

Legislative History for Connecticut Act

HB 5490	PA 135	1991
House	2997, 3873-3874, 4024-4026	(6)
Senate	1571, 1647-1650	(5)
Planning and Development	31-37, 44, 71-72, 93-94, 175, 260	(14)
		Total-25p.

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CONNECTICUT  
GEN. ASSEMBLY  
HOUSE

PROCEEDINGS  
1991

VOL. 34  
PART 8  
2823-3197

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House of Representatives

April 17, 1991

INTERGOVERNMENTAL RELATIONS. Favorable Report of the  
Committee on GAE.

DEPUTY SPEAKER MARKHAM:

Representative Frankel.

REP. FRANKEL: (121st)

Thank you, Mr. Speaker. I move this item be  
referred to the Committee on Appropriations.

DEPUTY SPEAKER MARKHAM:

Motion is for referral of the bill to the Committee  
on Appropriations. Is there objection? Is there  
objection? Hearing none, so ordered.

CLERK:

Calendar 242, Page 8, Substitute for House Bill  
5490, AN ACT CONCERNING BALLOTS ON CREATING HISTORIC  
DISTRICTS. Favorable Report of the Committee on  
Planning and Development.

REP. FRANKEL: (121st)

Mr. Speaker, I move this item be referred to GAE.

DEPUTY SPEAKER MARKHAM:

Motion is for referral of the bill to the Committee  
on Government Administration and Elections. Is there  
objection? Is there objection? Hearing none, so  
ordered.

CLERK:

Calendar 245, House Bill 7032, AN ACT CONCERNING

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HOUSE

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House of Representatives

Wednesday, May 1, 1991

CONCERNING THE PRESENTATION OF ADVERTISEMENTS FOR THE  
SALE OF UNTAXED ALCOHOLIC BEVERAGES.

Calendar 398, House Bill 7357, File 460, AN ACT  
CONCERNING FAIR HEARINGS IN THE DEPARTMENT OF INCOME  
MAINTENANCE.

Calendar 405, House Bill 7148, File 470, AN ACT  
CONCERNING YOUTH SERVICE BUREAUS.

Calendar 431, Senate Bill 729, File 362, AN ACT  
CONCERNING THE PLACEMENT OF WOMEN AT WHITING FORENSIC  
INSTITUTE.

Calendar 434, Senate Bill 867, File 331, AN ACT  
CONCERNING THE REPORTING OF CORPORATION BUSINESS TAX  
DATA TO THE OFFICE OF FISCAL ANALYSIS BY THE DEPARTMENT  
OF REVENUE SERVICES.

Calendar 435, Senate Bill 871, File 329, AN ACT  
CONCERNING CANCELLATION OF CLAIMS BY THE DEPARTMENT OF  
REVENUE SERVICES AND OTHER STATE DEPARTMENTS AND  
AGENCIES.

Calendar 438, Senate Bill 941, File 334, AN ACT  
AMENDING THE LIST OF LIQUOR PERMITS TO INCLUDE ALL  
NONPROFIT PUBLIC MUSEUMS.

And Calendar 177, Substitute for House Bill 7132,  
File 180, AN ACT CONCERNING NOTIFICATION OF CONSUMER  
REPORTING AGENCIES OF CHILD SUPPORT DELINQUENCIES.

And finally, Mr. Speaker, Calendar 242, Substitute

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House of Representatives

Wednesday, May 1, 1991

for House Bill 5490, File 275, AN ACT CONCERNING  
BALLOTS ON CREATING HISTORIC DISTRICTS.

At this time, I'd like to move those items to the Consent Calendar for action at our next regularly scheduled session. Thank you, Mr. Speaker.

DEPUTY SPEAKER MARKHAM:

The gentleman has moved the following items to the Consent Calendar.

Calendar 387, House Bill 6055, File 452; Calendar 392, House Bill 7265, File 453; Calendar 398, House Bill 7357, File 460; Calendar 405, House Bill 7148, File 470; Calendar 431, Senate Bill 729, File 362; Calendar 434, Senate Bill 867, File 331; Calendar 435, Senate Bill 871, File 329; Calendar 438, Senate Bill 941, File 334; Calendar 177, House Bill 7132, File 180, that's under matters returned from Committee, and Calendar 242, House Bill 5490, File 275.

