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SB 527 SA 90-27 1990

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1990

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10329-10680

tcc

297 10577

House of Representatives

Wednesday, May 9, 1990

DEPUTY SPEAKER SMOKO:

Representative Bertinuson, the gentleman has removed his objection to -- on Page 4, Calendar No. 545, Senate Bill 529, File 624, AN ACT CONCERNING THE REGULATION OF THE SALE OF CIGARETTES.

Favorable Report of the Committee on FINANCE, REVENUE AND BONDING.

REP. BERTINUSON: (57th)

Mr. Speaker, at this time, I would like to place the item just called on the Consent Calendar for action later on today.

DEPUTY SPEAKER SMOKO:

The lady has requested that Calendar No. 545 be placed on the Consent Calendar. Is there objection? Seeing none, the item is placed on the Consent Calendar for action later on, on this session day.

CLERK:

Page 3, Calendar 521, Substitute for Senate Bill 527, AN ACT CONCERNING ACTIVE RECREATIONAL AND EDUCATIONAL FACILITIES OF THE METROPOLITAN DISTRICT COMMISSION AND THE ISSUANCE OF BONDS BY SAID COMMISSION IN CONNECTION THEREWITH.

Favorable Report of the Committee on FINANCE, REVENUE AND BONDING.

REP. CIBES: (39th)

tcc

298

10578

House of Representatives

Wednesday, May 9, 1990

The distinguished Chairman of the Committee on Finance, Revenue and Bonding, Representative William Cibes.

REP. CIBES: (39th)

Thank you, Mr. Speaker. I move acceptance of the Joint Committee's Favorable Report and passage of the bill.

DEPUTY SPEAKER SMOKO:

The question is on acceptance and passage of this bill in concurrence with the Senate. Will you remark, sir?

REP. CIBES: (39th)

Thank you, Mr. Speaker. I'm sure that judging from all the comments in the Chamber there has been some misconception about what this bill does and so let me first disabuse you of those misconceptions. There is indeed a provision in this bill which provides for the MDC to be able to create, establish and maintain active recreational and educational facilities, including the maintenance of a public golf course on a for-profit basis.

What the bared legislative language does not reveal is that this particular land on which this would occur in the Town of Glastonbury and perhaps overlapping a little bit into Manchester, is the subject of --

tcc

299 **10579**

House of Representatives

Wednesday, May 9, 1990

essentially the subject of an agreement between the Towns of Glastonbury, Manchester and the MDC for the use of this property which will provide recreational facilities as well, ultimately, as housing and particularly affordable housing.

The use of this land for this purpose would be subject to all local regulatory control and would in fact be a positive benefit to the Town of Glastonbury for recreational purposes and also the general area in terms of the provision of housing and affordable housing.

The bill also authorizes the MDC to issue revenue bonds to finance such activity and other purposes, and thirdly, it raises the dollar limit in terms of which an appropriation can be -- terms of which the MDC needs to go to referendum from \$1.5 million to \$5 million. That's basically an inflationary increase since the last time that cap was raised in 1983. I believe that this is a good bill and provides the opportunity for residents in Manchester and Glastonbury, particularly, to take advantage of some unused water supply land.

My understanding is that members on the other side of the aisle have an amendment which will limit the application of the authorization to use such land to Manchester and Glastonbury. I certainly have no

tcc

300 10580

House of Representatives

Wednesday, May 9, 1990

objection to that amendment and believe that it would be an addition to the bill.

DEPUTY SPEAKER SMOKO:

Will you remark further? Representative Fleming.

REP. FLEMING: (16th)

Yes, thank you, Mr. Speaker. Mr. Speaker, unfortunately the amendment that actually is from both sides of the aisle is not ready yet and I was wondering if this matter might wait until I have the amendment.

DEPUTY SPEAKER SMOKO:

Will you remark further? Will you remark further?

REP. CIBES: (39th)

Through you, Mr. Speaker, might I defer to the distinguished Deputy Majority Leader.

DEPUTY SPEAKER SMOKO:

I'm trying, sir.

REP. PELTO: (54th)

Mr. Speaker.

DEPUTY SPEAKER SMOKO:

Representative Pelto.

REP. PELTO: (54th)

Thank you, Mr. Speaker. It's my understanding an amendment is forthcoming and I would ask that this item be passed temporarily.

DEPUTY SPEAKER SMOKO:

tcc

301 10581

House of Representatives

Wednesday, May 9, 1990

Is there objection? Is there objection? Seeing none, the item is passed temporarily.

CLERK:

Page 16, Calendar 356, Senate Bill No. 364, AN ACT CONCERNING AN EXEMPTION FROM CHILD DAY CARE LICENSING REQUIREMENTS FOR LIBRARIES. (As amended by Senate Amendment Schedule "A").

Favorable Report of the Committee on HUMAN SERVICES.

House rejected Senate "A" on April 19th.

Senate readopted Senate "A" on April 25th.

The Committee of Conference consisting of Representatives Cohen of the 15th, Courtney of the 56th and Munns of the 9th and Senators Sullivan of the 5th, Przybysz of the 19th and Robertson of the 34th reported that they had met and agreed to Reject Senate Amendment Schedule "A" and adopt a new Senate Amendment Schedule "B" (LCO 5121)

REP. MUNNS: (9th)

Mr. Speaker.

DEPUTY SPEAKER SMOKO:

Representative Paul Munns of the 9th.

REP. MUNNS: (9th)

Thank you, Mr. Speaker. I move acceptance of the Conference Committee's Report as amended by Senate "B".

DEPUTY SPEAKER SMOKO:

H-584

CONNECTICUT
GEN. ASSEMBLY
HOUSE

PROCEEDINGS
1990

VOL. 33
PART 31
10681-10958
TRAILER SESSIO

tcc

418

10697

House of Representatives

Wednesday, May 9, 1990

passed.

Will the Clerk please-- Clerk, please continue with the Call of the Calendar.

CLERK:

Calendar 521, on page 3, Substitute for Senate Bill 527, AN ACT CONCERNING ACTIVE RECREATIONAL AND EDUCATIONAL FACILITIES OF THE METROPOLITAN DISTRICT COMMISSION AND THE ISSUANCE OF BONDS BY SAID COMMISSION IN CONNECTION THEREWITH.

Favorable Report of the Committee on FINANCE, REVENUE AND BONDING.

REP. CIBES: (39th)

Madam Speaker.

DEPUTY SPEAKER POLINSKY:

Representative Cibes.

