

SPECIAL ACT NO. 12-4

CHARTER

THE SACHEM'S HEAD ASSOCIATION

Incorporated in 1921 under the Laws of the State of Connecticut

Section 1. All the proprietors of real estate within and all duly registered electors residing within the limits hereinafter specified in the locality known as Sachem's Head, in the town of Guilford, are constituted a body politic and corporate by the name of The Sachem's Head 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, and of borrowing money to carry out the purposes of said Association, and of issuing bonds, either registered or with coupons attached, or other obligations therefor, negotiable or nonnegotiable, payable serially and at such annual rate of interest not exceeding the then current Connecticut state bond rate, payable annually or semi-annually, as it shall determine, and if it shall desire to redeem such bonds or other obligations by the issue of new bonds or other obligations, negotiable or non-negotiable, it shall have power to do so, provided the amount so borrowed, or the amount of bonds or other obligations so issued, shall not exceed fifteen per cent of the total value of the real estate within said Association, as shown by the assessment list hereinafter provided for, and said amount shall be obligatory upon said Association and its members, but no such bonds or other obligations shall be issued unless the executive board be so authorized by a two-thirds vote of the members present or represented at any annual or special meeting. Said Association may take and own any land, easement therein or rights appurtenant thereto, situated within the limits of said Association, as hereinafter specified, when required by said Association for the purpose of fire and police protection or for the purpose of owning, establishing, constructing or maintaining sewers or sewage disposal plants, water works, parks and playgrounds, piers, wharves, sea walls and breakwater buildings and structures, for the use of the inhabitants residing within the territorial limits of said Association upon paying to the owner thereof just compensation. If said Association shall fail to agree with such owner upon the amount of compensation to be paid therefor, it may bring its petition to the superior court for New Haven county in which said Association is situated, praying that such compensation may be determined, and shall proceed in the same manner as provided in section 48-12 and other applicable sections of the general statutes for the taking of land by towns. Said Association shall pay the members of the committee mentioned in said section a reasonable compensation for their services, to be taxed by said court. Said Association shall have a common seal, with the privilege of altering it at pleasure.

Section 2. The object of The Sachem's Head Association shall be to provide for the improvement of the lands in said district, and for the health, comfort, protection and convenience of persons living therein. For the purpose of supplying the residents of said district with water for domestic uses and fire protection, said Association may contract with

any person or corporation authorized to supply water to said district, for the construction of a system of water works or the extension of any existing system, said Association to bear a proportion of the cost of such construction or extension not exceeding fifty per cent, to own the system in said district jointly with the person, persons or corporation by whom it shall be constructed or extended and to have the option to purchase the interest of the other party in the system thus constructed at any time at a price not exceeding the cost of such construction or extension. Any contract hereunder shall be authorized only by a two-thirds vote of the members of said Association present or represented at any annual meeting or at a special meeting duly warned for that purpose.

Sec. 3. The limits and territory of said Association are hereby defined and established as follows: Beginning at a point on the east shore of Joshua cove, which point is in a direct line with the north line of the highway leading to Uncas Point; thence easterly in a straight line along the north line of said highway to its intersection with the west line of the main road from Guilford to Sachem's Head; thence northerly along the west line of said main road about three hundred and fifty feet to its intersection with the north line of Old Quarry road, this point being opposite the property of Walter B. Davis; thence southeasterly in a direct line which, if extended, would pass through a point twenty-five feet north of the northeast corner of the dwelling house now or formerly owned by Imogene and Julia Adele Newhall to the westerly extremity of the land of the said Newhalls at a point marked by a stone monument; thence easterly in a straight line to the highway known as East road at a point thereon about two hundred feet north of the easterly entrance to said Newhall house where said East road is joined by a stone wall which runs westerly therefrom; thence continuing in a straight line across the East road to the east side thereof at a point marked by a stone monument; thence southerly along the east line of said East road to a stone monument at the intersection of said East road with the road to Vineyard point; thence from said monument due south to Long Island sound; thence westerly along the Long Island sound shore line as it bends and turns to the point of beginning on the east shore of Joshua cove. Said district is shown on "Map of Sachem's Head, Guilford, Connecticut. Showing the Property Owner's Association District," made by Max J. Unkelbach, C.E., dated March, 1921, and filed in the office of the clerk of the town of Guilford. The limits and territory of said Association may be extended at any time so as to include any other land in the town of Guilford adjacent to that above described, upon written application of the owner or owners of such other land, in an instrument describing the same and the terms of such proposed annexation, provided such application shall be accepted by a two-thirds vote of the members present or represented at any annual or special meeting of said Association. If such application shall be thus accepted it shall be recorded on the records of said Association and in the land records of the town of Guilford, and thereupon such other land shall be incorporated within the limits and territory of said Association and the owner or owners of such other land, while they are owners thereof, shall be a part of said body politic and corporate. Any request by an Association property owner to withdraw all or a part of land from the Association must be made by written application, with acceptance of such withdrawal requiring a two-thirds vote of the members present or represented at any annual or special meeting of said Association. Withdrawals will

