

Act Number:	09-080	
Bill Number:	6463	
Senate Pages:	2348, 2585-2588	5
House Pages:	2610-2634	25
Committee:	Planning and Development 856-857, 921-923, 926-927, 943-944, 958, 972, 974-982, 988-990	23
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**CONNECTICUT
GENERAL ASSEMBLY
SENATE**

**PROCEEDINGS
2009**

**VOL. 52
PART 8
2344 - 2636**

tmj
SENATE

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May 19, 2009

SENATOR LOONEY:

Thank you, Mr. President. Mr. President,
Calendar page six, Calendar 436, Senate Bill 609,
marked "passed temporarily."

Calendar page ten, Calendar 546, Senate Bill 579
is marked "go."

Also, Calendar page ten, Calendar 557, Senate
Bill 1062, marked "passed temporarily."

Calendar page 11, Calendar 582, House Bill 5436,
marked "passed temporarily."

Calendar page 12, Calendar 599, House Bill 6463.
Mr. President, move to place that item on the Consent
Calendar.

THE CHAIR:

Without objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President. Mr. President, moving
to Calendar page 13, Calendar 607, House Bill 6576 is
marked "go."

Calendar page 13, Calendar 608, House Bill 6640.
Mr. President, move to place that item on the Consent
Calendar.

THE CHAIR:

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that it be placed on the Consent Calendar.

THE CHAIR:

Without objection, so ordered. Mr. Clerk, would you please return to the call of the Calendar. Mr. Majority Leader.

SENATOR LOONEY:

Thank you, Mr. President. Mr. President, if the Clerk might call the first Consent Calendar.

THE CHAIR:

Mr. Clerk.

THE CLERK:

The roll call has been ordered in the Senate on the Consent Calendar. Will all Senators please return to the Chamber? An immediate roll call has been ordered in the Senate on the Consent Calendar. Will all Senators please return to the Chamber? Mr. President, those items placed on the first Consent Calendar begin on Calendar page 5. Calendar Number 392, House Bill 6433.

Calendar 397, Substitute for House Bill 5915.

Calendar 405, House Bill 5536.

Calendar page 6, Calendar 406, House Bill 5873.

Calendar 457, substitute for House Bill 6264.

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Calendar page 12. Calendar Number 599,
substitute for House Bill 6463.

Calendar page 13, Calendar 608, House Bill 6640.

Calendar page 14, Calendar 611, substitute for
House Bill 6341.

Calendar 612, substitute for House Bill 6286.

Calendar 620, substitute for House Bill 5664.

Calendar page 15, Calendar 622, substitute for
House Bill 6496.

Calendar page 16, Calendar 628, House Bill 5809.

Calendar 630, substitute for House Bill 5519.

Calendar page 23, Calendar Number 284, substitute
for Senate Bill 290.

Calendar page 24, Calendar 103, Senate Bill 754.

Calendar 120, Senate Bill 818.

Calendar 136, Senate Bill 789.

Calendar page 26, Calendar 179, substitute for
Senate Bill 951.

Calendar page 27, Calendar 207, substitute for
Senate Bill 950.

Calendar page 29, Calendar 252, substitute for
Senate Bill 1068.

Calendar page 34, Calendar Number 420, Senate

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Bill 325.

And Calendar page 40, Calendar Number 541, House
Bill 6076.

Mr. President, that completes the items placed on
the first Consent Calendar.

THE CHAIR:

On the first Consent Calendar, the machine is
open.

THE CLERK:

The Senate is now voting by roll call on the
Consent Calendar. Will all Senators please return to
the Chamber? The Senate is now voting by roll call on
the Consent Calendar. Will all Senators please return
to the Chamber?

THE CHAIR:

Have all the Senators voted? Seeing that all
Senators have voted, the machine will be closed.
Clerk, please announce the tally.

THE CLERK:

Motions on adoption to the Consent Calendar,
number 1.

Total Number Voting	36
Those voting Yea	36

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SENATE

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Those voting Nay 0

Those absent and not voting 0

THE CHAIR:

The Consent Calendar is adopted. Mr. Majority
Leader.

SENATOR LOONEY:

Thank you, Mr. President. Mr. President, a few
more items to be marked "go." First, Calendar page
29, Calendar 249, House Bill 6185. Calendar page 35,
Calendar 424, Senate Bill 1045. Calendar page 36,
Calendar 429, Senate Bill 940. Thank you, Mr.
President.

THE CHAIR:

Thank you, sir. Mr. Clerk.

THE CLERK:

Turning to Calendar page 29, Calendar Number 249,
Files number 49 and 285, House Bill 6185, AN ACT
CONCERNING PENALTIES FOR VIOLATIONS OF CERTAIN
PERSONNEL FILE STATUTES as amended by House Amendment,
Schedule "A". Favorably Reported, Committee on Labor
and Judiciary.

THE CHAIR:

Senator Prague.

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**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

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THE CLERK:

And Mr. Speaker an unfavorable report on House Bill number 6569. It's a matter reported in accordance with petition.

REP. MERRILL (54th):

Mr. Speaker.

SPEAKER DONOVAN:

Representative Merrill.

REP. MERRILL (54th):

Yes. I move that this item be tabled to the calendar and printing.

SPEAKER DONOVAN:

Without objections, so ordered. Will the Clerk please call calendar number 246.

THE CLERK:

The State of Connecticut House of Representatives for Thursday, April 30, 2009. On page 33, calendar 246 substitute for House Bill number 6463, an act concerning membership on regional planning agencies favorable report of the Committee on Appropriations.

SPEAKER DONOVAN:

Chairman of Planning and Development Agency, Representative Sharkey.

REP. SHARKEY (88th):

Good morning, Mr. Speaker.

SPEAKER DONOVAN:

Good morning, Representative.

REP. SHARKEY (88th):

I move acceptance of the Joint Committee's favorable report and passage of the bill.

SPEAKER DONOVAN:

The questions of its acceptance in the joint committee's favorable report in passage of bill.

Remarks sir.

REP. SHARKEY (88th):

Yes, Mr. Speaker. Thank you. This bill is a bill that would apply to only the five regional planning agencies in the State of Connecticut. All the bill does is require that these regional planning agencies have their municipal chief elected officials participate on the RPA as a voting member. It's a -- it's a recommendation that was made actually two years ago by a -- a bipartisan study of the legislative Program Review and Investigations Committee and I would urge my colleagues' support. Thank you, Mr. Speaker.

SPEAKER DONOVAN:

Thank you, Representative. Remark further on the

bill, Representative Aman.

REP. AMAN: (14th):

Thank you very much, Mr. Speaker.

SPEAKER DONOVAN:

Good morning Sir.

REP. AMAN (14th):

A proponent of the bill, does the chief elected official personally have to attend or can they appoint someone else to attend?

SPEAKER DONOVAN:

Representative Sharkey.

REP. SHARKEY (88th):

Through you, Mr. Speaker, no, the chief elected official personally does not need to attend the meetings. The designee -- the chief elected can designate some other entity to be a proxy for that individual at these RPA meetings. Through you, Mr. Speaker.

REP. AMAN (14th):

Again through --

SPEAKER DONOVAN:

Representative Aman.

REP. AMAN (14th):

Again through you Mr. Speaker. Does this designee

have to have the ability to vote and bind the municipality the same way as the chief elected official?

SPEAKER DONOVAN:

Representative Sharkey.

REP. SHARKEY (88th):

Through you, Mr. Speaker. It would be similar to the way that we do other voting requirements for other regional planning organizations in the state, either councils of government or councils of elected officials. So to the extent that the individual designated by the CEO has to place a vote that would involve binding the town, yes, the anticipation -- the -- it is anticipated that that individual would be casting a vote as a proxy for the municipal CEO who is otherwise the member of the RPA. Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Aman.

REP. AMAN (14th):

Yes, and just one final question regarding this. This has, my understanding no impact whatsoever on the regional council of governments or COGs or the regional councils of elected officials. Is that

correct? Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Sharkey.

REP. SHARKEY (88th):

Through you, Mr. Speaker. Yes. We are trying to -- as we move towards initial -- initializing some -- more regional initiatives here in the state we do want to make sure that our towns and -- and municipal officials are talking to each other and working together. And as we try to empower our RPOs to do more towards regionalism we want to make sure that the CEOs are there. But nothing about this bill in any way impacts the other two existing entities; the municipal -- the regional councils of elected officials or regional councils of government. Through you, Mr. Speaker:

SPEAKER DONOVAN:

Representative Aman.