REP. CIBES: (39th)

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

DEPUTY SPEAKER POLINSKY:

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

REP. CIBES: (39th)

Thank you, Madam Speaker. At this point, I would like to yield to Representative Fleming for purposes of an amendment.

tcc

419 **10698**

House of Representatives

Wednesday, May 9, 1990

DEPUTY SPEAKER POLINSKY:

Representative Fleming, do you accept the yield?

REP. FLEMING: (16th)

Yes, Madam Speaker. The Clerk has an amendment, LCO5465. Would the Clerk please call and I be permitted to summarize?

DEPUTY SPEAKER POLINSKY:

Will the Clerk please call LCO5465, which shall be designated House Amendment "A"?

CLERK:

LCO5465, House "A", offered by Representative Fleming et al.

DEPUTY SPEAKER POLINSKY:

Representative Fleming, did you ask to have it read? The gentleman has asked leave of the Chamber to summarize. Is there objection? Without objection, please proceed, sir.

REP. FLEMING: (16th)

Yes, Madam Speaker. Madam Speaker, what this amendment does is to make it very clear that the bill applies, the provisions in the bill concerning the creation of new powers for the Metropolitan District, specifically the establishment of recreational and educational facilities and in particular a golf course, would be limited to non-reservoir lands located in the

tcc

420

House of Representatives

Wednesday, May 9, 1990

towns of Glastonbury and Manchester. I think it just makes it very clear that that is the intent of the file copy of the bill. And I would move adoption.

DEPUTY SPEAKER POLINSKY:

Motion is on adoption of House "A". Will you remark further? Will you remark further? If not, let us try your minds. All those in favor-- I am sorry, Representative Bowden.

REP. BOWDEN: (31st)

Madam Speaker, thank you. I simply rise to support the amendment. Folks in Glastonbury and Representative Munns and myself are in complete agreement. We are going to have some land over there sold to us by the Metropolitan District Commission. Some part, 10%, some part of it shall be housing, 10% of which will be affordable housing. Some benign recreational activities, and we are in full agreement with the amendment. Thank you, ma'am.

DEPUTY SPEAKER POLINSKY:

Thank you, sir. I am sorry I missed you or almost missed you. Will you remark further on House Amendment "A"? Representative Belden.

REP. BELDEN: (113th)

Thank you, Madam Speaker. Just to get something on the record. I believe the file and also the amendment

tcc

421 10700

House of Representatives

Wednesday, May 9, 1990

talk about a word called "non-reservoir" lands. I am not sure any of us know what that really is. So, just for the purposes of the record, I would like to ask, through you, Madam Speaker, Representative Fleming, whether he would assume that the MDC would still have to follow the laws that we have regarding watershed land classification and use. Through you, Madam Speaker?

DEPUTY SPEAKER POLINSKY:

Representative Fleming.

REP. FLEMING: (16th)

Yes, Madam Speaker. I would agree with Representative Belden. I certainly would hope that that is what the file copy did also. Thank you, Madam Speaker.

DEPUTY SPEAKER POLINSKY:

Representative Belden.

REP. BELDEN: (113th)

Thank you.

DEPUTY SPEAKER POLINSKY:

Thank you. Will you remark further on this amendment? Will you remark further? Representative Cibes.

REP. CIBES: (39th)

Madam Speaker, I urge adoption of the amendment.

tcc

422

House of Representatives

Wednesday, May 9, 1990

DEPUTY SPEAKER POLINSKY:

Let's get to it then. If there are no further remarks? All those in favor of House Amendment "A", please indicate by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER POLINSKY:

Opposed, nay. The ayes have it. (Gavel) The amendment is adopted.

The following is House Amendment Schedule "A":

In line 100, before the semicolon insert "
PROVIDED THE POWERS GRANTED PURSUANT TO THIS SUBSECTION
SHALL ONLY BE EXERCISED ON NONRESIDENT LANDS LOCATED IN
THE TOWNS OF GLASTONBURY OR MANCHESTER"

DEPUTY SPEAKER POLINSKY:

Will you remark further on the bill as amended?
Representative Cibes.

REP. CIBES: (39th)

Madam Speaker, I think at this point, all action that is necessary has been taken, and I would urge quick adoption of this bill.

DEPUTY SPEAKER POLINSKY:

Will you remark further? Representative Fleming.

REP. FLEMING: (16th)

tcc

423

10702

House of Representatives

Wednesday, May 9, 1990

Thank you, Madam Speaker. I think all action has probably been taken on the bill, but I do have a few questions on the bill that I would like to direct to Representative Cibes. Representative Cibes, the bill in addition to creating or allowing the Metropolitan District additional powers to develop a golf course provides for some changes in their bonding authority where they would not have to go to referendum. And I had a few questions concerning that, and it would be in the back of the file, beginning around lines 653.

In particular, we are allowing the Metropolitan District Commission to, by a, to increase the amount of money, the dollar amount of money that would not be necessary to go to referendum to 3 million dollars, from 3 million dollars to 10 million dollars for emergency type situations. And I was wondering if the Representative could explain to me what types of situations the Metropolitan District would be allowed to-- What would constitute an emergency under the file copy of the bill?

If you look, Representative Cibes - and I tore my copy - in lines, starting in line 659. I am sorry. That is the language that we deleted. And then if you go over to line 713, you are talking about emergency situations under which the Metropolitan District would

tcc

424

House of Representatives

Wednesday, May 9, 1990

not have to go to a referendum. And I was wondering if, what types of situation those might be? Madam Speaker, through you.

REP. CIBES: (39th)

Through you, Madam Speaker, as Representative Fleming has observed, the language which is new in lines 715, 716, 717 is exactly duplicative of language which has been eliminated dealing with the 5 million dollar cap dealing with a public emergency. In both instances, I would believe that a public emergency is one which, in the language of the bill, threatens the lives, health or property of the citizens of the district. And it would seem to me that that might be a case where a dam is in danger of breaking, in the case of deterioration or where there is severe damage to sewer lines which requires immediate action.

DEPUTY SPEAKER POLINSKY:

Representative Fleming.

REP. FLEMING: (16th)

Yes, the words that I wanted to hear for the record were "immediate action." My concern is that, is that I don't think it was ever intended and want to be clear that when you are talking about health, for example-- If we had a draught, for example, Representative Cibes, through you, Madam Speaker, and the Metropolitan

tcc

425 10704

House of Representatives

Wednesday, May 9, 1990

District Commission determined that in five years, we might need additional, the ability to hold back additional water on the Farmington River, I wanted to be sure that that would not constitute some sort of health emergency.

