

Act Number:	09-089	
Bill Number:	5536	
Senate Pages:	2347, 2585-2588	5
House Pages:	1526-1535	10
Committee:	Planning and Development: 131-134, 415-417	7
	Page Total:	22

S - 584

**CONNECTICUT
GENERAL ASSEMBLY
SENATE**

**PROCEEDINGS
2009**

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

tmj
SENATE

4
May 19, 2009

Thank you, Mr. President. On Calendar page three, Calendar 279 is marked "go." On Calendar page five, Calendar 392, House Bill 6433 is marked "go." Also, on Calendar page five, Calendar 397, House Bill 5915, marked "go."

Then, Mr. President, we have several Consent Calendar items. Calendar page five, Calendar 405, House Bill 5536. Mr. President, move to place that item on the Consent Calendar.

THE CHAIR:

Without objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President. Calendar page six, Calendar 406, House Bill 5873. Mr. President, move to place that item on the Consent Calendar.

THE CHAIR:

Without objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President. Also, Calendar page six, Calendar 407, Senate Bill 1079. Mr. President, move to place that item on the Consent Calendar.

THE CHAIR:

Without objection, so ordered.

tmj
SENATE

242
May 19, 2009

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.

tmj
SENATE

243
May 19, 2009

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

tmj
SENATE

244
May 19, 2009

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

tmj
SENATE

245
May 19, 2009

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.

H – 1041

**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2009**

**VOL.52
PART 5
1290 – 1608**

rgd/med
HOUSE OF REPRESENTATIVES

204
April 7, 2009

Please check the board and make sure that your vote is properly cast. If so, the machine will be locked.

Representative Willis, for what purpose do you rise, ma'am.

REP. WILLIS (64th):

Madam Speaker, could you -- I vote in the affirmative. I apologize.

DEPUTY SPEAKER ORANGE:

Representative Willis in the affirmative. Will the Clerk please take a tally. Will the Clerk please announce the tally.

THE CLERK:

House Bill Number 5873.

Total Number Voting	144
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Necessary for Passage	73
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Those voting Yea	144
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Those voting Nay	0
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Those absent and not voting	7
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DEPUTY SPEAKER ORANGE:

The bill passes.

Will the Clerk please call Calendar Number 152.

THE CLERK:

On page 8, Calendar 152, House Bill Number 5536,

AN ACT CONCERNING INTEREST ON CHARGES FOR SEWER SYSTEM

rgd/med
HOUSE OF REPRESENTATIVES

205
April 7, 2009

EXPANSION, favorable report of the Committee on
Planning and Development.

DEPUTY SPEAKER ORANGE:

Representative Sharkey, you have the floor, sir.

REP. SHARKEY (88th):

Thank you, Madam Speaker, and it's good to see
you up there on the dais, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Thank you very much, sir.

REP. SHARKEY (88th):

You're doing an excellent job. I move acceptance
of the Joint Committee's favorable report and passage
of the bill.

DEPUTY SPEAKER ORANGE:

The question is on acceptance of the Joint
Committee's favorable report and passage of the bill.
Will you remark Representative Sharkey?

REP. SHARKEY (88th):

Thank you, Madam Speaker. Madam Speaker, this
bill just clarifies an existing statute that we
already have with regard to the assessment of liens on
property owners who are benefited by sewer extensions.
What this bill will do is allow the same type of
installment payments to be applied to homeowners who

rgd/med
HOUSE OF REPRESENTATIVES

206
April 7, 2009

are benefited from a sewer system that is paid, not out of municipal bonds, but out of the cash reserves of the municipality.

Currently, we do not allow sewer extension projects that are paid for out of cash to utilize the same installment payment process that we do for municipal bonds. Madam Speaker, the Clerk has an amendment, LCO 5546. I ask that it be called and I be given leave of the Chamber to summarize.

DEPUTY SPEAKER ORANGE:

Will the clerk please call LCO 5546, which will be designated House Amendment Schedule A.

THE CLERK:

LCO Number 5546, House A, offered by
Representatives Sharkey and Bye.

DEPUTY SPEAKER ORANGE:

The Representative seeks leave of the Chamber to summarize the amendment. Is there objection to summarization? Is there objection? Hearing none Representative Sharkey, you may proceed with summarization.

REP. SHARKEY (88th):

Thank you, Madam Speaker. Madam Speaker, the amendment just clarifies towards the end of the bill

on line 54, that rather than allowing the -- the current language calls for the town clerk to prepare the release of the certificate of lien when the lien is actually paid off by the homeowner. It's -- we wanted to clarify that that is actually not done by the town clerk of a community. It's actually done by the tax collector, so this amendment actually clarifies that to ensure that we're citing the correct municipal official who's responsible for that purpose. And I move adoption, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Thank you. The question is on adoption. Will you remark further? Will you remark further on the amendment before us? Representative Aman of the 14th.

