

1893 Charter of the Woodmont Improvement Association

[House Joint Resolution No. 412.]

[208.]

INCORPORATING THE WOODMONT IMPROVEMENT ASSOCIATION.

Resolved by this Assembly: SECTION 1. That all of the owners of cottages and dwellings within the limits hereinafter specified, in the locality known as Oyster River, and Merwin's Point, in the town of Milford, New Haven county, are hereby constituted a. body politic and corporate, by the name of the Woodmont improvement Association, and by that name they and their successors shall be a. corporation in law capable of suing and being sued, pleading and being impleaded, in all courts of whatever nature, and shall be vested with and possess those powers hereinafter specified.

SEC. 2. The limits and territory of said Woodmont Improvement Association are hereby defined and established as follows, to wit: All that territory in said town of Milford on the shore of Long Island Sound bounded northerly and westerly by a line beginning at a point in the center of the bridge over Oyster river near the property of the Rcv. Dr. Anderson, thence from said bridge northerly at right angles to said bridge until the line reaches a point two hundred feet northerly of the northerly side of the highway on which said bridge is located; Thence southwesterly parallel to and two hundred feet distant from said highway, to intersect the highway near the house of John W. Merwin, and thence westerly in the center of said highway to the center of the new road laid out running from near the new chapel until the shore hack of the grove is reached ; thence southerly, easterly, and northerly, by low-water line of said sound and Oyster river, to the northerly side of said bridge and place of starting.

SEC. 3. All electors of this state now owning a cottage or dwelling within said limits, and all electors of this state who shall own any cottage or dwelling within said limits shall be freemen of said Woodmont Improvement Association, and entitled to vote in any meeting of such freemen, and shall be eligible to any office provided for in this charter. If the owner of any cottage or dwelling within said limit shall not be an elector of this state, then such owner may select and appoint by proxy someone who shall be an elector of this state to act instead of and for said owner.

SEC. 4. The first meeting of the freemen of said corporation shall be held in July or August, 1893, at such time and place within the limits of said Woodmont Improvement Association as the committee herein named shall appoint:, in the notice warning such meeting, for the purpose of electing a sanitary board to consist of five freemen of said Woodmont Improvement Association, who shall hold office until the first day of October, 1894, and until others shall be chosen in their places, unless they shall sooner sell their property or from the limits of said association. Annual meetings shall thereafter be held in August, at such time and

place as the sanitary board shall direct; and warn, and shall elect a sanitary board, to consist of five persons, who shall hold office for one year from the first day of October next succeeding.

SEC. 5. R A. Chapman, W. N. Buttricks, George II Peck, William H. Downes, and Thomas S. Birdseye or majority of them, shall have full power and authority to warn of the first meeting of the freemen of said association, for the purpose of electing five freemen to form a sanitary board, which warning shall be written or printed, signed by a majority of said board; and three copies at least shall be posted in public places in each of the localities known as Oyster River and Merwin's Point., at least three days before such meeting; and either one of said committee may call such meeting to order and lead the same to the choice of a moderator and clerk, in the absence of any motion to elect a moderator, may lend such meeting to the choice of a clerk and the election of a sanitary board. All subsequent meetings, annual or special, shall be warned by said sanitary board in the manner by them prescribed in rules or by-laws made by said board.

SEC. 6. Any vacancy in said board occurring by death, resignation, or removal from said limits between April and November, in any year, may be filled by the majority of the remaining members, and such member appointed shall hold office for the unexpired term.

SEC. 7. Said sanitary board shall have full power and authority to employ one or more persons to remove all garbage, filth, night-soil, ashes, and other refuse matter within said limits, and authorize such person to make entry on any private property within said limits outside of any occupied dwelling-house, store, hotel, saloon, barn, or restaurant and remove all filth, garbage, ashes, and night-soil, or other offensive matter; and said board may assess and apportion the expense and cost of such removal among all of the cottage, dwelling-house, and hotel owners, and other buildings within said limits, provided that no one building shall be assessed to exceed ten dollars for said purpose in any one season, except that any hotel having a greater amount of garbage or night-soil to be removed than any private residence, may be assessed by said board a sum not exceeding twenty-five dollars for such purpose. Said board may collect all such assessments from the several owners of such properties, by suit at law if need be, in the name of said corporation.

Sec. 8. To prevent nuisances and promote the health of the place and facilitate the removal of all garbage and night-soil, said board shall have full power and authority to dictate how and where and in what vessels garbage from the various cottages and dwellings shall be deposited, and may prescribe and direct what vessels or receptacles shall be provided and used at the various privies within said limits, and may enforce such order by proper rules and regulations.

Sec. 9. Said sanitary board shall, within said limits, examine into all nuisances and sources of filth injurious to the public health, and may cause to be removed all filth found within said limits, whether public or private property, which, in their judgment, shall endanger the health of the inhabitants or render the occupation of any dwelling materially uncomfortable; and may notify all persons causing or maintain such nuisances to abate and remove and discontinue the same within such time as the board shall order, and if the same shall not be removed and

discontinued as ordered, said board may remove the same and recover the expense of such removal from any person so causing or maintaining the same, in any proper action in the name of said corporation. If any property-owner shall refuse to furnish, or, after five days' notice, neglect to provide the proper receptacle ns ordered by said board, for privies and outhouses, such board may provide the same and recover the cost thereon against the owner of the property by an action in the name of said corporation; and when a proper receptacle for night-soil shall be provided as directed by said board, any occupant of the property neglecting to deposit the night-soil from such property in such receptacle, and depositing the same on the ground, shall be liable to pay to said association five dollars for every week such night-soil shall be deposited on the ground in violation of the order of said board, such penalty to recovered in the name of the said association in a proper action at law.

Sec. 10. All general by-laws, rules, and orders made by said sanitary board may he published by printing in any newspaper having a circulation within the limits of said association, or by posting printed or written copies of the same in public places within said limits, and after three days, by such publication, such by-laws, rules, and orders shall be in force.

Sec. 11. Said board may from its own members appoint a clerk and treasurer; and all warnings, notices, orders, and by-laws may be signed by such clerk, and such clerk shall keep *a* record of all notices, orders, and votes of said board. The treasurer shall keep an account of all moneys received, and of all moneys paid out, and shall report the same to the next annual meeting.

Approved, April 19, 1893.

Woodmont Charter of 1903

[House Joint Resolution No. 430.]

[431.]

REVISING THE CHARTER OF THE WOODMONT IMPROVEMENT ASSOCIATION AND CHANGING ITS NAME TO THE WOODMONT ASSOCIATION.

Resolved by this Assembly: SECTION 1. That all of the electors of this state, who are taxpayers in the town of Milford, and who have been domiciled for one month during the year last past in the town of Milford, and within the territory included within the following limits, to wit: All that territory in said town of :Milford, on the shore of Long Island sound, bounded northerly and westerly by n line beginning at a point in the center of the bridge over Oyster river, near the property of the Rev. Dr. Anderson; thence from said bridge northerly at right angles to said bridge until the line reaches a point two hundred feet northerly of the northerly side of the highway in which said bridge is located; thence southwesterly, parallel to and two hundred feet distant from said highway, to the northerly side of Chapel street, near the house of John W. Merwin; thence westerly, along the northerly side of Chapel street, to n paint opposite the westerly line of the Woodmont chapel property; thence southerly across said Chapel street along land of said chapel society; thence easterly along land of said chapel society to :Merwin avenue; thence southerly along the westerly side of said Merwin Avenue to a clump of three large trees; thence southwesterly in a straight line to the top of Barrel rock so-called, to the southerly boundary line of the town of Milford; thence northeasterly along the southerly line of said town to the boundary line between the towns of Milford and Orange; and thence continuing northerly along the boundary line between said towns to the point of beginning, are hereby declared to be, and shall forever continue to be, a body politic and corporate, within said town of Milford, by the name of the Woodmont Association, and by that name they and their successors shall have perpetual succession and shall be a person in law, capable of suing and being sued, and pleading and being impleaded in all courts of whatsoever nature, and also of purchasing, holding, and conveying any estate, real or personal, necessary for the purposes of said association; and shall have a common seal and may change and alter the same at pleasure.

SEC. 2. All of the electors aforesaid, and all taxpayers in the town of Milford who have been domiciled for one month during the year last past within the territory included within said association, and all electors of the town of Milford who actually reside within the limits of said association, shall be freemen of said association at the first election of officers under this resolution and for the year next ensuing; and every person of legal age who shall hereafter have been domiciled within the limits of said association for a period of one month during any year, and who shall have paid taxes on property located in said association during said time, shall be freeman of said association for the year during which he or she has so paid taxes and been domiciled for one month, and for the your ensuing; and all electors of the town of :Milford who actually reside within the limits of said association shall also be freemen of said association. Any freeman of said association who votes in said association under the provisions of this resolution may vote at all elections in any town in this state where he permanently resides, and

the fact that any person is registered as a voter in the Woodmont Association shall not deprive him of the right to register and vote in any town in this state where he has a permanent residence. The freemen of said association in legal meeting assembled shall have power to admit to the freedom of said association all such persons of legal age as own property in said association, real or personal, in their own right, within the limits of said association and which is subject to taxation therein and is rated in the tax list of said association at not less than one hundred dollars; which persons, when so admitted, shall be entitled to all the privileges of freemen of said association while so owning property subject to taxation and rated as aforesaid; provided, that such persons so admitted to the freedom of said association shall not be eligible to hold office in said association. No persons, other than those described in this and the preceding section, shall be freemen of said association, and such persons shall cease to be freemen when they shall cease to possess the qualifications of residence or ownership of property as hereinbefore provided.

SEC. 3. The first annual meeting of the legal voters of said Woodmont Association shall be held on the first Saturday of August in the year 1903, at which meeting said voters shall elect from their number by a plurality of ballots a warden, five burgesses, a clerk, a treasurer, a sheriff, and two auditors. All of said officers of said association shall be sworn to faithfully perform the duties of their several offices, and shall hold office until the next annual meeting and until others shall be chosen and qualified in their stead. The salaries of all elected officers of said association shall be fixed by said association in any meeting called for that purpose. The salaries and compensation of all other officers and employees of said association shall be fixed and determined by the warden and burgesses. The annual meeting of the legal voters of said association shall be held on the last Saturday of August in each year, and a notice of said annual meeting shall be signed by the warden and any three of the burgesses, and shall designate the time and place of such meeting, the officers to be elected, and the other business to be transacted thereat, and such notice shall be posted on the public signpost in said association at least five days before the date of such meeting.

SEC. 4. At all meetings of the voters of said association held for the election of officers, the polls shall be open at two o'clock in the afternoon and shall remain open until seven o'clock in the afternoon. The voting for such officers shall be by ballot; and the casting, challenging, checking, and counting of ballots shall be regulated by the warden and burgesses of said association by such by-laws, rules, and regulations as they may from time to time prescribe; provided, however, that no by-laws, rules, or regulations shall be made which are inconsistent with the statute laws of this state relating to the holding of borough elections. The time for holding meetings for the transaction of business other than the election of officers shall be fixed and designated by the board of warden and burgesses.

SEC. 5. Not less than fifteen of the legal voters of said association shall constitute a quorum for the transaction of business at any special meeting of the voters of said association; and, if fifteen legal voters shall not be present at such meeting, the warden of said association, and, in the absence of the warden, the clerk of said association, may adjourn said meeting from time to time until at least fifteen legal voters shall be present; and all meetings of the said association, where a quorum shall be present, may be adjourned from time to time by a vote of a majority of the legal

voters present and voting; provided, that no election of officers shall be had at such adjourned meeting.

