



General Assembly

**Substitute Bill No. 1440**

January Session, 2007

\* SB01440PD 051507 \*

**AN ACT CONCERNING THE SPECIAL TAXING DISTRICTS WITHIN REDDING AND BRIDGEPORT AND THE AUTHORITY OF SPECIAL SERVICES DISTRICTS TO BORROW MONEY.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 1 of special act 05-14, as amended by section 2 of  
2 public act 06-163, is amended to read as follows (*Effective July 1, 2007*):

3 For purposes of [this section] special act 05-14, as amended by this  
4 act:

5 (1) "District" means certain real property, situated in the town of  
6 Redding, County of Fairfield and State of Connecticut shown and  
7 designated as Parcel D on "Property survey for The Gilbert & Bennett  
8 Mfg. Co. in Georgetown Redding, Connecticut Sheet 3 of 3" and dated  
9 September 20, 1987, which map is on file in the Redding town clerk's  
10 office as Map 3436, excepting, however, so much of such property as  
11 has previously been conveyed to other, including, but not limited to,  
12 (A) the premises described in a certain deed to the town of Wilton,  
13 dated September 22, 1999, and recorded in the Wilton Land Records at  
14 volume 1193, page 183, (B) the premises described in a certain deed to  
15 the town of Redding, dated November 4, 1999, and recorded in the  
16 Redding Land Records at volume 235, page 33, and (C) the premises  
17 described in a certain deed to the town of Redding dated November 4,  
18 1999, and recorded in the Redding Land Records at volume 267, page

19 240; except upon action on or after the effective date of this section by  
20 the voters, as provided in section 7-325 of the general statutes, to  
21 enlarge the district, "district" shall include all those certain pieces or  
22 parcels of land, with the improvements thereon, situated in the Town  
23 of Redding, County of Fairfield and State of Connecticut, being shown  
24 as: "Parcel A (Assessor's No. 32-1, 2, 3) Acres = 41.4822"; "Parcel B  
25 (Assessor's No. 34-1) Acres = 1.4529"; "Parcel C (Assessor's No. 35-1)  
26 Acres = 1.8746"; all as shown on "Property Survey for THE GILBERT &  
27 BENNETT MFG. Co.", sheets 1, 2 and 3, on file in the Redding Town  
28 Clerk's Office as Map Nos. 3434, 3435 and 3436; together with that  
29 certain parcel of land (Redding Assessor's Map 103, Block 35, Lot 4)  
30 being shown as "Total Area = 0.765 AC." on "Map Prepared for Gilbert  
31 & Bennett Manufacturing Co. Redding, Connecticut" dated July 18,  
32 1988, and on file in the Redding Town Clerk's Office as Map No. 3626,  
33 and upon its discontinuance, that certain parcel of land being shown as  
34 North Main Street on said maps;

35 (2) "Voter" means (A) any person who is an elector of the district, (B)  
36 any citizen of the United States of the age of eighteen years or more  
37 who, jointly or severally, is liable to the district for taxes assessed  
38 against such citizen on an assessment of not less than one thousand  
39 dollars on the last-completed grand list of such district, or who would  
40 be so liable if not entitled to an exemption under subdivision (17), (19),  
41 (22), (23), (25) or (26) of section 12-81 of the general statutes, or (C)  
42 holders of record of interest in real property within such district; [and]

43 (3) "Qualified green building and sustainable design project" shall  
44 have the same meaning as in 26 USC 142; and

45 (4) "Clean renewable energy bond qualified project" means a  
46 qualified project for which clean renewable energy bonds may be  
47 issued under 26 USC 54.

