



# House of Representatives

General Assembly

**File No. 316**

January Session, 2009

Substitute House Bill No. 6592

*House of Representatives, March 30, 2009*

The Committee on Planning and Development reported through REP. SHARKEY of the 88th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## **AN ACT AMENDING THE CHARTER OF THE LORD'S POINT ASSOCIATION.**

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

1 Section 1. Section 1 of number 485 of the special acts of 1925 is  
2 amended to read as follows (*Effective from passage*):

3 (a) The owners of [a freehold interest in] record of any land within  
4 the limits hereinafter specified, in the locality known as Lord's Point, in  
5 the town of Stonington, shall be, while they shall continue to be  
6 owners of such land, a body politic and corporate under the name of  
7 Lord's Point Association, Incorporated. The owners and their  
8 successors shall be a corporation in law with all the powers and  
9 privileges of corporations as set forth in the general statutes and with  
10 the rights, powers, privileges and duties as provided in number 485 of  
11 the special acts of 1925, as amended by sections 15 to 21, inclusive, of  
12 special act 99-12, in number 534 of the special acts of 1935 and number  
13 485 of the special acts of 1925, as amended by sections 15 to 21,

14 inclusive, of special act 99-12 and sections 1 to 14, inclusive, of this act.  
15 Each owner shall be a member of the association provided such  
16 member is (1) an individual who has reached the legal age of majority  
17 in the state, or (2) an entity authorized to own real estate, including,  
18 but not limited to, corporations, partnerships or trusts.

19 (b) Each member shall have one vote at any meeting of the  
20 association, except that joint owners of fractional or undivided  
21 interests in any land shall be considered to be one member for the  
22 purpose of voting and shall be entitled collectively to one vote. No  
23 member shall have more than one vote. A member that is an entity  
24 shall designate a principal of such entity as a representative, provided  
25 any such designation shall be submitted to the clerk in such form as  
26 approved and issued by the association in accordance with the bylaws  
27 of the association. Each representative shall represent one entity and  
28 shall be entitled to one vote. No one other than the representative of an  
29 entity shall exercise the voting privileges of the entity unless the entity  
30 properly notifies the clerk of the change in the representative.

31 Sec. 2. Section 2 of number 485 of the special acts of 1925 is amended  
32 to read as follows (*Effective from passage*):

33 The boundaries of the territory and limits of said Lord's Point  
34 Association, Incorporated, are defined as follows: On the north by land  
35 now or formerly of the New York, New Haven and Hartford Railroad  
36 Company, on the east by land now or formerly of John S. Palmer and  
37 on the south and west by Fisher's Island Sound.

38 Sec. 3. Section 5 of number 485 of the special acts of 1925, as  
39 amended by section 16 of special act 99-12, is amended to read as  
40 follows (*Effective from passage*):

41 Said association may sue and be sued and plead and be impleaded  
42 in all courts. It may own real estate and have a common seal and may,  
43 by a majority vote, provide, through by-laws, ordinance or otherwise,  
44 for the extinguishment of fires; oiling, sprinkling, care, repair and  
45 lighting of streets; planting of trees; laying of sidewalks and

46 crosswalks; erection and maintenance of docks, breakwaters, retaining  
47 walls and bridges; dredging of harbors and creeks; care of beaches and  
48 waterfronts; maintenance of corporate property; regulation of  
49 peddling as provided for towns under section 422 of the general  
50 statutes; regulation of entertainments, concerts and celebrations;  
51 collection and disposal of garbage, ashes, refuse and night soil; the  
52 abatement and prevention of every kind of nuisance and public  
53 annoyance; the prevention and regulation of the carrying on within the  
54 limits of said association of any business prejudicial to public health or  
55 dangerous to or constituting an unreasonable annoyance to those  
56 living or owning property in the vicinity thereof; the establishment of  
57 building lines and the regulation of the construction of buildings, and  
58 may also prescribe fines and penalties for a violation of any such by-  
59 laws, ordinances or regulations, not less than [ten] one hundred dollars  
60 for any one offense, and the penalties may be recovered in any action  
61 brought for the purpose in the name of Lord's Point Association,  
62 Incorporated, before any court having jurisdiction, for the use and  
63 benefit of said association, [, and any violation of any such by-law or  
64 ordinance may be prosecuted by any grand juror or prosecuting  
65 attorney of the town of Stonington.]

