

**PA13-222**

SB0461

House	8677-8707	31
Planning & Development	1348-1351, 1357-1359, 1493-1497, 1576, 1586- 1587	15
Senate	2036-2041, 2204-2209	12
		<b>58</b>

**H – 1174**

**CONNECTICUT  
GENERAL ASSEMBLY  
HOUSE**

**PROCEEDINGS  
2013**

**VOL.56  
PART 25  
8346 – 8707**

THE CLERK:

Yes, Madam Speaker.

Substitute Senate Bill 952, as amended by House "A"  
and House "C

Total Number Voting	143
Necessary for Passage	72
Those voting Yea	138
Those voting Nay	5
Those absent and not voting	7

DEPUTY SPEAKER MILLER:

The bill, as amended, is passed.

Will the Clerk please call Calendar Number 597.

THE CLERK:

Yes, Madam Speaker.

On page 26, Calendar Number 597, favorable report of  
the joint standing committee on Judiciary, Substitute  
Senate Bill Number 461, AN ACT CONFERRING CORPORATE POWERS  
ON CERTAIN MUNICIPAL STORMWATER AUTHORITIES.

DEPUTY SPEAKER MILLER:

Representative E. Wright.

REP. WRIGHT (41st):

Thank you, Madam Speaker.

Madam Speaker, I move for acceptance of the joint  
committee's favorable report and passage of the bill in

concurrence with the Senate.

DEPUTY SPEAKER MILLER:

The question before the Chamber is on acceptance of the joint committee's favorable report and passage of the bill in concurrence with the Senate.

Representative Wright, you have the floor, madam.

REP. WRIGHT (41st):

Thank you, Madam Speaker.

This bill, by way of background, would expand on existing legislation enacted in 2007, Public Act 07-154, which conferred statutory power on up to four municipalities adjoining Long Island Sound to establish stormwater authorities to develop storm water infrastructure, maintenance and management of programs to address environmental concerns and storm water needs, including flooding mitigation.

Three municipalities, including New London, conducted a storm water feasibility studies and participated in a joint storm water pilot program, interim report and -- but none of those municipalities has to date established storm water authorities.

At this point, Madam Speaker, government officials in New London believe it would be advantageous for New London to move forward in drafting an ordinance process to develop

such a storm water utility and the City Council has established a task force, a storm water utility authority task Force to study options and recommend a plan for going forward with implementation.

Madam Speaker, while the 2007 law provides a very good statutory framework and a -- and a sound basis for moving forward, it lacks certain features that are vital to the long-term success of -- such a stormwater authority. And the purpose of this bill is to augment the authorities enacted in 2007, address some of the recommendations of the feasibility studies and the joint interim report concerning additional powers that such an authority would need to have to be effective in implementing its purposes, such as the authority to borrow money and enforce collection of fees, enter into contracts without requiring preapproval of the Department of Energy and Environmental Protection, and -- and to enter property to conduct sounding, surveys, borings, et cetera. And these are the changes that are incorporated in -- in this bill, Madam Speaker.

This bill is a good step and goes a long way in the direction of providing New London with these additional management -- with the additional management tools to address storm water issues in the -- in the jurisdiction.

Madam Speaker, the Clerk -- and I urge support --

cjd/lgg/cd/gbr  
HOUSE OF REPRESENTATIVES

210  
June 1, 2013

Madam Speaker, the Clerk has an amendment LCO 7005. I would ask the Clerk to please call the amendment and that I be granted leave of the Chamber to summarize.

DEPUTY SPEAKER MILLER:

Would the Clerk please call LCO 7005, which is previously designated Senate Amendment Schedule "A."

THE CLERK:

Yes, Madam Speaker.

LCO Number 7005, designated Senate Amendment Schedule "A," and offered by Senators Cassano and Witkos.

DEPUTY SPEAKER MILLER:

The representative seeks leave of the Chamber to summarize the amendment.

Is there objection to summarization? Is there objection?

Hearing none, Representative Wright, you may proceed with summarization, madam.

REP. WRIGHT (41st):

Thank you, Madam Speaker.

We have the -- pending in the General Assembly this session, a Substitute Senate Bill 820 that would allow municipalities the option of reducing the annual interest rate that they charge on delinquent property taxes and -- and to elect to adopt a -- a lower rate. Should -- and on

cjd/lgg/cd/gbr  
HOUSE OF REPRESENTATIVES

211  
June 1, 2013

such delinquent -- should that legislation pass and be enacted into law, this -- this amendment simply provides that to the extent that New London proceeds with an ordinance to create a stormwater authority, the interest rate on any delinquent charges would be that applicable interest rate, and I move adoption.

Thank you, Madam Speaker.

DEPUTY SPEAKER MILLER:

The question before the chamber is adoption of Senate Amendment Schedule "A."

Will you remark on the amendment? Will you remark on the amendment?

Representative Aman of the 14th.

REP. AMAN (14th):

Thank you, Madam Speaker.

This particular amendment just clarifies some of the language and so I don't think it affects the underlying bill in any material way.

DEPUTY SPEAKER MILLER:

Thank you, sir.

Will you remark further? Will you remark further on the amendment?

If not, let me try your minds.

All those in favor, please signify by saying aye.

cjd/lgg/cd/gbr  
HOUSE OF REPRESENTATIVES

212  
June 1, 2013

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER MILLER:

All those opposed, nay.

The ayes have it, and the amendment is adopted.

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

Representative Aman of the 14th.

REP. AMAN (14th):

Again, thank you, Madam Speaker.

This particular bill I have some problems with it on a  
basis of having a town being able to do this. And I'm  
actually in conflict because part of me has always taken  
the attitude of if a town or city wants to do something  
they have their own elected officials, they should have to  
make the decision. At the same time, I'm looking at this  
and I'm thinking it's opening up a way of governing and  
taxation that I'm not sure is in the best interest of the  
state of Connecticut or of a local community and so I will  
be listening to a lot of the debate as it goes forward.

I do have some questions to ask the proponent of the  
bill as amended.

Through you, Madam Speaker.

DEPUTY SPEAKER MILLER:

Please frame your question, sir.

REP. AMAN (14th):

Yes.

In the way we very often do things, we talk about the bill is really directed to a distressed municipality and then has a couple other lines where the population are not more than 28,000. Through you, Madam Speaker, which towns within the state actually would this bill be able to cover? Who -- who could actually use this particular statute?

Through you, Madam Speaker.

DEPUTY SPEAKER MILLER:

Representative Wright, will you respond?

REP. WRIGHT (41st):

Thank you, Madam Speaker.

To my knowledge, and I believe OLR has noted that the -- only a municipality that meets those -- that definition would be the City of New London.

Through you, Madam Speaker.

DEPUTY SPEAKER MILLER:

Representative Aman, you still have the floor, sir.

REP. AMAN (14th):

Yes.

And that was -- from the opening remarks, New London was discussed. I just wanted to make sure that who else

may or may not be involved in it. One of the -- most of the items that the -- the authority is able to do are pretty standard. However, it gets down to number 5, on line 13, that they -- upon -- or that they can recommend to the legislative body the imposition of a levy upon taxable interest. And my question -- you -- through you, Madam Speaker, is, what is the difference between a tax on real property and a levy on real property to the municipality and also to the person who's writing the check?

Through you, Madam Speaker.

DEPUTY SPEAKER MILLER:

Representative Wright.

