



**Substitute House Bill No. 5540**

**Special Act No. 14-2**

**AN ACT AMENDING THE CHARTERS OF THE CIVIC ASSOCIATION OF SHORT BEACH IN THE TOWN OF BRANFORD AND THE MATTABASSETT DISTRICT.**

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

Section 1. Section 1 of number 122 of the special acts of 1921 is amended to read as follows (*Effective from passage*):

All of the owners of [cottages and] dwellings within the limits hereinafter specified in the locality known as Short Beach, in the town of Branford, are constituted a body politic and corporate by the name of The Civic Association of Short Beach, Connecticut, and by that name they and their successors shall be a corporation capable of suing and being sued, pleading and being impleaded, in all courts of whatever nature, and also of purchasing, leasing, receiving by gift, devise or bequest, holding and conveying any estate, real or personal; and shall have a common seal, with the privilege of altering it at pleasure; and shall be vested with and possess the powers hereinafter specified.

Sec. 2. Section 2 of number 122 of the special acts of 1921 is amended to read as follows (*Effective from passage*):

The object of [this] said association is to provide protection for the property, health and morals of the inhabitants of said district, the

**Substitute House Bill No. 5540**

promotion of order therein, the improvement of the property in said district and the comfort and convenience of persons living therein.

Sec. 3. Section 3 of number 122 of the special acts of 1921 is amended to read as follows (*Effective from passage*):

The limits of the territory of said association are defined and established as follows: All that territory in said town of Branford on the shore of Long Island sound, commencing at Page's [cove] Cove bridge, thence running due north five hundred feet, thence westerly in a straight line to a point in the division line of lands now or formerly owned by Emma S. Bradley and Caroline A. Altmannsberger, which point is one hundred feet easterly and southerly on said division line from Clark [avenue] Avenue, thence northerly and westerly on said division line to said Clark [avenue] Avenue, thence northerly and westerly in a straight line passing through the point of intersection of the most northerly point of the upland now owned by Truman H. Bristol and the meadow just north of the same to Farm [river] River, thence southerly by low-water line of said river to the Gut, thence easterly by low-water line to Page's [cove] Cove, thence northerly by low-water line to place of beginning.

Sec. 4. Section 4 of number 122 of the special acts of 1921 is amended to read as follows (*Effective from passage*):

All [electors of this state now owning a cottage or dwelling within said limits, and all electors of this state who shall own any cottage or] natural persons over eighteen years of age owning a fee property interest in a dwelling within said limits [,] shall be [freemen] members of said [The Civic Association of Short Beach, Connecticut,] association and entitled to vote in any meeting of such [freemen, and shall be eligible to any office provided for in this act. If the owner of any cottage or dwelling within said limits shall not be an elector of this state, then such owner may select and appoint by proxy some person

**Substitute House Bill No. 5540**

who shall be an elector of this state to act instead of and for said owner.] members if an elector of the state of Connecticut. Any member not an elector of this state may appoint such an elector, in writing, on a form prescribed by the executive board, to vote for said member. Any member of the association whose primary residence is within the limits of the association shall be eligible to be a member of any board provided for by this charter.

Sec. 5. Section 5 of number 122 of the special acts of 1921 is amended to read as follows (*Effective from passage*):

[The first meeting of the freemen of said corporation shall be held on the last Friday evening in July, 1921, at the chapel at said Short Beach for the purpose of electing an executive board to consist of nine freemen of said association who shall hold office as hereinafter specified and until others shall be chosen in their places, unless they shall sooner sell their property, or remove from the limits of said association, three members of which board so elected shall hold office for one year from the first day of August next succeeding, three members of which board shall hold office for two years from the first day of August next succeeding, and three members of which board shall hold office for three years from the first day of August next succeeding. At each annual meeting after the year 1921 there shall be three members of said board elected for three years from the first day of August next succeeding. Annual meetings thereafter shall be held on the last Friday evening of July of each year, at such place as the executive board shall direct and warn.] There shall be a nine-member executive board of the association whose powers and duties are enumerated in section 10 of number 122 of the special acts of 1921, as amended by this act.

