand that there is some legal opinion out there that that could occur. And that, by the way, that as I'm sure you all are aware, has been written up in many of the newspapers.

Also, and again, I'm speaking to you not as an expert but I'm speaking to you as a layman, I hope that we would only have to put amendments or revisions to the charter out for referendum rather than the entire charter.

REP. MEYER: This was the very purpose for which this bill was written. There was never any intention that a full charter would have to go up every time an amendment was made.

MR. LESLIE: I understand that.

REP. MEYER: And there also was never any intention that if the amendment failed, that the whole charter would then be in jeopardy. I think it is the way some attorneys are reading some of the language. We had asked our legal counsel to draw this bill in order to take care of those problems. And I assume that it is as the attorneys read this that we will see whether or not it is really as clear as we hope it is. But it is our intent at the present time to definitely clarify those two issues.

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MR. LESLIE: In that case, I wholeheartedly support the bill.

SEN. CONSOLI: Any further questions? I assume after you read it, you will let us hear from you.

MR. LESLIE: We'll try to get to you.

SEN. CONSOLI: Okay, thank you. Frank Primus.

MR. FRANK PRIMUS: Mr. Chairman, Planning & Development Committee, my name is Frank Primus and I'm from Wolcott, Connecticut. I'm a private citizen and I'd like to speak against bill #7256.

I object to the manner of selecting zoning board members whereas this bill, the latter part of it, says planning commissions, zoning commissions and combined planning and zoning commissions shall be chosen in a manner consistent with the manner of selection of regular members as the municipality may, by ordinance, establish. I do not like that last sentence. As the municipality may, by ordinance, establish.

In the Town of Wolcott right now we have a hodgepodge we have a big problem with our zoning board and legislation is certainly in order, but not this legislation. It will not correct our problem. Our problem is that we have 5 members on the zoning board and these members are serving without term. If I read the state statutes right, I think that they dictate that zoning board members shall serve with staggered terms. And our charter also says that they shall be appointed according to state statutes pertaining to term. They were not.

In the middle of an administration, for political reasons and vendettas and so on that goes on in the political arena, 5 members of the zoning board arbitrarily were cut off, were fired, right then and there - people with longevity, 10-12 years, many years on the zoning board. Five brand new people were put on off the sidewalk. No experience in zoning whatsoever.

And I happen to be one of the victims caught in this net of political byplay. It cost me many thousands of dollars and plenty of ulcers. State statutes were not

MR. PRIMUS: (Continued)

The only protection we have is if you put some teeth in there. We realize that you can't put, the teeth can't be too severe, then no one will serve on the boards. But something to say possibly that if the statutes are not adhered to all actions would be null and void or something that you people have to come up with. But certainly give us a little protection. This is only one section that we're talking about here. I could talk about other sections in the charter that the officials pay no attention to the individual and we have no recourse, except the courts. And the courts are nothing, you can't depend on the courts. They are too lengthy, too expensive. So I hope that you people will address this matter and other matters pertaining to a little protection for the public, pertaining to having municipal heads and bodies adhere to the state statutes. Thank you, any questions?

SEN. CONSOLI: Thank you, any questions? You do not disagree, then, with the concept of providing alternates for the planning commissions, zoning commissions.

MR. PRIMUS: Providing? I object with the provision that you're letting it up to the municipality to determine in what method, I would like to see that continuity. I think the zoning board is one of the most important boards that we have, other than the aldermen or the council, or even part. And by taking five people off the street like we did in Wolcott, I think deserves a lot of legislative attention.

SEN. CONSOLI: Okay, thank you. Don Goodrich. Now, of course

MR. DONALD GOODRICH: Sen. Consoli, Rep. Meyer, my name is Donald Goodrich. I am Vice President of the Connecticut Public Expenditure Council, a non-profit, non-partisan, private municipal consulting and state consulting organization. We have been very active in the field of Home Rule in the past 25 years, since Connecticut's Home Rule law was first adopted.

