



House of Representatives

File No. 883

General Assembly

January Session, 2009

(Reprint of File No. 266)

Substitute House Bill No. 5186
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
May 1, 2009

**AN ACT CONCERNING THE THOMPSONVILLE FIRE DISTRICT AND
THE CORNFIELD POINT ASSOCIATION.**

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

1 Section 1. Section 4 of number 460 of the special acts of 1935, as
2 amended by number 161 of the special acts of 1937 and number 481 of
3 the special acts of 1953, is amended to read as follows (*Effective from*
4 *passage*):

5 (a) The annual district meeting of The Thompsonville Fire District
6 shall be held on the second or third Thursday of May of each year
7 beginning May, 1954, and notices of such annual meetings and any
8 special meetings which may be called shall be made in the manner
9 prescribed for town meetings. The said Thompsonville Fire District is
10 created a body politic and corporate by the name of The
11 Thompsonville Fire District, and through said board of fire
12 commissioners shall have perpetual succession and shall be a person in
13 law capable of suing and being sued, pleading and being impleaded,
14 purchasing, holding and conveying real and personal estate requisite
15 for the purposes of maintaining a department and for the protection of

16 property within said district from fire and making appropriations for
17 the same, and may, at regular meetings, lay taxes upon ratable estate
18 within the limits of said district for the purposes and objects
19 authorized by [this act] number 460 of the special acts of 1935, as
20 amended by number 161 of the special acts of 1937 and number 481 of
21 the special acts of 1953 and this section.

22 (b) The following shall be electors of the district: (1) Any person
23 residing within the limits of the district and qualified to vote in the
24 affairs of the town of Enfield; and (2) any citizen of the United States of
25 the age of eighteen, or more, who is liable to the district for taxes
26 assessed against such citizen. Electors may vote on any matter or
27 question at an annual or special meeting of the district.

28 Sec. 2. Section 1 of number 467 of the special acts of 1943, as
29 amended by section 1 of number 338 of the special acts of 1945, is
30 amended to read as follows (*Effective from passage*):

31 The owners of record of land within the limits specified in section
32 [two of this act] 2 of number 467 of the special acts of 1943, as amended
33 by this act, in the locality known as Cornfield Point in the town of Old
34 Saybrook, shall be, while they continue to be owners of such land, a
35 body politic and corporate by the name of The Cornfield Point
36 Association, and by that name they and their successors shall be a
37 corporation in law, capable of suing and being sued, and pleading and
38 be impleaded in all courts, and shall be vested with the powers
39 hereinafter specified. Each member of the association, of the age of
40 [twenty-one] ~~eighteen~~ years or over, not otherwise prohibited by law
41 from voting, so long as he shall continue to own real estate in said
42 territory, shall be entitled to vote at any meeting of said association
43 and shall be eligible to hold any office therein. [Husbands and wives
44 of] Spouses of and parties to civil unions with said owners who are not
45 also owners shall be members of said association but shall not be
46 empowered to vote at any meeting of said association except in the
47 absence of said owners. All owners of any interest in any particular lot
48 or parcel of real estate shall be considered as one owner for the

49 purpose of voting and shall be entitled collectively to cast one
50 undivided vote. The association shall provide for voting by proxy or
51 absentee ballot or for power of attorney in the by-laws of the
52 association.

53 Sec. 3. Section 2 of number 467 of the special acts of 1943 is amended
54 to read as follows (*Effective from passage*):

55 The limits of [said association] The Cornfield Point Association shall
56 be that part of the town of Old Saybrook known as Cornfield Point,
57 consisting of all lots or parcels of land as shown on the map of
58 Cornfield Point Beach Club made for James J. Smith Company of Old
59 Saybrook and New York City by Daball and Crandall, dated
60 November, 1922, which map is on file in the office of the town clerk of
61 the town of Old Saybrook. Said territory is bounded as follows:
62 Beginning at a point in the high water line of Long Island Sound at the
63 northwest corner of property formerly owned by F. W. McLean and
64 adjoining Plum Bank, thence in a southerly direction along Long
65 Island Sound to the point of land known as Lot No. 538 on said map;
66 thence in an easterly direction along Long Island Sound to the easterly
67 line of Lot No. 210; thence northerly along the easterly line of said lot
68 to center line of Maple Avenue; thence along center line of Maple
69 [avenue] Avenue in a northwesterly direction to central line of
70 Summerfield [road] Road; thence along central line of Summerfield
71 [road] Road in a northwesterly direction to Plum Bank [creek] Creek;
72 thence in a westerly direction along Plum Bank [creek] Creek to a town
73 ditch; thence continuing in a westerly direction to state highway No.
74 154; thence across said highway in a westerly direction to the easterly
75 line of property of F. W. McLean; thence northerly along the easterly
76 line of F. W. McLean; thence westerly along the northerly line of said
77 McLean to the point of beginning.

