



General Assembly

Amendment

February Session, 2008

LCO No. 5957

SB0032305957HDO

Offered by:

REP. GODFREY, 110th Dist.

REP. GIULIANO, 23rd Dist.

To: Senate Bill No. 323

File No. 259

Cal. No. 527

"AN ACT CONCERNING THE VALIDATION OF CERTAIN MARRIAGES AND CIVIL UNIONS."

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Section 1 of number 467 of the special acts of 1943, as
4 amended by section 1 of number 338 of the special acts of 1945, is
5 amended to read as follows (*Effective from passage*):

6 The owners of record of land within the limits specified in section
7 [two of this act] 2 of number 467 of the special acts of 1943, as amended
8 by this act, in the locality known as Cornfield Point in the town of Old
9 Saybrook, shall be, while they continue to be owners of such land, a
10 body politic and corporate by the name of The Cornfield Point
11 Association, and by that name they and their successors shall be a
12 corporation in law, capable of suing and being sued, and pleading and
13 be impleaded in all courts, and shall be vested with the powers
14 hereinafter specified. Each member of the association, of the age of

15 [twenty-one] eighteen years or over, not otherwise prohibited by law
16 from voting, so long as he shall continue to own real estate in said
17 territory, shall be entitled to vote at any meeting of said association
18 and shall be eligible to hold any office therein. [Husbands and wives
19 of] Spouses of and parties to civil unions with said owners who are not
20 also owners shall be members of said association but shall not be
21 empowered to vote at any meeting of said association except in the
22 absence of said owners. All owners of any interest in any particular lot
23 or parcel of real estate shall be considered as one owner for the
24 purpose of voting and shall be entitled collectively to cast one
25 undivided vote. The association shall provide for voting by proxy or
26 absentee ballot or for power of attorney in the by-laws of the
27 association.

28 Sec. 502. Section 2 of number 467 of the special acts of 1943 is
29 amended to read as follows (*Effective from passage*):

30 The limits of said association shall be that part of the town of Old
31 Saybrook known as Cornfield Point, consisting of all lots or parcels of
32 land as shown on the map of Cornfield Point Beach Club made for
33 James J. Smith Company of Old Saybrook and New York City by
34 Daball and Crandall, dated November, 1922, which map is on file in
35 the office of the town clerk of the town of Old Saybrook. Said territory
36 is bounded as follows: Beginning at a point in the high water line of
37 Long Island Sound at the northwest corner of property formerly
38 owned by F. W. McLean and adjoining Plum Bank, thence in a
39 southerly direction along Long Island Sound to the point of land
40 known as Lot No. 538 on said map; thence in an easterly direction
41 along Long Island Sound to the easterly line of Lot No. 210; thence
42 northerly along the easterly line of said lot to center line of Maple
43 Avenue; thence along center line of Maple [avenue] Avenue in a
44 northwesterly direction to central line of Summerfield [road] Road;
45 thence along central line of Summerfield [road] Road in a
46 northwesterly direction to Plum Bank [creek] Creek; thence in a
47 westerly direction along Plum Bank [creek] Creek to a town ditch;
48 thence continuing in a westerly direction to state highway No. 154;

49 thence across said highway in a westerly direction to the easterly line
50 of property of F. W. McLean; thence northerly along the easterly line of
51 F. W. McLean; thence westerly along the northerly line of said McLean
52 to the point of beginning.

53 Sec. 503. Section 6 of number 467 of the special acts of 1943 is
54 amended to read as follows (*Effective from passage*):

55 [Notice of the time and place of said first meeting shall be signed by
56 three of the persons named in section five and shall be sent by mail to
57 each member of the association at least five days before the time
58 appointed for said meeting. Said board of governors shall be elected by
59 a plurality of the ballots cast at said meeting and the polls for the
60 reception of such ballots shall be open from twelve o'clock noon until
61 four o'clock in the afternoon on such appointed day.] At each annual
62 meeting of the association, there shall be elected to the board of
63 governors three members to serve three years until their successors are
64 chosen. The board of governors shall be elected by a plurality of the
65 ballots cast at said meeting. Any member of said board, who shall
66 cease to have membership in said association within the meaning of
67 this act, shall automatically cease to be a member of said board of
68 governors. The board of governors is authorized to fill all vacancies on
69 said board until the next annual meeting, at which time the members
70 of the association shall elect a member to the board for the unexpired
71 portion of the term.

