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The "officially released" date that appears near the beginning of each opinion is the date the opinion will be published in the Connecticut Law Journal or the date it was released as a slip opinion. The operative date for the beginning of all time periods for filing postopinion motions and petitions for certification is the "officially released" date appearing in the opinion.

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TOWN OF GLASTONBURY *v.* METROPOLITAN DISTRICT COMMISSION
(SC 19843)

Palmer, Robinson, D'Auria, Mullins and Vertefeuille, Js.*

Syllabus

The plaintiff town sought a judgment declaring that the defendant, a quasi-municipal corporation that provides potable water to certain member and nonmember towns, unlawfully imposed surcharges on the plaintiff and other nonmember towns. While this action was pending, legislation (S.A. 14-21) was passed that amended the defendant's charter and authorized it to impose a surcharge on nonmember towns. The trial court granted the plaintiff's motion for summary judgment, finding that the plaintiff's claim was justiciable, that the nonmember surcharges imposed on the plaintiff prior to the passage of S.A. 14-21 were unlawful, and that the plaintiff's claim was not barred by the equitable doctrine of laches. The defendant appealed from the judgment rendered in favor of the plaintiff, claiming that the passage of S.A. 14-21 had rendered the plaintiff's claim moot and that the trial court had improperly granted the plaintiff's motion for summary judgment. *Held* that the trial court having fully addressed in its memorandum of decision the arguments raised in this appeal, this court adopted the trial court's thoughtful and comprehensive memorandum of decision as a proper statement of the facts and applicable law on those issues, and, accordingly, the trial court's judgment was affirmed.

Argued November 9, 2017—officially released March 6, 2018

Procedural History

Action for a judgment declaring whether the defendant possesses statutory authority to impose surcharges on certain of its customers, and for other relief, brought to the Superior Court in the judicial district of Hartford, where the court, *Hon. Susan A. Peck*, judge trial referee, granted the plaintiff's motion for summary judgment and, exercising the powers of the Superior Court, rendered judgment thereon, from which the defendant appealed. *Affirmed.*

Jeffrey J. Mirman, with whom, on the brief, was *Alexa T. Millinger*, for the appellant (defendant).

Proloy K. Das, with whom were *Joseph B. Schwartz* and *Robert E. Kaelin*, for the appellee (plaintiff).

Opinion

PER CURIAM. The defendant in this declaratory judgment action, the Metropolitan District Commission, a quasi-municipal corporation that provides potable water to eight member and five nonmember towns in the greater Hartford area, appeals[1] from the judgment rendered by the trial court in favor of the plaintiff, the town of Glastonbury. The plaintiff, one of the nonmember towns, brought this action, seeking a determination by the court that, prior to 2014, the defendant unlawfully had imposed surcharges on it and the other nonmember towns. Thereafter, the trial court denied the defendant's motion to strike the plaintiff's complaint on the ground that the plaintiff was required but failed to join the other nonmember towns as indispensable parties. While this action was pending, the legislature enacted No. 14-21 of the 2014 Special Acts (S.A. 14-21),[2] which amended the defendant's charter by authorizing the defendant to impose a surcharge on nonmember towns in an amount not to exceed the amount of the customer service charge. Following the passage of S.A. 14-21, the defendant filed a motion to dismiss, claiming that the special act was retroactive and rendered the plaintiff's claim moot because it answered in the affirmative the question then pending before the court, namely, whether the defendant had the authority to impose a surcharge on nonmember towns. The trial court disagreed and denied the motion, concluding that S.A. 14-21 was not retroactive, and, therefore, it remained to be determined whether the plaintiff was entitled to relief because the surcharges imposed prior to the passage of the special act were unlawful. Thereafter, the parties filed motions for summary judgment, and the trial court concluded that the surcharges imposed on the plaintiff prior to the passage of S.A. 14-21 were unlawful, the plaintiff's claim was not barred by the equitable doctrine of laches, and the plaintiff's claim was justiciable because the plaintiff was entitled to reimbursement for the payments it had made to the defendant on account of the unlawful surcharges. In accordance with these conclusions, the trial court granted the plaintiff's motion for summary judgment and denied the defendant's motion for summary judgment. On appeal, the defendant claims that the trial court incorrectly determined that the plaintiff's claim was justiciable and not rendered moot by S.A. 14-21 or barred by the doctrine of laches.

After examining the record and briefs and considering the arguments of the parties, we are persuaded that the judgment of the trial court should be affirmed. The issues raised by the parties in their motions for summary judgment were resolved properly in the thoughtful and comprehensive memorandum of decision filed by the trial court.[3] Because that memorandum of decision also fully addresses the arguments raised in the present

appeal, we adopt the trial court's well reasoned decision as a statement of the facts and the applicable law on those issues. See *Glastonbury* v. *Metropolitan District Commission*, Superior Court, judicial district of Hartford, Docket No. HHD-CV-14-6049007-S (May 12, 2016) (reprinted at 328 Conn. 326, 330, A.3d [2018]). It would serve no useful purpose for us to repeat that discussion here.[4] See, e.g., *Tzovolos* v. *Wiseman*, 300 Conn. 247, 253–54, 12 A.3d 563 (2011).

The judgment is affirmed.

* This appeal originally was argued before a panel of this court consisting of Justices Palmer, McDonald, Robinson, D'Auria, Mullins and Vertefeuille. Thereafter, Justice McDonald recused himself and did not participate in the consideration of this case.

[1] The defendant appealed to the Appellate Court from the judgment of the trial court, and we transferred the appeal to this court pursuant to General Statutes § 51-199 (c) and Practice Book § 65-1.

[2] Number 14-21, § 1, of the 2014 Special Acts provides in relevant part: "The Metropolitan District is authorized to supply water to any town or city that is not a member town or city of the district, any part of which is situated not more than twenty miles from the state capitol at Hartford, or to the inhabitants thereof, or to any state facility located within such area, upon such terms as may be agreed upon . . . . Except as otherwise agreed between the district and a customer, the district shall supply water at water use rates and with customer service charges uniform with those charged within said district. Any nonmember town surcharge imposed on any such customer or inhabitant shall not exceed the amount of the customer service charge. The cost of constructing the pipe connection between the district and such town or city and the cost for capital improvements within such town or city shall be paid by such town or city or by the customers inhabiting such town or city. The cost of constructing the pipe connection between the district and any such state facility shall be paid by the state of Connecticut. Nothing herein shall authorize The Metropolitan District to supply any water in competition with any water system in any town or city, except by agreement."

[3] We note that the trial court's memorandum of decision on the parties' motions for summary judgment incorporated by reference that court's prior ruling on the defendant's motion to dismiss, in which the court rejected the defendant's contention that the plaintiff's claim was rendered moot by S.A.14-21. See *Glastonbury* v. *Metropolitan District Commission*, Superior Court, judicial district of Hartford, Docket No. HHD-CV-14-6049007-S (October 10, 2014) (59 Conn. L. Rptr. 108).

[4] The defendant also claims that the trial court improperly denied its motion to strike because the plaintiff failed to join as indispensable parties the approximately 9000 individual customers in the nonmember towns. The defendant did not claim before the trial court that the 9000 individual customers in the nonmember towns were indispensable parties but claimed only that the nonmember towns themselves were indispensable parties. We decline to address the defendant's unpreserved challenge to the trial court's ruling on the motion to strike. See, e.g., *Safford* v. *Warden*, 223 Conn. 180, 189–90, 612 A.2d 1161 (1992) ("our general rule [is] that legal claims not raised at trial are not cognizable on appeal").