

PART II
SPECIAL ACTS*

***Editor's note**—Printed in this part is a chronological list of the Special Acts of the General Assembly concerning the Town of Madison and specific Special Acts.



SPECIAL ACTS

- Special Act (1790).** An Act Establishing the Line Between the Town of Guilford and Killingworth. (Volume I, Page 1150)
- Special Act (1826).** An Act Incorporating the Town of Madison. (Volume I, Page 1154)
- Special Act (1871).** An Act Relating to Electors and Elections. (Obsolete)
- Special Act (1880).** An Act Relating to Election Districts. (Obsolete)
- Special Act (1937).** An Act Including a Highway in the Town of Madison in the Trunk Line System. (Volume XXII, Page 701)
- Special Act (1939).** An Act Validating Certain Acts of the Zoning Commission in the Town of Madison. (Volume XXIII, Page 317)
- Special Act (1941).** An Act Concerning Construction of a Trunk Line Highway in the Town of Madison. (Volume XXIII, Page 854)
- Special Act (1943).** An Act Creating a Permanent Police Department in the Town of Madison. (Volume XXIV, Page 109)
- Special Act (1945).** An Act Validating Payments Made by the Town of Madison to its Officers. (Volume XXIV, Page 812)
- Special Act (1951).** An Act Providing for a Pension for William F. Buell. (Obsolete)
- Special Act (1953).** An Act Concerning the Assessment of Property in the Town of Madison. (Volume 26, Page 702)
- Special Act (1955).** An Act Incorporating the Overshore Association. (Volume 27, Page 191)
- Special Act (1955).** An Act Incorporating the Lee Manor Association. (Volume 27, Page 196)
- Special Act (1959).** An Act Concerning Election of the Board of Police Commissioners in the Town of Madison. (Volume XXIX, Page 336)
- Special Act (1959).** An Act Concerning the Establishment of a Police Retirement Fund in the Town of Madison. (Volume XXIX, Page 378)
- Special Act (1965).** An Act Authorizing the Town of Madison to Enact a Pension Ordinance. (Volume XXXII, Page 83)
- Special Act No. 155 (1969).** An Act Incorporating the Five Fields Homeowners Association. (Volume 34, Page 162)
- Special Act No. 34 (1986).** An Act Authorizing State Grant Commitments for School Construction Projects in the Town of Madison.

The following are specific Special Acts printed at the direction of the town:

A RESOLUTION ESTABLISHING THE LINE BETWEEN THE TOWNS OF GUILFORD AND KILLINGWORTH. PASSED, DECEMBER 1790.

Resolved by this Assembly. That a straight line from the mouth of Dudley's Creek in said Hamonasset river, running south 50 deg. 10 min. east to West Rock so called, upon the sound, being 216 rods, be, and the same is hereby established to be the dividing line between the said towns of "Guilford and Killingworth." And that the lands lying east of said line, be, and the same are hereby annexed to the said town of Killingworth, exclusive of the power and authority in town meetings to make rules and ordinances for regulating the fisheries of clams and oysters, which power and authority is hereby reserved to the town of Guilford in the same manner as though this alteration in the line between said towns had not been made. (Volume I, Page 1150)

**RESOLVE INCORPORATING THE TOWN OF MADISON.
PASSED, MAY 1826.**

Resolved by this Assembly. That all that part of the town of Guilford, lying east of the following lines, vis: beginning at the centre of Munger's Island on the margin of the Sound; thence in a right line to the extreme point of land between the East and Neck Rivers; thence to the channel of the East River; thence following the channel of the East River as far north as the abutment of Chittenden's landing; thence easterly to the north-east corner of said wharf; thence north-easterly in a right line to the Parish line a little south of David Dudley's dwelling house. where the centre of the road intersects said Parish line; thence on the Parish lines of East Guilford and North Bristol, to the north side of the town, with all the inhabitants residing therein, be, and the same is hereby incorporated into a distinct town, by the name of "Madison;" and the inhabitants aforesaid, and their successors forever residing within said limits, shall have and enjoy all the powers, privileges and immunities, which are enjoyed by other towns in this State, with the privilege of sending one Representative to the General Assembly of this State.

