

BY-LAWS
OF
THE STONY CREEK ASSOCIATION
Stony Creek, Connecticut
Revised as of February 4, 2014

MEETINGS

The Annual Meeting of the Association shall be held on the Monday following the first Wednesday of July in each year, at such hour and place, within the district as the Executive Board shall elect. At the Annual Meeting, the members shall elect by written ballot a President, Treasurer, Tax Collector, two auditors and an Executive Board consisting of ten members.

Special meetings of the Association may be called by the President or Vice President or by two members of the Executive Board.

The Regular monthly meetings of the Executive Board shall be held on the first Tuesday of each month, at 7:30 P.M at such place as the Board may elect. Any change in this meeting schedule shall be made by vote of the Executive Board and notice shall be posted with the minutes of the meeting at which such vote was taken.

Special Meetings of the Executive Board shall be called upon the written request of four members.

ORDER OF BUSINESS

At all meetings the order of business, unless changed by unanimous consent, shall be as follows:

1. Persons in attendance
2. Reading of minutes.
3. Reports of Officers and Committees,
4. Old business.
5. New business.

DUTIES OF OFFICERS

The duties of the President shall be to preside at all meetings of the Association and of the Executive Board. The President shall vote only to dissolve a tie vote. The President shall have such other duties as are prescribed by the Charter and By-Laws and duties usually performed by the President of such organizations, so far as are consistent with said Charter and By-Laws.

The duties of the Vice President shall be to act during the absence or disability of the President, when he or she shall have all the powers and perform all the duties of the President. The Vice President shall be elected by the Executive Board annually from among its members and therefore shall have the right to vote on all matters.

The Executive Board shall annually elect a Clerk from among its members, who shall have the right to vote on all matters and whose duties shall be to keep a record of the proceedings of all meetings, to notify members of their election, to issue all notices of meetings and to perform the usual duties of the office. The Executive Board, may employ an Assistant Clerk or Secretary who may be compensated by the Association and to whom the Clerk may delegate any of his or her duties including keeping a record of proceedings of meetings and issuing notices of meetings.

The duties of the Treasurer shall be the care, custody and management of all funds of the Association and the disbursement of them as directed by the Executive Board, and to submit a written report to the Executive Board at each regular meeting. The Treasurer shall collect all special assessments. The Treasurer shall have no vote at meetings of the Executive Board. In the absence of the President and the Vice President the Treasurer shall preside at any meeting of the Executive Board.

The duties of the Tax Collector shall be to collect taxes, place Liens and Releases and make such reports as may be required by the State of Connecticut and as required by the Charter.

BONDS OF OFFICERS

Each officer authorized to collect or disburse monies shall give a bond acceptable to and in such amount as may be required by the Executive Board. The expense of furnishing such bonds shall be defrayed by the Association.

RESIGNATIONS

Any officer or member of the Executive Board may resign at any time by written notice to the Clerk. Three consecutive absences or a total of four absences in any one year from any regular meeting by any member of the Executive Board shall be deemed a resignation. Such provision shall not apply to duly called special meetings. A member of the Executive Board is not deemed to be absent if he/she calls the President to advise of his/her delay and is in physical attendance prior to all matters to be voted upon, are discussed and voted.

VACANCIES

Vacancies on the Executive Board shall be filled by the person who received the highest votes of those not elected at the last election. If such person declines the next in line shall serve. If there be no such person, the vacancy shall be filled by majority vote of the Executive Board. A vacancy in any other position shall be filled by a majority vote of the Executive Board.

STANDING COMMITTEES

The Executive Board shall, annually, appoint from its members the following standing committees and may change the personnel at its pleasure. Such committees shall serve until others are appointed to succeed them and shall be under the direction of and shall report to the Executive Board on all matters assigned to them.

A Committee on Legal and Zoning, consisting of three or more members, who shall keep the community informed on all legal and zoning matters involving Stony Creek and recommend positions to be taken by the Executive Board on such matters.

A Committee on Police and Traffic, consisting of three or more members, who shall act as liaison with the Branford

Police Department and Branford Department of Public Works and make recommendations concerning all issues involving police and traffic.

A Committee on Maintenance, consisting of three or more members, who shall be responsible for the location, construction and maintenance of recreation facilities, sidewalks and all community structures, and be responsible for all street lighting.

A Committee on Town Relations, consisting of the Chair persons of the three preceding committees, who shall be responsible for all matters concerning the Town of Branford and relating to police and traffic, legal and zoning and maintenance matters.

A Committee on Nominations and Elections, consisting of three or more members, who shall nominate candidates for membership to the Executive Board for election by the membership and handle all matters relating to the annual election.

