

Legislative History for Connecticut Act

HB 6605	PA 319	1985
House	5736-5745	10
Senate	3307-3311, 3347-3348	7
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CONNECTICUT
GEN. ASSEMBLY
HOUSE

PROCEEDINGS
1985

VOL. 28
PART 16
5586-5932

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House of Representatives

Tuesday, May 14, 1985

SPEAKER VAN NORSTRAND:

The bill is passed.

CLERK:

Page 3, Calendar No. 383, Substitute for House Bill 6605, File No. 454, AN ACT CONCERNING THE PRESERVATION AND CARE OF ANCIENT BURIAL PLACES AND MEMORIALS FOR THE DEAD. Favorable Report of the Committee on Planning and Development.

REP. MEYER: (135th)

Mr. Speaker.

SPEAKER VAN NORSTRAND:

Rep. Meyer.

REP. MEYER: (135th)

I move acceptance of the Joint Committee's Favorable Report and passage of the bill.

SPEAKER VAN NORSTRAND:

The question is on passage. Will you remark?

REP. MEYER: (135th)

Thank you, sir. The Clerk has an amendment, LCO 5154. Will he please call and may I be allowed to summarize.

SPEAKER VAN NORSTRAND:

Is the Clerk in possession of LCO No. 5154? Would the Clerk please call, designated House Amendment Schedule "A".

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CLERK:

LCO 5154 offered by Rep. Meyer, Rep. Wilber,
Rep. Vance.

SPEAKER VAN NORSTRAND:

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

REP. MEYER: (135th)

Thank you, sir. The amendment before you is the
bill. What is in the files was merely placed there
temporarily while the two groups involved, the cemetery
associations and the Connecticut preservation group worked
out an arrangement that would be acceptable to both
groups.

As you know, there has been a great deal of
pilfering of very valuable ancient burying ground markers
and the like in the past and a year ago, we did pass a
bill.

However, it has proven to be very difficult for
the cemetery associations to continue to keep up the burial
grounds --

SPEAKER VAN NORSTRAND:

Excuse me, Rep. Meyer. The House please come to
order. Rep. Meyer has the floor. She's entitled to your

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courtesy as it would be extended to you when you have the floor. If you wish to have conversations, please go outside the Hall. Rep. Meyer.

REP. MEYER: (135th)

Thank you, Mr. Speaker. What this does is to actually give us a definition of what a grave marker is and will be considered by the various groups. In most of the bill you will see that most of the changes deal with the term grave marker.

The sections 3 and 4 are the ways in which the cemeteries would be allowed to move the various grave markers, the way in which they would maintain them and the like, insuring both the fact that these would be kept properly and not destroyed, in line with what the Connecticut preservation group and the descendants would like to have done with it, and yet allow the cemetery associations to maintain the cemeteries the way they should be maintained.

We feel that both, by having both the probate court involved and the Connecticut Historic Commission the two groups will have some protection. There was agreement by the two that this bill would enable both groups to proceed about their business in the best possible ways, and I urge this Assembly to accept this amendment which is, in essence, the bill.

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SPEAKER VAN NORSTRAND:

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

REP. TIFFANY: (36th)

Mr. Speaker.

SPEAKER VAN NORSTRAND:

Rep. John J. Tiffany.

REP. TIFFANY: (36th)

Thank you, Mr. Speaker. A question to you, sir, Mr. Speaker, in light of the statement that the Chairman said that this is an entirely new bill and what's in the file was merely a dummy to hold this until this was worked out.

Is it your intention to rule that this is substantive and being reprinted in the form of a file, or are you going to rule that this is a technical amendment?

REP. WILBER: (133rd)

Mr. Speaker.

SPEAKER VAN NORSTRAND:

Rep. Wilber.

REP. WILBER: (133rd)

May I suggest that, I was the original author of the bill and involved in the amendment. I would say that although the amendment does change the wording of

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the bill, I believe personally, it is a technical amendment. It attempts to accomplish exactly the same thing in a slightly different and more modified approach.

SPEAKER VAN NORSTRAND:

In response to Rep. Tiffany who had the floor, the Chair is inclined to rule on whether something is substantive or technical based on how comprehensive in the time frame permitted for members to examine it, that it appears to be.

This to me, appears to be a rather common occurrence similar to many others that we have seen in the past where it would strike out everything in the inactive clause. I would be inclined to rule it technical, sir.

REP. TIFFANY: (36th)

Thank you, Mr. Speaker.

REP. MEYER: (135th)

Mr. Speaker, I would move adoption of the amendment.

SPEAKER VAN NORSTRAND:

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

Will you remark? If not, all in favor indicate by saying aye.

REPRESENTATIVES:

Aye.

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SPEAKER VAN NORSTRAND:

All opposed, indicate by saying nay.

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

House Amendment Schedule "A":

Strike everything after the enacting clause and insert the following in lieu thereof:

"Section 1. Section 19a-315 of the general statutes is repealed and the following is substituted in lieu thereof:

For purposes of sections 19a-315 of 19a-315b, inclusive AND SECTION 4 OF THIS ACT: (1) "Ancient burial place" means any tract of land within any municipality which has been used or has been in existence as a burial ground for more than one hundred years; (and) (2) "burial ground authority" means the town, ecclesiastical society or cemetery association, as the case may be; AND (3) "GRAVE MARKER" MEANS ANY OF THE FOLLOWING WHEN USED TO MARK GRAVES IN AN ANCIENT BURIAL PLACE, CEMETERY OR BURIAL GROUND: TOMBS, MONUMENTS, GRAVESTONES, OR FRAGMENTS THEREOF AND FENCES OR CURBING WHICH ENCLOSE INDIVIDUAL OR FAMILY BURIAL PLOTS.

Sec. 2. Section 19a-315a of the general statutes is repealed and the following is substituted in lieu thereof:

No municipality shall alienate or appropriate any ancient burial place to any use other than that of a burial ground. No portion of any ancient burial place shall be taken for public use without the approval of the general assembly. If any ancient burial place is appropriated for any other use and the bodies buried therein or the (monuments, gravestones or other memorials) GRAVE MARKERS marking the same are removed, the burial ground authority shall preserve a record of such removal indicating the date of such removal and the site or place to which such removal was made.