Sec. 6. Section 6 of number 122 of the special acts of 1921 is amended to read as follows (*Effective from passage*):

**Substitute House Bill No. 5540**

[Charles H. DeForest, Dr. Frank P. Roberts, Harry Killam, Charles Gay, Charles J. Lehr and John W. Knopwood or a majority of them, shall have full power and authority to warn the first meeting of the freemen of said association for the purpose of electing nine freemen to form an executive board, which warning shall be written or printed, signed by a majority of said board, and two copies at least posted in public places in each of the localities known as the Short Beach post office and the chapel, at least six days before such meeting, and notice of the same sent by mail to each cottage owner in said territory; and either one of such committee may call the meeting to order and lead the same to a choice of a moderator or clerk, or, in the absence of any motion to elect a moderator, he may lead such meeting to the choice of a clerk and the election of an executive board. All subsequent meetings, annual or special, shall be warned by said executive board in the manner by them prescribed in rules or by-laws made by said board.] There shall be an eight-member zoning board of appeals that shall have the powers and duties enumerated in title 8 of the general statutes. The zoning board of appeals shall consist of five regular members and three alternate members.

Sec. 7. Section 7 of number 122 of the special acts of 1921 is amended to read as follows (*Effective from passage*):

[Any vacancy in said board occurring by death, resignation or removal from said limits or otherwise may be filled by the majority of the remaining members, and such member so appointed shall hold office until the next annual meeting of said association, at which annual meeting said association shall elect a member to hold office for the remainder of the unexpired term.]

(a) An annual meeting of the members of said association shall be held on the first Friday in June of every calendar year. The executive board shall select the time and location of such annual meeting and provide notice to members of the association by first class mail not

**Substitute House Bill No. 5540**

later than two weeks prior to the date of such annual meeting. In the event the executive board wishes to hold the annual meeting on any date other than that specified above, the executive board shall select such date by majority vote not later than six months prior to the date of the annual meeting specified above. The annual meeting shall be conducted pursuant to Robert's Rules of Order.

(b) At such meeting:

(1) Three members of the executive board shall be elected by majority vote of the association members in attendance at said meeting. The term of the members so elected shall be for three years commencing on the date of the first executive board meeting following the annual meeting.

(2) At the first annual meeting following the adoption of sections 1 to 13, inclusive, of number 122 of the special acts of 1921, as amended by this act, all members of the zoning board of appeals shall be elected by majority vote of the association members in attendance at such meeting. The term of such members shall commence on the date of the first meeting of the zoning board of appeals following the annual meeting and shall be for the following terms: (A) Three years for two regular members and one alternate member; (B) two years for two regular members and one alternate member; and (C) one year for one regular member. At all subsequent annual meetings, the election of members to fill expired terms of the zoning board of appeals shall be for three years.

(3) The executive board shall provide a written statement of income and expenditures to members of the association.

(4) The executive board shall orally report on issues of current interest and consider new issues raised by members of the association.

Sec. 8. Section 8 of number 122 of the special acts of 1921 is amended

**Substitute House Bill No. 5540**

to read as follows (*Effective from passage*):

[The executive board shall hold its first regular meeting in the year 1921 on the evening of the first Monday in August next following the annual meeting of the association and notice of the time and place of meeting shall be given by the clerk of the association by leaving with or at the usual place of abode of each member a written notice signed by said clerk, specifying the time and place of such meeting, or by sending such notices by mail at least twenty-four hours before said meeting or verbally. A majority of said executive board shall constitute a quorum at any meeting thereof. And said board shall elect by ballot from its own members a president, vice-president, treasurer and clerk of said association, who shall hold office until the first day of August, 1922, or until their successors shall be appointed and they shall also be president, vice-president, treasurer and clerk of said executive board. The duties of each of these officers shall be as defined by the by-laws of said association. It shall be the duty of such president or clerk on the signed written request of any three members of said board to call a meeting of said board.] Any vacancy in the executive board or the zoning board of appeals that occurs by death, resignation or failure to meet the eligibility requirements for membership shall be filled by majority vote of the executive board. At the first annual meeting following such vote, a member of the association shall be elected by the association to fill the vacancy for the remainder of the unexpired term.