REP. WRIGHT (41st):

Thank you, Madam Speaker.

And I thank the gentleman for the question.

As I understand it a "tax" is the sum of money that can be demanded by a government for its support and the support of its services and facilities and institutions. I believe a "levy" refers to the ability and the power to assess or execute or collect or exact such a tax.

Through you, Madam Speaker.

DEPUTY SPEAKER MILLER:

Representative Aman.

REP. AMAN (14th):

cjd/lgg/cd/gbr  
HOUSE OF REPRESENTATIVES

215  
June 1, 2013

Just to clarify, if it's a tax or a levy, it means someone is going to be writing a check to the City of New London.

Through you, Madam Speaker.

DEPUTY SPEAKER MILLER:

Representative Wright.

REP. WRIGHT (41st):

Through you, Madam Speaker, if the -- if the -- this bill allows the city government to establish such authority -- such a stormwater authority with any of the powers enumerated in the previous statute and this statute. It does not -- does not necessarily mean that they would elect to include all of those powers. So if -- if the ordinance establishing the stormwater authority did include that particular power, then that -- then -- and through you, Madam Speaker, that would be correct.

DEPUTY SPEAKER MILLER:

Representative Aman.

REP. AMAN (14th):

I thank the proponent for her information.

It says that the tax or the levy they recommend to the legislative body of such a municipality. If there is a disagreement or the municipality doesn't approve of the levy, what happens at that point to the authority who would

-- as I would understand it, would not have any funds to operate, or would it have funds to operate via the municipality actually giving them a grant or some other funding?

Through you, Madam Speaker.

DEPUTY SPEAKER MILLER:

Representative Wright.

REP. WRIGHT (41st):

Thank you, Madam Speaker.

In addition to that power to tax on the taxable interest a property within the municipality, the previous legislation conferred the authority to establish fees -- user fees or charges as an additional source of -- of revenue for -- for the operation of that authority. The authority under this legislation would also have the statutory authority -- or the authority to borrow money including -- by floating -- floating bonds with -- I believe that would have to be also with the approval of the legislative body.

Through you -- through you, Madam Speaker.

DEPUTY SPEAKER MILLER:

Representative Aman, you still have the floor, sir.

REP. AMAN (14th):

Yes. I just -- for a clarification on that, the fees

cjd/lgg/cd/gbr  
HOUSE OF REPRESENTATIVES

217  
June 1, 2013

that the stormwater authority could assign and, therefore, collect, would that fee structure be -- have to be approved by the municipal government side or could those fees be established solely by the stormwater authority?

Through you, Madam Speaker.

DEPUTY SPEAKER MILLER:

Representative Wright.

REP. WRIGHT (41st):

Thank you, Madam Speaker.

Through you, Madam Speaker, as I read this bill and the previous legislation which is codified at section 22a-498 of the statutes, I believe the authority, itself, probably could have the ability to establish those -- those fees that is my understanding. The ordinance, of course, establishing such authority could provide otherwise.

Through you, Madam Speaker.

DEPUTY SPEAKER MILLER:

Representative Aman.

REP. AMAN (14th):

Yes. I think that's where my -- my problem with this bill is in that it appears that a town governing body could redirect the ability to raise money from themselves, take the prior -- public pressure off of them and pass it on to the stormwater authority for fees. I realize there's a lot

of sewer authorities and things that have fee structures but they are usually very limited on what they can use the fees for so there's a self-correcting mechanisms.

These fees that could be put out, can they go on state or federal property or non-profit property? All of those are exempt from property taxes, but would they be subject or could they be subject to a fee or a levy from the stormwater authority?

Through you, Madam Speaker.

DEPUTY SPEAKER MILLER:

Representative Wright.

REP. WRIGHT (41st):

Through you, Madam Speaker, the stormwater authority would operate in a very similar manner to other utilities that we are all familiar with including water pollution control authorities and public water authorities.

Should the City choose to proceed with this authority, the ability to develop a financing plan based on user fees that could be charged more broadly to both taxpaying and tax-exempt properties, they feel would be more equitable since the basis for -- for determining property taxes is not necessarily closely related to the cost of stormwater management for that property. Does -- does that answer the question?

cjd/lgg/cd/gbr  
HOUSE OF REPRESENTATIVES

219  
June 1, 2013

Through you, Madam Speaker.

DEPUTY SPEAKER MILLER:

Representative Aman.

REP. AMAN (14th):

Yes. Let me do a follow-up on that. Most of our municipalities are very unhappy with the allocation of pilot funds payment in lieu of taxes that the State pays on property. And I guess my follow-up question will be does this give the opportunity of a municipality to say, You, State of Connecticut, reduced your pilot funding to our municipality, therefore, we're going to put a stormwater levy on your parking lots and your drains that equal or exceeds the cut in the pilot funding or to a point that we feel that this is the amount of money that the State should be giving us and, therefore, it's a way of obtaining it?

Through you, Madam Speaker.

DEPUTY SPEAKER MILLER:

Representative Wright.

REP. WRIGHT (41st):

Through you, Madam Speaker, to my knowledge, there is not a lot of state-owned property within the boundaries of the City of New London. And if it -- if the cost of -- of the fees to -- charged to any state-owned property were to become an issue in -- in developing a fee structure in an

ordinance to move forward with this -- with this utility, I'm sure that could be certainly addressed at the -- at the local level.

Through you, Madam Speaker.

DEPUTY SPEAKER MILLER:

Representative Aman, you still have the floor, sir.

REP. AMAN (14th):

Yes. I do have a problem in some ways with the -- the answer because I'm looking at the OFA fiscal note, and it says that various municipalities may have a potential revenue gain that is very obvious, and yet I don't see a fiscal note that says that the State of Connecticut could have a cost even though it may be very minor.

And I was hoping to see somewhere on here that the fiscal note would be that -- that OFA considered this a very minor charge but instead, unfortunately, it doesn't answer the question that I have.

I'm going on -- there -- the powers, and on line 13 it says, "any of the powers of such authority," which is kind of vague. And so my question is what are the powers of this authority? When we're talking about storm water, but if you take, like our housing authorities, yes, they supply housing, but they can do, under the statutes, many, many other things than just supply housing. And so my question

cjd/lgg/cd/gbr  
HOUSE OF REPRESENTATIVES

221  
June 1, 2013

to the proponent of the bill is what are the powers that this stormwater authority could execute?

Through you, Madam Speaker.

DEPUTY SPEAKER MILLER:

Representative Wright.

REP. WRIGHT (41st):

Through you, Madam Speaker -- through you, Madam Speaker, thank you, I'm sorry.

The powers would be those that are included in the 2007 legislation, namely, the ability to develop and administer a stormwater management program to educate the public about stormwater management, set district boundaries, recommend to the town's legislative body a levy on taxable real property, and to set up a schedule and charge user fees on all real property, including those that are exempt.

In addition to those powers that are already embedded in statute, if passed, this -- this bill would add the additional -- the additional powers to borrow money; to enforce collection of fees; to enter into contracts without requiring preapproval from the Department of Energy and Environmental Protection, as currently required; to sue and be sued; and to recommend to the legislature -- well, that's the same powers in the other statute -- and to enter

cjd/lgg/cd/gbr  
HOUSE OF REPRESENTATIVES

222  
June 1, 2013

property to conduct sounding, surveys, borings and  
accomplish it purposes.

Through you, Madam Speaker.