66 Sec. 4. Section 6 of number 485 of the special acts of 1925 is amended  
67 to read as follows (*Effective from passage*):

68 The officers of said association shall consist of a president, vice-  
69 president, [treasurer,] clerk, treasurer and five directors, who shall  
70 compose the [executive committee,] board of directors and whose  
71 duties, in addition to those set out in [this act] number 534 of the  
72 special acts of 1935 and number 485 of the special acts of 1925, as  
73 amended by sections 15 to 21, inclusive, of special act 99-12 and  
74 sections 1 to 14, inclusive, of this act, shall be defined by the by-laws of  
75 the association. In case of a vacancy in any office, it may be filled for  
76 the unexpired portion of the term by majority vote of the remainder of  
77 the [executive committee] board of directors. The directors serving on  
78 the effective date of this section shall serve until the next annual  
79 meeting.

80 Sec. 5. Section 7 of number 485 of the special acts of 1925 is amended  
81 to read as follows (*Effective from passage*):

82 Said [executive committee] board of directors may appoint and  
83 remove police officers to act within the limits of said association, who  
84 shall have the powers of constables within said limits, for the purpose  
85 of making arrests for violation of any law or regulation or by-law of  
86 said association. [, and said committee] The board of directors may fix  
87 the compensation of [such] (1) police officers [; may fix the  
88 compensation of the treasurer] under this section, (2) the president,  
89 vice-president, clerk and treasurer, and (3) any employee of the  
90 association. [and] The board of directors may authorize the treasurer to  
91 borrow money, in its behalf, and issue its obligations therefor, in an  
92 amount not exceeding five [percentum] per cent of the amount of its  
93 assessment list, hereinafter referred to.

94 Sec. 6. Section 8 of number 485 of the special acts of 1925, as  
95 amended by section 17 of special act 99-12, is amended to read as  
96 follows (*Effective from passage*):

97 [The first annual meeting of said association shall be held two  
98 weeks after the date of the adoption of this act, as hereinafter  
99 provided.] The annual meeting will be held on the last Saturday in  
100 May [at 8:00 p.m. in] of each year, at which time the officers shall be  
101 elected, reports presented, by-laws adopted and such other business  
102 transacted as may be contained in the call.

103 Sec. 7. Section 11 of number 485 of the special acts of 1925 is  
104 amended to read as follows (*Effective from passage*):

105 Said [executive committee] board of directors shall establish a  
106 public sign-post within the limits of said association.

107 Sec. 8. Section 13 of number 485 of the special acts of 1925, as  
108 amended by section 18 of special act 99-12, is amended to read as  
109 follows (*Effective from passage*):

110 The clerk of said association or clerk's designee, on or before [June]

111 May first of each year, shall prepare an assessment list of all the real  
112 estate in said district, including therein the value of the houses,  
113 buildings and improvements thereon, placing in the name of each  
114 member of the association such land, buildings and improvements as  
115 are assessed to each member on the last [assessment] grand list of the  
116 town of Stonington, at the value at which they stand on such  
117 [assessment] grand list. When any piece of land so assessed in the list  
118 of the town of Stonington shall be partly within and partly without  
119 said district, such clerk shall assess the part within said district in the  
120 proportion which the part within the district bears to the whole tract so  
121 assessed, using his best judgment as to such value. Such clerk shall, on  
122 or before the second day of [June] May, report such list to the  
123 [executive committee] board of directors, which shall revise such list,  
124 and, if said [committee] board of directors shall find that in any  
125 particular it does not correspond with the last [assessment] grand list  
126 of the town of Stonington, or, if said [committee] board of directors  
127 shall find that there are any errors in the proportional valuation of  
128 such parts of any piece of property as are partly within and partly  
129 without the territory of said association, said [committee] board of  
130 directors shall correct the same, and said list, when so revised and if  
131 necessary corrected, shall be adopted by said [executive committee]  
132 board of directors, and shall then be and constitute the [assessment]  
133 grand list for said association. Such list shall be revised and completed  
134 and recorded by the clerk in the books of the association on or before  
135 the first day of July next succeeding, and such [assessment] grand list  
136 shall be open to inspection by any member of the association.