The Executive Board may, by majority vote, from time to time create special committees of the Association which shall be made up of at least three members of the Executive Board and other members of the Association. These special committees shall have such duties as are prescribed by vote of the Executive Board.

PRESCRIPTIVE OR PERPETUAL RIGHTS

No person shall gain any prescriptive or perpetual rights by reason or any permit or permission granted by the Executive Board and all such permits or permissions may be revoked cancelled or rescinded by a majority vote of the Executive Board at any legal meeting thereof.

AUDITORS

The duties of the Auditors shall be to examine the accounts of the Association and report to the Executive Board.

CONFLICT OF INTEREST

Officers and members of the Executive Board shall be obligated to disclose any financial and or personal interest in any matter before the Executive Board or any Standing Committee (a conflict of interest position) prior to discussion of such matter. No person in a conflict of interest position shall participate in any discussions regarding or vote on any matter before the Executive Board in which he or she has a financial or personal interest, unless the Executive Board unanimously determines, upon full disclosure that it is so insignificant that participation in discussions or voting shall be permitted.

COMPENSATION

Officers and members of the Executive Board, except for the Tax Collector, shall not receive any compensation for their services in such capacity, but may be reimbursed by the Association for their incidental and reasonable expenses and disbursement made on behalf of the Association provided, however, that the Executive Board by a majority votes to make such payment or reimbursement. The Tax Collector may be compensated by majority vote of the Executive Board.

INDEMNIFICATION

Every person who is or shall be or shall have been an officer or member of the Executive Board shall be indemnified by the Association against all costs and expenses reasonably incurred by or imposed upon him or her in connection with or resulting from any action, suit or proceeding to which he or she may be made a party by reason of his or her being or having been an officer or member of the Executive Board, except in relation to such matters as to which he or she shall finally be adjudicated in such action, suit or proceeding, to have acted in bad faith and to have been liable by reason of willful misconduct in the performance of his or her duties as such Officer or member of the Executive Board or where such indemnification would be contrary to public policy. The Association may purchase and maintain insurance on behalf of any such person or persons against any liability asserted against him, her or them, whether or not the Association would have the power to indemnify him, her or them against such liability under the provisions of this Article or otherwise.

ORDINANCES

1. No person shall make use of any sidewalk or footpath except for pedestrian service.
2. No person shall cause injury to any tree or shrub upon or near any highway, street or public ground.
3. No person shall allow snow or ice to remain on any sidewalk adjoining his or her property for a longer period than twenty-four hours, and any property owner who neglects or refused to remove such snow or ice shall be required to pay the cost of removal.
4. No person shall obstruct any sidewalk, including, without limitation, by allowing trees, tree branches or bushes to obstruct the sidewalk and any property owner who neglects or refused to remove such obstruction shall be required to pay the cost of removal.
5. No person shall place any advertising matter upon any tree, sidewalk, street or other object with out permission of the Executive Board.
6. No person shall deposit any rubbish, garbage or other waste matter in the waters of Long Island Sound or upon any highway, sidewalk or other property.
7. No person shall maintain a nuisance of any character upon his or her own property or upon any public grounds and the expense of such nuisance shall be borne by the offender.
8. No excavation of any sidewalk shall be made without permission of the Executive Board. Any such excavation shall be properly protected and restored to the satisfaction of the Executive Board.
9. No dogs shall be allowed to roam unleashed (by leash no longer than ten (10) feet) on any sidewalk, street or other public property. The owner of any dog shall not permit his or her dog to roam upon the land of another unless the owner of such property has given permission to do so. No dog shall be allowed on the public beach, leashed or unleashed unless such dog is assisting the handicapped or is a therapy or service dog and is on a leash.
10. No person shall permit a dog or other animal to defecate upon public or private property owned

by another unless such person shall remove all feces deposited by such animal, properly contain such feces and deposit in a proper receptacle.

11. Any person violating any of the provisions in the foregoing ordinances shall be fined not more than Ten (\$10.00) Dollars for each offense.
12. A complaint form will be made available at the Willoughby Memorial Library for individuals who wish to make reports of violations of these ordinances.

CHARTER

(File No .. 742)

House Joint Resolution No. «7

State of Connecticut

HOUSE OF REPRESENTATIVES

House of Representative s, July 9. 1909. The Committee on (itid and Boroughs reported through Mr. Scott 01 Plymouth. Chairman of the Committee on the part of the House. That the Resolution ought to pass.

RESOLUTION

Incorporating The Stony Creek Association. As Amended and in force April I, 1929.

