



House of Representatives

File No. 877

General Assembly

January Session, 2009

(Reprint of File No. 262)

Substitute House Bill No. 5286
As Amended by House Amendment
Schedules "A" and "B"

Approved by the Legislative Commissioner
May 1, 2009

***AN ACT ESTABLISHING THE GREENWAY COMMONS
IMPROVEMENT DISTRICT IN THE TOWN OF SOUTHTON.***

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

- 1 Section 1. (*Effective July 1, 2009*) (a) For purposes of this section:
- 2 (1) "District" means that certain real property, situated in the town
3 of Southington, the county of Hartford and the state of Connecticut,
4 the Greenway Commons Improvement District, a body politic and
5 corporate, subject to sections 7-324 to 7-329, inclusive, of the general
6 statutes, except as otherwise provided in this section consisting of the
7 area bounded and described as follows: Beginning at a point on the
8 easterly streetline of Water Street at the northwesterly corner of land
9 now or formerly of Edward A. Piteo (tax map 110, lot 172), thence
10 running westerly across Water Street to the westerly streetline of
11 Water Street, thence running northerly along the westerly streetline of
12 Water Street and across Mill Street to the northerly streetline of Mill
13 Street, thence running easterly along the northerly streetline of Mill
14 Street to the easterly boundary of the greenway, thence running
15 southerly along the easterly boundary of the greenway to the

16 southwesterly corner of land now or formerly of the Town of
17 Southington (tax map 111, lot 25), thence running South 56°-21'-12"
18 East 94.40 feet, thence running South 89°-07'-42" East 24.96 feet, all
19 along land now or formerly of the Town of Southington, (tax map 111,
20 lot 25), thence running South 03°-28'-48" West 123.40 feet along land
21 now or formerly of The Southington Young Men's Christian
22 Association, Incorporated (tax map 111, lot 16), thence running
23 southerly across High Street to the northeasterly corner of land now or
24 formerly of Ideal Forging (tax map 99, lot 151), thence running South
25 02°-04'-12" East 147.70 feet along the westerly streetline of North
26 Liberty Street, thence running South 84°-34'-58" West 148.88 feet along
27 land now or formerly of J. Robert Britton et al (tax map 111, Lot 1),
28 thence running South 01°-58'-23" West 296.76 feet along land now or
29 formerly of J. Robert Britton et al (tax map 111, lot 1), land now or
30 formerly of Nancy L. Rich (tax map 100, lot 88), and land now or
31 formerly of The Sons of Italy (tax map 100, lot 85), each in part, thence
32 running southerly across Center Street to the southerly streetline of
33 Center Street, thence running westerly along the southerly streetline of
34 Center Street crossing South Center Street and continuing westerly
35 along the southerly streetline of Center Street to the northwesterly
36 corner of land now or formerly of John A. Muir, Jr. (tax map 99, lot
37 145), thence running South 13°-38'-17" West 76.05 feet along land now
38 or formerly of John A. Muir, Jr. (tax map 99, lot 145), thence running
39 North 73°-20'-43" West 155.42 feet, thence running South 19°-23'-57"
40 West 54.65 feet, thence running North 73°-20'-43" West 83 feet more or
41 less, all along land now or formerly of John A. Muir, Jr. (tax map 99, lot
42 142), thence running northerly 55 feet more or less along the centerline
43 of the Quinnipiac River, thence running South 73°-20'-43" East 65 feet
44 more or less, thence running North 19°-23'-57" East 67.42 feet, all along
45 land now or formerly of Marek Nowogrodzki (tax map 99, lot 147),
46 thence running westerly along the southerly streetline of Center Street
47 to the centerline of the Quinnipiac River, thence running northerly
48 across Center Street and thence continuing northeasterly 740 feet more
49 or less, along the centerline of the Quinnipiac River to the
50 northwesterly corner of land now or formerly of Edward A. Piteo (tax