REP. AMAN (14th):

In going over this bill I think it is a good idea that we go forward in it. One of the problems that any sort of regional agency has or any attempt to have municipalities work together is that if you don't have the people who are actually running the municipalities

participating, things take forever to get done. No decisions are really made.

So hopefully by requiring the chief municipal official or their designate to be active in these organizations they will become more efficient and actually represent the communities much better. Therefore I urge my colleagues to support this resolution -- or this bill.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you, Representative. Will you remark further. Representative Hovey. You have the floor, ma'am.

REP. HOVEY (112th):

Thank you, Madam Speaker. Through you a question to the proponent of the legislation, Madam.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Sharkey, prepare yourself for questioning. Representative Hovey, please frame your question.

REP. HOVEY (112th):

Thank you, Madam Speaker. Through you Madam Speaker, I have a question with regards to the local charter. If a local charter presently dictates who the appointments would be or if they are given the

authority such as their town council membership appoints the membership to these planning agencies, how does this marry to what's presently in the charter and would it supersede what the local charter presently dictates? Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Sharkey.

REP. SHARKEY (88th):

Through you, Madam Speaker. I appreciate the question. No. Nothing about this would supersede a local charter as far as who is actually the representative of the town. However the town identifies the individual to participate on that regional body that would remain in effect. Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Hovey.

REP. HOVEY (112th)

Thank you, Madam Speaker. So just for clarification sake, sir, if a local community is a charter community and they presently as a town council the chairperson of the town council designates who the participants are to be in the local -- regional planning boards then that would remain the same. And

-- and it might not necessarily be the CEO of that community. Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY BEY:

Representative Sharkey.

REP. SHARKEY (88th):

Well it -- that's a good clarification. I think what we want to make sure is that the towns that are participating in the regional planning agency include on that agency board a -- the -- the chief elected official or someone designated by the chief elected official to participate on that board.

So in that sense we do want to make sure that the towns that are represented on the agencies have a representative who is -- who can actually represent the town. Now to the extent that currently towns in regional planning agencies may appoint a town planner for example to be the agency representative. No that would not suffice. It would need to be someone appointed by the chief elected official of the town or whoever within the town has that authority, that chief -- that executive authority. Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Hovey.

REP. HOVEY (112th):

Thank you, Madam Speaker. So again, I just need to go back. There are communities that are -- are dictated by a charter that have elected town councils which also have elected first selectman which would technically be the CEO of that community but the chairperson of the town council selects from the full body of the town council presently their designee for those regional planning committees. And this legislation would change that to the CEO being the one who would designate that, correct sir? Thank you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Sharkey.

REP. SHARKEY (88th):

Thank you, Madam Speaker. Through you, the answer to your question in that scenario is that the chief or the -- the council leader in that particular community would still be able to appoint other members to the RPA.

What will change here is that the CEO of the town, in this case -- in that case, your scenario, the first selectman, would also be a member of the RPA and that first selectman can appoint a designee or go in

person. Preferably we'd like them to go in person.

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Hovey.

REP. HOVEY (112th):

Thank you, Madam Speaker. And I thank the good gentleman for the clarification around that issue.

Thank you.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you, ma'am. Representative Sawyer. You have the floor ma'am.

REP. SAWYER (55th):

Thank you, Madam Speaker. Following Representative Hovey's line of questioning, Representative Sharkey and I had a discussion yesterday and I would just like to review that with him on the floor. In the case where you have a town where there is a five member board of selectman and the first selectman is not of the majority party and in the case where the first selectman is independently elected and as it falls with the minority representation laws that we have in the State of Connecticut it is possible, and it does happen, and it is currently happening in the State of Connecticut

that we have a two to three board and the first selectman is amongst the two. Well some of these positions are considered plum positions or -- or can be irritants depending on who gets nominated and the responsibility is you must go to this meeting because oh, by the way you have to be the decision authority to be there. Which as Representative Sharkey said is the key for this bill and that makes a whole lot of sense.

I think all of us here, this chamber, and for those on -- perhaps on TV that don't always know but we go to meetings and sometimes there is a quorum, sometimes there aren't the right people there that actually have the ability to cast a vote that has decision-making authority. So you feel like you've wasted your time that you're spinning your wheels and whatever the issue is then gets delayed and can be delayed by easily a month or two months depending on how long it takes for the next meeting to be for this particular organization, in this case the RPO, the regional planning organizations. So through you Madam Speaker a quick question to Representative Sharkey.

DEPUTY SPEAKER KIRKLEY-BEY:

Please frame your question. Representative

Sharkey I believe is ready.

REP. SAWYER (55th):

Mr. Chairman, so in the case where we have a minority representation in the -- on the board of selectman where you have a first selectman is of the minority party. Do you see this being a mandate of the first -- the first selectman in this case because he's the chief elected official, do you feel that he is able then to appoint others from his -- others from his board of selectman or can it still be a vote of the whole to decide who should go as representative if he so desires. Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Sharkey.

REP. SHARKEY (88th):

Through you, Madam Speaker. My interpretation of what we're doing here is to allow whatever the -- whatever the governing body of the town is, if it's in this case the scenario that Representative Sawyer describes where there's a -- there's a chief elected official in the first selectman but then a board of selectman that is -- consists of the opposite party. If they as a whole make decisions about these kinds of appointments and therefore decisions about the town, I

would think that they would be able to designate who the appointee would be. Now I would want to be clear about this.

The intent is to have this municipal CEO be the member who is designated in the new RPA. Now whoever actually goes to represent the first selectman is ultimately a local decision that could be made by the entire board of selectman if that's the appropriate scenario. Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you. Representative Sawyer.

REP. SAWYER (112th):

I would like to thank Representative Sharkey for that clarification because I think as we look at legislative intent and as these things move forward that it -- it helps in clarifying because as you know with 169 towns we have multiple forms of leadership when it comes to the chief elected officials spot. So thank you, Madam Chair -- Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you. Representative Noujaim, you have the floor sir.

REP. NOUJAIM (74th):

Thank you, Madam Speaker. Good morning, Madam

Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Good morning sir. How are you?

REP. NOUJAIM (74th):

Nice to see you as always. Madam Speaker, through you I would like to ask Representative Sharkey the proponent of this bill a few questions for clarification.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Sharkey prepare yourself. Please frame your question sir.

REP. NOUJAIM (74th):

Thank you Madam Speaker. Good morning, Representative Sharkey.

REP. SHARKEY (88th):

Good morning.

REP. NOUJAIM (74th):

Representative Sharkey, I am reading through this -- this bill and one of the things that I see is it says in here in the analysis, the law authorizes the Office of Policy and Management Secretary to divide the state into logical planning regions in 2012. Now in the Greater Waterbury area we have a region and it is called the Council of Government. They -- they

call it the COGs. It's made up of seven municipalities including Waterbury, Beacon Falls, Naugatuck, Shelton and all of those areas.. Now they do have the same type of organization that you are describing in this bill.

If this bill goes into effect and becomes a legislation -- becomes law. Would these COGs be affected and they may be changed or the position of the -- their establishments will be changed or affected by this bill. Through you, Madam Speaker.
DEPUTY SPEAKER KIRKLEY-BEY:

Representative Sharkey.

REP. SHARKEY (88th):

Through you, Madam Speaker. The answer is no. I think the reference to which Representative Noujaim is -- is referring and citing in his comments is actually background about existing law currently. Currently the Office of Policy and Management is responsible for designating all regional planning organizations and their -- and the regions that they will make up.

OPM has the authority to decide what a region is and where it will be ultimately. That's existing current law and nothing about this would in any way change the current designation of any existing

regional planning organization whether they be a council of governments, council of elected officials, or regional planning agencies. Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Noujaim.

REP. NOUJAIM (74th):

Thank you, Madam Speaker. And through you Madam Speaker to Representative Sharkey. Also in the bill it says those RPAs, one of them is Central Connecticut RPA. Well the council of government I'm speaking is obviously located in central Connecticut so if there's going to be any change would there be a duplication of work between perhaps a newly established -- established committee and -- with this cause and if that is the case would it be like additional expenditures to the state and also the municipalities. Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Sharkey.