78 Sec. 4. Section 6 of number 467 of the special acts of 1943 is amended
79 to read as follows (*Effective from passage*):

80 [Notice of the time and place of said first meeting shall be signed by

81 three of the persons named in section five and shall be sent by mail to
82 each member of the association at least five days before the time
83 appointed for said meeting. Said board of governors shall be elected by
84 a plurality of the ballots cast at said meeting and the polls for the
85 reception of such ballots shall be open from twelve o'clock noon until
86 four o'clock in the afternoon on such appointed day.] At each annual
87 meeting of The Cornfield Point Association, there shall be elected to
88 the board of governors three members to serve three years until their
89 successors are chosen. The board of governors shall be elected by a
90 plurality of the ballots cast at said meeting. Any member of said board,
91 who shall cease to have membership in said association within the
92 meaning of this act, shall automatically cease to be a member of said
93 board of governors. The board of governors is authorized to fill all
94 vacancies on said board until the next annual meeting, at which time
95 the members of the association shall elect a member to the board for
96 the unexpired portion of the term.

97 Sec. 5. Section 7 of number 467 of the special acts of 1943, as
98 amended by section 1 of special act 74-29 and section 1 of special act
99 79-80, is amended to read as follows (*Effective from passage*):

100 Annual meetings [thereafter] of the members of The Cornfield Point
101 Association shall be held on the third Saturday in June. [, except that
102 after July 1, 1980, such meetings shall be held during June,] Such

103 meeting shall be at such time and place within the limits of [said
104 association] the town of Old Saybrook as the board of governors may

105 direct. [Any vacancy occurring in the membership of said board of
106 governors, between annual meetings of the association, shall be filled
107 by a majority of the remaining members of the board until the next
108 annual meeting, at which time the members of the association shall
109 elect as above prescribed a member of the board for the unexpired
110 portion of the term] Notice of the time and place of such meeting,

111 along with the agenda, shall be sent by mail to each member of The
112 Cornfield Point Association at least fifteen business days before the
113 time appointed for said meeting.

114 Sec. 6. Section 8 of number 467 of the special acts of 1943 is amended
115 to read as follows (*Effective from passage*):

116 The board of governors of The Cornfield Point Association shall
117 consist of nine members and such board shall elect from its members a
118 president and a vice president, [and there shall be elected] The
119 members of the association shall elect from the association
120 membership [a] at the annual meeting or the board shall elect, if there
121 is no election by the association, the following: A secretary, a treasurer
122 and [an assistant treasurer] a tax collector for a term of three years. The
123 president shall preside over all meetings of the board and the
124 association and shall be the chief executive of the association. In the
125 absence of the president, the vice president or secretary or treasurer
126 shall preside. The secretary shall sign all warnings, notices, order and
127 by-laws and shall keep a record of all action of said board and of said
128 association. The treasurer shall keep an account of all moneys received
129 and paid out and shall render a report at each annual meeting. [The
130 assistant treasurer] An acting treasurer, appointed by the board from
131 the membership, shall have all the powers of the treasurer in the
132 absence of said treasurer. If the acting treasurer is also a board
133 member, the acting treasurer shall retain the powers of a board
134 member. The treasurer or acting treasurer shall [furnish] provide a
135 bond in such amount as the board of governors shall, from time to
136 time, determine, the premium on said bond to be paid by the
137 association.

138 Sec. 7. Section 9 of number 467 of the special acts of 1943, as
139 amended by section 2 of special act 79-80, is amended to read as
140 follows (*Effective from passage*):

141 The fiscal year of the association shall be from [June] July first in one
142 year to [May thirty-first] June thirtieth in the succeeding year, both
143 dates inclusive. [except that, beginning on July 1, 1980, the fiscal year
144 of the association shall be from July first in one year to June thirtieth in
145 the succeeding year, both dates inclusive. The association may adopt a
146 fiscal period of from June 1, 1980, to June 30, 1980, both dates inclusive,

147 to facilitate the change in fiscal years, and shall otherwise comply with
148 the provisions of chapter 110 of the general statutes. The association
149 shall meet during June, 1980, for the fiscal year beginning July 1, 1980.]