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

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

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

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

84 such referendum shall be held not less than seven or more than
85 fourteen days after the receipt of such petition or the date of such
86 order, on a day to be set by the town manager for a vote by paper
87 ballots or by a "yes" or "no" vote on the voting machines, during the
88 hours between twelve o'clock noon and eight o'clock p.m.; except that
89 such town may, by vote of its town council, provide for an earlier hour
90 for opening the polls but not earlier than six o'clock a.m.,
91 notwithstanding the provisions of any special act. If voters
92 representing at least two-thirds of the assessments of holders of record
93 within the proposed district cast votes in such referendum in favor of
94 establishing the proposed district, the town manager shall reconvene
95 such meeting not later than seven days after the day on which the
96 referendum is held. Upon approval of the petition for the proposed
97 district by voters representing at least two-thirds of the assessments of
98 holders of record within the proposed district present at such meeting,
99 or if a referendum is held, upon the reconvening of such meeting after
100 the referendum, the voters, upon the vote of voters representing a
101 majority of assessments of holders of record within the proposed
102 district, shall choose necessary officers therefor to hold office until the
103 first annual meeting thereof; and the district shall, upon the filing of
104 the first report filed in the manner provided in subsection (c) of section
105 7-325 of the general statutes, thereupon be a body corporate and politic
106 and have the powers provided in sections 7-324 to 7-329, inclusive, of
107 the general statutes, not inconsistent with the general statutes or this
108 section, in relation to the objects for which it was established, that are
109 necessary for the accomplishment of such objects, including the power
110 to lay and collect taxes. The clerk of such district shall cause its name
111 and a description of its territorial limits and of any additions that may
112 be made thereto to be recorded in, and a caveat be placed upon, the
113 land records of the town of Southington.

114 (2) At the meeting called for the purpose of establishing the district
115 as provided in subdivision (1) of this subsection, the voters may
116 establish the district for any or all of the following purposes: To
117 extinguish fires, to light streets, to plant and care for shade and

118 ornamental trees, to plan, lay out, acquire, construct, maintain and
119 finance roads, sidewalks, crosswalks, drains, sewers and sewage
120 treatment facilities, utility improvements and connections, parking
121 facilities, open space, bulkhead repairs, dredging and construction,
122 environmental remediation and other infrastructure improvements
123 and to acquire, construct, maintain and regulate the use of recreational
124 facilities, to plan, lay out, acquire, construct, reconstruct, repair,
125 maintain, supervise and manage a flood or erosion control system, and
126 to plan, lay out, acquire, construct, maintain, operate, finance and
127 regulate the use of a community water system, all as hereinafter
128 referred to as the "improvements". The district may contract with a
129 town, city, borough or other district for carrying out any of the
130 purposes or the purchase or sale of any of the improvements for which
131 such district was established.

132 (3) At the meeting called for the purpose of establishing the district
133 as provided in subdivision (1) of this subsection, the voters shall fix the
134 date of the annual meeting of the voters for the election of district
135 officers and the transaction of such other business as may properly
136 come before such annual meeting. At such organizational meeting of
137 the district, the voters shall elect four directors, provided, upon its
138 organization and at all times thereafter, one additional director may be
139 appointed by the town council of the town of Southington. From such
140 directors, the voters shall elect at the organizational meeting a
141 president, vice-president, a clerk and a treasurer to serve until the first
142 annual meeting for the election of officers and thereafter such officers
143 shall be elected annually. Not fewer than three members of the board
144 of directors shall be residents of the state of Connecticut. Subject to the
145 provisions of subdivision (4) of this subsection, not fewer than fifteen
146 voters of the district shall constitute a quorum for the transaction of
147 business at such organizational meeting of the district; and if fifteen
148 voters are not present at such meeting, the town manager may adjourn
149 such meeting from time to time, until at least fifteen voters are present.
150 Special meetings of the district may be called on the application of ten
151 per cent of the total number of voters of such district or twenty of the

