



House of Representatives

General Assembly

File No. 533

January Session, 2015

House Bill No. 6967

House of Representatives, April 8, 2015

The Committee on Planning and Development reported through REP. MILLER, P. of the 36th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT ESTABLISHING THE CEDAR HILLS INFRASTRUCTURE IMPROVEMENT DISTRICT WITHIN THE TOWN OF NORTH HAVEN.

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

1 Section 1. (*Effective July 1, 2015*) (a) For purposes of this section:

2 (1) "District" means that certain real property, situated in the town
3 of North Haven, the county of New Haven and the state of
4 Connecticut, the Cedar Hills Infrastructure Improvement District, a
5 body politic and corporate, subject to sections 7-324 to 7-329, inclusive,
6 of the general statutes, except as otherwise provided in this section and
7 consisting of the area bounded and described as follows: All that
8 certain piece or parcel of land with the buildings thereon standing,
9 situated in the town of North Haven, county of New Haven and state
10 of Connecticut, more particularly bounded and described as follows:
11 Beginning at a point on the westerly line of land now or formerly of
12 Conrail, said point being the northeasterly most point of the parcel
13 herein described, and located at North 187,664.0573 East 566,341.8771
14 of the Connecticut state plane coordinate system (NAD27); thence

15 running N 58°24'57" W a distance of 288.93 feet along lands now or
16 formerly of Bartram Realty Co., Inc. Exit Nine Ltd. partnership, and
17 Michael Schiavone each in part to a point; thence running along land
18 now or formerly of the state of Connecticut, S 37°08'46" W a distance of
19 714.93 feet to a point; thence running the following courses and
20 distances along land now or formerly of Amtrak: S 53°31'42" E a
21 distance of 50.00 feet to a point; S 36°28'18" W a distance of 770.00 feet
22 to a point; S 37°35'53" W a distance of 1050.12 feet to a point; along a
23 curve to the left, with an arc length of 81.88 feet, a radius of 521.14 feet,
24 delta 09°00'08" to a point; S 28°35'45" W a distance of 335.00 feet to a
25 point; S 26°38'12" W a distance of 968.32 feet to a point; along a curve
26 to the right, with an arc length of 337.56 feet, a radius of 2296.39 feet,
27 delta 08°25'20" to a point; S 37°42'34" W a distance of 624.49 feet to a
28 point; S 43°02'53" W a distance of 41.32 feet to a point; S 52°24'11" E a
29 distance of 30.14 feet to a point; S 46°38'25" W a distance of 486.97 feet
30 to a point; along a curve to the right, with an arc length of 163.54 feet, a
31 radius of 605.28 feet, delta 15°28'25" to a point; along a curve to the
32 right, with an arc length of 243.59 feet, a radius of 808.24 feet, delta
33 17°16'04" to a point; S 80°52'59" W a distance of 174.96 feet to a point; S
34 87°07'09" W a distance of 302.64 feet to a point; along a curve to the
35 right, with an arc length of 726.72 feet, a radius of 753.32 feet, delta
36 55°16'22" to a point; along a curve to the right, with an arc length of
37 223.65 feet, a radius of 628.85 feet, delta 20°22'37" to a point; along a
38 curve to the right, with an arc length of 162.88 feet, a radius of 1656.17
39 feet, delta 05°38'06" to a point; along a curve to the right, with an arc
40 length of 182.57 feet, a radius of 797.70 feet, delta 13°06'48" to a point
41 on the town line between North Haven and New Haven; thence
42 running along said town line N 81°05'05" E a distance of 366.37 feet to
43 a point; thence running the following courses and distances along land
44 now or formerly of Conrail: N 38°08'31" E a distance of 697.88 feet to a
45 point; along a curve to the left, with an arc length of 86.37 feet, a radius
46 of 538.71 feet, delta 09°11'12" to a point; N 28°57'20" E a distance of
47 616.49 feet to a point; along a curve to the right, with an arc length of
48 126.06 feet, a radius of 775.87 feet, delta 09°18'34" to a point; N
49 38°15'52" E a distance of 775.50 feet to a point; N 37°55'13" E a distance

