



Substitute Senate Bill No. 214

Public Act No. 99-135

An Act Concerning a Connecticut Heritage Lake Program and the Guilford Lakes Improvement Association.

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

Section 1. (NEW) The Commissioner of Environmental Protection shall:

-) Designate a lake located in two or more municipalities to be the subject of a program of reservation which may serve as a pilot program for the preservation and enhancement of the historic, cultural, recreational, economic, scenic, public health and environmental value of lakes in this state;
-) Encourage partnerships and agreements with municipalities which are contiguous to the lake and, to the greatest extent practicable under law, direct programs, grants and technical assistance so as to provide environmental support to the lake;
-) Coordinate state and municipal activities and resources to preserve, protect and restore the lake and its shoreline;
-) Provide access to existing scientific data and information relating to the lake, its shoreline and watershed area to the municipalities in which it is located;
-) Cooperate with such municipalities to promote and encourage public use and enjoyment of the resource for all lawful purposes consistent with achievement of the other goals set forth in this section;
-) Provide, upon request of such municipalities, an agency representative to whom they may communicate goals and needs and who shall facilitate communication and interaction between such municipalities and the state; and
-) Cooperate with the contiguous municipalities in any efforts to protect and preserve the character of the designated lake as such municipalities may undertake.

c. 2. Section 1 of number 167 of the special acts of 1963 is amended to read as follows:

the owners of record of land within the limits specified in section 2 of this act, in the locality known as Guilford Lake Estates, in the town of Guilford, shall be, while they continue to be owners of such land, a body politic and corporate by the name of Guilford Lakes Improvement Association, and by that name they and their successors shall be a corporation in law, capable of suing, being sued, pleading and being impleaded in all courts, and shall be vested with the powers hereinafter specified. Each member of the association, of the age of twenty-one years or over, not otherwise prohibited by law from voting, so long as [he] such member shall continue to own real estate in said territory, shall be entitled to vote at any meeting of said association and shall be eligible to hold any office therein. All joint owners of any interest in any lot or lots of real estate shall be considered as one owner for the purpose of voting and shall be entitled collectively to cast one undivided vote. In no case shall one person have more than one vote. Husbands or wives of said owners shall be members of said association but shall not be empowered to vote at any meeting of said association except in the absence of said owners.

Sec. 3. Section 5 of number 167 of the special acts of 1963 is amended to read as follows:

The first meeting of the members of said association shall be held not later than the last day of October, 1963, at such time and place within the limits of said Guilford Lakes Improvement Association as Bernard Scherb, Jr., Paul I. Langewisch, Dorothy Langewisch, Armand Gravino, or the majority of them appoint, for the purpose of electing a board of governors and of approving this act in accordance with the provisions of section 16 of this act. At the first meeting, there shall be elected three members as a board of governors to serve for one year, three members to serve for two years, and three members to serve for three years, and until their successors shall be chosen. At each annual meeting thereafter, [there shall be elected three members to serve three years and until their successors shall be chosen] members shall be elected to fill expired or vacated seats on said board such that there shall continue to be three members serving for three years, three members serving for two years and three members serving for one year. Any member of said board who ceases to have membership in said association within the meaning of this act shall automatically cease to be a member of said board of governors. Any vacancy occurring in the membership of said board of governors, between annual meetings of the association, shall be filled by vote of a majority of the remaining members of the board until the next annual meeting, at which time the members of the association shall elect a member of the board for the unexpired portion of the term in accordance with the provisions of this section.

Sec. 4. Section 7 of number 167 of the special acts of 1963, as amended by section 1 of number 16 of the special acts of 1967 and special act 79-39, is amended to read as follows:

Annual meetings shall be held not earlier than the first day nor later than the tenth day of March, at such time and place within the town of Guilford as the board of governors may direct. Any vacancy occurring in the membership of said board of governors, between annual meetings of the association, shall be filled by a majority of the remaining members of the

board until the next annual meeting, at which time the members of the association shall elect, as above prescribed, a member of the board for the unexpired portion of the term.] Annual meetings shall be held as early as practicable in the last month of each fiscal year, such fiscal year conforming to the fiscal year of the town of Guilford, at such time and place as the board of governors may direct provided preference shall be given to a location within the limits of the association. Notice shall be sent in accordance with section 10 of number 167 of the special acts of 1963.

Sec. 5. Section 8 of number 167 of the special acts of 1963 is amended to read as follows:

The board of governors shall, within ten days following the annual meeting, elect from its members a president and a vice president. [, and there shall be elected from the general membership a secretary, a treasurer and an assistant treasurer] A treasurer shall be elected from the general membership. A secretary and assistant treasurer shall be elected from the general membership, but, if there are none willing to serve, then from among the other members of the board. The president shall preside over all meetings of the board and the association and shall be the chief executive of the association. In the absence of the president, the vice president or secretary or treasurer shall preside. The secretary shall sign all warning notices, orders and bylaws and shall keep a record of all action of said board and of said association. The treasurer shall keep an account of all moneys received and paid out and shall render a report at each annual meeting. The assistant treasurer shall have all the powers of the treasurer in the absence of said treasurer. The treasurer and assistant treasurer each shall furnish a bond in such amount as the board of governors shall from time to time determine, the premium on said bond to be paid by the association.