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to which such removal was made.

Sec. 3. Section 19a-315b of the general statutes is repealed and the following is substituted in lieu thereof:

No (fence, tomb, monument or gravestone or fragment thereof) GRAVE MARKER within any cemetery or burial place shall be destroyed, (or) injured or (shall be) removed except in accordance with the provisions of EITHER this section OR SECTION 4 OF THIS ACT. Any such (gravestone or other memorial for the dead) GRAVE MARKER may be removed for the purpose of (repair or replacement,) reproduction, (or) preservation (and displayed) OR DISPLAY in an accredited museum upon (1) (A) the consent of the owner of the burial RIGHTS FOR THE lot in which such (gravestone or memorial) GRAVE MARKER is placed or the consent of a lineal descendant of the deceased, WHOSE QUALIFICATIONS FOR GIVING SUCH CONSENT SHALL BE DETERMINED BY THE BURIAL GROUND AUTHORITY, or (,) (B) if such owner or QUALIFIED lineal descendant is unknown OR DOES NOT RESPOND WITHIN THIRTY DAYS TO A REQUEST FOR CONSENT SENT BY REGISTERED OR CERTIFIED MAIL TO SUCH PERSON'S LAST KNOWN ADDRESS, with the consent of the burial ground authority, and (2) the order of the probate court for the district in which such burial lot is located. Upon written application of such consenting owner, QUALIFIED lineal descendant or burial ground authority, the probate court may, after a hearing, with notice of such hearing having been given to (interested parties) THE BURIAL GROUND AUTHORITY, THE OWNER, THE QUALIFIED LINEAL DESCENDANT, THE CONNECTICUT HISTORICAL COMMISSION and otherwise as the court deems appropriate, order the removal of such (gravestone or memorial) GRAVE MARKER if it finds that such removal is necessary or desirable for the protection and preservation of such (gravestone or memorial) GRAVE MARKER.

Sec. 4. (NEW) (a) Notwithstanding the provisions of section 19a-315b, as amended by section 3 of this act, a burial ground authority shall have the right to properly maintain an ancient burial place, cemetery or burial place, which right shall include: (1) Repair, rehabilitation, repositioning or resettling of grave markers in accordance with the rules and regulations of the burial ground authority; and (2) the renovating of the ancient burial place, cemetery or burial place as a whole.

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(b) For purposes of subsection (a), no renovation of an ancient burial place, cemetery or burial place as a whole may be commenced until after: (1) The burial ground authority has conspicuously posted within the ancient burial place, cemetery or burial place, for a period of not less than ninety days, a notice that such renovation shall take place; and (2) the burial ground authority, at least ninety days before commencing a renovation, has provided written notice to the probate court having jurisdiction over the location of the burial place and to the Connecticut historical commission. Such notice to the probate court shall describe the renovation plans and include photographs of any area or grave marker involved.

(c) Following the notice period provided for in subsection (b), and subject to the provisions of subsection (d) a burial ground authority may renovate an ancient burial place, cemetery or burial place by: (1) The removal of any or all fencing, railing or curbing, if such removal is determined by the burial ground authority to be necessary or desirable for the proper and efficient maintenance of the ancient burial place, cemetery or burial place as a whole; and (2) the repositioning or resetting of any monument or tombstone.

(d) At any time prior to the expiration of the notice period provided for in subsection (b), the probate court may assume jurisdiction over such renovation and order a hearing, with notice of such hearing to be given to the burial ground authority, the owner, the qualified lineal descendent, the Connecticut historical commission and otherwise as the court deems appropriate, to determine whether such renovation is necessary for the proper and efficient maintenance of the ancient burial place, cemetery or burial place as a whole. Upon notice of such hearing, the burial ground authority shall not proceed with such renovation except in accordance with the order of the probate court."

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SPEAKER VAN NORSTRAND:

Will you remark further on the bill as amended?

REP. MEYER: (135th)

Mr. Speaker, I would move passage of the bill because, in essence, the amendment is the bill.

SPEAKER VAN NORSTRAND:

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

CLERK:

The House of Representatives is now voting by roll. 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 and are your votes properly recorded?

If so, the machine will be locked and the Clerk will please take a tally.

REP. SAVAGE: (50th)

Mr. Speaker.

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SPEAKER VAN NORSTRAND:

Rep. John Savage.

REP. SAVAGE: (50th)

In the affirmative.

SPEAKER VAN NORSTRAND:

Rep. Savage of the 50th in the affirmative.

Will the Clerk please announce the tally.

CLERK:

House Bill 6605 as amended by House "A".

Total number voting	147
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Necessary for passage	74
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Those voting yea	147
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Those voting nay	0
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Those absent and not voting	4
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SPEAKER VAN NORSTRAND:

The bill as amended is passed.

At this time the Chair would invite Points of Personal Privilege or announcements.

REP. STOLBERG: (93rd)

Mr. Speaker,

SPEAKER VAN NORSTRAND:

Rep. Irving Stolberg.

REP. STOLBERG: (93rd)

Mr. Speaker, can the Journal please note that

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Calendar 603. I thank my colleagues for providing me the information. I have no problem if you want to go forward with that Bill at this time.

THE CHAIR:

Thank you.

THE CLERK:

Page 10, Calendar 603.

THE CHAIR:

Senator Richard Johnston.

SENATOR RICHARD JOHNSTON:

Thank you Mr. President. If there is no objection I move that this item be placed on Consent.

THE CHAIR:

Any objection? Hearing none, so ordered.

THE CLERK:

Page 11, Calendar 608, Substitute for House Bill 6605, File 454, 910, AN ACT CONCERNING THE PRESERVATION AND CARE OF ANCIENT BURIAL PLACES AND MEMORIALS FOR THE DEAD as amended by House Amendment, Schedule A, Favorable Report of the Committee on Planning and Development.

THE CHAIR:

Senator Consoli.

SENATOR CONSOLI:

MR. President, I move acceptance of the Committee's

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Favorable Report and passage of the Bill in concurrence with the House, as amended.