Section 1. All the proprietors of real estate and all electors residing within the Emits hereinafter specified, in the locality known as Stony Creek, in the town of Bran- ford, are constituted a body corporate by the name of The Stony Creek 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 also of purchasing, holding and conveying any real estate, real or personal; and shall have a common seal, with the privilege of altering it at pleasure; and shall be vested with and possess the powers here- in after specified.

Sec. 2. The object of said association shall be to provide for the improvement of the lands in said district and for the health, comfort and convenience of persons living therein.

Sec. 3. The limits and territory of said association are defined and established as follows: Beginning at a point where the shore line division of the New York, New Haven, and Hartford Railroad Company crosses Jairus Creek; thence in a direct line intersecting the highway leading to Leete's Island and the tracks of the Victoria White Granite Company; thence three hundred feet north on said tracks; thence in an irregular line in a westerly direction keeping three hundred feet north of the highway, to a point on Chestnut Hill road, three hundred feet north of said highway; thence in a direct line to the north boundary of the Woods property; thence in a westerly direction along said boundary to. Stony Creek river, or Pine Rock brook; thence in a southerly direction along said brook to Long Island sound; thence southerly in an irregular line along the shore line of said Long Island sound, to and including the point of land owned by the Stony Creek Oyster Company, which is at the extreme end of the western projection known as Flying Point; thence easterly in an irregular line along the shore of Long Island sound to Jairus creek; thence northerly in an irregular line along the center of the brook known as Jairus creek to point of beginning.

Sec. 4. Every member of said association of the age of twenty-one years or over shall be entitled to vote at any meeting of said association, and any person of such age, being a member of said association, shall be eligible to any office provided for in the resolution incorporating said association as herein amended.

Sec. 5. The first meeting of sated association shall be held at such time and place as shall be appointed by the following named persons or a majority of them. F. E. Smith, W. J. Clark, T. A. Coe, F. McGinn, C. Madiera, W C.. Hinkley and F. E. Brainerd. Said meeting shall be held for the purpose of electing an executive board which shall consist of ten members of said association, who shall hold office until the first day of October, or until others shall have been chosen in their places A notice of the time and place appointed for said meeting, signed by at least five of the above named persons, shall be posted in a public place at least five days in advance of the meeting, and published at least once in a newspaper circulating in the town. Said executive board shall be elected by ballot, and the polls for such election shall be open between four o'clock p.m. and seven o'clock p.m. Annual meetings of said association shall be held on the Monday after the first Wednesday in July in each year, at such hour and place within said district as the executive board shall select. At said annual meeting the members of said association shall elect by ballot the following officers: A president, a treasurer, a tax collector, two auditors and an executive board which shall consist of ten members of said association. All of such officers shall hold office for one year from the date of their election or until others shall have been chosen in their stead. The president shall preside at all meetings of said association and of said executive board, and at all meetings of the executive board the president shall vote only when necessary to dissolve a tie. The auditors shall have authority to examine all accounts, records, documents, securities and bank books of said association and of all officers thereof. For this purpose they may take into their possession all such accounts, records, documents, securities and bank books, and shall make written report of their doings to the annual meeting of said association. Special meetings of said association may be warned and held in such manner as the by-laws shall prescribe, provided the notice shall specify the object for which such meeting is to be held. Not less than five' of the members of said association shall constitute a quorum for the transaction of business at any regular or special meeting

Sec.. 6. Notices of the annual and all special meetings of said association shall be signed by the president or vice president or two other members of the executive board, and may be given by mail or personally. In case such notices shall be given by mail, written notice of the time and place of such meetings shall be mailed in New Haven county at least five days before the time appointed: addressed to each member of said association at his legal residence, or, if any member shall be at such time dwelling within the limit of said district, at his residence therein. Personal notice may he given by leaving with such member a written notice of the time and place of meeting, at least three days before the time of such meeting.

Sec.. 7 The executive board shall hold its first regular meeting in each year on the evening of the annual meeting as provided in section five of this act, after the result of such election shall have been determined and no special notice thereof to the members of the executive board shall be required. Said executive board shall at this meeting or any adjournment thereof elect by ballot from its members, a vice president, treasurer and clerk of said association who shall hold office for One year from the date of

the annual meeting, or until their successors shall be elected, and such officers shall also be vice president, treasurer and clerk of said executive board. The offices of treasurer, tax collector and auditor shall not be held by the same person. The duties of said officers shall be defined in the by-laws of said association. The president or clerk of said executive board shall, on the signed written request of four members of said executive board, call a meeting of said board. Notice of such meeting shall be given by leaving with or at the usual-place of, abode of each member of said executive board a written notice, signed by the president and clerk, specifying the time and place of such meeting, or by sending such notice by mail, at least twenty-four hours before such meeting. A majority of said executive board shall constitute a quorum at any meeting thereof.

