

CHARTER

Incorporating the Stony Creek Association

Section 1 - Title¹. The title of this Charter shall be the “Charter of the Stony Creek Association (“SCA”) (“Charter”).

Section 2 – General Grant of Power². 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.

Section 3 – Incorporation³. All the proprietors of real estate, individuals who are trustees of trust owned properties and all electors residing within the limits hereinafter specified, in the locality known as Stony Creek, in the town of Branford, 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 herein after specified.

Section 4 – Historical Foundations and Antecedents.

A. Actions of the General Assembly⁴. This Charter incorporating The Stony Creek Association was granted by the House of Representative on July 9, 1909: “The Committee id and Boroughs reported through Mr. Scott Plymouth, Chairman of the Committee on the part of the House. That the resolution ought to pass.” The 1909 Resolution was amended on June 5, 1923, by Special Act 379 (Substitute for House Bill No. 213); again, on April 1, 1929 by (File No. 742), House Joint Resolution No. «7 in the House of Representatives of the State of Connecticut; and revised on June 18, 1929 by Special Act No. 481 (House Bill No. 1000).

B. Initial Meeting of the Association Election of Executive Board⁵. The first meeting of The Stony Creek Association was 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 was held for the purpose of electing an executive board which consisted of ten (10) members of said association, who held office until the first (1st) 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 (5) of the above named persons, was posted in a public place in advance of the meeting, and published at least once in a newspaper circulating

¹ NEW (2022).

² Recodification of current section 2.

³ Recodification of current section 1.

⁴ Current Header on 1929 House Joint Resolution which amended a 1909 Resolution.

⁵ Modification and recodification of current section 5 (First through fourth sentences).

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.

Section 5 – Territory⁶. 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 Jarvis 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 Jarvis creek; thence northerly in an irregular line along the center of the brook known as Jarvis creek to point of beginning (See, map attached hereto and made a part hereof as **Schedule A**).

Section 6 – Rights of Members.

A. Voting Rights: Electors⁷. Every member of said association of the age of eighteen (18) years or over as well as trustees of trust owned properties shall be entitled to vote at any meeting of said association.

B. Eligibility for Participation⁸. Any individual electors who are residents of Stony Creek, being a member of said association, shall be eligible to hold any office provided for in the resolution incorporating said association as herein amended.

C. Meetings of the Association. All meetings of the Association, Executive Board or the Committees thereof shall be conducted in public and in compliance with the public meeting requirements of the General Statutes.

Section 7 - Elections.

A. Annual Meeting of the Association⁹. Annual meetings of said association shall be held on the first (1st) Tuesday of June each year, at such hour and place within said district as the Executive Board shall select.

B. Annual Meeting Agenda¹⁰. The Annual Meeting agenda shall consist of the following:

⁶ Recodification of current section 3.

⁷ Modification and recodification of current section 4 (First clause..

⁸ Modification and recodification of current section 4 (Second clause).

⁹ Modification and recodification of current section 5 (Fifth sentence).

¹⁰ NEW (2022)

- (1) Report of issue before the SCA Executive Board;
- (2) Reports of the activities from all SCA standing and special committees;
- (3) Public Comment;
- (4) New Business;
- (5) Auditors report; and
- (6) Report of the nominating committee.

Nominations will be recognized from the floor.

C. Officers¹¹. Said Elected Officials of the SCA shall be elected by ballot on the second (2nd) Monday in July, and the polls for such election shall be open between four o'clock (4:00) P.M. The following offices of SCA shall be elected by such ballots:

- (1) The President;
- (2) The Treasurer;
- (3) The Tax Collector;
- (4) Two (2) Auditors; and,
- (5) The Executive Board, which shall consist of ten (10) SCA members.

D. Conduct of the July and August Board Meetings¹². The meeting of the Executive Board in July of each year shall be conducted by the incumbent members. The members elected as set forth in Section 7.C, above, shall conduct their first meeting in August of following the election.

E. Term of Office¹³. Elected Officials shall hold office for two (2) years from the date of their election or until others shall have been chosen in their stead. Annual elections for the members of the Executive Board shall be staggered as follows:

- (1) Five (5) members, with the highest vote totals, shall be elected in July of 2023 for a term of two (2) years and every two (2) years thereafter; and,
- (2) Five (5) members, following those with the highest vote totals, shall be elected in July of 2023 for a term of one (1) year; and, thereafter,
- (3) Five (5) members shall be elected in July of 2024 for a term of two (2) years and every two (2) years thereafter.

¹¹ Modification and recodification of current section 5 (Sixth sentence)

¹² NEW (2022).

¹³ Modification and recodification of current section 5 (Seventh sentence)

F. The Role of the Auditors¹⁴. The auditors shall have authority to examine all accounts, records, documents and securities of the SCA. For these purposes they may take into their possession all such accounts, records, documents and securities and bank books, and shall make written report of their findings and recommendations. The written report shall be distributed and presented orally at the annual SCA meeting.