THE CHAIR:

Will you remark?

SENATOR CONSOLI:

Mr. President, this Bill as amended by the House would prevent someone other than the owner, lineal descendant or burial authority from removing burial markers as defined in the Bill. The Bill as amended also permits a burial ground authority to remove a grave marker for repair and replacement and also upon proper notification and probate court approval to renovate an entire burial ground. Mr. President, if there is no objection, I'll move to the Consent Calendar.

THE CHAIR:

Senator O'Leary.

SENATOR O'LEARY:

Just a question, Mr. President. The Bill says that cemetery authorities, I believe it is, will have the right to determine lineal descent and it would seem to me that the probate court is in a better position to determine lineal descent. Through you, the question is am I reading the Bill correctly? Is the final word for determining lineal descent, in other words, the Bill requires that the

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descendants be found before the gravestone is moved and that their permission be sought but it gives the burial authority, the right to determine lineal descent. Does it stop there or is there an appeal or does somehow the probate court get rung in on that?

THE CHAIR:

Senator Consoli.

SENATOR CONSOLI:

Mr. President, through you, Senator O'Leary, I asked the same thing when I went through this Bill and I kind of stopped on that and I said, aha, what goes? What happened was we left this up to the House for the Amendment because we didn't have quite the language we wanted. It is my understanding that the burial ground authority has records of who rented--who purchased plots, who has ownership of whatever and that they would be able to determine who and who is not a rightful lineal owner or descendant. If there is any question, the individual always has access to the courts.

THE CHAIR:

Further remarks? Senator O'Leary.

SENATOR O'LEARY:

Mr. President, if the Senator could bear with me and

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look at Section 3 of the Bill, starting on line 49, the first part seems to speak of the burial ground authority but in line 55, it says and the order of the probate court for the district in which such burial lot is located. Would it be your interpretation through you, Mr. President, that the and the order of the probate court of the district requires that the burial ground authority alone is not sufficient to determine lineal descent but that the probate court of the district also must concur in determining lineal descent?

THE CHAIR:

Senator Consoli.

SENATOR CONSOLI:

Mr. President, through you, it is my understanding of the Bill that the two parts, one and two, refer to the two conditions which must be met before a burial marker may be removed. Okay, it has nothing to do with determining qualifications.

THE CHAIR:

Wish to remark further? Senator O'Leary.

SENATOR O'LEARY:

I think Mr. President that that satisfies it because in trying to determine lineal descent, we're concerned about the moving of the marker and if the probate court

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is involved in the final determination of whether or not the marker is moved, they will then have input in judging that decision on lineal descent and I think that's what is important and I appreciate the answer.

THE CHAIR:

Further remarks? Senator Consoli.

SENATOR CONSOLI:

Again, if there are no further objections, I'll move to the Consent Calendar.

THE CHAIR:

Any objection to placing on Consent Calendar? Hearing none, so ordered.

THE CLERK:

Page 12, Calendar 615, Substitute for House Bill 7431, File 804 and 930, AN ACT CONCERNING THE PERSONAL CARE ASSISTANCE PROGRAM, as amended by House Amendment, Schedule A, Favorable Report of the Committee on Appropriations.

THE CHAIR:

Senator Connair. Is this yours or someone else's?

SENATOR CONNAIR:

This is--612--what are we looking at? 615?

THE CHAIR:

615, yes.

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LFU

objection Mr. President, I move to the Consent Calendar.

THE CHAIR:

Hearing none, so ordered.

Please give your attention--first make an announcement for an immediate Roll Call.

THE CLERK:

An immediate Roll Call on the Consent Calendar, would all Senators please return to the chamber. An immediate Roll Call on the Consent Calendar. Will all Senators please return to the chamber.

THE CHAIR:

Please give your attention to the Senate Clerk who will call all those items that have been referred to the Consent Calendar. Mr. Clerk.

THE CLERK:

SB 805, SB 875 SB 925
Page 7, Calendar 588, 589; page 8, 590, Calendar 590, SB 938, SB 642, SB 911 SB 935
591, 592 and 595. On page 9, Calendar 597. On page 10, HB 7751, HB 6126, HB 6237, HB 7365, HB 7552 HB 6605
Calendar 601, 602, 603, 605, 606; page 11, Calendar 608, HB 7431, HB 7693 HB 5996
page 12, Calendar 615, 617. Page 14, Calendar 628; page HB 6584, HB 7618, HB 6501 HB 6790
15, Calendar 630, 631, 634; page 16, Calendar 636.

THE CHAIR:

Any changes or omissions? The machine is open. Please record your vote. Has everyone voted? Roll Call is taking place. Please record your votes.

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THE CLERK:

Roll Call on the Consent Calendar.

THE CHAIR:

Senator Richard Johnston, Senator Morano, Senator Schoolcraft. The machine is closed. Clerk please tally the vote.

The result of the vote:

36 YEA

0 NAY

The Consent Calendar is adopted.

THE CLERK:

Page 4, Calendar 518, Substitute for Senate Bill 334, File 762, AN ACT CONCERNING DISPENSING AND LABELING OF DRUGS BY LICENSED PRACTITIONERS.

THE CHAIR:

We were dealing, I believe, with Senate A at the time, LCO number please?

THE CLERK:

7483 introduced by Senator Upson.

THE CHAIR:

Do you recall if we had moved for adoption of the Amendment? Senator Richard Johnston, we're now on the Amendment.

JOINT
STANDING
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DEVELOPMENT

PART 2

335-610

1985

REP. MEYER: Thank you. The next speaker is Edgar Bassitt.

EDGAR W. BASSITT: Madam Chairman, and members of the committee, my name is Edgar W. Bassitt, and I am an attorney and a member of the Bridgeport law firm of Poulman, Comley, Bradley and Reeves. I live in Fairfield, I'm here today to speak in favor House Bill 6605, which is An Act Concerning the Preservation and Care of Ancient Memorial Places and Memorials for the Dead. I represent the Connecticut Cemetery Association and Mr. Armond Charette, the Executive Director of the Connecticut Cemetery Association is signed up in the next slot, and will be following me, and will give you more specifics as to how public act 84-280 has affected the operation of the cemeteries in the state of Connecticut.

