



Substitute House Bill No. 5936

Public Act No. 08-179

AN ACT CONCERNING THE GREENWAY COMMONS IMPROVEMENT DISTRICT IN SOUTHINGTON, THE WAYPOINTE PROJECT IN NORWALK, NAUGATUCK ECONOMIC DEVELOPMENT CORPORATION, DONATION OF OPEN SPACE LAND BY WATER COMPANIES, AND THE AUTHORITY OF MUNICIPAL DISTRICTS OVER THE WATER QUALITY IN LAKES.

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

Section 1. (*Effective July 1, 2008*) (a) For purposes of this section:

(1) "District" means that certain real property, situated in the town of Southington, the County of Hartford and the state of Connecticut, the Greenway Commons Improvement District, a body politic and corporate, consisting of the area bounded and described as follows: Beginning at a point on the easterly streetline of Water Street at the northwesterly corner of land now or formerly of Edward A. Piteo (tax map 110, lot 172), thence running westerly across Water Street to the westerly streetline of Water Street, thence running northerly along the westerly streetline of Water Street and across Mill Street to the northerly streetline of Mill Street, thence running easterly along the northerly streetline of Mill Street to the easterly boundary of the greenway, thence running southerly along the easterly boundary of the greenway to the southwesterly corner of land now or formerly of the Town of Southington (tax map 111, lot 25), thence running South 56°-

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21'-12" East 94.40 feet, thence running South 89°-07'-42" East 24.96 feet, all along land now or formerly of the Town of Southington, (tax map 111, lot 25), thence running South 03°-28'-48" West 123.40 feet along land now or formerly of The Southington Young Men's Christian Association, Incorporated (tax map 111, lot 16), thence running southerly across High Street to the northeasterly corner of land now or formerly of Ideal Forging (tax map 99, lot 151), thence running South 02°-04'-12" East 147.70 feet along the westerly streetline of North Liberty Street, thence running South 84°-34'-58" West 148.88 feet along land now or formerly of J. Robert Britton et al (tax map 111, Lot 1), thence running South 01°-58'-23" West 296.76 feet along land now or formerly of J. Robert Britton et al (tax map 111, lot 1), land now or formerly of Nancy L. Rich (tax map 100, lot 88), and land now or formerly of The Sons of Italy (tax map 100, lot 85), each in part, thence running southerly across Center Street to the southerly streetline of Center Street, thence running westerly along the southerly streetline of Center Street crossing South Center Street and continuing westerly along the southerly streetline of Center Street to the northwesterly corner of land now or formerly of John A. Muir, Jr. (tax map 99, lot 145), thence running South 13°-38'-17" West 76.05 feet along land now or formerly of John A. Muir, Jr. (tax map 99, lot 145), thence running North 73°-20'-43" West 155.42 feet, thence running South 19°-23'-57" West 54.65 feet, thence running North 73°-20'-43" West 83 feet more or less, all along land now or formerly of John A. Muir, Jr. (tax map 99, lot 142), thence running northerly 55 feet more or less along the centerline of the Quinnipiac River, thence running South 73°-20'-43" East 65 feet more or less, thence running North 19°-23'-57" East 67.42 feet, all along land now or formerly of Marek Nowogrodzki (tax map 99, lot 147), thence running westerly along the southerly streetline of Center Street to the centerline of the Quinnipiac River, thence running northerly across Center Street and thence continuing northeasterly 740 feet more or less, along the centerline of the Quinnipiac River to the northwesterly corner of land now or formerly of Edward A. Piteo (tax

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map 110, lot 172), thence running North 63°-31'-43" West 133 feet more or less along land now or formerly of Edward A. Piteo (tax map 110, lot 172) to the point of beginning. The project boundaries shall also include any off-site locations mandated by any permitting agency for improvements associated with the project.

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

(3) "Bonds" means bonds, notes or other obligations authorized by this section.