50 of 423.74 feet to a point; along a curve to the left, with an arc length of
51 276.83 feet, a radius of 1700.00 feet, delta 09°19'48" to a point; N
52 28°35'25" E a distance of 789.68 feet to a point; N 28°13'24" E a distance
53 of 852.15 feet to a point; along a curve to the left, with an arc length of
54 465.94 feet, a radius of 4000.11 feet, delta 06°40'26" to a point; N
55 22°25'26" E a distance of 292.92 feet to a point; along a curve to the
56 right, with an arc length of 259.16 feet, a radius of 1595.77 feet, delta
57 09°18'18" to a point; N 31°15'55" E a distance of 858.05 feet to the point
58 and place of beginning; said parcel containing 364,216 square feet or
59 83.57 acres of land in total; plus land now or formerly of Exit Nine Ltd.
60 partnership as described below: Commencing at a point on the
61 westerly line of land now or formerly of Conrail, said point being the
62 southwesterly most point of the parcel previously described, and
63 located at North 187,664.0573 East 566,341.8771 of the Connecticut state
64 plane coordinate system (NAD27); thence running N 58°24'57" W a
65 distance of 190.45 feet along land now or formerly of Bartram Realty
66 Co., Inc. to the point of beginning; thence running the following
67 courses and distances along land now or formerly of Bartram Realty
68 Co., Inc.: Along a curve to the left, with an arc length of 358.46 feet, a
69 radius of 566.00 feet, delta 36°17'12" to a point; N 08°28'02" W a
70 distance of 630.01 feet to a point; along a curve to the right, with an arc
71 length of 189.22 feet, a radius of 506.00 feet, delta 21°25'33" to a point;
72 N 12°57'30" E a distance of 598.48 feet to a point; S 77°02'30" E a
73 distance of 10.00 feet to a point; along a curve to the right, with an arc
74 length of 294.18 feet, a radius of 444.16 feet, delta 37°56'55" to a point;
75 N 50°54'24" E a distance of 4.10 feet to a point; N 46°36'55" E a distance
76 of 74.51 feet to a point on the southerly street line of Universal Drive;
77 thence along said southerly street line of Universal Drive, along a
78 curve to the right, with an arc length of 357.23, a radius of 566.98, delta
79 36°05'59" to a point; thence running the following courses and
80 distances along land now or formerly of Michael Schiavone: S 12°37'30"
81 W a distance of 1212.63 feet to a point; along a curve to the left, with an
82 arc length of 215.39 feet, a radius of 576.00 feet, delta 21°25'31" to a
83 point; S 08°28'02" E a distance of 630.01 feet to a point; along a curve to
84 the right, with an arc length of 309.22 feet, a radius of 496.00 feet, delta

85 35°45'16" to a point; thence S 58°24'57" E a distance of 70.25 feet along
86 the previous described parcel to the point and place of beginning. The
87 parcel herein described contains 189,865 square feet or 4.36 acres of
88 land. Said parcel is more particularly depicted on map titled
89 "Subdivision Plan, Consolidated Rail Corp. (Conrail), Penn Central Co.
90 (Amtrak) - Celevon Corp., Nicesca, LLC - agent, New Haven / North
91 Haven, Connecticut" sheets 1-3 of 3. Date: 12/29/97 rev to 8/9/98.
92 Scale: as noted. Said map prepared by Clarence Blair Associates, Inc.
93 The project boundaries shall also include any off-site locations
94 mandated by any permitting agency for improvements associated with
95 the project.

96 (2) "Voter" means (A) any person who is an elector of the district, (B)
97 any citizen of the United States of the age of eighteen years or more
98 who, jointly or severally, is liable to the district for taxes assessed
99 against such citizen on an assessment of not less than one thousand
100 dollars on the last-completed grand list of such district, as the case may
101 be, or who would be so liable if not entitled to an exemption under
102 subdivision (17), (19), (22), (23) or (26) of section 12-81 of the general
103 statutes, or (C) any holder of record of a fee simple interest in real
104 property within the district.

105 (3) "Bonds" means bonds, notes or other obligations authorized by
106 this section, and refunding bonds, notes or other obligations to
107 refinance the same.

108 (b) (1) Upon the petition of fifteen or more persons eligible to vote in
109 the town of North Haven, specifying the district for any or all of the
110 purposes set forth in this section, the selectmen of such town shall call
111 a meeting of the voters to act upon such petition, which meeting shall
112 be held at such place within such town and such hour as the selectmen
113 designate, not later than thirty days after such petition has been
114 received by the selectmen. Such meeting shall be called by publication
115 of a written notice of the same, signed by the selectmen, at least
116 fourteen days before the time fixed for such meeting in two successive
117 issues of some newspaper published or circulated in such town. Not