That Public Act 84-280 which was the Act Concerning the Preservation and Care of Ancient Burial Places and Memorials for the Dead, in all of its sections was an excellent act and indeed the cemetery association endorses that act, except for Section 3. And our proposed legislation in House Bill 6605 is to amend Section 3 and adds a new Section 4. So as to fret the cemetery associations to carry on their ordinary maintenance without having to seek permission of the Probate Courts and we feel a present literal interpretation of the Section 3 presently requires.

Under the present law, if the cemetery association for example wish to repair a tombstone, gravestone, in the cemetery, and wish to take it into its shop there on the premises to repair that cemetery tombstone, a literal reading of the statute would require it to get permission of the Probate Court. We feel that the statute then in its present form needs to be changed and we seek that change in accordance with House Bill 6605. The Section 4 of the new proposed bill would permit the burial ground authority to remove, replace, repair, or recondition any fence, tomb, monument, or grave stone, within any cemetery or burial place, in accordance with its published rules and regulations. As Mr. Charette will cover, as Mr. Meaghen, the Executive Director of the Catholic Cemeteries of the Archdiocese of Hartford who will follow Mr. Charette, will point out to you, that all the members of the association do have published rules and regulations. So that we feel that the

MR. BASSITT: (continued)

adoption of our proposed amendment to public act 84-280 will solve the maintenance problems that we presently see for the cemeteries in the state of Connecticut. Thank concludes my remarks, Madam Chairman. I'd be happy to answer any questions that anybody may have.

REP. MEYER: Thank you. Who would determine the historic value, for example, of a stone that you might feel had to be removed and someone else might feel that this has historic value while you might need to be repaired, might not necessarily need to be removed under your proposed legislation, who would determine this?

MR. BASSITT: Under our proposed legislation, actually, we are not proposing any permanent removal of any grave stone. We are talking about removal for repair. Or and then replacement back on its original site. So as we see it, the cemeteries association themselves are not going to be physically removing except for repair purposes and returning. Now if there were to be any kind of permanent removal, then as we see it that would be with the permission of an application of an interested person to the probate court with respect to that part of the legislation, we are asking that that still be retained. And that is if there is an application for a removal, for a permanent removal let's say, Madam Chairman, that that be with permission by the Probate Court by an interested person's application.

REP. MEYER: Then it would have to be very clearly stated when we draft the bill.

MR. BASSITT: That's correct.

REP. MEYER: I wanted your intent on record.

MR. BASSITT: That was our intent.

REP. MEYER: Thank you. Was there any other questions? Sen. Consoli.

SEN. CONSOLI: When I read the proposal, I noted that the legislation seeks authority to remove, replace, repair, or recondition any fence, tomb, or monument or grave stone or fragment thereof within any cemetery or burial

SEN. CONSOLI: (continued)
place in accordance with its published rules and regulations. So we are talking about removal, replacing, of grave stones.

MR. BASSITT: Yes, sir. Or other memorials for the dead, yes, Senator.

SEN. CONSOLI: In accordance with public rules and regulations, the controls on the rules and regulations that subject to the burial authority?

MR. BASSITT: That's correct.

SEN. CONSOLI: And that could change?

MR. BASSITT: That's correct, sir.

SEN. CONSOLI: Therefore, when I go to my happy hunting ground, and I cannot be assured that in any given number of years, that the marker that was so placed for me whether my descendants are around to know me or not, or whether I am known or not, I have no assurance under this legislation that that would be maintained.

MR. BASSITT: You would have the assurance of the cemetery association. You would not have the assurance that that cemetery association might not in the future change its rules and regulations, that's quite true.

SEN. CONSOLI: Thank you.

REP. MEYER: Are there any further questions. Rep. Patton.

REP. PATTON: Just to pursue that line of thinking, do you have any assurances today that your stone will never be removed?

MR. BASSITT: No, sir.

REP. PATTON: Thank you.

MR. BASSITT: None of us have any assurance that that stone is going to be there under the natural evolution of things. 150 years from now.

REP. MEYER: Any further --

SEN. CONSOLI: The only difference that we are talking about is that the Probate Court would enter into whether or not it was removed. It would not be left up to the burial authority. This legislation as I understand it would leave the repair, removal, etc., up to the burial authority.

MR. BASSITT: One of the problems, Senator, is I suppose is the definition of what is a memorial for the dead. With respect to grave stones, as I've indicated to you, if there were to be any permanent removal of grave stones, that should come under the jurisdiction of the Probate Court. We are not seeking to remove grave stones, that is the cemetery association is not seeking to remove grave stones, as such on a permanent basis, but what they are seeking to do is to be able to carry on what we deem to be ordinary maintenance. For example, there may be certain fences around a particular plot. Now those fences under today's maintenance system impair the ability of the cemetery to be able to carry on its routine maintenance.

It's our position that, for instance, for the removal of a fence around a plot, that should not require the permission of the probate court. It is our position that curbing, for example, around a cemetery plot, that the removal of that curbing should not require the permission of the probate court. It seems to us that the act was to preserve ancient burial stones, the whole point of the act, as originally enacted was to eliminate the vandalism of ancient burial stones which was going on within the state. That was the purpose of the act. Now, if we want to do that, to eliminate the removal of ancient stones, which I am calling grave stones, then let's limit it to that, and let's not talk about other memorials for the dead, because other memorials for the dead may be and is in my opinion all inclusive and includes this curbing for example, which the cemeteries under their maintenance program can no longer cope with. Now on those points, the two speakers following me who are experienced in the maintenance and operation of cemeteries will be able to cover those points for you in much greater detail.

SEN. CONSOLI: I don't want to belabor this. I just want to

SEN. CONSOLI: (continued)

make a point. In the proposed bill, there is no mention of temporary removal. It is clearly removal, and that is what bothered me. You would have no objections to rewording that then, to be temporary in nature, well, for maintenance purposes, etc.