SEC 6. Whenever at any meeting of the voters of said association there shall be no election to an office, by reason of a tie vote, a new election for such office shall be held one week from the day of said meeting, at the same hour and place. Whenever any office shall be vacant by death, resignation, removal, or otherwise, such vacancy shall be filled by the board of warden and burgesses for the unexpired term; provided, however, that, if the board of warden and burgesses do not, by a majority vote, fill such vacancy within one week after the same occurs, the warden of the association, or, if there be no warden, or he shall be absent or incapacitated to act, the senior burgess of the association, may fill such vacancy as aforesaid until the same is filled by the warden and burgesses.

SEC. 7. The seniority of a burgess shall be determined by his consecutive terms of office, and in case there is no seniority vested in any member of the board of burgesses, then the eldest burgess who has held the office consecutively as long as any other member of said board shall be considered the senior burgess.

SEC. 8. Meetings of said board may be called at any time by the warden or any four burgesses by leaving a notice of such meeting with, or at the usual place of domicile in said association of, the warden and each burgess, at least twenty-four hours before such special meeting; a majority of the board of warden and burgesses shall constitute a quorum at any meeting; each burgess shall have one vote, except as hereinafter provided; a majority of the burgesses present and voting at any meeting shall be necessary to pass any act or resolution, except in the case of a tie vote, as hereinafter provided.

SEC. 9. The warden of said association shall be the chief executive officer thereof; he shall preside at all meetings of the voters of said association and at all meetings of the board of warden and burgesses, and at all meetings where he shall so preside he shall vote to dissolve a tie when necessary, except on the election of officers of the association at a meeting of the voters of the association, but shall not otherwise vote, except in the election of officers as aforesaid; he shall designate such freemen as he may choose to count the ballots at any meeting of the voters of said association; he shall have full power and authority to preserve the peace in said association, and may suppress all riots and tumults with force if necessary, and may at all times require the aid of a sheriff, constable, watchman, or other peace officer, or all of them together, with such other aid as he may deem necessary to the proper discharge of his duties; and he shall countersign all orders for money passed by the board of warden and burgesses and drawn by the clerk upon the treasurer of the association, and no such order shall be paid by such treasurer until so countersigned.

SEC. 10. Whenever the warden shall be removed from or shall vacate his office, or be absent, or from any cause be unable to perform the duties of his office, the senior burgess, and, in case of the inability of the latter from any cause, the next senior burgess, and so on, shall act in the place of the warden during such inability, or until another person shall be elected warden, and while so acting as warden shall have all the powers and duties conferred upon the warden by this

resolution, and all acts of such burgess while so acting warden shall have the same effect as like acts done by the warden; any such temporary performance of the duties of warden shall in no wise disqualify such burgess from performing any of his duties as burgess, and, in meetings of the board of warden and burgesses, such burgess while acting as warden may vote as a burgess, and in addition thereto have a casting vote in case of a tie.

SEC. 11. The clerk shall be clerk of the association and clerk of the board of warden and burgesses, and shall act as such at all meetings of the voters of said association and at all meetings of said board of warden and burgesses; and it shall be his duty to make and keep all the records of such meetings, and he shall be the custodian of all books, papers, and documents belonging to said association and said warden and burgesses, except such books and documents as the treasurer shall be required to keep; he shall draw all orders on the treasurer for the payment of money which shall be authorized by the board of warden and burgesses, or the voters of the association at any legal meeting. All books, papers, and documents so kept by the clerk shall be open to the inspection of any inhabitant of said association at all reasonable times. The clerk shall also post and serve all notices which may be required by the board of warden and burgesses, and shall perform such other clerical duties as may be required by said board or the voters of the association at any legal meeting. In the absence of the clerk, a clerk pro tempore may be appointed by the warden of the association, and such clerk pro tempore, while acting as clerk, shall have all the powers and be subject to all of the duties of the clerk; it shall also be the duty of the clerk, or in his absence the clerk pro tempore, to prepare a list of all the electors and persons entitled to vote at the annual meeting of said association for the election of officers, to be used as a check list at such meeting; said list to be prepared by said clerk on the Saturday before the annual meeting, and the clerk shall be present at his office in said association on said day between the hours of two o'clock and six o'clock in the afternoon for the purpose of preparing said list; and no person shall vote at any such meeting unless his name shall be on such list, or unless his right to vote at such meeting shall have matured under section two by a continuous domicile of one month within the limits of said association; and if such list cannot be prepared, then the list used at the last meeting of the voters of the association for the election of officers shall, on the morning of the annual meeting, be revised by the warden and any two burgesses, or, in the absence or inability of the warden, by the clerk and any two burgesses, and be used until a certified list can be prepared. The name of any person entitled to vote in said association omitted from said list by clerical error, and the name of any person whose right to vote shall have matured under section two, may be added on election day by the presiding officer. .

SEC. 12. The treasurer of said association shall have and exercise the same relative powers and duties in said association as town treasurers have in their respective towns; he shall pay no money out of the association treasury except on order of the clerk, countersigned by the warden, and shall be accountable to the association.

SEC. 13. The association sheriff shall have the same authority within the limits of the association as constables have within their respective towns and shall be liable to the same extent.

SEC 14. The warden and burgesses shall appoint the tax collector of said association. The collector shall faithfully collect all rate bills made out by the board of warden and burgesses

under their hands, or all taxes laid by said association; and any justice of the peace for New Haven county, on their application or that of the collector, shall issue a warrant for the collection thereof; and the collector shall have the same powers as town collectors, and shall be accountable to the warden and burgesses in the same manner as town collectors are accountable to selectmen, and shall pay over the taxes as fast as collected to the treasurer.

SEC. 15. The auditors shall annually examine the accounts of all the officers of the association, and make their report in writing to its annual meeting.

SEC. 16. The treasurer, collector, and sheriff shall give sufficient bonds to the association, to the acceptance of the warden and burgesses, for the faithful performance of their respective duties.

SEC. 17. Every officer of said association shall, before entering upon the duties of his office, be sworn to a faithful performance of his duties, and the form of the oath to be taken shall be as follows: You _____ do solemnly swear that you will faithfully perform the duties of the office of _____ of the Woodmont Association to the best of your ability, so help you God. This oath may be administered to the clerk of said association by any officer qualified to administer oaths in New Haven County, and by said clerk to all the other officers; and the fact that such oath has been administered shall be recorded by the clerk.

SEC. 18. The clerk of said association shall, on the last Saturday in July in each year, be at his office and make an assessment list of all the real and personal estate in said association subject to taxation as appears by the assessment list of the town of Milford then last completed, and the list so prepared by the clerk shall correspond in description, amount, and value of said property with said town list. When real estate so entered in the town list is located partly within and partly without the limits of said association, and there is no distinct and separate value put by the assessors of the town upon the part lying within said association, one or more of the assessors of the town of Milford shall, on the application of said clerk, value said part lying within the limits of said association and return a list of the same to said clerk, which valuation shall be adopted by the association for purposes of taxation. When the association shall lay a tax on the list of property located in said association, and the title to any property has in any way been changed between the first day of October next preceding and the time of laying said tax, said property shall be listed in the name of the person owning it at the time of the laying of said tax. If between the time of the completion of said town grand list and the time of making the association grand list any person or corporation liable or having property liable to taxation shall have become a resident of the association, or if any person, corporation, or property liable to taxation therein shall not be upon the grand list of the town, such person, corporation, and property shall be assessed in said association grand list by said clerk. The clerk of the association shall return said list when completed, duly signed and sworn to by him, to the warden and burgesses of said association. And said list, when accepted by said warden and burgesses, shall be the assessment list of said association for the ensuing year. Any person claiming to be aggrieved by the doings of the clerk of said association or said assessors in preparing said assessment list shall have the same right of appeal to the superior court as is now provided by sections 2354, 2355, 2356, and 2357 of the general statutes in cases of appeal from town boards of relief to the superior court.

SEC. 19. Said association shall have power to lay a tax upon all real and personal property subject to taxation therein and located in said association as appears by the assessment list last completed, as provided in section eighteen of this resolution, at any regular or special meeting of said association duly warned and held for that purpose. When the tax is so laid it shall be the duty of the clerk of said association to prepare a rate bill apportioning to each owner of such property his proportionate share of the tax so laid, which rate bill, when prepared, shall be delivered to the collector of said association, and the collector of said association shall have the same powers as collectors of towns to enforce payment of said tax.

SEC. 20. The warden and burgesses, when assembled according to law, shall have power to make, alter, repeal, and enforce such by-laws, orders, ordinances, and enactments as they shall deem suitable and proper, not inconsistent with this resolution or contrary to the laws of this state or of the United States, for the following purposes: To manage, regulate, and control the finances and property, real and personal, of said association; to regulate the sale, conveyance, and transfer of said property; to regulate the mode of assessment and collection of taxes for association purposes not otherwise herein provided for; to provide for the due execution and delivery of deeds, grants, and releases of association property, of contracts, and of other evidences of indebtedness issued by said association; to provide the method of keeping the accounts of said association and of adjusting claims against the same; to prescribe the duties of the officers and employes of the association when not expressly defined by this resolution; to punish the resistance, hindrance, obstruction, or abuse of officers of said association in the discharge of their duties; to preserve peace and order; to prevent and quell riots and disorderly assemblages; to prevent vice and immorality; to suppress gambling houses, houses of ill-fame, houses resorted to for the purposes of prostitution and lewdness, and disorderly houses; to prevent assemblages of persons on the sidewalks to the obstruction, hindrance, or annoyance of the public; to compel the closing of saloons and other places where intoxicating liquors are kept and sold, at such suitable hours during the night season as said warden and burgesses may designate, and at such times and on such occasions as may be required by the public good; to protect said association from fire, and from the danger of the same; to organize, maintain, and regulate a fire department and fire apparatus; to locate and establish wells, cisterns, or waterworks for use in case of fire or for domestic use; to erect and keep in repair all buildings necessary for the use of the fire department; to purchase a fire engine, hose carriage, and other apparatus for use in case of fire, and to make rules and regulations for the safe keeping and preservation of the same, and for the protection and preservation of wells, cisterns, or waterworks which may be established; to license, regulate, or prohibit the manufacture, keeping for sale, or use of fireworks, torpedoes, firecrackers, gunpowder, petroleum, dynamite, or other explosive or inflammable substance, and the conveyance thereof through any portion of the association; to regulate the discharge of firearms in said association; to regulate the erection of lamp posts and of telegraph, telephone, and electric light poles, and the wires and fixtures thereof; to provide for the public lighting of the streets in said association, and to protect the apparatus used therefor from injury; to regulate all parades and processions, public assemblages, shows, and music in the public streets; to regulate the speed of animals and vehicles in said streets; to prescribe the width, grade, and kind of sidewalks to be made and laid in said association, and to compel the making and laying of the same; to compel the owners of the land and buildings to remove the snow and ice from the

sidewalks in front of such land and buildings and to keep such sidewalks safe for public travel and free from all obstructions; to regulate or prohibit the depositing of any building materials of any description on any sidewalk; to regulate or prohibit the running of animals at large in said association; to license and regulate public hacks and carriages, and the charges of hackmen, carmen, and truckmen; to regulate the planting and removal and provide for the protection and preservation of trees in the public streets; to keep the streets and all public places quiet from all undue noise; to prohibit the crying of newspapers upon Sunday or at any unreasonable hours upon the streets of said association; to regulate the use of cesspools, drains, sewers, and privies, and to regulate and prevent the location of pigpens or deposits of filth and rubbish in said association; to compel the removal, from any place in said association, of any nuisance injurious to health or offensive or annoying to the public, at the expense of the owner of the premises where such nuisance exists; to regulate the removal of any offensive manure or other substance, swill, or nightsoil through the streets of the association; to regulate the carrying on within said association of any kind of trade, manufacture, or business prejudicial to the public health, or dangerous to or constituting an unreasonable annoyance to those living or owning property in the vicinity; to license and regulate the sale of milk in said association; to prohibit the sale of meat, vegetables, fish, produce, fruits, or food of any kind when the same is in such a condition as to endanger public health; to name and rename streets; to number houses and buildings; to establish building lines and regulate the construction of buildings; to construct and maintain piers and docks; to license and regulate sports, exhibitions, public amusements, and performances, and billiard and bowling saloons, within said association; to regulate and prevent the use of velocipedes, bicycles, and tricycles on the sidewalks of said association; to prohibit and prevent the depositing of any filth, garbage, or rubbish in any of the gardens, cemeteries, and public and private enclosures; to protect, preserve, and care for public burying-grounds, and to prevent the desecration thereof, and to regulate the burial of the dead therein; to prevent cruelty to animals and restrain inhuman sports; to provide a public seal; to regulate and prescribe the mode of conducting all association elections and the manner of warning association meetings and meetings of the warden and burgesses, and the time and place of holding the same, when those matters are not expressly regulated by this resolution; to provide the mode for removal of any officer for cause; to provide places for holding meetings in said association; and to prescribe the amount of bonds to be given by the officers of the association; and said warden and burgesses may prescribe fines and penalties for a violation of any of such by-laws, orders, ordinances, and enactments, and the penalties imposed any be recovered in any proper action brought for that purpose in the name of the Woodmont Association before any court having jurisdiction, for the use of the association; and the violation of any such by-law or ordinance imposing a fine shall be a misdemeanor, and may be prosecuted by the prosecuting attorney of the town court of Milford as in other criminal cases.

