

Bond Case Briefs

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Town of Glastonbury v. Metropolitan District Commission

Supreme Court of Connecticut - March 6, 2018 - A.3d - 328 Conn. 326 - 2018 WL 1145947

Non-member town brought action against quasi-municipal corporation formed to provide potable water to member and non-member towns, seeking declaratory judgment to establish that surcharge imposed by the corporation on the town and other non-member towns for water usage was illegal.

The Superior Court denied corporation's motion for summary judgment and granted town's motion for summary judgment. Corporation appealed.

The Supreme Court of Connecticut held that:

- Practical relief was available to non-member town, and thus, action was justiciable;
- Prior to enactment of legislation specifically authorizing surcharges for water usage, corporation lacked statutory authority to impose upon non-member town surcharge for water usage that encompassed corporation's costs in maintaining entire water utility infrastructure; and
- Non-member town's delay in challenging surcharge was not unreasonable, and thus, special defense of laches did not bar town's summary judgment motion.