137 Sec. 9. Section 14 of number 485 of the special acts of 1925 is  
138 amended to read as follows (*Effective from passage*):

139 Any person claiming to be aggrieved by any such proportional  
140 valuation in such assessment by said [committee] board of directors  
141 may appeal to the superior court in the manner provided by the  
142 general statutes for appeals from boards of relief.

143 Sec. 10. Section 15 of number 485 of the special acts of 1925, as

144 amended by section 19 of special act 99-12, is amended to read as  
145 follows (*Effective from passage*):

146 Said association, at its annual meeting or at any special meeting  
147 called for that purpose between the last Saturday in May and  
148 September first in any year, may, by a majority vote, lay a tax for the  
149 purpose of carrying out its objects as herein specified, not exceeding  
150 seven mills on the dollar of the total value of the property as shown by  
151 its assessment list hereinbefore provided for, which tax shall be  
152 collected by the treasurer or by any collector specially appointed by  
153 the [executive committee] board of directors for that purpose. [Each  
154 assessment so made, with interest thereon, shall be a debt due to said  
155 association from the owner or owners of land upon which it was made,  
156 as such ownership appears from the land or probate records of the  
157 town and district of Stonington on the first day of June before such  
158 assessment was made.]

159 Sec. 11. Section 16 of number 485 of the special acts of 1925, as  
160 amended by section 20 of special act 99-12, is amended to read as  
161 follows (*Effective from passage*):

162 Each tax imposed, with interest thereon, shall be a debt due to said  
163 association from the owner or owners of land upon which it was  
164 imposed. Written notice of the rate of such tax, and the amount  
165 apportioned to each member of the association, shall be sent by the  
166 treasurer or the treasurer's designee to each member of the association  
167 within ten days of the first day of the uniform fiscal year and such tax  
168 shall be due on July first and payable [within] not more than thirty  
169 days [from] after the sending of such notice, and, if such tax shall not  
170 be paid [when due,] by the thirtieth day after the due date, then it shall  
171 bear interest at the rate of eighteen percentum per annum from the  
172 date it was payable. The treasurer, or the treasurer's designee, shall  
173 have all the powers of collectors of town taxes, and shall be  
174 accountable to the [executive committee] board of directors in the same  
175 manner as town collectors are accountable to selectmen. Each such tax  
176 shall be a lien upon the property upon which it shall be laid, for [one

177 year from] two years after the first day of June before such assessment  
178 was made. [, and may be collected by suit in the name of the  
179 association or by foreclosure of such lien.] Such lien may be continued  
180 by certificate which shall be recorded in the land records of the town of  
181 Stonington, pursuant to the provisions of the general statutes relating  
182 to the continuance of tax liens. The tax may be collected by suit in the  
183 name of the association or by foreclosure of such lien.

184 Sec. 12. Section 17 of number 485 of the special acts of 1925, as  
185 amended by section 21 of special act 99-12, is amended to read as  
186 follows (*Effective from passage*):

187 No contract which shall involve an expenditure of five per cent or  
188 more of the budget of the current fiscal year in any year shall be made  
189 by the president and directors, unless the same shall be specially  
190 authorized by a vote of the association. The president and directors  
191 shall not, within any year, make contracts or incur obligations which  
192 shall, in the aggregate, amount to more than the sum of five per cent of  
193 the budget of the current fiscal year, unless the same shall be  
194 authorized by a vote of the association. [, and the] The president and  
195 directors shall not borrow money without authority of the association.

196 Sec. 13. Section 18 of number 485 of the special acts of 1925 is  
197 amended to read as follows (*Effective from passage*):

198 [This act] The provisions of number 534 of the special acts of 1935  
199 and number 485 of the special acts of 1925, as amended by sections 15  
200 to 21, inclusive, of special act 99-12 and sections 1 to 14, inclusive, of  
201 this act, shall not take effect until [it] said provisions shall have been  
202 adopted by a majority vote of the persons described in section [one of  
203 this act] 1 of number 485 of the special acts of 1925, as amended by  
204 section 1 of this act, voting as provided in section three of this act,  
205 which shall be present at a meeting called for that purpose by the  
206 [secretary] clerk of Lord's Point Association, by mailing a notice of said  
207 meeting to each of such land owners, so far as the same may be  
208 obtained from the tax collector of the town of Stonington, to his, her or  
209 its last known address, and by posting a notice thereof on the building

210 containing the postoffice located within the limits of said association,  
211 not less than two weeks before the time of said meeting.