72 Sec. 504. Section 7 of number 467 of the special acts of 1943, as
73 amended by section 1 of special act 74-29 and section 1 of special act
74 79-80, is amended to read as follows (*Effective from passage*):

75 Annual meetings [thereafter] of the members of the association shall
76 be held on the third Saturday in June, [, except that after July 1, 1980,
77 such meetings shall be held during June,] Such meeting shall be at
78 such time and place within the limits of [said association] the town of
79 Old Saybrook as the board of governors may direct. [Any vacancy
80 occurring in the membership of said board of governors, between

81 annual meetings of the association, shall be filled by a majority of the
82 remaining members of the board until the next annual meeting, at
83 which time the members of the association shall elect as above
84 prescribed a member of the board for the unexpired portion of the
85 term] Notice of the time and place of such meeting, along with the
86 agenda, shall be sent by mail to each member of the association at least
87 fifteen business days before the time appointed for said meeting.

88 Sec. 505. Section 8 of number 467 of the special acts of 1943 is
89 amended to read as follows (*Effective from passage*):

90 The board of governors of the association shall consist of nine
91 members and shall elect from its members a president and a vice
92 president. [, and there shall be elected] The members of the association
93 shall elect from the association membership [a] at the annual meeting
94 or the board shall elect, if there is no election by the association, the
95 following: A secretary, a treasurer and [an assistant treasurer] a tax
96 collector for a term of three years. The president shall preside over all
97 meetings of the board and the association and shall be the chief
98 executive of the association. In the absence of the president, the vice
99 president or secretary or treasurer shall preside. The secretary shall
100 sign all warnings, notices, order and by-laws and shall keep a record of
101 all action of said board and of said association. The treasurer shall keep
102 an account of all moneys received and paid out and shall render a
103 report at each annual meeting. [The assistant treasurer] An acting
104 treasurer, appointed by the board from the membership, shall have all
105 the powers of the treasurer in the absence of said treasurer. If the
106 acting treasurer is also a board member, the acting treasurer shall
107 retain the powers of a board member. The treasurer or acting treasurer
108 shall [furnish] provide a bond in such amount as the board of
109 governors shall, from time to time, determine, the premium on said
110 bond to be paid by the association.

111 Sec. 506. Section 9 of number 467 of the special acts of 1943, as
112 amended by section 2 of special act 79-80, is amended to read as
113 follows (*Effective from passage*):

114 The fiscal year of the association shall be from [June] July first in one
115 year to [May thirty-first] June thirtieth in the succeeding year, both
116 dates inclusive. [except that, beginning on July 1, 1980, the fiscal year
117 of the association shall be from July first in one year to June thirtieth in
118 the succeeding year, both dates inclusive. The association may adopt a
119 fiscal period of from June 1, 1980, to June 30, 1980, both dates inclusive,
120 to facilitate the change in fiscal years, and shall otherwise comply with
121 the provisions of chapter 110 of the general statutes. The association
122 shall meet during June, 1980, for the fiscal year beginning July 1, 1980.]

123 Sec. 507. Section 11 of number 467 of the special acts of 1943 is
124 amended to read as follows (*Effective from passage*):

125 Notice of the annual [and special meetings] meeting of the
126 association shall be signed by the president or secretary and [may be]
127 given by mail. [or personally. In case they are given by mail, written]
128 Written notice of the time and place of such meetings shall be sent at
129 least [five] fifteen business days before the time appointed by law,
130 mailed in Connecticut and addressed to each member of said
131 association at his last-known place of abode. Notice of all board
132 meetings shall be posted on the bulletin board in front of the club
133 house.

134 Sec. 508. Section 10 of number 467 of the special acts of 1943 is
135 amended to read as follows (*Effective from passage*):

136 Special meetings of the association may be called by the president
137 and shall be called at the written request of any twenty members
138 thereof by the president or secretary, who shall, within [five] fifteen
139 business days after receipt of any such request, cause notice thereof to
140 be given, provided notice of any special meeting shall specify the
141 object for which such meeting is called.