REP. SHARKEY (88th):

Through you, Madam Speaker. No. We currently in this state -- this bill would only affect what currently exists in the state which is five regional

planning agencies. Why -- the definition of what a regional planning agency is as it compares to a council of governments or a council of elected officials is that it's not required of the regional planning agency to have the chief elected official represented on that body.

So the only change that this bill is making is that for those five regions where an RPA is the -- is the organization of choice and the organizational structure of choice, all this does is say that as part of its membership the RPA must include the chief elected official of the town. So there would not be any additional cost associated with this on either the state or the local level. Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Noujaim.

REP. NOUJAIM (74th):

Thank you, Madam Speaker and through you, Madam Speaker one more question to Representative Sharkey. It seems to me that what this bill is doing is simply increasing the membership in the regional planning agency, the RPAs that Representative Sharkey is speaking about by one person, by one elected official. And if I may just ask and if you have explained it

Representative Sharkey, please accept my apologies.

What is the reason for just adding one more person?

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Sharkey.

REP. SHARKEY (88th):

Through you, Madam Speaker. Actually I think it was Representative Aman's comments that spoke on this most directly. The reason why we want to do this is because currently we are -- we had these regional entities that don't necessarily have the chief elected officials of the towns participating. It could be the local town planner for example that may be the town's representative on the planning agency. And it has been felt the last couple of years on a bipartisan basis beginning with the study that the Program of Unit Investigations Committee did two years ago, that we really -- all of our regional planning organizations really should consist at least -- at least consist of the chief elected officials of the towns. That the CEOs really should be at the table.

So as we look at regionalism as a solution to our property tax problems and to our other economic initiatives and economic competitiveness in the state

it is somewhat of an anachronism that we still have organizations that exist in the state -- regional organizations in the state that don't have the CEOs actually physically at the table or as members to work with each other to develop regional solutions to our -- to the issues that come up. So that's the reason for adding that one member. It's just adding the CEO who is obviously a critical member to be able to make regional decisions. Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Noujaim.

REP. NOUJAIM (74th):

Thank you, Madam Speaker and I thank Representative Sharkey for those answers.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you. Representative O'Brien, you have the floor sir.

REP. O'BRIEN (24th):

Thank you, Madam Chair. Question through you to the Chairman of the Planning and Development Committee.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Sharkey prepare yourself for questioning. Please proceed sir.

REP. O'BRIEN (24th):

Thank you, Madam Speaker the question I have is since this would be -- this bill would propose increasing the base of representation for each community within an archaean, would this have a practical effect based on the formula of additional representation for a larger communities of decreasing the proportional representation on any of the archaean of larger communities that presently have more than their base representation? Because it's decreasing the base representation of each town, does it have the effect of increasing representation of smaller towns relative to larger towns? Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Sharkey.

REP. SHARKEY (88th):

Through you, Madam Speaker. No. The intent is to not -- not change in anyway the make-up or the weight of representation on the organizations, it just simply requires that the CEO be a member of that regional planning agency that currently exists. So in that sense, no, the intent is not to change or shift the -- the relative weight of representation on the RPA. Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative O'Brien.

REP. O'BRIEN (24th):

Thank you, Madam Speaker. Just so there are -- so there are no towns that based on the current formula have additional representation on -- on RPAs? Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Sharkey.

REP. SHARKEY (88th):

I'm -- if -- if perhaps Representative O'Brien could repeat that question. I'm not sure I understood the question.

DEPUTY SPEAKER KIRKLEY-BEY:

Please courtesy of Representative O'Brien repeat the question.

REP. O'BRIEN (24th):

Thank you, Madam Speaker. The substance of my question has to do with the -- the ratios of representations. So if there are in fact towns that have a -- more than the base representation right now it would seem that increasing the base representation inherently decreases the proportion of the RPA Boards that they -- that they constitute. So the question --

so if there are -- if based on the formula in current law there is no -- there are no towns that have more than the base representation then I can see that it doesn't affect those ratios but I have concern that if there are towns that have more representation because of their population that it could still have that effect. Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Sharkey.

REP. SHARKEY (88th):

Thank you, Madam Speaker. Madam Speaker, the -- to answer the question is it's not the intent of this legislation to in anyway shift that relationship and shift the relative weight of the representation. So, if the additional member of the -- the CEO as a member of the RPA should not change that -- the weighting of the voting on the part of -- on the part of the RPA membership. Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you, Representative O'Brien.

REP. O'BRIEN (24th):

Thank you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you. Will you remark -- will you remark

further on the bill that is before us? Representative Miller, you have the floor, sir.

REP. MILLER (122nd):

Thank you, Madam Chair -- Madam Speaker. Just a question that one of my towns is a member of a regional planning agency -- one of the state's biggest cities. Right now we don't have a lot of trouble. Sometimes there are particular projects where some of our neighboring towns will vote with the major city and the town of Stratford might be at a loss to oppose what they're trying to do.

Now with the mayor of that city being present at one of these regional planning agencies because of the compacts they have with surrounding cities and being a very knowledgeable person, he could in a way sway a lot of things that may affect our -- our town.

So while I don't think it's that bad of an idea, I have some concerns that the big city might squeeze us out on a couple of issues. One of which is the Sikorsky Memorial Airport where if the city is tied in with the taking assuage from a number -- other communities on the board and that particular mayor puts the squeeze on those cities -- those towns and cities Stratford could be left in the lurch in a lot

of ways.

So it's just a thing that might happen and I'm bringing it up so that people are aware of what may happen. When a CEO -- when the mayors are allowed to participate. So, that's not a question, just a statement and I appreciate -- thank you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you, Sir. Will you remark -- will you remark further on the bill that is before us? If not, staff and guests please come to the well. Members take your seats. The machine will be opened.

THE CLERK:

The House of Representatives is voting by roll call. Members to the chamber. The House is voting by roll call. Members to the chamber.

DEPUTY SPEAKER KIRKLEY-BEY:

Have all members voted? Have all members voted? Please check the board to see that your vote has been properly cast. The machine will be locked and the Clerk will prepare the tally. Will the Clerk please announce the tally?

CLERK:

House Bill number 6463

Total number voting	127
Necessary to pass	64
Those voting Yea	126
Those voting nay	1
Those absent and not voting	24

DEPUTY SPEAKER KIRKLEY-BEY:

The bill passes.

Will the Clerk please call calendar number 391.

THE CLERK:

On page 13, Calendar 391 substitute for House Bill number 6200, an act concerning the use of long-term antibiotics for the treatment of Lyme disease, favorable report of the Committee on Public Health.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Ritter.

REP. RITTER (38th):

Thank you, Madam Speaker. Madam Speaker, I move for acceptance of the Joint Committee's favorable report and passage of the bill. The question before us is unaccepted so the Joint Committee's favorable report and passage of the bill. Will you remark further?

REP. RITTER (38th):

**JOINT
STANDING
COMMITTEE
HEARINGS**

**PLANNING AND
DEVELOPMENT
PART 3
696 - 1037**

2009

38
 ch/md PLANNING AND DEVELOPMENT
 COMMITTEE

March 2, 2009
 11:00 A.M.

incentives when this is already happening successfully in many areas. I think the point is that that you need to encourage more of it, and where it's not working you can find that out.

And maybe going to your question, Representative Sharkey, about what projects would best be served, the last bill on the agenda I think -- the Governor's budget bill has a regional seminar every year proposed where -- where success stories would be exchanged by local officials. There's also the results-based accountability in your smart growth working group's proposal, I'm not sure I saw that in any of the bills so far, results-based accountability by whether it's DECD or Home Connecticut or whatever agency, and the cost benefit analysis that can be done by OPM, so that those incentives won't just be wasted money. Thank you very much.

REP. SHARKEY: Thanks very much for your testimony and thank you for your help with the smart growth working group and all the --

TIMOTHY CALNEN: Thanks.

REP. SHARKEY: Are there questions from members of the committee?

Okay. Thanks, appreciate it.

Next is Jim Finley followed by Dan Keune.

RONALD THOMAS: Representative Sharkey, Senator Coleman, members of the Planning and Development Committee, as you've probably guessed, I'm not Jim Finley. He is somewhere on 95 coming to the state from points south, so he'll probably get here sometime tonight.