152 voters of such district, whichever is less, or by the president or any
153 three directors upon giving notice as provided in this subdivision. Any
154 special meeting called on the application of the voters shall be held not
155 later than twenty-one days after receiving such application. Notice of
156 the holding of the annual meeting and all special meetings shall be
157 given by publication of a notice of such meetings in a newspaper
158 having a general circulation in such district at least ten days before the
159 day of such meetings, signed by the president or any three directors,
160 which notice shall designate the time and place of such meetings and
161 the business to be transacted thereat. Two hundred or more persons or
162 ten per cent of the total number of voters of such district, whichever is
163 less, may petition the clerk of such district, in writing, at least twenty-
164 four hours prior to any such meeting, requesting that any item or items
165 on the call of such meeting be submitted to the voters not less than
166 seven or more than fourteen days thereafter, on a day to be set by the
167 district meeting or, if the district meeting does not set a date, by the
168 board of directors, or a vote by paper ballots or by a "yes" or "no" vote
169 on the voting machines, during the hours between twelve o'clock noon
170 and eight o'clock p.m., except that any district may, by vote of its
171 board of directors, provide for an earlier hour for opening the polls but
172 not earlier than six o'clock a.m. The paper ballots or voting machine
173 ballot labels, as the case may be, shall be provided by the clerk. When
174 such a petition has been filed with the clerk, the president, after
175 completion of other business and after reasonable discussion shall
176 adjourn such meeting and order such vote on such item or items in
177 accordance with the petition; and any item so voted may be rescinded
178 in the same manner. The clerk shall phrase such item or items in a
179 form suitable for printing on such paper ballots or ballot labels. Subject
180 to the provisions of subdivision (4) of this subsection, not fewer than
181 fifteen voters of the district shall constitute a quorum for the
182 transaction of business at any meeting of the district; and if fifteen
183 voters are not present at such meeting, the president of the district or,
184 in such president's absence, the vice-president, may adjourn such
185 meeting from time to time, until at least fifteen voters are present; and
186 all meetings of the district where a quorum is present may be

187 adjourned from time to time by a vote of a majority of the voters
188 voting on the question. At any annual or special meeting, the voters
189 may, by a majority vote of those present, discontinue any purposes for
190 which the district is established or undertake any additional purpose
191 or purposes enumerated in subdivision (2) of this subsection.

192 (4) (A) A quorum for the transaction of business at the meeting
193 called for the purpose of establishing the district, as provided in
194 subdivisions (1) and (3) of this subsection, shall be either fifteen voters
195 of such district or a majority of the holders of record of interests in real
196 property within such district, as long as the assessments of such
197 holders of record constitute more than one-half of the total of
198 assessments for all interests in real property within such district. If
199 fifteen voters or a majority of the holders of record of interests in real
200 property within such district are not present at such meeting or the
201 assessments of such holders of record constitute less than one-half of
202 the total of assessments for all interests in real property within such
203 district, the town manager may adjourn such meeting, from time to
204 time, until at least fifteen voters or a majority of the holders of record
205 of interests in real property within such district are present and the
206 assessments of such holders of record constitute more than one-half of
207 the total of assessments for all interests in real property within such
208 district.

209 (B) For the transaction of business at any other meeting of the
210 district, a quorum shall be either fifteen voters of the district or a
211 majority of the holders of record of interests in real property within
212 such district, as long as the assessments for such holders of record
213 constitute more than one-half of the total of assessments for all
214 interests in real property within such district. If fifteen voters or a
215 majority of the holders of record of interests in real property within
216 such district are not present at such meeting or the assessments of such
217 holders of record constitute less than one-half of the total assessments
218 for all interests in real property within such district, the president of
219 the district, or in such president's absence, the vice-president, may
220 adjourn such meeting, from time to time, until at least fifteen voters or

221 a majority of the holders of record of interests in real property within
222 such district are present and the assessments of such holders of record
223 constitute more than one-half of the total of assessments for all
224 interests in real property within such district.