MR. BASSITT: With respect to certain parts of that, specificity, Senator, with respect to fencing for example, we may wish to remove fencing on a permanent basis. With respect to the other language that is tomb, monument or grave stone, or fragment thereof, we would have no -- that language could remain, but if it was a question of fencing, fencing would have to be subject to permanent removal, and so also would coping for example, but in my view of it, coping doesn't come within the definition of tomb, monument or grave stone, or fragment thereof.

SEN. CONSOLI: Thank you.

REP. MEYER: The next speaker, Mr. Cheurette.

ARMAND CHEURETTE: Good morning, Madam Chairman, members of the committee, I am the President of the Connecticut Cemetery Association. I am also Executive Director with the Mountain Grove Cemetery Association in Bridgeport. I am coming before you today representing the Connecticut Cemetery Association of which whose members are comprised on most active cemetery associations statewide. We are strongly in support of proposed amendment Bill 6605, to Public Act 84-280, to clarify the ordering of Probate Court for the removal of grave stones or memorial for the dead. As the law now reads, it would be necessary for the immediate descendants, such as a widow, widower or children, not only to receive permission from the burial ground authority, but to obtain an order from Probate Court to have a grave stone or memorial removed from its site to be removed, repaired, replaced or inscribed.

I might add that a grave stone or a memorial is actually the personal property of the families involved. All active cemeteries in Connecticut have rules and regulations concerning the removal of grave stones or memorials from a burial site or removal from a cemetery. Most rules and regulations have been in effect since the inception

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MR. CHEORETTE: (continued)

of these cemeteries. To obtain an order from the Probate Court would hinder both burial ground authority and owners of the burial site needlessly. There are no cases to the best of my knowledge where a burial ground authority indiscriminately removed a grave stone from a burial site permanently. Permanent removal from a burial site would in actuality would be a direct request by a lot owner or descendant provided that it be done in accordance with the cemetery rules and regulations.

In the event that a request by a historical society is made to place a grave stone in an accredited museum, when there are no descendants then the law is clear in obtaining an order from Probate Court. Public Act 84-280 as it currently reads also hampers the normal maintenance procedures of our cemeteries. In the course of normal operation, a cemetery may be faced with removing fencing or copings that surround family plots that have fallen into severe disrepair, and becoming a danger to the public or the significant hamper the proper grounds maintenance in that area.

I might add, I might also add, that I have been advised by counsel that a literal interpretation of this law would require cemeteries to obtain an order from Probate Court to allow them to repair, replace, recondition, or remove fencing that protects the permiters of our cemeteries. There are also cases, especially with grave stones that date back to the early

(gap in tape)

Cass. 2 law doesn't work. If you had two separate entities, and you can accomplish what you are concerned with, but when you put them together, this is where we run head on into an uncompromising situation.

REP. MEYER: Thank you. Are there any other questions? Thank you very much.

MR. CHEORETTE: Thank you.

REP. MEYER: Richard Meagher.

RICHARD MEAGHER: Madam Chairman, committee members, I am

MR. MEAGHER: (continued)

Richard Meagher, Executive Director of the Catholic Cemeteries Association of the Archdiocese of Hartford, and we manage 27 cemeteries in the Dioceses, and the Dioceses extends roughly from on the southern border from Milford to the north of the Massachusetts line, and generally along the Connecticut River is bounding on the east and extends to New York state line on the west. I am speaking in favor of bill 6605, which would amend an Act Concerning the Preservation and Care of Ancient Burial Places and Memorials for the Dead.

The act passed for I'm sure laudible purposes. The intent was to prevent damage to historic memorials by vandals. Unfortunately, the language in Section 3 of the act is so broad that it has a very negative impact on cemeteries and their right to manage them in the vested interest of their, and care for them in the best interests of the lot owners. Our cemeteries, many of them are over 100 years old, and others soon will be 100 years old, and I guess the way the law was written they too would be would come under the act at such time as they become 100 years old.

In those early days, it was customary for people to place curbing, fences, and that type of thing around their burial plots, and it was permitted because the people essentially were responsible for the care of those burial lots, and it was a normal Sunday outing, I guess, to go out to the cemetery with a sickel and some hand tools and cut the grass. As people died off and geographically located or just became disinterested and this became an obvious problem to the cemetery associations, and we have had to assume the care of these lots, and it started off on those who would pay an annual fee would get the care and those who didn't would not get the care. And I am sure if some of you remember some of these cases it was a result of one lot being a hay field and the other one being mowed and maintained. And the cost of this was still prohibitive.

It was not a way that could be coped with. And then with the introduction of modern machinery, we obviously say that it was less expensive to maintain acres, and do it better of new sections of the cemetery than to try to maintain the impossibility of these fenced in lots.

MR. MEAGHER: (continued)

So that the cemetery did adopt the renovation program which started in the 40's and continued right on to today, and essentially it maintains the integrity of the memorials that are on the lots. They are still serving the purpose. The monument is untouched. The individual upright grave makers may in some cases be set flush with the ground if they so adapt themselves, but this in in no way inhibits or destroys their intent of marking the graves, and so that is maintained and, but it does enable a cemetery to do an excellent of maintaining our properties.

The act would prevent this type of renovation that we have accomplished over the years, and we feel that it does interfere with the preserving and asthetic improving of the burial grounds which we are responsible for, and which we administer as a public trust. Unless this act is amended, I see two possible courses of action for things that might happen. One I suppose each individual plots could be maintained with hand tools at an enormous cost, which even today is almost prohibitive, God knows what it will be down the road, and of necessity this cost will be passed on to people who buy new lots in these cemeteries, and money has to come from somewhere.

And this puts certainly an unfair burden on those people. In cemeteries, as many of them are, that are completely sold out and there are no new lot sales, it would just obviously this opportunity would not be available. There is no one to pass it on to so it would necessarily of necessity just fall into a state of neglect and disrepair. And there are many cemeteries throughout the state that are in this situation merely because they are completely overgrown and some of them, I dare say you couldn't even find because they are so -- such as hay fields, and covered with briars and brambles.