142 Sec. 509. Section 12 of number 467 of the special acts of 1943 is
143 amended to read as follows (*Effective from passage*):

144 (a) Said association may purchase, acquire, hold, own, sell or convey

145 such real estate or personal [estate as its purposes may require, and the
146 board of governors may enact by-laws or ordinances for the following
147 purposes: To regulate travel over the highways within the limits of the
148 association, when, in the opinion of said board, the free and
149 unrestricted use of said highways may become dangerous or
150 inconvenient; to appoint and remove police officers to act within the
151 limits of said association, who shall have the powers of constables
152 within said limits for the purposes of making arrests for the violation
153 of any regulation or by-law of said association or any law; to clean and
154 improve ditches and to care for the beaches and water fronts; to keep
155 streets and all public places within the limits of said association quiet
156 and free from noise; to regulate the parking of motor vehicles; to build,
157 repair and improve highways, roads and sidewalks within the limits of
158 said association; to establish building lines; to protect any property
159 from fire, such protection to include the regulation of the number and
160 kind of cottages and structures that may be erected or placed on any
161 building lot within said limits; to regulate the carrying on within the
162 limits of said association of any business that will, in the opinion of
163 said board, be prejudicial to public health or dangerous to, or will
164 constitute an unreasonable annoyance to, those living or owning
165 property in the vicinity thereof, which regulations shall be uniform for
166 each class or kind of buildings or structures, and for each class of
167 business; to regulate peddling as provided for in towns under the
168 general statutes; to restrict the right of entry on the property of said
169 association except upon the highways and to promote the planting of
170 trees and shrubbery and other work leading to the improvement of the
171 appearance of property within the limits of said association. Said
172 association shall have exclusive charge and control of all roads within
173 the limits as shown on the maps referred to in section two which are
174 not under state or town control. Said board of governors may fix a
175 penalty for each violation of any such by-laws, ordinances or
176 regulations of not more than twenty-five dollars, and the penalties
177 may be recovered in an action brought for the purpose in the name of
178 The Cornfield Point Association before any court having jurisdiction,
179 for the use and benefit of said association. No by-law, ordinance or

180 regulation shall take effect until ten days after its passage nor until it
181 shall be have been posted on a sign post which shall be erected within
182 the territorial limits of the association at a place designated by the
183 board of governors for at least seven days. A certificate of the secretary
184 of said association of the posting of any by-law, ordinance or
185 regulation as provided herein shall be prima facie evidence of such
186 posting. The method by which water is supplied within the limits of
187 the association at the time of the passage of this act is approved, and
188 any action thereunder is confirmed, but the association may, at any
189 time, purchase the plant and equipment operated and used in
190 furnishing the water on land within the territorial limits of the
191 association and may maintain, construct, extend and operate
192 reservoirs, water works and pipe lines and a distribution system for
193 supplying water to said association and the inhabitants thereof]
194 property as deemed necessary or desirable by the board of governors
195 and approved by the association membership. The board of governors
196 may, with the approval of the association membership, authorize the
197 association to borrow funds for association purposes or benefit of the
198 association and may mortgage, pledge or grant a security interest in
199 any property or properties of the association, whether newly acquired
200 or already owned, as collateral to secure repayment of any such loan.
201 Any authorization shall be at an annual meeting, except if a natural
202 disaster or emergency requires such approval.

203 (b) With the approval of the association membership at an annual
204 meeting or special meeting called for such purposes, the board may
205 adopt or amend ordinances, by-laws, rules or regulations as may be
206 reasonably necessary for the maintenance and protection, health,
207 safety and welfare of the members of the association, their families,
208 guests and invitees, to prevent public nuisance and to maintain and
209 enhance the value of property within the geographic limits of the
210 association. Such ordinances, by-laws, rules and regulations shall have
211 effect and be enforceable within the geographic limits of the
212 association. The association shall retain and have the right to regulate
213 and control the parking of motor vehicles on the roads within the

214 geographic limits of the association.

215 (c) The board may establish procedures for the enforcement of such
216 ordinances, rules or regulations, including, but not limited to, penalties
217 for violation thereof, provided any such penalty shall not exceed five
218 hundred dollars. The board may institute legal action in the name of
219 the association at law or in equity to compel compliance with such
220 ordinances, rules or regulations, provided no such action may be
221 commenced against an individual, property or property owner until
222 seven days after written notice of violation has been sent by registered
223 or certified mail to the individual or one or more association members
224 identified as owners of the property in the land records of the town of
225 Old Saybrook.