And said new town shall pay its proportion, according to the list of 1825, of all debts, charges, expences, suits, petitions and claims already due and accrued, commenced or existing against said town of Guilford, or for which said town may hereafter be rendered liable, by force of any claim now existing; and the poor of said town of Guilford, who were born within the limits hereby incorporated, and have not gained a settlement elsewhere, or who have gained a settlement by residence within said limits, shall be deemed inhabitants of said town of Madison, and shall be maintained accordingly, whether said poor are now maintained by said town of Guilford or not; and said town of Madison shall be liable to maintain all such poor of said town of Guilford, as are or may be absent therefrom, provided such poor person or persons, at the time of departure, belonged to that part of the town of Guilford, hereby incorporated into the town of Madison. The collectors of the State and town taxes, in the town of Guilford, are hereby authorized to collect their respective taxes already laid, and in their rate books contained, in the same manner as though this resolve had not passed.

Said new town shall be entitled to their just proportion of any town property according to the list of 1825, excepting the Town House, which shall belong to the town of Guilford; and if the two towns do not agree as to dividing the property of said town, or as to the amount of debts, the County Court for the County of New-Haven, are hereby authorized and empowered to make said division or apportionment, giving reasonable notice to the parties concerned.

The first town meeting in said town of Madison, shall be holden at the Presbyterian meeting house in the Society of East Guilford, on the third Monday of June, A.D. 1826, and Frederick Lee Esq. shall be moderator thereof, and shall warn said meeting by setting up a notification thereof on the public sign posts in the societies of East Guilford and North Bristol, and at such other places as he may deem proper, at least six days before said first meeting.

Said town of Madison shall have all the powers at said first meeting incident to the other towns in this State, and full right to act accordingly; and the officers elected at such first meeting, shall

SPECIAL ACTS

hold their offices until others are legally chosen and sworn in their stead. (Volume I, Page 1154)

[Substitute for House Bill No. 1508.]
[248.]

AN ACT CONCERNING INCORPORATING
THE OVERSHORE ASSOCIATION.

Section 1. The owners of record of land within the limits specified in section 2 of this act, being the locality known as Overshore in the town of Madison, shall be, while they continue to be the owners of such land, a body politic and corporate by the name of The Overshore Association, and by that name they, and their successors in title, 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 in town meetings in said town under the provisions of section 161c of the 1953 supplement to the general statutes, as amended, so long as he shall continue to own land in said territory, shall be entitled to vote at any meeting of said association and shall be eligible to hold any office therein. All owners of any interest in any one parcel of land shall be considered as one owner for the purpose of voting and shall be entitled, collectively, to cast one undivided vote. Any member of said association may be represented at any meeting of the association by a person holding his written proxy.

Sec. 2. The limits and territory of said association shall be that part of the town of Madison known as Overshore and consisting of the land shown on a map entitled "Overshore at Madison, Conn. Plotted by Stanley M. Smith Scale 1" = 50' August 1928" on file in the Madison town clerk's office. The limits and territory of said association may be extended at any time upon the written application of the owner or owners of land contiguous to any portion of the land included within the limits and territory of said association, provided such application shall be approved by a majority of the members present and voting at any annual or special meeting of the association warned for that purpose, and thereupon, such land shall be incorporated within the limits and territory of said association, and the owner and owners

thereof shall be a part of said body politic and corporate.

Sec. 3. The object of said association shall be to provide for the improvement of the lands within the limits of said territory, and for the health, comfort, protection, safety and welfare of the inhabitants thereof.

Sec. 4. The first meeting of the members of said association shall be held on the second Saturday of September following the passage of this act, at such time and place within the limits of said association as Irwin F. Holland, George Sokel, Donald B. MacKay, Richard D. Gould, Steve Tarach, Henry J. Tierney and Eugene C. Johnson, or the majority of them, shall appoint, for the purpose of approving this act in accordance with the provisions of section 16 of this act and of electing a board of governors if said act is so approved. At said meeting there shall be elected a board of governors, three members to serve until the next annual meeting of the association, three members to serve until the second annual meeting of the association and three members to serve until the third annual meeting of the association, and until their successors are elected. At each annual meeting thereafter, there shall be elected three members to serve for three years, and until their successors are elected. Any member of said board who ceases to qualify as a member of said association within the meaning of this act shall automatically cease to be a member of said board of governors.

Sec. 5. Notice of the time and place of said first meeting shall be signed by four or more of the persons named in section 4 of this act and shall be sent by mail to each person eligible for membership in this association under the provisions of this act at least five days before the time appointed for said meeting. Said board of governors shall be elected by a plurality of the ballots cast at said meeting. The vote on the approval of this act shall be by ballot and shall be determined by a majority of the votes cast. The polls for the reception of such ballots shall be open from twelve o'clock noon until six o'clock in the afternoon on such appointed day.