Our cemeteries have been operated and maintained for over hundreds of years with dignity and our families and we are justly proud of the standards of care that we have given to these lots. And we wish to preserve our right to continue to make these improvements for the benefits of all the citizens of the state. The bill as it is written now, unless amended rather than preserving ancient burial places, it will assure that many of the state

MR. MEAGHER: (continued)

cemeteries will fall into and become a burden to the associations and municipalities which are responsible for their care. I would be happy to answer any questions, Madam Chairman, which you or any other committee members may have.

REP. MEYER: Are there any other questions? Thank you very much. The next speaker Douglas Alves.

DOUGLAS ALVES: Good morning, Madam Speaker, members of the committee, I am Douglas Alves. I am Director of the Wethersfield Historical Society, and a Vice President of the Connecticut League of Historical Societies. When I signed up this morning I didn't put a check mark pro or con, because at the time I was on the fence. Removing fences here, I think I have a comment.

When I was first made aware of this amendment of bill 6605, the statement of purpose was to clarify the procedure for the removal of grave stones and permit the upkeep of an active cemetery, and I must admit once I read through the existing legislation and the amendments just confused me more, but now that I have sat here and had a chance to hear the representatives cemeteries association, I can see their concerns.

And it certainly is a concern about maintenance costs of cemeteries, Perpetual care is a long time, but I think we should also look at some of the problems of the what does perpetual care mean, and if the drastic removal of the curbing, the fences, the markers, is maintenance, I'm not sure that is what people had in mind 100 years ago. And it is a philosophical problem that we have here, as well as the maintenance problem, and it disturbs me to hear the question of let's take a gravestone that your typical flat or rectangular grave stone remove it and set it flush to the ground, I beg to disagree with the gentleman that that isn't the way to help eliminate problems with grave stones. That exposes more of the surface to direct, rain, and snow and this type of weather, and if we take this philosophy to the extreme, what we will have is just a field. We will just have a grassy plot where there is nothing sticking above it, no trees, no plantings, no flowers, no stones, no markers, You go through with a giant mower. It's easier to maintain, but what do you

MR. ALVES: (Continued)

have? What about the aesthetics of what this cultural aspect of a cemetery.

We have the folk art of gravestones. This which was one reason why this bill was enacted last year protect the folk art because these stones have a monetary value. They are made by folk craftsmen, by stone cutters. There is a market for gravestones and they were being stolen, removed from the cemeteries and could bring three, four or five thousand dollars in the market in New York.

This legislation as it stands and as the amendments would still protect stones from that type of problem, but are we destroying the cemetery to save it. And it's, I don't have the answer. I know it's expensive to maintain anything. Historical societies are in the same boat. We have historic houses and paintings and other things that, sure it would be easy to take your historic house, put aluminum siding on it, all low maintenance types of things but that destroys it. You might as well not have it.

The state just spent millions of dollars to restore the state capitol. It would have been just as easy to rip all the goo-gaa, the statutes, the carvings off it, because in another 100 years from now you're going to have to spend all that money again to keep it maintained.

So it's that kind of philosophical problem. If we've got this type of heritage, the culture, the aesthetics of it, it costs money.

I think as the amendment goes, that the new section 4 if it was written temporary removal and I can see the problem as the bill exists now that it is somewhat hampering. The internal movement in repair by the cemetery associations to maintain the stones and that certainly wasn't the intent of the original bill to, that you got to go through all the processes just to take a stone and move it 50 yards the other end of the cemetery, bring it into the building and repair it. So I think that the new section 4 if temporary removal was inserted, that would certainly serve the purpose.

MR. ALVES: (Continued)

And I think the new section 3 as they've written it is somewhat more clearer than in the original legislation but I am concerned that it leads to removing the control from the probate court for some of this removal. What happens if a decedent gets permission to remove the stone because it is my great-grandfather and decides well it is mine, I will keep it. I can see the cemetery association saying fine, that's one less stone we have to cut around. But is, if there's a monetary value to these things, and you don't care about your great-grandfather, he was a black sheep anyway and this stone is worth some money. I hate to look on the dark side of things but that's some of the problems I can see that is coming up.

So, I think that you folks have a sticky one in your laps today. It's, do we really want to make it tough for the cemetery associations to do their job, to maintain the cemeteries. But do we also want to be a watchdog to insure that the complete removal of stones isn't the ultimate happening down the line because removing the curbs and fences around individual plots and the markers which are the small stones, which would just have the initials of the individual person around a family stone, if they're all removed the majority becomes damaged. Down the line, before you know it, you have nothing marking where that family plot was. Whether there is anyone still surviving from that family or not. And it leads to the problem so I thank you. If you have any questions.

REP. MEYER: Thank you very much. Are there any questions? I would have one. It seems to me that we have a problem here primarily with the fences and the curbing. And could some words be drawn up to perhaps say that unless the fencing and the curbing is maintained, that the cemeteries, if they're crumbling and falling apart, they're really not serving their purpose to allow them then to remove any that are not in good position. I think we are more or less all in agreement on the removing of the gravestones for temporary care, but then they have to be replaced. But I can foresee in certain areas this problem of the crumbled fences and the like, that would cause grave, big problems.

MR. ALVES: Yes, unfortunately, it's a cemetery, cemeteries throughout our history have gone through different philosophies of what a cemetery should be like. In the 17th century most markers, there are either no markers or a wooden marker which has since deteriorated or just a stone with initials on it.

Throughout the 18th century, most cemeteries were very overgrown. You got in there, did you business and got out. No one wanted to hang around a cemetery. The problems we're facing now are the Victorian cemeteries of 100 years ago where it was a whole different philosophy of what a cemetery is and a whole different philosophy and outlook on death. They made cemeteries more rural, more parklike settings, having the fancy monuments, the urns, the carvings, the entice families to come back and visit, to reflect upon their ancestors, to picnic in the graveyards. This was the philosophy of 100 years ago.