48 Sec. 2. Subsection (b) of section 2 of special act 05-14 is amended to  
49 read as follows (*Effective from passage*):

50 (b) At the meeting called for the purpose of establishing the district,

51 as provided in subsection (a) of this section, the voters may establish  
52 the district for any or all of the following purposes: To extinguish fires,  
53 to light streets, to plant and care for shade and ornamental trees, to  
54 plan, lay out, acquire, construct, finance and maintain roads,  
55 sidewalks, crosswalks, drains and sewers, [and] sewage treatment  
56 facilities [ ] and other infrastructure improvements, to acquire, own,  
57 lease, pledge, encumber, maintain, operate and regulate the use of  
58 open space, parks, parking facilities and other interests in real and  
59 personal property, to appoint and employ watchmen or police officers,  
60 to acquire, construct, maintain and regulate the use of recreational  
61 facilities, to plan, lay out, acquire, construct, reconstruct, repair,  
62 maintain, supervise and manage a flood or erosion control system, to  
63 plan, lay out, acquire, construct, maintain, operate and regulate the use  
64 of a community water system, to plan, lay out, acquire, construct,  
65 maintain, operate and regulate the use of a qualified green building  
66 and sustainable design project, to plan, lay out, acquire, construct,  
67 maintain, operate and regulate the use of a clean renewable energy  
68 bond qualified project, and to collect garbage, ashes and all other  
69 refuse matter in any portion of such district and provide for the  
70 disposal of such matter, to establish a zoning commission and a zoning  
71 board of appeals or a planning commission, or both, by adoption of  
72 chapter 124 or 126 of the general statutes, excluding section 8-29 of the  
73 general statutes, or both such chapters, as the case may be, which  
74 commissions or board shall be dissolved upon adoption of subdivision  
75 or zoning regulations by the town planning or zoning commission,  
76 and to adopt building regulations, which regulations shall be  
77 superseded upon adoption by the town of building regulations, and to  
78 adopt and enforce design codes and use restrictions applicable to real  
79 and personal property within the district. The district may contract  
80 with a town, city, borough or other district for carrying out any of the  
81 purposes for which such district was established.

82 Sec. 3. Section 5 of special act 05-14 is amended to read as follows  
83 (*Effective from passage*):

84 (a) As used in this section, "bonds" means any bonds, including

85 refunding bonds, notes, temporary notes or other obligations.

86 (b) For the purpose of carrying out or administering the purposes  
87 and functions of the district, as provided in [subsection (b) of] section 2  
88 of this act, the district, acting by and through its board of directors, is  
89 authorized to issue bonds as provided in the general statutes. The  
90 bonds may be secured as to both principal and interest by (1) the full  
91 faith and credit of the district, (2) fees, revenues or benefit assessments,  
92 or (3) a combination of subdivisions (1) and (2) of this subsection.

93 (c) The district is authorized to secure such bonds by the full faith  
94 and credit of the district or by a pledge of or lien on all or part of its  
95 revenues, fees or benefit assessments. The bonds of each issue shall be  
96 dated, shall bear interest at the rates and shall mature at the time or  
97 times not exceeding thirty years from their date or dates, as  
98 determined by the board, and may be redeemable before the maturity,  
99 at the option of the board, at the price or prices and under the terms  
100 and conditions fixed by the board before the issuance of the bonds. The  
101 board shall determine the form of the bonds and the manner of  
102 execution of the bonds, and shall fix the denomination of the bonds  
103 and the place or places of payment of principal and interest, which  
104 may be at any bank or trust company within the state of Connecticut,  
105 and other locations as designated by the board. In case any officer  
106 whose signature or a facsimile of whose signature shall appear on any  
107 bonds or coupons shall cease to be an officer before the delivery of the  
108 bonds, the signature or facsimile shall nevertheless be valid and  
109 sufficient for all purposes the same as if such officer had remained in  
110 office until the delivery. The bonds shall be issued in registered form.  
111 The district may sell the bonds in a manner and for a price, whether at  
112 public or private sale, as it may determine to be in the best interests of  
113 the district.

114 (d) Any provisions which may be included in proceedings  
115 authorizing the issuance of bonds under this section may be included  
116 in an indenture of trust duly approved in accordance with this section  
117 which secures the bonds and any notes issued in anticipation thereof,

118 and in such case, the provisions of such indenture shall be deemed to  
119 be a part of such proceedings as though they were expressly included  
120 therein.