Sec. 6. Annual meetings thereafter shall be held on the second Saturday of September in each year

at such time and place within the limits of said association as the board of governors may direct. Any vacancy occurring in the membership of said board 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 a member of the association to fill the unexpired portion of the term. Any vacancy occurring in any office between annual meetings and shall be filled by the board of governors for the unexpired portion of the term.

Sec. 7. The board of governors shall elect a president, and one or more vice-presidents from the members of said board, and shall appoint a treasurer, a secretary and such other officers as it shall consider necessary, each of whom shall be a member of the association or the husband, wife or child of a member. The president shall preside over all meetings of the board of governors and of the association and shall be the chief executive officer of the association. During the absence of the president, the vice-president shall perform the duties of the president. The secretary shall sign all warnings, notices, orders and by-laws and shall keep a record of all actions of the board of governors and of the association. The treasurer shall keep an account of all monies received and paid out and shall render a report at each annual meeting. The assistant treasurer, if any, shall have all of the powers of the treasurer, in his absence. The assistant secretary, if any, shall have all of the powers of the secretary, in his absence. The treasurer and the assistant treasurer, if any, shall furnish a bond in such amount as the board of governors shall, from time to time, determine, the premiums of said bonds to be paid by the association.

Sec. 8. The fiscal year of the association shall be from September 1 in one year to August 31 in the succeeding year, both dates inclusive.

Sec. 9. Special meetings of the association may be called by the president and shall be called by the president or secretary upon the written request of five or more members of the board of governors or upon the written request of fifteen or more members of the association, and the president or secretary shall, within five days after re-

ceipt of any such written request, cause notice thereof to be given to the members of the association, which notice shall specify the object or objects for which such meeting is called.

Sec. 10. Notice of the annual and special meetings of the association shall be in writing, specifying the time and place of such meeting, signed by the president or secretary and shall be delivered in person or mailed to the members of the association at least five days before the time appointed for such meeting. If mailed, such notices shall be mailed in Connecticut, postage prepaid, and addressed to each member of the association at his or her last-known address. Such special meetings shall be held within the limits of said association.

Sec. 11. Said association may purchase, acquire, hold, own, sell and convey such real or personal property as its purposes may require. It may make, enact, alter and repeal by-laws, rules, regulations and ordinances for the following purposes: To regulate travel over the roadways and rights of way within its limits; to employ one or more persons to act as special police or as a watchmen of the property within its limits, who shall be empowered to enter upon any of the private property within its limits whenever it shall be necessary for the protection of the same with respect to fire, theft, loss or injury, and who shall have the powers of constables within the limits of said association for the purpose of making arrests for the violation of any by-law, ordinance, rule or regulation of the association or of any general law, and the judiciary and police authorities of the town of Madison shall punish for the resistance to or obstruction of such special police while in the proper performance of his official duties in the same manner as though he was a duly constituted police officer of the town of Madison; to clean, build, repair and improve all roadways and private rights of way; to care for and regulate the beach and all lands and buildings used in common by the property owners in said association; to keep the roadways and rights of way and all public places within the limits of said association quiet and free from noise; to regulate the parking of motor vehicles; and to regulate peddling as provided for in towns under the general statutes. Said association may fix a penalty for each violation of any of its by-

SPECIAL ACTS

laws, ordinances or regulations of not more than twenty-five dollars, and the penalties may be recovered in an action brought for that purpose in the name of said association before any court having jurisdiction, for the use and benefit of this association. No by-laws, ordinance or regulation shall take effect until ten days after its passage nor until it has been posted on a signpost which shall be erected within the territorial limits of the association at a place designated by the board of governors for at least seven days. A certificate of the secretary of said association of the posting of any by-law, ordinance or regulation as provided herein shall be prima facie evidence of such posting.

Sec. 12. The board of governors shall prepare and submit a budget to said association at each annual meeting and shall recommend a tax, for the purpose of and based upon said budget, of not more than seven mills on the dollar of the assessed value of the real estate within the limits of said association as shown by the last-completed grand list of the town of Madison, which proposed budget and tax rate shall be posted on the signpost of said association no less than five days before such annual meeting. Said association shall have the power to decrease said budget and tax rate recommended by the board of governors, but in no case shall it have the power to increase the budget or tax rate. The tax rate recommended by the board of governors shall be final unless decreased by the association at such annual meeting. The assessment shall be made against the owners of the property within the limits of said association of record on September first preceding such meeting. The treasurer of said association shall collect such taxes and a rate book shall be made out and signed by the secretary of said association on or before the first day of May in each year and warrants may be issued for the collection of money due on such rate bills pursuant to the provisions of the general statutes. Such taxes shall be a lien upon the property upon which they are assessed and such lien may be continued by certificate and shall be recorded in the land records of the town of Madison pursuant to the provisions of the general statutes relating to continuance of tax liens.