(b) (1) Upon the petition of fifteen or more persons eligible to vote in the town of Southington, specifying the district for any or all of the purposes set forth in this section, the town manager of such town shall call a meeting of the voters to act upon such petition, which meeting shall be held at such place within such town and such hour as the town manager designates, not later than thirty days after such petition has been received by the town manager. Such meeting shall be called by publication of a written notice of the same, signed by the town manager, at least fourteen days before the time fixed for such meeting in two successive issues of some newspaper published or circulated in such town. Not later than twenty-four hours before such meeting, (A) two hundred or more voters or ten per cent of the total number of voters of such proposed district, whichever is less, may petition the town manager, in writing, for a referendum of the voters of such proposed district, or (B) the town manager in his or her discretion may

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order a referendum of the voters of such proposed district, on the sole question of whether the proposed district should be established. Any such referendum shall be held not less than seven or more than fourteen days after the receipt of such petition or the date of such order, on a day to be set by the town manager for a vote by paper ballots or by a "yes" or "no" vote on the voting machines, during the hours between twelve o'clock noon and eight o'clock p.m.; except that such town may, by vote of its town council, provide for an earlier hour for opening the polls but not earlier than six o'clock a.m., notwithstanding the provisions of any special act. If voters representing at least two-thirds of the assessments of holders of record within the proposed district cast votes in such referendum in favor of establishing the proposed district, the town manager shall reconvene such meeting not later than seven days after the day on which the referendum is held. Upon approval of the petition for the proposed district by voters representing at least two-thirds of the assessments of holders of record within the proposed district present at such meeting, or if a referendum is held, upon the reconvening of such meeting after the referendum, the voters, upon the vote of voters representing a majority of assessments of holders of record within the proposed district, choose necessary officers therefor to hold office until the first annual meeting thereof; and the district shall, upon the filing of the first report filed in the manner provided in subsection (c) of section 7-325 of the general statutes, thereupon be a body corporate and politic and have the powers provided in sections 7-324 to 7-329, inclusive, of the general statutes, not inconsistent with the general statutes or this section, in relation to the objects for which it was established, that are necessary for the accomplishment of such objects, including the power to lay and collect taxes. The clerk of such district shall cause its name and a description of its territorial limits and of any additions that may be made thereto to be recorded in, and a caveat be placed upon, the land records of the town of Southington.

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(2) At the meeting called for the purpose of establishing the district as provided in subdivision (1) of this subsection, the voters may establish the district for any or all of the following purposes: To extinguish fires, to light streets, to plant and care for shade and ornamental trees, to plan, lay out, acquire, construct, maintain and finance roads, sidewalks, crosswalks, drains, sewers and sewage treatment facilities, utility improvements and connections, parking facilities, open space, bulkhead repairs, dredging and construction, environmental remediation and other infrastructure improvements and to acquire, construct, maintain and regulate the use of recreational facilities, to plan, lay out, acquire, construct, reconstruct, repair, maintain, supervise and manage a flood or erosion control system, to plan, lay out, acquire, construct, maintain, operate, finance and regulate the use of a community water system, all as hereinafter referred to as the "improvements". The district may contract with a town, city, borough or other district for carrying out any of the purposes or the purchase or sale of any of the improvements for which such district was established.

(3) At the meeting called for the purpose of establishing the district as provided in subdivision (1) of this subsection, the voters shall fix the date of the annual meeting of the voters for the election of district officers and the transaction of such other business as may properly come before such annual meeting. At such organization meeting of the district, the voters shall elect five directors, provided, upon its organization and at all times thereafter, one director may be appointed by the town council of the town of Southington. From such directors, the voters shall elect at the organizational meeting a president, vice-president, a clerk and a treasurer to serve until the first annual meeting for the election of officers and thereafter such officers shall be elected annually. Not fewer than three members of the board of directors shall be residents of the state of Connecticut. Subject to the provisions of subdivision (4) of this subsection, not fewer than fifteen voters of the