HB6463 HB6464
HB6465 HB6467
HB6469 HB6588
HB6589 SB371
SB384 HB5544

So I figured I'd better go on in his place.

CCM is -- I'm Ron Thomas, of course, the Manager of State and Federal Relations for CCM. I'm happy to be here to talk about issues of concern to towns and cities, and really want to compliment the committee for taking on these issues, these very important issues regarding smart growth. It's an issue that CCM has been very concerned about for many years and we think it's really an issue whose time has come. We've said that many years, but I think the state's fiscal condition and the fiscal condition of towns really makes for a prime sort of situation to really take on this very, very tough issue.

I'd just to talk about a few bills. One, 6463, regarding membership on regional planning agencies -- we strongly support this proposal. It would require that RPAs comprise of municipal chief elected officials, so many of the proposals that are before you today are proposals that give these RPOs more authority, and again, you're going to have a limited amount of say, buy-in, if you don't have chief municipal elected officials as part of those groups. And again, I mean not as -- I think the current way that RPAs are -- is meets the sort of practice of today, but they won't be able to take on additional responsibilities.

Regarding 6464, we think this is -- this is an interesting proposal, however, we're concerned about the membership of the Face of Connecticut Steering Committee. That it's basically comprised of state agencies and non-profits and these -- and this entity will be able to determine whether towns and cities get significant amounts of financial aid, and therefore at the very least, the membership



CENTRAL CONNECTICUT REGIONAL PLANNING AGENCY

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Testimony of Carl Stephani, Executive Director, Central Connecticut Regional Planning Agency
 Planning and Development Committee

March 2, 2009

My name is Carl Stephani.

I have been the Executive Director of the Central Connecticut Regional Planning Agency for the past eight years.

My Agency supports many of the initiatives of the Smart Growth Task Force.

We regret having to make our initial comments about a bill sponsored by that group which we feel is poorly conceived.

I am referring to Raised Bill 6463.

A little background is needed.

As you may know, there are 15 Regional Planning Organizations in the State.

There are three types of regional planning organizations: Councils of Governments (7); Councils of Elected Officials (3); and, Regional Planning Agencies (5 - involving the cities of Bridgeport, Bristol, Middletown, New Britain, Stamford, and others).

This Bill only deals with the 5 Regional Planning Agencies. My Agency, the Central Connecticut Regional Planning Agency, is one of these five.

There are two aspects of the Bill about which I will comment.

1. Chief Elected Officials

This bill would require the chief elected officials from the towns under an RPA to be appointed as members of their RPA board. It does not allow such chief elected officials to designate alternates to attend meetings on their behalf.

Proposed Language

"Each member of a regional council of governments shall be entitled to one representative on the council who shall be the chief elected official of such member..." (Emphasis added)

The statutes regarding Councils of Government allow that "in the absence of any such chief elected official, an elected official appointed in the manner provided by ordinance of the legislative body of such member" municipality can be appointed to represent the chief elected official (CRS 4-124j) on a COG governing board. That option is utilized by nearly every COG in the state. It should also be allowed to chief elected officials under the jurisdiction of an RPA, as it is allowed under current statutes.

2. Governing Board Representation

Regional Planning Agencies are governed by boards whose members are appointed half by chief elected officials and half by planning Commissions.

Current Statutes

"Section 8-31a. Formation of regional planning agencies. Representation.

...Each town, city or borough within such region, shall be entitled to two representatives on such agency and shall be entitled to additional representation on such agency at the ratio of one representative for each fifty thousand of population or fraction thereof over and above a population of twenty-five thousand as determined by the last-completed federal census. ... Where a planning commission exists in a town, city or borough established under the provisions of the general statutes or any special act, at least one of the representatives from such town, city or borough to the regional planning agency shall be appointed by such planning commission. The other representative or representatives shall be elected or appointed in the manner provided by ordinance adopted by the legislative body of such town, city or borough."

This bill would change those proportions to 2/3 chief elected officials and 1/3 planning commissions, and it would enlarge the size of RPA governing boards.

My Agency is more than 45 years old. I have never heard any board member, constituent, chief elected official, or anyone else ever mutter the slightest insinuation that there was a problem related to the fact that our chief elected officials did not have a heavy enough representation on our board. I have never heard any complaint from a legislator or anyone from any other municipality or regional planning agency about the fact that the chief elected officials of the region are inadequately represented on our Agency board.

If our municipalities would be significantly better served by an RPO governing board that was weighted heavier toward our chief elected officials I am not aware of the reasons why. No such evidence has yet been shared with the Connecticut Association of Regional Planning Agencies (to which I belong), nor was it shared with the Legislative Program Review and Investigations Committee which in its December 2007 report entitled "Connecticut's Regional Planning Organizations" concluded that "all three types of Regional Planning Organizations currently allowed under Connecticut law ... should continue to be authorized."

Raised Bill 6463 would unnecessarily tamper with five successful cooperative intergovernmental organizations that have been serving their municipalities well for decades in the same form in which they exist today. These are responsive organizations that have the respect of their constituents. Now is not a time to tamper with the existing successful and effective regional planning agencies that we already have in place by changing the balance of representation to more heavily favor the chief elected officials.

RECOMMENDATIONS

This Bill should either be dropped, or, amended to allow the same latitude to chief elected officials in RPA regions - to designate an alternate to represent them on their RPA governing board - as the statutes currently allow to chief elected officials under either regional planning agencies or councils of governments.



STATE OF CONNECTICUT
OFFICE OF POLICY AND MANAGEMENT

Planning and Development Committee

March 2, 2009

Testimony of
W. David LeVasseur, Under Secretary
Intergovernmental Policy Division
Office of Policy and Management

Regarding Various Responsible Growth Proposals

Good morning Senator Coleman, Representative Sharkey, and distinguished members of the Planning and Development Committee. Although I had hoped to appear before you today, I am unable to do so. However, I appreciate the opportunity to submit this testimony as Office of Policy and Management (OPM) Secretary Robert L. Genuario's designee to oversee the Office of Responsible Growth that Governor M. Jodi Rell established in Executive Order 15

First of all, we are pleased that you have placed a high level of importance on regional initiatives and inter-municipal cooperative efforts. As you know, Governor Rell has also placed a high priority on both of these issues and has made them a cornerstone of her budget this year. Additionally, we are pleased that this Committee has also continued to place such a high importance on Responsible Growth, which is consistent with Governor Rell's leadership on this important issue.

With regard to Raised Bill 6463, An Act Concerning Membership on Regional Planning Agencies, we applaud the fact that this Committee has recognized the importance of the participation of municipal chief elected officials in the operation of Connecticut's fifteen (15) Regional Planning Organizations. It is unclear, however, whether this Committee intended for said officials to be members of the same group as the other agency representatives or whether the chief elected officials should constitute a separate and distinct group in each of the regions. I would hope that the Committee would adopt the latter view, rather than the former, as I believe the interests and general expertise of the chief elected officials do not align well with those of the regular representatives in the regions.

With regard to Raised Bill 6464, An Act Concerning Coordinated Preservation and Development, again, I believe that this Committee wisely has seen the virtue of having a group of diverse stakeholders provide input into specific types of projects. However, as I believe that a more proper role would be as an advisory group, as opposed to a group that actually directs the expenditure of funds and approves or denies grant applications, I request that you amend the statute accordingly. The advisory model has worked extremely well and I would cite the success of the Natural Heritage, Open Space and Watershed Land Acquisition Review Board, which has provided advice to the Commissioner of the Department of Environmental Protection since 1998 on the expenditure of state funds for the permanent protection of open space.

On Raised Bill 6465, An Act Concerning Smart Growth and Transportation Planning, we have two concerns. First, not all transportation spending is on new projects for which a Smart Growth review is

HB 6466
HB 6467
HB 6469
HB 6586
HB 6589
SB 371
SB 384
HB 5548



Bart Russell, Executive Director
Connecticut Council of Small Towns (COST)
Testimony before the Planning & Development Committee
March 2, 2009

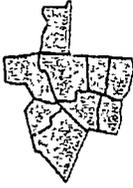
• **HB-6463, AN ACT CONCERNING MEMBERSHIP ON REGIONAL
PLANNING AGENCIES**

The Connecticut Council of Small Towns (COST) appreciates the efforts of the Smart Growth Work Group to outline recommendations for promoting regional cooperation. However, we oppose HB-6463, which mandates the composition of the Regional Planning Organization.