Sec. 13. Written notice of the rate of such tax and of the amount apportioned to each member of

the association shall be sent by the treasurer on or before the first day of June in each year and such tax shall be due and payable on the first day of the following July, and if such tax is not paid before the first day of the following August, it shall bear interest at the rate of five-tenths of one per cent for each month from the date when it became payable.

Sec. 14. No contract which shall involve an expenditure of money in excess of one hundred 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 the association. The board of governors may borrow money in the name of the association, with interest on account of anticipated collection of taxes, but the total indebtedness of the association for such borrowings shall not exceed the sum of five hundred dollars, provided the association shall have the right to authorize borrowings in excess of five hundred dollars.

Sec. 15. If any by-law, ordinance or regulation adopted by said association conflicts with any lawful ordinance of the town of Madison, the ordinance of said town shall prevail and supersede such by-law, ordinance or regulation. Any tax lien filed by the town of Madison on real estate within the limits of said association shall have priority over any lien for a tax levied on the same property by said association.

Sec. 16. This act shall take effect upon its approval by a majority vote of those persons eligible for membership in said association in attendance and voting in person or by written proxy at a meeting held for such purpose in accordance with the provisions of sections 4 and 5 of this act. (Volume 27, Page 191)

Approved June 3, 1955.

Date of vote, September 10, 1955. Vote for, 23. Vote against, 8.

[Substitute for House Bill No. 1506.]
[249.]

AN ACT INCORPORATING THE LEE MANOR ASSOCIATION.

Sec. 1. The owners of record of land within the limits specified in section 2 of this act, being the

locality known as Lee Manor in the town of Madison, shall be, while they continue to be the owners of such land, a body politic and corporate by the name of The Lee Manor Association, and by that name they, and their successors in title, 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 at town meetings in said town under the provisions of section 161c of the 1953 supplement to the general statutes, as amended, so long as he shall continue to own land in said territory, shall be entitled to vote at any meeting of said association and shall be eligible to hold any office therein. All owners of any interest in any one parcel of land shall be considered as one owner for the purpose of voting and shall be entitled, collectively, to cast one undivided vote. Any member of said association may be represented at any meeting of the association by a person holding his written proxy.

Sec. 2. The limits and territory of said association are the numbered lots, roadways, rights of way, beach and areas devoted to the common use of owners of the lots shown on two maps on file in the town clerk's office of said town of Madison, one map being #79 and #79A entitled "Map of Building Lots Known as Lee Manor Madison, Conn. Scale 1" = 50' Apr. 22, 1925" and the other of said maps being #76 entitled "Supplementary Map Showing an Addition to Map of Building Lots Known as Lee Manor Madison, Conn. Scale 1" = 50' Apr. 22, 1925", dated Oct. 21, 1925. The limits and territory of said association may be extended at any time upon the written application of the owner or owners of land contiguous to any portion of the land included within the limits and territory of said association, provided such application shall be approved by a majority of the members present and voting at any annual or special meeting of the association warned for that purpose, and thereupon such land shall be incorporated within the limits and territory of said association, and the owner and owners thereof shall be a part of said body politic and corporate.

Sec. 3. The object of said association shall be to provide for the improvement of the lands within

the limits of said territory, and for the health, comfort, protection, safety and welfare of the inhabitants thereof.

Sec. 4. The first meeting of the members of said association shall be held not later than the first day of July following the passage of this act, at such time and place within the limits of said association as Thomas S. Pagnam, Carl Remy, Willard Gray and Russell C. Doyle, or the majority of them, shall appoint, for the purpose of approving this act in accordance with the provisions of section 17 of this act and of electing a board of governors, if this act is so approved. At said meeting there shall be elected a board of governors, three members to serve until the next annual meeting of the association, three members to serve until the second annual meeting of the association and three members to serve until the third annual meeting of the association, and until their successors are elected. At each annual meeting thereafter, there shall be elected three members to serve for three years, and until their successors are elected. Any member of said board who shall cease to qualify as a member of said association within the meaning of this act shall automatically cease to be a member of said board of governors.