be considered only with respect to the properties that lie partially without the Association. Boundaries of the Association have been changed from time to time since the original Charter was written, as shown on Map #4058 filed in the office of the town clerk of the town of Guilford on August 5, 1994.

Sec. 4. Every member of the Association of the age of eighteen years or over, not otherwise prohibited by law from voting, and so long as he or she shall continue to own real estate within the limits of the Association, shall be entitled to vote at any meeting of said Association, and shall be eligible to hold any office provided for in number 287 of the special acts of 1931, as amended by this act. The spouse of any member shall be eligible to hold any office provided for in number 287 of the special acts of 1931, as amended by this act, provided such spouse is eighteen years or over. All owners having any interest in a lot or parcel of real estate located within the limits of the Association shall be considered one owner for the purpose of voting and shall be entitled collectively to cast two undivided votes for each lot or parcel owned. Any member of the Association, whether or not a natural person, may designate one or two persons eighteen years or over to cast its votes or hold office on such person's behalf.

Sec. 5. The first meeting of said Association shall be held between the fifteenth and thirty-first days of July, 1931, inclusive, at such time and place within the limits of said The Sachem's Head Association as the executive board of said The Sachem's Head Property Owners' Association in office at time of the passage of number 287 of the special acts of 1931 shall determine. Said meeting shall be held for the purpose of electing an executive board to consist of nine members of said The Sachem's Head Association, or their proxies as provided in section four of number 287 of the special acts of 1937, as amended by the act, who shall hold office until the first day of January, 1932, or until others shall be chosen in their places. Notices of the time and place appointed for said first meeting shall be signed by at least five members of said executive board of said The Sachem's Head Property Owners' Association and shall be sent by mail to each member of the Association at least five days before the time appointed for said meeting. The Association shall, after the first meeting, hold its annual meeting on the first Friday after Labor Day, if practicable, but in no event later than October first, at such hour and place within the limits of the town of Guilford as the executive board shall determine. At said meeting, or adjournment thereof, the members shall elect an executive board, to consist of not less than nine members of the Association, or their proxies as provided for in section four of number 287 of the special acts of 1937, as amended by this act, who shall take office on the first day of October next following, and hold office for one year and until others shall be chosen and qualified in their places. Said executive board shall be elected by ballot or voice vote. Special meetings of the Association may be warned and held in such a manner as prescribed herein and as the by-laws may further provide. Twelve members of the Association, present in person or by proxy, shall be required to constitute a quorum for the transaction of business at any annual or special meeting of the Association.

Sec. 6. Notice of each annual meeting and special meeting of the Association, giving the day, hour and place thereof, shall be signed by the secretary and mailed by the secretary to each member whose name appears on the assessment list last adopted by the board, and to such other members who have duly registered their names and addresses with the secretary. Such notice shall specify the purpose of such meeting, and shall be deposited in the United States post office at least fourteen days before the annual meeting and the annual budget meeting and seven days before any special meeting. Such notices to such members, addressed to Sachem's Head, Connecticut, or to the addresses of the respective members as they appear on said assessment list, or to such addresses as have been registered with the secretary, and deposited in the mail as aforesaid, shall be deemed a due delivery of such notices. A certificate of the secretary of the Association of the due mailing of any notice to any member shall be evidence thereof. Notices of all meetings shall be posted in the office of the town clerk of the town of Guilford and posted on the Sachem's Head signpost.