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district shall constitute a quorum for the transaction of business at such organizational meeting of the district; and if fifteen voters are not present at such meeting, the town manager may adjourn such meeting from time to time, until at least fifteen voters are present. Special meetings of the district may be called on the application of ten per cent of the total number of voters of such district or twenty of the voters of such district, whichever is less, or by the president or any three directors upon giving notice as provided in this subdivision. Any special meeting called on the application of the voters shall be held not later than twenty-one days after receiving such application. Notice of the holding of the annual meeting and all special meetings shall be given by publication of a notice of such meetings in a newspaper having a general circulation in such district at least ten days before the day of such meetings, signed by the president or any three directors, which notice shall designate the time and place of such meetings and the business to be transacted thereat. Two hundred or more persons or ten per cent of the total number of voters of such district, whichever is less, may petition the clerk of such district, in writing, at least twenty-four hours prior to any such meeting, requesting that any item or items on the call of such meeting be submitted to the voters not less than seven or more than fourteen days thereafter, on a day to be set by the district meeting or, if the district meeting does not set a date, by the board of directors, or a vote by paper ballots or by a "yes" or "no" vote on the voting machines, during the hours between twelve o'clock noon and eight o'clock p.m., except that any district may, by vote of its board of directors, provide for an earlier hour for opening the polls but not earlier than six o'clock a.m. The paper ballots or voting machine ballot labels, as the case may be, shall be provided by the clerk. When such a petition has been filed with the clerk, the president, after completion of other business and after reasonable discussion shall adjourn such meeting and order such vote on such item or items in accordance with the petition; and any item so voted may be rescinded in the same manner. The clerk shall phrase such item or items in a

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form suitable for printing on such paper ballots or ballot labels. Subject to the provisions of subdivision (4) of this subsection, not fewer than fifteen voters of the district shall constitute a quorum for the transaction of business at any meeting of the district; and if fifteen voters are not present at such meeting, the president of the district or, in such president's absence, the vice-president, may adjourn such meeting from time to time, until at least fifteen voters are present; and all meetings of the district where a quorum is present may be adjourned from time to time by a vote of a majority of the voters voting on the question. At any annual or special meeting, the voters may, by a majority vote of those present, discontinue any purposes for which the district is established or undertake any additional purpose or purposes enumerated in subdivision (2) of this subsection.

(4) (A) A quorum for the transaction of business at the meeting called for the purpose of establishing the district, as provided in subdivisions (1) and (3) of this subsection, shall be either fifteen voters of such district or a majority of the holders of record of interests in real property within such district, as long as the assessments of such holders of record constitute more than one-half of the total of assessments for all interests in real property within such district. If fifteen voters or a majority of the holders of record of interests in real property within such district are not present at such meeting or the assessments of such holders of record constitute less than one-half of the total of assessments for all interests in real property within such district, the town manager may adjourn such meeting, from time to time, until at least fifteen voters or a majority of the holders of record of interests in real property within such district are present and the assessments of such holders of record constitute more than one-half of the total of assessments for all interests in real property within such district.

(B) For the transaction of business at any other meeting of the

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district, a quorum shall be either fifteen voters of the district or a majority of the holders of record of interests in real property within such district, as long as the assessments for such holders of record constitute more than one-half of the total of assessments for all interests in real property within such district. If fifteen voters or a majority of the holders of record of interests in real property within such district are not present at such meeting or the assessments of such holders of record constitute less than one-half of the total assessments for all interests in real property within such district, the president of the district, or in such president's absence, the vice-president, may adjourn such meeting, from time to time, until at least fifteen voters or a majority of the holders of record of interests in real property within such district are present and the assessments of such holders of record constitute more than one-half of the total of assessments for all interests in real property within such district.

(5) In any case in which an action for a vote by the voters of the district is to be initiated by the petition of such voters, in addition to such other requirements as the general statutes or any special act may impose, such petition shall be on a form prescribed or approved by the clerk of such district, and each page of such petition shall contain a statement, signed under penalties of false statement, by the person who circulated the same, setting forth such circulator's name and address, and stating that each person whose name appears on said page signed the same in person in the presence of such circulator, that the circulator either knows each such signer or that the signer satisfactorily identified himself to the circulator and that all the signatures on said page were obtained not earlier than six months prior to the filing of said petition. Any page of a petition which does not contain such a statement by the circulator shall be invalid. Any circulator who makes a false statement in the statement hereinbefore provided shall be subject to the penalty provided for false statement. No petition shall be valid for any action for a vote by the voters at any

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regular or special district meeting unless such petition shall be circulated by a voter eligible to vote in such district.