It's changed today. I've been accused of having cemetery tourism. Wethersfield, where the dead day were dug and it just doesn't work. But I'd hate to see that our tastes in philosophies in 1985 leave nothing for the year 2085. And, getting to your question roundabout, sure there's going to parts of curbing and fencing that are so far beyond repair that it is economically unfeasible to repair this wrought iron and so forth that has just deteriorated. But I'd hate to see this be a blank check to say, well we don't have to take any basic care of scraping down a wrought iron fence and giving it a coat of paint, once every 50 years, whether it needs it or not. Because we know we'll let it deteriorate because when it's in so bad condition a 2-year old can push it over, we can move it out. It, because it changes the whole feel for what the cemetery was and it's just like ripping off additions to a house and it changes the whole feeling of the house.

Again, there is no right or wrong answer, there is no yes, here it is in black and white. How you can get that wording, if it's what is beyond repair so it can be removed, I don't have the answer. But I just feel that if, and it sounds like I am very negative against the cemeteries associations, if it was just put into the laps of the cemetery associations, their rules,

MR. ALVES: (Continued)

their officers, can change. If it's completely taken out of the probate court for some of these major, drastic changes that you lose this public resource that we have.

REP. MEYER: Thank you. Our next speaker, Jeffrey Colegrove.

MR. JEFFREY COLEGROVE: Good morning, Ladies and Gentlemen. My name is Jeff Colegrove. I am Director of Midstate Regional Planning Agency and also Vice Chairman of the Regional Planning Agency Association of Connecticut and I'd like to speak in favor of proposed bill #7404.

It was mentioned earlier that a later speaker would bring up the issue of definitions of regional significance and I refer you back to the Committee Raised bill of last year. In fact, in looking at this I realize it was two years ago. I'd like to submit this to the Committee for their review and perusal and indicate that I know that when it was raised, it was passed in the Senate last year, there were modifications to the Committee Raised bill. And those areas of modifications basically dealt with the original bill and included referrals from wetlands commissions. And the intent was basically to continue the practices now underway and that is our relationship to you, the planning & zoning commissions, instead of involving wetlands commissions.

There was a further reference to conservation commissions and that was also I believe deleted when it was passed, amended in the Senate and also because it's nonsequeter in terms of the regional significance process. Recreation commissions do not have land use powers and therefore it would not be appropriate to send regional agencies for review.

The only other further modification I would point out was the term residential was deleted from the minimum standards and the intent behind that was to minimize the impact on housing resources by any possible delay. And we supported these changes and, again, do support the bill as modified. I would indicate to the Committee that we will provide a copy of the bill as I believe it was passed by the Senate last year to the clerk in

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- MR. DODES: (continued)
simply because so many items that are technically not necessary to come before Planning and Zoning Commissions do come before them because of the wording of Section 824. If that wording was clarified, those matters of importance dealing with the comprehensive town plan and other matters of development which rightfully should come before them would continue and those matters that are really not necessary would not, and the process would be one step closer to becoming that much better and more efficient. Thank you.
- REP. MEYER: Thank you. We appreciate it. Are there any questions? Thank you very much. Marjorie McNulty?
- MS. MARJORIE McNULTY: My name is Marjorie McNulty and I am representing the Historical Society of Glastonbury. And I would like to speak that, briefly, on the proposed Bill No. 6605, which is an amendment to Public Act No. 84-280, concerning the preservation and care of ancient burial places.
- I'm here chiefly to call attention to the statement of purpose of this amendment, which is as follows: "To clarify the procedure for the removal of gravestones and to permit the upkeep of an active cemetery or burial place according to the rules of the burial ground authority." Now, this is a change from the original bill and I may say that in Glastonbury we have 8 cemeteries, all over 100 years old. The oldest was established in 1690 and in that cemetery, which is Green Cemetery, there are many, many stones that date back to the very early years of the 18th Century.
- It so happens that this cemetery is in Glastonbury's Historic District and it is also on the National Register of Historic Places. Obviously, the Historical Society of Glastonbury is mostly interested in the preservation of these cemeteries and of the gravestones which many of which are wonderful examples of primitive folk art sculpture. This is true, not only of Green Cemetery, but also of Eastbury Cemetery, which I think is no longer being used actively, but is still it is a historic treasure.
- These gravestones not only have, are notable for their

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MS. McNULTY: (continued)

aesthetic qualities, but also have genealogical data and other historical data. Now, all of these cemeteries are under the authority of different graveyard authorities; in other words, we have two cemetery associations, some churches maintain their cemeteries, and the town takes care of the rest.

MR. It's going to be very confusing if authority is taken, particularly from the Probate Court, I think, and put under a burial ground authority, inasmuch as they're not all the same, they may have different rules and may I read to you Section 6, which is the new section that is being proposed?

"Any burial ground authority may remove, replace, repair, or recondition any fence, tomb, monument, or gravestone or fragment thereof within any cemetery or burial place in accordance with its published rules and regulations."

Now, there is no mention there of the necessity of getting permission from the owners or any lineal descendants. And it seems to me, too, that as this section is drafted, it seems to leave the entire decision whether to remove or do any of these other things, or repair, up to the burial authorities. Nothing whatever is said about getting permission of the owner of the burial plot or of any descendants. That, I think, is a mistake. I really think that there's a lot of confusion in this amendment and before I would be in favor of it, or the Historical Society would, I think some changes have to be made.

Not only the grave stones, I say, too, but the fences, I think are important, as Doug Alves mentioned, these are mostly Victorian. They do predate the hundred year cutoff point. Many of them are very beautiful iron ornamentation, others are just rails. The whole thing seems to be a maintenance problem.

Maybe I shouldn't say this, but I do feel that very special equipment is needed to maintain cemeteries. They're mostly interested in cutting the grass. If they got the wrong kind of equipment, it seems to me that they ought to investigate the whole problem and see if there is some special kind of equipment. What does

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MS. McNULTY: (continued)
Massachusetts do? It's very proud of its ancient
burial grounds. That's one thing. And maybe that's
the whole thing. I guess perhaps it is. Thank you very
much.

REP. MEYER: Thank you very much. Clark Van Der?

MR. CLARK VAN DER LYKE: I am Clark Van Der Lyke, City Clerk
for the City of New London. I am here to speak on
Bill 7100 and if I may also, 477, I'd like to make a
comment on that. I'll try to make it very short.