I'm here this evening to present our viewpoint on Raised Committee Bill #154 to present some positive comments but also to say basically that we do not think it goes far

MR. GOODRICH: (Continued)  
enough in alleviating the problems that were inadvertently created by the Local Government Study Commission back in 1980 and 1981 and I will admit at this point in time that I was a member of that Commission. We made changes that we thought were good at the time, but in practice have turned out to be not so good.

We generally support the concept of the bill. We support the change back to the concept of amendment. We think that is a good change because the questions that have surfaced around the state as to whether or not the entire charter must be presented to the voters every time an amendment is made, whether or not the entire charter must be published, are serious questions. And there is a rather broad viewpoint across the state among town attorneys that this is what the law says and that this is what must be done. It clearly, in my opinion as a member of that Commission, was not the intent of the Commission to force those kinds of actions.

In fact, as you read through some of the changes made in 1981, we strengthened the concept of amendments of separate questions going to the voters and yet in the same instance we turned around and said the revised charter shall be presented to the voters. There is a problem within that section right there.

My main purpose for appearing tonight, however, is not the question of the amendments and publication and the submission to the voters. It revolves around what Mr. Finley has already approached and that is the question of the fact that charter shall not be inconsistent with the Constitution or General Statutes. Now, of course, it goes without saying that a charter can never be inconsistent with the Constitution. The issue of inconsistency with statutes, however, is another matter.

It's an area that the Supreme Court has recently looked at, the first time back in 1979. And the court and the decision in 1979 clearly said that this is the first time that they had really looked at the issue of Home Rule. In 1979 and in subsequent decisions to that date, the Supreme Court has basically laid down a philosophy that has said that in areas of purely local concern, that a

MR. GOODRICH: (Continued)

charter most logically answers the local needs of a municipality. And that it ought to be that way, upon the principle that the municipality knew better what it wanted and needed than the state legislature. And I think this is a very important principle. We are not talking here about the powers of a municipality. It is clear that municipalities have only those powers granted to them by you, the General Assembly. What we are basically talking about here is how municipalities shall be organized and how they shall be structured. What form of government shall they have. Shall it be a selectman, town meeting, board of finance, which is the traditional Connecticut Home Rule government. Or may it be a limited town meeting, or may it be no board of finance, or may it be a board of finance that only has certain duties pertaining to the budget. Or may it be a council manager government or a mayor/council government or a representative town meeting government.

Organization and structure. Nothing dealing with additional powers more than you have granted, only in how those powers shall be carried out. The state Supreme Court has also clearly laid out the principle that in areas of statewide concern the charter must yield to the superior power of the state. And I think we saw this very recently in the situation in the Town of Shelton over the issue of a landfill. The charter, how it said certain things, the Supreme Court said sorry this is an area of statewide concern and therefore the state shall step in and the state law shall prevail over the charter.

At the same time we were adding the caveat that charter shall not be inconsistent with General Statutes and we did do that with a certain degree of knowledge because we have a second point that we were going to carry out and that is that the Local Government Commission planned to go through the many, many municipal statutes and where it was clear that these were issues, at least as I recall and in my opinion I should say I can't speak for the entire membership of the Local Government Commission, but where it was clearly felt that these issues were not of an overriding statewide concern, that a phrase to the effect of except as otherwise provided by charter or special act, each municipality shall do to the following.

MR. GOODRICH: (Continued)

And we never followed through on that. We were embroiled in some other issues, we just ran out of time and I think to a certain degree we ran out of interest. In effect, I would say we put the cart before the horse. We said the charter shall not be inconsistent with state statutes and then we never went back and said okay, which statutes may a charter be inconsistent with. And as you perhaps read through the charter and statutes today, you will find instances where in more recent days the General Assembly has added that very language, except as otherwise provided by charter or special act, municipalities must do such and such.

I think it's clearly there in the Supreme Court, the intent, the concept of Home Rule. It's there is some of your more recent actions, but there are many, many statutes going back to the 40s, 30s, and 20s, that do not have this proviso. One in question, I mention specifically in my comments, is the issue of how a budget shall be prepared.