121 (e) Any bonds issued by the district pursuant to this section shall be  
122 considered debt for urban renewal projects for the purposes of the  
123 limitation of municipal indebtedness pursuant to subsection (b) of  
124 section 7-374 of the general statutes.

125 (f) The board may authorize that the bonds be secured by a trust  
126 agreement by and between the district and a corporate trustee, which  
127 may be any trust company or bank having the powers of a trust  
128 company within the state of Connecticut. The trust agreement may  
129 pledge or assign the revenues. Either the resolution providing for the  
130 issuance of bonds or the trust agreement may contain covenants or  
131 provisions for protecting and enforcing the rights and remedies of the  
132 bondholders as may be necessary, reasonable or appropriate and not in  
133 violation of law.

134 (g) All expenses incurred in carrying out the trust agreement may be  
135 treated as a part of the cost of the operation of the district. The pledge  
136 by any trust agreement or resolution shall be valid and binding from  
137 time to time when the pledge is made; the revenues or other moneys  
138 so pledged and then held or thereafter received by the board shall  
139 immediately be subject to the lien of the pledge without any physical  
140 delivery thereof or further act; and the lien of the pledge shall be valid  
141 and binding as against all parties having claims of any kind in tort,  
142 contract or otherwise against the board, irrespective of whether the  
143 parties have notice thereof. Notwithstanding any provision of the  
144 Uniform Commercial Code, neither this subsection, the resolution or  
145 any trust agreement by which a pledge is created need be filed or  
146 recorded except in the records of the board, and no filing need be  
147 made under title 42a of the general statutes.

148 (h) Bonds or notes issued under this section are hereby made  
149 securities in which all public officers and public bodies of the state of

150 Connecticut and its political subdivisions, all insurance companies,  
151 trust companies, banking associations, investment companies,  
152 executors, administrators, trustees and other fiduciaries may properly  
153 and legally invest funds, including capital in their control and  
154 belonging to them; and such bonds shall be securities which may  
155 properly and legally be deposited with and received by any state or  
156 municipal officer or any agency or political subdivision of the state of  
157 Connecticut for any purpose for which the deposit of bonds or notes of  
158 the state of Connecticut is now or may hereafter be authorized by law.

159       Sec. 4. (*Effective from passage*) (a) Notwithstanding any provision of  
160 the general statutes, including sections 7-324 to 7-329, inclusive, the  
161 district established by special act 05-14, as amended by this act, shall  
162 have the power to assess, levy and collect benefit assessments upon the  
163 land and buildings in the district which, in its judgment, are benefited  
164 by the improvements.

165       (b) (1) Notwithstanding any provision of the general statutes,  
166 including sections 7-324 to 7-329, inclusive, the district shall have the  
167 power to fix, revise, charge, collect, abate and forgive reasonable taxes,  
168 fees, rents and benefit assessments, and other charges for the cost of  
169 the improvements, financing costs, operating expenses and other  
170 services and commodities furnished or supplied to the real property in  
171 the district in accordance with the applicable provisions of the general  
172 statutes which apply to districts established under section 7-325 of the  
173 general statutes, and special act 05-14, as amended by this act, and in  
174 the manner prescribed by the district. Notwithstanding any provision  
175 of the general statutes, the district may pay the entire cost of any  
176 improvements, including the costs of financing such improvements,  
177 capitalized interest and the funding of any reserve funds necessary to  
178 secure such financing or the debt service of bonds or notes issued to  
179 finance such costs, from taxes, fees, rents, benefit assessments or other  
180 revenues and may assess, levy and collect said taxes, fees, rents or  
181 benefit assessments concurrently with the issuance of bonds, notes or  
182 other obligations to finance such improvements based on the estimated  
183 cost of the improvements prior to the acquisition or construction of the

184 improvements or upon the completion or acquisition of the  
185 improvements.