212       Sec. 14. (*Effective from passage*) Proposed amendments to number 534  
213 of the special acts of 1935 and number 485 of the special acts of 1925, as  
214 amended by sections 15 to 21, inclusive, of special act 99-12 and  
215 sections 1 to 14, inclusive, of this act shall require approval by a  
216 majority vote of the persons described in section 1 of number 485 of  
217 the special acts of 1925, as amended by section 1 of this act, voting as  
218 provided in said section 1, who shall be present at the meeting. Any  
219 such meeting shall be called by the clerk of the Lord's Point  
220 Association for the purpose of amending number 534 of the special  
221 acts of 1935 and number 485 of the special acts of 1925, as amended by  
222 sections 15 to 21, inclusive, of special act 99-12 and sections 1 to 14,  
223 inclusive, of this act by (1) mailing a notice of the meeting to each of  
224 such land owners, according to the tax collector of the town of  
225 Stonington to the last-known address of the land owners, and (2)  
226 posting a notice thereof on the public signpost located within the limits  
227 of said association, not less than two weeks before the time of the  
228 meeting. Proposed amendments to sections 1 to 14, inclusive, of this  
229 act shall be submitted to the joint standing committee of the General  
230 Assembly having cognizance of matters relating to planning and  
231 development for approval. The committee may hold a public hearing  
232 on the amendments and shall approve or reject such amendments not  
233 more than thirty days after the date of receipt of the amendments. If  
234 the committee does not take action on the amendments by such date  
235 the amendments shall be deemed approved. The proposed  
236 amendments shall take effect pursuant to the provisions of this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	Number 485 of the special acts of 1925, Sec. 1

Sec. 2	<i>from passage</i>	Number 485 of the special acts of 1925, Sec. 2
Sec. 3	<i>from passage</i>	Number 485 of the special acts of 1925, Sec. 5
Sec. 4	<i>from passage</i>	Number 485 of the special acts of 1925, Sec. 6
Sec. 5	<i>from passage</i>	Number 485 of the special acts of 1925, Sec. 7
Sec. 6	<i>from passage</i>	Number 485 of the special acts of 1925, Sec. 8
Sec. 7	<i>from passage</i>	Number 485 of the special acts of 1925, Sec. 11
Sec. 8	<i>from passage</i>	Number 485 of the special acts of 1925, Sec. 13
Sec. 9	<i>from passage</i>	Number 485 of the special acts of 1925, Sec. 14
Sec. 10	<i>from passage</i>	Number 485 of the special acts of 1925, Sec. 15
Sec. 11	<i>from passage</i>	Number 485 of the special acts of 1925, Sec. 16
Sec. 12	<i>from passage</i>	Number 485 of the special acts of 1925, Sec. 17
Sec. 13	<i>from passage</i>	Number 485 of the special acts of 1925, Sec. 18
Sec. 14	<i>from passage</i>	New section

**Statement of Legislative Commissioners:**

In sec. 4, "servicing" was changed to "serving", in sec. 11, "not more than thirty days" was changed to "by the thirtieth day" for accuracy, and in sec. 13, "it" was changed to "[it] said provisions" for clarity.

**PD**      *Joint Favorable Subst.-LCO*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

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***OFA Fiscal Note***

***State Impact:*** None

***Municipal Impact:*** None

***Explanation***

The bill updates and makes technical revisions to the Lord's Point Association. There is no state or municipal impact resulting from any of the changes.

***The Out Years***

None

**OLR Bill Analysis**

**sHB 6592**

***AN ACT AMENDING THE CHARTER OF THE LORD'S POINT ASSOCIATION.***

**SUMMARY:**

The Office of Legislative Research does not analyze Special Acts.

**COMMITTEE ACTION**

Planning and Development Committee

Joint Favorable

Yea 19 Nay 0 (03/11/2009)