Madam Speaker, through you, is that your understanding of that language, Representative Cibes?

REP. CIBES: (39th)

Through you, Madam Speaker, the answer is I do believe that that would not be included. That, it would seem to me, would not be something that, as we look ahead for five years or so, would not threaten the immediate health of the, or lives of the citizens of the Metropolitan District, nor would it fall within the 10 million dollar cap.

My understanding is that a project such as diverting the water from the Farmington River, should it ever be contemplated, and to my understanding it has not been contemplated and is not being contemplated, that kind of project would exceed 120 million dollars and therefore, certainly would not be within the 10 million dollar cap that we are talking about here.

REP. FLEMING: (16th)

Thank you, Madam Speaker. Just again on the bill, even with the amendment, I do not intend to support the

bill. I have some reservations about the process by which this bill made it to the floor. I think if it were not the last day of the session, I might raise some questions about whether this bill had been to all the Committees perhaps it should have gone to. It did not.

I am satisfied with the addition of the amendment that seemed to work out some problems in Glastonbury that the bill won't do a great deal of harm. I will not support the bill in any event, because I think it should have gone to the proper Committee process, and it did not. Thank you, Madam Speaker.

DEPUTY SPEAKER POLINSKY:

Thank you, sir. Will you remark further on this bill as amended? Will you remark further?

Representative Farr.

REP. FARR: (19th)

Madam Speaker, through you, to Representative Cibes. As a Representative from a town in the MDC, I am normally very supportive of any of their bills, but I have a couple of questions on this. And I don't think I have really heard much of an explanation. Why is the MDC going to be operating its own golf course? For profit? As I understand the bill, it provides and allows for the first time the Metropolitan District

tcc

427 10706

House of Representatives

Wednesday, May 9, 1990

Water Commission to operate a golf course for profit.

Through you, Madam Speaker, to Representative Cibes, is this basically for the benefit of the directors of the MDC? Or why do we need to have their own golf course? Through you, Madam Speaker, to Representative Cibes.

DEPUTY SPEAKER POLINSKY:

Representative Cibes.

REP. CIBES: (39th)

Through you, Madam Speaker, the MDC is in possession of a tract of land in Glastonbury and it may be that part of that land is also in Manchester, for which the-- and has reached an agreement, at least in principle, with the town of Glastonbury to proceed with developing recreational opportunities and housing opportunities in that town. As Representative Bowden has already remarked, the process is fairly far along. It is not something that MDC has initiated on its own but has done in conjunction with at least the town of Glastonbury and perhaps the town of Manchester.

It is a cooperative arrangement which will benefit both the town of Glastonbury and the citizens of the Metropolitan District generally.

REP. FARR: (19th)

Well, through you, Madam Speaker, perhaps I should

tcc

428 10707

House of Representatives

Wednesday, May 9, 1990

direct some questions to Representative Bowden then, since he represents that area.

Through you, Madam Speaker, to Representative Bowden. Could you tell us why is it necessary for the Metropolitan District to operate a golf course? If there is surplus land, why don't they either sell it, or if necessary lease it? But why in the world would they want to operate the golf course? Through you, Madam Speaker, to Representative Bowden.

DEPUTY SPEAKER POLINSKY:

Representative Bowden, do you wish to respond?

REP. BOWDEN: (31st)

I can respond only to the best of my knowledge, Madam Speaker, and that is that they are selling a tract of 140 acres which is going to be in turn-- to a developer, who will in turn build some passive recreational areas, such as walking areas and hiking and so forth, will build an extension to an already existing golf course, will reserve 20% of that acreage for housing, of which 10% is to be affordable and will operate the golf course.

Now, that is the plan. There have been a few meetings with our Town Planner and our Assistant Town Manager with the MDC. They have not reached any agreements, any contracts, but our Town Council has

been kept abreast of the progress and has approved the progress of these towns so far.

Now, why-- to answer Representative Farr's question, why the MDC in this bill plans itself to operate the golf course, I do not know, madam, the answer to that question.

DEPUTY SPEAKER POLINSKY:

Representative Farr.

REP. FARR: (19th)

Yes, thank you, Madam Speaker. Well, I guess I am not-- We probably don't have an answer here tonight. But I am disturbed. I think this is a serious mistake. The Metropolitan District is a large scale operation. It operates a lot of different plants. I think it is a mistake to start getting them into the operation of a golf course. That doesn't make a lot of sense to me. I would be far more comfortable if we were talking about leasing or selling the land to somebody else to operate the golf course.

And I just think that-- I don't understand why we are doing that, and maybe Representative Cibes has some more information and can share it with us. But I am very disturbed with this precedent. Thank you.

DEPUTY SPEAKER POLINSKY:

Thank you, sir. Will you remark further on this

tcc

430

10709

House of Representatives

Wednesday, May 9, 1990

bill as amended? Will you remark further? If not--
Representative Tiffany.

REP. TIFFANY: (36th)

Thank you, Madam Speaker. I did not have time to draft, nor I suspect would I have drafted an amendment. Let me just voice my objections, which I think have been consistent with my policy up here over the years. What concerns me is if you will read down a little further, in line, I guess it's 112, the MDC has the right to take land by eminent domain, which is okay for the establishment of a reservoir or water system, but I'll be damned if I would be very happy if MDC took land by eminent domain to establish a golf course for a profit organization, for a profit-making organization. That, to me, would be obscene.

DEPUTY SPEAKER POLINSKY:

Thank you, sir. Will you remark further on this bill as amended? Will you remark further?
Representative Krawiecki.

REP. KRAWIECKI: (78th)

Thank you, Madam Speaker. Madam Speaker, I am going to oppose the file copy. I think it's terrible policy for this Chamber to let an amendment or a bill of this fashion go through without any of the normal scrutiny. You know, if anybody cares anymore about the

tcc

431

10710

House of Representatives

Wednesday, May 9, 1990

Rules of the Chamber, may I suggest that you take a gander at our Joint Rules and what the Committee on Energy and Public Utilities has as its authority base.

This file has never been there. They haven't even taken a peak at it. It-- You know, I understand that there are folks running around the building that have a great interest in this bill, and to my colleagues on this side of the aisle, I obviously am not going to do anything to undermine your bill. But I certainly think that an appropriate reference to a Committee is only appropriate. And you know, all the rest of us have had to live with those rules during this legislative session, but someplace, somewhere in the building, somebody doesn't. And I don't think it is in this Chamber.