226 Sec. 510. Section 13 of number 467 of the special acts of 1943, as
227 amended by number 56 of the special acts of 1949, number 10 of the
228 special acts of 1957, section 2 of special act 74-29, special act 76-36, special
229 act 87-58 and special act 89-35, is amended to read as follows (*Effective*
230 *from passage*):

231 The board of governors shall prepare and submit to said association at
232 each annual meeting a budget and recommend [an] a tax assessment for
233 the purpose of and based upon said budget, but not to exceed five
234 hundred dollars on each lot of land having a dwelling or cottage thereon
235 located within the limits of the association, and not to exceed one
236 hundred dollars on each vacant lot located within the limits of said
237 association, as the same shall appear of record on October first
238 preceding. Said association shall have the power to decrease said budget
239 and rate of tax assessment recommended by said board of governors, but
240 in no case shall it have the power to increase the budget and rate of tax
241 assessment. The rate of tax assessment recommended by the board of
242 governors shall be final unless decreased by the association at such
243 annual meeting. The [treasurer] tax collector of said association shall
244 collect such tax assessments and a [rate book] tax record shall be [made
245 out] kept and signed by the [clerk] secretary of said association on or
246 before the [second] first Saturday of [July] October in each year and

247 warrants may be issued for the collection of money due on the [rate]
248 annual bills, pursuant to the provisions of section [168f of the 1941
249 supplement to] 12-145 of the general statutes. Such tax assessment shall
250 be a lien upon the property upon which it shall be laid and such lien may
251 be continued by certificate and shall be recorded on the land records of
252 the town of Old Saybrook pursuant to the provisions of the general
253 statutes relating to continuance of tax liens.

254 Sec. 511. Section 14 of number 467 of the special acts of 1943 is
255 amended to read as follows (*Effective from passage*):

256 Written notice of the rate of such tax assessment and of the amount
257 apportioned to each member of the association shall be sent by the
258 [treasurer] tax collector within ten days from the laying of such tax
259 assessment, and such tax assessment shall be due and payable on July
260 [twenty-first] first in each year. [and if] If such tax assessment is not
261 paid [when due] on or before July thirty-first, it shall bear interest at
262 the rate [of five-tenths of one percent for each month from the date
263 when so payable] specified in section 12-146 of the general statutes.

264 Sec. 512. Section 17 of number 467 of the special acts of 1943 is
265 amended to read as follows (*Effective from passage*):

266 The restrictions, at the time of the passage of [this act] number 467
267 of the special acts of 1943, applying to property within the limits of the
268 association as noted in deeds shall remain in force until changed as
269 hereinafter provided, but in no case shall such restrictions be removed
270 prior to the date provided in such deeds. The existing restrictions
271 contained in deeds may be extended in time from the date of
272 expiration thereof, but nothing herein shall be construed as
273 authorizing the board of governors or the association to change
274 restrictions in deeds. [The board of governors shall appoint a member
275 of the association, whose duty it shall be to inspect all plans for
276 proposed buildings, and from time to time inspect such buildings
277 during process of erection to determine their conformance to the
278 restrictions and by-laws. Appeals from the rulings of said building

279 inspector may be taken to the board of governors. Property owners
280 seeking approval of such plans shall pay a fee of one dollar at the time
281 such approval shall be given. Failure to build to plans as approved
282 shall constitute a violation of the by-laws and regulations of said
283 association, and the board of governors may petition any court having
284 jurisdiction to direct the demolition of that part of the structure erected
285 contrary to such approved plans and the erection in lieu thereof of the
286 building conforming to the approved plans.]

287 Sec. 513. Section 18 of number 467 of the special acts of 1943 is
288 amended to read as follows (*Effective from passage*):

289 If any provision of the by-laws or any ordinance, rule or regulation
290 adopted by The Cornfield Point Association shall conflict with any
291 provision of any lawful ordinance of the town of Old Saybrook, the
292 ordinance of said town shall prevail and supersede the by-law,
293 ordinance, rule or regulation of said association. Any tax liens levied
294 by said town of Old Saybrook on property within the limits of The
295 Cornfield Point Association shall have priority over any liens for tax
296 assessments levied on the same property by said association.

297 Sec. 514. (*Effective from passage*) Section 4 of number 467 of the
298 special acts of 1943 and section 5 of the special acts of 1943, as
299 amended by section 2 of number 338 of the special acts of 1945, are
300 repealed."