SEC. 21. No by-law or ordinance shall take effect and be enforced until the same has been posted for at least five days on the public signpost in said association. No by-law or ordinance shall take effect until five days after its passage, and no by-law or ordinance shall impose a greater penalty or fine than one hundred dollars. A certificate of the clerk of said association of the due posting of any by-law or ordinance shall be prima facie evidence of such posting.

SEC. 22. Said association shall have sole and exclusive authority and control over the opening, closing, alignment, widening, grading, maintaining, repairing, and cleaning of all highways, streets, sidewalks, public squares, and all parts of the same, within its limits; and no person shall open within said limits any public street except under and by virtue of the authority of the warden and burgesses. The warden and burgesses may lay out new roads, streets, public squares, and walks; may grade, alter, extend, and enlarge the same: may discontinue roads and streets, or exchange the same for other roads and streets and public walks; may enclose and improve :my public grounds within said association; may establish names for all streets and public places; may provide for the suitable lighting of all streets and public places, and provide water for fire or other purposes, and for such purposes may contract with any persons or corporations for supplying such light and water; may make and cause to be executed all such orders relating thereto as it may judge proper; and may level, raise, pave, or flag any and all street crossings within said association at its own proper cost and expense.

SEC. 23. The warden and burgesses shall have power to lay out, construct, and repair sewers and drains whenever they may deem the same necessary, through or along any street, highway, or public ground, or through any private ground, by making suitable compensation therefor, and to assess such portion as they may deem reasonable of the cost of any such sewer or drain upon the property of such person or persons as they shall find to be specially benefited thereby; provided, that in case the warden and burgesses, or a committee by them appointed, cannot agree as to the amount of damages to be paid to any person or persons, whose land or property is taken or affected, or as to the amount of benefits, in case benefits are assessed against any person, the said damages and benefits shall be assessed in the same manner as is provided in section twenty-five of this resolution when land is taken for highways.

SEC. 24. Before the warden and burgesses shall determine to lay out, alter, build, construct, widen, straighten, or discontinue any street, highway, drain, or sewer in said association, they shall cause a notice, signed by the clerk thereof, describing in general terms such proposed layout, alteration, construction, widening, straightening, or discontinuance, and specifying a time and place when and where all persons whose lands are proposed to be taken therefor may appear and be heard before said warden and burgesses in relation thereto, to be posted on the signpost in said association and a copy thereof to be left with or *at* the usual place of abode of all persons whose land is to be taken for such improvements if they reside within the limits of said association, at least ten days before the time fixed in said notice for said hearing. If any of them do not reside within the limits of said association, a copy thereof deposited in the post office at Woodmont, postage paid, addressed to such property owner at his last known place of residence, at least ten days before the time fixed in said notice for such hearing, shall be a legal and sufficient notice to all persons and corporations whose land is proposed to be taken for such improvement. At the time and place mentioned in said notice, and at any meeting adjourned therefrom, said warden and burgesses shall hear all of the parties in interest who may appear and desire to be heard in relation thereto. Any person aggrieved by the doings of the warden and burgesses in laying out, building, constructing, widening, altering, or discontinuing any street, highway, drain, or sewer within said association shall have the same right of appeal to the superior court as is provided in section 2018 of the general statutes in case of the laying out of

highways by selectmen of towns; provided, however, that such appeal shall be taken within one month after the survey thereof is accepted by the warden and burgesses.

SEC. 25. If after such hearing said warden and burgesses shall resolve to lay out, alter, widen, straighten, or discontinue such street or highway, they shall appoint a committee of their own number whose duty it shall be to make such layout, alterations, widening, straightening, or discontinuance, and report in writing their doings to said warden and burgesses, which report shall embody a descriptive survey of such street, or highway, as laid out and designated. If said report shall be accepted and approved by said warden and burgesses, and said warden and burgesses and the parties in interest cannot agree as to the damages and benefits to be assessed, the warden, or, in case of his absence, inability, or being personally interested in said damages or benefits, the senior burgess of said association, shall appoint three disinterested and judicious freeholders of the state to appraise the damages and assess the benefits, as the case may be, accruing to any person or persons from the taking of such lands for the public use as aforesaid, or from such layout, alteration, widening, straightening, or discontinuance; said freeholders shall be sworn to the faithful and impartial discharge of the duties of said appointment, and a certificate of such appointment and the administration of such oath shall be made under the hand of the officer appointing them and recorded in the records of said association. Before making any such appraisal of damages or assessment of benefits, said freeholders shall give notice to all persons interested of the time and place when and where they will meet for the purpose of attending to the duties of their appointment; such notice shall be deemed sufficient and legal if signed by the said freeholders, or a majority of them, and given in the same manner as is provided in section twenty-four of this resolution. Said freeholders shall meet at the time and place designated in said notice and at such time as they may adjourn to therefrom and shall hear all of the parties in interest who may appear before them; and shall thereupon ascertain and determine what person or persons will be damaged by such taking of said land, or by such layout or alteration, and the amount of such damage over and above any special benefit such person or persons may receive therefrom; also what other person or persons owning or interested in lands contiguous to or in the vicinity of the proposed improvement will be specially benefited by such taking of said land, or by such layout or alteration, and the amount of such special benefit over and above any damage such person or persons may receive therefrom; also what other person or persons owning or interested as aforesaid will receive an equal amount of damages and benefits thereby; and such freeholders shall report the amount of damages and benefits thus ascertained and determined, and the names of the persons to whom the same respectively appertain and belong, with a general description of the property in respect to which benefits or damages are assessed, to the warden and burgesses, who may accept said report, or return the same to said freeholders for reconsideration and correction; and, upon the acceptance of said report, the clerk of the association shall record the same in the records of the warden and burgesses; provided, that the whole amount of benefits assessed for any particular improvement shall not exceed the whole amount of damages appraised on account of the same and the estimated cost of completing said improvement, which estimate said committee shall make and embody in its report; said warden and burgesses shall cause a notice, signed by the warden or clerk of said association containing the names of the persons thus assessed, with the amount of their respective assessments, to be deposited in the post office at Woodmont, postage paid, addressed to each party assessed at his last known place of residence, and a like notice to be posted on the public signpost in said

association, and such posting shall be deemed legal and sufficient notice to all persons interested in such assessments, and the same shall thereupon become due and payable. The warden and burgesses shall order the damages thus assessed and determined to be paid to the person or persons to whom they respectively belong out of the treasury of said association; provided, that, if any such person or persons shall refuse or neglect to receive the amount so found due and ordered to be paid to him or them; the same shall be deposited in the treasury of the association to be paid to the person or persons entitled to receive it, whenever he or they shall apply for the same. The descriptive survey before mentioned, being signed by the warden or senior burgess, and entered upon said association records and upon the town records of the town of Milford, and the damages assessed having been paid or deposited as aforesaid, said street or highway shall be and remain for the purpose for which it was laid out.

SEC. 26. The assessments of benefits so made shall be and remain a lien upon the land upon which they are respectively made, and shall take precedence of all liens or encumbrances thereon except taxes; provided, however, that such lien shall not continue for a longer period than sixty days after the posting of the notice therefor as aforesaid, unless within that period a certificate, signed by the warden or clerk of said association, describing the premises on which such lien exists and the amount claimed by said association as a lien thereon, shall be lodged with the town clerk of the town of Milford; and provided, further, that such lien shall cease to exist whenever a certificate to that effect, signed by the warden or clerk of said association for the time being, shall be lodged with said town clerk. All such certificates the said town clerk shall record with deeds of land. Any such assessment may be collected by the tax collector of said association by warrant under the hand of the warden of said association in the same manner as town taxes are by law collected.

SEC. 27. All persons aggrieved by the appraisal of damages by said freeholders caused by the layout, construction, alteration, widening, straightening, or discontinuance of any street, highway, drain, or sewer, may, within ten days after notice, as aforesaid, of said appraisal of damages, apply to any judge of the superior court for a reappraisal of such damages, giving reasonable notice in writing to the clerk of said association of the time and place of such application and of the name of the judge; and said judge shall appoint three judicious and disinterested freeholders of the state, who shall reappraise such damages and make report of their doings to the superior court in and for New Haven county, which shall have authority, for any cause it may deem sufficient, to set aside said report and order another appraisal to be made, or to make such other order therein as to justice shall appertain. If upon such application the damages shall be increased, and the same be approved of by said court, the costs of the application shall be paid by said association, otherwise by the applicant.

SEC. 28. The warden and burgesses may from time to time order the owner or owners of lands fronting on any street or highway, at the expense of such owner or owners, to make and lay sidewalks, of such width and kind, and at such grade, as said warden and burgesses shall designate and prescribe, and may limit such time as they may deem reasonable for the carrying out of such order, notice of which shall be given by the clerk of said association by leaving a true

and attested copy of such order with or at the usual place of abode of such owner or owners, within five days after the passage of the same, and, if such owner be a non-resident of said association, a true and attested copy of said order shall be deposited by said clerk in the post office at said Woodmont, postage paid, addressed to such owner at his place of residence, if the same be known, and a like copy be left with his agent, or the person having charge of or occupying said premises, which shall be due and legal notice to said owner of such order. If any such owner or owners shall neglect or refuse to comply with such order within the time specified therein, the warden and burgesses may, by themselves, or by a committee by them appointed, execute said order in the manner therein prescribed, at the expense of the association; and the expense incurred in executing such order shall, from the time when such expense begins to be incurred, be and continue a lien upon the land in front of which such sidewalk is made or laid in favor of said association, which lien shall take precedence of all other liens except taxes, and such sum may be collected by warrant under the hand of the warden in the same manner as town taxes are by law collected; provided, however, such lien shall not continue for a longer period than sixty days after final execution of such order, unless within that period a certificate shall be lodged, as provided in section twenty-six of this resolution.