118 later than twenty-four hours before such meeting, (A) two hundred or
119 more voters or ten per cent of the total number of voters of such
120 proposed district, whichever is less, may petition the selectmen, in
121 writing, for a referendum of the voters of such proposed district, or (B)
122 the selectmen in their discretion may order a referendum of the voters
123 of such proposed district, on the sole question of whether the proposed
124 district should be established. Any such referendum shall be held not
125 less than seven or more than fourteen days after the receipt of such
126 petition or the date of such order, on a day to be set by the selectmen
127 for a vote by paper ballots or by a "yes" or "no" vote on the voting
128 machines, during the hours between twelve o'clock noon and eight
129 o'clock p.m.; except that such town may, by vote of the voters of such
130 proposed district, provide for an earlier hour for opening the polls but
131 not earlier than six o'clock a.m., notwithstanding the provisions of any
132 special act. If voters representing at least two-thirds of the assessments
133 of holders of record within the proposed district cast votes in such
134 referendum in favor of establishing the proposed district, the
135 selectmen shall reconvene such meeting not later than seven days after
136 the day on which the referendum is held. Upon approval of the
137 petition for the proposed district by voters representing at least two-
138 thirds of the assessments of holders of record within the proposed
139 district present at such meeting, or if a referendum is held, upon the
140 reconvening of such meeting after the referendum, the voters, upon
141 the vote of voters representing a majority of assessments of holders of
142 record within the proposed district, shall choose necessary officers
143 therefor to hold office until the first annual meeting thereof; and the
144 district shall, upon the filing of the first report filed in the manner
145 provided in subsection (c) of section 7-325 of the general statutes,
146 thereupon be a body corporate and politic and have the powers
147 provided in sections 7-324 to 7-329, inclusive, of the general statutes,
148 not inconsistent with the general statutes or this section, in relation to
149 the objects for which it was established, that are necessary for the
150 accomplishment of such objects, including the power to lay and collect
151 taxes. The clerk of such district shall cause its name and a description
152 of its territorial limits and of any additions that may be made thereto to

153 be recorded in, and a caveat be placed upon, the land records of the
154 town of North Haven.

155 (2) At the meeting called for the purpose of establishing the district
156 as provided in subdivision (1) of this subsection, the voters may
157 establish the district for any or all of the following purposes: To
158 extinguish fires, to light streets, to plant and care for shade and
159 ornamental trees, to plan, lay out, acquire, construct, maintain and
160 finance railway infrastructure, roads, sidewalks, crosswalks, drains,
161 sewers and sewage treatment facilities, utility infrastructure,
162 improvements and connections, parking facilities, open space,
163 bulkhead repairs, dredging and construction, environmental
164 remediation and other infrastructure improvements and to acquire,
165 construct, maintain and regulate the use of recreational facilities, to
166 plan, lay out, acquire, construct, reconstruct, repair, maintain,
167 supervise and manage a flood or erosion control system, and to plan,
168 lay out, acquire, construct, maintain, operate, finance and regulate the
169 use of a community water system, all as hereinafter referred to as the
170 "improvements". The district may contract with a town, city, borough
171 or other district for carrying out any of the purposes or the purchase or
172 sale of any of the improvements for which such district was
173 established.

174 (3) At the meeting called for the purpose of establishing the district
175 as provided in subdivision (1) of this subsection, the voters shall fix the
176 date of the annual meeting of the voters for the election of the board of
177 directors and officers for the district and the transaction of such other
178 business as may properly come before such annual meeting. At such
179 organizational meeting of the district, the voters shall elect four
180 directors. The four directors first elected shall be designated to serve
181 terms of one, two, three and four years, respectively, and the directors
182 elected thereafter shall serve for terms of four years. Upon its
183 organization and at all times thereafter, one additional director may be
184 appointed by the first selectman of the town of North Haven. From
185 such directors, the voters shall elect at the organizational meeting a
186 president, a vice-president, a clerk and a treasurer to serve until the

187 first annual meeting for the election of officers and thereafter such
188 officers shall be elected annually. Not fewer than three members of the
189 board of directors shall be residents of the state of Connecticut. Subject
190 to the provisions of subdivision (4) of this subsection, (A) not fewer
191 than fifteen voters of the district shall constitute a quorum for the
192 transaction of business at such organizational meeting of the district;
193 and (B) if fifteen voters are not present at such meeting, the selectmen
194 may adjourn such meeting from time to time, until at least fifteen
195 voters are present. Special meetings of the district may be called on the
196 application of ten per cent of the total number of voters of such district
197 or twenty of the voters of such district, whichever is less, or by the
198 president or any three directors upon giving notice as provided in this
199 subdivision. Any special meeting called on the application of the
200 voters shall be held not later than twenty-one days after receiving such
201 application. Notice of the holding of the annual meeting and all special
202 meetings shall be given by publication of a notice of such meetings in a
203 newspaper having a general circulation in such district at least ten
204 days before the day of such meetings, signed by the president or any
205 three directors, which notice shall designate the time and place of such
206 meetings and the business to be transacted thereat. Two hundred or
207 more persons or ten per cent of the total number of voters of such
208 district, whichever is less, may petition the clerk of such district, in
209 writing, at least twenty-four hours prior to any such meeting,
210 requesting that any item or items on the call of such meeting be
211 submitted to the voters not less than seven or more than fourteen days
212 thereafter, on a day to be set by the district meeting or, if the district
213 meeting does not set a date, by the board of directors, for a vote by
214 paper ballots or by a "yes" or "no" vote on the voting machines, during
215 the hours between twelve o'clock noon and eight o'clock p.m., except
216 that the district may, by vote of its board of directors, provide for an
217 earlier hour for opening the polls but not earlier than six o'clock a.m.
218 The paper ballots or voting machine ballot labels, as the case may be,
219 shall be provided by the clerk. When such a petition has been filed
220 with the clerk, the president, after completion of other business and
221 after reasonable discussion shall adjourn such meeting and order such