(c) Whenever the officers of such district vote to terminate its corporate existence and whenever a petition signed by ten per cent of the total voters of such district or twenty of the voters of such district, whichever is less, applying for a special meeting to vote on the termination of the district is received by the clerk, the clerk shall call a special meeting of the voters of such district, the notice of which shall be signed by the officers thereof, by advertising the same in the same manner as provided in section 7-325 of the general statutes. Not later than twenty-four hours before any such meeting, two hundred or more voters or ten per cent of the total number of voters, whichever is less, may petition the clerk of the district, in writing, that a referendum on the question of whether the district should be terminated be held in the manner provided in section 7-327 of the general statutes. If, at such meeting, a two-thirds majority of the voters present vote to terminate the corporate existence of the district, or, if a referendum is held, two-thirds of the voters casting votes in such referendum vote to terminate the corporate existence of the district, the officers shall proceed to terminate the affairs of such district. The district shall pay all outstanding indebtedness and turn over the balance of the assets of such district to the town of Southington, if the legislative body of the town authorizes such action. No district shall be terminated under this subsection until all of its outstanding indebtedness is paid unless the legislative body of the town of Southington agrees in writing to assume such indebtedness. On completion of the duties of the officers of such district, the clerk shall cause a certificate of the vote of such meeting to be recorded in the land records of the town of Southington and the clerk shall notify the Secretary of the Office of Policy and Management.

(d) (1) For purposes of voting at meetings held by such district, any

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tenant in common of any interest in real property shall have a vote equal to the fraction of such tenant in common's ownership of such interest. Any joint tenant of any interest in real property shall vote as if each such tenant owned an equal fractional share of such real property. A corporation shall have its vote cast by the chief executive officer of such corporation, or such officer's designee. Any entity that is not a corporation shall have its vote cast by a person authorized by such entity to cast its vote. No owner shall have more than one vote.

(2) No holder of record of an interest in real property shall be precluded from participating in any district meeting or referendum because of the form of entity that holds such interest, whether such holder of record is (A) a corporation, partnership, unincorporated association, trustee, fiduciary, guardian, conservator or other form of entity, or any combination thereof, or (B) an individual who holds interests jointly or in common with another individual or individuals, or with any one or more of the entities listed in subparagraph (A) of this subdivision.

(e) Notwithstanding any provision of the general statutes, including sections 7-324 to 7-329, inclusive, of the general statutes, the district shall have the power to assess, levy and collect benefit assessments upon the land and buildings in the district which, in its judgment, are benefited by the improvements.

(f) (1) Notwithstanding any provision of the general statutes, including sections 7-324 to 7-329, inclusive, of the general statutes, the district shall have the power to fix, revise, charge, collect, abate and forgive reasonable taxes, fees, rents and benefit assessments, and other charges for the cost of the improvements, financing costs, operating expenses and other services and commodities furnished or supplied to the real property in the district in accordance with the applicable provisions of the general statutes which apply to districts established under section 7-325 of the general statutes, and this section and in the

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manner prescribed by the district. Notwithstanding any provision of the general statutes, the district may make grants for, or pay the entire cost of any improvements, including the costs of financing such improvements, capitalized interest and the funding of any reserve funds necessary to secure such financing or the debt service of bonds or notes issued to finance such costs, from taxes, fees, rents, benefit assessments or other revenues and may assess, levy and collect said taxes, fees, rents or benefit assessments concurrently with the issuance of bonds, notes or other obligations to finance such improvements based on the estimated cost of the improvements prior to the acquisition or construction of the improvements or upon the completion or acquisition of the improvements.

(2) Notwithstanding any provision of the general statutes, whenever the district constructs, improves, extends, equips, rehabilitates, repairs, acquires or provides a grant for any improvements or finances the cost of such improvements, such proportion of the cost or estimated cost of the improvements and financing thereof as determined by the district, may be assessed by the district, herein referred to as "benefit assessments", in the manner prescribed by such district, upon the property benefited by such improvements and the balance of such costs shall be paid from the general funds of the district. The district may provide for the payment of such benefit assessments in annual installments, not exceeding thirty, and may forgive such benefit assessments in any single year without causing the remainder of installments of benefit assessments to be forgiven. Benefit assessments to buildings or structures constructed or expanded after the initial benefit assessment may be assessed as if the new or expanded buildings or structures had existed at the time of the original benefit assessment.