Sec. 6. Section 12 of number 167 of the special acts of 1963 is amended to read as follows:

Said association may purchase, acquire, hold, own, sell, or convey such real and personal estate as its purposes may require, and the board of governors may mortgage or borrow on the security thereof. [Said board may rescind, modify or enact] The board of governors may enact, modify or rescind bylaws, ordinances or regulations for the following purposes: To employ constables for the purpose of enforcing regulations or bylaws of said association, or any law within the limits of the association; to clean and improve beaches and waterfronts and to provide for the safe and orderly use of the same; to promote planting of trees and shrubbery and other work leading to the improvement of the appearance of property within the limits of said association, and such other purposes as may carry out the objects of said association as specified in section 3. Said board of governors may fix a penalty for each violation of any such bylaws, ordinances or regulations of not more than twenty-five dollars, and the penalties may be recovered in an action brought for the purpose in the name of Guilford Lakes Improvement Association before any court having jurisdiction, for the use and benefit of said association. [No rescission, modification or enactment] No enactment, modification or rescission of any bylaw, ordinance or regulation shall take effect until ten days after its passage, nor until ten days after the mailing of a proper notice to the members

f the association. A certificate of the secretary of said association of the mailing of any bylaws, ordinance or regulation as provided herein shall be prima facie evidence of such mailing. Any bylaws, ordinances or regulations may be referred to a special meeting of the members at which two-thirds of the members present may confirm, reject or modify such bylaws, ordinances or regulations.

ec. 7. Section 13 of number 167 of the special acts of 1963, as amended by section 3 of number 396 of the special acts of 1967, is amended to read as follows:

At any annual meeting or adjourned annual meeting of said association, upon proper notice to all members at least ten days before the date of such meeting designating the time and place thereof, the association may, by a majority vote of the members present at such meeting, adopt the basis of its assessment on all land, excluding dwellings or structures thereon, within the limits of said association to correspond to the assessment values of the land as shown on the tax list of the town wherein such property is located, and may adopt such method as the basis of assessment, and thereupon may establish such rate of taxation for the ensuing year as such meeting may determine. [Such tax shall not exceed twenty mills in any one year unless at a meeting specially warned, as in section 11, and held to consider raising this limit, such action is approved by a vote of two-thirds of the members of the association.] The secretary of said association, [on or before March fifteenth of each year] in the month before the last month of each fiscal year, shall prepare an assessment list of all the land within the limits of said association, excluding therefrom the value of houses, buildings and improvements thereon, placing in the name of each member such land, as assessed to each member on the last assessment list of the town of location. If any piece of land so assessed in the list of any such town is partly within and partly without the limits of the association, the secretary of said association shall assess that part within said association in the proportion which the part within the association bears to the whole tract so assessed, fixing [his] the best judgment as to value. Such secretary shall [, on or before the twentieth day of March,] report such list to the governing board, which shall review such list, and if such board finds the same fails to correspond with the last assessment list of the town wherein such property is located, or, if such board finds there are any errors in the proportional valuation of such parts of any piece of property, they shall correct the same, and such revised list shall be adopted by said board and shall then be and constitute the assessment list for the association. Such list shall be revised, completed and recorded by the secretary in the records of the association [on or before the tenth day of April next succeeding, and such assessment list] and shall be open to inspection by any member of the association. Any person claiming to be aggrieved by any proportional valuation in such assessment may appeal to the court of common pleas in the manner provided by the general statutes for appeals from boards of tax review. The tax so established shall be collected by the treasurer or by any collector specially appointed by the governing board for that purpose. Each assessment so made, with interest thereon, shall be due to said association from the owner or owners of real estate upon which it was so made, as such owner appears from the land or probate records of the town or district in which such real estate is located on the first

ay [of October before such assessment was made] of the month in which the previous grand st of the town of Guilford was established. Written notice of the rate of such tax and the amount thereof, or of the assessment apportioned to each member of the association, shall be sent by the treasurer or collector to each member of the association within ten days from the paying of such tax, and such tax shall be due and payable during the month of [May] July, and in the manner stated therein, and if such tax is not paid when due, it shall bear interest at the rate of [eight] eighteen per cent per annum from the first day of [May] July. Such tax or assessment shall be a lien upon the property upon which it is laid and may be collected by suit in the name of the association or by foreclosure of such lien. Such lien may be continued by certificate which shall be recorded in the land records of the town or towns in which it is located, pursuant to the provisions of the general statutes relating to the continuance of tax liens. The treasurer or other collector shall be accountable to the board of governors for such taxes and interest, if any, so collected. Such treasurer or collector may be required to give the association sufficient surety bonds in such form as may be determined by the governing board contingent on the faithful performance of their respective duties. The cost of such bonds shall be borne by the association.

ec. 8. Section 14 of number 167 of the special acts of 1963 is amended to read as follows:

No contract which shall involve an expenditure of money in excess of [one hundred] two hundred fifty dollars in any fiscal year shall be made by the board of governors if said sum is not provided for in the budget, unless the same is specifically authorized by a vote of two-thirds of the members present at a meeting of the association specially warned and held to consider the same.

ec. 9. Section 9 of number 167 of the special acts of 1963, as amended by section 2 of number 96 of the special acts of 1967, is repealed.

ec. 10. This act shall take effect July 1, 1999.

Approved June 8, 1999

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