Is there objection of moving those items to the  
Consent Calendar for action at our next session? Is  
there objection? Hearing none, so ordered.

CLERK:

Please turn to Page 7, Calendar 359, Substitute for  
House Bill 7046, AN ACT CONCERNING PENDING CLAIMS AND  
LITIGATION UNDER THE FREEDOM OF INFORMATION ACT.  
Favorable Report of the Committee on GAE.

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House of Representatives

Thursday, May 2, 1991

a copy of it. Representative Cohen, for what purpose do you stand?

REP. COHEN: (15th)

Madam Speaker, there seems to be some problems with the distribution of the amendment and so therefore at this time I would move that this item be passed temporarily.

DEPUTY SPEAKER POLINSKY:

The motion is to remove this temporarily, P-T this bill. Is there objection? Without objection, so ordered. The Clerk please return to the Call of the Calendar.

CLERK:

Please turn to Page 1, the Consent Calendar, Calendar 177, Substitute for House Bill 7132, AN ACT CONCERNING NOTIFICATION OF CONSUMER REPORTING AGENCIES OF CHILD SUPPORT DELINQUENCIES.

Favorable Report of the Committee on Human Services.

DEPUTY SPEAKER POLINSKY:

Representative Cohen.

REP. COHEN: (15th)

Thank you, Madam Speaker. Madam Speaker, at this time I would like to move for adoption of today's Consent Calendar and just read the Calendar numbers.

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Calendar 177, 242, 387, 392, 398, 405, 431, 434 and 435  
and move adoption please.

DEPUTY SPEAKER POLINSKY:

The lady has just moved the Consent Calendar. Are there any objections to any of the Calendar numbers on the Consent Calendar today, on today's Consent Calendar? If not, will all members please take their seats. Staff and guests to the well of the House. The machine will be opened.

CLERK:

The House of Representatives is voting by roll on today's Consent Calendar. Members please report to the Chamber. The House of Representatives is voting on today's Consent Calendar. Members to the Chamber please.

DEPUTY SPEAKER POLINSKY:

Have all members voted? Have all members voted and is your vote properly recorded? Have all members voted? Have all members voted and is your vote properly recorded? If all members have voted, the machine will be locked and the Clerk will take a tally. The Clerk will announce the tally.

CLERK:

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House of Representatives

Thursday, May 2, 1991

Consent Calendar, May 2, 1991.

Total Number Voting 145

Necessary for Passage 73

Those voting Yea 145

Those voting Nay 0

Those absent and not Voting 6

DEPUTY SPEAKER POLINSKY:

The Consent Calendar is adopted.

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BUSINESS ON THE CONSENT CALENDAR  
BILLS PASSED

On motion of Representative Cohen of the 15th, the following bills on the Consent Calendar which were starred for action were passed in accordance with Rule 43 of the House Rules:

HUMAN SERVICES. Substitute for H.B. No. 7132  
(RAISED) (File No. 180) AN ACT CONCERNING NOTIFICATION  
OF CONSUMER REPORTING AGENCIES OF CHILD SUPPORT  
DELINQUENCIES.

GOVERNMENT ADMINISTRATION AND ELECTIONS.  
Substitute for H.B. No. 5490 (COMM) (File No. 275) AN  
ACT CONCERNING BALLOTS ON CREATING HISTORIC DISTRICTS.

PLANNING AND DEVELOPMENT. Substitute for H.B.  
No. 6055 (COMM) (File No. 452) AN ACT CONCERNING LOANS  
FOR MODIFICATIONS TO HOUSING TO MAKE DWELLINGS  
ACCESSIBLE TO THE DISABLED.

FINANCE, REVENUE AND BONDING. H.B. No. 7265  
(RAISED) (File No. 453) AN ACT CONCERNING THE  
PRESENTATION OF ADVERTISEMENTS FOR THE SALE OF UNTAXED  
ALCOHOLIC BEVERAGES.

HUMAN SERVICES. H.B. No. 7357 (RAISED) (File  
No. 460) AN ACT CONCERNING FAIR HEARINGS IN THE  
DEPARTMENT OF INCOME MAINTENANCE.

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Passed Retaining and Calendar 371 is marked Passed Retaining. I move Calendar 362, Substitute HB7164, Calendar 372, HB7265 and Calendar 373, Substitute HB5490 to the Consent Calendar.