G. Officers of the Association¹⁵. The President, Treasurer, Tax Collector and Auditors shall be ex officio, non-voting members of the Executive Board; except that at all meetings of the Executive Board the President shall vote only when necessary to dissolve a tie¹⁶.

H. President: Presiding Officer¹⁷. The President shall preside at all SCA meetings and of said Executive Board.

I. By Laws - Committees of the Association¹⁸. The SCA shall adopt by – laws for the governance of the association and shall create Standing Committees and other temporary committees in order to conduct the business of the association and to facilitate the involvement of the public in the SCA.

J. Special Meetings¹⁹. Special SCA meetings may be noticed 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.

K. Notice²⁰. Notices of the annual and all special SCA meetings 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.

(1) Personal Notice²¹. Personal notice shall be given by electronic mail to SCA members at least one (1) day before the time of such meeting.

(2) Notice by Mail²². In the event SCA members do not provide electronic mail addresses said notice 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 (5) days before the time appointed: addressed to each SCA member at his legal residence, at least one (1) day before the time of such meeting.

¹⁴ Modification and recodification of current section 5 (Ninth and tenth sentences)

¹⁵ NEW (2022).

¹⁶ The final clause is a recodification of current section 5 (Eighth sentence)

¹⁷ Modification and recodification of current section 5 (Eighth sentence)

¹⁸ NEW (2022).

¹⁹ Modification and recodification of current section 5 (Eleventh sentence)

²⁰ Modification and recodification of current section 6 (First sentence).

²¹ Modification and recodification of current section 6 (third sentence).

²² Modification and recodification of current section 6 (Second sentence).

(3) **Public Notice.** Notice shall be provided by posting at the kiosk or any other public space at the Stony Creek public library, public posting space at the post office or any other public space in Stony Creek.

L. **Quorum**²³. Attendance of five (5) SCA members shall constitute a quorum for the transaction of business at any regular or special SCA meeting

Section 8 – Meetings of the Executive Board²⁴. The Executive Board shall hold its first regular meeting in each year on the first (1st) Tuesday in August, 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.

A. **Election of Officers**²⁵. Said Executive Board shall at its first meeting or any adjournment thereof elect by ballot from its members, a Vice President and Clerk of the SCA who shall hold office for one (1) year from the date of the first regular meeting, or until their successors shall be elected, and such officers shall also be Vice President 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.

B. **Compensation**²⁶. The President, Vice President and Treasurer shall serve without compensation, except that they shall receive their actual expenses.

C. **Call of Executive Board Meetings**²⁷. The President or Clerk of said Executive Board shall, on the signed written request of four (4) members of said Executive Board, call a meeting of said board.

(1) **Notice**²⁸. Notice of such meeting shall be given by following the procedures set forth in Section 7.J, above.

(2) **Quorum**²⁹. A majority of the total members of the Executive Board shall constitute a quorum at any meeting thereof.

D. **Authority of the Executive Board**³⁰. The Executive Board shall have:

(1) the care, custody and management of all funds and property of said association, and, when assembled according to law,

²³ Modification and recodification of current section 5 (Twelfth sentence)

²⁴ Modification and recodification of current section 7 (First sentence).

²⁵ Modification and recodification of current section 7 (Second and third sentences).

²⁶ Recodification of current section 8 (Second sentence).

²⁷ Recodification of current section 7 (Fourth sentence).

²⁸ Modification and recodification of current section 7 (Fifth sentence).

²⁹ Modification and recodification of current section 7 (Sixth sentence).

³⁰ Recodification of current section 8 (First sentence). Items (1) – (4)

(2) power to make regulations for the management and control of such property and its transfer and conveyance;

(3) make regulations concerning the time and place of meetings of said Executive Board and said SCA, so far as they are not inconsistent with any of the special provisions of this Charter or of the act that incorporated the SCA;

(4) power 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;

(5) power, when legally assembled, to pass, amend or repeal by-laws, regulations and ordinances to accomplish the objects specified in section four of this act, and particularly for the purposes

(a) 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;

(b) to regulate the erection of all lamp posts, telegraph, telephone and electric light poles and the wires and fixtures thereof;

(c) to provide for the public lighting and watering of the streets and the improvement of docking facilities;

(d) to regulate the planting, removal, protection and preservation of trees in the streets or public places;

(e) to keep the streets in all public places within the limits of said association quiet from all undue noise, and to prohibit the crying of newspapers and other wares on Sunday or at any unusual hours upon the streets of said association;

(f) 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;

(g) 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;

(h) to prevent and regulate the removal of any offensive manure, swill, night-soil or other substance upon the streets of said association;

(i) 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;

(j) to regulate the naming of the public streets and to establish building lines; and,

(k) said Executive Board may also prescribe fines and penalties for violation of any of such by-laws, ordinances or regulations, as may be permitted by the General Statutes for any one 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 cases³¹.

(6) control of all sidewalks, crosswalks and footpaths in the streets of said association, but not of the construction and repairs of the highway³².