Sec. 5. Notice of the time and place of said first meeting shall be signed by three or more of the persons named in section 4 of this act and shall be sent by mail to each person eligible for membership in said association under the provisions of this act at least five days before the time appointed for said meeting. Said board of governors shall be elected by a plurality of the ballots cast at said meeting. The vote on the approval of this act shall be by ballot, and shall be determined by a majority of the votes cast. The polls for the reception of such ballots shall be open from twelve o'clock noon until six o'clock in the afternoon on such appointed day.

Sec. 6. Annual meetings thereafter shall be held on the third Saturday of June in each year at such time and place within the limits of said association as the board of governors may direct. Any vacancy occurring in the membership of said board 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 a member of the association to fill the unexpired portion of the term. Any vacancy occurring in any office between annual meetings shall be filled by the board of governors for the unexpired portion of the term.

Sec. 7. The board of governors shall elect a president, a vice-president, a treasurer, a secretary and such other officers as it shall consider necessary, each of whom shall be a member of the association or the husband or wife of a member. No office shall be held by the wife or husband of another officer. The president shall preside over all meetings of the board of governors and of the association and shall be the chief executive officer of the association. During the absence of the president, the vice-president, the secretary or the treasurer, in that order, shall perform the duties of the president. The secretary shall sign all warnings, notices, orders and by-laws and shall keep a record of all actions of the board of governors and the association. The treasurer shall keep an account of all monies received and paid out and shall render a report at each annual meeting. The assistant treasurer, if any, shall have all of the powers of the treasurer, in his absence. The assistant secretary, if any, shall have all of the powers of the secretary, in his absence. The treasurer and the assistant treasurer, if any, shall furnish a bond in such amount as the board of governors shall, from time to time, determine, the premiums of said bonds to be paid by the association.

Sec. 8. The fiscal year of the association shall be from June 1 in one year to May 31 in the succeeding year, both dates inclusive.

Sec. 9. Special meetings of the association may be called by the president and shall be called by the president or secretary upon the written request of five or more members of the board of governors or upon the written request of fifteen or more members of the association, and the president or secretary shall, within five days after receipt of any such written request, cause notice thereof to be given to the members of the association, which notice shall specify the object or objects for which such meeting is called.

Sec. 10. Notice of the annual and special meetings of the association shall be in writing, speci-

fying the time and place of such meeting, signed by the president or secretary and shall be delivered in person or mailed to the members of the association at least five days before the time appointed for such meeting. If mailed, such notices shall be mailed in Connecticut, postage prepaid, and addressed to each member of the association at his or her last-known place of abode. Such special meetings shall be held within the limits of said association.

Sec. 11. Said association may purchase, acquire, hold, own, sell and convey such real or personal property as its purposes may require. It may make, enact, alter and repeal by-laws, rules, regulations and ordinances for the following purposes: To regulate travel over the roadways and rights of way within its limits; to employ one or more persons to act as special police or as a watchman of the property within its limits, who shall be empowered to enter upon any of the private property within its limits whenever it shall be necessary for the protection of the same with respect to fire, theft, loss or injury, and who shall have the powers of constables within the limits of said association for the purpose of making arrests for the violation of any by-law, ordinance, rule or regulation of the association or of any general law, and the judiciary and police authorities of the town of Madison shall punish for the resistance to or obstruction of such special police while in the proper performance of his official duties in the same manner as though he were a duly constituted police officer of the town of Madison; to clean, build, repair and improve all roadways and private rights of way; to care for and regulate the beach and water-front property within said association; to keep the roadways and rights of way and all public places within the limits of said association quiet and free from noise; to regulate the parking of motor vehicles; and to regulate peddling as provided for in towns under the general statutes. Said association may fix a penalty for each violation of any of its by-laws, ordinances or regulations of not more than twenty-five dollars, and such penalties may be recovered in an action brought for that purpose in the name of said association before any court having jurisdiction, for the use and benefit of said association. No by-law, ordinance or regulation shall take effect until ten days after its passage nor until it has been posted on a sign-

post which shall be erected within the territorial limits of the association at a place designated by the board of governors for at least seven days. A certificate of the secretary of said association of the posting of any by-law, ordinance or regulation as provided herein shall be prima facie evidence of such posting.