(3) In order to provide for the collection and enforcement of its taxes, fees, rents, benefit assessments and other charges, the district is

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hereby granted all the powers and privileges with respect thereto as districts organized pursuant to section 7-325 of the general statutes, and as held by the town of Southington or as otherwise provided in this section. Such taxes, fees, rents or benefit assessments, if not paid when due, shall constitute a lien upon the premises served and a charge against the owners thereof, which lien and charge shall bear interest at the same rate as delinquent property taxes. Each such lien may be continued, recorded and released in the manner provided for property tax liens and shall take precedence over all other liens or encumbrances except a lien for taxes of the town of Southington. Each such lien may be continued, recorded and released in the manner provided for property tax liens.

(4) The budget, taxes, fees, rents, benefit assessments and any other charges of the district of general application shall be adopted and revised by the board at least annually no more than thirty days before the beginning of the fiscal year, in accordance with the procedures to be established by the board, at a meeting called by the board, assuring that interested persons are afforded notice and an opportunity to be heard. The board shall hold at least two public hearings on its schedule of fees, rates, rents, benefit assessments and other charges or any revision thereof before adoption, notice of which shall be delivered to the town manager of the town of Southington and be published in at least two newspapers of general circulation in the town of Southington at least ten days in advance of the hearing. No later than the date of the publication, the board shall make available to the public and deliver to the town manager of the town of Southington the proposed schedule of fees, rates, rents, benefit assessments and other charges. The procedures regarding public hearing and appeal, provided by section 7-250 of the general statutes, shall apply for all benefit assessments made by the district, except that the board shall be substituted for the water pollution control authority. Should the benefit assessments be assessed and levied prior to the acquisition or construction of the

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improvements, then the amount of the benefit assessments shall be adjusted to reflect the actual cost of the improvements, including all financing costs, once the improvements have been completed, should the actual cost be greater than or less than the estimated costs. Benefit assessments shall be due and payable at such times as are fixed by the board, provided the district shall give notice of such due date not less than thirty days prior to such due date by publication in a newspaper of general circulation in the town of Southington and by mailing such notice to the owners of the property assessed at their last-known address.

(g) (1) Notwithstanding any provision of the general statutes, including sections 7-324 to 7-329, inclusive, of the general statutes, whenever the district has authorized the acquisition or construction of the improvements or has made an appropriation therefor, the district may authorize the issuance of up to ten million dollars of bonds, notes or other obligations to finance the cost of the improvements, the creation and maintenance of reserves required to sell the bonds and the cost of issuance of the bonds, provided no bonds shall be issued prior to the district entering into an interlocal agreement with the town of Southington, in accordance with the procedures provided by section 7-339c of the general statutes, including at least one public hearing on the proposed agreement and ratification by the town council. The bonds may be secured as to both principal or interest by (A) the full faith and credit of the district, (B) fees, revenues or benefit assessments, or (C) a combination of subparagraphs (A) and (B) of this subdivision. Such bonds shall be authorized by resolution of the board. The district is authorized to secure such bonds by the full faith and credit of the district or by a pledge of or lien on all or part of its revenues, fees or benefit assessments. The bonds of each issue shall be dated, shall bear interest at the rates and shall mature at the time or times not exceeding thirty years from their date or dates, as determined by the board, and may be redeemable before maturity, at the option of the board, at the

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price or prices and under the terms and conditions fixed by the board before the issuance of the bonds. The board shall determine the form of the bonds, and the manner of execution of the bonds, and shall fix the denomination of the bonds and the place or places of payment of principal and interest, which may be at any bank or trust company within the state of Connecticut and other locations as designated by the board. In case any officer whose signature or a facsimile of whose signature shall appear on any bonds or coupons shall cease to be an officer before the delivery of the bonds, the signature or facsimile shall nevertheless be valid and sufficient for all purposes the same as if the officer had remained in office until the delivery.