THE CHAIR:

Is there any objection in moving Senate Calendar 362, Substitute HB7164, Senate Calendar 372, HB7265 and Senate Calendar 373, Substitute HB5490 to the Consent Calendar? Any objection? Senator Aniskovich?

SENATOR ANISKOVICH:

I would like to object to putting Senate Calendar 373 to the Consent Calendar. I don't anticipate a debate, I would just like to vote no on that bill.

THE CHAIR:

Fine. Then Senate Calendar 373 will not be moved to the Consent Calendar. You then have Senate Calendar 372 and 362. Is there any other objections?

SENATOR O'LEARY:

Madam President, I received an objection to moving Calendar 362.

THE CHAIR:

Thank you very much. We then have remaining Senate Calendar 372, HB7265. Is there any objection to moving that item to the Consent Calendar? Any objection?  
Hearing none, it is so ordered.

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The Senate will stand at ease. You all need a rest. The Senate will reconvene. The Chair recognizes Senator Avallone.

SENATOR AVALLONE:

Thank you, Madam President. What this bill does, currently doctors cannot disclose information to their insurance company, their agent or their defense counsel which is really necessary to defend them in any litigation. That is under current law. This bill would allow them to disclose this information to those three sources.

THE CHAIR:

Thank you very much, Senator. Is there any further comment on Senate Calendar 362, Substitute HB7164? Are there any further remarks? Senator Avallone.

SENATOR AVALLONE:

I would move it to Consent.

THE CHAIR:

Is there any objection to moving Senate Calendar 362, Substitute HB7164 to the Consent Calendar? Any objection? Hearing none, it is so ordered. Thank you.  
Mr. Clerk.

THE CLERK:

Calendar 373, File 275, Substitute HB5490, AN ACT  
CONCERNING BALLOTS ON CREATING HISTORIC DISTRICTS.

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Favorable Report of the Committee on GOVERNMENT  
ADMINISTRATION AND ELECTIONS.

THE CHAIR:

Thank you. The Chair recognizes Senator Herbst.  
Is there someone here who wishes to bring this bill  
out?

SENATOR HERBST:

That came to Government Administration and  
Elections but it is not originated in our Committee.

THE CHAIR:

I can't hear you, Senator.

SENATOR HERBST:

It did not originate in our Committee.

THE CHAIR:

Thank you very much, Senator. Senator O'Leary.

SENATOR HERBST:

That came from Committee on Commerce and Economic  
Development. I call Senator Avallone.

THE CHAIR:

Thank you very much, Senator. Senate Calendar 373.  
Senator Jepsen. We have before us Senate Calendar 373,  
Substitute HB5490. It is our understanding that you  
may wish to bring that out sir? Would you like us to  
stand at ease, sir?

SENATOR JEPSEN:

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I am ready.

THE CHAIR:

Would you like to move the bill?

SENATOR JEPSEN:

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

THE CHAIR:

Thank you very much, Senator. Would you care to  
remark further?

SENATOR JEPSEN:

Yes, Madam President, this bill cleans up the  
process by which historic districts can be designated  
and ensures that the will of the committee will be  
executed by ensuring that ballots will be sent out and  
the process cannot be shortcircuited by the local  
Legislature.

THE CHAIR:

Thank you very much, Senator. Would anyone else  
wish to comment on this item? Senator Aniskovich.

SENATOR ANISKOVICH:

Thank you, Madam President. I rise simply to state  
my reasons for opposing the bill, which I articulated  
in Committee and that is I think this bill is more than  
a clean up bill. Number one, I know by way of  
clarification it adds a mandate to municipalities at a

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time when we are generally opposed to such mandates and I don't see the need for it with respect to the fact that this bill was primarily brought forward with problems experienced in several towns in Connecticut and secondly because there is a requirement in the bill to create a model ballot for the purposes of creating historic districts and I simply don't see the need to add a cost to the state to create model ballots when we currently exist in fine fashion with different ballots for the purposes of creating historical districts.

Those are my reasons for opposing the bill.

THE CHAIR:

Thank you very much, Senator. Are there any other remarks? Any other comments? Any further remarks? If not, we have an announcement for a roll call vote, please.

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:

The issue before the Chamber is Senate Calendar 373, Substitute HB5490. The machine is on. You may record your votes. The machine is closed.