222 vote on such item or items in accordance with the petition, and any
223 item so voted may be rescinded in the same manner. The clerk shall
224 phrase such item or items in a form suitable for printing on such paper
225 ballots or ballot labels. Subject to the provisions of subdivision (4) of
226 this subsection, (i) not fewer than fifteen voters of the district shall
227 constitute a quorum for the transaction of business at any meeting of
228 the district; (ii) if fifteen voters are not present at such meeting, the
229 president of the district or, in such president's absence, the vice-
230 president, may adjourn such meeting from time to time, until at least
231 fifteen voters are present; and (iii) all meetings of the district where a
232 quorum is present may be adjourned from time to time by a vote of a
233 majority of the voters voting on the question. At any annual or special
234 meeting, the voters may, by a majority vote of those present,
235 discontinue any purposes for which the district is established or
236 undertake any additional purpose or purposes enumerated in
237 subdivision (2) of this subsection.

238 (4) (A) A quorum for the transaction of business at the meeting
239 called for the purpose of establishing the district, as provided in
240 subdivisions (1) and (3) of this subsection, shall be either fifteen voters
241 of such district or a majority of the holders of record of interests in real
242 property within such district, as long as the assessments of such
243 holders of record constitute more than one-half of the total of
244 assessments for all interests in real property within such district. If
245 fifteen voters or a majority of the holders of record of interests in real
246 property within such district are not present at such meeting or the
247 assessments of such holders of record constitute less than one-half of
248 the total of assessments for all interests in real property within such
249 district, the selectmen may adjourn such meeting, from time to time,
250 until at least fifteen voters or a majority of the holders of record of
251 interests in real property within such district are present and the
252 assessments of such holders of record constitute more than one-half of
253 the total of assessments for all interests in real property within such
254 district.

255 (B) For the transaction of business at any other meeting of the

256 district, a quorum shall be either fifteen voters of the district or a
257 majority of the holders of record of interests in real property within
258 such district, as long as the assessments for such holders of record
259 constitute more than one-half of the total of assessments for all
260 interests in real property within such district. If fifteen voters or a
261 majority of the holders of record of interests in real property within
262 such district are not present at such meeting or the assessments of such
263 holders of record constitute less than one-half of the total assessments
264 for all interests in real property within such district, the president of
265 the district or, in such president's absence, the vice-president, may
266 adjourn such meeting, from time to time, until at least fifteen voters or
267 a majority of the holders of record of interests in real property within
268 such district are present and the assessments of such holders of record
269 constitute more than one-half of the total of assessments for all
270 interests in real property within such district. All actions, resolutions
271 and proceedings at any annual or special meeting of the district where
272 a quorum is present shall require a majority vote of (i) the voters
273 present and voting, and (ii) the property owners representing at least
274 one-half of the assessments of holders of record of a fee simple interest
275 in real property within the district, present and voting.

276 (5) In any case in which an action for a vote by the voters of the
277 district is to be initiated by the petition of such voters, in addition to
278 such other requirements as the general statutes or any special act may
279 impose, such petition shall be on a form prescribed or approved by the
280 clerk of such district, and each page of such petition shall contain a
281 statement, signed under penalties of false statement, by the person
282 who circulated the same, setting forth such circulator's name and
283 address, and stating that each person whose name appears on said
284 page signed the same in person in the presence of such circulator, that
285 the circulator either knows each such signer or that the signer
286 satisfactorily identified himself to the circulator and that all the
287 signatures on said page were obtained not earlier than six months
288 prior to the filing of said petition. Any page of a petition that does not
289 contain such a statement by the circulator shall be invalid. Any
290 circulator who makes a false statement in the statement hereinbefore

291 provided shall be subject to the penalty provided for false statement.
292 No petition shall be valid for any action for a vote by the voters at any
293 regular or special district meeting unless such petition shall be
294 circulated by a voter eligible to vote in such district.