REP. AMAN (14th):

Thank you very much, Madam Speaker. I agree with the proponent that this does clarify who is supposed to do the paperwork and it does in -- avoid future problems for the towns that are requesting this. Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Thank you, sir. Will you remark further on the amendment before us? Representative Chapin.

REP. CHAPIN (67th):

rgd/med
HOUSE OF REPRESENTATIVES

208
April 7, 2009

Thank you, Madam Speaker. A couple of questions to the proponent, through you please.

DEPUTY SPEAKER ORANGE:

Representative Chapin.

REP. CHAPIN (67th):

Thank you, Madam Speaker. The amendment proposes to change town clerk, the town clerk's responsibility to the tax collector, and in a quick review of the bill, there are other references to the tax collector, but they also reference "or treasurer." My question through you, Madam Speaker, would it be appropriate for this language in the amendment to also reference the town treasurer? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Sharkey.

REP. SHARKEY (88th):

Thank you. Through you, Madam Speaker, I don't believe so because I think only the tax collector has the specific responsibility for releasing liens. I don't believe municipal treasurers have that authority. Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Chapin.

REP. CHAPIN (67th):

rgd/med
HOUSE OF REPRESENTATIVES

209
April 7, 2009

Thank you, Madam Speaker, and I thank the
Chairman for his answer.

DEPUTY SPEAKER ORANGE:

Thank you. Will you remark further on the
amendment before us? If not, I will try your minds.
All those in favor, please signify by saying, aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER ORANGE:

All those opposed, nay.

The ayes have it. The amendment is adopted.

Will you remark further on the bill as amended? Will
you remark further on the bill as amended?

Representative Aman.

REP. AMAN (14th):

Again, Madam Speaker, through you, I just have a
couple of questions to the proponent of the bill.

DEPUTY SPEAKER ORANGE:

Representative Sharkey. Please frame your
question, sir.

REP. AMAN (14th):

Thank you very much. I'm just looking at it, and
at the beginning it talks about the municipality issue
and the bonds or notes and then it provides that the

rgd/med
HOUSE OF REPRESENTATIVES

210
April 7, 2009

Water Pollution Control Authority may provide for the payment of these notes. And I'm just wondering under normal municipal governments is that how that would be done, or would it be the municipality who is issuing the notes also be setting up a payment plan, or is that the -- is there somewhere in the bill that that type of discretion is set up for the municipality to handle it the way their charter calls for? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Sharkey.

REP. SHARKEY (88th):

Thank you. Through you, Madam Speaker, my understanding is that the Water Pollution Control Authority is the entity through which those activities occur. So I think that the way the bill is drafted actually covers the reality at the local level.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Sharkey -- oh, excuse me.

Representative Aman.

REP. AMAN (14th):

Thank you. Looking at this bill it had a lot of support from especially the small towns. What was

rgd/med
HOUSE OF REPRESENTATIVES

211
April 7, 2009

happening within the small towns is that they would be looking at a relatively small sewer extension, something in the hundreds of thousands of dollars. To go out for bonding on something like that will be very difficult, very expensive because it would be hard to sell the bonds.

What this bill does, it encourages towns and communities that have the cash available to actually pay for their sewer work with cash out of their reserves. The problem comes when this money is then allocated back to the homeowner who has benefited and they want to rightly pay over an extended period of time, because the people who receive their sewers from a bonded project get to pay over 15, 20 years. And so they would like to do the same thing. It's also the problem of how do you finance an individual for that type of purpose.

So I think this solves the problem. It allows the municipalities to use good financial planning, paying for their sewer work in cash. It allows a homeowner to defer payments over a matter of time, and it allows the municipality to receive an interest payment to offset the cost of the money. So I would urge my colleagues to support this. I think it is

rgd/med
HOUSE OF REPRESENTATIVES

212
April 7, 2009

good for the municipalities in the state. Thank you very much, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Thank you, sir. Will you remark further on the bill as amended? Will you remark further on the bill as amended? Representative LeGeyt, you have the floor, sir.

REP. LeGEYT (17th):

Thank you, Madam Speaker. I rise tonight to speak in favor of this bill. It originated in one of the towns that I represent, and would facilitate the work that the town of Avon is hoping to do. And I concur with Representative Aman and ask for the support of this bill. Thank you.

SPEAKER DONOVAN:

DEPUTY SPEAKER ORANGE:

Have all members voted? Have all members voted? Will you please check the machine and make sure that your vote is properly cast. All members have voted. The machine will be locked. And the Clerk will please take a tally. And will the Clerk please announce the tally.

THE CLERK:

House Bill 5586 as amended by House A.