150 Sec. 8. Section 11 of number 467 of the special acts of 1943 is
151 amended to read as follows (*Effective from passage*):

152 Notice of the annual [and special meetings] meeting of the
153 [association] Cornfield Point Association shall be signed by the
154 president or secretary and [may be] given by mail. [or personally. In
155 case they are given by mail, written] Written notice of the time and
156 place of such meetings shall be sent at least [five] fifteen business days
157 before the time appointed by law, mailed in Connecticut and
158 addressed to each member of said association at his last-known place
159 of abode. Notice of all board meetings shall be posted on the bulletin
160 board in front of the club house.

161 Sec. 9. Section 10 of number 467 of the special acts of 1943 is
162 amended to read as follows (*Effective from passage*):

163 Special meetings of the [association] Cornfield Point Association
164 may be called by the president and shall be called at the written
165 request of any twenty members thereof by the president or secretary,
166 who shall, within [five] fifteen business days after receipt of any such
167 request, cause notice thereof to be given, provided notice of any special
168 meeting shall specify the object for which such meeting is called.

169 Sec. 10. Section 12 of number 467 of the special acts of 1943 is
170 amended to read as follows (*Effective from passage*):

171 (a) [Said association] The Cornfield Point Association may purchase,
172 acquire, hold, own, sell or convey such real estate or personal [estate as
173 its purposes may require, and the board of governors may enact by-
174 laws or ordinances for the following purposes: To regulate travel over
175 the highways within the limits of the association, when, in the opinion
176 of said board, the free and unrestricted use of said highways may
177 become dangerous or inconvenient; to appoint and remove police

178 officers to act within the limits of said association, who shall have the
179 powers of constables within said limits for the purposes of making
180 arrests for the violation of any regulation or by-law of said association
181 or any law; to clean and improve ditches and to care for the beaches
182 and water fronts; to keep streets and all public places within the limits
183 of said association quiet and free from noise; to regulate the parking of
184 motor vehicles; to build, repair and improve highways, roads and
185 sidewalks within the limits of said association; to establish building
186 lines; to protect any property from fire, such protection to include the
187 regulation of the number and kind of cottages and structures that may
188 be erected or placed on any building lot within said limits; to regulate
189 the carrying on within the limits of said association of any business
190 that will, in the opinion of said board, be prejudicial to public health or
191 dangerous to, or will constitute an unreasonable annoyance to, those
192 living or owning property in the vicinity thereof, which regulations
193 shall be uniform for each class or kind of buildings or structures, and
194 for each class of business; to regulate peddling as provided for in
195 towns under the general statutes; to restrict the right of entry on the
196 property of said association except upon the highways and to promote
197 the planting of trees and shrubbery and other work leading to the
198 improvement of the appearance of property within the limits of said
199 association. Said association shall have exclusive charge and control of
200 all roads within the limits as shown on the maps referred to in section
201 two which are not under state or town control. Said board of governors
202 may fix a penalty for each violation of any such by-laws, ordinances or
203 regulations of not more than twenty-five dollars, and the penalties
204 may be recovered in an action brought for the purpose in the name of
205 The Cornfield Point Association before any court having jurisdiction,
206 for the use and benefit of said association. No by-law, ordinance or
207 regulation shall take effect until ten days after its passage nor until it
208 shall be have been posted on a sign post which shall be erected within
209 the territorial limits of the association at a place designated by the
210 board of governors for at least seven days. A certificate of the secretary
211 of said association of the posting of any by-law, ordinance or
212 regulation as provided herein shall be prima facie evidence of such

213 posting. The method by which water is supplied within the limits of
214 the association at the time of the passage of this act is approved, and
215 any action thereunder is confirmed, but the association may, at any
216 time, purchase the plant and equipment operated and used in
217 furnishing the water on land within the territorial limits of the
218 association and may maintain, construct, extend and operate
219 reservoirs, water works and pipe lines and a distribution system for
220 supplying water to said association and the inhabitants thereof]
221 property as deemed necessary or desirable by the board of governors
222 and approved by the association membership. The board of governors
223 may, with the approval of the association membership, authorize the
224 association to borrow funds for association purposes or benefit of the
225 association and may mortgage, pledge or grant a security interest in
226 any property or properties of the association, whether newly acquired
227 or already owned, as collateral to secure repayment of any such loan.
228 Any authorization shall be at an annual meeting, except if a natural
229 disaster or emergency requires such approval.