186 (2) Notwithstanding any provision of the general statutes, whenever  
187 the district constructs, improves, extends, equips, rehabilitates, repairs,  
188 acquires or provides a grant for any improvements or finances the cost  
189 of such improvements, such proportion of the cost or estimated cost of  
190 the improvements and financing thereof as determined by the district,  
191 may be assessed by the district, herein referred to as "benefit  
192 assessments", in the manner prescribed by such district, upon the  
193 property benefited by such improvements and the balance of such  
194 costs shall be paid from the general funds of the district. The district  
195 may provide for the payment of such benefit assessments in annual  
196 installments, not exceeding thirty, and may forgive such benefit  
197 assessments in any single year without causing the remainder of  
198 installments of benefit assessments to be forgiven. Benefit assessments  
199 to buildings or structures constructed or expanded after the initial  
200 benefit assessment may be assessed as if the new or expanded  
201 buildings or structures had existed at the time of the original benefit  
202 assessment. It is hereby determined that the provision of open space  
203 whether within the district or in the town of Redding is a benefit to all  
204 the property in the district.

205 (3) In order to provide for the collection and enforcement of its  
206 taxes, fees, rents, benefit assessments and other charges, the district is  
207 hereby granted all the powers and privileges with respect thereto as  
208 districts organized pursuant to section 7-325 of the general statutes,  
209 and as held by municipal corporations or as otherwise provided in this  
210 section. Such taxes, fees, rents or benefit assessments, if not paid when  
211 due, shall constitute a lien upon the premises served and a charge  
212 against the owners thereof, which lien and charge shall bear interest at  
213 the same rate as delinquent property taxes. Each such lien may be  
214 continued, recorded and released in the manner provided for property  
215 tax liens and shall take precedence over all other liens or  
216 encumbrances except a lien for taxes of the town of Redding. Each  
217 such lien may be continued, recorded and released in the manner

218 provided for property tax liens.

219 (4) The benefit assessments shall be adopted and revised by the  
220 board in accordance with the procedures to be established by the  
221 board, at a meeting called by the board, assuring that interested  
222 persons are afforded notice and an opportunity to be heard. The board  
223 shall hold at least one public hearing on its schedule of benefit  
224 assessments and other charges or any revision thereof before adoption,  
225 notice of which shall be delivered to the first selectman of the town of  
226 Redding and be published in a newspaper of general circulation in the  
227 town of Redding at least ten days in advance of the hearing. No later  
228 than the date of the publication, the board shall make available to the  
229 public and deliver to the first selectman of the town of Redding the  
230 proposed schedule of benefit assessments and other charges. The  
231 procedures regarding public hearing and appeal provided by section  
232 7-250 of the general statutes, shall apply for all benefit assessments  
233 made by the district except that the board shall be substituted for the  
234 water pollution control authority. Should the benefit assessments be  
235 assessed and levied prior to the acquisition or construction of the  
236 improvements, then the amount of the benefit assessments shall be  
237 adjusted to reflect the actual cost of the improvements, including all  
238 financing costs, once the improvements have been completed, should  
239 the actual cost be greater than or less than the estimated costs. Benefit  
240 assessments shall be due and payable at such times as are fixed by the  
241 board, provided the district shall give notice of such due date not less  
242 than thirty days prior to such due date by publication in a newspaper  
243 of general circulation in the town of Redding and by mailing such  
244 notice to the owners of the property assessed at their last-known  
245 address.

246 (c) The district and all its receipts, revenues, income and real and  
247 personal property shall be exempt from taxation and benefit  
248 assessments and the district shall not be required to pay any tax, excise  
249 or assessment to or from the state of Connecticut or any of its political  
250 subdivisions. The principal and interest on bonds or notes issued by  
251 the district shall be free from taxation at all times, except for estate and



252 gift, franchise and excise taxes, imposed by the state of Connecticut or  
253 any political subdivision thereof, provided nothing in this section shall  
254 act to limit or restrict the ability of the state of Connecticut or the town  
255 of Redding to tax the individuals and entities, or their real or personal  
256 property or any person living or business operating within the  
257 boundaries of the district.

258 (d) Special act 05-14, as amended by section 2 of public act 06-163  
259 and this act, being necessary for the public interest, shall be liberally  
260 construed to affect the purposes hereof.