The purpose of Rep. Tuthill's bill is to decrease costs
and it certainly would. The City of New London is very
much in favor of this bill. It costs us about \$2,000 a
year to publish ordinances in their total. That's not
a whole lot per municipality, but you also have to con-
sider the preparation time, the costs of cutting the
purchase orders, and all the work that's done by the
newspapers themselves, of course, they want to sell the
space. It is a waste. It's a waste of newsprint, if
nothing else.

I would suggest that we would be well advised to pub-
lish the short summary of the ordinance. Mr. Tuthill,
or Rep. Tuthill, also wanted to add other publications.
I have no problem with that. I think we might want to,
I would suggest in line 22, in addition his addition,
after appropriation or full publication is required
under the Freedom of Information Act, I think would
cover us. I don't think we have a problem of freedom
of information, as long as we make the information
available to the public, even on a short summary form.

If I just might make one other comment on Bill 477, that
I support the intent of that bill; however, it is a
redundant bill. You already have a bill that was passed
last Legislature that's going into effect in July which
will issue I.D. cards to the public through the Motor
Vehicle Department. As one of the proponents of the
bill, I am familiar with that and I think you ought to
check into that before you go too far with 477. Are
there any questions?

REP. MEYER: Rep. Hurd?

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SEN. CONSOLI: (continued)

compromise language that we could all understand and be happy with? Would you do that? Thank you. Robert Lightfoot?

MR. BARRY BARENTS: Good afternoon. I promise to be very brief. I've lost my entourage. As a matter of fact, I am speaking for Mr. Lightfoot. I have his statement in front of me. My name is Barry Barents. I am the Board Liaison for the Community Renewal Team. Reading his statement, if I may, to some committee or some person, probably even to the Probate Court, I don't. As the Chairman of the Board of Trustees for the Community Renewal Team of Greater Hartford, I am here to request that proposed Bill on the Act concerning membership on the boards of Community Action Agencies be rejected. If you go into some of the burying grounds and see these plots, you will see. Since its existence, CRT has made great strides in providing quality services for its constituency. This is seen through the various services that are being provided yearly and to the broad representation on our Board of Trustees. We feel that it would be a mistake to place control of the selection of Board members in the hands of the municipality's public representatives. This would be contrary to our present Bylaws, which have governed our Agency's policy and procedures since its inception 22 years ago. This is where we lack our concern. And as a result, I think it's up to us to go. Additionally, and here we go again, CRT provides services for 21 towns in the greater Hartford region. To allow each municipality to increase their level of control over the selection of Board representatives would truly be detrimental, in that all constituency would not be given the opportunity to be represented fairly. I want to thank you for the opportunity to speak. I think that (inaudible) have been said. We vehemently oppose 555. Thank you. Thank you.

SEN. CONSOLI: Thank you. Any questions? Mr. Athinson? You represented all three people? That's wonderful, thank you. Mark Masselli? Mark Masselli. Merrie Kye? All right. And Doris Suessman?

MS. DORIS SUESSMAN: I would like to speak briefly on Bill 6605, concerning the gravestone care and so forth of

MS. SUESSMAN: (continued)

memorials. I feel very strongly, I am speaking for Connecticut Preservation Action, but I am also a member of the East Hartford Historical Society. But I feel very strongly that we must be very, very careful of our historical importance when we are in this area of, I think that it would be all right to have an authorized person remove parts of stones or fences or so forth for work, but I do not think this should be done by anybody but an authorized person, and that person should be reporting to some committee or some person, probably even to the Probate Court, I don't know.

But I also want to stress that if you remove some of the important enclosures of any sort, you may be losing the identity of whole families. If you go into some of the burying grounds and see these plots, you will see the main stone and then you will see son, daughter, sister, and so forth, and that's why they're enclosed. These little stones could be lost if the fence is removed. It's very important to take into consideration.

SEN. CONSOLI: Thank you. And any questions? David...
MR. I know there is an expense to loving care of a cemetery, but I do think at budget time in towns and cities it should be brought out and maybe more should be put in for care of cemeteries. Maybe this is where we lack our concern. And as citizens, I think it's up to us to go to our town people and tell them.

Now, CPA, Connecticut Preservation Action, would like the opportunity to work on a draft that would take into consideration the needs of the Cemetery Association and so forth, and in that we would like to stress the importance of keeping intact our burial grounds that we are so proud of and are a part of our heritage here in Connecticut. Thank you.

SEN. CONSOLI: Thank you. Any questions? Thank you. Marlene Gallo?

MS. MARLENE GALLO: My name is Marlene Gallo. I am past President of the Historical Society and Preservation Officer of the Society right now. In East Hartford, we are very, very concerned with preservation. We also

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MS. GALLO: (continued)

are highly experienced in progress over there. And so we have a constant tug of whether to preserve and how important it is, and also to try to progress. But, therefore, I think that this bill needs some work done on it, I'm sorry to say.

One of the things especially is add the word temporary to remove and the other thing is not to put the authority completely in the hands of any kind of an association, completely business-oriented association, because that's a very dangerous thing to do. You'll probably lose the whole character of your cemeteries which, of course, contain a great amount of history.

One of the solutions to something like this has already been, I believe, accomplished by one of the towns, and I don't think their representative is here today. But it's a complete community movement to take care of the upkeep of their cemetery, so maybe there are some other solutions other than completely going to an association. I do think Probate Court is very important. Thank you.

SEN. CONSOLI: Thank you. And any questions? David Zaler?

MR. DAVID ZALER: My name is David Zaler, and I am a member of the Board of Directors of the Meriden Community Action Agency. Also I am the President of the United Tenants of Meriden, Inc. I am here to speak against proposed Bill 5551, that would change the way the Community Action Agency Board of Directors are scheduled. Community Action Agencies were created to help the poor and the powerless. The people who operate these agencies do so because they believe that it is right, because in their own communities they see the pain of their neighbors and want to help.

I got involved because I wanted to do something about the problems people I know face every day. I was elected to Meriden Community Action Agency's Board of Directors by people who knew me, who trusted me, and realized I understand what it's like to live where they do.

I believe this is a good way for the low income people of Meriden to be represented at MCAA by elections. Public officials already have a role there, being 1/3 of the