And it just doesn't make me happy. And for that matter, I think a reference to the Committee on Government Administration and Elections would be appropriate, given the kinds of activities that are occurring in this file. I would also suggest to you that I think Planning and Development would be an appropriate reference for this file.

Now, members of the Chamber, I am not going to make a reference to any one of those Committees, because I guess I understand that five hours before deadline

tcc

432 10711

House of Representatives

Wednesday, May 9, 1990

time, certain things happen, and you know-- I would just like to encourage all of you that for whatever reason want this bill moving and the way it is, that you watch in the future and maybe you don't allow it to happen. I just don't think it's appropriate. I am not saying that every one of those Committees wouldn't have looked at this project and said this is great stuff. Let's send it right back in exactly the same form it's in. But you know, we have rules to protect people and give them the full opportunity to be heard at each and every step.

I just think that a bill dealing with this subject matter, having gone straight from the Finance, Revenue and Bonding Committee to the floor of the Senate and the floor of the House is fairly outrageous.

DEPUTY SPEAKER POLINSKY:

Thank you, sir. Representative Bowden.

REP. BOWDEN: (31st)

Madam Speaker, for the second time on the bill. I would like simply to inform the members that MDC has owned this piece of property for something over 40 years of which I am aware, since I have been there about that length of time. It was purchased but never-- There is no water. There is no lake, no pond, no reservoir of any sort. It is not sitting on an

tcc

433 **10712**

House of Representatives

Wednesday, May 9, 1990

aquifer. It is not watershed, and apparently there is no need for it. And that is one of the reasons why they are thinking of turning it to other uses.

Thank you, madam.

DEPUTY SPEAKER POLINSKY:

Thank you. Will you remark further?

Representative Emmons.

REP. EMMONS: (101st)

Thank you, Mr. Speaker, Madam Speaker. I am going to just follow up on Representative Krawiecki's comments. I was really very offended at how this bill came about. When it was the last day of our JF session, and we were close to the last bill that had been heard, all of a sudden there was a mumble about a-- It was a JF with an amendment mumbling about a golf course. And that's how it went out.

It was never discussed in Committee at all. I guess in a sense if there had been a letter of intent or something there, I could justify it. But I really-- and it may be perfectly fine, and the people who are the recipient municipalities may think it's perfectly fine. But I think something of this magnitude is improper to be handled that way.

And I will tell you: I live next to the regional water company in Madison, and if you people up here

tcc

434

10713

House of Representatives

Wednesday, May 9, 1990

went and snuck something through that fast in my community, without my people knowing, I would be very offended. And so, I am going to vote no, because I think the process was awful. I don't think they are going to build a golf course in the next year, and there are a lot of other bills on here, this Calendar, that people are going to have to wait for until next year.

But as long as we let people abuse the process and get away with it, it is going to continue. And this is exactly what happened last year with the Hartford, the Greater Hartford Convention Center. Same process, and I don't think that was right either, and that was 150 million dollars using state money as backing. To me, if you are going to have a proposal that affects these communities the way they do, they should be come out, and they should be up front and honest.

DEPUTY SPEAKER POLINSKY:

Representative O'Neill.

REP. O'NEILL: (98th)

Madam Speaker, I am not in leadership on my side of the aisle. But I do try to confer and go with the rules. And therefore, I am asking that this be referred to the GAE, the Elections Committee and the Planning and Development Committee. One? Make it

tcc

435

10714

House of Representatives

Wednesday, May 9, 1990

Planning and Development. Then, I will make a succeeding one if that doesn't pass.

DEPUTY SPEAKER POLINSKY:

Representative O'Neill, would you repeat the motion?

REP. O'NEILL: (98th)

Yes. I would like to have this referred. We will start with GAE please.

DEPUTY SPEAKER POLINSKY:

Motion is to refer this bill as amended to GAE.

REP. O'NEILL: (98th)

Madam Speaker.

DEPUTY SPEAKER POLINSKY:

Representative O'Neill, for what purpose do you rise?

REP. O'NEILL: (98th)

I would like to withdraw my motion, please.

DEPUTY SPEAKER POLINSKY:

The gentleman has asked leave of the Chamber to withdraw his motion. Is there objection? Without objection, so ordered.

Representative Frankel.

REP. FRANKEL: (121st)

Madam Speaker, and I thank Representative O'Neill for withdrawing the motion. I had requested he do so,

tcc

436

10715

House of Representatives

Wednesday, May 9, 1990

in order for us to move that this item be passed temporarily, perhaps with a view to seeing if we can resolve in any other fashion the impediment that may face this bill at this time. And in order to expedite business and have these conversations, I would move this item be passed temporarily.

DEPUTY SPEAKER POLINSKY:

Motion is to pass temporarily. Is there objection?

Without objection, so ordered.

DEPUTY SPEAKER SMOKO:

Will the Clerk please return to the Call of the Calendar?

CLERK:

House Bill 6083, AN ACT CONCERNING THE ESTABLISHMENT OF A BLUE RIBBON COMMISSION ON FAIR WAGES. (As amended by House Amendment Schedule "B").

Favorable Report of the Committee on APPROPRIATIONS.

DEPUTY SPEAKER SMOKO:

The lady from the 71st, Representative Doreen Del Bianco.

REP. DEL BIANCO: (71st)

Thank you, Mr. Speaker. I move acceptance of the Joint Committee's Favorable Report and passage of the bill in concurrence with the Senate.

tcc

530

House of Representatives

Wednesday, May 9, 1990

Leader in the years past, a friend of everyone in this Chamber and my best friend, the Honorable Robert G. Gilligan.

APPLAUSE

ACTING SPEAKER GILLIGAN: (28th)

Thank you. Will the Clerk please return to the Call of the Calendar.

CLERK:

Yes, Mr. Speaker. Calendar 521 on Page 3, Substitute for Senate Bill 527, AN ACT CONCERNING ACTIVE RECREATIONAL AND EDUCATIONAL FACILITIES OF THE METROPOLITAN DISTRICT COMMISSION AND THE ISSUANCE OF BONDS BY SAID COMMISSION IN CONNECTION THEREWITH.

Favorable Report of the Committee on FINANCE, REVENUE AND BONDING.

REP. CIBES: (39th)

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

ACTING SPEAKER GILLIGAN: (28th)

Will you remark?

REP. CIBES: (39th)

Thank you, Mr. Speaker. We have already adopted House Amendment Schedule "A". We were engaged in the middle of questioning when I think we left this bill. I believe at this point questions may have been

tcc

531 **10810**

House of Representatives

Wednesday, May 9, 1990

resolved and I would urge quick adoption of the bill.