HB 5536

rgd/med
HOUSE OF REPRESENTATIVES

213
April 7, 2009

Total Number Voting	145
Necessary for Passage	73
Those voting Yea	145
Those voting Nay	0
Those absent and not voting	(Inaudible)

DEPUTY SPEAKER ORANGE:

The bill passes.

Will the House please stand at ease.

Chamber at ease.

Speaker Donovan in the Chair.

SPEAKER DONOVAN:

Will the Clerk please call Calendar 207.

THE CLERK:

On page 14, Calendar 207, substitute for House
Bill Number 5694, AN ACT CONCERNING UTILITY SERVICE
TERMINATION, favorable report of the Committee on
Energy and Technology.

SPEAKER DONOVAN:

Representative Leone.

REP. LEONE (148th):

Thank you, Mr. Speaker. I move acceptance of the

**JOINT
STANDING
COMMITTEE
HEARINGS**

**PLANNING AND
DEVELOPMENT
PART 1
1 – 346**

**2009
INDEX**

what they are paying for, yes, I would. Do I necessarily think to Representative Sharkey's point that it's the perfect solution? No, but it's better than the road we're on.

SENATOR COLEMAN: Thank you.

Are there other questions?

Seeing none, thank you for your appearance.

MAYOR DESTEFANO: Guys, do a great job. Thank you so much.

SENATOR COLEMAN: Thank you. Phil Schenck is next.

REP. SCHENCK: Thank you, Senator Coleman, Representative Sharkey, my name is Phillip Schenck, S-c-h-e-n-c-K. I'm the town manager in Avon. And while I was not coming here today to support mayor DeStefano's comments, I can tell you as the town manager in Avon that many of the issues he's dealing with we also deal with in Avon, and I support his attempts to look at things on a broader base to assist the municipalities in the State of Connecticut. I'm a former president of CCM and have been town manager in Avon for over 30 years and can tell you that we're wrestling with some of the issues, as many of you may know, that we've dealt with for decades and now is the time, I think, to act on these types of issues.

What I am here though today to talk to you about is somewhat related, and I don't know if the clerk distributed it to you, but my comments will be short and you should have a copy of them. The Town of Avon is here to support House Bill Number 5536, which essentially allows benefited homeowners from

24
llw

PLANNING AND DEVELOPMENT
COMMITTEE

February 18, 2009
11:00 A.M.

sewer expansions to finance their assessments through an installment program. The present sections of the statute, Section 7-253, 249 and 263 preclude the installment payment method of paying for assessments on sewer projects that are not bonded. We have a small project in Avon that affects 22 homes in an older, more densely developed neighborhood, some of which is former company housing, where we have installed a sewer system due to failed septic systems and upon investigation of trying to work with the homeowners in that part of Avon and to ameliorate the estimated \$6,500 assessment that they would be required to pay in a lump sum, we discovered that we could not implement an installment program unless we bonded the sewer project. The sewer project is approximately a \$250,000 project. Bonding costs alone, if we were to bond it, would run approximately \$75,000. The town is paying for this up front and in essence under the installment payment option we're requesting of you to recommend we would be acting as kind of a bank.

The homeowners, if the bill passes, would be allowed an installment option to pay for their sewer assessment. We are contemplating a number of other smaller similar types of projects and similar types of situations in Avon, and we would like to get the statute, current statutes amended to allow for the installment payment option, and to do that we're requesting your support of House Bill 5536.

That concludes my comments. I'm here to answer any questions that you may have concerning the bill or any other topics that you may feel you want to discuss.

SENATOR COLEMAN: Are there questions for
Mr. Schenck?

Representative Aman.

REP. AMAN: Just quickly, under current law if you
didn't charge interest, would the people be
able to pay you over a 20-year period of time
or whatever a bond would be?

REP. SCHENCK: You know, the demographics vary and
the individual situations vary between the
homeowners. When we've helped and assisted
with water installations in the past, we
worked with the homeowners in that area to
come up with both a payment schedule that
would meet their needs. The proposed
amendments call for a 10-year installment
payment with a maximum interest of 5 percent
and generally we've worked these things out in
the past.

Apparently the current legislation on the
Installation of water lines allows for this
type of a payment option but not on sewers.

REP. AMAN: Okay. But if you want it on the
sewers, the current legislation would allow
you to be paid over a period of years or does
it require --

REP. SCHENCK: If it was bonded.

REP. AMAN: Without it being bonded, they'd be
paying for it in cash.

REP. SCHENCK: They would have to pay for it in
cash, yes.

REP. AMAN: But in one lump sum or could you take
it --

26
11w PLANNING AND DEVELOPMENT
COMMITTEE

February 18, 2009
11:00 A.M.

REP. SCHENCK: No, in a lump sum payment.

