

CHARTER
of the
BOROUGH OF WOODMONT
1966

as amended May 7, 1973

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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 no wise 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 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 Association, or to the Borough of Woodmont.