ACTING SPEAKER GILLIGAN: (28th)

The question is on adoption. Will you remark? If not, the Chair will try your minds. All those in favor --. The question is on a roll call. Will you remark? If not, staff and guests to the Well. Members take their seats. The machine will be opened.

CLERK:

The House of Representatives is voting by roll call. Members please report to the Chamber. The House of Representatives is taking a roll call vote. Members to the Chamber please.

APPLAUSE

The House of Representatives is voting by roll call. Members to the Chamber please. The House is taking a roll call vote.

ACTING SPEAKER GILLIGAN: (28th)

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

WHISTLES SOUNDING A CHARGE

Will the Clerk please announce the tally.

CLERK:

tcc

532 10811

House of Representatives

Wednesday, May 9, 1990

Senate Bill 527, as amended by House Amendment
Schedule "A".

| | |
|-----------------------------|-----|
| Total Number Voting | 149 |
| Necessary for Passage | 75 |
| Those voting Yea | 105 |
| Those voting Nay | 44 |
| Those absent and not Voting | 2 |

ACTING SPEAKER GILLIGAN: (28th)

The bill as amended is passed.

APPLAUSE

REP. FRANKEL: (121st)

Mr. Speaker

SPEAKER BALDUCCI:

Representative Frankel.

REP. FRANKEL: (121st)

At this time I would move for the immediate
transmittal of the last item directly to the Senate.

SPEAKER BALDUCCI:

Is there objection? Seeing none, the item is
transmitted.

REP. FRANKEL: (121st)

Mr. Speaker.

SPEAKER BALDUCCI:

Representative Frankel.

REP. FRANKEL: (121st)

S-306

CONNECTICUT
GEN. ASSEMBLY
SENATE

PROCEEDINGS
1990

VOL. 33
PART 5
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WEDNESDAY
April 25, 1990

197
aak

Further remarks on the bill as amended? Senator Przybysz.

SENATOR PRZYBYSZ:

I would move this be placed on the Consent Calendar.

THE CHAIR:

Without objection, so ordered. The next item. The Senate will stand at ease. Call the next item please.

THE CLERK:

Calendar 391, File 617, Substitute SB130, AN ACT CONCERNING DEPENDENT CARE SPENDING ACCOUNTS FOR STATE EMPLOYEES. Favorable Report of the Committee on APPROPRIATIONS.

THE CHAIR:

Senator O'Leary.

SENATOR O'LEARY:

Thank you, Mr. President. I would like to change the marking on that to passed retaining its place.

THE CHAIR:

Without objection, it is marked passed retaining its place.

THE CLERK:

Calendar Page 26, Calendar 398, File 623, Substitute SB527, AN ACT CONCERNING ACTIVE RECREATIONAL AND EDUCATIONAL FACILITIES OF THE METROPOLITAN DISTRICT

WEDNESDAY
April 25, 1990

198
aak

COMMISSION AND THE ISSUANCE OF BONDS BY SAID COMMISSION
IN CONNECTION THEREWITH. Favorable Report of the
Committee on FINANCE, REVENUE AND BONDING.

THE CHAIR:

Senator DiBella.

SENATOR DIBELLA:

Thank you, Mr. President. I move acceptance of the
Committee's Joint Favorable Report and passage of the
bill.

THE CHAIR:

Will you remark?

SENATOR DIBELLA:

Thank you, Mr. President. The bill would allow the
Metropolitan District to establish, operate and
commercially lease recreational educational facilities
including a for profit public golf course and
associated facilities. It permits the MDC to use the
balance of a sewer construction fund to secure bond
purposes. It also establishes an enterprise bond which
will be financed by income from recreational,
educational facilities. The expanded debt service
payment for these facilities was paid for by this fund.

Currently, capital projects costing more than \$1.5
million require a two thirds vote by the district
board, approval of expanding, or increasing the cap

WEDNESDAY
April 25, 1990

199
aak

from \$1.5 million to \$5 million on authorizations designated for MDC projects that would not require referendum.

Water assessment is public improvements do not require voter approval regardless of cost. The bill sets aside a \$5 million cap on financing leases the district may enter into without voter referendum and finally the cap on the appropriations on a district board authorized to meet public emergency by a voter referendum is raised to \$10 million.

The basic purpose for the last part of the bill, going from \$1.5 million to \$5 million is primarily it was done in 1983 when it went from \$500 to \$1.5 million. Consequentially because of the tremendous cost of sewer projects and the escalation over the last 7 years the anticipated escalation over the next 7, the district is asking that that referendum cap be increased from \$1.5 million to \$5 million.

If there is no further questions I ask that this be placed on the Consent Calendar.

THE CHAIR:

Senator Smith.

SENATOR SMITH:

Thank you, Mr. President. I do have just a couple of minor questions. Through you, to Senator DiBella.

WEDNESDAY
April 25, 1990

200
aak

Senator, does the Town of Glastonbury currently receive any tax revenue from this land where we are going to build this profit golf course on?

SENATOR DIBELLA:

Yes, it does.

SENATOR SMITH:

Could you tell us what differential there would be if this is applied as golf course use or open space which I would imagine it is currently being employed as.

SENATOR DIBELLA:

No, it's being taxed under the provisions, and to refresh your memory, it is being taxed under the provisions of not 490, but as the improved farmland which has a much higher assessment than forest land which private for profit or private water companies have. So it is yielding to the town of Glastonbury tax revenues.

SENATOR SMITH:

At the time...

SENATOR DIBELLA:

You asked for the differential, Mr. President, on the development of this piece?

SENATOR SMITH:

Yes, I am curious inasmuch as I believe the law is

WEDNESDAY
April 25, 1990

201
aak

silent with regard to the assessment of land owned by MDC that has been changed to create a for profit circumstance. And I would assume that most golf courses are taxed at the commercial value of the property because as a matter of fact I have received several complaints from golf course, private golf course owners throughout the State in which they indicated that that inequity exists in the law that their property is taxed at its highest and best use, which in many instances is residential.

How would this change in use from open space, MDC owned property, to golf course MDC owned property, affect the valuation, for the Town of Glastonbury?

SENATOR DIBELLA:

Again, I don't know what that projection would be. This has to be explained in the context of a proposal that is presently being discussed between the Town of Glastonbury and the Metropolitan District Commission, which would call for the construction of a recreational facility which is named in this piece of legislation for the purpose of recreational purposes.

