



General Assembly

Substitute Bill No. 6592

January Session, 2009

* HB06592PD 031709 *

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
81 amended 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 "servicing", 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*