(2) While any bonds issued by the district remain outstanding, the powers, duties or existence of the district shall not be diminished or impaired in any way that will affect adversely the interests and rights of the holders of the bonds. Bonds issued under this section, unless otherwise authorized by law, shall not be considered to constitute a debt of the state of Connecticut or the town of Southington, or a pledge of the full faith and credit of the state of Connecticut or the town of Southington, but the bonds shall be payable solely by the district or as special obligations payable from particular district revenues. Any bonds issued by the district shall contain on their face a statement to the effect that neither the state of Connecticut nor the town of Southington shall be obliged to pay the principal of or the interest thereon, and that neither the full faith and credit or taxing power of the state of Connecticut or the town of Southington is pledged to the payment of the bonds. All bonds issued under this section shall have and are hereby declared to have all the qualities and incidents of negotiable instruments, as provided in title 42a of the general statutes.

(h) (1) The board may authorize that the bonds be secured by a trust agreement by and between the district and a corporate trustee, which may be any trust company or bank having the powers of a trust

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company within the state of Connecticut. The trust agreement may pledge or assign the revenues. Either the resolution providing for the issuance of bonds or the trust agreement may contain covenants or provisions for protecting and enforcing the rights and remedies of the bondholders as may be necessary, reasonable or appropriate and not in violation of law.

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

(i) Bonds issued under this section are hereby made securities in which all public officers and public bodies of the state of Connecticut and its political subdivisions, all insurance companies, trust companies, banking associations, investment companies, executors, administrators, trustees and other fiduciaries may properly and legally invest funds, including capital in their control and belonging to them; and such bonds shall be securities which may properly and legally be deposited with and received by any state or municipal officer or any agency or political subdivision of the state of Connecticut for any purpose for which the deposit of bonds of the state of Connecticut is now or may hereafter be authorized by law.

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(j) Bonds may be issued under this section without obtaining the consent of the state of Connecticut or the town of Southington, and without any proceedings or the happening of any other conditions or things other than those proceedings, conditions or things that are specifically required thereof by this section, and the validity of and security for any bonds issued by the district shall not be affected by the existence or nonexistence of the consent or other proceedings, conditions or things.

(k) The district and all its receipts, revenues, income and real and personal property shall be exempt from taxation and benefit assessments and the district shall not be required to pay any tax, excise or assessment to or from the state of Connecticut or any of its political subdivisions. The principal and interest on bonds or notes issued by the district shall be free from taxation at all times, except for estate and gift, franchise and excise taxes, imposed by the state of Connecticut or any political subdivision thereof, provided nothing in this section shall act to limit or restrict the ability of the state of Connecticut or the town of Southington to tax the individuals and companies, or their real or personal property or any person living or business operating within the boundaries of the district.

(l) The board shall at all times keep accounts of its receipts, expenditures, disbursements, assets and liabilities, which shall be open to inspection by a duly appointed officer or duly appointed agent of the state of Connecticut or the town of Southington. The fiscal year of the district shall begin on July first and end on the following June thirtieth or as otherwise established by section 7-327 of the general statutes. The district shall be subject to an audit of its accounts in the manner provided in the general statutes.

(m) (1) At such time as any construction or development activity financed by bonds issued by the district is taking place, the clerk of the district shall submit project activity reports quarterly to the Secretary

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of the Office of Policy and Management and to the chairpersons of the joint standing committee of the General Assembly having cognizance of matters relating to finance, revenue and bonding.

(2) The district shall take affirmative steps to provide for the full disclosure of information relating to the public financing and maintenance of improvements to real property undertaken by the district. Such information shall be provided to any existing residents and to all prospective residents of the district. The district shall furnish each developer of a residential development within the district with sufficient copies of such information to provide each prospective initial purchaser of property in such district with a copy, and any developer of a residential development within the district, when required by law to provide a public offering statement, shall include a copy of such information relating to the public financing and maintenance of improvements in the public offering statement.