It would also include a residential component of housing that would be constructed around the golf course in the general vicinity of the 602 acres owned by the MDC in that community, 20% of which would fall

WEDNESDAY
April 25, 1990

202
aak

into the affordable category and thereby create a rather large taxable asset to the City of, the Town of Glastonbury as well as a needed housing component for housing stock representing 20% affordable.

So the cost of the golf course that you are asking me in terms of what that would be assessed at would be determined if it was for-profit I would assume it would be assessed at the same rate that any other non-taxable country club or any other golf, except for a public one, like Goodwin Park which has no tax assessment because it is owned by the City of Hartford. It could conceivably, I would assume, fall under the circumstances of not being taxed at all if MDC owned it, being the fact that MDC is a municipality statutorily. So I don't know how the MDC would hold that or what instrument it would be held in.

THE CHAIR:

Senator Smith. We are not talking about a miniature golf course, we are talking about a regular 18 hole.

SENATOR SMITH:

I understand, Mr. President, that we are talking about a rather complex development of property of about 600 acres that includes both a golf course as well as some residential property and my second question, if I

WEDNESDAY
April 25, 1990

203
aak

might, through you, sir, is has this project been approved by the Glastonbury Planning Commission?

THE CHAIR:

Senator DiBella.

SENATOR DIBELLA:

I don't believe it has been approved. There have been discussions with the town. For your edification, Senator, anything that was done on this property would require a total approval of not only the Metropolitan District Commission, but also the Town of Glastonbury, the Department of Environmental Protection or any other agency, both environmentally, traffic, anything else that would be required to meet the development requirements and standards of that community. So it has not proceeded through the approval process at this point in time.

SENATOR SMITH:

Mr. President, if I might. So that we have assurances here, Senator DiBella, that we are not superseding the authority of the local planning and zoning commission, their master plan of development that in fact all we re doing is providing enabling legislation so that if in fact the local planning commission and the local planning and development and all the other state agencies that might be involved in

WEDNESDAY
April 25, 1990

204
aak

a project of this nature can get approval, then you as the MDC would then have the authority to approve, to divert funds from a sewer construction account, as well as issue other bonds that might be necessary to go forward with the project?

SENATOR DIBELLA:

Yes.

SENATOR SMITH:

Thank you. Thank you, Mr. President.

THE CHAIR:

Further remarks? Senator Przybysz.

SENATOR PRZYBYSZ:

Thank you, Mr. President. Through you, to Senator Dibella please.

THE CHAIR:

You may proceed.

SENATOR PRZYBYSZ:

Thank you, Mr. President. Senator DiBella, if this active recreational facility becomes a golf course, what will the tee off time be on weekends for women?

THE CHAIR:

And who will be the resident pro?

SENATOR DIBELLA:

I would assume, being a public facility, that this will be a public facility that there would be no

WEDNESDAY
April 25, 1990

205
aak

preference given to people for starting times. It would be similar to other courses where they would request a starting time and each individual that plays the golf course would pay the equal fee, thereby giving no one the ability to have preferential treatment. Now, that doesn't say an association or some times may be given for both women and men or women or men, but as far as I know that would not be fair in a public golf course to provide priority...priority starting times, as long as everyone paid equal fees.

THE CHAIR:

Senator Przybysz, do you have anymore enlightening questions?

SENATOR PRZYBYSZ:

No, I just appreciate the enlightening remarks because I know this is an issue that Senator DiBella are very concerned about. Thank you.

THE CHAIR:

Further remarks? Senator DiBella.

SENATOR DIBELLA:

If there are no further remarks, I would ask that this be placed on the Consent Calendar.

THE CHAIR:

Senator Smith.

SENATOR SMITH:

WEDNESDAY
April 25, 1990

206
aak

Thank you, Mr. President. I do have an objection to placing this on the Consent Calendar.

THE CHAIR:

Clerk please make an announcement for immediate roll call.

THE CLERK:

Immediate roll call has been ordered in the Senate.
Will all Senators please return to the Chamber.
Immediate roll call has been ordered in the Senate.
Will all Senators please return to the Chamber.

THE CHAIR:

Question before the Chamber is a motion to adopt Calendar 398, Substitute SB527, File 623. The machine is open. Please record your vote. Has everyone voted? The machine is closed. Clerk please tally the vote.

The result of the vote.

32 Yea

3 Nay

The bill is adopted.

THE CLERK:

Returning to the top of the Page 26, Calendar 395, previously marked Passed Temporarily is ready to be called. File 621, Substitute SB304, AN ACT CONCERNING EXTENDING THE PROGRAM OF GRANTS-IN-AID TO MUNICIPALITIES FOR DEVELOPMENT OR MODIFICATION OF

S-312

CONNECTICUT
GEN. ASSEMBLY
SENATE

PROCEEDINGS
1990

VOL. 33
PART II
3345-3632

WEDNESDAY
May 9, 1990

328 3571
abs

please cast your vote.

Senator DiBella, Senator Barrows, Senator Smith,
Senator Upson, Senator Spellman, Senator Freedman,
Senator Atkin, Senator Hampton, Senator Gunther.
Senator Freedman. Machine is closed.

Clerk please tally the vote.

The result of the vote.

35 Yea

0 Nay

The bill is adopted.

Clerk please call the next item.

THE CLERK:

Substitute SB527, File 623. AN ACT CONCERNING
ACTIVE RECREATIONAL AND EDUCATIONAL FACILITIES OF THE
METROPOLITAN DISTRICT COMMISSION AND THE ISSUANCE OF
BONDS BY SAID COMMISSION IN CONNECTION THEREWITH. (As
amended by House Amendment Schedule "A")

Favorable Report of the Committee on FINANCE,
REVENUE AND BONDING.

THE CHAIR:

Senator DiBella.

SENATOR DIBELLA:

Thank you, Mr. President. I move adoption of
Committee Joint Favorable Report and urge passage of
the bill in conjunction with House Amendment "A".

WEDNESDAY
May 9, 1990

329
abs

3572

THE CHAIR:

You may proceed.

SENATOR DIBELLA:

Thank you, Mr. President, it's a good bill and ought to pass.

THE CHAIR:

Will you remark further?

SENATOR DIBELLA:

The bill allows the Metropolitan District Commission to establish, operate commercial leasing recreational educational facilities including nonprofit, for profit, public golf courses, and associated facilities.

House "A" restricts this to the towns of Manchester and Glastonbury only.