In our statutory language requirements of how budgets should be prepared and to whom they shall be presented and when and yet I would submit that probably everyone of the 105 municipalities that have a charter and perhaps very likely the 2 municipalities that are reviewing whether or not they want a charter to date, have a procedure that does not follow section 7344 of the statutes. And if the Home Rule law were read in a very strict interpretation today, every budget adoption process in the state might possibly be found to be in violation. And I would submit that every charter in the state, bar none, has something in it that does not strictly conform to the state statutes and therefore I submit that some one if they wanted to, could probably make a court test of any charter in the state as to its validity, taking the very strict interpretation of the way the law currently reads.

We provided to the Committee last January some language that Mr. Finley, from CCM, myself and the assistant town attorney in Greenwich thought might take care of the problem. It's appended to my remarks, it's the last page. It was a series of definitions. Specifically,

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MR. GOODRICH: (Continued)

we tried to define what Home Rule action would be and then in lieu of repeating charter or amended charter or revised charter or anything like that throughout the statute, all that would have to be repeated would be the phrase Home Rule Act.

I would hope that that is something that you might go back and take another look at, and that that might prove to be the salvation of the problems raised by the presidency council in Cheshire and the town attorney in Greenwich, who is here tonight and who will be speaking to you shortly.

I would add that there are now, I believe by my count anyway, 17 municipalities in some stage, either initial charter adoption or charter revision. My own town is one of them. We do a lot of consulting with these commissions and assisting them in preparing their charters. I have told and informed them all that they should be very careful in what they are doing this year until the General Assembly acts because I think there are serious ramifications possible if someone takes a court tests and the Supreme Court has to rule that yes charters must be consistent with state statutes.

I would make reference, Rep. Meyer's comments to Mr. Finley and I would say as far as I am concerned that the removal of the proviso that amendments not be inconsistent with charters has got to be also. I am talking now about my own town, for instance, discussing amending again the manner in which we adopt the budget. This would be an amendment to the charter. I don't believe how my town adopts a charter is of particular statewide concern. That we have a budget, yes. That we adopt a budget in a timely manner is of some statewide concern, but just the exact procedure of how we do it, I don't believe is a matter that is of overriding statewide concern.

And therefore, I would submit that amendments, again, which touch on organization and structure, the way a town governs itself, how it is structured, how it carries out the responsibilities that it must carry out, ought to be able to be established by the charter in a manner which the Supreme Court has said best meets their own needs and purposes.

MR. GOODRICH: (Continued)

I would also, in closing, just state that the change in the law also to remove the second public hearing, we would disagree with the public hearing that is being eliminated from the Home Rule law. If you do eliminate one of the public hearings, we would suggest it be the first public hearing and not the second public hearing. The second public hearing, basically, is that public hearing which is held on the suggested changes or the actual proposed charter that is going to be given to the appointing authority. Yes, there are two public hearings basically back to back, but one is before the commission and the commission has the right to change its work prior to the delivery of its report to the appointing authority.

I would also grant that attendance at public hearings is low, but I also would submit that having two public hearings doesn't do anybody any harm and in certain instances around the state, there have been rather large turn outs at both of those public hearings. So if I had my druthers, I would leave them both in and not eliminate either one. I thank you for your attention. I certainly would be happy to take any questions which you might have.

SEN. CONSOLI: Thank you. Do we have any questions?

REP. MEYER: We had asked our attorney to draft this to try to take care of the proposals that were brought to us by the various towns. You feel, then, that while this takes care of the separation of, being able to do amendments separately from the whole charter, being able to publicize only the amendment, that you do not feel it does tackle the consistency problems sufficiently to take care of problems of towns such as Greenwich.

MR. GOODRICH: I really believe that, Rep. Meyer. I can see where the changes are very good. They have eliminated the problems that immediately surfaced on the publication and how the amendments or the charter should be presented to the voters. But I think the big problem is the inconsistency language. There are just so many as you have a chance to go through my comments. I've just touched on some of the areas that we as a matter of routine

MR. GOODRICH: (Continued)

hold together when we give a package of material to Charter Revisions Commissions. There is nothing in the statute, for instance, dealing with initiative and referendum. Issues which the GAE Committee took up this morning on a statewide basis. But they are replete in municipal charters. There are many, many provisions. They are all different. There is no charter in the state that you could pick up and read and find the exact charter in another town. Charters are very much tailor made to each individual municipality and I think it would be a shame to, as we have inadvertently done, because we did not carry out that second step of them going back and saying this is an area where you can deviate, this is an area where you can't. It's up to the courts and I think they've outlined pretty well to date where those statewide concerns are. And I don't think there's questions, for instance, in things like planning and zoning, zoning board of appeals, boards of tax review, they are quasi-judicial legislative bodies.