SEC. 29. The warden and burgesses shall constitute and be a board of health in said association, and shall have and may exercise all power and authority given by law to the boards of health of towns in this state which they shall judge necessary for the prevention of the spread of disease and the promotion of the health of the inhabitants of said association, and shall make and cause to be executed all orders which they may deem necessary for such purpose, and may appoint committees to carry the same into effect; provided, that such orders shall not be inconsistent with the constitution and laws of this state or of the United States; and provided, further, that all orders and regulations of said board shall be posted for three days upon the signpost in said association; and if any person or persons shall neglect or refuse to obey any order of said board of health or of the committee by it appointed upon being duly notified of such order to remove any filthy, putrid, or noxious substances, or rubbish, which shall be deemed injurious to the health or cleanliness of said association, the warden, or any of the burgesses, or said committee, may cause the same to be removed at the expense of such person so neglecting or refusing, and for such purpose may enter upon and into all lands and buildings in said association; and the expense of such removal may be recovered against such person by any proper action.

SEC. 30. Said warden and burgesses shall establish a public signpost in said association; and may make, establish, and adopt forms of orders and notices to be used under this resolution and in enforcing the by-laws and ordinances passed in pursuance thereof, and the same shall be held to be appropriate and sufficient.

SEC. 31. The warden and burgesses shall have full power and authority to organize and maintain a fire department in said association; to procure and maintain suitable and proper

apparatus and land and buildings therefor; to appoint officers of said fire department; to make and cause to be executed by-laws, rules, and regulations for the good government of said fire department, or of any engine company, hose company, and hook and ladder company or companies, or any person or persons in said fire department; and to enlist a sufficient number of men to fill the same and to discharge any such enlisted men for cause. Said company or companies, when enlisted and organized, may appoint company officers, subject to the approval of said warden and burgesses; may fill all vacancies in their numbers by voluntary enlistments from time to time as occasion may require; and may make all necessary by-laws and rules for their own government, which enlistments and by-laws shall be subject to the approval of said warden and burgesses.

SEC. 32. The board of warden and burgesses shall have power to appoint special constables and policemen, who shall have full power within the association to arrest without previous complaint or warrant all such persons as are guilty of drunkenness, disorderly conduct, or breach of the peace, and such other offenders as constables or policemen may by law apprehend. All expenses incurred by said association in making said arrests and holding persons in custody shall be taxed against said town of Milford and shall be paid by the treasurer thereof. All fines and costs paid and recovered pursuant to this act and pursuant to any by-law or order passed in accordance therewith shall be for the use of the town of Milford, except when in this resolution otherwise specially provided, and may be recovered in any action founded on this resolution or such by-law or order.

SEC. 33. No license for the sale of spirituous or intoxicating liquors, ale, or lager beer shall be granted within the territory hereinbefore described, unless, at a meeting of the association duly called and held for the purpose, three-quarters of the voters present and voting shall vote in favor of having licenses granted for the sale of spirituous and intoxicating liquors, ale, and lager beer within the territory of said association for such year.

SEC. 34. Said association is hereby authorized and empowered to issue bonds, registered or with coupons attached, bearing interest at a rate not greater than four per centum per annum, payable semiannually, to an amount outstanding at any one time not to exceed ten per centum of the amount of its grand list, the principal of the bonds to be payable at some certain time or times not more than thirty years from the date thereof; and the sum realized from the sale of said bonds shall be applied to the payment of any indebtedness which said association may create in the establishment of a general system of sewerage for said association, or other public improvements in said association. The warden and burgesses of said association shall prescribe and determine, subject to the foregoing limitations, the denominations and form of said bonds, the several and aggregate amounts thereof, the rate of interest to be paid thereon, the time or times of issue thereof, and the time or times, and place or places of paying said interest and said principal, the manner of signing, countersigning, selling, exchanging, or otherwise disposing of said bonds, and the person or persons who shall execute, negotiate, and deliver the same for and on behalf of

said association. Said bonds, when so executed and delivered, shall be obligatory upon said association and upon the inhabitants and property thereof, according to the tenor and purport of the same. Said association shall provide a sinking fund for the payment of the principal of said bonds, and, in each year durring which any of said bonds shall be outstanding, shall appropriate from the treasury of said association such suitable sum for the purposes of said sinking fund as, with the accumulations thereon, will be sufficient to pay said bonds at their maturity; and said sinking fund shall be in the care and control and under the management of the treasurer of said association, who shall keep the same invested entirely separate from other funds of said association in any savings bank in this state, or in such investments as are permitted by law for trust funds, for the sole purpose of redeeming all of said bonds at their maturity. If the amount of any sinking fund shall, at the maturity of any of the bonds issued by said association, exceed the amount of bonds of said association outstanding, such excess shall be paid into the treasury of said association. The treasurer may use any money ia his hands which is a part of the sinking fund in the purchase of the outstanding bonds of said association, and such bonds shall be thereafter held as a part of the sinking fund of said association.

SEC. 35. Said warden and burgesses shall annually make estimates of the moneys necessary to be appropriated for the expenses of said association for the year ensuing and the rate of taxation required to meet the same, which expenses shall be classified under appropriate heads and departments, and shall submit the same to the annual meeting of said association. The warden and burgesses may make estimates of the moneys necessary to be expended for any special purposes at any time during the year and the amount of taxes that will be necessary to meet the same, and shall submit the same to any meeting of the association to be specially called for the purpose; and said meeting shall have power to make special appropriations and lay special taxes to meet the same. Said meeting, or any meeting called for the purpose, shall have power to make appropriations for all the purposes of said association, but it shall not have power to make appropriations in excess of the revenue of said association for the ensuing year, and in no case shall the expenses of the association exceed its revenue during any one year except in cases and for purposes for which said association is authorized to issue bonds. An appropriation made for any specific purpose shall not be expended for any other purpose, and if not expended for the specific purpose shall be covered back into the treasury at the end of the year for which it is made; but, at any meeting of the association specially called for the purpose, any money appropriated for a specific purpose and unexpended, may be appropriated for some other purpose or purposes. .

SEC. 36. It shall be the duty of the selectmen of the town of Milford und an equal number of the burgesses, annually to determine the amount of money that the town of Milford shall pay over to the association for the making, repairing, and laying out of the highways and sidewalks, for maintaining a fire department and street hydrants, and for lighting the streets within the territory of said association; provided, however, that no money shall be paid to said association

for making and repairing sidewalks, for maintaining a fire department, or street hydrants, or for lighting the streets within the territory of said association, or for any of such purposes, unless the town of Milford shall appropriate moneys for the same purposes to be expended within the limits of said town outside the limits of said association; and in case the selectmen and the burgesses aforesaid cannot agree upon the amount of money to be paid by said town, then either the said town of Milford or said association may apply to any judge of the superior court to have him find and determine the amount that shall be paid by said town to said association. Said judge shall cause reasonable notice thereof to be given to the parties of the time when and place where he will hear said cause, and said judge is hereby empowered to fully hear said parties and determine the amount that said town shall pay to said association for the current year, and shall file his opinion with the clerk of the superior court for New Haven county. The sum thus determined, shall be paid by said town into the treasury of said association and said town shall not be liable to make or repair any highways or sidewalks within the limits of said association; but said town shall continue to be liable to make and repair all bridges in the territory included in said association.

SEC. 37. The name of the Woodmont Improvement Association is hereby changed to the Woodmont Association.

SEC. 38. At the first meeting of the legal voters of said association, to be held under the provisions of this resolution on the last Saturday in August, 1903, the warning thereof shall be given by posting a notice in at least two conspicuous places within said proposed association at least five days before said meeting, and shall be signed by Thomas S. Birdseye, A. E. Hart, and W. N. Buttricks, or a majority of them. Said persons, or a majority of them, shall, on or before the day preceding said meeting, prepare for use at said meeting a list of the persons legally qualified to vote in said association under the provisions of this resolution, and such persons only shall be qualified to vote at said meeting. The polls shall be open at two o'clock in the afternoon and shall remain open until seven o'clock in the afternoon. Said persons, or a majority of them, shall prepare a ballot box for use at said meeting and shall also appoint the moderator, checker, and counters for the taking of the votes at said meeting, and the moderator shall declare the result of said election and who are elected to the' respective offices.

SEC. 39. This resolution shall take effect on the last Saturday of August, 1903, except such provisions hereof as would fail of full force if not in effect prior to that time, which provisions shall take effect on the approval of this resolution. \

SEC. 40. This resolution shall be held to be a public act to all intents and purposes. Approved, June 18, 1903.

1907 Charter Amendment

[House Joint Resolution No. 412.]

[363.]

AMENDING THE CHARTER OF THE WOODMONT ASSOCIATION.

Resolved by this Assembly: That section one of the resolution revising the charter of the Woodmont Association, approved June 18, 1903, is hereby amended by striking out, commencing with the ninth line, the words " northerly at right angles to said bridge until the line reaches a point two hundred feet northerly of the northerly side of the highway in which said bridge is located; thence southwesterly, parallel to and two hundred feet distant from said highway" and inserting in lieu thereof the words "westerly along the boundary line between the towns of Milford and Orange to the northwesterly line of the layout of the West Shore Railway Company; thence along said line of layout of said company," and by striking out in the eighteenth and nineteenth lines of said section the words "a clump of large trees" and inserting in lieu thereof the words "the southwesterly line of the new street extending from said Merwin avenue to the foot of Mark street on the shore," so that said section as amended shall read as follows: That all of the electors of this state, who are taxpayers in the town of Milford, and who have been domiciled for one month during the year last past in the town of Milford, and within the territory included within the following limits, to wit: All that territory in said town of Milford, on the shore of Long Island sound, bounded northerly and westerly by a line beginning at a point in the center of the bridge over Oyster river, near the property of the Rev. Dr. Anderson; thence from said bridge westerly along the boundary line between the towns of Milford and Orange to the northwesterly line of the layout of the West Shore Railway Company; thence along said line of layout of said company to the northerly side of Chapel street, near the house of John W. Merwin; thence westerly, along the northerly side of Chapel street, to a point opposite the westerly line of the Woodmont chapel property; thence southerly across said Chapel street along land of said chapel society; thence southeasterly along land of said chapel society to Merwin avenue, thence southerly along the westerly side of said Merwin avenue to the southwesterly line of the new street extending from said Merwin avenue to the foot of Mark street on the shore; thence southwesterly in a straight line to the top of Barrel rock, so-called, to the southerly boundary line of the town of Milford; thence northeasterly along the southerly line of said town to the boundary line between the towns of Milford and Orange; and thence continue, northerly along the boundary line between said towns to the point of beginning, are hereby declared to be, and shall forever continue to be, a body politic and corporate, within said town of Milford, by the name of the Woodmont Association, and by that name they and their successors shall have perpetual succession and shall be a person in law, capable of suing and being sued, and pleading and being impleaded in all courts of whatsoever nature, and also of purchasing, holding, and conveying any estate, real or personal, necessary for the purposes of said association; and shall have a common seal and may change and alter the same at pleasure.

Approved, July 5, 1907.

1915 Amendment of the Milford Charter transferring funding authority to the Board of Finance

[Substitute for House Bill No. 108.]
[7]

AN ACT CONCERNING A DEPARTMENT OF FINANCE IN THE TOWN OF MILFORD

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

SECTION 1. The board of finance in the town of Milford shall hold a meeting within thirty days from the final adjournment of the annual town meeting in said town, and shall give at least five days' notice thereof to the warden of the Woodmont Association.

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

. Said board shall hold a meeting within thirty days from the final adjournment of the annual town meeting in said town, and shall give at least five days' written notice thereof to the warden of the Woodmont Association. Said notice shall state the time and place of such meeting and thereat said board shall determine the amount of money which the town of Milford shall pay to said association pursuant to the provisions of the charter of said Woodmont Association, approved June 18, 1903. The board of finance shall have exclusive authority to determine the amount of money which said town shall pay to said association.