JOINT  
STANDING  
COMMITTEE  
HEARINGS

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REP. AMANN: Thank you.

REP. LOONEY: Next is Senator Ed Munster. The Senator has left? Dawn Maddox of the Connecticut Historical Commission.

DAWN MADDOX: Thank you, Senator Jepsen and Representative Looney and members of the Committee. My name is Dawn Maddox and I'm the Deputy State Historic Preservation Officer with the Connecticut Historical Commission. And I'm representing our Director and the State Historic Preservation Officer, John W. Shanahan, who is unable to be here today.

The Commission is in support of the intent of proposed HB5490, AN ACT CONCERNING BALLOTS ON CREATING HISTORIC DISTRICTS. The bill amends the existing state enabling legislation for local historic districts to require that the chief elected officer of each municipality authorize the mailing of ballots to property owners so that they can vote on establishing local historic districts.

The Connecticut Historical Commission feels that the intent of the existing state enabling legislation was always to allow for a balloted vote by the property owners concerned in order to determine whether or not a district would be established. This view appears to be confirmed by the fact that the enabling legislation states that a municipalities legislative body, that is a town meeting or a town council, shall authorize the clerk of the municipality to mail ballots to property owners.

However, if, as has happened in at least 3 towns, a municipalities legislative body fails to authorize the clerk to mail ballots, then the process is short circuited and the vote of property owners is unable to fulfil it's intended role as a referendum on whether or not a district will be established. By requiring the chief elected officer of each municipality to authorize the mailing of ballot, proposed bill HB5490, removes the potential for an awkward impasse and places responsibility for

approving or rejecting local historic districts where the state enabling legislation originally intended it to be, with the property owners.

The Connecticut Historical Commission, therefore, respectfully requests your support for the passage of a technical amendment which would incorporate the intent of proposed bill HB5490. Thank you.

REP. LOONEY: Thank you. Questions from the Committee? Yes. Representative Lockton.

REP. LOCKTON: I am wondering when you say a...send balance to property owners, are those the property owners in the affected area?

DAWN MADDOX: Yes, in the district.

REP. LOCKTON: Not the whole municipality, just the proposed district.

REP. LOONEY: Representative Samowitz.

REP. SAMOWITZ: There are two questions I have. What happens if the Chief Executive Officer doesn't send out the ballots? I guess your problem is that the Legislative Body hasn't been mailing out the ballots when requested by the property owners?

DAWN MADDOX: Well the problem is if the Legislative Body, the town council, town meeting chooses not to pursue the ballot situation then you have no one you can say why don't you? You can focus your concern if the chief elected officer is instructed by the statute to do the mailing. Whereas that pressure, that leverage, if you will, is not possible at this time.

REP. SAMOWITZ: My second question. What do you do in instances where the historic district is a multi-...comes under more than one municipality?

DAWN MADDOX: I suppose the chief elected officers of each town would be instructed to send the mailing, the ballot to their residents.

REP. SAMOWITZ: Why can't the people in the district initiate the process themselves? Why is it important to have a municipal officer or

legislative body do it? Why not if the homeowners in that area want to do that they can't initiate it themselves?

DAWN MADDOX: They do initiate it. They come to their local officials and initiate the process. That's the way it is proposed now. It is not imposed by the officials. It originates with the residents, but the process, the legal process has to be carried out with the town and the public information...so it's not a local handled matter in that sense.

REP. SAMOWITZ: So when you have a multi-district town, the chief administrator of one town will take care of his side and...

DAWN MADDOX: That's right. And the statute really is set up that way now, it's just that some towns in three cases have elected not to pursue the ballot process and there is really no rebuttal when that happens. It's really awful. Because the property owners might want desperately their district established but their local officials have not seen fit to pursue the ballot process and that just ends it right there.

REP. SAMOWITZ: That is the reason why I said why do they have to have the local official. They can do the same thing too. They can stonewall it too.

DAWN MADDOX: Well, then their residents can come back and say chief elected officer, why haven't you and we would see some action if you don't perhaps. Whereas it is more difficult to do that with the town meeting or town council.

REP. LOONEY: Mr. Vice Chairman.

REP. LANGLOIS: There is a problem then in town meetings forms of government or in other forms of government in the extreme?