DEPUTY SPEAKER MILLER:

Representative Aman.

REP. AMAN (14th):

Yes. I think again, that's what my problem is, those  
-- those are very broad powers, and I can see a  
municipality very easily saying we have to do stormwater  
management, that includes putting in new catch basins, new  
pipes, and, of course, to do that we have to repave the  
road, we have to do all of the other things that go along  
with that that are normal municipal obligations to take  
care of, and while the cost would still be borne by the  
residents of the City of New London, it takes it from the  
local taxing authority, the property taxes, and puts it  
onto these fees, at least that is the way I am interpreting  
the language.

There's also in line number -- line number 16, section  
number 7, is something that I've had a problem with, with  
not only this piece of legislation but others, and it says  
-- that it gives the stormwater authority the power to  
enter property, to make surveys, soundings, borings and  
examinations to accomplish the purpose of this section of

the General Statutes. And that is a very, very broad power to enter property.

Most of the time if you want to enter property, you're talking about most likely getting some sort of court action to be entering some property, this exempts it. I know the DEP, or the DEEP now at this point, has the authority on certain wetlands areas when they feel there's a violation to be able to enter without going through a proceedings, and while I may not be overly happy with that I can understand why they feel that is it is necessary to be able to move very, very quickly in that type of potential violation. But I'm looking at this and saying this seems to be a awful broad power that somebody can go through my property making surveys, soundings, drilling holes for boring and examining things without going through the normal court process. And maybe the proponent of the bill can correct me on that interpretation and tell me that those powers are much more limited than I am concerned about.

Through you, Madam Speaker.

DEPUTY SPEAKER MILLER:

Representative Wright.

REP. WRIGHT (41st):

Thank you, Madam Speaker.

I think underlying -- an underlying principle of any authority and this authority is that you need a rational nexus between the activity and -- the activity, the charge, the entrance on property, and the purpose of the authority, so I think that is -- that is a limitation that I hope would give some comfort.

In addition in speaking with the President of the New London City Council recently and going over some of -- some of the elements of this bill, he did say that he anticipated that that particular power would be used very, very rarely and only, you know, in extreme necessity.

Through you, Madam Speaker.

DEPUTY SPEAKER MILLER:

Representative Aman.

REP. AMAN (14th):

Yes. I would expect most municipal officials to say that, unfortunately, that's not what the law itself -- I believe the way we're drafting it -- actually says.

Most municipal officials I know work very well their communities and would not abuse the power, and -- but I do have a problem with putting it in a law that they may do this. It was discussed very early on that there was a task force to study the storm water drainage problems within the City of New London, and I was wondering if the proponent

cjd/lgg/cd/gbr  
HOUSE OF REPRESENTATIVES

225  
June 1, 2013

could give me a little bit more information on this task force, who made it up, how it operated, and probably most importantly, what were their conclusions?

I would presume their conclusions were what is in this bill, but I'm wondering what else they discussed and what other things that they did to come up with whatever report they did.

Through you, Madam Speaker.

DEPUTY SPEAKER MILLER:

Representative Wright.

REP. WRIGHT (41st):

Thank you, Madam Speaker.

Through you, Madam Speaker, the task force that I -- that I referenced earlier refers to a stormwater utility authority task force that the New London City Council, in cooperation with the Mayor's Office and with the administration's support, established about a year ago, I believe, to -- to look into options and start the process of making recommendations for a plan to implement such an authority.

The -- that authority is comprised of a number of administration officials, in specifically, the law director, the city planner, the public works director, the chair of the City Council Public Works Committee, a citizen

appointee and the director of the New London Water Utility.

In addition, after the 2007 enabling legislation, the City of New London -- as well as independently, and as well as the cities of Norwalk and -- and New Haven -- undertook extensive studies, commissioned extensive studies, to look into the pros and cons of establishing stormwater authority programs, this was under the enabling legislation, and -- and that resulted in a very thorough report with a set -- a set of recommendations and possibilities and parameters.

And the City of New London's report together with the Norwalk report and the New Haven report were all joined together in a -- in a larger report, a joint interim stormwater -- joint stormwater pilot program interim report that was filed, I believe, with the Environment Committee and with the Department of Energy and Environmental Protection so there has been extensive research and analysis of -- of these projects.

Through you, Madam Speaker.

DEPUTY SPEAKER MILLER:

Representative Aman.

REP. AMAN (14th):

Yes. I thank the proponent. It, obviously, was a very large group that was working on it, and I'm sure very -- very dedicated to the people of New London to come up

with what they thought was the best for their town.

Going back to another thing I mentioned that regarding the court order and DEEP having to do it, but tying into that what interrelationship will there be between DEEP and the stormwater authority as far as how the storm water is going to be acted on since New London is so close to the Sound that nature is not going to really have time to naturally cure or remove any contaminants. So I'm just -- it's not -- I'm not interested in necessarily in what you're going to do to address that but how New London is going to interrelate or how they're planning to interrelate with the DEEP on the water cleanliness issues.

Through you, Madam Speaker.

DEPUTY SPEAKER MILLER:

Representative Wright.

REP. WRIGHT (41st):

Through you, Madam Speaker, one of the main purposes of -- of this effort is to address environmental concerns and satisfy appropriate requirements of the Clean Water Act in compliance with the Phase II, MS4 requirements, of all municipalities. And this -- the EPA considers pollution from all diffused sources, including urban stormwater pollution to be a very concerning and one of the most important sources of contamination in the nation's waters.

And so the whole point of this is -- is to provide a mechanism and a -- an institution for structure for the City of New London to move forward with a viable financing plan, to -- in compliance as it -- as their way of meeting these federal and state clean water requirements.

Through you, Madam Speaker.

DEPUTY SPEAKER MILLER:

Representative Aman, you still have the floor, sir.

REP. AMAN (14th):

Yes. I would like to thank the proponent of the -- the bill. She does have a good knowledge of what this is, obviously, is very much in favor of this stormwater authority and feels that it will help the City of New London tremendously as it goes forward.

I still have my basic problem with this bill and probably with the enabling legislation that was in the past as it sets up almost a new set of government that they can have; that the taxing authority within a city or a town can pass on the stormwater authority to a separate entity, set them up to collect the fees, et cetera. You could -- obviously now would have a stormwater authority, a sewer authority, and I'm sure there are creative minds around this building that are thinking of many other authorities to accomplish the same purpose.

It also opens up a whole new area of taxing that we have not really looked at carefully in this building. Traditionally, we have exempted federal and state properties from property taxes, nonprofits, the churches, cemeteries, and all sorts of other entities who have been exempt from local property taxes.

Do I agree with all of those exemptions? Absolutely not, but they are in the law and this particular stormwater authority has the ability -- I believe the way this legislation is written and the answers I got -- to put a levy, maybe not a property tax, but a levy, but if I'm sending money to the City in New London, I don't really care what you call it, I'm writing a check and so I have a problem with divorcing and separating the taxing authority from the actual elected officials that are doing it.

I, also, can remember when the underlying legislation was first passed, many of the proponents were saying, oh, good, this gives us a way to tax those parking lots in Hartford that are owned by the state; that gives us a chance to tax Yale down in New Haven; that gives us a chance to tax some of the hospitals. They may have been using the wrong word but the intention was pretty obvious that they felt by using a stormwater authority, they could raise money from entities that they normally couldn't tax

from. Is that a good idea or a bad idea? I'm not really sure, but it is a tremendous change in the way we handle our municipal finances so I thank the proponent for advocating for her community, and I look forward to much of the following of the debate.