SEC. 2. The Woodmont Association or any taxpayer thereof, the town of Milford or any taxpayer of said town, claiming to be aggrieved by the action of said board of finance may make application in the nature of an appeal to the superior court as provided in section 1240 of the general statutes.

SEC.3. When said board shall make an appropriation for any special or public purpose in excess of ten thousand dollars, said board may recommend the issue of town bonds, as provided in section 1931 of the general statutes, for the purpose of raising funds to meet the expense thus created, in lieu of laying on tax upon the ratable estate within said town therefor. All recommendations for such purpose shall be filed in the office of the town clerk and shall be submitted by the selectman to the annual or special town meeting for the action of said town thereon, as provided in section five of an act creating a department of finance in the town of Milford, approved April 1, 1911. Unexpended balances of appropriations at the end of any year shall become a part of the general fund of the town.

SEC. 4. So much of section thirty-six of the charter of the Woodmont Association as makes it the duty of the selectmen of the town of Milford and an equal number of the burgesses annually to determine the amount of money that the town of Milford shall pay annually to the association, is

repealed, and all other acts and parts of acts inconsistent herewith are repealed so far as they affect the town of Milford.

SEC. 5. This act shall take effect from its passage.

Approved, March 2, 1915.

1921 Amendment of the Milford Charter transferring funding authority to the Board of Finance

[House Bill No. 674.]
[127.]

AN ACT CREATING A DEPARTMENT OF FINANCE IN THE TOWN OF MILFORD.

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

SECTION 1. There shall be in the town of Milford a board of finance consisting of the first selectman, who shall be its presiding officer, and six electors of said town, to be appointed as hereinafter provided, which electors shall be taxpayers and shall hold no other office in said town government; but said appointments shall be so made that not more than four members of said board, including the first selectman, shall at any time belong to the same political party. The necessary expenses of said board shall be paid by said town of Milford, but no member of said board shall be paid for his services. The members of said board shall be duly sworn to the faithful performance of their duties.

SEC. 2. Said board shall, at its meeting held on the first Tuesday of September in each year, choose a clerk, not a member of said board. Said clerk shall be duly sworn to the faithful performance of his duties, shall keep a record of all the meetings of said board, and shall attend the adjourned annual town meeting and keep a record of all votes passed, and report to the selectmen all appropriations made in accordance with this act.

SEC. 3. The first selectman may call a special meeting of said board at any time, on reasonable personal notice to the members thereof or a written or printed notice sent to the residence of each member or mailed to him by the clerk of said board at least twenty-four hours before the time of holding such meeting.

SEC. 4. During the month of August, 1921, the board of selectmen of the town of Milford shall appoint six electors, who are also taxpayers, members of said board, two of whom shall be appointed for one year from the first day of September, 1921, two for two years from said date, and two for three years from said date; and in each August thereafter the selectmen shall appoint two members of said board for a term of three years from the first day of September next succeeding. The members of said board shall hold office during the time for which they are appointed and until their successors are appointed by said board of selectmen and qualified; and, in case of a vacancy in said board by reason of death or resignation, the selectmen shall forthwith appoint a successor who shall serve for the remainder of the term of such deceased or resigning member and until his successor is appointed and qualified.

SEC. 5. Said board shall hold a meeting on the first Tuesday of September in each year, and may adjourn said meeting from time to time during said month, and at said meeting and adjournments thereof, if any are had, shall make estimates of the moneys necessary to be appropriated for the expenses of said town of Milford for the year next ensuing, beginning on the Tuesday after the first Monday of October, except that the appropriations for the maintenance of schools for the year ensuing shall take effect on the first day of September preceding the annual town meeting, and may, at its discretion, make appropriations for paying any part of the debt of the town, also to provide a fund for any public improvement, and shall classify the said appropriations under appropriate heads and departments; and said board shall make an estimate of the rate of taxation required to meet said appropriations and said rate of taxation shall be based upon the grand list of the town last completed. Said board shall give notice to each board or department of a definite time when and place where it will meet to consider the needs of such board or department. The meetings of said board shall be open to the public. Said appropriations and the rate of taxation recommended shall be filed in the town clerk's office of the town of Milford on or before the first Monday of October next ensuing, and said appropriations and the rate of taxation so recommended shall be submitted by the board of selectmen to an adjourned annual town meeting which shall be held on the first Monday of November, between the hours of two o'clock and eight o'clock in the afternoon, at the usual place for holding said town meetings in said town of Milford. Said town meeting shall have power to decrease said appropriations, or any item thereof, or the rate of taxation recommended by said board of finance, but in no case shall it have the power to increase said appropriations, or any item thereof, or said rate of taxation. The rate of taxation so recommended by said board shall be final, and said appropriations so reported shall be the appropriations of the town of Milford for the ensuing year, unless said rate of taxation or said appropriations be decreased by said annual town meeting; but the total amount of appropriations for any one year shall not exceed the estimated income for that year, nor shall any board of selectmen or town school committee of said town, nor the town in any special town meeting, vote to incur any liability or expense, by contract or otherwise, except for the improvement of public roads under state aid, for which said town shall be responsible, in excess of the appropriations so made by said board. During the period between the Tuesday after the first Monday of October and the first Monday of November the board of selectmen, the town school committee, or any other officer or department of said town of Milford may pay any current operating expenses of said town, provided an appropriation therefor has been recommended by said board of finance and filed in the office of the town clerk of said town as hereinbefore provided.

SEC. 6. If a special appropriation is required for any purpose, an estimate of the same shall be prepared and submitted to said board of finance at a special meeting called for that purpose; and said board of finance at said meeting, or any adjournment thereof, shall have power to make any such appropriation, and to recommend a special tax to meet the same; but no such appropriation shall be made unless a special tax is recommended sufficient to cover the amount, when such appropriation is in excess of the unappropriated revenue of the town, except as hereinafter provided. Said appropriations and the rate of taxation so recommended shall be submitted by the board of selectmen to a special town meeting called for that purpose, and said special town meeting shall have the power to decrease said appropriations, or any item thereof,

or the rate of taxation recommended by said board of finance, or said special town meeting may vote not to make such appropriation or levy such special tax, but in no case shall any special town meeting have power to increase any special appropriation or any rate of taxation recommended by said board of finance. When said board shall make an appropriation for any special or public purpose in excess of ten thousand dollars, said board may recommend the issue of town bonds or other obligations, as provided in section 440 of the general statutes, for the purpose of raising funds to meet the expense thus recommended, in lieu of recommending a tax upon the ratable estate within said town. All recommendations for such purpose shall be filed in the office of the town clerk and shall be submitted by the selectmen to the annual or special town meeting for the action of said town as provided in this act.

SEC. 7. Unexpended balances of appropriations at the end of any year shall become a part of the general funds of town, and said board of finance in estimating the income for any year shall include as a part of such income all unexpended and unappropriated moneys belonging to said town.

SEC. 8. Said board shall have power to make transfers of unexpended balances from one appropriation to another, but no amount appropriated for any one purpose, whether general or special, shall be used or appropriated for any other purpose unless the same be recommended by said board.

SEC. 9. Said board shall hold a meeting within thirty days from the final adjournment of the annual town meeting in said town, and shall give at least five days' written notice thereof to the warden of the Woodmont Association. Said notice shall state the time and place of such meeting and thereat said board shall determine the amount of money which the town of Milford shall pay to said association pursuant to the provisions of the charter of said Woodmont Association, approved June 18, 1903. The board of finance shall have exclusive authority to determine the amount of money which said town shall pay to said association.

SEC. 10. The Woodmont Association or any taxpayer thereof, the town of Milford or any taxpayer of said town, claiming to be aggrieved by the action of said board of finance may make application in the nature of an appeal to the superior court as provided in section 1240 of the general statutes.

SEC. 11. So much of section thirty-six of the charter of the Woodmont Association as makes it the duty of the selectmen of the town of Milford and an equal number of the burgesses annually to determine the amount of money that the town of Milford shall pay annually to the association, is repealed, and all other acts and parts of acts inconsistent herewith are repealed so far as they affect the town of Milford.

SEC 12. This act shall take effect August 1, 1921.

Approved, April 20, 1921.

Charter Amendment of 1937

[Substitute for Senate Bill No. 619.]

[139.]

AN ACT AMENDING THE CHARTER OF THE WOODMONT ASSOCIATION.

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

SECTION 1. Upon a written petition, signed by a number of qualified electors of the Woodmont Association equal to at least fifteen per cent of the vote cast for the same office or offices at the last preceding election of said association, together with a list containing the name of a candidate for the office of warden, the names of five candidates for the office of burgess, the name of a candidate for the office of clerk, the name of a candidate for the office of treasurer, the name of a candidate for the office of sheriff and the names of two candidates for the office of auditor, being presented to the board of warden and burgesses, not less than thirty days prior to the day of the annual meeting of said association, said board shall cause the names of such candidates appearing upon such petition or list to be printed upon ballots as provided in section 587 of the general statutes, and such ballots shall constitute the legal ballots for, and shall be used in, the election of such officers on the day appointed for the annual election of officers of the Woodmont Association, or such election may be conducted by the use of voting machines.

SEC. 2. Any number of petitions, with lists of candidates as provided in section one, may be presented to said board of warden and burgesses and shall be acted upon by said board as herein prescribed, provided the name of any petitioning voter shall appear upon but one petition, and provided, in case the name of a petitioning voter shall appear upon more than one petition, all petitions bearing such voter's name shall be void, unless it shall appear that such petition contains the names of a sufficient number of voters otherwise qualified.

SEC. 3. The names of the candidates and of the offices to be filled shall be printed upon such ballots in the manner in which they shall appear upon such petition or list, and in the order set forth herein, without party designation or distinguishing emblem.

SEC. 4. All matters contained in the charter of said Woodmont Association, inconsistent with the provisions of this act, are repealed.

SEC. 5 This act shall take effect July 1, 1937.

Approved April 23, 1937.

1957 Charter Amendment

[House Bill No. 2443] [92.]

AN ACT TO CHANGE THE ASSOCIATION STATUS OF WOODMONT TO BOROUGH STATUS.

Wherever used in number 431 of the special acts of 1903, as amended by number 363 of the special acts of 1907 and number 139 of the special acts of 1937, or any other special act referring to the Woodmont Association, the term "Woodmont Association" is amended to read "borough of Woodmont," and the word "association," meaning the Woodmont Association, is amended to read "borough."

Approved April 23, 1957.

Amendment to the Amendment of 1957

[646]

AN ACT CONCERNING THE BOROUGH STATUS OF THE BOROUGH OF WOODMONT.

Number 92 of the special acts of 1957 is amended by adding sections 2 and 3 as follows:

SEC. 2. Said borough shall have all the powers and duties accorded to boroughs under the provisions of the general statutes and shall meet all the requirements of said statutes pertaining to the exercise of said powers and duties. Any provision of said number 431 of the special acts of 1903, as amended, or any other special act referring to the Woodmont Association inconsistent with the provisions of the general statutes relating to boroughs is repealed.

SEC. 3. The name of the Woodmont Association is changed to the Borough of Woodmont.

Approved June 17, 1957.