295 (c) Whenever the officers of such district vote to terminate its
296 corporate existence and whenever a petition signed by ten per cent of
297 the total voters of such district or twenty of the voters of such district,
298 whichever is less, applying for a special meeting to vote on the
299 termination of the district is received by the clerk, the clerk shall call a
300 special meeting of the voters of such district, the notice of which shall
301 be signed by the officers thereof, by advertising the same in the same
302 manner as provided in section 7-325 of the general statutes. Not later
303 than twenty-four hours before any such meeting, two hundred or more
304 voters or ten per cent of the total number of voters, whichever is less,
305 may petition the clerk of the district, in writing, that a referendum on
306 the question of whether the district should be terminated be held in the
307 manner provided in section 7-327 of the general statutes. If, at such
308 meeting, a two-thirds majority of the voters present vote to terminate
309 the corporate existence of the district, or, if a referendum is held, two-
310 thirds of the voters casting votes in such referendum vote to terminate
311 the corporate existence of the district, the officers shall proceed to
312 terminate the affairs of such district. The district shall pay all
313 outstanding indebtedness and turn over the balance of the assets of
314 such district to the town of North Haven, if the legislative body of the
315 town authorizes such action. No district shall be terminated under this
316 subsection until all of its outstanding indebtedness is paid unless the
317 legislative body of the town of North Haven agrees, in writing, to
318 assume such indebtedness. On completion of the duties of the officers
319 of such district, the clerk shall cause a certificate of the vote of such
320 meeting to be recorded in the land records of the town of North Haven
321 and the clerk shall notify the Secretary of the Office of Policy and
322 Management.

323 (d) (1) For purposes of voting at meetings held by such district, any
324 tenant in common of any interest in real property shall have a vote

325 equal to the fraction of such tenant in common's ownership of such
326 interest. Any joint tenant of any interest in real property shall vote as if
327 each such tenant owned an equal fractional share of such real
328 property. A corporation shall have its vote cast by the chief executive
329 officer of such corporation, or such officer's designee. Any entity that is
330 not a corporation shall have its vote cast by a person authorized by
331 such entity to cast its vote. An owner shall be entitled to cast one vote,
332 or a fractional vote, as applicable, for each property that it owns within
333 the district.

334 (2) No holder of record of a fee simple interest in real property shall
335 be precluded from participating in any district meeting or referendum
336 because of the form of entity that holds such interest, whether such
337 holder of record is (A) a corporation, partnership, unincorporated
338 association, trustee, fiduciary, guardian, conservator or other form of
339 entity, or any combination thereof, or (B) an individual who holds
340 interests jointly or in common with another individual or individuals,
341 or with any one or more of the entities listed in subparagraph (A) of
342 this subdivision.

343 (e) Notwithstanding any provision of the general statutes, including
344 sections 7-324 to 7-329, inclusive, of the general statutes, the district
345 shall have the power to assess, levy and collect benefit assessments
346 upon the land and buildings in the district that, in its judgment, are
347 benefited by the improvements.

348 (f) (1) Notwithstanding any provision of the general statutes,
349 including sections 7-324 to 7-329, inclusive, of the general statutes, the
350 district shall have the power to fix, revise, charge, collect, abate and
351 forgive reasonable taxes, fees, rents and benefit assessments, and other
352 charges for the cost of the improvements, financing costs, operating
353 expenses and other services and commodities furnished or supplied to
354 the real property in the district in accordance with the applicable
355 provisions of the general statutes that apply to districts established
356 under section 7-325 of the general statutes, and this section and in the
357 manner prescribed by the district. Notwithstanding any provision of

358 the general statutes, the district may make grants for, or pay the entire
359 cost of any improvements, including the costs of financing such
360 improvements, capitalized interest and the funding of any reserve
361 funds necessary to secure such financing or the debt service of bonds
362 or notes issued to finance such costs, from taxes, fees, rents, benefit
363 assessments or other revenues and may assess, levy and collect said
364 taxes, fees, rents or benefit assessments concurrently with the issuance
365 of bonds, notes or other obligations to finance such improvements
366 based on the estimated cost of the improvements prior to the
367 acquisition or construction of the improvements or upon the
368 completion or acquisition of the improvements. The district and the
369 town of North Haven are authorized to enter into an agreement to
370 share revenue in accordance with section 7-148bb of the general
371 statutes.