Sec. 7. After each annual meeting the secretary shall call a meeting of the members constituting the newly elected board, for the purpose of electing, and they shall elect, a president, a vice president, a treasurer and a secretary of said Association, to take office on the first day of October next following said annual meeting, and to hold office for one year thereafter and until their successors shall be elected and shall have qualified, and the officers so elected shall also be the president, vice president, treasurer and secretary, respectively, of the executive board for said period and until their successors shall be elected and shall have qualified. In case any member elected to any of the foregoing offices is not a member of the newly elected board, he shall become a member of such board, ex officio, upon taking such office. The duties of each of such officers not herein specified shall be defined by the by-laws of the Association. In case of any vacancy occurring among the officers or members of the executive board, such vacancy may be filled by the executive board. It shall be the duty of the president or secretary, on the signed written request of any four members of the executive board, to call a meeting of said board. Notice of the executive board meetings shall be given by leaving with or at the usual place of abode of each member a written notice, signed by the president or secretary, specifying the day, time and place of such meeting, or by sending such notice by mail at least forty-eight hours before said meeting and by posting notice on the Association signpost and in the office of the town clerk of the town of Guilford. Fifty percent of the members of the executive board shall be required to constitute a quorum for the transaction of business at any meeting thereof. Any officer may be removed from office at any time by the affirmative vote of not less than seven members of the executive board at any meeting called for that purpose by the president or secretary, provided notice of the purpose of such meeting has been mailed to each member of the board, at least seven days prior to the date of such meeting and posted on the Association signpost and in the office of the town clerk of the town of Guilford.

Sec. 8. The executive board shall have the care, custody and management of all funds and property of the Association and, when assembled according to law, shall have power to make regulations for the management and control of such property and, subject to

authorization by the membership at a duly noticed meeting, its transfer and conveyance; also to make regulations concerning the time and place of meetings of said executive board and of said Association, so far as they are not inconsistent with any of the special provisions of this number 287 of the special acts of 1931, as amended by number 275 of the special acts of 1935 and this act; also to regulate the method of assessment and collection of taxes for Association purposes so far as is consistent with the charter, and to prescribe the duties of all officers and employees of the Association. The president, vice president, secretary and treasurer shall serve without compensation, except that they shall receive their actual expenses; but the executive board may authorize the secretary and treasurer, or either of them, to employ assistants, to whom compensation may be paid, the amount thereof to be determined by the executive board.

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 number 287 of the special acts of 1931, as amended by this act, and said executive board may, in such by-laws and ordinances, prescribe fines not exceeding one thousand dollars.

Sec. 10. The executive board shall have control of all sidewalks, crosswalks and footpaths in the streets of said Association and may order the owner or owners of any land fronting on any highway within the limits of said Association to construct or repair sidewalks, curbs or gutters within the highway adjacent to such land, of the kind, in the manner and in the time specified in such order, at such grade as may have been established in said highway. The executive board may order the clearing of ice and snow from such sidewalks. Notice of such order shall be signed and served in the same manner as prescribed for notice of special meetings of the Association. In case any land affected by any such order or by any assessment or tax shall be holden by two or more persons jointly, or two or more persons shall have different estates therein, said executive board may apportion between such persons the expense of carrying out such order or the amount of such assessment or tax. If any such owner shall neglect or refuse to comply with such order, said executive board may cause the work required by such order to be done and the expense so incurred shall, from the time when such work is begun, be and continue a lien, upon notice thereof being filed in the office of the town clerk of the town of Guilford, in favor of said Association upon such land, and may be collected by a suit as for a debt or foreclosure in the name of said Association. Said board may pass by-laws in relation to the keeping of such sidewalks free from obstructions, to be enforced in the same manner as provided in section nine of number 287 of the special acts of 1931, as amended by this act.

Sec.11. Said executive board shall have power to establish building and zoning codes.