Through you, Madam Speaker.

DEPUTY SPEAKER MILLER:

Thank you, sir.

Will you remark further on the bill as amended?

Representative P. Miller of the 36th.

REP. P. MILLER (36th):

Thank you and good evening, Madam Speaker.

DEPUTY SPEAKER MILLER:

Good evening to you, sir.

REP. P. MILLER (36th):

Thank you.

I rise in support of this bill. And I want to speak to the stormwater program, as I understand it, because I think it's a program that a lot of people don't understand its source and what it's intended for.

It is a federal program that where the federal government submits to the states a series of standards to help have good storm water drainage standards and it's administered by the states, but it is clearly designed to

be enacted on the local level and to give that power to the local municipality to have a say to ensure that we have good drainage, especially when we have unusual precipitation events.

The federal government really got busy with this in -- about 10 years ago, following a number of high-profile hurricanes in the east and then, of course, in subsequent years, it's proven to be a good move because we've had a number of unusual precipitation events just in the past couple of years. And obviously, the problem which happens when we have these unusual events is that when we have impounded water which cannot drain properly, we get all sorts of public health complications and our public health is compromised. And so the idea behind this program is to have the very best standards be put into place on the municipal level so that we can recover quickly without much loss of property or commerce or whatever.

I would like to say that throughout Connecticut and elsewhere, if you look at any municipality whether it's a city or a small town, I would say, as a general rule from my observation at least, that those municipalities that have very strong commerce and business going on, it usually is because they have good infrastructure where they can move their people and their goods and their services as

efficiently and safely as possible, that also includes drainage infrastructure.

Throughout our state we have many municipalities with their own unique challenges when it comes to these things. Many municipalities along our big rivers, like the Housatonic and the Connecticut and the Thames, have lots of flood plain territory, and sometimes when we have these unusual precipitation events, we get impounded waters that, again, can cause public health emergencies with mosquitoes which can carry the equine encephalitis or the West Nile Virus, for example.

And in many of our cities where we have lots of people living in population densities, especially, you get some of our cities and towns where we not only have density but we have a lot of uneven terrain, a lot of hilly terrain where water can really pick up speed as it goes downhill and can do a lot of erosive damage, and such.

Now over the past dozen or more years, what the federal government has done is they've given towns a long period of time to conform to these standards but they've also been very helpful in ways that really don't cost the towns a lot of money. What they've done is they've given to the towns a number of documents, the types of documents that you can put in a town newsletter or in a free

periodical press publication where the towns can really get the word out to their people, even helpful things on a household-by-household level, such as how to keep your drain -- your rain gutters operating to peak efficiency, again, so as to minimize the damage at a particular home and then there's also other ways that they do this.

In a lot of the towns that I've seen, what they do now is that when they know -- not only when unusual storms of great magnitude might be coming, but now even yearly, they have regular schedules that they do. Some towns have spent a lot more money, for example, I can think of a couple towns where they probably would clean out their catch basins, maybe a quarter to a third of them every year, and many of those towns have picked up that schedule to be more active in that. And I know at least one town that used to every summer for a four- to six-week period, they would rent out a very expensive piece of equipment, a catch basin cleaner, and they would really go to town during that dry time of the year to get ready for autumnal rains or the winter snow melt or also the spring freshet in a proactive way.

But at least one of these towns actually went out and bought a used but still very good -- in very good shape catch basin truck with the suction equipment and, in fact,

cjd/lgg/cd/gbr  
HOUSE OF REPRESENTATIVES

234  
June 1, 2013

they've now on their own taken the initiative to work with some surrounding towns so that they can all reach an economy of scale and they can save money this way.

So while this is a program that was initially criticized pretty heavily as being another unfunded mandate where the onus and the responsibility is given to the individual town but not the money to make it happen, it's proven throughout the state, as I've seen it enacted, to be a pretty good program. And the DEEP has been pretty good administrators, and I know that the towns from New London and the cities to towns in my region of Southeastern Connecticut have typically all had consulting engineers, many of whom have a niche in this type of field where they can help the towns minimize the damage to storms and other things.

So I'm a fan of the stormwater program, and I think these updates are really well done, and I think what I've seen the towns doing all along for a dozen or more years now is kind of working pretty proactively with their own people, and I think it gives an opportunity then for the elected citizens, who themselves are citizens of that municipality, to work one-on-one with people in the town who they need to maybe even assist.

I know in some cases towns have called individual

homeowners to say, We'd like to help you remove that downed tree that's in the stream in your backyard because we're concerned that when we have a big rain it might complicate the drainage downstream and we don't want to have our bridge abutment in failure or anything like that.

So it seems to be a program that I see working pretty well so I'd like to just say I urge my colleagues to support this legislation, and I'm grateful to the esteemed representative from the Village Noank for bringing this out.

Thank you, Madam Speaker.

DEPUTY SPEAKER MILLER:

Thank you, Representative.

My brother, Representative Craig Miner of the 66th.

REP. MINER (66th):

No where to go with that one, Madam Speaker. Good afternoon -- good evening, I guess.

I've actually tried to pay attention to this bill over a number of years, as has Representative Aman, back at a point when I served on the Planning and Development Committee, and I think he appropriately praised the effort of the proponent of the bill for her interest in trying to make the environment better.

And I think he accurately laid out the facts around

what that cost might be and how that would be apportioned through this new pilot program. So I think the -- the process has come a long way. The bill has come a long way. I have concerns about benefits assessment and the overlay that this may create on property owners, but I do think from an environmental perspective I think it's intentions are good. And what I think it really does is it decouples a longstanding practice of combining storm water with wastewater because I think even the DEEP now knows that that's terribly inefficient way to treat water anyway.

And so I'm not sure if anybody else will speak, I'm still thinking about the tax implications, but I do agree with the ranking member of the Planning and Development Committee that I believe the intentions are appropriate. Thank you.

DEPUTY SPEAKER MILLER:

Thank you, Representative.

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

If not, will staff and guests please come to the well of the House. Will the members please take your seats. The machine will be opened.

THE CLERK:

The House of Representatives is voting by roll call.

cjd/lgg/cd/gbr  
HOUSE OF REPRESENTATIVES

237  
June 1, 2013

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

DEPUTY SPEAKER MILLER:

Have all members voted? Have all members voted?

Would the members please check the board to determine if your vote is properly cast.

If all members have voted, the machine will be locked and the Clerk will take a tally.

Will the Clerk please announce the tally.

THE CLERK:

Yes, Madam Speaker.

In concurrence with the Senate, Substitute Senate Bill 461, as amended by Senate "A"

Total Number Voting	143
Necessary for Passage	72
Those voting Yea	106
Those voting Nay	37
Those absent and not voting	7

DEPUTY SPEAKER MILLER:

The bill passes in concurrence with the Senate.

Will the Clerk please call Calendar Number 656.

THE CLERK:

On page 34, Madam Speaker, Calendar Number 656,

SB 1099

**S - 658**

**CONNECTICUT  
GENERAL ASSEMBLY  
SENATE**

**PROCEEDINGS  
2013**

**VOL. 56  
PART 7  
1827 - 2152**

cah/meb/gdm/gbr  
SENATE

360  
May 14, 2013

THE CHAIR:

Senator Looney, please put his mic back on. Thank you.