DAWN MADDOX: In at least one case and I am not sure about the other two, but it could happen in either if you didn't have it pursued. And I don't think the state enabling legislation ever assumed that that would be the case because language does say shall and of course we all know what shall is

supposed to mean, but if they don't see fit to pursue it then a resident of that town is in a hard position to try and rebut that neglect.

REP. LANGLOIS: No, I understand the problem and I have the existing law in front of me. I mean it does seem absurd to ask for legislative body, for instance, it says, a legislative body shall provide the form of the ballot sheet mailed to each owner. Well, that's micro management by a town meeting in a town meeting form of government. It doesn't seem to make a lot of sense.

DAWN MADDOX: Well, the statute has worked quite well over the years. I mean, we have almost a hundred historic districts in Connecticut and that's a wonderful record considering we have property owner vote requirement. Other states don't require votes of property owners. They just require that an order be passed by the local officials. We have...

REP. LANGLOIS: I think the statute would work much better if we moved the administrative acts at least up to a governing body if not as you suggest the chief executive officer. So I am agreeing with you.

DAWN MADDOX: We think it is a relatively minor change, but it would make the process much more effective.

REP. LOONEY: Representative Gill.

REP. GILL: I'm sorry I don't have the statute in front of me. It takes the vote of a legislative body to authorize the vote.

REP. LANGLOIS: To do most things, from determining the form of the ballot to authorizing...

REP. GILL: So the problem is in the resolution at the town meeting they didn't authorize this?

DAWN MADDOX: Yes. Or the town council could fail to authorize the chief elected official to undertake the balloting process and then the whole district designation process just shortcircuited right there. It is pre-empted by that failure.

REP. GILL: You had a vote and they said, yes, we want to do it and then the town clerk refused to do it.

DAWN MADDOX: No, there has been no vote up to that time. You had had a public information meeting and there would probably be support voiced for the proposed district at that meeting.

REP. GILL: Excuse me, does the legislative body take a vote to have this vote taken?

DAWN MADDOX: I presume that is how they would decide whether or not they are going to authorize their chief elected officer to pursue the ballot process. Is that how town meetings generally proceed? They take a vote on whether they are going to authorize someone to do something?

REP. GILL: Does the legislative body of a town have to take a vote before you vote in the district to set up the district? Then what you are saying is they left out the resolution at the town meeting authorizing the town clerk to do this or whoever is supposed to do it?

DAWN MADDOX: Requiring the town clerk. The legislation now says shall authorize which means really that the town should not have really a choice about whether or not their property owners get to vote on this subject. But as it is interpreted now in at least three instances in the past there has been that choice and that shortcircuits the property owners in the district from having their say about whether or not they will have a district because they never got the ballot in the first place.

REP. GILL: I'm sorry, maybe I'm dense. They took a vote at the town meeting and they left out this phrase, is that correct? They just left it out.

REP. LANGLOIS: If I could. There is a two step process if I read through this quickly. The first step is the legislative body appoints or authorizes a CEO to appoint a historic district study committee, right, and then there is a whole set of things that committee does including holding a public hearing. And then the legislative body

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within 65 days of the receipt of the report has to authorize the mailing of the ballots to each owner, so it requires two separate votes of the legislative body as the language exists.

DAWN MADDOX: The legislative body has to vote to set it up or to have an election.

REP. LOONEY: Representative Caruso.

REP. CARUSO: Thank you, Mr. Chairman. In a nutshell all you are asking to do is to simplify the process to take the legislative process out of that and put it in the hands of the first selectman, mayor, what have you. I agree with you, thank you.

REP. LOONEY: Representative Langlois.

REP. LANGLOIS: If I could take the opportunity to frame what I think the question is for the Committee. You know the question I think should we require the legislative body of a town to agree that there ought to be a historic district before the residents can then vote for themselves, because that is the existing law. The town meeting has a first shot at it and then the residents have the second shot at. You have to be successful in both cases. Or do we, like other independent districts offer it as an entitlement? If residents of the district wish to organize then we allow them to do that as a right. Under this it is not a right, it's a right conferred to them by the legislative body.

REP. GILL: Alright. Mr. Chairman, then I would like to follow up again. These people have votes of the legislative body, the three had a vote of the legislative body that said let's go ahead and do it and they left...

DAWN MADDOX: The only thing they are supposed to be voting on as a legislative body is to send that vote to the property owners. They really shouldn't be saying we will or will not have a district because that determination comes at the local level on the voters in the proposed district. All the governing body is supposed to do is to pass on the right to vote to the property owners in the

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proposed district and in these instances and in any other number of other instances in which it might happen that has not gone through.