Sec. 8. The executive board shall have the care, custody and management of all funds and property of said association, and, when assembled according to law, shall have power to make regulations for the management and control of such property and its transfer and conveyance; to make regulations concerning the time and-place of meeting of said executive board and of said association, so far as they are not inconsistent with any of the special provisions of the charter of said association or of this act; to regulate the method of assessment and collection of taxes for association purposes and to prescribe the duties and compensation of all officers and employees of said association. The president, vice president and treasurer shall serve without compensation, except that they shall receive their actual expenses.

Sec. 9. Said executive board shall possess power, when legally assembled, to pass, amend or repeal by-laws, regulations and ordinances to accomplish the objects specified in section two of this act, and particularly for the purposes of assisting the fire department and for the fire apparatus, and for the establishment of wells and cisterns and waterworks for fire or domestic use, and to make rules for their preservation and safe-keeping, to regulate the erection of all lamp posts, telegraph, telephone and electric light poles and the wires and fixtures thereof; to provide for the public lighting and watering of the streets and the improvement of docking facilities; to regulate the planting, removal, protection and preservation of trees in the streets; to keep the streets in all public places within the limits of said association quiet from all un-due noise, and to prohibit the crying of newspapers and other wares on Sunday or at any unusual hours upon the streets of said association; to regulate and prohibit the running of animals at large in said district; to prevent and summarily abate every kind of nuisance and public annoyance; to regulate the use and construction of cesspools, drains, sewers and privies, and the place and method of discharge of same; to regulate the use of the pigpens and the deposit of rubbish within the limits of said association; to compel the removal from any place on said association of all nuisances injurious to health or offensive or annoying to the public, at the expense of the owner of the premises where such nuisance exists; to prevent and regulate the removal of any offensive manure, swill, night-soil or other substance upon the streets of said association; to prevent and regulate the carrying on within said association limits of any business prejudicial to the public health or dangerous to or constituting an unreasonable annoyance to those living or owning property in the vicinity thereof; to regulate the naming of the public streets and to establish building lines; and said executive board may also prescribe fines and penalties for violation of any of such by-laws, ordinances or regulations, not exceeding ten dollars for anyone offense, and the penalties may be recovered, in any

proper action brought for that purpose in the name of The Stony Creek Association before any court having jurisdiction, for the use and benefit of said association; and the violation of any of the said by-laws or ordinances imposing a fine shall be a misdemeanor, and may be prosecuted by any grand juror or prosecuting attorney of the Town of Branford as in other criminal cases.

Sec. 10. The executive board shall have control of all sidewalks, crosswalks and footpaths in the streets of said association, but not of the construction and repairs of the highway. It is also empowered to lay out sidewalks, establish their grade and curb lines and building lines; to designate what streets shall have sidewalks constructed thereon; to pass ordinances requiring the building of sidewalks and the proper care of the same, regarding the removal of ice; snow, rubbish, ash heaps, piles of lumber and other obstructions and incumbrances. Whenever the executive board shall layout and construct any sidewalk on any street, the adjoining property, or the owners thereof, shall be assessed for one-half the cost of the same; and; in case any adjoining property, or the owners thereof, shall refuse to pay such assessment, it shall be and remain a lien or real incumbrance on such property in favor of said association, and the payment thereof may be enforced by said association in a civil action in the name of the treasurer of said association, or by foreclosure, or by any other proper remedy; provided such lien shall be good for a longer period than sixty days after such assessment or lien shall be made unless a certificate in writing, made and signed by the president or treasurer or said association, describing the premises, the amount claimed as a lien, the date of the ordinance requiring the sidewalk to be built, the date of the completion of the sidewalk by said association, and the date of the assessment thereof shall be lodged with the town clerk of Branford. Whenever the executive board shall require, by ordinance, that any sidewalk shall be cleared of ice and snow, and the owners of adjoining property shall fail to clear the same Within the time and in the manner required by such ordinance, the executive board or other proper officer or authority shall cause such snow or ice to be removed, and the cost of such removal, and such fine as the executive board may impose, shall be and remain a lien upon the adjoining property, and may be collected in the same manner as is provided herein for neglect to build a sidewalk.