REP. AMAN: That's what I was trying to get at is what the current law was. Okay, thank you very much.

SENATOR COLEMAN: Further questions?

Seeing none, thank you, Mr. Manager.

REP. SCHENCK: Thank you.

SENATOR COLEMAN: Senator Rob Kane is next.

SENATOR KANE: Good morning.

SENATOR COLEMAN: Good morning, Senator.

SENATOR KANE: Senator Coleman, Representative Sharkey and members of the Planning and Development Committee, thank you for the opportunity to speak with you today. I'm here by requesting the committee to consider my proposal SR 224, an act directing a portion of the marijuana and controlled substance tax to municipalities for inclusion in a bill dealing with municipal revenue.

While my approach for requesting this action may be unorthodox, I believe it is relevant to today's public hearing of the bills on the agenda that deal with taxation and revenue. My proposal will provide towns with an incentive to report matters to the Department of Revenue Services for collection of the marijuana and controlled substances tax. The marijuana and controlled substances tax which became effective on October 1, 1991, is imposed upon any dealer who acquires or is in possession of marijuana or controlled

**JOINT
STANDING
COMMITTEE
HEARINGS**

**PLANNING AND
DEVELOPMENT
PART 2
347 - 695**

2009



**Testimony
Bart Russell
Executive Director
Connecticut Council of Small Towns
Before the Planning & Development Committee
February 18, 2009**

**RE: Proposed H.B. No. 5536 AN ACT CONCERNING INTEREST
ON CHARGES FOR SEWER SYSTEM EXPANSION.**

The Connecticut Council of Small Towns (COST) *supports* **HB-5536**, which provides parity in how towns can help fund sewer expansions by allowing interest to be charged when sewer systems are financed with general revenue funds, which is the already the case when sewer system expansions are paid for with bonds.

Keeping municipal sewer projects on track and helping towns fulfill their obligation to improve sewer systems is an important public policy goal. We urge your support for this bill.

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

**TESTIMONY: Planning & Development Committee Public Hearing
February 18, 2009**

**Proposed H.B. No. 5536; An Act Concerning Interest on Charges for Sewer System
Expansion (amendment to Connecticut General Statute Sec. 7-253, 7-249, 7-263)**

Dear Chairman Coleman and Sharkey and members of the Committee,

I know you are all busy and have a full schedule so I will be brief.

The Town of Avon supports H.B. No. 5536 to allow benefited homeowners to pay for sewer assessments on an installment basis when no bonding for the sewer improvements has been undertaken by the municipality.

In Avon's particular case, a small project of 22 homes in an older densely developed neighborhood, mostly former company housing, required the installation of sanitary sewers by the Town of Avon due to a significant number of septic failures. The anticipated benefit assessment for these home owners would be approximately \$6,500 each payable under the current statutory provisions in a lump sum when assessed. The Town is seeking this legislation to permit installment payments by the homeowners to alleviate financial hardships.

The current statutes only permit the installment payment method to be used on bonded projects. Smaller projects, not requiring bonding, are not allowed to use this installment method, putting undue hardship on families needing the improvements but perhaps unable to pay for them in a lump sum. The proposed legislation would allow all beneficiaries to use the installment method by allowing the municipality or authority to implement an intelligent payment method which would ensure appropriate payment to the town without undue hardship on the individual homeowner. Because Avon is planning several such small scale lower cost extensions of our sewer systems in the coming years in accordance with our Sewer Facilities Master Plan, we respectfully request your support of H.B. 5536.

I will be happy to answer any questions you may have.



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THE VOICE OF LOCAL GOVERNMENT

TESTIMONY

of the

CONNECTICUT CONFERENCE OF MUNICIPALITIES

to the

PLANNING & DEVELOPMENT COMMITTEE

February 18, 2009

CCM is Connecticut's statewide association of towns and cities and the voice of local governments - your partners in governing Connecticut. Our members represent over 93% of Connecticut's population.

We appreciate the opportunity to testify on the following bill of interest to towns and cities:

Prop. H. B. 5536, "An Act Concerning Interest on Charges for Sewer System Expansion"

CCM supports this bill.

H.B. 5536 would allow persons who will be assessed for sewer improvements that are not bonded (paid for by the Town in cash from the Capital and Non Recurring Expenditure Fund), to pay on an installment basis, instead of having to pay them in a lump sum. Those payments, which generally run on such projects from about \$6,000 to about \$15,000, would be a burden if they had to be paid in a lump sum by the property owner.

Current statutes allow payment on an installment basis only if the improvements are bonded, not paid for in cash.

CCM urges the Committee to draft and favorably report this bill.

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For more information, please contact Jim Finley, Gian-Carl Casa or Ron Thomas of CCM at (203) 498-3000.