Sec. 9. Section 9 of number 122 of the special acts of 1921 is amended to read as follows (*Effective from passage*):

[The executive board shall have the care, custody and management of all funds and property of said association, and, when assembled according to law, shall have power to make regulations for the management and control of such property and its transfer and conveyance; also to make regulations concerning the time and place of

**Substitute House Bill No. 5540**

meetings of said executive board and of said association, so far as they are not inconsistent with any of the special provisions of this act, also to regulate the method of assessment and collection of assessments for association purposes, and to fix the time when such assessments become due and payable; also to prescribe the duties and compensation of all officers and employees of said association. The president, vice-president and treasurer shall serve without compensation except that they shall receive their actual expenses.] The executive board shall hold regular monthly meetings on the evening of the second Monday of the month or on such other date as shall be voted upon by the executive board. A majority of the executive board shall constitute a quorum at any meeting thereof. At the first executive board meeting following the annual meeting of the members of the association, the executive board shall elect from its own members a president, vice-president, treasurer and clerk of the association, each of whom shall hold office for a term of one year or until a successor is elected. The duties of each officer shall be defined by the bylaws of the association. Upon written request signed by any three members of the executive board, the president or clerk shall call a special meeting of the board.

Sec. 10. Section 10 of number 122 of the special acts of 1921 is amended to read as follows (*Effective from passage*):

[Said executive board shall possess power, when legally assembled, to pass, amend or repeal by-laws, regulations and ordinances to accomplish the objects specified in section two of this act, and particularly for the purposes of assisting the fire department and for the fire apparatus; to construct and maintain piers and docks and regulate the use thereof; to provide parks and to regulate the use thereof, and to provide for the drainage thereof; to regulate the erection of all lamp posts, telegraph, telephone and electric light poles and the wires and fixtures thereof; to provide for the public lighting

***Substitute House Bill No. 5540***

and watering of the streets; to regulate the planting, removal, protection and preservation of trees in the streets; to keep the streets and all public places within the limits of said association quiet from all undue noise, and to prohibit the crying of newspapers and other wares on Sunday or at any unusual hours upon the streets of said association; to regulate the running at large of animals in said district; to preserve peace and order; to prevent vice, immorality and indecency; to suppress gambling houses; houses of ill fame, houses resorted to for the purposes of prostitution and lewdness, and disorderly houses; to prevent assemblages of persons on the sidewalks to the obstruction, hindrance or annoyance of the public; to prevent and summarily abate every kind of nuisance and public annoyance; to regulate the use and construction of cesspools, septic tanks, drains, sewers and privies, and the place and method of discharge of the same; to regulate and prevent the use of pigpens and the deposit of night-soil, filth, garbage, ashes or rubbish within the limits of said association; to compel the removal from any place in said association of all nuisances injurious to health or offensive or annoying to the public, at the expense of the owner of the premises where such nuisance exists; to prevent and regulate the removal and the manner of removal of any offensive manure, swill, night-soil or other substance upon the streets within the limits of said association; to prevent and regulate the carrying on within said association limits of any business prejudicial to the public health or dangerous to or constituting an unreasonable annoyance to those living or owning property in the vicinity thereof; to regulate the naming of the public streets; to regulate traffic and the parking of motor vehicles and other vehicles upon the streets within the limits of said association. And said executive board may also prescribe fines and penalties for a violation of any such by-laws, ordinances or regulations, not exceeding twenty-five dollars for any one offense, and the penalties may be recovered, in any proper action brought for that purpose in the name of The Civic Association of Short Beach, Connecticut, before any court having jurisdiction, for the use and



**Substitute House Bill No. 5540**

benefit of said association; and the violation of any of the said by-laws or ordinances imposing a fine may be prosecuted by a grand juror or prosecuting attorney of the town of Branford as in other criminal cases.]