372 (2) Notwithstanding any provision of the general statutes, whenever
373 the district or the town constructs, improves, extends, equips,
374 rehabilitates, repairs, acquires or provides a grant for any
375 improvements or finances the cost of such improvements, such
376 proportion of the cost or estimated cost of the improvements and
377 financing thereof, as determined by the district, may be assessed by the
378 district, herein referred to as "benefit assessments", in the manner
379 prescribed by such district, upon the property benefited by such
380 improvements and the balance of such costs shall be paid from the
381 general funds of the district. The district may provide for the payment
382 of such benefit assessments in annual installments, not exceeding
383 thirty, and may forgive such benefit assessments in any single year
384 without causing the remainder of installments of benefit assessments
385 to be forgiven. Benefit assessments to buildings or structures
386 constructed or expanded after the initial benefit assessment may be
387 assessed as if the new or expanded buildings or structures had existed
388 at the time of the original benefit assessment. It is hereby determined
389 that the costs of the improvements benefiting the district whether
390 located within the district or in the town of North Haven are a benefit
391 to all the property within the district.

392 (3) In order to provide for the collection and enforcement of its
393 taxes, fees, rents, benefit assessments and other charges, the district is
394 hereby granted all the powers and privileges with respect thereto as
395 districts organized pursuant to section 7-325 of the general statutes,
396 and as held by the town of North Haven or as otherwise provided in
397 this section. Such taxes, fees, rents or benefit assessments, if not paid
398 when due, shall constitute a lien upon the premises served and a
399 charge against the owners thereof, which lien and charge shall bear
400 interest at the same rate as delinquent property taxes. Each such lien
401 may be continued, recorded and released in the manner provided for
402 property tax liens in chapter 12 of the general statutes and shall take
403 precedence over all other liens or encumbrances except a lien for taxes
404 of the town of North Haven.

405 (4) The budget, taxes, fees, rents, benefit assessments and any other
406 charges of the district of general application shall be adopted and
407 revised by the board of directors at least annually not more than thirty
408 days before the beginning of the fiscal year, in accordance with the
409 procedures to be established by the board, at a meeting called by the
410 board, ensuring that interested persons are afforded notice and an
411 opportunity to be heard. The board shall hold at least two public
412 hearings on its schedule of fees, rates, rents, benefit assessments and
413 other charges or any revision thereof before adoption, notice of which
414 shall be delivered to the selectmen of the town of North Haven and be
415 published in at least two newspapers of general circulation in the town
416 of North Haven at least ten days in advance of the hearing. Not later
417 than the date of the publication, the board shall make available to the
418 public and deliver to the selectmen of the town of North Haven the
419 proposed schedule of fees, rates, rents, benefit assessments and other
420 charges. The procedures regarding public hearing and appeal,
421 provided by section 7-250 of the general statutes, shall apply for all
422 benefit assessments made by the district, except that the board shall be
423 substituted for the water pollution control authority. Should the
424 benefit assessments be assessed and levied prior to the acquisition or
425 construction of the improvements, then the amount of the benefit
426 assessments shall be adjusted to reflect the actual cost of the

427 improvements, including all financing costs, once the improvements
428 have been completed, should the actual cost be greater than or less
429 than the estimated costs. Benefit assessments shall be due and payable
430 at such times as are fixed by the board, provided the district shall give
431 notice of such due date not less than thirty days prior to such due date
432 by publication in a newspaper of general circulation in the town of
433 North Haven and by mailing such notice to the owners of the property
434 assessed at their last-known address.

435 (g) (1) Notwithstanding any provision of the general statutes,
436 including sections 7-324 to 7-329, inclusive, of the general statutes,
437 whenever the district has authorized the acquisition or construction of
438 the improvements or has made an appropriation therefor, the district
439 may authorize the issuance of bonds, notes or other obligations to
440 finance the cost of the improvements, the creation and maintenance of
441 reserves required to sell the bonds and the cost of issuance of the
442 bonds, provided no bonds shall be issued prior to the district entering
443 into an interlocal agreement with the town of North Haven, in
444 accordance with the procedures provided by section 7-339c of the
445 general statutes, including at least one public hearing on the proposed
446 agreement and ratification by the legislative body of the town of North
447 Haven. The bonds may be secured as to principal or interest by (A) the
448 full faith and credit of the district, (B) fees, revenues or benefit
449 assessments, or (C) a combination of subparagraphs (A) and (B) of this
450 subdivision. Such bonds shall be authorized by resolution of the board
451 of directors. The district is authorized to secure such bonds by the full
452 faith and credit of the district or by a pledge of or lien on all or part of
453 its revenues, fees or benefit assessments. The bonds of each issue shall
454 be dated, shall bear interest at the rates and shall mature at the time or
455 times not exceeding thirty years from their date or dates, as
456 determined by the board, and may be redeemable before maturity, at
457 the option of the board, at the price or prices and under the terms and
458 conditions fixed by the board before the issuance of the bonds. The
459 board shall determine the form of the bonds, and the manner of
460 execution of the bonds, and shall fix the denomination of the bonds
461 and the place or places of payment of principal and interest, which