(7) be 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 incumbrances³³.

(a) **Assessment Authority**³⁴. 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 SCA Treasurer, or by foreclosure, or by any other proper remedy; provided such lien shall be good for a longer period than sixty (60) days after such assessment or lien shall be made unless a certificate in writing, made and signed by the SCA President or Treasurer, 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

³¹ Modification and recodification of current section 9 (Item (5)(a)-(k).

³² Recodification of current section 10 (First sentence).

³³ Recodification of current section 10 (Second sentence).

³⁴ Recodification of current section 10 (Third sentence).

association, and the date of the assessment thereof shall be lodged with the town clerk of Branford.

(8) require, by ordinance, that any sidewalk shall be cleared of ice and snow, and the owners of adjoining property shall fail to clear the same³⁵.

(a) 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 sidewalk³⁶.

Section 9 – Establishing Building Lines³⁷. 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.

A. 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 association³⁸.

B. 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 required³⁹.

Section 10 – Order of the Executive Committee. Aggrievement⁴⁰. 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 the General Statutes, and with like effect.

Section 11 – Appointment of Police Officers⁴¹. Said Executive Board may hire and employ or contract for the services of 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.

³⁵ Recodification of current section 10 (Fourth sentence).

³⁶ Recodification of current section 10 (Fifth sentence). Current sections 11 and 12 repealed (2022).

³⁷ Current section 11 (First sentence).

³⁸ Current section 11 (Second sentence).

³⁹ Current section 11 (third and fourth sentences).

⁴⁰ Current section 12.

⁴¹ Modification and recodification of current section 13.

Section 12 – Public Signposts⁴². 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.

Section 13 - Effect of By-laws or Ordinances.

A. Adoption of Ordinances⁴³. No ordinance shall be passed until it has been read at two (2) separate meetings or unless such readings are dispensed with by a vote of two-thirds (2/3^{rds}) of the Executive Board, present and voting.

B. Voting⁴⁴. The yeas and nays shall be taken upon the passage of all ordinances or resolutions and entered upon the record of the proceedings of the association, and every ordinance or resolution shall require, for final passage, the affirmative vote of a majority of the Executive Board.

C. Effective Date⁴⁵. No by-law or ordinance shall take effect or be enforced until the same has been posted at least three (3) days on the public signpost of said association; nor shall any by-law or ordinance take effect until fifteen (15) 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.

D. The Standing Rules⁴⁶. The Standing Rules may include additional procedural standards not inconsistent with the requirements of this Charter.

Section 14 – Limit on Pecuniary Liabilities of the Association⁴⁷. Said Executive Board shall not, within any one (1) year, incur any pecuniary liability exceeding in amount of two (2) 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.

Section 15 – Assessment List. Role of the Tax Collector⁴⁸. The SCA Tax Collector shall, on or before the first (1st) day of June of each year, prepare an assessment list according to the town assessment list.

A. Apportionment of Assessment⁴⁹. Where any piece of land so assessed on the list of the Town of Branford shall be partly within and partly without said district,

⁴² Recodification of current section 14.

⁴³ NEW (2022).

⁴⁴ NEW (2022).

⁴⁵ Recodification of current section 15.

⁴⁶ NEW (2022).

⁴⁷ Modification and recodification of current section 16.

⁴⁸ Modification and recodification of current section 17 (First sentence).

⁴⁹ Modification and recodification of current section 17 (Second sentence).

said Tax Collector 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.

B. Revision of Assessment List⁵⁰. Said Tax Collector shall, at the regular June meeting of the Executive Board, 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 (5th) day of July, and such assessment list shall be open to inspection by any SCA member.

C. Appeal⁵¹. 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.

Section 16 – Tax Levy⁵². The executive board, on or before the fifteenth (15th) day of July, annually, may lay a tax, for the purposes herein before specified, of not exceeding two (2) mills on the dollar of the total value of such real estate as shown by the assessment list herein before provided for, and rate bills shall be made out and signed by the Tax Collector and warrants may be issued for the collection of money due on such rate bills, pursuant to the provisions of section 12-35 of the General Statutes as amended.

A. Notice of Tax Rate⁵³. Written notice of the rate of such tax and of the amount apportioned to each SCA member shall be sent by the Tax Collector within ten (10) days from the laying of such tax, and such tax shall be due and payable within thirty (30) days of the sending of such notice, and, if such tax shall not be paid when due, it shall bear interest at the rate permitted by the General Statutes from the date when it shall be payable. The Tax 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 (5th) day of every month, pay to the Treasurer all monies collected by him previous to the first (1st) 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 (1) 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.

⁵⁰ Modification and recodification of current section 17 (Third sentence).

⁵¹ Recodification of current section 18.

⁵² Modification and recodification of current section 19.

⁵³ Modification and recodification of current section 20.

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.

B. Abatement of Tax Levy⁵⁴. The Executive Board may, by a vote of three-quarters (3/4th) of the members, present and voting, 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.

⁵⁴ Modification and recodification of current section 21.