(n) (1) This section shall be deemed to provide an additional, alternative and complete method of accomplishing the purposes of this section and exercising the powers authorized hereby and shall be deemed and construed to be supplemental and additional to, and not in derogation of, powers conferred upon the district by law and particularly by sections 7-324 to 7-329, inclusive, of the general statutes; provided insofar as the proceedings of this section are inconsistent with any general statute or special act, or any resolution or ordinance of the town of Southington, this section shall be controlling.

(2) Except as specifically provided in this section, all other statutes, ordinances, resolutions, rules and regulations of the state of Connecticut and the town of Southington shall be applicable to the property, residents and businesses located in the district. Nothing in this section shall in any way obligate the town of Southington to pay any costs for the acquisition, construction, equipping or operation and administration of the improvements located within the district or to

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pledge any money or taxes to pay debt service on bonds issued by the district except as may be agreed to in any interlocal agreements executed by the town of Southington and the district.

(o) At the option of the town of Southington by vote of the town council of the town of Southington, the district shall be merged into the town of Southington if no bonds are issued by the district not later than four years after the effective date of this section or after the bonds authorized by this section are no longer outstanding and any property which is owned by the district shall be distributed to the town of Southington.

(p) This section being necessary for the welfare of the town of Southington and its inhabitants shall be liberally construed to affect the purposes hereof.

Sec. 2. (NEW) (*Effective July 1, 2008*) In accordance with the provisions of section 32-462 of the general statutes, the Department of Economic and Community Development, the Department of Environmental Protection, the Connecticut Development Authority and Connecticut Innovations, Incorporated, or any combination thereof, may provide financial assistance from existing programs to the city of Norwalk or to a private developer pursuant to a development agreement with said city for improvements to the 19.8 acre site bounded by West Avenue, Chapel and Academy Streets, known as the Waypointe Project. Such financial assistance may be used for the economic development of the project area, including, but not limited to, environmental remediation, construction of buildings and infrastructure, and development of the project in an aggregate amount not to exceed twenty-five million dollars. Such assistance, if in excess of ten million dollars, shall be subject to the final review and approval of the General Assembly, as provided in said section 32-462.

Sec. 3. (NEW) (*Effective July 1, 2008*) In accordance with the

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provisions of section 32-462 of the general statutes, during the period commencing July 2, 2008, and ending June 30, 2012, the Department of Economic and Community Development, the Connecticut Development Authority and Connecticut Innovations, Incorporated, or any combination thereof, may provide financial assistance from existing programs to Naugatuck Economic Development Corporation for the purposes of economic development, restoration and improvements to property within the downtown area in the borough of Naugatuck, in said time period, in an aggregate amount not to exceed thirty million dollars. Such assistance, if in excess of ten million dollars, shall be subject to the final review and approval of the General Assembly, as provided in said section 32-462.

Sec. 4. Section 12-217dd of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2008, and applicable to income years commencing on or after January 1, 2008*):

(a) For purposes of this section, "donation of open space land" means the value of any land or interest in land conveyed without financial consideration, or the value of any discount of the sale price in any sale of land or interest in land, to the state, a political subdivision of the state, a water company, as defined in section 25-32a, or to any nonprofit land conservation organization where such land is to be permanently preserved as protected open space or used as a public water supply source.

(b) There shall be allowed a credit for all taxpayers against the tax imposed under section 12-217, in an amount equal to fifty per cent of any donation of open space land or as a public water supply source. For purposes of calculating the credit under this section, the amount of donation shall be based on the use value of the donated open space land and the amount received for such land. For purposes of this subsection, "use value" means the fair market value of land at its highest and best use, as determined by a certified real estate appraiser.

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(c) A credit that is allowed under this section, with respect to any taxable year commencing on or after January 1, 2000, but is not used by a taxpayer may be carried forward to each of the successive income years until such credit is fully taken. In no case shall a credit that is not used be carried forward for a period of more than [fifteen] twenty-five years.