CHARTER of the BOROUGH OF WOODMONT 1966

as amended May 7, 1973

SECTION I. ESTABLISHMENT AND TERRITORIAL LIMITS OF THE BOROUGH

The Borough of Woodmont, a body politic incorporate in the City of Milford, Connecticut, consists of the qualified Freeholders not in residence and the qualified Electors residing within the territory of said Borough, to wit:

All that territory in the City of Milford, on the shore of Long Island Sound, bounded northerly and westerly by a line beginning at a point in the center of the bridge over Oyster River, near the property of the Rev. Dr. Anderson; thence from that bridge westerly along the boundary lines between the City of Milford and the Town of Orange to the northwesterly line of the layout of the West Shore Railway Company; thence along this line of layout of that company to the northerly side of Chapel Street near the house of John W. Merwin, thence westerly along the northerly side of Chapel Street to a point opposite the westerly line of the Woodmont Union Chapel property; thence southerly across Chapel Street along land of said Chapel society; thence southeasterly along land of the Chapel to Merwin Avenue, thence southerly along the westerly side of Merwin Avenue to the southwesterly line of the new street extending from Merwin Avenue to the foot of Mark Street on the shore; thence southwesterly in a straight line to the top of Barrel rock, so called, to the southerly boundary line of the City of Milford; thence northeasterly along the southerly line of that City to the boundary line between the City of Milford and the Town of Orange; and thence continuing northerly along the boundary line between these to the point of beginning.

SECTION II. VOTERS

A. CLASSES: The Voters of the Borough shall consist of two classes: Electors and Freeholders.

B. ELECTORS: The Electors of the Borough of Woodmont are those persons whose legal residence has been within the territorial limits of the Borough for at least thirty (30) days or as provided by State Statute, whichever period of time is lesser and who are qualified electors and registered voters on the voting list of the City of Milford last completed before such meeting or election. Electors are entitled to vote for any and all public officials of the Borough and at all Borough meetings according to the general laws of the State of Connecticut.

Amended May 7, 1973 to reduce the residency period to 30 days.

C. FREEHOLDERS: The Freeholders of the Borough of Woodmont are those persons of legal age who may not be registered as Electors of the City of Milford, but who are on record as taxpayers to the City and to the Borough and who are duly registered as Freeholders in the Borough. Freeholders are entitled to vote at all Borough meetings.

D. VOTING LISTS: The names of qualified Electors and qualified Freeholders shall be recorded on separate lists.

SECTION III

POWERS OF THE BOROUGH

In addition to all powers granted to boroughs under the State Constitution and the general laws of the State of Connecticut, the Borough of Woodmont shall have all powers specifically granted by this Charter and all powers fairly implied or incident to the powers expressly granted, and all other powers incident to the management of the property, government and affairs of the Borough, including the power to enter into contracts with the United States or any federal agency, the State of Connecticut or any political subdivision thereof, for services and the use of facilities, the exercise of which is not expressly forbidden by the Constitution and general laws of the State of Connecticut. The enumeration of particular powers in this and any other Section of this Charter shall not be construed as limiting this general grant of power but shall be considered as an addition thereto.

SECTION IV

GOVERNING BODY OF THE BOROUGH

A. OFFICERS: The governing body of the Borough shall consist of a Warden, six Burgesses, a Clerk, a Treasurer, a Constable, and two Auditors, all of whom shall be elected biennially; and an appointed Tax Collector. One of the six Burgesses shall be appointed Senior Burgess. No person shall be eligible for election to any Borough office or appointment to any board or commission who is not qualified as an Elector in the Borough.

B. OATH OR AFFIRMATION OF THE OFFICE: Every officer of the Borough, before entering upon the duties of his office, shall be sworn to a faithful performance of his duties, and the form of the oath or affirmation to be taken shall be discretionary with the Clerk, but maybe as follows:

"You, _____, do solemnly swear or affirm that you will faithfully perform the duties of the office of _____ of the Borough of Woodmont to the best of your ability, so help you God." The oath or affirmation shall be administered to the Clerk of the Borough by any officer qualified to administer oaths or affirmations in New Haven County and by the Clerk of the Borough to all the other officers; and the fact that such oath or affirmation has been administered shall be recorded by the Clerk.

C. WARDEN: The Warden of the Borough shall be the chief executive thereof. He shall preside at all meetings of the Voters (Electors and Freeholders) of the Borough, and at all meetings of the Board of Warden and Burgesses; and at all meetings where he shall so preside, he shall vote only to dissolve a tie when necessary, and he may vote in the election of officers of the Borough at the biennial election, but he shall not otherwise vote. At the first regular meeting of the Board of Warden and Burgesses following the election, he shall appoint one of the Burgesses to be Senior Burgess. He shall designate such Voters as he may choose to count the ballots at any annual or other meeting of the Electors and Freeholders of the Borough other than an election. He shall have full power and authority to preserve the peace in the Borough, and may suppress all riots and tumults with force if necessary, and may at all times require the aid of a Constable, Sheriff, watchman, or other peace officer, or all of them together, with such other aid as he may deem necessary to the proper discharge of his duties. He shall countersign all orders for moneys passed by the Board of Warden and Burgesses and drawn by the Clerk upon the Treasurer of the Borough, and no such order shall be paid by such Treasurer until so countersigned.

D. SENIOR BURGESS: The Senior Burgess, appointed by the Warden, shall act as Warden whenever the Warden shall be removed from or shall vacate his office, or be absent or from any cause be unable to perform the duties of his office. During such inability, or until another person shall be elected as Warden, he shall have all power and duties conferred upon the Warden by this Charter, and all acts of such Burgess while so acting as Warden shall have the same effect and right as if done by the Warden. Such temporary performance of the duties of the Warden shall in nowise disqualify the Senior Burgess from performing any of his duties as Burgess. In no event shall the Senior Burgess have more than one (1) vote.

Amended May 7, 1973 to limit the Senior Burgess to 1 vote.

E. BOARD OF WARDEN AND BURGESSES: The Warden and Burgesses when assembled according to law shall have power to make alter, repeal and enforce such by-laws, orders, ordinances, and enactments as they shall deem suitable and proper, not inconsistent with this Charter or contrary to the laws of this State or of the United States, according to the powers granted in [SECTION III](#), except that the Board of Warden and Burgesses shall have no power to rescind or repeal any ordinance, by-law, regulation, or enactment previously enacted by the Voters in any Borough meeting. The Board of Warden and Burgesses has the authority to carry out and enforce all the powers granted in [SECTION III](#), including the authority to establish any board or commission, such as fire and police departments and boards of health, education and zoning, except as otherwise prohibited. The Board of Warden and Burgesses shall appoint the Tax Collector of the Borough. The Board of Warden and Burgesses shall establish a public signpost in the Borough; and may make, establish, and adopt forms of orders and notices to be used under this Charter and in enforcing the by-laws and ordinances passed in pursuance thereof, and the same shall be held to be appropriate and sufficient. At least one public hearing, five days public notice of which shall be given by publication in a newspaper having a general circulation in the Borough, and on the public signpost, shall be held by the Board of Warden and Burgesses before any new ordinance shall be passed, except in the case of a public emergency, so declared by the Warden or Acting Warden and set forth in the ordinance, provided that no emergency ordinance shall be passed by less than a two thirds majority vote. The Board of Warden and Burgesses shall thereafter post on the public signpost and in the same newspaper at least once all ordinances enacted by them thirty days before any such by-law or ordinance shall take effect or be enforced. A certificate of the Clerk of the Borough of the due posting and advertising of any by-law or ordinance shall be prima facie evidence of same. The Board of Warden and Burgesses shall prescribe and determine, subject to the limitations of this Charter ([Section III](#), Powers of the Borough, and [Section VII](#), Finances), and the General Laws of Connecticut, the denominations and forms of bonds, the several and aggregate amounts thereof, the rate of interest and the principal on them, the manner of signing, countersigning, selling, exchanging or otherwise

disposing of such bonds, and the person or persons who shall execute, negotiate, and deliver the same for and on behalf of the Borough. Such bonds, when so executed and delivered, shall be obligatory upon the Borough according to the general statutes of the State of Connecticut. The Board of Warden and Burgesses shall annually make estimates of the monies necessary to be appropriated for the expenses of the Borough for the year ensuing and the rate of taxation required to meet the same, which expenses shall be classified under appropriate heads and departments, and shall submit a budget to the annual meeting of the Borough. The Board of Warden and Burgesses may make estimates of the monies to be expended for any special purposes at any time during the year and the amount of taxes that will be necessary to meet the same, and shall submit the same into any meeting of the Borough to be specially called for the purpose. The express granting of powers of the Board of Warden and Burgesses herein is not intended to limit the Board thereto, but the Board shall in addition have all powers fairly implied or incident to the powers expressly granted and all other powers allowed by law. Any action of the Board of Warden and Burgesses may be overruled at a special meeting of the Borough called for that purpose according to Section VI Meetings, A: Meetings of the Borough.

F. CLERK: The Clerk shall be Clerk of the Borough and Clerk of the Board of Warden and Burgesses, and shall act as such at all meetings of the Electors and Freeholders of the Borough and at all meetings of the Board of Warden and Burgesses; and it shall be his duty to make and keep all the records of such meetings. He shall be the custodian of all books, papers, and documents belonging to the Borough and the Board of Warden and Burgesses, except such books and documents as the Treasurer shall be required to keep. He shall draw all orders on the Treasurer for the payment of money which shall be authorized by the Board of Warden and Burgesses or by the Voters of the Borough at any legal meeting. All books, papers, and documents so kept by the Clerk shall be open to inspection upon request at all reasonable times. The Clerk shall also post and serve all notices which may be required by the Board of Warden and Burgesses, and shall perform such other clerical duties as may be required by the Board of Warden and Burgesses or the Electors of the Borough at any legal meeting. In the absence of the Clerk, a clerk pro tempore may be appointed by the Warden of the Borough, and such clerk pro tempore, while acting as Clerk, shall have all the powers and be subject to all of the duties of the Clerk. It shall also be the duty of the Clerk, or in his absence, the clerk pro tempore, to prepare a list by street address, similar to that in use by the City of Milford, of all Electors entitled to vote at any meeting and at any election of the Borough, and a list of all the Freeholders entitled to vote at any meeting of the Borough, before any election or meeting, to be used as check lists at any such meeting or election. The Clerk shall be present at his office in the Borough between the hours of one and four P.M. on four consecutive Saturdays previous to the election or meeting for the purpose of preparing such lists and no person shall vote at any such election or meeting unless his name shall be on the appropriate list. The name of any person entitled to vote in the Borough omitted from such lists by clerical error may be added on election day or on the day of a Borough Meeting by the presiding officer. The Clerk shall, on the first Saturday in June of

each year, be at the Borough office and make an assessment list of all the real and personal property in the Borough subject to taxation as appears by [the assessment list of the City of Milford](#) then last completed, and shall follow the procedures as required by [SECTION VII, FINANCES, Paragraph C., Assessments](#). The Clerk shall prepare a rate bill according to enactments of the Borough in any annual or special meeting called for the purpose apportioning to each owner of assessed property his proportionate share of the tax so laid; which rate bill, when prepared, shall be delivered to the Tax Collector of the Borough. The Clerk shall keep an ordinance book in accordance with [SECTION IX, ORDINANCES](#).

G. TREASURER: The Treasurer of the Borough shall be responsible for all monies of the Borough received and disbursed. He shall have the powers conferred on him by this Charter unless contrary to the general laws of the State of Connecticut. He shall keep the same according to accepted accounting procedures. He shall make all records available for annual audit and at any other time as may be requested by the Warden or by the Board of Warden and Burgesses. He shall pay monies only upon orders passed by the Board of Warden and Burgesses, signed by the Clerk and countersigned by the Warden. He shall have care, control and management of any sinking fund or funds of the Borough and shall keep the same invested entirely separate from other funds of the Borough in any savings bank in this state, or in such investments as are permitted by law for trust funds, for the sole purpose of redeeming any or all bonds at their maturity. All checks shall be signed by the Warden, or in his absence the Senior Burgess, and the Clerk, in addition to the Treasurer. He shall be accountable to the Borough. He shall give sufficient bond to the State of Connecticut for the faithful performance of his duties, as shall be determined by the Board of Warden and Burgesses.