A VOICE:

Yes.

SENATOR LOONEY:

Madam President, yes the -- having referred that bill to the -- bill as amended to the Judiciary Committee, would ask the -- the Clerk to call the next item which is Calendar Page 50, Calendar 304, Senate Bill 1019.

THE CHAIR:

Mr. Clerk.

THE CLERK:

On Page 50, Calendar 304, Substitute for Senate Bill Number 1019, AN ACT CONCERNING ADMINISTRATIVE STREAMLINING AT THE DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, Favorable Report of the Committee on Environment. There are amendments.

THE CHAIR:

Senator Looney.

SENATOR LOONEY:

Madam President, thank you. If that might be passed temporarily and, Madam President, if the Clerk would call Calendar Page 53, Calendar 408, Senate Bill 461.

THE CHAIR:

Mr. Clerk.

THE CLERK:

On Page 53, Calendar 408, Substitute for Senate Bill Number 461, AN ACT CONFERRING CORPORATE POWERS ON CERTAIN MUNICIPAL STORMWATER AUTHORITIES, Favorable

Report of the Committee on Planning and Development  
and there's an amendment.

THE CHAIR:

Senator Cassano.

SENATOR CASSANO:

Thank you, Madam Chair.

I move waiving of the reading of the bill and  
adoption.

THE CHAIR:

The motion is on adoption. Will you remark, sir?

SENATOR CASSANO:

Yes, this is a -- a bill that's written for the Town  
of New London. Originally there were four towns in a  
stormwater authority pilot project. The others have  
not continued. New London came, in fact, in force  
before the Planning and Development Committee and  
asked to continue their program. The bill authorizes  
certain powers to municipal stormwater authorities  
such as the New London Authority. It gives them the  
traditional powers of authority but what's most  
important is that New London has a lot of nonprofits.

By having a stormwater authority in dealing with  
stormwater issues, everybody is a part of the paying  
process. And so it's significant financially for the  
City of New London and I would move adoption of the  
bill.

THE CHAIR:

Will you remark further? Will you remark further?  
Senator Welch.

SENATOR WELCH:

Thank you, Madam President.

If I may, through you, a question to the proponent of the bill.

SENATOR CASSANO:

Sure.

THE CHAIR:

Please proceed, sir.

SENATOR WELCH:

Thank you, Madam President.

I believe Senator Cassano just said that this applies to the City of New London and that the City of New London has a lot of nonprofits therefore this is important and I -- I guess -- I'm not sure I appreciate his logic so if he could explain that, through you, I would appreciate it.

THE CHAIR:

Senator Cassano.

SENATOR CASSANO:

I -- I think if I heard correctly, through you, that the nonprofits, is that what you said? I couldn't hear you well, I'm sorry.

THE CHAIR:

Would you repeat your question, sir?

SENATOR WELCH:

Gladly, Madam President.

I believe Senator Cassano said that this bill is important because there's a number of nonprofits in the City of New London, assuming this bill applies only to the City of New London which I'm not sure that's an assumption we can make but I'd be happy to hear about that. Why is this bill important to New London because New London has a lot of nonprofits?

Through you, Madam President.

THE CHAIR:

Senator Cassano.

SENATOR CASSANO:

Through you, Madam Chair, the nonprofits are a little different than what we usually think of, the Coast Guard Academy, the hospital, large users in the system that don't have to contribute to the system.

THE CHAIR:

Sena -- Senator Welch.

SENATOR WELCH:

Thank you, Madam President.

Just so I can understand this better if I may try to state it and that is these not-for-profits don't pay property taxes but they will have to pay stormwater usage taxes and this bill allows that to happen. Is that correct?

Through you, Madam President.

THE CHAIR:

Senator Cassano.

SENATOR CASSANO:

Through you, yes that's correct.

SENATOR WELCH:

Thank you, Madam President.

THE CHAIR:

Senator Welch.

SENATOR WELCH:

Thank you, Madam President.

THE CHAIR:

No problem.

SENATOR WELCH:

And then if -- if I may, through you, Madam President, how do we know that this applies only to the City of New London?

THE CHAIR:

Senator Cassano.

SENATOR CASSANO:

Reading from the bill, the bill allows the ordinance establishing New London's stormwater authority to grant it the power to and then goes on.

THE CHAIR:

Senator Welch.

SENATOR WELCH:

Thank you, Madam President.

If the good Senator could direct me to the line in the bill that he just read from?

THE CHAIR:

Senator Cassano, could direct the -- the good Senator to the line of the bill that says New London in it?

SENATOR CASSANO:

Actually I'm reading from the OLR report, I'm sorry. Second -- under municipal stormwater authority powers, the bill designates that the stormwater authority created under the pilot program and located in a distressed municipality with a population of 28,000 or less as a body corporate and politic. The bill allows

the ordinance establishing New London's stormwater authority to grant it the power.

THE CHAIR:

Excuse me a moment, Senator.

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, pardon the interruption but we find that this -- this bill may be the subject to an amendment so for that purpose would move that it be passed temporarily.

THE CHAIR:

Seeing no objection, so ordered, sir.

Senator Looney.

SENATOR LOONEY:

Yes thank you, Madam President.

If we might return to the item that had been passed temporarily earlier, Calendar Page 50, Calendar 304, Senate Bill 1019.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Thanks, Madam President, and good evening again.

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

THE CHAIR:

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

**S - 659**

**CONNECTICUT  
GENERAL ASSEMBLY  
SENATE**

**PROCEEDINGS  
2013**

**VOL. 56  
PART 8  
2153 - 2500**

Those voting Nay 22  
Absent and not voting 0

THE CHAIR:

The amendment fails.

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

If not, Senator Cassano, but --

SENATOR CASSANO:

And I move to put it on Consent.

THE CHAIR:

Any objection to putting it on a Consent Calendar?

Seeing none, so ordered.

Mr. Clerk.

THE CLERK:

On Calendar Page 47, Calendar Number 408, Substitute for Senate Bill Number 461, AN ACT CONFERRING CORPORATE POWERS ON CERTAIN MUNICIPAL STORMWATER AUTHORITIES, Favorable Report of the Committee on Public Works.

THE CHAIR:

Senator Cassano.

SENATOR CASSANO:

Thank you, Mr. Chairman.

This bill, we discussed last night, and --

THE CHAIR:

Senator Cassano, can you move the bill, please?

SENATOR CASSANO:

I'm sorry; been up here awhile.

Move acceptance of the Joint Favorable committee report and move passage, favorable passage of the bill, waive reading of the bill, and seek to summarize.

THE CHAIR:

Acceptance and passage; will you remark, sir?

SENATOR CASSANO:

Yes. I would ask for the Clerk to call an amendment, LCO 7005.

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO 7005, Senate Amendment "A," offered by Senators Cassano and Witkos.

THE CHAIR:

Senator Cassano, please move the amendment.

SENATOR CASSANO:

Yes, first of all.

And I want to thank Senator Witkos for picking this up. We discussed last night this bill conferring corporate powers on certain municipal stormwater authorities, basically New London, Connecticut. And in reading the bill, it pointed out that if people were delinquent in their payments, they would pay an 18 percent tax, delinquency rate, which is the current rate. We have pending before us a possible reduction of that from 18 to 12 percent, and Senator Witkos has pointed that out, and the amendment deals with that. Whatever the existing delinquent property tax rate would be would be the rate, and that's the amendment.