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

244 (c) Whenever the officers of such district vote to terminate its
245 corporate existence and whenever a petition signed by ten per cent of
246 the total voters of such district or twenty of the voters of such district,
247 whichever is less, applying for a special meeting to vote on the
248 termination of the district is received by the clerk, the clerk shall call a
249 special meeting of the voters of such district, the notice of which shall
250 be signed by the officers thereof, by advertising the same in the same
251 manner as provided in section 7-325 of the general statutes. Not later
252 than twenty-four hours before any such meeting, two hundred or more
253 voters or ten per cent of the total number of voters, whichever is less,
254 may petition the clerk of the district, in writing, that a referendum on

255 the question of whether the district should be terminated be held in the
256 manner provided in section 7-327 of the general statutes. If, at such
257 meeting, a two-thirds majority of the voters present vote to terminate
258 the corporate existence of the district, or, if a referendum is held, two-
259 thirds of the voters casting votes in such referendum vote to terminate
260 the corporate existence of the district, the officers shall proceed to
261 terminate the affairs of such district. The district shall pay all
262 outstanding indebtedness and turn over the balance of the assets of
263 such district to the town of Southington, if the legislative body of the
264 town authorizes such action. No district shall be terminated under this
265 subsection until all of its outstanding indebtedness is paid unless the
266 legislative body of the town of Southington agrees, in writing, to
267 assume such indebtedness. On completion of the duties of the officers
268 of such district, the clerk shall cause a certificate of the vote of such
269 meeting to be recorded in the land records of the town of Southington
270 and the clerk shall notify the Secretary of the Office of Policy and
271 Management.

272 (d) (1) For purposes of voting at meetings held by such district, any
273 tenant in common of any interest in real property shall have a vote
274 equal to the fraction of such tenant in common's ownership of such
275 interest. Any joint tenant of any interest in real property shall vote as if
276 each such tenant owned an equal fractional share of such real
277 property. A corporation shall have its vote cast by the chief executive
278 officer of such corporation, or such officer's designee. Any entity that is
279 not a corporation shall have its vote cast by a person authorized by
280 such entity to cast its vote. No owner shall have more than one vote.

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

289 this subdivision.

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

295 (f) (1) Notwithstanding any provision of the general statutes,
296 including sections 7-324 to 7-329, inclusive, of the general statutes, the
297 district shall have the power to fix, revise, charge, collect, abate and
298 forgive reasonable taxes, fees, rents and benefit assessments, and other
299 charges for the cost of the improvements, financing costs, operating
300 expenses and other services and commodities furnished or supplied to
301 the real property in the district in accordance with the applicable
302 provisions of the general statutes which apply to districts established
303 under section 7-325 of the general statutes, and this section and in the
304 manner prescribed by the district. Notwithstanding any provision of
305 the general statutes, the district may make grants for, or pay the entire
306 cost of any improvements, including the costs of financing such
307 improvements, capitalized interest and the funding of any reserve
308 funds necessary to secure such financing or the debt service of bonds
309 or notes issued to finance such costs, from taxes, fees, rents, benefit
310 assessments or other revenues and may assess, levy and collect said
311 taxes, fees, rents or benefit assessments concurrently with the issuance
312 of bonds, notes or other obligations to finance such improvements
313 based on the estimated cost of the improvements prior to the
314 acquisition or construction of the improvements or upon the
315 completion or acquisition of the improvements.

316 (2) Notwithstanding any provision of the general statutes, whenever
317 the district constructs, improves, extends, equips, rehabilitates, repairs,
318 acquires or provides a grant for any improvements or finances the cost
319 of such improvements, such proportion of the cost or estimated cost of
320 the improvements and financing thereof as determined by the district,
321 may be assessed by the district, herein referred to as "benefit

322 assessments", in the manner prescribed by such district, upon the
323 property benefited by such improvements and the balance of such
324 costs shall be paid from the general funds of the district. The district
325 may provide for the payment of such benefit assessments in annual
326 installments, not exceeding thirty, and may forgive such benefit
327 assessments in any single year without causing the remainder of
328 installments of benefit assessments to be forgiven. Benefit assessments
329 to buildings or structures constructed or expanded after the initial
330 benefit assessment may be assessed as if the new or expanded
331 buildings or structures had existed at the time of the original benefit
332 assessment.