Some towns prefer the current arrangement where they can appoint someone other than the Chief Elected Official to serve on the regional planning organization. In many small towns, the Chief Elected Official simply doesn't have the time to serve and, instead, relies on trusted representatives to serve and attend regional planning organization meetings on their behalf. This allows more people to get engaged in regional planning efforts, which brings a fresh perspective to the table.

We do not believe there have been any concerns regarding this practice and urge the committee to reject HB-6463 which would restrict the ability of towns to have other community members participate in the process.

Thank you for the opportunity to testify. Please contact me at 860-676-0770 if you have any questions.



WINDHAM REGION COUNCIL OF GOVERNMENTS

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Members of the Planning & Development Committee

March 2, 2009

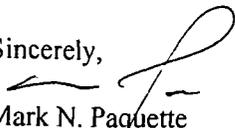
RE: Testimony for Smart Growth Legislative Package
HB 6463 - AN ACT CONCERNING MEMBERSHIP ON REGIONAL PLANNING AGENCIES.

Dear Chairman Coleman and Chairman Sharkey, and members of the Planning and Development Committee,

The Windham Region Council of Governments (WINCOG) is writing in support of legislation regarding **Membership on RPA's** as noted in HB 6463.

Thank you for your consideration in moving this bill forward.

Sincerely,


Mark N. Paquette
Executive Director, WINCOG

cc WINCOG Board of Directors

Public Hearing, Planning and Development Committee, March 2, 2009

My name is Bill Cibes. I formerly served in the legislative and executive branches of state government, and in higher education. More recently, I was appointed by Speaker Chris Donovan to serve on the Governor's Task Force on Responsible Growth, which reported to the General Assembly in February 2008, and am currently the chair of the advisory board of HOMEConnecticut, a member of 1000 Friends of Connecticut and a member of a rather loosely organized group of civically-involved citizens called the Blueprint Coalition (see www.ctblueprint.org).

I first want to praise this committee for raising a number of bills recommended by a Smart Growth Task Force. You deserve great credit for recognizing, as the language of HB 6467 states, the "high financial, social and environmental cost of sprawl development."¹

In order to achieve the long-term quality of life for current and future generations in Connecticut, it is absolutely essential that we enhance – some would even say, restore – our ability to compete in a global marketplace. Our future quality of life – the "prosperity for all" which the Blueprint Coalition says should be the vision for Connecticut's future – demands that we leverage the key assets of innovation, human capital, infrastructure, and quality of place – as scholars at the Brookings Institution have argued.² Certainly a major barrier to achieving quality of place, and hence international competitiveness, is the sprawl which continues unabated in Connecticut.

- Failing to modify land use rules that require large lots for residential uses spreads out the population and significantly raises the costs of housing and transportation.
- Failing to locate people close to jobs and shopping, or close to energy-efficient modes of transporting them back and forth, frustrates our ability to conserve energy, reduce harmful emissions and avoid environmental degradation.
- Sprawl also drastically raises the cost of infrastructure – such as roads, schools and public safety protection – necessary to service the needs of our people.³
- Because only relatively affluent residents can afford to pay these extra costs, sprawl encourages segregation by income, and indeed makes some essential elements of prosperity unaffordable to large segments of the population.
- Sprawl both encourages and is enhanced by interlocal competition for grand list growth, exacerbating the dysfunctional aspects of an inequitable property tax structure.

HBs 6463, 6464, 6465, 6466, 6467, 6469, 6585, 6588 and 6589 are all important steps toward the goal of smart growth to foster competitiveness. I'm sure you recognize that

¹ To re-enforce your point, CERC reported in 2007 that just between 1988 and 2006, Bridgeport lost 22,894 jobs (from 1988's total of 67,820), New Haven decreased from 90,240 jobs to 76,395, and the number of jobs in Hartford went from 158,600 to 115,574 – a loss of 43,026. Many of these jobs went to outlying communities, increasing the cost of commuting, requiring additional investment in infrastructure, encouraging the dispersal of housing, and decreasing the vitality and viability of the city which experienced the loss. It is almost an understatement to say that the "financial, social and environmental cost" was "high."

² See www.brookings.edu/events/2007/1106blueprint.aspx Click on "transcript."

³ To put these latter points another way, sprawl complicates the task of providing the connectivity of information, goods and people which David Osborne and Peter Hutchinson say is a key to economic success in the Information Age. (The Price of Government, pp. 57-58)

they are but *first* steps, but they are valuable ones, and in general they do not damage the potential for taking further steps in the future, nor undercut progress already made.

HB 6467, AAC Smart Growth and Plans of Conservation and Development, which directly addresses the issue of sprawl, is a key part of this package. I would accordingly recommend that you look carefully at the language of this bill, especially Sections 1 and 2. In order to improve the clarity of the critical policy which you declare here, please consider some modifications to the language of the file copy, as set out below:

Section 1. (NEW) (*Effective October 1, 2009*) As used in sections 2 and 7 of this act and sections 16a-27 of the general statutes, as amended by this act, 8-23 of the general statutes, as amended by this act and 8-35a of the general statutes, as amended by this act, "smart growth" means economic, social and environmental development that [(1)] uses land and resources to enhance the long-term quality of life for current and future generations in the state; and "principles of smart growth" means standards and objectives that support and promote smart growth when used to guide actions and decisions. These standards and objectives include but are not limited to [and promotes] (A) integrated planning that coordinates tax, transportation, housing, environmental and economic development policies at the state and local level, (B) the reduction of reliance on the property tax by municipalities by creating efficiencies and coordination of services on the regional level while reducing interlocal competition for grand list growth, (C) the redevelopment of existing infrastructure and resources, including brownfields and historic places, instead of new construction in undeveloped places, (D) transportation choices that provide alternatives to automobiles, including rail, bikeways and walking, while reducing energy consumption, (E) the development or preservation of workforce or affordable [and available] housing through densities that reduce sales prices or rents, in locations proximate [for mixed income households in close proximity] to transportation and employment centers or in other eligible locations, as defined in Section 8-13m of the General Statutes, (F) concentrated, mixed-use development around transportation nodes and civic and cultural centers, and (G) the conservation and protection of natural resources by preserving open space, farmland and historic properties and furthering energy efficiency[; and (2) is accomplished by a collaborative approach to planning, decision-making and evaluation between and among all levels of government to promote economic competitiveness in the state while preserving natural resources].

Sec. 2. (NEW) (*Effective October 1, 2009*) The General Assembly declares that it is the policy of the state to address the high financial, social and environmental cost of sprawl development by incorporating the principles of smart growth in any revisions of statutorily required plans⁴

⁴ Let me just add my support for well-executed strategic planning, which is encouraged by these bills. Thinking and acting with strategic and long-term perspective is vital to achieving Connecticut's vision for the future. Strategic planning enables proactive governance. Strategic planning helps avoid the cost of bad results, which stems from reactive governance, or "dnft," in which there is no decision-making at all. Strategic planning when done well facilitates adaptation to changing environments. Strategic planning

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March 2, 2009

PLANNING AND DEVELOPMENT COMMITTEE

SMART GROWTH LEGISLATIVE PACKAGE – CCAPA COMMENTS

OVERVIEW

The Smart Growth Working Group spent nearly a year analyzing growth management issues and developing this package of legislative proposals to improve the State's response to the need for and potential impacts of continued growth. CCAPA has closely monitored this effort and strongly supports legislative proposals that promote smart planning for responsible growth management.

Our over 550 members – municipal and consulting planners, land use attorneys, citizen planners, and other professionals – are on the front lines of planning and managing land use at local, regional, and State levels. We are committed to assisting the legislature and State agencies with developing and furthering responsible growth management principles. We recognize that providing the necessary tools for smart planning at all levels is essential for dealing with the opportunities and challenges of continued growth, even more so under today's economic climate.

SUMMARY

These bills address a wide range of land use planning issues that are of professional interest to CCAPA members. CCAPA appreciates the efforts of the Smart Growth Work Group in developing this package. While we cannot support all of the specific bills as currently drafted, as detailed below, CCAPA has been and will be available to assist the Planning and Development Committee, its staff, and other interested parties in the development of improved planning guidelines to promote responsible growth in our State

ANALYSIS

H.B 6463 An Act Concerning Membership on Regional Planning Agencies

CCAPA supports the concepts promoted by this bill provided that the final language specifies that CEO membership is in addition to current representation.

