

TESTIMONY BY LARRYE DEBEAR,
MEMBER ROCKY HILL TOWN COUNCIL, RE SB 115
INTRODUCED BY SEN DOYLE AND REP GUERRERA
MARCH 8, 2013

Senator Gerratana, Representative Johnson, members of the Joint Committee on Public Health:

My name is Larrye deBear, and, for the record, I am a member of the Rocky Hill Town Council. However, I am appearing today as an individual and not as a spokesman for the Council, asking for your support of SB 115, introduced by Senator Doyle of the 9th and Representative Guerrera of the 29th. This bill is absolutely essential to protect the residents of Rocky Hill against an attempt by the Malloy administration to shove a pet project down the throats of Rocky Hill residents, by-passing the town's zoning regulations and processes.

Specifically, Governor Malloy's administration wants to install a nursing home for convicted felons and mental patients in the middle of a Rocky Hill residential neighborhood, some 50 feet from single family homes where children play in the yard, and approximately the length of a football field from an apartment complex and a condo complex.

As your committee knows, Mr. Malloy is a Governor who loves to trumpet his commitment to "open and transparent" government. His transparency obviously did not apply to this project, because he tried to sneak it into Rocky Hill without the normal courtesy of notifying the town's State Representative, State Senator, or any of the town's elected officials, and with the clear objective of end-running the town's zoning process. Please keep in mind that this same tactic could be used against any community in this state.

This attempt at an end-run includes a number of deceptions perpetrated by the Governor's office and their front-man for this project. And one purpose of my testimony is to set the record straight on these deceptions.

For example, the Governor's spokesman on this project, one of your former colleagues, Michael Lawler, told an interviewer that the town's zoning officer approved the project. What Mr. Lawler conveniently failed to say was that an attorney for the nursing home told the town's zoning officer that his client was interested in opening a nursing home in Rocky Hill, and would that be OK? The attorney deliberately misled the town official by failing to tell the whole story -- that the nursing home would house convicted felons and mental patients. When the zoning officer discovered some weeks later the true nature of this facility, she said had she known of the real purpose, she would have told the attorney that, in her view, this was a prison and not allowed by local zoning. Further, she has now issued a cease-and-desist order to prevent the home from opening without first going through local zoning.

The Rocky Hill project is an outgrowth of a bill passed by this Legislature in 2011 authorizing a nursing home pilot project, without specifying any particular location. However, if you examine the legislative history of Public Act 11-44 and the clarifications issued at the bidder's conference on this project, you would find that the legislature did not want such a nursing home located in a residential neighborhood,

this one is; that it was to be placed in a facility already open and operating, this one has been closed for some two years; and that it must be properly zoned to accommodate individuals with a full range of past criminal charges, it clearly is not.

Finally, the state has begun moving prisoners and mental patients into the nursing home with the help of a state Department of Public Health re-licensure of the facility, and without waiting for the courts to rule on four legal changes to the project. What boggles the mind about this state license is a requirement that for the state to license a nursing home, it must comply with local zoning regulations. In this case, neither the state nor its nursing home front-man has the guts to go before Rocky Hill's Planning and Zoning Commission to make its case that the facility is just a plain old garden-variety nursing home.

What's even more amusing about this project is how the administration and the nursing home spokesman are trying to have it both ways. On one hand, they say they don't have to go through local zoning because the project is an arm of state government and therefore has sovereign immunity. On the other hand, they say this project is a private enterprise and, therefore, the convicted felons and mental patients would be eligible for some \$5.5 million in federal Medicaid reimbursements. So it's an arm of state government and, at the same time, a private enterprise. Now that's a neat trick if they can pull it off.

I don't know of anyone who argues with the need for the state to care for its severely ill prisoners and mental patients. However, what IS arguable is the placement of such a facility in the middle of a residential neighborhood, with no review by local zoning officials, especially at a time when there are a number of vacant state facilities better suited to provide such care, facilities that could be designated by this General Assembly as private enterprises eligible for that much-desired federal reimbursement.

The bottom line is that SB 115 is designed to correct this inequity by making local zoning approval a required part of the equation. I would respectfully request that language be included to ensure that the Rocky Hill nursing home fiasco -- already in process -- be subject to the bill's provisions.

Thank you, and I'd be happy to answer any questions you might have.