H. TAX COLLECTOR: The Board of Warden and Burgesses shall appoint the Tax Collector of the Borough. He shall faithfully collect all rate bills made out by the Board of Warden and Burgesses under their hand for all taxes levied by the Borough. Any Sheriff of New Haven County, on application of the Board of Warden and Burgesses or of the Tax Collector, shall issue a warrant for the collection thereof. He shall be accountable to the Board of Warden and Burgesses in the same manner as town tax collectors are accountable to Selectmen. He shall pay over all tax revenues to the Treasurer as promptly as collected. He shall give sufficient bond to the State of Connecticut for the faithful performance of his duties as shall be determined by the Board of Warden and Burgesses. He is to have an account known as the Tax Collector's Account and tax remittances are to be deposited to this account. The tax collector shall issue by the fifth of each month a check paying to the Treasurer of the Borough the funds collected during the previous month.

I. CONSTABLE: The Borough Constable shall have the same authority and duties within the limits of the Borough as provided by [state statutes regulating constables](#) and shall be liable to the same extent. He shall give sufficient bond to the State of Connecticut for the faithful

performance of his duties as shall be determined by the Board of Warden and Burgesses. His duties shall be designated from time to time by the Board of Warden and Burgesses.

J. AUDITORS: The Auditors shall annually examine the accounts of all the officers of the Borough and make their report in writing to the [Annual Meeting](#).

K. SALARIES: The salaries of all elective officers of the Borough shall be fixed by the Borough at its annual meeting or in any meeting called for that purpose. The salaries and compensation of all officers and employees of the Borough shall be fixed and determined by the Board of Warden and Burgesses.

L. VACANCIES: Whenever any office shall be vacated by death, resignation, removal, or otherwise, such vacancy shall be filled by the Board of Warden and Burgesses for the unexpired term; provided, however, that if the Board of Warden and Burgesses do not, by a majority vote, fill such vacancy within four weeks after it occurs, the Warden or in his absence, the Senior Burgess, may fill such vacancy until it is filled by the Board of Warden and Burgesses. Any officer may be removed from office for sufficient cause by a two thirds vote of the Board of Warden and Burgesses (or four out of six), or by a recall petition signed by thirty-five per cent of the Electors.

Amended May 7, 1973 to increase the period that a burgess seat may remain vacant from two to four weeks and reduce the total number of votes needed to remove an officer.

SECTION V

ELECTIONS

A. CONDUCT OF ELECTIONS: The election of Borough officers shall be held beginning on the First Tuesday following July 4th. [The general laws of the State of Connecticut as they pertain to the conduct of elections](#) shall be applicable and all election procedures shall be in accordance therewith. The casting, challenging, checking, and counting of ballots shall be regulated by the Board of Warden and Burgesses by such by-laws, rules and regulations as they from time to time may prescribe; so long as they are not inconsistent with the general laws relating to the holding of Borough elections. Whenever at any election of the Borough there shall be no election to an office by reason of a tie vote, a new election for such office shall be held one week from the day of that election at the same hour and place, unless procedure is otherwise provided for by general statutes. Special elections may be called according to statutes made and provided.

B. NOMINATIONS: Upon a written petition signed by at least ten per cent of the [qualified Electors](#) of the Borough of Woodmont together with a list containing the name of a candidate for the office of Warden, the names of at least one and no more than six candidates for the office of Burgess, the name of a candidate for the office of Clerk, the name of a candidate for the office of Treasurer, the name of a candidate for the office of Constable, and the name of one and not more than two candidates for the office of Auditor, being presented to the Board of Warden and Burgesses not less than thirty days prior to the day of the biennial election of the Borough, the Board of Warden and Burgesses shall cause the names of such candidates appearing upon such petition or list to be printed upon ballots or voting machine as provided in the general statutes and such legal ballots or voting machine shall be used in the election of such officers on the day of election of officers of the Borough of Woodmont. Any incumbent desiring to run for reelection shall fulfill the above required procedures for nomination.

C. PETITIONS: Any number of nominating petitions with lists of candidates as provided in SECTION V, B., above, may be presented to the Board of Warden and Burgesses and shall be acted upon by the Board of Warden and Burgesses and shall be acted upon by the Board as herein prescribed, provided the name of any petitioning Elector shall appear upon but one petition. In case the name of a petitioning Elector shall appear upon more than one petition all petitions bearing such elector's name shall be void unless it shall appear that such petition contains the names of a sufficient number of otherwise qualified [Electors](#). The names of the candidates and of the offices to be filled shall be printed upon such ballots or voting machine in the manner in which they shall appear on such petition or list and in the order set forth herein without party designation or distinguishing emblem.

SECTION VI

MEETINGS

A. MEETINGS OF THE BOROUGH: The annual meeting of the Voters (Electors and Freeholders) of the Borough shall be on the last Thursday of August for the purpose of adopting the budget for the ensuing fiscal year and to transact any other business pertaining to the Borough. Special meetings of the Borough shall be called by the Warden within thirty days of his receipt of a request from a majority of the Burgesses or a petition stating the purpose of the meeting signed by ten per cent of the Voters of the Borough. A special meeting of the Borough to overrule an action of the Board of Warden and Burgesses may be called by a petition stating the matter to be overruled and signed by ten per cent of the Voters and filed with the Clerk, who shall call such a meeting with due public notice within thirty days of such filing. A quorum for such meeting to overrule shall be fifteen per cent of the Voters of the Borough and a majority of those present and voting shall be sufficient to overrule. Notice of the annual meeting and all special meetings, except a meeting to overrule, shall be signed by the Warden or any three of the Burgesses. Notice of all meetings of the Borough shall designate the time and place of such meeting and the business to be transacted. Such notice shall be published at large and posted on the public signpost in the Borough at least five days before the date of such meeting. A quorum at the annual meeting or any special meeting of the Borough shall consist of three percent of the Electors, except as otherwise provided for herein.

B. MEETINGS OF THE BOARD OF WARDEN AND BURGESSES: Meetings of the Board of Warden and Burgesses may be called at any time by the Warden or any four Burgesses by leaving a notice of such meeting with or at the usual place of domicile in the Borough of the Warden and each Burgess and posted on the Borough post at least twenty-four hours before such special meeting. A majority of the Board of Warden and Burgesses shall constitute a quorum at any meeting. Each Burgess shall have one vote, except as otherwise provided. A majority of the Burgesses present and voting at any meeting shall be necessary to pass any act or resolution, except in the case of a tie vote, as otherwise provided.

SECTION VII

FINANCES

A. LIMITS TO APPROPRIATIONS: The Borough in any Annual Meeting or any special meeting called for that purpose shall have power to make appropriations for all the purposes of the Borough but it shall not have power to make appropriations in excess of the revenue of the Borough for the ensuing year, and in no case shall the expenses of the Borough exceed its revenue during any one year except in cases and for purposes for which the Borough is authorized to issue bonds. An appropriation made for any specific purpose shall not be expended for any other purpose, and if not expended for the specific purpose shall be returned to the Treasury at the end of the year for which it is made; but at any meeting of the Borough specially called for the purpose any money appropriated for a specific purpose, and unexpended, may be appropriated for some other purpose or purposes.

B. OBTAINING FUNDS FROM CITY OF MILFORD: It shall be the duty of the budget making authority of the City of Milford and the Board of Warden and Burgesses of the Borough annually to determine the amount of money that the City of Milford shall pay over to the Borough for the making, repairing, and laying out of the highways and sidewalks, for maintaining a fire department and street hydrants, for lighting the streets within the territory of the Borough and for any other lawful purpose; provided, however, that no money shall be paid to the Borough for making and repairing sidewalks, or maintaining a fire department, or street hydrants, or for lighting the streets within the territory of the Borough, or for any other lawful purposes, unless the City of Milford shall appropriate monies for the same purposes to be expended within the limits of the City outside the limits of the Borough. In case the budget making authority of the City of Milford and the Board of Warden and Burgesses of the Borough cannot agree upon the amount of money to be paid by the City, then either the City of Milford or the Borough of Woodmont may apply to any judge of the Superior Court to have him fix and determine the amount that shall be paid by the City to the Borough.

C. ASSESSMENTS: The assessment list of all the real and personal property in the Borough subject to taxation shall be as it appears on the latest [assessment list of the City of Milford](#) and shall correspond in description, amount, and value of such property with the City list. When real estate so entered in the City list is located partly within and partly without the limits of the Borough, and there is no distinct and separate value put by the assessors of the City upon the part lying within the borough, one or more of the assessors of the City of Milford shall, on the application of the Clerk of the Borough, be asked to evaluate the part lying within the limits of the Borough for purposes of taxation. The tax date for the Borough shall be October First of each year, at which time all property in the Borough subject to taxation shall become a part of the grand list for the Borough for the determination of anticipated tax revenues for the ensuing

Borough budget. If between the time of the completion of the City grand list any person or corporation having property subject to taxation in Woodmont shall become a resident of the Borough, or if any property liable to taxation therein shall not be upon the grand list of the City, such property shall be assessed and placed on the Borough grand list by the Clerk. The Clerk of the Borough shall return the list when completed, duly signed and sworn or affirmed to by him, to the Board of Warden and Burgesses of the Borough. This list, when accepted by the Board of Warden and Burgesses, shall be the assessment list of the Borough for the ensuing year. Any person claiming to be aggrieved by the doings of the Clerk of the Borough, or of the assessors, in preparing the assessment list shall have the same right of appeal as is now provided by the general statutes of the State of Connecticut in cases of appeal from town or city boards for relief.

D. BORROWING: The Borough shall have the power to incur indebtedness by issuing its bonds or notes as provided by the general laws of the State of Connecticut, subject to the limitations thereof and the provisions of this Charter. The issuance of bonds and-or notes shall be authorized by resolution of the Board of Warden and Burgesses adopted in the same manner as provided in this Charter for the adoption of ordinances and if any such bond issue or issuance of notes shall in total exceed ten thousand dollars in any fiscal year such bond issue or issuance of notes shall be approved by a referendum vote on voting machines or ballots at any regular or special election. Any sum realized from such bond issue or issuance of notes shall be applied to the payment of any indebtedness which the Borough may create in the establishment of any public improvements in the Borough, or any other reason authorized by this Charter.

E. SINKING FUND: Insofar as it does not conflict with the general laws of the State of Connecticut, any Borough obligations incurred pursuant to [Paragraph D](#) above, and in each year during which any of the indebtedness shall be outstanding, the Board of Warden and Burgesses shall appropriate from the Treasury of the Borough such suitable sum for the purposes of the sinking fund as, with the accumulations thereon, will be sufficient to pay such indebtedness at its maturity. If the amount of any sinking fund shall, at the maturity of the indebtedness of the Borough, exceed the amount of indebtedness of the Borough outstanding, such excess shall be paid into the Treasury of the Borough. The Treasurer may use any money in his hands which is a part of the sinking fund in the purchase of the outstanding indebtedness of the Borough, and such bonds shall thereafter be held as a part of the sinking fund of the Borough.

F. Fiscal Year: The Board of Warden and Burgesses shall have the power to adjust the fiscal year of the Borough to coincide with the tax year or to adjust either or both at the end so that they may coincide.

SECTION VIII

EMINENT DOMAIN

The Borough shall have the right to purchase real estate for its municipal purposes after a vote so authorizing it by the Board of Warden and Burgesses, which vote shall be similar to that required by the Board for the passing of an ordinance. After such a vote, the Borough shall have power to take or acquire such real estate within the territorial limits of the Borough. If, within six months after such vote, the Borough cannot agree with any owner upon the amount to be paid for said real estate thus taken, it shall proceed in the manner provided by [Section 48-12](#) of the Connecticut General Statutes or such vote shall be void. The manner of appraisal and assessment of damages shall be determined by the Board of Warden and Burgesses so as to be consistent with the general laws of the State of Connecticut, made and provided. Any party aggrieved by this Section may exercise his rights of appeal as the law may provide.