Sec. 11. Said executive board, before establishing any building line, shall cause notice thereof, and of the time set for the hearing thereon, to be signed and served, in the manner prescribed for notices of meeting of said association, upon all owners of lands to be affected by said proposed building line. Said board, after hearing may determine the benefits and damages due to each of such owners by reason of the establishment of such building line, and, in case the damages shall exceed the benefits, such excess of damages shall be paid by said association. If the benefits shall be found to exceed the damages, such excess of benefits over damages shall be paid by the owner of such land to said association. The amount of such excess shall be a lien in favor of said association upon the land affected by said order, from the time of the determination of said amount and the service of notice thereof on said owners in the manner hereinbefore required.

Sec 12. Any person that may be aggrieved by any order of the executive board making any assessment of benefits or damages, or requiring the construction of any sidewalks, curb or gutter, or the payment of any part of the expense thereof, may appeal therefrom in the manner prescribed in sections 475, 476, 477 and 478 of the general statutes, revision of 1918, and with like effect.

Sec. 13. Said executive board may appoint police officers, to act within the limits of said association, who shall have all the powers of constables in said district for the purpose of making arrests for violation of law or of the regulations and by-laws of said association, and said executive board may fix the compensation of such police officers.

Sec. 14. Said executive board shall establish a public signpost within the limits of said The Stony Creek Association, and may make, establish and adopt forms of orders and notices to be used under this act.

Sec. 15. No by-law or ordinance shall take effect or be enforced until the same has been posted at least three days on the public signpost of said association; nor shall any by-law or ordinance take effect until fifteen days after its passage. A certificate of the clerk of the said association of the due posting of any by-law or ordinance shall be prima facie evidence of such posting.

Sec. 16. Said executive board shall not, within any one year, incur any pecuniary liability exceeding in amount of five mills on the dollar of the assessed value of the real estate within said The Stony Creek Association, as shall appear, by the assessment list hereinafter provided for, provided nothing herein shall be construed to prevent said executive board from expending or contracting to expend any funds or unexpended balances which may have accumulated from previous years.

Sec. 17. The clerk of said board shall, on or before the first day of June of each year, prepare an assessment list according to the town assessment list. Where any piece of land so assessed on the list of the Town of Branford shall be partly within and partly without said district, said clerk shall assess such part within the district in the proportion which the part within the district bears to the whole tract so assessed, using his best judgment as to such value. Said clerk shall, on or before the fifth day of June, report such list to the executive board, which shall revise such list, and if said board shall find that in any particular it does not correspond with the last assessment list of the Town of Branford, or if said board shall find that there are any errors in the proportional valuation of such parts of any piece of property as are partly within and partly without the territory of said The Stony Creek Association, said board shall correct the same, and said list, when so revised and corrected, shall be adopted by said executive board, and shall then be and constitute the assessment list for said The Stony Creek Association: such list so revised and completed shall be recorded by the clerk in the books of the association on or before the fifth day of July, and such assessment list shall be open to inspection by any member of the association.

Sec. 18. Any person claiming to be aggrieved by any such proportional valuation by said board may appeal to the superior court in the manner provided in the general statutes for appeals from boards of relief.

Sec. 19. The executive board, on or before the fifteenth day of July, annually, may lay a tax, for the purposes herein before specified, of not exceeding five mills on the dollar of the total value of such real estate as shown by the assessment list herein before provided for, and shall appoint a collector to collect such tax, and rate bills shall be made out and signed by said board and warrants may be issued for the collection of money due on such rate bills, pursuant to the provisions of section 1278 of the general statutes as amended, revision of 1918.

Sec. 20. Written notice of the rate of such tax and of the amount apportioned to each member of the association shall be sent by the clerk of the executive board ~~within ten days~~ from the laying of such tax, and such tax shall be due and payable within thirty days of the sending of such notice, and, if such tax shall not be paid when due, it shall bear interest at the rate of nine per centum per annum from the date when it shall be payable. The collector shall have all the powers of collectors of town taxes, and shall be accountable to the executive board in the same manner as town collectors are accountable to the selectmen, and shall, on or before the fifth day of every month, pay to the treasurer all monies collected by him previous to the first day of that month, as taxes and interest thereon, and shall, at the same time, deliver to said treasurer a complete list of the names of all persons from whom such moneys were collected, stating therein the amount of principal and interest paid by each person named in such list and the time of such payment, Each such tax shall be a lien upon the property upon which it shall be laid for one year from the time the same shall be payable and may be collected by suit in the name of the association or by foreclosure of such lien. Such lien may be continued by certificate to be recorded in the land records of the Town of Branford, pursuant to the provisions of the general statutes relating to the continuance of tax liens.

Sec. 21. The executive board may, by a three-quarter vote of those present at any meeting, abate the taxes assessed as afore said upon any such person or persons as are poor and indigent and unable to pay the same, causing a proper entry to be made on its records.