333 (3) In order to provide for the collection and enforcement of its
334 taxes, fees, rents, benefit assessments and other charges, the district is
335 hereby granted all the powers and privileges with respect thereto as
336 districts organized pursuant to section 7-325 of the general statutes,
337 and as held by the town of Southington or as otherwise provided in
338 this section. Such taxes, fees, rents or benefit assessments, if not paid
339 when due, shall constitute a lien upon the premises served and a
340 charge against the owners thereof, which lien and charge shall bear
341 interest at the same rate as delinquent property taxes. Each such lien
342 may be continued, recorded and released in the manner provided for
343 property tax liens and shall take precedence over all other liens or
344 encumbrances except a lien for taxes of the town of Southington. Each
345 such lien may be continued, recorded and released in the manner
346 provided for property tax liens.

347 (4) The budget, taxes, fees, rents, benefit assessments and any other
348 charges of the district of general application shall be adopted and
349 revised by the board at least annually no more than thirty days before
350 the beginning of the fiscal year, in accordance with the procedures to
351 be established by the board, at a meeting called by the board, assuring
352 that interested persons are afforded notice and an opportunity to be
353 heard. The board shall hold at least two public hearings on its schedule
354 of fees, rates, rents, benefit assessments and other charges or any
355 revision thereof before adoption, notice of which shall be delivered to

356 the town manager of the town of Southington and be published in at
357 least two newspapers of general circulation in the town of Southington
358 at least ten days in advance of the hearing. No later than the date of the
359 publication, the board shall make available to the public and deliver to
360 the town manager of the town of Southington the proposed schedule
361 of fees, rates, rents, benefit assessments and other charges. The
362 procedures regarding public hearing and appeal, provided by section
363 7-250 of the general statutes, shall apply for all benefit assessments
364 made by the district, except that the board shall be substituted for the
365 water pollution control authority. Should the benefit assessments be
366 assessed and levied prior to the acquisition or construction of the
367 improvements, then the amount of the benefit assessments shall be
368 adjusted to reflect the actual cost of the improvements, including all
369 financing costs, once the improvements have been completed, should
370 the actual cost be greater than or less than the estimated costs. Benefit
371 assessments shall be due and payable at such times as are fixed by the
372 board, provided the district shall give notice of such due date not less
373 than thirty days prior to such due date by publication in a newspaper
374 of general circulation in the town of Southington and by mailing such
375 notice to the owners of the property assessed at their last-known
376 address.

377 (g) (1) Notwithstanding any provision of the general statutes,
378 including sections 7-324 to 7-329, inclusive, of the general statutes,
379 whenever the district has authorized the acquisition or construction of
380 the improvements or has made an appropriation therefor, the district
381 may authorize the issuance of up to ten million dollars of bonds, notes
382 or other obligations to finance the cost of the improvements, the
383 creation and maintenance of reserves required to sell the bonds and
384 the cost of issuance of the bonds, provided no bonds shall be issued
385 prior to the district entering into an interlocal agreement with the town
386 of Southington, in accordance with the procedures provided by section
387 7-339c of the general statutes, including at least one public hearing on
388 the proposed agreement and ratification by the town council. The
389 bonds may be secured as to both principal or interest by (A) the full

390 faith and credit of the district, (B) fees, revenues or benefit assessments,
391 or (C) a combination of subparagraphs (A) and (B) of this subdivision.
392 Such bonds shall be authorized by resolution of the board. The district
393 is authorized to secure such bonds by the full faith and credit of the
394 district or by a pledge of or lien on all or part of its revenues, fees or
395 benefit assessments. The bonds of each issue shall be dated, shall bear
396 interest at the rates and shall mature at the time or times not exceeding
397 thirty years from their date or dates, as determined by the board, and
398 may be redeemable before maturity, at the option of the board, at the
399 price or prices and under the terms and conditions fixed by the board
400 before the issuance of the bonds. The board shall determine the form of
401 the bonds, and the manner of execution of the bonds, and shall fix the
402 denomination of the bonds and the place or places of payment of
403 principal and interest, which may be at any bank or trust company
404 within the state of Connecticut and other locations as designated by
405 the board. In case any officer whose signature or a facsimile of whose
406 signature shall appear on any bonds or coupons shall cease to be an
407 officer before the delivery of the bonds, the signature or facsimile shall
408 nevertheless be valid and sufficient for all purposes the same as if the
409 officer had remained in office until the delivery.