SECTION IX

ORDINANCES

The ordinances in force at the effective date of this act shall be forthwith compiled and indexed by the Borough Clerk and recorded in a book kept for that purpose which shall be open to public inspection. All future ordinances, by-laws and regulations passed by the Board of Warden and Burgesses shall be filed with the Borough Clerk and recorded and indexed in that book. All ordinances, by-laws, rules and regulations in force in the Borough of Woodmont at the effective date of this Charter and inconsistent with it shall remain in force and effect until amended or repealed in accordance with this Charter.

SECTION X

RIGHTS RETAINED

It is the intent of this Charter to retain, and not to waive, any and all rights granted to the Borough of Woodmont according to the provisions of any Special Act as amended and any other legislation referring to the Woodmont Association¹, or to the Borough of Woodmont.

¹ Special Laws of Connecticut, Pub. L. No. 1903-431, 449 (State of Connecticut 1903). Print. House Joint Resolution Wo. 430

REVISING THE CHARTER OF THE WOODMONT IMPROVEMENT ASSOCIATION
AND CHANGING IT'S NAME TO THE WOODMONTASSOCIATION.

Sec. 36. It shall be the duty of the selectmen of the town of Milford and an equal number of burgesses, annually to determine the amount of money that the town of Milford shall pay over to the association for the making, repairing, and laying out of the highways and sidewalks, for maintaining of a fire department and street hydrants, and for lighting the streets within the territory of said association; provided, however, that no money shall be paid to said association for making and repairing sidewalks, or maintaining a fire department, or street hydrants, or for lighting the streets within the territory of said association, or for any of such purposes, unless the town of Milford shall appropriate moneys for the same purposes to be expended within the limits of said town outside the limits of said association: and in case the selectmen and the burgesses aforesaid cannot agree upon the amount of money to be paid by said town, then either the said town of Milford or said association shall apply to any judge of the superior court to have him fix or determine the amount that shall be paid by said town to said association. Said judge shall cause reasonable notice thereof to be given to the parties of the time when and the place where he will hear said cause and said judge is hereby empowered to fully hear said parties and determine the amount that said town shall pay to the association for the current year, and shall file his opinion with the clerk of the superior court for New Haven county. The sum thus determined shall be paid by said town into the treasury of said association and said town shall not be liable to make or repair any highways or sidewalks within the limits of said association; but said town shall continue to be liable to make and repair all bridges in the territory included in said association.

Powers and authorities granted in charter of 1893

Sec. 8. 'To prevent nuisances and promote the health of the place and facilitate the removal of all garbage and night-soil, said board shall have full power and authority to dictate how and where and in what vessels garbage from the various cottages and dwellings shall be deposited, and may prescribe and direct what vessels or receptacles shall be provided and used at the various privies within said limits, and may enforce such order by proper rules and regulations.

Sec. 9. Said sanitary board shall, within said limits, examine into all nuisances and sources of filth injurious to the public health, and may cause to be removed all filth found within said limits, whether public or private property, which, in their judgment, shall endanger the health of the inhabitants or render the occupation of any dwelling materially uncomfortable; and may notify all persons causing or maintain such nuisances to abate and remove and discontinue the same within such time as the board shall order, and if the same shall not be removed and discontinued as ordered, said board may remove the same and recover the expense of such removal from any person so causing or maintaining the same, in any proper action in the name of said corporation. If any property-owner shall refuse to furnish, or, after five days' notice, neglect to provide the proper receptacles ordered by said board, for privies and outhouses, such board may provide the same and recover the cost thereon against the owner of the property by an action in the name of said corporation; and when a proper receptacle for night-soil shall be provided as directed by said board, any occupant of the property neglecting to deposit the night-soil from such property in such receptacle, and depositing the same on the ground, shall be liable to pay to said association five dollars for every week such night-soil shall be deposited on the ground in violation of the order of said board, such penalty to be recovered in the name of the said association in a proper action at law.

Powers and authorities granted in charter of 1903

SEC. 20. The warden and burgesses, when assembled according to law, shall have power to make, alter, repeal, and enforce such by-laws, orders, ordinances, and enactments as they shall deem suitable and proper, not inconsistent with this resolution or contrary to the laws of this state or of the United States, for the following purposes: To manage, regulate, and control the finances and property, real and personal, of said association; to regulate the sale, conveyance, and transfer of said property; to regulate the mode of assessment and collection of taxes for association purposes not otherwise herein provided for; to provide for the due execution and delivery of deeds, grants, and releases of association property, of contracts, and of other evidences of indebtedness issued by said association; to provide the method of keeping the accounts of said association and of adjusting claims against the same; to prescribe the duties of the officers and employes of the association when not expressly defined by this resolution; to punish the resistance, hindrance, obstruction, or abuse of officers of said association in the discharge of

their duties; to preserve peace and order; to prevent and quell riots and disorderly assemblages; to prevent vice and immorality; to suppress gambling houses, houses of ill-fame, houses resorted to for the purposes of prostitution and lewdness, and disorderly houses; to prevent assemblages of persons on the sidewalks to the obstruction, hindrance, or annoyance of the public; to compel the closing of saloons and other places where intoxicating liquors are kept and sold, at such suitable hours during the night season as said warden and burgesses may designate, and at such times and on such occasions as may be required by the public good; to protect said association from fire, and from the danger of the same; to organize, maintain, and regulate a fire department and fire apparatus; to locate and establish wells, cisterns, or waterworks for use in case of fire or for domestic use; to erect and keep in repair all buildings necessary for the use of the fire department; to purchase a fire engine, hose carriage, and other apparatus for use in case of fire, and to make rules and regulations for the safe keeping and preservation of the same, and for the protection and preservation of wells, cisterns, or waterworks which may be established; to license, regulate, or prohibit the manufacture, keeping for sale, or use of fireworks, torpedoes, firecrackers, gunpowder, petroleum, dynamite, or other explosive or inflammable substance, and the conveyance thereof through any portion of the association; to regulate the discharge of firearms in said association; to regulate the erection of lamp posts and of telegraph, telephone, and electric light poles, and the wires and fixtures thereof; to provide for the public lighting of the streets in said association, and to protect the apparatus used therefor from injury; to regulate all parades and processions, public assemblages, shows, and music in the public streets; to regulate the speed of animals and vehicles in said streets; to prescribe the width, grade, and kind of sidewalks to be made and laid in said association, and to compel the making and laying of the same; to compel the owners of the land and buildings to remove the snow and ice from the sidewalks in front of such land and buildings and to keep such sidewalks safe for public travel and free from all obstructions; to regulate or prohibit the depositing of any building materials of any description on any sidewalk; to regulate or prohibit the running of animals at large in said association; to license and regulate public hacks and carriages, and the charges of hackmen, carmen, and truckmen; to regulate the planting and removal and provide for the protection and preservation of trees in the public streets; to keep the streets and all public places quiet from all undue noise; to prohibit the crying of newspapers upon Sunday or at any unreasonable hours upon the streets of said association; to regulate the use of cesspools, drains, sewers, and privies, and to regulate and prevent the location of pigpens or deposits of filth and rubbish in said association; to compel the removal, from any place in said association, of any nuisance injurious to health or offensive or annoying to the public, at the expense of the owner of the premises where such nuisance exists; to regulate the removal of any offensive manure or other substance, swill, or nightsoil through the streets of the association; to regulate the carrying on within said association of any kind of trade, manufacture, or business prejudicial to the public health, or dangerous to or constituting an unreasonable annoyance to those living or owning property in the vicinity; to license and regulate the sale of milk in said association; to prohibit the sale of meat, vegetables, fish, produce, fruits, or food of any kind when the same is in such a condition as to endanger public health; to name and rename streets; to number houses and buildings; to establish building lines and regulate the construction of buildings; to construct and maintain piers and docks; to license and regulate sports, exhibitions, public amusements, and performances, and billiard and bowling saloons, within said association; to regulate and prevent the use of velocipedes, bicycles, and tricycles on the sidewalks of said association; to prohibit and prevent

the depositing of any filth, garbage, or rubbish in any of the gardens, cemeteries, and public and private enclosures; to protect, preserve, and care for public burying-grounds, and to prevent the desecration thereof, and to regulate the burial of the dead therein; to prevent cruelty to animals and restrain inhuman sports; to provide a public seal; to regulate and prescribe the mode of conducting all association elections and the manner of warning association meetings and meetings of the warden and burgesses, and the time and place of holding the same, when those matters are not expressly regulated by this resolution; to provide the mode for removal of any officer for cause; to provide places for holding meetings in said association; and to prescribe the amount of bonds to be given by the officers of the association; and said warden and burgesses may prescribe fines and penalties for a violation of any of such by-laws, orders, ordinances, and enactments, and the penalties imposed any be recovered in any proper action brought for that purpose in the name of the Woodmont Association before any court having jurisdiction, for the use of the association; and the violation of any such by-law or ordinance imposing a fine shall be a misdemeanor, and may be prosecuted by the prosecuting attorney of the town court of Milford as in other criminal cases.

SEC. 22. Said association shall have sole and exclusive authority and control over the opening, closing, alignment, widening, grading, maintaining, repairing, and cleaning of all highways, streets, sidewalks, public squares, and all parts of the same, within its limits; and no person shall open within said limits any public street except under and by virtue of the authority of the warden and burgesses. The warden and burgesses may lay out new roads, streets, public squares, and walks; may grade, alter, extend, and enlarge the same: may discontinue roads and streets, or exchange the same for other roads and streets and public walks; may enclose and improve :my public grounds within said association; may establish names for all streets and public places; may provide for the suitable lighting of all streets and public places, and provide water for fire or other purposes, and for such purposes may contract with any persons or corporations for supplying such light and water; may make and cause to be executed all such orders relating thereto as it may judge proper; and may level, raise, pave, or flag any and all street crossings within said association at its own proper cost and expense.

SEC. 23. The warden and burgesses shall have power to lay out, construct, and repair sewers and drains whenever they may deem the same necessary, through or along any street, highway, or public ground, or through any private ground, by making suitable compensation therefor, and to assess such portion as they may deem reasonable of the cost of any such sewer or drain upon the property of such person or persons as they shall find to be specially benefited thereby; provided, that in case the warden and burgesses, or a committee by them appointed, cannot agree as to the amount of damages to be paid to any person or persons, whose land or property is taken or affected, or as to the amount of benefits, in case benefits are assessed against any person, the said damages and benefits shall be assessed in the same manner as is provided in section twenty-five of this resolution when land is taken for highways.

SEC. 29. The warden and burgesses shall constitute and be a board of health in said association, and shall have and may exercise all power and authority given by law to the boards of health of towns in this state which they shall judge necessary for the prevention of the spread of disease and the promotion of the health of the inhabitants of said association, and shall make

and cause to be executed all orders which they may deem necessary for such purpose, and may appoint committees to carry the same into effect; provided, that such orders shall not be inconsistent with the constitution and laws of this state or of the United States; and provided, further, that all orders and regulations of said board shall be posted for three days upon the signpost in said association; and if any person or persons shall neglect or refuse to obey any order of said board of health or of the committee by it appointed upon being duly notified of such order to remove any filthy, putrid, or noxious substances, or rubbish, which shall be deemed injurious to the health or cleanliness of said association, the warden, or any of the burgesses, or said committee, may cause the same to be removed at the expense of such person so neglecting or refusing, and for such purpose may enter upon and into all lands and buildings in said association; and the expense of such removal may be recovered against such person by any proper action.

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