462 may be at any bank or trust company within the state of Connecticut
463 and other locations as designated by the board. In case any officer
464 whose signature or a facsimile of whose signature shall appear on any
465 bonds or coupons shall cease to be an officer before the delivery of the
466 bonds, the signature or facsimile shall nevertheless be valid and
467 sufficient for all purposes the same as if the officer had remained in
468 office until the delivery.

469 (2) While any bonds issued by the district remain outstanding, the
470 powers, duties or existence of the district shall not be diminished or
471 impaired in any way that will affect adversely the interests and rights
472 of the holders of the bonds. Bonds issued under this section, unless
473 otherwise authorized by law, shall not be considered to constitute a
474 debt of the state of Connecticut or the town of North Haven, or a
475 pledge of the full faith and credit of the state of Connecticut or the
476 town of North Haven, but the bonds shall be payable solely by the
477 district or as special obligations payable from particular district
478 revenues. Any bonds issued by the district shall contain on their face a
479 statement to the effect that neither the state of Connecticut nor the
480 town of North Haven shall be obliged to pay the principal of or the
481 interest thereon, and that neither the full faith and credit or taxing
482 power of the state of Connecticut nor the town of North Haven is
483 pledged to the payment of the bonds. All bonds issued under this
484 section shall have and are hereby declared to have all the qualities and
485 incidents of negotiable instruments, as provided in title 42a of the
486 general statutes.

487 (h) (1) The board of directors may authorize that the bonds be
488 secured by a trust agreement by and between the district and a
489 corporate trustee, which may be any trust company or bank having the
490 powers of a trust company within the state of Connecticut. The trust
491 agreement may pledge or assign the revenues. Either the resolution
492 providing for the issuance of bonds or the trust agreement may contain
493 covenants or provisions for protecting and enforcing the rights and
494 remedies of the bondholders as may be necessary, reasonable or
495 appropriate and not in violation of law.

496 (2) All expenses incurred in carrying out the trust agreement may be
497 treated as a part of the cost of the operation of the district. (A) The
498 pledge by any trust agreement or resolution shall be valid and binding
499 from time to time when the pledge is made; (B) the revenues or other
500 moneys so pledged and then held or thereafter received by the board
501 shall immediately be subject to the lien of the pledge without any
502 physical delivery thereof or further act; and (C) the lien of the pledge
503 shall be valid and binding as against all parties having claims of any
504 kind in tort, contract or otherwise against the district, irrespective of
505 whether the parties have notice thereof. Notwithstanding any
506 provision of the Uniform Commercial Code, neither this subsection,
507 the resolution or any trust agreement by which a pledge is created
508 need be filed or recorded except in the records of the district, and no
509 filing need be made under title 42a of the general statutes.

510 (i) (1) Bonds issued under this section are hereby made securities in
511 which all public officers and public bodies of the state of Connecticut
512 and its political subdivisions, all insurance companies, trust
513 companies, banking associations, investment companies, executors,
514 administrators, trustees and other fiduciaries may properly and legally
515 invest funds, including capital in their control and belonging to them;
516 and (2) such bonds shall be securities that may properly and legally be
517 deposited with and received by any state or municipal officer or any
518 agency or political subdivision of the state of Connecticut for any
519 purpose for which the deposit of bonds of the state of Connecticut is
520 now or may hereafter be authorized by law.

521 (j) Bonds may be issued under this section without obtaining the
522 consent of the state of Connecticut or the town of North Haven, and
523 without any proceedings or the happening of any other conditions or
524 things other than those proceedings, conditions or things that are
525 specifically required thereof by this section, and the validity of and
526 security for any bonds issued by the district shall not be affected by the
527 existence or nonexistence of the consent or other proceedings,
528 conditions or things.

529 (k) The district and all its receipts, revenues, income and real and
530 personal property shall be exempt from taxation and benefit
531 assessments and the district shall not be required to pay any tax, excise
532 or assessment to or from the state of Connecticut or any of its political
533 subdivisions. The principal and interest on bonds or notes issued by
534 the district shall be free from taxation at all times, except for estate and
535 gift, franchise and excise taxes, imposed by the state of Connecticut or
536 any political subdivision thereof, provided nothing in this section shall
537 act to limit or restrict the ability of the state of Connecticut or the town
538 of North Haven to tax the individuals and companies, or their real or
539 personal property or any person living or business operating within
540 the boundaries of the district.