Sec. 12. Any party who may be aggrieved by any order of the executive board, making any assessment of benefits or damages, or requiring the construction of any sidewalk, curb or gutter, or the payment of any part of the expense thereof, may appeal therefrom in the manner prescribed in the general statutes.

Sec.13. Said executive board may constitute and be a board of health of said Association, and shall have, within the limits of said Association, all the power given by law to town, city and borough health officers, except in relation to contagious diseases, and may appoint a health officer, who shall serve without pay and who, under the direction of said health board, shall have the authority given by law to, and shall discharge all duties imposed by law upon, health officers of towns, except in relation to contagious diseases. Said executive board or said health officer may order any person, boat, vessel or vehicle which he or she has reasonable grounds to believe to be infected with or to have been exposed to any malignant, infectious or contagious disease, into confinement in a place to be designated by him or her, there to remain until examined or inspected by the health officer of the town of Guilford and until such order be revoked by said Guilford health officer. Within a reasonable time after any such order has been issued, said executive board or said health officer shall report in writing to said Guilford health officer that such order has been issued, the reasons therefore, and, if known, the names and local addresses of the persons so ordered, and the names and local addresses of the persons owning or in charge of, and a brief description of, any such boat, vessel or vehicle. Said board of health may make and cause to be executed orders necessary for the promotion of health of the inhabitants of said Association, provided such orders shall not be inconsistent with the laws of this state or of the United States; and if any person shall fail to obey any order of said board of health, upon receipt of written notice, signed by the health officer, the board of health shall have the right to cause such order to be carried out at the expense of such persons, and for such purpose the members of said board may, personally or by their health officers, or by their duly appointed agent, enter upon and into all lands and buildings in said Association; and the expense of carrying out such order may be recovered against such person by any proper action in the name of said Association.

Sec. 14. Said executive board may appoint and discharge police officers to act within the limits of said Association, who shall have all the powers of constables within 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. 15. Said executive board shall establish a public signpost within the limits of said Association, and may make, establish and adopt forms of orders and notices to be used under number 287 of the special acts of 1931, as amended by this act.

Sec.16. No new by-law, ordinance or amendment thereto shall be adopted unless a written notice setting forth in full such proposed by-law, ordinance or

amendment has been mailed or, with the member's authorization, transmitted electronically by the secretary to each member of the Association at least fourteen days prior to any action thereon. A public hearing shall be held to allow comment on any proposed by-law, ordinance or amendment. Notice of all public hearings shall be posted on the Association signpost and in the office of the town clerk of the town of Guilford. No by-law or ordinance or amendment shall take effect or be enforced until five days after the date on which the secretary mails a copy of such by-law, or ordinance to each member of the Association in accordance with section six of number 287 of the special acts of 1931, amended by this act.

Sec.17. The executive board of said Association shall not, within any year, incur any pecuniary liability exceeding in amount ten mills on the dollar of the assessed value of the real estate within the territory of said The Sachem's Head Association, as shall appear by the assessment list provided for in this charter, plus any available cash surplus that it may have in its treasury, provided any liability exceeding six mills on the dollar of the assessed value, plus such aforesaid surplus, shall be incurred only for the purpose of providing funds for obligations incurred in connection with the construction or maintenance of a water supply for said district. Nothing contained in this section shall prevent said Association from borrowing money and issuing bonds or other obligations, as set forth in section one of number 287 of the special acts of 1931, as amended by number 275 of the special acts of 1935 and this act, nor shall it prevent said executive board from assuming obligations for providing a water supply for said district, when the construction of a system for said water supply shall have been authorized by vote of said Association and the cost of construction of said water system to said Association, in excess of the amount which may be provided by taxation hereunder and by the issuance of bonds as permitted in section one of number 287 of the special acts of 1931, as amended by number 275 of the special acts of 1935 and this act, is guaranteed to said Association by the members thereof, jointly and severally.