REP. GILL: Thank you.

REP. LANGLOIS: I disagree with that.

REP. LOONEY: Thank you very much. Senator Ed Munster.

SEN. MUNSTER: Thank you. I'm sorry I stepped out of the room. I was over in the Education hearing where I am on that Committee. I want to thank you for raising this bill, SB458 which would allow or require rather the plaintiff in a civil suit against the member of the municipal board to pay the cost of legal fees if the member prevails in the suit.

Basically the reasons why I have made this proposal, first of all I would hope that such legislation would reduce the intimidation factor to which essentially lay volunteers are essentially exposed to when they take a position on town board or commission. Many times these people will receive no compensation and spend long hours in service to that town and deserve as much protection from harassment as we can provide to them.

Second, recruitment of qualified candidates to serve on these boards without compensation is difficult enough and I say that because I am a former Republican Town Chairman of the Town of Haddam and I had to recruit many a candidate. At the risk of legal defense fees could make such recruitment easier. And then I would like to add that I would like, if I may, read a letter to you from former Democratic Town Chairman of Haddam, Dr. John Courab, which is attached to the written testimony that I gave you.

Essentially, rather than reading it what I will do is reiterate that in effect Dr. Courab essentially supports the bill and in fact finds the same sort of concerns that I do with regard to potential lawsuits against individual members of boards and commissions at the local level and I thank you and I will be happy to answer any questions.

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EXCESS OF APPROPRIATIONS. That's a good bill. It would help. Occasionally everyone tries to stay within their budget but occasionally they miss.

HB5490, AN ACT CONCERNING BALLOTS ON CREATING HISTORIC DISTRICTS. That one I really am at a loss. First of all I said no, but perhaps that's okay but then I would add language to it that perhaps would put the cost for the mailing on the property owners in the proposed district. That may be why the negatives came about and because mailing is starting to become a large cost.

HB5683, AN ACT CONCERNING TRADENAMES FOR CERTIFICATES FILED IN TOWNS CLERKS. I have been doing a lot of geneology, I don't think it ought to ever be disposed of. It is amazing what you can find in the town clerk's office, to trace your roots.

HB5807, AN ACT CONCERNING MUNICIPAL GEOGRAPHIC INFORMATION SYSTEMS. I would say no to that. I'll tell you why later.

HB5810, AN ACT CONCERNING THE SALE OF FARM LAND, FOREST LAND OR OPEN SPACE LAND, again, a no.

HB5811, AN ACT CONCERNING SPECIFICATIONS FOR DOCUMENTS FILED ON LAND RECORDS. I would say no to that.

HB5815, AN ACT CONCERNING LOCAL REFERENDA. That seemed excessive.

HB5816, AN ACT CONCERNING LIABILITY OF MEMBERS OF LOCAL BOARDS AND COMMISSIONS. A few already have that, but if that would help, yes.

HB5817, AN ACT CONCERNING THE SALE OF OPEN SPACE LAND. No, on that.

HB5820, AN ACT CONCERNING ADJUSTMENTS IN SEWER USE CHARGES FOR ELDERLY PROPERTY OWNERS. I would say okay on that but I would be careful with it.

HB5821, AN ACT CONCERNING THE ESTABLISHMENT OF BOUNDARIES BETWEEN ASHFORD AND WILLINGTON. Forget

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municipal boards. This bill cost the state nothing and can save municipalities a great deal in both money and time. A recent case, used in Brookfield were local commission members for successfully sued personally by a developer has given cause to many people doing their civic duty as unpaid members of commissions.

This unpaid labor must represent hundreds of thousands of dollars or more in free labor to all towns. Since the above mentioned case, developers have come before our commission with veiled threats and references to this Brookfield case in attempts to intimidate lay members of the commission. This bill does not free members of municipal boards from meeting their legal and statutory responsibilities but it does, and this is important, help free them from harrasing and frivolous lawsuits.

In summary, this bill costs nothing and serves the public good. And then if I could, I just like to give a little bit of clarification to the testimony that was given earlier on SB5490 an act concerning ballots and creating historic districts. There are some questions as to how that was set up. The way it presently, and I know this because our town was the town she was referring to, and I I'm I myself in the historic district. There three things that have to be done.