230 (b) With the approval of the association membership at an annual
231 meeting or special meeting called for such purposes, the board may
232 adopt or amend ordinances, by-laws, rules or regulations as may be
233 reasonably necessary for the maintenance and protection, health,
234 safety and welfare of the members of the association, their families,
235 guests and invitees, to prevent public nuisance and to maintain and
236 enhance the value of property within the geographic limits of the
237 association. Such ordinances, by-laws, rules and regulations shall have
238 effect and be enforceable within the geographic limits of the
239 association. The association shall retain and have the right to regulate
240 and control the parking of motor vehicles on the roads within the
241 geographic limits of the association.

242 (c) The board may establish procedures for the enforcement of such
243 ordinances, rules or regulations, including, but not limited to, penalties
244 for violation thereof, provided any such penalty shall not exceed five
245 hundred dollars. The board may institute legal action in the name of
246 the association at law or in equity to compel compliance with such

247 ordinances, rules or regulations, provided no such action may be
248 commenced against an individual, property or property owner until
249 seven days after written notice of violation has been sent by registered
250 or certified mail to the individual or one or more association members
251 identified as owners of the property in the land records of the town of
252 Old Saybrook.

253 Sec. 11. Section 13 of number 467 of the special acts of 1943, as
254 amended by number 56 of the special acts of 1949, number 10 of the
255 special acts of 1957, section 2 of special act 74-29, special act 76-36, special
256 act 87-58 and special act 89-35, is amended to read as follows (*Effective*
257 *from passage*):

258 The board of governors of The Cornfield Point Association shall
259 prepare and submit to said association at each annual meeting a budget
260 and recommend [an] a tax assessment for the purpose of and based upon
261 said budget, but not to exceed five hundred dollars on each lot of land
262 having a dwelling or cottage thereon located within the limits of the
263 association, and not to exceed one hundred dollars on each vacant lot
264 located within the limits of said association, as the same shall appear of
265 record on October first preceding. Said association shall have the power
266 to decrease said budget and rate of tax assessment recommended by said
267 board of governors, but in no case shall it have the power to increase the
268 budget and rate of tax assessment. The rate of tax assessment
269 recommended by the board of governors shall be final unless decreased
270 by the association at such annual meeting. The [treasurer] tax collector of
271 said association shall collect such tax assessments and a [rate book] tax
272 record shall be [made out] kept and signed by the [clerk] secretary of
273 said association on or before the [second] first Saturday of [July] October
274 in each year and warrants may be issued for the collection of money due
275 on the [rate] annual bills, pursuant to the provisions of section [168f of
276 the 1941 supplement to] 12-145 of the general statutes. Such tax
277 assessment shall be a lien upon the property upon which it shall be laid
278 and such lien may be continued by certificate and shall be recorded on
279 the land records of the town of Old Saybrook pursuant to the provisions
280 of the general statutes relating to continuance of tax liens.

281 Sec. 12. Section 14 of number 467 of the special acts of 1943 is
282 amended to read as follows (*Effective from passage*):

283 Written notice of the rate of such tax assessment and of the amount
284 apportioned to each member of the [association] Cornfield Point
285 Association shall be sent by the [treasurer] tax collector within ten days
286 from the laying of such tax assessment, and such tax assessment shall
287 be due and payable on July [twenty-first] first in each year. [and if] If
288 such tax assessment is not paid [when due] on or before July thirty-
289 first, it shall bear interest at the rate [of five-tenths of one percent for
290 each month from the date when so payable] specified in section 12-146.