Sec. 12. The board of governors shall prepare and submit to said association at each annual meeting a budget and recommend an assessment, for the purpose of and based upon said budget, but not to exceed fifteen dollars on each dwelling or cottage located within the limits of said association and not to exceed two dollars on each vacant parcel of land within such limits as the same shall appear of record on May 1 preceding such meeting. Said association shall have the power to decrease said budget and rate of assessment recommended by the board of governors, but in no case shall it have the power to increase the budget or rate of assessment. The rate of assessment recommended by the board of governors shall be final unless decreased by the association at such annual meeting. The treasurer of the association shall collect such assessments and a rate book shall be made out and signed by the secretary of said association on or before the first day of July in each year and warrants may be issued for the collection of money due on such rate bills pursuant to the provisions of the general statutes. Such assessment shall be a lien upon the property upon which it shall be laid and such lien may be continued by certificate and shall be recorded in the land records of the town of Madison pursuant to the provisions of the general statutes relating to continuance of tax liens.

Sec. 13. Written notice of the rate of such assessment and of the amount apportioned to each member of the association shall be sent by the treasurer on or before the seventh day of July in each year and such assessment shall be due and payable on or before the first day of the July in each year and if such assessment is not paid before the first day of August of the same year, it shall bear interest at the rate of five-tenths of one per cent for each month from the date when it became payable.

Sec. 14. The board of governors may, by a vote of two-thirds or more of those present and voting

at any meeting, abate any assessment levied upon any person or persons who are unable to pay the same, or where payment of the same would be an undue hardship, causing an entry to be made on its records of the reason for such action.

Sec. 15. No contract which shall involve an expenditure of money in excess of one hundred 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 the association. The board of governors may borrow money in the name of the association, with interest, on account of anticipated collection of assessments, but the total indebtedness of the association for such borrowings shall not exceed the sum of five hundred dollars.

Sec. 16. If any by-law, ordinance or regulation adopted by said association conflicts with any lawful ordinance of the town of Madison, the ordinance of said town shall prevail and supersede such by-law, ordinance or regulation. Any tax lien filed by the town of Madison on real estate within the limits of said association shall have priority over any lien for an assessment levied on the same property by said association.

Sec. 17. This act shall take effect upon its approval by a majority vote of those persons eligible for membership in said association in attendance and voting in person or by written proxy at a meeting held for such purpose in accordance with the provisions of sections 4 and 5 of this act. (Volume 27, Page 196)

Approved June 2, 1955.

[House Bill No. 7877.]

[155.]

AN ACT INCORPORATING THE FIVE FIELDS HOME OWNERS ASSOCIATION.

Sec. 1. All the owners of record, except the owner or owners named in and excluded from the provision of this act by section 20 of this act, of land within the limits specified in section 2 of this act, in the development known as "Five Fields", in the town of Madison, shall be, while they continue to be owners of such land, a body politic and corporate, under the name of "The Five Fields Home Owners Association" and by that name they and their successors shall be a corporation in law with all the powers and privileges of corporations

SPECIAL ACTS

as set forth in the general statutes and with the rights, powers, privileges and duties hereinafter set forth, and shall be vested with and may exercise the powers hereinafter specified.

Sec. 2. The limits and territory of said association shall be that part of the town of Madison known as "Five Fields" and shall include all land shown on the following entitled maps: 1) "Final Plan Five Fields Madison, Connecticut Subdivision of Land of Ingham Hill Corp. Old Saybrook, Conn. Date: March 6, 1968 Rev. Oct. 1, 1968 Scale 1" = 50' Sheet 1 of 4", 2) "Final Plan Five Fields Madison, Connecticut Subdivision of Land of Ingham Hill Corp. Old Saybrook, Conn. Date March 6, 1968 Scale 1" = 50' Sheet 2 of 4", 3) "Final Plan Five Fields Madison, Connecticut Subdivision of Land of Ingham Hill Corp. Old Saybrook, Conn. Date March 6, 1968 Scale 1" = 50' Sheet 3 of 4" and 4) "Final Plan Five Fields Madison, Connecticut Subdivision of Land of Ingham Hill Corp. Old Saybrook, Conn. Date: March 6, 1968 Scale 1" = 50' Sheet 4 of 4", which maps are on file in the Madison town clerk's office as Map Nos. 1537, 1538, 1539 and 1540 respectively.

Sec. 3. The object of said association shall be to provide for the improvement of the territory described herein and its maintenance as a residential area, and for the health, comfort, safety, protection and convenience of the inhabitants thereof.