It's in how many members of a board may you have. Must they be elected? Can they be appointed? It's things like that. It's protecting, for instance, all those many, many charters which originally were special acts which the General Assembly granted many, many years ago, with very, very unique provisions. The City of Hartford, for instance, the City Council having the right to throw any elected official out of office by a two-thirds vote. It's a recall, but it's not a recall because it's a simple vote of the legislative body. You won't find that anywhere in the statutes. They've had it, the General Assembly saw fit to give it to them way back in 1947. And its these, all of these questions have surfaced since the law took effect and I would admit and I think you would too that we asked for comment and input, we didn't get it. So we didn't foresee, I think perhaps, the problems that have now surfaced.

REP. MEYER: Thank you very much. Perhaps we can have our counsel get in touch with you because he did not seem to feel that when I had given him these that it was necessary to include the definitions.

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MR. GOODRICH: I have taken the liberty of submitting the bill to several, I think, rather prominent municipal attorneys and to a person so far they have all responded back that yes, there could be very, very serious problems if the court takes the two basic facts into consideration, which they generally do. One is that the General Assembly is presumed to always know what it is doing in its relationship with laws already on the books. Number two, the courts generally look to the last legislation passed, and this is the last legislation passed. And therein I feel there are serious ramifications that must be looked at.

REP. MEYER: Thank you very much. We appreciate all the work you've done on this and we will certainly do our best to revise it before we --

MR. GOODRICH: Thank you very much.

SEN. CONSOLI: Tom Carusello.

MR. THOMAS CARUSELLO: Good evening. First of all, I'd like to thank you all for coming to Waterbury to hear some of the concerns of the people here.

HB 6422

My name is Tom Carusello. I am a Friend of Nichols Drive and I am here representing the residents of the neighborhoods. I am going to address myself to a few things tonight. First is the pressing need for an enterprise zone in the Brooklyn section of Waterbury. I was born in Brooklyn and at that time it was an active community with thriving businesses. It all began to change when the area was devastated by the flood of 1955. The section was never really able to fully recover from that and it's problem were compounded by the dislocation of homes and businesses to make way for I-84. Brooklyn faced harder times than many other sections of Waterbury during the 1960s and 1970s. But the 1980s has brought with them a new sense of spirit and community in the area.

During the past few years we've seen new businesses crop up and homeowners spruce up as residents have rekindled the spark of pride in their community. They are now asking only for the chance to finish the work they have started.

MR. CAMERON: (continued)

to best benefit from the program, the other side of the Naugatuck River should also be included in this zone, census track 3506, which is known as the south end. I would like the opportunity for our committee, the Brooklyn Committee, to come -- to become more involved in a more detailed presentation to a group of just what type of job expansion can be expected, just what type of interest there is in our area. I thank you for coming here tonight and hearing this matter about Rep. Cappelletti's bill and I thank her for proposing it.

SEN. CONSOIL: Thank you. Are there any questions? John Meerbergen.

ATTORNEY JOHN MEERBERGEN: <sup>SB 154</sup> Good evening. My name is John Meerbergen. I am the town attorney for the Town of Greenwich. I've come up here this evening, I wanted to keep my presentation very short, and to make a point about the present language of the bill as it has been drafted or proposed. I'm not going to repeat everything Mr. Goodrich said. There are some comments that he has attacked from one of my assistant town attorneys, Mr. McCawley, to him. I think that clearly sets forth some of the concerns that the Town of Greenwich has, as well as many of the municipalities have throughout the state.