H.B. 6589 An Act Concerning Land Use Appeals

CCAPA strongly supports this logical and appropriate approach to expediting legal challenges to land use decisions and we recommend that the Committee seek input from practicing land use attorneys.

HB6464
 HB6465
 HB6466
 HB6585
 HB6389
 HB6588
 HB6467
 HB6469



1000 FRIENDS of Connecticut
 PO Box 1988 • Hartford, CT 06144-1988 • 860 523 0003 • www.1000friends-ct.org

PRESERVING, CONSERVING AND GROWING SMART

Testimony to the Planning and Development Committee

March 2, 2009

Senator Coleman, Representative Sharkey, and members of the Planning and Development Committee, thank you for the opportunity to speak with you today. For the record, my name is Heidi Green. I am the President of 1000 FRIENDS of Connecticut, a statewide smart growth education and advocacy organization. Our mission reflects the vision of thousands of individuals and organizations statewide to promote and shape growth throughout Connecticut's cities and downtowns -- ensuring a prosperous economy, healthy natural environment, and distinctive, integrated and walkable communities, while protecting our valuable natural and cultural resources. In advancement of that mission, it was my pleasure to serve as one of three co-chairs of the Economic Development Subgroup of the Smart Growth Working Group.

Catalyzing smart, sustainable growth in Connecticut requires significant policy changes at the state, regional and local levels to: 1) reduce the state's reliance on the regressive property tax; 2) increase regional cooperation for economic development and land use; 3) modernize the state's zoning codes; and 4) encourage investments that will deliver immediate and long-term benefits to Connecticut's cities and metropolitan regions -- investments in transit, transit oriented development, brownfield remediation and reuse, affordable housing and preservation of lands and water resources, critical wildlife habitats, and prime soils that sustain our agricultural economy.

On today's agenda are a number of proposed bills that would significantly advance smart growth. I thank the Committee for its boldness and comprehensiveness in raising these bills. I urge you to not just favorably consider them, but to *champion* **HB 6463 An Act Concerning Membership on Regional Planning Agencies**, **HB 6464 An Act Concerning Coordinated Preservation and Development**, **HB 6465 An Act Concerning Smart Growth and Transportation Planning**, **HB 6466 An Act Concerning Projects of Regional Significance**, **HB 6467 An Act Concerning Smart Growth and Plans of Conservation and Development**, **HB 6469 An Act Concerning Smart Growth and State Planning**, **HB 6585 An Act Concerning Regionalism**, **HB 6589 An Act Concerning Land Use Appeals**, and to combine the thinking on regionalism reflected in **HB6585**, **SB 371**, **HB 5544**, **HB 6387**, and **HB 6389** to create an *omnibus regionalism bill*.

brownfield remediation for compliance with smart growth principles. It would require the steering committee to notify state agencies if the applications before them were found inconsistent. Applications that fail to meet smart growth criteria would be ineligible. *Our state resources are limited and must be deployed strategically to meet the state's desired smart growth outcome. With looming budget deficits, high bond obligations, and a contracting statewide economy, we clearly can't afford to fund pet projects and pork. 1000 FRIENDS of Connecticut unequivocally supports applying a smart growth filter to the ranking process of all state investments and for a decisive preference given to investments that will enhance smart growth. We recommend strengthening this bill by collapsing it with a strengthened version of 6465 and adding language to include a smart growth screen to economic development investments including grants for industrial parks. We recommend the state adopt a capital investment plan for all its investments to detail the cost, timeline, and source & status of funds for each investment.*

6465 An Act Concerning Smart Growth and Transportation Planning would require the Transportation Strategy Board to maintain a capital plan for transportation investment that incorporates smart growth principles. The TSB would also be required to screen transportation projects using a smart growth filter.

This bill is a good compliment to a heartier 6464. Though the Transportation Strategy Board currently prepares a list of transportation projects, that list is not screened for compliance with smart growth principles, listed projects are unranked and the specific resources, status and timeline of projects is not detailed. Now, more than ever, we need transparency to be sure our limited resources advance immediate goals and long-range outcomes.

6466 An Act Concerning Projects of Regional Significance defines *regional planning organizations*. It defines *projects of regional significance*. And it would enable regional planning organizations to establish a process for combined state, regional and local agencies to conduct pre-application reviews of projects of regional significance.

Large-scale smart growth projects generally require approvals of myriad offices and agencies, from the local historic commission, to the local zoning commission, to the Department of Environmental Protection, to the State Traffic Commission, to the Connecticut Development Authority. A pre-application review at the regional level would meet a number of goals. First, it would let developers know what timelines and submission requirements to expect and would let agencies know what they have in queue so applications can be filed more completely, problems identified early on in the process, approvals expedited, and when necessary for sanctions to be applied in a more timely fashion. It would also strengthen the communication and relationships between staff and decision makers at all levels of government so contradictory practices or policies can be identified early on and more readily negotiated. This is the kind of good governance the people of Connecticut deserve.

6463 An Act Concerning Membership on Regional Planning Agencies would require the chief elected official of a city or town hold a membership seat on the regional planning agency. There is wide support for increasing the degree to which services are delivered and authority granted to regional entities. We believe this is long past due. Connecticut can no longer afford the inefficiency of fractured

and fragmented local government. Cities and towns need to work better together to coordinate the services they deliver, focus economic development to maximize public investments already made, and increase sustainability and competitiveness. Regional agencies are a logical nexus for economic development, housing, transportation plans, and natural resource and land use planning. We believe should regional agencies take on wider government responsibilities they must be directly accountable to the electorate. Requiring mayors and first selectmen be among the membership of regional agencies is a necessary first-step for more accountable governance. *This requirement should be encapsulated into HB 6565.*

6585 An Act Concerning Regionalism would give municipalities engaged in regional agreements, meeting criteria for regional taxation, economic development, education and land use a share of the sales tax. This is a dramatic step toward reducing municipal reliance on the property tax and the damaging and unsustainable land use practices it spawns. We believe this would lead regions to consider the best and most sustainable site for new development that will reward current citizens and future human generations, flora and fauna. We also believe it would increase the efficiency of government by reducing wasteful and duplicative programming and purchases

The bill would also restore the planning grant that supports the efforts of regional planning organizations to develop and facilitate regional agreements. Support for staff to change how we govern is critically important, especially in these times when our state is retracting its support to cities and towns, and municipal coffers are reeling from the impact of the decline in real estate values.

1000 FRIENDS recommends the Committee merge into this bill the grants proposed by Governor M. Jodi Rell in HB 6389 for regional service sharing and for the purchase of capital equipment to be shared regionally.

6589 An Act Concerning Land Use Appeals would establish a land use court in each judicial district. 1000 FRIENDS supports conveniently located courts customized to hear land use cases. We believe an expedited appeals process would provide citizens greater certainty and help reduce developer costs. We also believe a change in the judicial process would provide a strong incentive for citizen engagement at the local level. Strong plans, developed by involved citizens and backed-up by clear zoning and design guidelines lead to much better outcomes than lengthy and costly legal wrangling.

With Connecticut's fields and forests rapidly turning into housing subdivisions and commuter traffic clogging country roads, the state finds itself at a crossroads. It can continue on its current path and jeopardize the quality of life for its residents or choose a smart growth approach and protect the state's character.

1000 FRIENDS of Connecticut chooses the latter and with the policy changes spelled out in the aforementioned bills, the Planning and Development Committee will reinforce the goals spelled out by Governor Rell when she established Executive Order 15 You will revitalize our cities, preserve the unique charm of our state, and build livable, economically strong communities while protecting our natural resources for the enjoyment of future generations.

You will alleviate significant challenges in Connecticut's land use patterns, the lack of coordination for environmental preservation and economic development at the state and local level, and our over-reliance on the property tax. Thank you and the members of the Responsible Growth Task Force and the Smart Growth Working Group for your efforts thus far and your continued advocacy!

Smart Growth Principles

1. Mix land uses;
2. Take advantage of existing community assets;
3. Create a range of housing opportunities;
4. Foster walkable, close-knit neighborhoods;
5. Promote distinctive, attractive communities;
6. Preserve key natural areas;
7. Strengthen and encourage growth in existing communities;
8. Provide a variety of transportation choices;
9. Make development decisions predictable, fair and cost-effective;
10. Welcome citizen and stakeholder participation.