When assembled according to law, the executive board shall possess the power to enact, amend or repeal bylaws and zoning ordinances to accomplish the objects specified in section 2 of number 122 of the special acts of 1921, as amended by this act. In addition, the executive board shall have the power to:

(1) Construct and maintain parks, piers and docks and regulate the use thereof; regulate the erection of all lamp posts and telephone, cellular telephone and electric light poles and the wires and fixtures thereof; regulate the planting, protection and preservation of trees in the streets; keep the streets and all public places within the limits of the association quiet from all undue noise; regulate the running at large of animals in the district; preserve peace and order; prevent and summarily abate every kind of nuisance and public annoyance; compel removal from any place in said association of all nuisances injurious to health or offensive or annoying to the public, at the expense of the owner or owners of the premises on which such nuisances exist; prevent and regulate the carrying on within the limits of the association of any business prejudicial to the public health or dangerous to or constituting an unreasonable annoyance to those living or owning property in the vicinity thereof; and regulate traffic and parking of motor vehicles and other vehicles upon the streets within the limits of the association.

(2) Appoint or hire police officers to act within the limits of said association who shall have all powers to enforce said bylaws and regulations as provided for by the general statutes. The executive board may fix the compensation of such police officers.

***Substitute House Bill No. 5540***

(3) Manage and regulate all funds and property of said association. No conveyance of real property of the association shall occur unless approved of by a majority vote of the association at its annual meeting.

(4) Enact regulations concerning the time and place of meetings of the executive board and of said association, so far as they are not inconsistent with any of the provisions of sections 1 to 13, inclusive, of number 122 of the special acts of 1921, as amended by this act.

(5) Assess and apportion the expense and cost of all matters herein authorized among all owners of real property within the limits of the association by setting the amount of such assessments, regulating the method and collection of such assessments and fixing the time when such assessments become due and payable. The annual assessment for the owner of any developed discrete parcel of real property shall not exceed the sum of one hundred dollars per dwelling unit or business unit. No assessment shall increase by more than ten per cent annually. The executive board may collect all such assessments by: (A) Suit at law in the name of the association; (B) filing a lien upon any property upon which any such assessment has been made at any time within one year after the assessment has become due and payable and to prosecute foreclosure proceedings to collect said lien; and (C) any other method permitted by the general statutes.

(6) Prescribe the compensation of all officers and employees of said association except that the president and vice-president shall serve without compensation other than to receive reimbursement of incurred expenses.

(7) Prescribe fines and penalties for a violation of any bylaw or ordinance, which shall be recoverable in any manner permitted by the general statutes. Any offense continuing for more than one day shall be considered a new offense for each day.

**Substitute House Bill No. 5540**

(8) Serve as the zoning commission within the limits of the association.

Sec. 11. Section 11 of number 122 of the special acts of 1921, as amended by section 1 of number 458 of the special acts of 1937, is amended to read as follows (*Effective from passage*):

[The executive board shall have control of all sidewalks, crosswalks and footpaths in the streets of said association, but not of the construction and repairs of the highway. It is also empowered to lay out sidewalks, establish their grade and curb lines; to designate what streets shall have sidewalks constructed thereon, to pass ordinances requiring the building of sidewalks and the proper care of the same, and regarding the removal of ice, snow, rubbish, ash heaps, piles of lumber and other obstructions and incumbrances. Whenever the executive board shall lay out and construct any sidewalk on any street, the adjoining property, or the owner thereof, shall be assessed for one-half the cost of the same; and in case any adjoining property, or the owner thereof, shall refuse to pay such assessment, it shall be and remain a lien or real incumbrance on said property in favor of said association, and the payment thereof may be enforced by said association in a civil action in the name of the treasurer of said association, or by foreclosure, or by any other proper remedy; provided such lien shall not be good for a longer period than sixty days after such assessment or lien shall be made unless a certificate in writing, made and signed by the president or treasurer of said association, describing the premises, the amount claimed as a lien, the date of the ordinance requiring the sidewalk to be built, the date of the completion of the sidewalk by said association, and the date of the assessment thereof, shall be lodged with the town clerk of Branford. Whenever the executive board shall require, by ordinance, that any sidewalk be cleared of ice and snow, and the owners of adjoining property shall fail to clear the same within the time and in the manner