First, the legislative body has to authorize the ballot in the historic district. And the way the legislation reads presently, it says the legislative body shall authorize the ballot. Then the ballot goes to the historic district, and the historic district has to vote two thirds in favor for it to pass. If it passes there, it goes back to the legislative body in our case, the town meeting, and the town meeting votes on it.

What has happened here, is that the legislative body that shall authorize the ballot because of local politics and one particular person that was deathly against any historic district, raised a considerable hullabulloo. And the town eventually said even though the law says they shall authorize the ballot, the town meeting voted against the

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ballot and left everything up in the air. And I think this sixty four, fifty four ninety just clarifies what is required.

It does not, the town meeting still has to vote on it except it comes after the historic district has voted on it.

SEN. JEPSEN: Representative Caruso.

REP. CARUSO: Yes, very quickly sir. Your talking SB 458 about statutes covering individuals that serve on municipal boards or commissions. In the court case that you cited, it was shown and the judge ruled that the board had acted arbitrarily and had conspired against the individual that had come before it. What is your feelings about state statutes that would cover acts of that nature by by the

STEVEN HITCHCOCK: I would I would say this would not cover that. I read through that case and they acted very foolishly, I mean, I think they were right in getting sued but what has happened is developers have used that as a weapon against lay members who are understandably nervous about not understanding what happened on the previous one. And all this really says is if the developer sues and he is wrong, the cost of (inaudible) either by the town or by the individual.

It doesn't say if the individual is guilty, or in violation, he still will have to pay I believe was fifty thousand dollars.

REP. CARUSO: Would would that cover also if the corporate council for the municipality gave the legal opinion to a board, and the board acted contrary to that opinion?

STEVEN HITCHCOCK: Say that again now.

REP. CARUSO: If, if the legal council of a or corporate council of a municipality gave a legal opinion to a selected board, and that board acted contrary to that opinion

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excludes teachers, but I know that municipalities have to offer these options, it is a federal law that you have to offer the options.

SHARON PALMER: If there is a settled agreement? Are we talking about a collective bargaining process?

REP. MCDONALD: Yes. At one time we had all Blue Cross Blue Shield, the federal government said you can't have that, you have to offer HMO options along with Blue Cross.

SHARON PALMER: I don't know, I am not familiar with that.

REP. MCDONALD: Well, it's another story.

REP. LOONEY: Thank you very much. Next is Gregory Andrews.

(cass 3)

I understand we are now on tape once again, so I would again, call Mr. Gregory Andrews. Thank you, Mr. Andrews, sorry for the delay.

GREGORY ANDREWS: Thank you Representative Looney. Members of the Committee, my name is Greg Andrews and I am here on behalf of Connecticut Preservation Action which represents the statewide community of Connecticut Preservation Action groups. CPA supports HB5490, AN ACT CONCERNING BALLOTS ON CREATING HISTORIC DISTRICTS.

The bill amends the existing state enabling legislation for creating local historical districts to require the chief elected officer of each municipality to authorize the mailing of ballots to property owners so that they can vote on establishing local historic districts.

We support this legislation for two reasons. First because it will clarify the process for establishing historic districts and secondly because it will help ensure that property owners in proposed districts are heard on the matter through balloting. As presently stated the law provides that the legislative body of each municipality shall authorize the mailing of ballots for a vote

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for creating the district. Even though the legislative body shall act and I underline the word shall as has been mentioned earlier in at least three cases the town's legislative body has failed to do so. The requirement to act (inaudible) was intended by the law to be mandatory, not discretionary.

This bill should clarify the process by placing the requirement to act on the chief elected officer of the municipality rather than on the legislative body. Furthermore the intent of the enabling legislation that affected property owners have the right to vote on creating the district is subverted when they are not given the right to do so. As has happened under the present law. HB5490 would help preserve this important right.

And I would like to just confirm and support a comment made earlier by the Chairman of the Haddam Planning and Zoning Commission which is the fullest bill would leave in tact the final say that the town legislative body has on this matter. In other words, that after the property owners vote on creating the district the matter is referred back to the town legislative body for the final determination by their vote on whether or not to create the district.

In closing Connecticut Preservation Action respectfully requests your support for the enactment of HB5490 as a technical amendment to the state enabling law for historic districts. Thank you very much.