541 (l) The district shall at all times keep accounts of its receipts,
542 expenditures, disbursements, assets and liabilities, which shall be open
543 to inspection by duly appointed officers or duly appointed agents of
544 the state of Connecticut or the town of North Haven. The fiscal year of
545 the district shall begin on July first and end on the following June
546 thirtieth or as otherwise established by section 7-327 of the general
547 statutes. The district shall be subject to an audit of its accounts in the
548 manner provided in the general statutes.

549 (m) (1) At such time as any construction or development activity
550 financed by bonds issued by the district is taking place, the clerk of the
551 district shall submit project activity reports quarterly to the selectmen
552 of the town of North Haven, the Secretary of the Office of Policy and
553 Management and to the chairpersons of the joint standing committee
554 of the General Assembly having cognizance of matters relating to
555 finance, revenue and bonding.

556 (2) The district shall take affirmative steps to provide for the full
557 disclosure of information relating to the public financing and
558 maintenance of improvements to real property undertaken by the
559 district. Such information shall be provided to any existing residents
560 and to all prospective residents of the district. The district shall furnish
561 each developer of a residential development within the district with

562 sufficient copies of such information to provide each prospective initial
563 purchaser of property in such district with a copy, and any developer
564 of a residential development within the district, when required by law
565 to provide a public offering statement, shall include a copy of such
566 information relating to the public financing and maintenance of
567 improvements in the public offering statement.

568 (n) (1) This section shall be deemed to provide an additional,
569 alternative and complete method of accomplishing the purposes of this
570 section and exercising the powers authorized hereby and shall be
571 deemed and construed to be supplemental and additional to, and not
572 in derogation of, powers conferred upon the district by law and
573 particularly by sections 7-324 to 7-329, inclusive, of the general
574 statutes, provided insofar as the proceedings of this section are
575 inconsistent with any general statute or special act, or any resolution or
576 ordinance of the town of North Haven, this section shall be controlling.

577 (2) Except as specifically provided in this section, all other statutes,
578 ordinances, resolutions, rules and regulations of the state of
579 Connecticut and the town of North Haven shall be applicable to the
580 property, residents and businesses located in the district. Nothing in
581 this section shall in any way obligate the town of North Haven to pay
582 any costs for the acquisition, construction, equipping or operation and
583 administration of the improvements located within the district or to
584 pledge any money or taxes to pay debt service on bonds issued by the
585 district except as may be agreed to in any interlocal agreements
586 executed by the town of North Haven and the district.

587 (o) At the option of the town of North Haven by vote of the
588 legislative body, the district shall be merged into the town of North
589 Haven if no bonds are issued by the district not later than four years
590 after the effective date of this section or after the bonds authorized by
591 this section are no longer outstanding and any property that is owned
592 by the district shall be distributed to the town of North Haven.

593 (p) This section, being necessary for the welfare of the town of
594 North Haven and its inhabitants, shall be liberally construed to effect

595 the purposes hereof.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2015</i>	New section

PD *Joint Favorable*

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

OFA Fiscal Note

State Impact: None

Municipal Impact:

Municipalities	Effect	FY 16 \$	FY 17 \$
North Haven	Cost	Less than \$5,000	None

Explanation

The bill allows for the establishment of the Cedar Hills Infrastructure Improvement District in the Town of North Haven. There is a minimal, one-time cost to North Haven, estimated at less than \$5,000 in FY 16, associated with holding any public meetings or referenda, and with publishing associated public notices necessary to establish the district.

The bill allows the District to issue revenue bonds to support its duties. This has no impact to the town or the State, as the language specifies that such revenue bonds are not the responsibility of the Town of North Haven or the State of Connecticut.

Depending on the extent of services provided by the District, there could be a savings to the Town of North Haven as the costs of providing public services shifts from the Town to the District.

The Out Years

Costs to the Town of North Haven will only occur in FY 16 and will have no impact in the out years. Any potential savings identified above would continue into the future subject to the extent of the services provided by the District.



OLR Bill Analysis

HB 6967

***AN ACT ESTABLISHING THE CEDAR HILLS INFRASTRUCTURE
IMPROVEMENT DISTRICT WITHIN THE TOWN OF NORTH HAVEN.***

SUMMARY:

The Office of Legislative Research does not analyze Special Acts.

COMMITTEE ACTION

Planning and Development

Joint Favorable

Yea 19 Nay 0