**Substitute House Bill No. 5540**

required by said ordinance, then the executive board or other proper officer or authority shall cause such snow or ice to be removed, and the cost of such removal, and such fine as the executive board may by ordinance impose, shall be and remain a lien upon the adjoining property, and may be collected in the same manner as is provided herein in case of neglect to build a sidewalk.] The enactment, amendment or repeal of any bylaw or zoning ordinance in effect on the effective date of this section may only be made by a two-thirds vote of the executive board. No enactment, amendment or repeal of any bylaw or ordinance shall take effect or be enforced until: (1) The same has been posted for at least three days as provided by the bylaws of said association; (2) fifteen days after the date of passage have expired; and (3) notice is given in accordance with the general statutes. A certificate of the clerk of said association of the due posting of any action taken pursuant to this section shall be prima facie evidence of such posting.

Sec. 12. Section 12 of number 122 of the special acts of 1921 is amended to read as follows (*Effective from passage*):

[Any party that may be aggrieved by any order of the executive board requiring the construction of any sidewalk, or the payment of any part of the expense thereof, may appeal therefrom in the manner prescribed in sections 475, 476, 477 and 478 of the general statutes, and with like effect.] Upon the petition, filed with the clerk, of not less than thirty members of the association, the president shall call a special meeting. Such special meeting shall be held not later than thirty days after the date on which the petition is filed and shall be held for the purpose of discussing and considering any matters of interest to the association named in such petition.

Sec. 13. Section 13 of number 122 of the special acts of 1921 is amended to read as follows (*Effective from passage*):

[Said executive board may appoint police officers, to act within the

**Substitute House Bill No. 5540**

limits of said association, who shall have all the powers of constables in said district for the purpose of making arrests for violation of law or of the by-laws, regulations and ordinances of said association, and said executive board may fix the compensation of such police officers.] This Amendment and Restatement of the Charter of the Civic Association of Short Beach, Connecticut shall take effect upon approval by the General Assembly of the state of Connecticut.

Sec. 14. Section 2 of number 240 of the special acts of 1961, as amended by section 1 of number 134 of the special acts of 1963, section 1 of number 124 of the special acts of 1967 and section 1 of special act 11-15, is amended to read as follows (*Effective from passage*):

(a) Within sixty days after action to establish said Mattabasset District has been initiated as set forth in section 1 of number 240 of the special acts of 1961, the legislative bodies of the city of New Britain, and such of the towns of Berlin and Cromwell as have indicated an intention of forming such district, shall meet individually at a time and place designated by the presiding officer of the city council in the case of New Britain and by the first selectman in the case of Berlin and Cromwell, and each city and town shall provide, by resolution of its legislative body, for the appointment of its representative to the board of directors for said Mattabasset District, which board of directors shall consist of seven representatives from the city of New Britain, three representatives from the town of Berlin and two representatives from the town of Cromwell. Of the representatives so appointed by the city of New Britain, three shall serve for terms of three years, three for terms of two years and one for a term of one year as determined by the legislative body. Of the representatives so appointed by the town of Berlin, two shall serve for terms of two years and one for a term of one year, as so determined. Of the representatives appointed by the town of Cromwell, one shall be appointed for a term of two years and one shall be appointed for a term of one year. Thereafter, appointments

**Substitute House Bill No. 5540**

shall be for terms of three years and the total number of representatives on the board of directors shall be twelve unless the provisions of subsection (c) of this section apply.