THE CHAIR:

Will you remark further? Senator Robertson.

Clerk please make announcement for immediate roll call.

THE CLERK:

Immediate roll call has been ordered in the Senate.

Will all Senators please return to the Chamber.

Immediate roll call has been ordered in the Senate.

Will all Senators please return to the Chamber.

THE CHAIR:

WEDNESDAY
May 9, 1990

330
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3573

The item before us is Calendar number...excuse me,
the item before us is Substitute SB525, File Copy 623.
The machine is open, please cast your vote.

Excuse me, I stand corrected, that's SB527, I said
525.

Senator Avallone. Machine is closed.

Clerk please tally the vote.

The result of the vote.

36 Yea

0 Nay

The bill is adopted.

Clerk please call the next item. Senator O'Leary.

SENATOR O'LEARY:

Mr. President, on Agenda 6, I'm told we have
agreement to place an item on the Consent Calendar.
Senator Agenda 6.

THE CHAIR:

Without objection, so ordered.

SENATOR O'LEARY:

Excuse me, Mr. President, I'm sorry, it's
Substitute HB5424. I would move that to the Consent
Calendar. And, Mr. President, I'd ask the Clerk to
call the Consent Calendar.

THE CHAIR:

Clerk please make announcement for the second

JOINT
STANDING
COMMITTEE
HEARINGS

FINANCE,
REVENUE
AND
BONDING
PART 2
365-800

1990

95
aak

FINANCE, REVENUE AND BONDING March 27, 1990

Just to summarize, quickly, what I really would like to say is that I think the program has done what it intended to do initially, and that is to serve the smaller agencies like ours, small social service agencies. We don't have a lot of resources, but what we do have is energy. We are able to get organized and in return for something from the State, we invest a lot of Connecticut Yankee diligence and initiative.

What I really see the program doing, however, is causing companies to invest in their communities and I think that's how this program lives up to the initial spirit of the designers, is that it requires companies to take responsibility for the people, for the people in their communities and to that effect, I think it's a good investment of State funds.

So I would like to offer this testimony in support of the original spirit and the three modifications that are listed here.

SEN. DIBELLA: Are there any questions? Thank you, Maureen. The next speaker is Bourke Spellacy.

BOURKE SPELLACY: Mr. Chairman, my name is Bourke Spellacy and I'm here as counsel to the Metropolitan District. Sitting on my right is Frank D'Ercole who is bond counsel to the Metropolitan District.

SB527

I will, we've already turned written testimony in. I will read just one paragraph of the statement of our chairman, Anthony Gallicchio in support of this bill. Mr. Gallicchio states: The first provision of this bill will raise the appropriation level requiring voter approval from \$1.5 million to \$5 million.

This increase is needed because even local water and sewer extensions often exceed \$1.5 million in construction costs. The cap was last increased by the General Assembly in 1983 when it was increased from one half million dollars to the present figure.

Such projects are not appropriate for inclusion on districtwide referendum ballots as they benefit and are paid for by comparatively small group of local residents, often through direct assessments. Major plant and system improvements which benefit the District as a whole, and for those of you who do not know, the District is 8 member towns in Hartford County, will continue to require the approval of the electorate in the 8 member towns as such work will assuredly cost more than \$5 million.

There is a section of this bill relating to the District budget process. While desirable, it is not essential at this time and we are not pursuing the request on that.

There's a third section of the bill relating to purchasing restrictions increasing the dollar level there. I respectfully point out that that is covered by a separate bill, SB519 which had a public hearing yesterday. Mr. D'Ercole as bond counsel has been working with Ed Mailey as Finance Committee counsel on some substitute language and I will let Mr. D'Ercole address that.

FRANK D'ERCOLE: On the draft of the bill which I have prepared which is not yet come out of LCO, but which is not in Ed Mailey's hands, would authorize the District to enter into enterprises for active recreational and educational facilities.

The bill would authorize the establishment of an enterprise fund as a third part of the District's budget which would support those activities. The bill authorizes the issuance of bonds in order to finance the establishment of active recreational and educational facilities.

And further authorizes the sale of non-reservoir land of the District for the purpose of financing to some extent, the establishment and the cost of establishing an active recreational facility.

SEN. DIBELLA: Are there any questions? Is it a friendly question?

REP. NORTON: Is the sale of land a specific sale of land, or is it a policy on land sale?

97
aak

FINANCE, REVENUE AND BONDING

March 27, 1990

FRANK D'ERCOLE: At the present time the district is restricted with respect to the sale of land in that it must receive approval of all the voters in the District.

This requirement does not make a lot of sense for non-reservoir land, for land which is not critical and necessary for the primary mission of the District, and therefore, we are authorizing the District Commissioners to approve the sale of such land which is considered not crucial and not reservoir land, and they are authorized to make that determination.

REP. NORTON: For recreational use.

FRANK D'ERCOLE: Well, the proceeds of the land would be used for the establishment of an active recreational facility such as a golf course, for example.

REP. NORTON: The money from the sale of land. I guess this seems to have tones of a lot of the problem, although you're a public entity, of what we go through in the Energy Committee every year with Bridgeport Hydraulic, and lands that are now being classified, or have been classified as non-essential to water purposes, or not even abutting the reservoir, are not, in sort of heated dispute with everyone in that part of the State of whether or not Bridgeport should be able to sell those, even whether or not, the benefit goes to the shareholder or the ratepayer, however you do that, mixed, there is still a controversy over whether or not they should be able to sell it.

And I guess I'm wondering if, is there no controversy in the Hartford about the prospect of open space land selling by the MDC.

BOURKE SPELLACY: Excuse me, for this project to go forward, the contemplated project, you would have to have not only the approval of the Metropolitan District, but also the community involved, and that is the political will of that community, which in this case would be Glastonbury.

98

aak

FINANCE, REVENUE AND BONDING

March 27, 1990

And so, both communities would join in approving the project and unlike the private companies area, the monies would not be going out to shareholders because we are a public entity.

REP. NORTON: So when you say the Metropolitan District would have to approve, what does that mean?

SEN. DIBELLA: The policy board.

REP. NORTON: Okay.

BOURKE SPELLACY: We own land in non-member towns and for a proposal of this type to go forward, as a first step, it would require the approval of a non-member town and the District, otherwise it can't happen.

What Mr. D'Ercole is talking about here is a financing vehicle to permit it to go forward should the political will of both communities be there.

REP. NORTON: But when Mr. Spellacy talks about it, he talks about MDC would still be subject to the local zoning, environmental laws and everything else.