THE CHAIR:

Move adoption, Senator?

SENATOR CASSANO:

I would move adoption of the amendment.

THE CHAIR:

All right; thank you.

Will you remark further on the amendment? Will you  
remark further on the amendment?

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President.

Just one, quick question to the proponent of the  
amendment, and --

THE CHAIR:

Please proceed, sir.

SENATOR WELCH:

Thank you, Mr. President.

That is: Does this reduced percentage apply only to  
the City of New London Stormwater Authority and monies  
owed, outstanding to them?

Through you, Mr. President.

THE CHAIR:

Senator Cassano.

SENATOR CASSANO:

Through you, Mr. President.

Yes. The -- the bill specifically addresses the  
stormwater authority, and they would be the one that

would have to pay the -- receive the -- collect the delinquence.

THE CHAIR:

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President.

THE CHAIR:

Will you remark further on the amendment? Will you remark further on the amendment?

If not, I'll try your minds. All those in favor, signify by saying aye.

SENATORS:

Aye.

THE CHAIR:

Those opposed nay, say nay.

The ayes have it. Senate "A" is adopted.

Will you remark further on the bill as amendment?

Senator Stillman.

SENATOR STILLMAN:

Thank you, Mr. President.

I rise in support of the bill. I want to thank Senator Cassano for his advocacy on this bill.

The people, the town leaders of the City of New London have been asking for this opportunity for several years. New London did participate in the pilot with two other cities, but it was determined that New London was the only one that truly wanted to move forward with this.

New London is in a unique position in terms of its ability to even levy taxes, to begin with, because about 52 percent of the property is nontaxable. But more importantly, they do have problems in terms of addressing how to mitigate stormwater problems within the city. I believe this will give them an opportunity to establish the authority, at least put it in front of the people of the city and see if they are so interested in moving forward, once they have a plan.

And, with that, I do support this bill and urge my colleagues to do the same.

Thank you.

THE CHAIR:

Thank you.

Senator Fasano.

SENATOR FASANO:

Thank you, Mr. President.

Mr. President, I am always very concerned about giving additional authorities that seem to be certain taxing authorities. I, however, give due deference to any Senator or caucus who speaks for their district and their area, as Senator Stillman has. And I'll be supporting the bill for the purpose of supporting a fellow colleague to help their district.

With that being said, I -- I certainly give pause to other areas of the state, if they were to ask for these powers, because I believe it could yield undesirable results. But due deference to my colleague Senator Stillman, I'll be supporting this bill for today.

Thank you, Mr. Chairman.

THE CHAIR:

Thank you, Senator.

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

If not, Senator Cassano.

SENATOR CASSANO:

Seeing none, I'd ask that it be placed on the Consent Calendar.

THE CHAIR:

Is there objection?

There is objection.

Mr. Clerk, please announce, even louder, that there's a roll call vote, and the machine will be open.

THE CLERK:

An immediate roll call vote has been ordered in the Senate. Immediate roll call vote has been ordered in the Senate; Senators please return to the Chamber. Immediate roll call vote in the Senate.

THE CHAIR:

Have all members voted? Have all members voted? Please check the board to make sure your vote is accurately recorded. If all members have voted, the machine will be closed.

And the Clerk will announce the tally.

THE CLERK:

On Senate Bill 461.

Total Voting	36
Those voting Yea	32
Those voting Nay	4
Absent and not voting	0

THE CHAIR:

The bill as amended passes.

**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

**PLANNING AND  
DEVELOPMENT  
PART 5  
1337 - 1682**

**2013**

COMMISSIONER JAMES REDEKER: I'd be happy to commit to having a staff person there, and Tom Maziarz, our Bureau Chief of Planning will be the --

SENATOR CASSANO: Tom who?

COMMISSIONER JAMES REDEKER: Tom Maziarz.

SENATOR CASSANO: Maziarz.

COMMISSIONER JAMES REDEKER: Yeah. You're familiar with Tom, so there's probably a good connection there.

SENATOR CASSANO: He'd be a good connection. Pleased to have him. Thank you. Appreciate your testimony.

COMMISSIONER JAMES REDEKER: Okay. Thank you.

SENATOR CASSANO: I see him smiling back there.

Commissioner Esty.

Welcome.

COMMISSIONER DANIEL ESTY: Good morning. It's really a great pleasure to be here and I very much appreciate the committee's offer of an opportunity to talk together this morning about some of the issues that are before you, particularly with regard to the challenging issue of how we manage our coastline.

SB459  
SB460  
SB461  
SB462

## COMMITTEE

There are a set of coastal issues that I think we can all agree are important, and ones that require us to think carefully about the path forward, and I am especially grateful to be accompanied by Deputy Commissioner Macky McCleary and other members of my staff here today, eager to share with you our thoughts from the Department of Energy and Environmental Protection point of view, and to exchange views back and forth.

I think I want to start by saying we recognize that there really is a critical balancing of interests that are always in play when we're talking about coastal issues and coastal regulation, a balance of private property issues with community issues, a balance of neighbor versus neighbor, and in terms of whether we, and how we as a state put people into places where they may not want to be as storms hit, as we have seen in a number of cases in recent years.

I think the big storms that have hit Connecticut over the last couple of years, unprecedented events at least over the last quarter century, have sharpened our focus on how we manage our coastline, sharpened our focus on the need for greater emphasis on resiliency, and frankly on ensuring that we are planning in more robust ways -- planning to protect our people, our businesses, and our buildings.

The shared resources of the coastline: our marshes, our beaches, our tidal flats, and the waters of the coastline are critical elements of habitat, critical elements of our coastal

8  
rc/gbr PLANNING AND DEVELOPMENT  
COMMITTEE

March 18, 2013  
10:00 A.M.

economy, and essential to the quality of life in the communities along the shoreline, and frankly beyond that for the entire State of Connecticut.

So we are facing, I think, a big challenge in ensuring that we have both resilient and adaptable shoreline strategies, but also ones that respect the long-standing homeowners who've been there for, in some cases, generations, and the interests of the many other stakeholders who care about these resources.

And I have said before, and have appreciated the chance to go back and forth with the Coastal Taskforce and this committee, and have said before that the balance of state and local and federal oversight of coastal challenges is a critical one. It's one that we at the department are pleased to offer some thoughts on, and our professional expertise on, but fundamentally it is a question for the Legislature to figure out and to strike the balance as appropriate across these interests.

I do think that planning is essential, and one of the things I think we might all agree on is that there is an opportunity to take Connecticut's planning up a notch and ensure that our efforts really are positioning the state for the kind of challenges we will face in years ahead.

And as this committee will recall, it was only last year that the General Assembly passed Public Act 12-101 which represents a very ambitious coastal management bill that addressed a number of issues, and frankly updated and refined our

## COMMITTEE

statutory provisions in a number of important regards. This legislation did a number of things that addressed some of the issues that are now before you again including refining how we regulate seawalls and other shoreline protective structures. We are implementing this measure. We think that last year's approach was a good one, and we are eager to see it put into practice and tested before further revisions are made.

I also want to say that we want to make sure that the best knowledge, the best science, the best risk analysis is before you, as you think about the bills that you're addressing in this committee.