291 Sec. 13. Section 17 of number 467 of the special acts of 1943 is
292 amended to read as follows (*Effective from passage*):

293 The restrictions, at the time of the passage of [this act] number 467
294 of the special acts of 1943, as amended, applying to property within the
295 limits of the [association] Cornfield Point Association as noted in deeds
296 shall remain in force until changed as hereinafter provided, but in no
297 case shall such restrictions be removed prior to the date provided in
298 such deeds. The existing restrictions contained in deeds may be
299 extended in time from the date of expiration thereof, but nothing
300 herein shall be construed as authorizing the board of governors or the
301 association to change restrictions in deeds. [The board of governors
302 shall appoint a member of the association, whose duty it shall be to
303 inspect all plans for proposed buildings, and from time to time inspect
304 such buildings during process of erection to determine their
305 conformance to the restrictions and by-laws. Appeals from the rulings
306 of said building inspector may be taken to the board of governors.
307 Property owners seeking approval of such plans shall pay a fee of one
308 dollar at the time such approval shall be given. Failure to build to
309 plans as approved shall constitute a violation of the by-laws and
310 regulations of said association, and the board of governors may
311 petition any court having jurisdiction to direct the demolition of that
312 part of the structure erected contrary to such approved plans and the
313 erection in lieu thereof of the building conforming to the approved

314 plans.]

315 Sec. 14. Section 18 of number 467 of the special acts of 1943 is
 316 amended to read as follows (*Effective from passage*):

317 If any provision of the by-laws or regulation or ordinances adopted
 318 by The Cornfield Point Association shall conflict with any provision of
 319 any lawful ordinance of the town of Old Saybrook, the ordinance of
 320 said town shall prevail and supersede the by-law or regulation of said
 321 association. Any tax liens levied by said town of Old Saybrook on
 322 property within the limits of The Cornfield Point Association shall
 323 have priority over any liens for tax assessments levied on the same
 324 property by said association.

325 Sec. 15. Section 4 of number 467 of the special acts of 1943 and
 326 section 5 of the special acts of 1943, as amended by section 2 of number
 327 338 of the special acts of 1945, are repealed. (*Effective from passage*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	Number 460 of the special acts of 1935, Sec. 4
Sec. 2	<i>from passage</i>	Number 467 of the special acts of 1943, Sec. 1
Sec. 3	<i>from passage</i>	Number 467 of the special acts of 1943, Sec. 2
Sec. 4	<i>from passage</i>	Number 467 of the special acts of 1943, Sec. 6
Sec. 5	<i>from passage</i>	Number 467 of the special acts of 1943, Sec. 7
Sec. 6	<i>from passage</i>	Number 467 of the special acts of 1943, Sec. 8

Sec. 7	<i>from passage</i>	Number 467 of the special acts of 1943, Sec. 9
Sec. 8	<i>from passage</i>	Number 467 of the special acts of 1943, Sec. 11
Sec. 9	<i>from passage</i>	Number 467 of the special acts of 1943, Sec. 10
Sec. 10	<i>from passage</i>	Number 467 of the special acts of 1943, Sec. 12
Sec. 11	<i>from passage</i>	Number 467 of the special acts of 1943, Sec. 13
Sec. 12	<i>from passage</i>	Number 467 of the special acts of 1943, Sec. 14
Sec. 13	<i>from passage</i>	Number 467 of the special acts of 1943, Sec. 17
Sec. 14	<i>from passage</i>	Number 467 of the special acts of 1943, Sec. 18
Sec. 15	<i>from passage</i>	Repealer section

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact:

Municipalities	Effect	FY 10 \$	FY 11 \$
Thompsonville Fire District	Cost	Potential	Potential

Explanation

The bill expands voting rights at annual and special meetings of the Thompsonville Fire District to any US citizen who is at least 18 years of age and is liable to the district for taxes. This results in a potential cost to the Thompsonville Fire District.

There are five fire districts comprising the town of Enfield, one of which is the Thompsonville Fire District. These districts are vested with taxing authority within each jurisdiction. Under current law, voting on any matter coming before the Thompsonville Fire District (including taxation) is limited to any person residing in the district and qualified to vote in the town of Enfield, as determined by information provided by the town registrar of voters. It is unclear how the district would obtain information on persons eligible for voting under the bill, though it is anticipated that a paper ballot would be provided to any eligible individual so determined. To the extent that additional resources are necessary to determine, locate, and provide ballots to individuals eligible under the bill, there is a potential cost to the Thompsonville Fire District.

House "A" updates and makes technical revisions to the Cornfield Point Association. There is no state or municipal impact resulting from any of the changes.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis

sHB 5186 (as amended by House "A")

AN ACT CONCERNING THE THOMPSONVILLE FIRE DISTRICT.

SUMMARY:

The Office of Legislative Research does not analyze Special Acts.

COMMITTEE ACTION

Planning and Development Committee

Joint Favorable

Yea 20 Nay 0 (03/06/2009)