Additionally, this very same topic came up at a meeting of several Fairfield country attorneys earlier today, which we met to discuss some various issues and how they effect our municipalities. I do not believe the language, as drafted, is adequate. I say that and I have the responsibility within my own department of reviewing certain language in certain work products, and therefore, I am going to ask the committee to review the comments of Mr. McCawley, to review the comments of Mr. Goodrich, which we are in support of, and to try to change that legislation so when it's drafted in a more appropriate form.

I also offer the assistance of our office, our attorneys to assist you, because I think the last thing anyone wants is to have a statute that comes out of the legislature that raises questions or issues that could have been clearly defined at this stage. It was our department, I think, or town, that saw the issue and it was a question

ATTY. MEERBERGEN: (continued)  
of what the legislature meant or intended last time and I've read the legislative history and there is no question in my mind that the present legislation needs to be changed. Committee Bill 154 goes in that direction but it needs some additional work on that. I thank you for your time and once again, our office is open to assist or discuss the matter and we would appreciate any input that we could get.

SEN. CONSOLI: Any questions?

REP. MEYER: Would you say that if we incorporated some of the definitions brought forth by Mr. Goodrich, that this would clarify it sufficiently for the Town of Greenwich and I believe you have a very unique situation, probably the most unique one in the state as far as revisions go but would this take care of Greenwich?

ATTY. MEERBERGEN: I think that the proposed definitions would certainly go a long way towards that but I don't think it would only assist Greenwich. I think even though we might have some unique provisions, I think as a whole it would assist many municipalities and I think this is why Mr. Goodrich might not necessarily be concerned with the Town of Greenwich's unique problem, but is looking at a much broader scale and with a wider paint brush in the matter so I think yes, those definitions must be part of it and of course there is some technical language within the statute that should be somewhat altered but that's from a draftmen's standpoint but certainly the inclusion of the definitions as suggested will go a long way to help alleviate our problem.

REP. MEYER: Thank you and you have, in written testimony, given us some of the other suggestions that you have?

ATTY. MEERBERGEN: Yes, Mr. Goodrich suggested he had attached a letter from one of my assistants, Atty. James McCawley, who has had extensive experience in this field, in drafting, and that is part of the minutes that have been given to the clerk.

REP. MEYER: Thank you very much. We will try to come up with a draft and I'm sure -- I'll try to give them to your legislators to give to you.

ATTY. MEERBERGEN: Thank you. Have a nice evening.

SEN. CONSOLI: Thank you. Eric Reinken.

ATTORNEY ERIC REINKEN: Good evening, ladies and gentlemen, my name is Eric Reinken, and I am the Assistant Corporate Counsel for the City of Stamford and I am a former Assistant Town Attorney with the Town of Greenwich as well. I work with Mr. Meerbergen and Mr. McCawley both.

I'm just -- hearing the comments today, SB154 I just want to say that generally I concur with what Mr. Goodrich has said and Mr. Meerbergen has said and you know, someone said that the charter is a fountainhead of municipal law but if we look at the charter of the City of Stamford, it's really something that's quite stagnant and it doesn't concur with the present development of the city. I believe that a lot of problems come up on a monthly or day to day basis and the city is powerless to do anything to correct it. Often the revisions are requested and they are voted upon and of course often all the revisions are voted down.

That's why the City of Stamford is in accord with the basic proposition that the amendment should be allowed. Generally though, I've reviewed Mr. McCawley's letter and I've spoken to the city attorney about it, and he generally concurs with Mr. McCawley's comments that while we agree conceptually with the idea of changing the concept from revision to amendment, we would like some technical changes in accord with Mr. McCawley's letter. That's basically all I have to say. I want to thank everyone for coming down tonight too.

SEN. CONSOLI: Thank you. Any questions? Paul Vitalelli.

MR. PAUL VITALELLI: Mr. Chairman, members of the committee, I want to thank you for coming to Waterbury for the proceedings. We appreciate it. I'm here this evening for several reasons and the first of which is to support a bill raised by Rep. Cappelletti regarding the Brooklyn section of Waterbury as an enterprise zone. I believe it's number 6422. I think it's prudent to have a little bit of history here. The Brooklyn section of Waterbury