Sec. 4. At any time hereafter any parcel of land which is contiguous to the territory in said association as above defined may become a part of the territory of said association in the following manner: The owners may make a written application that such contiguous land bounding the same be added to the territory of the association. The officer receiving such application shall cause same to be considered and acted upon by the board of governors within ninety days. If a majority of the whole membership of such board favors such annexation, they may call a special meeting of the association to consider said matter. Such meeting shall be warned as special meetings of the association are warned. If a special meeting is not called to consider said matter, that matter shall be acted upon at the next annual meeting. Notification of said business will be given to the membership pursuant to section 11 of this act. If

a majority of the members present vote in favor of such annexation, then the territory in question shall be annexed to the territory of the association and such property and the owners thereof shall thereafter have the same rights and be subject to the same liabilities as if the same had been an original part of the territory of said association. The owners of said contiguous territory or their representatives shall be fully responsible for compliance with chapter 105 and other applicable provisions of the general statutes, and The Five Fields Home Owners Association shall in no way become liable for defending any actions which may be brought in any connection with the annexation of said contiguous territory to said The Five Fields Home Owners Association, nor shall said The Five Fields Home Owners Association be subject to any liability whatsoever of said annexed territory, either as a unit or in any of or all of its parts. Upon the annexation of any said territory to the said association as herein provided, the clerk shall within one month provide appropriate notation thereof on the Madison Land Records.

Sec. 5. (a) Any person or persons owning property within the territorial limits and boundaries of said association as described as aforesaid, except the owners of property excluded from the provisions of this act in section 20 of this act, shall be a member of said association and shall be entitled to all of the privileges and immunities granted herein. (b) Any member shall be entitled to vote at any meeting of the association and shall be eligible to hold any office in the association. (c) All owners of fractional, undivided or survivorship interests in any lot or building of record, as filed and recorded in the Madison town clerk's office, shall be entitled, collectively, to one vote. In any case, where more than one person owns an interest in any lot or building, as of record, the vote to be cast at any meeting shall be determined by and between the co-owners of record. No member shall be entitled to cast more than one vote at any meeting. (d) All owners of property, whether by reason of a fractional, undivided or survivorship interest, shall be deemed to be a part of the membership of said association; provided the word "member" or "membership," when related to any provision contained herein requiring a minimum vote for its approval or enactment, shall be restricted to that member who is a voter under the

terms of subsection (c) of this section. (e) Any member entitled to vote as provided above, may by proper power of attorney authorize any other person to cast his vote at any meeting. (f) All members shall be obligated to perform and be bound by all of the covenants, agreements and terms contained in their deed of title.

Sec. 6. The first annual meeting of the members of said association shall be held not later than October 1, 1970. Robert Fusari, George J. Achenbach and Edward Cole, or the majority of them, shall have full power and authority to warn the first meeting of the members of said association for the purpose of electing a board of governors and approving this act in accordance with provisions of section 21 of this act. At said meeting, there shall be elected nine members to serve on the board of governors, three members 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. 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.

Sec. 7. Notice of the time and place of the organizational meeting shall be signed by two of the following persons: Robert Fusari, George J. Achenbach and Edward Cole and shall be sent by mail to each property owner within the limits of the association not less than thirty days before the time appointed for said meeting. Said board of governors shall be elected by a plurality of the ballots cast at said meeting.

Sec. 8. At the organizational meeting, the voters shall by ordinance, fix the date of the annual meeting of the said association, which will be held at a place within the limits of Madison 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 a member of the board for the

unexpired portion of the term. Any vacancy occurring in any office, between annual meetings shall be filled by the board of governors for the unexpired portion of the term.

Sec. 9. The board of governors shall, within ten days following each annual meeting, elect from said members of said board a president, a vice-president, a treasurer and a secretary. 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 monies received and paid out and shall render a report at each annual meeting. The treasurer 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. 10. The fiscal year of the association shall be the same as the fiscal year for the town of Madison.

Sec. 11. Notice of the annual and special meetings of the association shall be signed by the president or any three members of the board of governors. Written notice of the time and place of such meetings shall be sent not less than ten days before the time appointed, mailed in Connecticut and addressed to each member of said association at his last-known place of abode.

Sec. 12. Special meetings of the association may be called by the president or any three members of the board of governors and shall be called at the written request of any ten members thereof to the president, who shall, within five days after the receipt of any such request, cause notice thereof to be given as described in section 11 of this act, provided that notice of any special meeting shall specify the object for which such meeting is called.