(b) The city of Middletown may apply for admission to said Mattabassett District by vote of its legislative body. The board of directors of said Mattabassett District shall review such application for admission and shall recommend approval of such application to the constituent municipalities upon receipt of a payment by said city in the amount of thirteen million dollars. The city of Middletown shall be admitted as a constituent municipality upon approval by the legislative bodies of the existing constituent municipalities. If the city of Middletown is admitted to the Mattabassett District pursuant to this subsection, the provisions of subsection (c) of this section shall apply.

(c) (1) The number of representatives on the board of directors of the Mattabassett District shall be determined as follows: (A) Each constituent municipality shall be represented by a base number of three representatives from each constituent municipality, and (B) each constituent municipality whose population, minus five thousand, is greater than the result of dividing the aggregate population of the constituent municipalities by the number of constituent municipalities shall be entitled to additional population-based compensatory representation. The number of additional representatives to which a constituent municipality is entitled may be calculated by (i) dividing the aggregate population of the constituent municipalities by the number of constituent municipalities, (ii) subtracting the result from the population of the constituent municipality, minus five thousand, (iii) dividing the result by fifteen thousand, and (iv) rounding the result up to the nearest whole number. The population of each municipality shall be determined according to the last-completed federal census.

(2) At the first meeting following the date on which the city of

**Substitute House Bill No. 5540**

Middletown receives final approval for admission to said Mattabassett District, the board of directors of said Mattabassett District shall allocate the representatives on such board in accordance with subdivision (1) of this subsection. Such board of directors shall meet not later than sixty days after the publication of each federal census to determine whether a reapportionment in the number of representatives on the board of directors is required. If such board determines at such meeting that a reapportionment is required, each constituent municipality affected by such reapportionment shall increase or decrease its representatives on such board, as applicable, not later than one year after the date on which the board makes such determination.

(3) Each constituent municipality shall select its representatives on the board of directors of the Mattabassett District by a vote of its legislative body, except a constituent municipality may, by vote of such legislative body, use an alternative means of selection. For purposes of this section, alternative means of selection may include, without limitation, direct election by the electors of a constituent municipality. Each constituent municipality shall determine the term of office of each of its representatives on such board of directors, provided no such term of office shall be more than three years.

(4) After the city of Middletown has been admitted to the Mattabassett District and the board of directors of said Mattabassett District has been apportioned and selected in accordance with this subsection, such board of directors shall select an initial chairperson. The initial chairperson shall be a representative from the constituent municipality with the greatest population, according to the last-completed federal census, and shall be elected from the representatives [to] from such municipality by a majority vote of all of the representatives on the board, except that if a representative from such municipality is unable to serve as chairperson, the chairperson shall be

**Substitute House Bill No. 5540**

elected from the full membership of the board of directors by a vote of all of the representatives on the board. The term of office of such initial chairperson shall not exceed seven years. Upon the expiration of such term of office, each subsequent chairperson shall be elected from the full membership of the board of directors by a vote of all of the representatives on the board.

(d) Beginning on the date on which the city of Middletown is admitted to the Mattabassett District pursuant to subsection (b) of this section, and annually thereafter, the Mattabassett District shall provide to the town of Cromwell a payment in the amount of one hundred thousand dollars. Such a payment shall be made after all payments of debt service on prior bonds of said Mattabassett District have been made for such fiscal year and shall not be made from amounts generated from sewerage system service charges, connection charges, benefit assessments or amounts paid in lieu of service charges by the constituent municipalities.

Sec. 15. Sections 14 and 15 of number 122 of the special acts of 1921, section 16 of number 122 of the special acts of 1921, as amended by section 2 of number 458 of the special acts of 1937 and special act 86-23, and sections 17 to 19, inclusive, of number 122 of the special acts of 1921 are repealed. (*Effective from passage*)

Approved May 12, 2014