With regard to Senate Bill 459, I think Sections 1 and 2, which would essentially eliminate state and local regulation of seawalls, does not strike the proper balance. It does not strike the balance that would be suggested from a number of points of view. It suggests that some docks and supporting structures and members of a residence, and seawalls would be exempt from municipal site plans, from the State process for reviewing structure, dredging and fill permits, and with this exemption we would put Connecticut outside of the bounds of what is being done in virtually every other coastal state. I think that extreme posture would not serve us well, and would make it difficult to strike the balance that you all have historically done quite well.

Last year's OLR report on seawall construction in east coast states noted that other states have standards at least as restrictive, in some cases

question, might be allowed, and this we think would be a challenge.

The remainder of Senate Bill 460, Sections 5, 6 and 7 contain several provisions, the purpose of which is not immediately apparent, but appear to impact again our regulatory process. We look forward to working with the committee and the members of the judiciary committee to find the right balance of administrative process that will provide our shoreline constituents with fair, professional, and timely permitting as well as enforcement oversight of the rules that are in place.

I thank you for the chance to appear before you today and will welcome the opportunity to answer questions.

SENATOR CASSANO: Thank you, Commissioner. I'm going to just ask one, and then open it up. I've had contact from shoreline people that I don't know, because I don't live on the shoreline. Their greatest concern is that we've had a major storm come through, and now we've had another major storm come through, and nothing ever seems to get done. And if there's anything that we've tried to do, is try to create efficiencies. And I don't know if it's staffing, I don't know the answers. Maybe it's the complications that are involved in dealing with some of the issues, but people just don't feel that DEEP, in this case, are responding to the needs of the shoreline community. Then another storm comes along and they're worse off than they were because nothing

was done the last time. How do you address that issue?

COMMISSIONER DANIEL ESTY: Thank you, Mr. Chairman. We've addressed that issue in a number of ways. First we have run lean processes for everyone of our permitting programs. So we have taken apart these permitting programs, dissected them step by step by step, taken out anything that is unnecessary or slowing down the process, and then reconstructed the permit processes to ensure much greater speed and responsiveness to the public. So those who are now looking to replace a dock, for example, as long as it's a replacement of the same scale and size, and not having additional water impacts, can get that done, not in 14 months which was the case when I arrived as Commissioner, not in 14 days, which is what I told this committee some time ago I thought we could do, but in a day.

So we have made significant changes in our process that allow us to move much more quickly where there is a logic to it. The truth is, when people complain and say they're not getting speed, it may well be because they're trying to do things that have impacts on their neighbors, on community resources, on shared beaches, on the coastal resources that are all part of the Connecticut natural endowment. So we're eager to ensure that there is an appropriate process to ensure the balance that I've talked about repeatedly. And again, I would argue that a good number of people who are complaining about that process are unhappy with the fact they aren't simply allowed to do what they want to do, no

matter if what they want to do may have negative consequences for many others, not just their neighbors, but the community more broadly.

SENATOR CASSANO: [Inaudible.]

Senator Fasano.

SENATOR FASANO: Thank you. Thank you, Commissioner for coming here today. You're last statement I would totally disagree with. I think it -- it proves too much for an agency to say those people who complain are complaining because they're not getting what they want. I think that statement proves way too much given the -- the history of DEEP, at least on shoreline issues.

But with that, let me just -- let's start with a comment that you wrote about saying that we just changed last session -- and you and I, with Commissioner Macky, Mack McCleary, went through Public Act 12-101, which was the compromise -- it was Senate Bill -- I forgot what it turned into in terms of a Senate Bill. And you say, in one of your comments that it's way too early, does not see prudent to consider drastic changes as 459 proposes without allowing at least last year's bill to have a chance.

I'm just wondering, I didn't see that language when the Environment Committee raised Bill 114, AN ACT CONCERNING SEA LEVEL RISE, where it was agreed that we would look at the National Oceanic and Atmospheric publications to determine sea level rise, and the Environment Committee put in language to say "or Planning and Zoning can

(SB1010)

151  
rc/gbr PLANNING AND DEVELOPMENT  
COMMITTEE

March 18, 2013  
10:00 A.M.

FIONNUALA DARBY-HUDGENS: Thank you.

REP. ROJAS: Yeah, and just to note, I'm in possession of the analysis. I believe it was Montgomery County, Maryland is the analysis she was referring to, and I'll make sure that that gets to the entire Committee as well. And Montgomery County is I think often the example that we continue to use in this building when we're talking about education policy, and effective practices at dealing with the achievement gap without spending a billion dollars in the process of doing so. So thank you very much.

FIONNUALA DARBY-HUDGENS: Thank you.

REP. ROJAS: Did Sandy Bresland come back in the room by any chance? No?

Grant Westerson, followed by John Johnson.

GRANT WESTERSON: Thank you, Mr. Chairman, Representative Aman, Senator Fasano and members. My name is Grant Westerson. I'm with the Connecticut Marine Trades Association, and I'm here to ask for your support for 459 and 460. I had passed in some written testimony that I hope you have.

The comments that you heard earlier from Rives are very salient, and we certainly agree with some of the other comments that we've heard those. I hope you'll support those. I just wanted to say I -- I do offer support for the two taskforces that popped up in 461, and I guess --

SB462

I think it's 462. I'm not so sure if seawalls -- I would like to participate in seawall discussions. I think that's been discussed quite a bit, but the 461, to study municipal coastal management in times of emergency -- I think that's an interesting subject that while has been talked a lot about in retrospect, I think there's a lot of planning that still needs to be done.

I'm almost afraid that some -- some of these things have been taking knee-jerk reaction because of the two storms we've had in the last two years. I mean I've been on the waterfront all my life as most of us have, and it's not a yearly thing. But when you get them year after year, then everybody seems to lift their head up and make notice, and -- and a lot of paper comes out of this office reflecting on it.

The first two -- the first two bills that I mentioned, 459 and 460, I'd be more than happy to work with some of the rewording that you were talking about with David earlier. I would be glad to talk to you on that, but we do support them in the way they've been sent out.

If there's any questions we can -- we can answer, I'd be more than happy to.

REP. ROJAS: I believe there is.

Senator Fasano.

SENATOR FASANO: When you say that, you know, we're jumping, knee-jerk reaction, because not

## COMMITTEE

suggesting our legislature works on headlines, do you at all?

GRANT WESTERSON: Negative. Negative. Never -- never do that. Never do that, Senator.

SENATOR FASANO: With Dave Sutherland's issues -- you understand where they're coming from -- where Dave's coming from, and they're very valid points, that we don't want to give carte blanches to those, and Leah mentioned it, too, to those marinas that perhaps would hurt the Sound.

GRANT WESTERSON: Well as you said, I mean I see nothing in here where you're going to give a carte blanche seawall to anybody.

SENATOR FASANO: Well we may have to tailor some of that language where we say "or other improvements," or I forgot what it was exactly. We said their concern is we don't want to allow these folks to get bigger unless they do a permit -- the grandfathered ones. We don't want them to go (bless you) above and beyond what they've all ready (bless you again) -- above and beyond what they're all ready operating and, you know, if they do so, they have to go full -- full permit. And I think that that -- those are valid concerns that we have to make sure. Because although the intentions of writing this I think are good intentions, we have to be careful that others who may try to take the language and use it towards their advantage to do things outside what we want them to do -- we have to make sure we're not giving that permission as well.

GRANT WESTERSON: And -- and generally when you try to do that, the bill becomes 37 pages instead of 6, so I understand the concerns there. The 1995 date, to me, is very important.