Sec. 5. Section 7-326 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2008*):

At such meeting, the voters may establish a district for any or all of the following purposes: To extinguish fires, to light streets, to plant and care for shade and ornamental trees, to construct and maintain roads, sidewalks, crosswalks, drains and sewers, to appoint and employ watchmen or police officers, to acquire, construct, maintain and regulate the use of recreational facilities, to plan, lay out, acquire, construct, reconstruct, repair, maintain, supervise and manage a flood or erosion control system, to plan, lay out, acquire, construct, maintain, operate and regulate the use of a community water system, to collect garbage, ashes and all other refuse matter in any portion of such district and provide for the disposal of such matter, to implement tick control measures, to install highway sound barriers, to maintain water quality in lakes, to establish a zoning commission and a zoning board of appeals or a planning commission, or both, by adoption of chapter 124 or chapter 126, excluding section 8-29, or both chapters, as the case may be, which commissions or board shall be dissolved upon adoption by the town of subdivision or zoning regulations by the town planning or zoning commission; and to adopt building regulations, which regulations shall be superseded upon adoption by the town of building regulations. Any district may contract with a town, city, borough or other district for carrying out any of the purposes for which such district was established.

Sec. 6. Section 7-328 of the general statutes is repealed and the

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following is substituted in lieu thereof (*Effective October 1, 2008*):

(a) The territorial limits of the district shall constitute a separate taxing district, and the assessor or assessors of the town shall separate the property within the district from the other property in the town and shall annually furnish the clerk of the district with a copy of the grand list of all property in the district after it has been completed by the board of assessment appeals of the town. If the legislative body of the town elects, pursuant to section 12-62c, to defer all or any part of the amount of the increase in the assessed value of real property in the year a revaluation becomes effective and in any succeeding year in which such deferment is allowed, the grand list furnished to the clerk of the district for each such year shall reflect assessments based upon such deferment. When the district meeting has fixed the tax rate, the clerk shall prepare a rate bill, apportioning to each owner of property his proportionate share of the taxes, which rate bill, when prepared, shall be delivered to the treasurer; and the district and the treasurer thereof shall have the same powers as towns and collectors of taxes to collect and enforce payment of such taxes, and such taxes when laid shall be a lien upon the property in the same manner as town taxes, and such liens may be continued by certificates recorded in the land record office of the town, and foreclosed in the same manner as liens for town taxes. The assessor or board of assessment appeals shall promptly forward to the clerk of the district any certificate of correction or notice of any other lawful change to the grand list of the district. The district clerk shall, within ten days of receipt of any such certificate or notice, forward a copy thereof to the treasurer, and the assessment of the property for which such certificate or notice was issued and the rate bill related thereto shall be corrected accordingly. If the district constructs any drain, sewer, sidewalk, curb or gutter, such proportion of the cost thereof as such district determines may be assessed by the board of directors, in the manner prescribed by such district, upon the property specially benefited by such drain, sewer,

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sidewalk, curb or gutter, and the balance of such costs shall be paid from the general funds of the district. [In the construction of any flood or erosion control system, the cost to such district] The cost to such district in the construction of any flood or erosion control system or the maintenance of water quality in a lake may be assessed and shall be payable in accordance with sections 25-87 to 25-93, inclusive. Subject to the provisions of the general statutes, the district may issue bonds and the board of directors may pledge the credit of the district for any money borrowed for the construction of any public works or the acquisition of recreational facilities authorized by sections 7-324 to 7-329, inclusive, and such board shall keep a record of all notes, bonds and certificates of indebtedness issued, disposed of or pledged by the district. All moneys received by the directors on behalf of the district shall be paid to the treasurer. No contract or obligation which involves an expenditure in the amount of (1) ten thousand dollars or more in districts where the grand list is less than or equal to twenty million dollars, or (2) twenty thousand dollars or more in districts where the grand list is greater than twenty million dollars, in any one year shall be made by the board of directors, unless the same is specially authorized by a vote of the district, nor shall the directors borrow money without like authority. The clerk of the district shall give written notice to the treasurer of the town in which the district is located of any final decision of the board of directors to borrow money, not later than thirty days after the date of such decision. The district may adopt ordinances, with penalties to secure their enforcement, for the purpose of regulating the carrying out of the provisions of sections 7-324 to 7-329, inclusive, and defining the duties and compensation of its officers and the manner in which their duties shall be carried out.

(b) Upon the request of the clerk of any district, the registrar of voters and the assessor of the town in which the district is located shall provide a list of voters of the district.

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Vetoed June 13, 2008