Sec. 13. 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 enact, rescind or modify 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 any recreational area within said association deemed by the said board to be in need of cleaning or improvement and to care for said recreational areas; to keep streets and all public places within the limits of said association quiet and free from noise; and for such other purposes as may carry out the objects of said association as specified in section 3 of this act. Said board of governors may fix a penalty for each violation of such bylaws, ordinances or regulations of not more than twenty-five dollars, and the penalties may be recovered for the use and benefit of said association in any action brought for the purpose in the name of The Five Fields Home Owners Association before any court having jurisdiction. No enactment, rescission, or modification of any bylaw, ordinance or regulation shall take effect until ten days after the mailing of a proper notice to the members of 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. The board of governors may refer any bylaws, ordinances or regulations 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.

Sec. 14. At any annual meeting or adjourned annual meeting of said association, upon proper notice to all members of said association 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 annual budget and adopt the basis of its assessment on all real property within the limits of said association, except the real estate excluded from the provisions of section 20 of this act, to correspond to the assessment values of the property as shown on the tax list of the town of Madison and shall adopt such method as the basis of its assessment, and thereupon shall establish such rate of taxation for the ensuing year as such meeting may determine based on the budget. Such tax shall not exceed five mills in any one year. The secretary of said association, on or before March first of each year, shall prepare an assessment list of all the real estate within the

limits of said association, including therein the value of the houses, buildings and improvements thereon, placing in the name of each members such land, buildings and improvements as are assessed to each member on the last assessment of the town of Madison. Such secretary shall, on or before the fifteenth day of March, report such list to the board of governors which shall review such list, and if said board finds the same fails to correspond with the last assessment list of the town of Madison, or, if said board finds that there are errors in the proportional valuation of such parts of any piece of property, said board shall correct the same and such revised lists shall be adopted by said board and shall then be and constitute the assessment for the association. Such lists 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 lists shall be open to inspection by any member of the association. Any person claiming to be aggrieved by any such proportional evaluation in such assessment may appeal to the court of common pleas in the manner provided by the general statutes for appeals from the board of tax review. The tax so established shall be collected by the treasurer or by any collector specially appointed by the board for the purpose. Each assessment so made, with interest thereon, shall become due to said association, from the owner or owners of real estate upon which such real estate shall be located, on the first day of July after such assessment was made. 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 to each member of the association within ten days from the laying of such tax, and such tax shall be payable within thirty days from the laying of such tax and in the manner stated therein, and, if such tax shall not be paid when due, it shall bear interest at the rate of nine per cent per annum from the date it shall be payable. Such tax or assessment shall be a lien upon the property upon which it shall be laid and may be collected by suit in the name of the association by foreclosure of such lien. Such lien may be continued by a certificate which shall be recorded in the land records in the town of Madison pursuant to the provisions of the general statutes relating to the continuance of tax

liens. The treasurer or other collector of the association shall have all the powers of collectors of town taxes and shall be accountable to the board of governors in the same manner as town collectors are accountable to selectmen. Such treasurer or collector shall give the association sufficient surety bond in such form as may be determined by the board contingent on the faithful performance of his respective duties. The cost of such bonds shall be borne by the association.

Sec. 15. The board of governors shall adjust any tax if any taxable property is destroyed by fire or the elements prior to the date when such tax becomes due if it fails to reflect taxation based on the value of the property after the destruction of said property.

Sec. 16. No contract which involves an expenditure of money in excess of five hundred 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 vote of the association. Duly authorized contracts of the association shall become binding upon it when signed by the president and any other member of the board of governors.

Sec. 17. Absentee and proxy voting may be provided for by any ordinance passed by a majority of voters voting at an annual meeting duly warned as to this issue.

Sec. 18. If any bylaw or regulation adopted by The Five Fields Home Owners Association conflicts with any law of the state of Connecticut, or any lawful ordinance of the town of Madison, said law or ordinance shall prevail and supersede the bylaw or regulation of said association. Any tax liens levied by said town of Madison on property within the limits of The Five Fields Home Owners Association shall have priority over any lien for assessments levied on the same property by said association.

Sec. 19. Nothing in this act shall affect or alter an existing arrangement with, or in service provided by, or underwritten by, the town of Madison.

Sec. 20. Notwithstanding any provisions of this act to the contrary (a) Ingham Hill Corporation, its successors or successor developers of "Five

Fields" and Five Fields Water Company, its successors or assigns and (b) any land within the limits of said association while under their respective ownership shall not be subject to the provisions of this act.

Section 21. This act shall take effect upon its approval by a majority of the votes cast by those persons qualified for membership under this act at a meeting specially called for this purpose of ratifying and accepting this act. (Volume 34, Page 162)

Approved May 21, 1969.