*1000 FRIENDS
of
Connecticut*



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1000 FRIENDS of Connecticut

Four-Part Smart Growth Agenda

For robust cities and downtowns, to sustainably grow our state and local economies, and to protect critical natural resources, we must make comprehensive changes to the state's development policies and investment priorities. Those changes must include: 1. reducing our reliance on the property tax; 2. improving regional cooperation; 3. modernizing local zoning codes; and 4. investing strategically and in the long-term best interests of the people and the state.

In the 2009 Session of the Connecticut General Assembly, the global economic and state fiscal crises will make smart growth policies a higher priority than ever. At the same time, there are real opportunities at hand and we must be prepared to seize them.

There is a slowdown in the pace of growth, let's use it to align plans and shape policies to direct investment toward sustainable development when the credit markets loosen. In recent years, with budget surpluses, Connecticut state government has fallen woefully short of paying its share of education, special education, and reimbursements for property tax exempt parcels. The current strain on the state budget means that already strapped municipalities will likely be asked to do even more, increasing the pressure to raise property taxes. Let's be sure any cuts at the state level don't increase our reliance on the property tax, and let's target state revenue enhancements to reducing property taxes when the economy rebounds. Our out-dated transportation system hinders economic development and forces us to spend ever more hours in our cars. Let's capitalize on the federal stimulus and low gasoline prices to reduce vehicle miles travelled by ramping-up state transit investment. Connecticut has tens-of-thousands of acres of contaminated sites in our cities and older industrial areas, let's create green economy jobs cleaning them up and make high ranking sites ready for newly productive lives when the economy gets sunnier.

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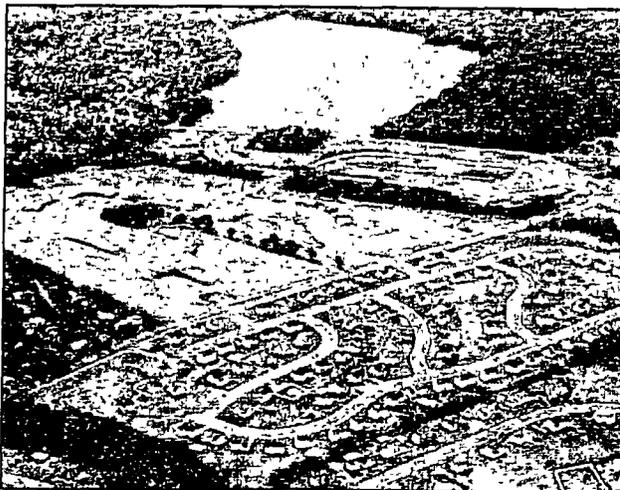
Heidi Green	President PO Box 1988, Hartford, CT 06144-1988 860-523-0003
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EXECUTIVE SUMMARY

With Connecticut's fields and forests rapidly turning into housing subdivisions and commuter traffic clogging country roads, the state finds itself at a crossroads. It can continue on its current path and jeopardize the quality of life for its residents or choose a smart growth approach and protect the state's character. 1000 Friends of Connecticut chooses the latter and joins Governor M. Jodi Rell in support of the goals for Connecticut established by the Governor in Executive Order 15: revitalize our cities, preserve the unique charm of our state, and build livable, economically strong communities while protecting our natural resources for the enjoyment of future generations.

But 1000 Friends of Connecticut recognizes that several challenges stand in the way of achieving those objectives. Connecticut's land use patterns, the lack of coordination among plans for environmental preservation and economic development at the state and local level, and its over-reliance on the property tax as a part of a balanced state/local revenue structure all create obstacles to the attainment of the goals articulated in the Governor's Executive Order.

In early 2006, 1000 Friends of Connecticut, a statewide smart growth education and advocacy organization, began compiling sound policy recommendations to overcome these obstacles and meet responsible growth goals. The result is a proposal that includes a series of incentives to wean municipalities from fiscal zoning and develop policies to better coordinate land use decisions, economic development and local service delivery. This proposal has been crafted with the following principles:



(1) preserve local autonomy and fiscal health; (2) encourage a coordinated and connected approach to planning and development, (3) broaden economic and social choice, (4) increase availability of reasonably priced housing; and (5) discourage sprawl. By focusing on these objectives, we can repair and strengthen the fabric of

Connecticut's land use decision-making system and resulting patterns contribute to economic stagnation, sprawl, clogged transportation corridors, social and economic inequity and racial segregation.

our cities and towns; encourage economic growth and competitiveness, and preserve the sense of place and quality of life unique to Connecticut.

Connecticut's existing land use patterns and fiscal policy are inextricably linked and must be addressed in concert to preserve

and enhance our economic viability and quality of life. 1000 Friends of Connecticut's goal is the adoption of two distinguishable, but connected, policy streams:

- 1) **Give towns incentives to encourage smart growth.**
- 2) **Reduce our reliance on the property tax.**

The first recommended policy stream provides incentives to towns to adopt land use policies that foster sensible and coordinated land use planning, efficient and accessible transportation, preservation of open space and farmland, protection of water quality and clean air, creation of jobs and sustainable economic development, promotion and use of existing infrastructure, and maintenance and creation of reasonably priced housing. Grants would be provided to towns that meet statutory standards for land-use planning and decision-making.

The second recommended policy stream reduces reliance on the property tax by providing: (A) a substantial increase in the amount of new state aid for public education through (1) an immediate implementation of the full Education Cost Share formula with a "foundation" level of \$8,122 per student, and (2) the assumption by the state of 40 to 75 percent of each town's special education costs, and (B) fully funding the two "Payment in Lieu of Taxes" (PILOT) grants — for tax-exempt state property and tax-exempt college and hospital property.



Connecticut Business & Industry Association

**TESTIMONY OF
ERIC J. BROWN, ASSOCIATE COUNSEL
CONNECTICUT BUSINESS & INDUSTRY ASSOCIATION
BEFORE THE PLANNING & DEVELOPMENT COMMITTEE
MARCH 2, 2009**

Good morning. My name is Eric Brown and I serve as associate counsel with the Connecticut Business & Industry Association (CBIA). CBIA represents nearly 10,000 businesses of all types and sizes throughout Connecticut. Nearly 90 percent of our members are small businesses having fewer than 50 employees.

Thank you for this opportunity to provide comment on the "smart growth" bills before your committee today.

CBIA congratulates the Planning & Development Committee and the Governor on developing a group of innovative proposals for promoting sustainable economic growth in Connecticut. In the General Assembly, we particularly recognize the hard work of Chairman Brendan Sharkey and the other legislators who ably took leadership roles in the activities of the Smart Growth Working Group over the past year. In our opinion, nearly all the proposals on today's agenda merit advancement in the legislative process along with continued discussion and refinement in order to insure maximum stakeholder support when they are ultimately considered by the House and Senate.

Towards that end, CBIA is pleased to list its position on each of the bills on today's agenda, and provide additional information on many of the bills following the listing.

**LIST OF CBIA's POSITION ON SMART GROWTH BILLS BEFORE THE
PLANNING AND DEVELOPMENT COMMITTEE – MARCH 2, 2009**

Raised Bill No. 6463, An Act Concerning Membership on Regional Planning Agencies: CBIA supports this bill.

Raised Bill No. 6464, An Act Concerning Coordinated Preservation and Development: CBIA urges that this bill's language be modified to cast the Face of Connecticut Steering Committee in an advisory role to the state's investment decision-making process rather than as an authority with approval and veto powers.

Raised Bill No. 6465, An Act Concerning Smart Growth and Transportation Planning: CBIA does not support this bill.

Raised Bill No. 6466, An Act Concerning Projects of Regional Significance
CBIA supports sections 1(b) and 1(c) of this bill

Raised Bill No. 6467, An Act Concerning Smart Growth and Plans of Conservation and Development: CBIA recommends:

- o Changes to the proposed definition of "smart growth" in Section 1
- o Deletion of Section 2
- o Replacing the phrase "shall incorporate smart growth" wherever it occurs in the bill to be replaced with "shall include an explanation regarding the extent to which the revisions promote principals of "smart growth"
- o Deletion of Section 7

Raised Bill No. 6469, An Act Concerning Smart Growth and State Planning
CBIA supports Section 3 of this bill.