REP. LOONEY: Thank you very much. The next speaker is Jeffrey Pierce to be followed by Terry Mitchell.

JEFFREY PIERCE: Mr. Chairman, Committee members, good afternoon. My name is Jeffrey Pierce, I wish to speak on HB5810 and HB5817. I am the Chairman and President of the Middletown Landowners Association and we are opposed to both of these bills. We feel that these bills not unlike some other legislation is demeaning to the title which we hold on our property.

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S-T-A-T-E OF CONNECTICUT  
CONNECTICUT HISTORICAL COMMISSION

Testimony on Proposed H.B. No. 5490:  
"An Act Concerning Ballots on Creating Historic Districts"

Planning and Development Committee  
Subject Matter Public Hearing on Municipal Bills

Monday, February 11, 1991, at 1:30 p.m.  
Room 2D, Legislative Office Building

Good afternoon. My name is Dawn Maddox and I am the Deputy State Historic Preservation Officer with the Connecticut Historical Commission. The Commission is in support of the intent of proposed H.B. No. 5490, "An Act Concerning Ballots on Creating Historic Districts." The bill amends the existing state enabling legislation for local historic districts to require that the chief elected officer of each municipality authorize the mailing of ballots to property owners so they can vote on establishing local historic districts.

The Connecticut Historical Commission feels that the intent of the existing state enabling legislation was always to allow for a balloted vote by the property owners concerned in order to determine whether or not a district would be established. This view appears to be confirmed by the fact that the enabling legislation states that a municipality's legislative body (that is, a town meeting or a town council) shall authorize the clerk of the municipality to mail ballots to property owners.

However, if, as has happened in at least three cases, a municipality's legislative body fails to authorize the clerk to mail ballots, then the process is short-circuited and the vote of property owners is unable to fulfill its intended role as a referendum on whether or not a district will be established.

By requiring the chief elected officer of each municipality to authorize the mailing of ballots, Proposed Bill No. 5490 removes the potential for an awkward impasse and places responsibility for approving or rejecting local historic districts where the state enabling legislation originally intended it to be: with the property owners.

The Connecticut Historical Commission therefore respectfully requests your support for the passage of a technical amendment which would incorporate the intent of Proposed Bill No. 5490. Thank you.

A handwritten signature in cursive script that reads "Dawn Maddox".

Dawn Maddox  
Deputy State Historic Preservation Officer  
Connecticut Historical Commission

TEL: (203) 566-3005

59 SOUTH PROSPECT ST. — HARTFORD, CONN. 06106

AN EQUAL OPPORTUNITY EMPLOYER

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Testimony on Proposed H.B. No. 5490:  
"An Act Concerning Ballots on Creating Historic Districts"

Planning and Development Committee  
Public Hearing on Municipal Bills  
February 11, 1991

My name is Greg Andrews, and I am here on behalf of Connecticut Preservation Action, which represents the statewide community of historic preservation groups, historic district commissions, and historical societies. Connecticut Preservation Action supports H.B. No. 5490, "An Act Concerning Ballots on Creating Historic Districts." The bill amends the existing state enabling legislation for creating local historic districts to require the chief elected officer of each municipality to authorize the mailing of ballots to property owners so that they can vote on establishing local historic districts.

We support this legislation for two reasons: 1) because it will clarify the process for establishing historic districts, and 2) because it will help ensure that property owners in proposed districts are heard on the matter through balloting.

As presently stated, the law provides that the legislative body of each municipality (e.g., the town council or town meeting) shall authorize the mailing of ballots to property owners in proposed districts for a vote on creating the district. Even though the law states that the legislative body shall act, in at least three cases a town's legislative body has failed to do so. The requirement to act was intended by the law to be mandatory, not discretionary. This bill should clarify the process by placing the requirement to act on the chief elected officer of a municipality, rather than on the legislative body.

The intent of the state enabling legislation--that affected property owners have the right to vote on the creation of a historic district --is subverted when they are not given the right to do so, as has happened under the present law. H.B. 5490 would help preserve this important right.

The proposed bill would leave intact the vital role of town legislative bodies to approve or reject the creation of a historic district after the property owners vote on the matter.

Connecticut Preservation Action therefore respectfully requests your support for the enactment of H.B.5490 as a technical amendment to the state enabling law on historic districts. Thank you.