FRANK D'ERCOLE: That is correct.

SEN. DIBELLA: With respect to any proposal that they would suggest. However, non-watershed land is the terminology, in this case, would no longer be subject what, for, more than 5 acres, it requires referendum.

All existing watershed land thereby designated by the State Health Department would still be subject to the same rules with watershed land to be disposed of by referendum and all the other controlling factors that the State places upon watershed lands.

REP. NORTON: The referendum process is just an exceptionally burdensome or do you also find it a politically difficult one? If we raise this cap that will be a tenfold increase in 8 years in the cap on bonding from a half a million dollars to \$5 million.

99

aak

FINANCE, REVENUE AND BONDING

March 27, 1990

BOURKE SPELLACY: That's a different issue than what Mr. D'Ercole is talking about.

BOURKE SPELLACY: Yeah, I just heard the referendum issue. I'm sorry, then I'll wait.

SEN. DIBELLA: The referendum issue is an issue of cost of construction of public works projects and the cap has been raised primarily because the escalating cost of Public Works projects has grown. And the size of the projects that we have to do in the city or in the region, in the MDC area, have grown dramatically, where a major separator, or major sewer can exceed easily, \$5 million and we have to continue to do that work.

REP. NORTON: Well, I guess the only word I'll express is to someone who is not really in the know, I mean, I live kind of in the Hartford area, but not really, I'm wondering whether or not these are practical difficulties, setting up these referendums. I can imagine very well that they are.

But if they also represent a desire to overcome some political difficulties in the sale of land and the bonding of a \$4 million project, or something.

SEN. DIBELLA: I think if the question is, is there a political problem, I don't think this is being done to bypass one.

REP. NORTON: Okay, that's not what's being done.

SEN. DIBELLA: Andy, just give me your proxy, that's all. Any further questions? Frank?

FRANK D'ERCOLE: Just to eliminate any confusion and to summarize, briefly, there are to referenda requirements we're talking about. One has to do with the sale of land which is an inherent part of the bill which authorizes the issuance of bonds, which by the way, the District is not currently empowered to undertake an active recreational facility and is not currently empowered to issue bonds or to do financing for same. So that's what this bill does.

100
aak

FINANCE, REVENUE AND BONDING

March 27, 1990

The other referendum requirement with respect to expenditures is unrelated but is a part of this bill, due to the fact that we have combined them.

REP. NORTON: I'm just wondering. In 1982 you were living with a \$500,000 cap. It's 8 years later and you need a \$5 million cap.

FRANK D'ERCOLE: For a district the size of the Metropolitan District Commission it is not realistic to expect that every \$500,000 expenditure be approved by all the voters throughout the District.

REP. NORTON: I would agree with that. I wouldn't have a problem with that. It just seems like a dramatic increase.

SEN. DIBELLA: Well, I think we're also trying to anticipate the future. I mean, rather than come back next year, come in for 3 or 4 and come in next year and ask for 5 and you know. It's a continuing escalating cost, but also the size of the projects that the District finds itself involved in, especially with the separation program in Hartford, we've continued to move forward.

These projects are getting larger and our costs are becoming more broader.

FRANK D'ERCOLE: I think there's one other important point to make here. In a way we're making the referendum requirement more onerous and burdensome in that the district is asking that the referendum requirement apply to any capital projects of \$5 million or more, whether they are funded from bonds or not. Normally, it would only be a bond funded expenditure which would have to go for a referendum.

REP. NORTON: Thank you.

SEN. DIBELLA: Any further discussion or questions? Thank you very much, gentlemen. The next speaker is Craig Leroy. IAC.

The Metropolitan District

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Water Supply
 Sewerage
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 Resources Recovery

Statement by The Metropolitan District on:**Raised Bill No. 527**

**AN ACT CONCERNING EXPENDITURES OF THE
 METROPOLITAN DISTRICT IN HARTFORD COUNTY**

March 27, 1990

The Metropolitan District (MDC) is in favor of of Raised Bill No. 527, an act that will improve MDC financial processes and procedures.

The first provision of this bill will raise the appropriation level requiring voter approval from 1.5 million dollars to 5 million dollars. This increase is needed because even local water and sewer extensions often exceed 1.5 million dollars in construction costs. The cap was last increased in 1983 when it was increased from one half million dollars to the present figure. Such projects are not appropriate for inclusion on District-wide referendum ballots as they benefit and are paid for by a comparatively small group of local residents, often through direct assessments. Major plant and system improvements -- which benefit the District as a whole -- will continue to require the approval of the electorate in the eight MDC member towns as such work will assuredly cost more than five million dollars.

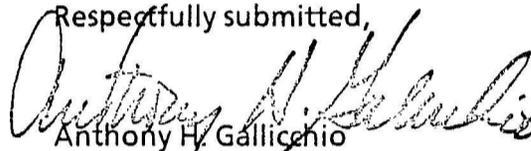
The second section of this bill calls for revisions in the District's budget process. Specifically, these changes will streamline the way in which it adopts and administers its budget by establishing a budget process consistent with up-to-date models of financial administration. A consolidated executive budget similar to that used by the State and Federal governments and most municipalities would be sanctioned by this bill, replacing the archaic formal structure which is presently mandated and which causes the District to, in effect, work with two budgets - the formal and the practical. It also authorizes the District Board to amend appropriations during the course of a fiscal year, provided sufficient unallocated balances are available.

Finally, the third section of the bill pertains to modifying purchasing restrictions. The changes will enable the District to purchase services and supplies up to ten thousand dollars without requiring a formal sealed bid process. The District has been operating under its current five thousand dollar limit for the past ten years. This change will bring the District in-line with the State of Connecticut which presently has a \$10,000 purchasing bid

requirement, and it will provide a more efficient means of acquiring run-of-the-mill services and supplies. (Incidentally, this provision is also addressed by SB No. 519). Also proposed is a clause which would allow sealed bids to be waived in special cases by an extraordinary majority of the District's governing body. Many municipalities have in their charters similar provisions allowing controlled discretion in buying. They reflect the reality that all future circumstances in which the public interest must be pursued cannot be perfectly anticipated and that proscribed discretion is both prudent and practical. An example is when the District is required to purchase a piece replacement equipment for one of its plants which is a proprietary product sold by one vendor. Bidding in such cases is wasteful and time consuming. Moreover, it is an illusory exercise.

Thank you for your consideration of Bill No. 527; we urge you to support its passage.

Respectfully submitted,



Anthony H. Gallicchio
Chairman