Raised Bill No. 6585, An Act Concerning Regionalism: CBIA suggests subsection 1(b)(5)(C) be rewritten as, "(C) sharing of health care risks and costs"

Raised Bill No. 6588, An Act Concerning Regional Training for Local Land Use Commissioners: CBIA recommends omitting subsection 1(c) of this bill.

Raised Bill No. 6589, An Act Concerning Land Use Appeals: CBIA supports this bill.

Committee Bill No. 371, An Act Concerning Intermunicipal Cooperation
CBIA has concerns with the tax provisions of subsection 1(b) of this bill.

Committee Bill No. 384, An Act Promoting Regionalism in the State: CBIA supports this bill.

Committee Bill No. 5544, An Act Concerning Regional Economic Development Plans: CBIA supports this bill.

Governor's Bill No. 6387, An Act Concerning Regional Economic Development Plans: CBIA supports this bill.

Governor's Bill No. 6388, An Act Providing Mandate Relief to Municipalities
CBIA supports this bill.

Governor's Bill No. 6389, An Act Promoting Regionalism: CBIA supports this bill.

Regarding specific suggestions for each of the smart growth bills on your March 2, 2009 public hearing agenda, we ask that you consider the following:

Raised Bill No. 6463, An Act Concerning Membership on Regional Planning Agencies:

CBIA supports this bill as it insures that chief elected decision-makers, accountable to the voters of their towns, will be represented on all Regional Planning Agencies (RPAs). This should help strengthen the working relationships within RPAs, improve the efficiency and effectiveness of RPA activities within the state.

Raised Bill No. 6464, An Act Concerning Coordinated Preservation and Development

CBIA appreciates the bill's intention of creating a more consistent and coordinate approach to state investments related to brownfield remediation, open space, farmland preservation and historic assets.

However, subjecting each such proposed investment under consideration before the commissioners of the Department of Environmental Protection and the Department of Agriculture, as well as the Commission on Culture and Tourism to the approval of the Face of Connecticut Steering Committee ("FCSC") and giving the FCSC veto power over these projects (as proposed in sections 2(e), 3(a) and 4(a) respectively), is going too far in our judgment.

While "smart growth" – a term yet to be defined by Connecticut statute, is a worthy concept as a guide to state investment, the state's hands should not be tied so tightly as to exclude the opportunity to invest in important opportunities for the state that do not necessarily meet a yet-to-be-determine "smart growth" definition. The state needs greater flexibility on how it can invest in economic development projects and we urge that this bill's language be modified to cast the Face of Connecticut Steering Committee in an advisory role to the state's investment decision-making process rather than as an authority with approval and veto powers.



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THE VOICE OF LOCAL GOVERNMENT

TESTIMONY

of the

CONNECTICUT CONFERENCE OF MUNICIPALITIES

to the

PLANNING & DEVELOPMENT COMMITTEE

March 2, 2009

The Connecticut Conference of Municipalities appreciates the opportunity to comment on the recommendations of the Smart Growth Working Group.

CCM supports the recommendations of the Smart Growth Working Group. However, in the course of recommendations going from statements to legislative proposals, some clarity may be needed on some proposals, such as H.B. 6466, wherein the draft proposal may add administrative burdens on towns and cities. We will ask for changes to such proposals.

The Smart Growth Working Group, a group established about a year ago, was established to develop short- and long-term smart growth strategies. CCM has participated in the overall working group, as well as in the four subcommittees.

CCM applauds the Working Group co-chairs for making the group so inclusive – any entity that wanted to participate was encouraged to do so.

An Issue Whose Time Has Come

It is not hyperbole to state that Connecticut must go in a new direction or risk losing our quality of life.

Our state's over-reliance on property taxes to fund local governments, K-12 public schools, and other public or "municipal" services must end. Our state's uncoordinated and inefficient land use patterns must be changed. These systems no longer work – local government services aren't adequately and fairly funded, our students are shortchanged and people on fixed incomes are hit hard. The breakdown of these systems results in traffic congestion that plagues communities of

HB 6463

HB 6464

HB 6465

HB 6466

HB 6467

HB 6469

HB 6585

HB 6588

HB 6589

SB 371

SB 384

HB 5644

all types, development being detoured away from existing infrastructure into previously undeveloped green spaces, and the irretrievable loss of open space lands. It severely hinders thoughtful "responsible" or "smart" growth.

CCM has had a long-standing interest in responsible growth.

The time is ripe for real movement on responsible growth. Over the past few years, findings by very different groups -- the Roman Catholic Archdiocese of Hartford, the Connecticut Regional Institute for the 21st Century, 1000 Friends of Connecticut, Regional Plan Association, and the State of Connecticut Blue Ribbon Commission on Property Tax Burdens and Smart Growth Incentives -- link Connecticut's present property tax and land-use policies with wasteful and destructive "sprawl." These policies combine to drive people and business away from cities, urbanized towns and other already-developed areas. These policies eat up precious green and open spaces. The reports show that towns of all types -- suburban, rural and urban -- are being hurt:

- A growing number of *small cities and older suburbs*, home to nearly half of the state's population, *face significant and growing poverty*.
- *Especially hard hit are Connecticut's central cities and urbanized towns*. These municipalities must cope with poverty rates nearly three times the statewide average and with local tax bases that are just 40 percent of the average and growing slowly.
- A large group of *fast-growing, middle-class suburbs* are *struggling* to provide schools and infrastructure with insufficient resources.
- *Sprawl threatens the state's natural resources and farmland*. The amount of urban and suburban land in Connecticut continues to increase at a dramatic rate -- even though the population hasn't grown much over the last 20 years. Runaway growth devours farmland and churns out paved residential and commercial development -- changing an area, and our state, forever.

Cooperative land-use planning among the State, towns and cities can strengthen communities, preserve the environment and help the economy by improving transportation systems. Reforms that shift the revenue burden away from property taxes can stabilize fiscally stressed schools, help communities pay for needed public services and reduce competition for tax base. The State, councils of government or other regional organizations can help solve regional problems while ensuring that all communities have a say in decision-making.

Cooperative planning also includes encouraging development in areas where the infrastructure already exists, and around major transportation corridors.

The following bills are components of the Smart Growth Working Group recommendations:

H. B. 6463 “An Act Concerning Membership on Regional Planning Agencies”

This bill would require that regional planning agencies (RPAs) comprise of municipal chief elected officials.

Many regional planning agencies comprise persons appointed by local planning commissions. It is inappropriate for such non-elected persons to be granted additional authority, as prescribed in many smart growth proposals.

This proposal helps bring RPAs down the path they will need to go to be full catalysts for regionalism, for them to have the wherewithal to take on additional responsibilities.

CCM recommends voluntarily transitioning regional planning organizations (RPOs) into regional councils of government (COGs) by creating state incentives that would help RPOs to become newly-enhanced Councils of Government (COGs). COGs (and similar structures called “councils of elected officials” or CEOs) grant decision-making power to elected mayors and first selectmen and to appointed chief executive officers – people who are accountable for their decisions. COGs have more comprehensive authority than do RPAs.

Because COGs are comprised of municipal officials accountable to the voters, these bodies can be granted more significant authority in an effort to increase regional cooperation and thus improve efficiency. It also would provide a real opportunity for property tax relief and reform, as well as joint economic development.

H. B. 6464 “An Act Concerning Coordinated Preservation and Development”

This bill would require the Face of Connecticut Steering Committee to review (1) open space and watershed land grant applications, (2) offers to sell development rights to agricultural land, (3) historic structures and landmarks grants, and brownfield remediation funds, to determine if such applications are consistent with smart growth principles, as defined, presumably, in H.B. 6467. Applications will not be accepted and grants would not be allocated unless such applications are “consistent with the principles of smart growth.”

Since the Face of Connecticut Steering Committee may prevent towns and cities from obtaining significant amounts of financial aid, the Committee should be reconfigured to add significant municipal representation. Currently, the Committee comprises of state agencies and nonprofits only.

Successful planning must be from the bottom-up. The only way the actions of the Committee will be accepted is if they are based on the reality on the ground, based on local and regional plans built from them. Further, it is not appropriate to have nonprofits making what are essentially land use decisions.