261 Sec. 5. Subdivision (1) of subsection (a) of public act 05-289 is  
262 amended to read as follows (*Effective July 1, 2007*):

263 (1) "District" means that certain real property, situated in the city of  
264 Bridgeport, the County of Fairfield and the state of Connecticut, the  
265 Steel Point Infrastructure Improvement District, a body politic and  
266 corporate, consisting of the area bounded and described as follows:  
267 Beginning at the intersection of [Nichols Street and] the southern right-  
268 of-way line of I-95 and the center line of Pembroke Street; thence  
269 proceeding easterly along [the center line of Nichols Street] the  
270 southern right-of-way line of I-95 to the western U.S. Channel Line of  
271 the Yellow Mill Channel; thence southerly along the western U.S.  
272 Channel Line of Yellow Mill Channel encompassing all waterborne  
273 structures contiguous to the peninsula to the U.S. Channel Line of  
274 Bridgeport Harbor; thence northwesterly along the U.S. Channel Line  
275 of Bridgeport Harbor encompassing all waterborne structures  
276 contiguous to the peninsula to the eastern U.S. Channel Line of the  
277 Pequonnock River; thence northerly along the eastern U.S. Channel  
278 Line of the Pequonnock River to the northern street line of Stratford  
279 Avenue; thence easterly along the northern street line of Stratford  
280 Avenue to the western street line of Kossuth Street; thence northerly  
281 along the western street line of Kossuth Street to the [northern]  
282 southern right-of-way line of the [entrance ramp to] East Main Street  
283 exit ramp from I-95; thence [northerly] easterly along the I-95 [ramps]  
284 exit ramp's right-of-way to the [southern street line of Nichols Street;

285 thence proceeding easterly along the southern street line of Nichols  
286 Street] western street line of East Main Street; thence northerly along  
287 the western street line of East Main Street to the southerly right-of-way  
288 line of I-95; thence proceeding easterly along the southern right-of-way  
289 line of I-95 to the point of the beginning. The project boundaries shall  
290 also include any off-site locations mandated by any permitting agency  
291 for improvements associated with the project's traffic management  
292 requirements.

293 Sec. 6. Section 7-339n of the general statutes is repealed and the  
294 following is substituted in lieu thereof (*Effective October 1, 2007*):

295 A special services district shall constitute a body politic and  
296 corporate and the ordinance establishing such a district shall confer  
297 upon such district such of the following powers as are provided in the  
298 ordinance: (a) To sue and be sued; (b) to acquire, hold and convey any  
299 estate, real or personal; (c) to contract; (d) to borrow money, provided  
300 any obligation incurred for this purpose shall be discharged in  
301 accordance with the provisions of the ordinance establishing such  
302 district not more than [one year] seven years after it was incurred, and  
303 such district may pledge any revenues to be received pursuant to  
304 section 7-339r against any such obligation; (e) to recommend to the  
305 legislative body of the municipality in which such district is located the  
306 imposition of a levy upon the taxable interests in real property within  
307 such district, the revenues from which may be used in carrying out any  
308 of the powers of such district; (f) to construct, own, operate and  
309 maintain public improvements; and (g) to provide, within such  
310 district, some or all of the other services which such municipality is  
311 authorized to provide therein, except that no such ordinance may  
312 confer upon any such district the power to provide elementary or  
313 secondary public education services, and provided further no such  
314 ordinance may confer upon any such district the power to provide  
315 services which are then being provided within any portion of the area  
316 included in such district by any multitown body or authority.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2007</i>	SA 05-14, Sec. 1
Sec. 2	<i>from passage</i>	SA 05-14, Sec. 2(b)
Sec. 3	<i>from passage</i>	SA 05-14, Sec. 5
Sec. 4	<i>from passage</i>	New section
Sec. 5	<i>July 1, 2007</i>	PA 05-289, (a)(1)
Sec. 6	<i>October 1, 2007</i>	7-339n

**PD**      *Joint Favorable Subst.*