SENATOR FASANO: Why is that?

GRANT WESTERSON: Well it's, you know, 18 years. If something's been out there for 18 years and DEEP hasn't at least issued a notice of violation, then sorry, it's fine. If it hasn't hurt anybody; if it -- if nobody's complained about it, and -- and they haven't issued a violation on it, then leave it alone.

We've seen -- now we don't try to spend a lot of time on residential stuff, but obviously things that start at the residential level end up on the commercial level, and then we have to address it. But we've seen -- we've seen residential docks behind houses that have recently sold that have been there for years. And then when the house gets sold, a closer look gets taken, and somebody for DEEP says well that's not exactly what they were supposed to build, so you got to rip half of it out. And the new property owner now cannot buy what he thought he was buying, and may have to foot the bill for some deconstruction and all the permit process for reconstruction.

So having a date like 1995, and I think I suggested maybe it should be 2005, a newer date, but having a date like that whereby anything that pre-dates that, that hasn't been the subject of a violation, is kosher now. Leave it alone. Move on. As -- as Rives mentioned in his testimony,

you don't have the personnel to -- to watch everything, so let other people deal with it like the locals do.

SENATOR FASANO: And what we'd be specifically talking about is dock, not -- for instance, I'm not looking to grandfather a dock facility prior to 1995 that still has an oil tank under the ground. That's -- none of that. We're just talking the actual dock itself.

GRANT WESTERSON: No (inaudible). I mean underground storage tank regulations, you know, they're not quite as deep as well.

SENATOR FASANO: They're not. Fair enough. Fair enough. I thank you. Thank you, Mr. Chairman.

SENATOR CASSANO: Any comments or questions?

GRANT WESTERSON: Thank you, Mr. Chairman.

SENATOR CASSANO: John Johnson.

JOHN JOHNSON: I can -- I can make it very brief and say that I really think my colleagues have all said testimony that will be a lot better than mine, so I think I'll just decline the opportunity.

SENATOR CASSANO: (Inaudible).

MICHAEL KILLIAN: (Inaudible) senior vice president and general manager of the *Record-Journal* which is a 146-year-old family-owned and operated

SB112



March 16, 2013

Planning and Development Committee,

As the owner and operator of Beacon Point Marine, with locations in Cos Cob and Shelton, I am writing in support of S.B. 459, S.B. 460, S.B. 461, and S.B. 462. These bills will have a significant and positive impact on marine facilities by granting local towns more control, which will make permitting and approval more efficient and will allow marinas to adequately prepare for storm arrival.

We were impacted by the recent storms and many local marine businesses are still struggling from the effects of Hurricane Sandy. I am in support of setting up a task force to study municipal coastal management. Giving towns more authority when a storm is coming is beneficial because local ideas fit local issues and situations. Giving decision-making power to local towns will allow for an appropriate plan of action (specific to location) to be implemented, which will also allow for a quicker comeback of the businesses in our industry. This will benefit not only our marine businesses, but more importantly will benefit the local boating community who requires pre-storm emergency services and post-storm repair services.

I am also in support of setting up a task force to study sea walls and their permitting and approval. This would hopefully minimize the DEEP's response waiting period, and would also improve the overall process because locals have a better sense of businesses and their locations.

Although I am unable to be present at 10:00am for the public hearing on Monday March 18<sup>th</sup>, please consider my comments and do not hesitate to contact me regarding my position on the proposed bills.

Kind Regards,

Rick Kral  
President

*Bentley*  
Painters

*Swain*  
BOATS  
THE BOAT PEOPLE

SEVFOX

[www.beaconpointmarine.com](http://www.beaconpointmarine.com)

49 River Road, Cos Cob, CT 06807 Tel: 203.661.4033 Fax: 203.618.0612  
722 River Road, Shelton, CT 06484 Tel: 203.929.7444 Fax: 203.925.8738



***PLANNING & DEVELOPMENT COMMITTEE***

March 18, 2013

The Connecticut Conference of Municipalities (CCM) is Connecticut's statewide association of towns and cities and the voice of local government - your partners in governing Connecticut. Our members represent over 92% of Connecticut's population. We appreciate the opportunity to testify on bills of interest to towns and cities.

*There are several proposals before the Committee today designed to provide responses to the natural disaster emergencies of the past two years*

**CB 460, "An Act Concerning Coastal Protection Measures, Routine Maintenance and Repair of Shoreline Structures, State-Wide Policy Concerning Water Resources and Procedures of the Department of Energy and Environmental Protection"**

**CB 459, "An Act Concerning Local Control Over Coastal Areas"**

CCM supports the intent behind these proposals, but urge the Committee to consider an alternative way, beyond circumventing the permitting process, to achieve their ends.

CCM supports the following proposals which would provide a more focused and deliberative process to determine how to *assist towns and cities and homeowners struggling as a result of coastal natural disaster emergencies*

**CB 461, "An Act Establishing A Task Force to Study Municipal Coastal Management in Times of Emergency"**

This bill would establish a task force to "study the effects of authorizing municipalities, in times of emergency, to supersede decisions made by the Department of Energy and Environmental Protection concerning coastal management."

**CB 462, "An Act Establishing A Task Force to Study Seawalls"**

This bill would require the study of seawalls for the protection of shoreline lives and property

★ ★ ★ ★ ★

If you have any questions, please contact Ron Thomas at [rthomas@ccm-ct.org](mailto:rthomas@ccm-ct.org) or (203) 498-3000.



Connecticut Department of  
**ENERGY &  
ENVIRONMENTAL  
PROTECTION**

**STATE OF CONNECTICUT  
DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION**

Public Hearing – March 18, 2013  
Planning and Development Committee

Testimony Submitted by Commissioner Daniel C. Esty  
Presented By Deputy Commissioner Macky McCleary

**Committee Senate Bill No. 461 –AN ACT ESTABLISHING A TASK FORCE TO STUDY MUNICIPAL COASTAL  
MANAGEMENT IN TIMES OF EMERGENCY**

Thank you for the opportunity to present testimony regarding Committee Senate Bill No. 461- An Act Establishing A Task Force To Study Municipal Coastal Management in Times of Emergency. The Department of Energy and Environmental Protection (DEEP) offers the following testimony.

SB 461 would create a legislatively-appointed task force to consider authorizing municipalities to “supersede” coastal management decisions made by DEEP at times of emergency. DEEP has discussed in some detail issues concerning state and local regulatory jurisdiction and coordination in our presentation to the Shoreline Preservation Task Force on February 13, 2013. As we pointed out, most decisions about coastal development are already made at the local level, with limited input from DEEP, and this was certainly the case during the recent post-storm periods. For those rebuilding activities that were within our jurisdiction, we acted promptly after both Irene and Sandy to issue blanket emergency and temporary authorizations. Based on this experience, it is unclear exactly what DEEP decisions the bill would consider allowing towns to supersede. To the extent that there are any issues regarding state-municipal coordination in the post-storm emergency period, we would be happy to address them directly with the towns involved, as we have already have been doing in both formal venues (public meetings, information sessions, etc.) and in one-on-one meetings with municipalities and state delegations.

Thank you for the opportunity to present testimony on this proposal. If you should require any additional information, please contact DEEP’s legislative liaison Robert LaFrance at (860) 424-3401 or [Robert.LaFrance@ct.gov](mailto:Robert.LaFrance@ct.gov).