410 (2) While any bonds issued by the district remain outstanding, the
411 powers, duties or existence of the district shall not be diminished or
412 impaired in any way that will affect adversely the interests and rights
413 of the holders of the bonds. Bonds issued under this section, unless
414 otherwise authorized by law, shall not be considered to constitute a
415 debt of the state of Connecticut or the town of Southington, or a pledge
416 of the full faith and credit of the state of Connecticut or the town of
417 Southington, but the bonds shall be payable solely by the district or as
418 special obligations payable from particular district revenues. Any
419 bonds issued by the district shall contain on their face a statement to
420 the effect that neither the state of Connecticut nor the town of
421 Southington shall be obliged to pay the principal of or the interest
422 thereon, and that neither the full faith and credit or taxing power of the
423 state of Connecticut or the town of Southington is pledged to the

424 payment of the bonds. All bonds issued under this section shall have
425 and are hereby declared to have all the qualities and incidents of
426 negotiable instruments, as provided in title 42a of the general statutes.

427 (h) (1) The board may authorize that the bonds be secured by a trust
428 agreement by and between the district and a corporate trustee, which
429 may be any trust company or bank having the powers of a trust
430 company within the state of Connecticut. The trust agreement may
431 pledge or assign the revenues. Either the resolution providing for the
432 issuance of bonds or the trust agreement may contain covenants or
433 provisions for protecting and enforcing the rights and remedies of the
434 bondholders as may be necessary, reasonable or appropriate and not in
435 violation of law.

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

450 (i) Bonds issued under this section are hereby made securities in
451 which all public officers and public bodies of the state of Connecticut
452 and its political subdivisions, all insurance companies, trust
453 companies, banking associations, investment companies, executors,
454 administrators, trustees and other fiduciaries may properly and legally
455 invest funds, including capital in their control and belonging to them;
456 and such bonds shall be securities which may properly and legally be

457 deposited with and received by any state or municipal officer or any
458 agency or political subdivision of the state of Connecticut for any
459 purpose for which the deposit of bonds of the state of Connecticut is
460 now or may hereafter be authorized by law.

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

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

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

489 (m) (1) At such time as any construction or development activity
490 financed by bonds issued by the district is taking place, the clerk of the
491 district shall submit project activity reports quarterly to the Secretary
492 of the Office of Policy and Management and to the chairpersons of the
493 joint standing committee of the General Assembly having cognizance
494 of matters relating to finance, revenue and bonding.

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

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

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

522 administration of the improvements located within the district or to
 523 pledge any money or taxes to pay debt service on bonds issued by the
 524 district except as may be agreed to in any interlocal agreements
 525 executed by the town of Southington and the district.

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

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2009	New 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: See Below

Explanation

The bill authorizes the creation of a special taxing district in the Town of Southington for development and improvements to Greenway Commons. The district may issue revenue bonds to support these purposes. This will not result in a state or municipal liability for the bonds because the language specifies that the debt is not the responsibility of the State of Connecticut or the Town of Southington. This could result in an increase in Southington's grand list if it increases property values.

House "A" makes minor changes to the number of directors elected at the organizational meeting of the district, and has no fiscal impact.

House "B" makes a technical change and has no fiscal impact.

The Out Years

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

OLR Bill Analysis

sHB 5286 (as amended by House "A" and "B")

***AN ACT ESTABLISHING THE GREENWAY COMMONS
IMPROVEMENT DISTRICT IN THE TOWN OF SOUTHTON.***

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)