Sec. 18. It shall be the duty of the secretary of said board, on or before the first day of May of each year, to prepare an assessment list of all the real estate in said Association district, including therein the value of the buildings, placing in the name of each member of the Association such land, buildings and improvements as were assessed to such member as of the first day of October next preceding by the assessors of the town of Guilford and at the valuation at which such property was assessed on the list of said town last completed. In case any piece of land assessed as of said date on the list of the town of Guilford shall be situated partly within and partly without said district, said secretary shall assess said 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, and said secretary shall, on or

before said first day of May, report said list to the executive board, which board shall have authority to revise the same. If said board shall find that any particular tract does not correspond with the last assessment list of the town of Guilford, or if it shall find that there are any errors in the proportional value of such parts of any piece of property as are partly within and partly without the territory of said Association, the board shall correct the same, and said list when so revised or corrected shall be adopted and transcribed in the minutes of said Association, and shall be notified by the secretary of said board on or before May twenty-fifth following as being the official and corrected list, and shall be open to inspection by any member of the Association.

Sec.19. Any person claiming to be aggrieved by any such proportional valuation by said board may appeal to the superior court in the manner provided by the general statutes for appeals from boards of assessment appeals.

Sec. 20. The executive board of said Association, on or before the first day of June annually, may lay a tax to be due and payable on a date to be annually fixed by said board but not less than thirty days following the certification of the assessment list of said Association last completed for the purpose herein specified, and not more than thirty days following the laying of such tax. The rate shall not exceed ten mills on the dollar for any one year of the total value of said real estate as shown by the said last completed list. Said board shall appoint a collector to collect such tax, and the secretary shall prepare a rate bill which shall be made and signed by at least two of the officers of said board. Any justice of the peace for the town of Guilford shall, on presentation to him, issue his warrant in the form prescribed by law for warrants of tax collectors for the collection of all money due from the persons whose names appear on such rate bill.

Sec. 21. Within ten days from receipt of the rate bill, the treasurer shall make demand for payment of the amount of tax due from each taxpayer of said Association. Each such demand for payment shall be in the form of a bill containing a statement showing the amount due, the rate and the due date thereof, and the same shall be addressed to Sachem's Head, Connecticut, or to the address appearing on the assessment list last completed by the executive board. If any tax shall not be paid within a period of thirty days from the due date thereof, it shall bear interest at the rate prescribed by the statutes for failure to pay such tax. After six (6) months of non-payment, a lien will be placed on the property. Any such lien shall be continued, recorded and released in the manner provided by the general statutes for continuing, recording and releasing property tax liens. After twelve (12) months of nonpayment, written notice shall be given to the property owner advising that Association services and privileges shall be suspended due to such nonpayment. The treasurer shall possess all the powers, perform all the duties and be charged with all the responsibilities of collectors of town taxes as prescribed by the general statutes.

Certification by the treasurer of the giving of due notice as required by law, shall be prima facie proof thereof. He shall be accountable to the executive board in the same manner and to the same extent as town collectors are accountable to towns or to boards of selectmen of towns. The treasurer shall comply with the provisions of the general statutes respecting the records to be kept by him showing receipt of tax money and relating to all receipts to be given and obtained by him. All provisions of the general statutes relating to tax liens, their continuance, interest rates, penalties and fees and the collection of taxes, except as herein prescribed, shall be applicable to taxes duly levied by and for the uses of said Association.

Sec. 22. Except as herein prescribed, the provisions of chapter 29 of the general statutes as amended shall be applicable to and within The Sachem's Head Association and the zoning authority of said Association as herein designated shall have exclusive jurisdiction to function with respect to zoning within its territorial limits. The executive board of said Association shall be its zoning authority and said authority may annually appoint a zoning commission consisting of three persons eligible to hold office. In the event of a vacancy in the membership of said commission, the executive board may fill the same by appointment for the unexpired portion of the term so vacant. Said authority shall annually appoint a board of appeals consisting of three persons eligible to hold office. Every appointment as member of the zoning commission or of said board of appeals shall be for a period of one year, except when such appointments shall be made to fill a vacancy. No member of said commission or said board of appeals shall serve more than eight consecutive one year terms. Said authority, said commission and said board of appeals shall have the authority conferred upon similar boards in the towns of the state and said boards shall function in the performance of their respective duties in the same manner as if authorized to act in any town of the state.